

Governing Board Meeting

Agenda and Meeting Information

March 24, 2020

10:00 AM

Brooksville Office

2379 Broad Street • Brooksville, Florida 34604

(352) 796-7211

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



An Equal
Opportunity
Employer

Southwest Florida Water Management District

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

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs, services and activities. Anyone requiring reasonable accommodation, or 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 Donna Kaspari, Sr. Performance Management Professional, at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only), ext. 4706; 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 24, 2020

10:00 AM

Sarasota County Operations Center

1001 SARASOTA CENTER BOULEVARD, SARASOTA, FL 34240
(941) 861-6500

All meetings are open to the public.

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

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

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

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

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

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

The current Governing Board agenda and minutes of previous meetings are on the District's web site: www.WaterMatters.org

Bartow Office

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

Sarasota Office

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

Tampa Office

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

MEETING NOTICE

10:00 A.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)

1. *Call to Order*
2. *Invocation and Pledge of Allegiance*
3. *Recognition and Resolution No. 20-02, Commending John Henslick for His Service as a Member of the Southwest Florida Water Management District Governing Board*
4. *Employee Recognition*
5. *Additions/Deletions to Agenda*
6. *Public Input for Issues Not Listed on the Published Agenda*

CONSENT AGENDA (TAB B)***Finance/Outreach & Planning Committee***

7. Budget Transfer Report
8. Springs Protection Awareness Month Resolution

Resource Management Committee

9. Modification of the Repayment of Funds for Lake Jackson Watershed Hydrology Investigation Project (N554)
10. Anna Maria North Island BMPs Phases H and J - Scope Change (W215)
11. FARMS – Tippen Bay Properties, LLLP – Doe Hill Citrus Phase 3 (H781), DeSoto County

Operations, Lands and Resource Monitoring Committee

12. Release and Acceptance of Conservation Easements Between the District, Hillsborough County and Lennar Homes for the Apollo Beach Boulevard Extension Project, SWF Parcels 11-118-145S and 11-118-146P
13. Purchase and Sale Agreement Between the District and Hillsborough County for Maydell Drive Bridge Replacement, SWF Parcel Numbers 13-001-749S and 13-001-750P
14. Monitor Well Purchase-South Hillsborough Aquifer Recharge Project-Phase II Sun City Well (SMWD-6), Hillsborough County

Regulation Committee

15. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20001512.014 - CHWA Public Water Supply/Charlotte Harbor Water Association (Charlotte)
 - b. WUP No. 20008836.014 Sarasota County Utilities/Sarasota County BOCC (Sarasota)

General Counsel's Report

16. Rulemaking
 - a. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, Minimum Flows, for the Crystal River/Kings Bay, Lower Pithlachascotee River, and Upper Pithlachascotee River Systems
17. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Approval of Consent Order Between SWFWMD and Buckner Land Enterprises, Inc., and GatorWorld Parks of Florida, LLC – CT No. 395018 – Sumter County
 - b. Approval of Consent Order Between SWFWMD and Besim Enterprises, Inc. – CT No. 403162 – Pasco County
 - c. Authorization to Issue Administrative Complaint and Order – Permit Condition Violations – Walden Pointe Homeowners Association, Inc. – ERP No. 44030339.000 – CT No. 404674 – Hillsborough County
 - d. Consideration of Final Order – Petition for Declaratory Statement – Shannon R. Turbeville – Hernando County
 - e. Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Mark James – License Number 11031 – CT Nos. 406326 & 406331 – Hillsborough County

Executive Director's Report

18. Approve Governing Board Minutes – February 25, 2020

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

19. Consent Item(s) Moved for Discussion
20. Fiscal Year 2018-19 Comprehensive Annual Financial Report

21. Legislative Wrap-Up

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

22. Treasurer's Report and Payment Register

23. Monthly Financial Statement

24. Monthly Cash Balances by Fiscal Year

25. Comprehensive Plan Amendment and Related Reviews Report

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

26. Consent Item(s) Moved for Discussion

27. Peace River Manasota Regional Water Supply Authority Update

Submit & File Reports

28. 2020 Status of the Dover/Plant City Water Use Caution Area Recovery Strategy

29. Proposed Minimum Flows for Lower Peace River and Lower Shell Creek Prior to Independent Scientific Peer Review

Routine Reports

30. Minimum Flows and Levels Status Report

31. Significant Water Resource and Development Projects

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

32. Consent Item(s) Moved for Discussion

33. Offer for Surplus Lands – Cypress Creek Preserve (CC-1), SWF Parcel No. 13-500-396S

34. Offer for Surplus Lands – GUM Slough 1 (Gum-1), SWF Parcel No. 19-193-114S

35. Conveyance of Fee Interest for the Ridge Road Right of Way, Pasco County, FL, SWF Parcel Numbers 15-705-107S and 15-705-108P

36. Hydrologic Conditions Report

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

37. Significant Activities

38. Structure Operations

39. Surplus Lands Update

REGULATION COMMITTEE (TAB F)**Discussion**

40. Consent Item(s) Moved for Discussion

41. Denials Referred to the Governing Board

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

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

43. Overpumpage Report

44. Individual Permits Issued by District Staff

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

45. Consent Item(s) Moved for Discussion

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

46. March 2020 Litigation Report

47. March 2020 Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

48. Agricultural and Green Industry Advisory Committee

EXECUTIVE DIRECTOR'S REPORT (TAB I)

49. Executive Director's Report

CHAIR'S REPORT (TAB J)

50. Chair's Report

51. Employee Milestones

★ ★ ★ RECESS PUBLIC HEARING ★ ★ ★**ADJOURNMENT**

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

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

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

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

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective November 26, 2019

OFFICERS	
Chair	Mark Taylor
Vice Chair	Michelle Williamson
Secretary	Joel Schleicher
Treasurer	Kelly S. Rice

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
James G. Murphy, Chair
Jack Bispham

RESOURCE MANAGEMENT COMMITTEE
Rebecca Smith, Chair
Roger Germann

REGULATION COMMITTEE
Joel Schleicher, Chair
Michelle Williamson

FINANCE/OUTREACH AND PLANNING COMMITTEE
Kelly S. Rice, Chair
Seth Weightman

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

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Michelle Williamson
Environmental Advisory Committee	Roger Germann
Industrial Advisory Committee	James G. Murphy
Public Supply Advisory Committee	Kelly S. Rice (Temporary)
Well Drillers Advisory Committee	Seth Weightman

OTHER LIAISONS	
Central Florida Water Initiative	James Murphy
Springs Coast Steering Committee	Kelly S. Rice
Charlotte Harbor National Estuary Program Policy Board	Jack Bispham
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	Roger Germann
Tampa Bay Regional Planning Council	Rebecca Smith

Southwest Florida Water Management District Schedule of Meetings
Fiscal Year 2020

Updated 12/19/19

Governing Board Meeting

October 22, 2019 – 9:00 a.m., Brooksville Office
November 19, 2019 – 9:00 a.m., Tampa Office
December 10, 2019 – 11:00 a.m., Brooksville Office
January 28, 2020 – 9:00 a.m., Tampa Office
February 25, 2020 – 9:00 a.m., Brooksville Office
March 24, 2020 – 10:00 a.m., Sarasota County Operations Center
April 28, 2020 – 10:00 a.m., Lake Eva Banquet Hall, Haines City
May 19, 2020 – 9:00 a.m., Tampa Office
June 23, 2020 – 9:00 a.m., Brooksville Office
July 28, 2020 – 9:00 a.m., Tampa Office
August 25, 2020 – 9:00 a.m., Brooksville Office
September 22, 2020 – 3:00 p.m., Tampa Office

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

2020 – September 8 & 22

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

2019 – December 3
2020 – March 10, June 9, September 15

Environmental Advisory Committee – 10:00 a.m., Tampa Office

2019 – October 8
2020 – January 14, April 14, July 14

Industrial Advisory Committee – 10:00 a.m., Tampa Office

2019 – November 5
2020 – February 11, May 12, August 11

Public Supply Advisory Committee – 1:00 p.m., Tampa Office

2019 – November 5
2020 – February 11, May 12, August 11

Well Drillers Advisory Committee – 1:30 p.m., Tampa Office

2019 – October 9
2020 – January 8, April 8, July 8

Cooperative Funding Initiative – all meetings begin at 10:00 a.m.

2020 – February 5 – Northern Region, Brooksville Office
2020 – February 6 – Southern Region, Sarasota County Commission Chamber
2020 – February 12 – Heartland Region, Bartow City Hall
2020 – February 13 – Tampa Bay Region, Tampa Office
2020 – April 1 – Northern Region, Brooksville Office
2020 – April 2 – Southern Region, Sarasota County Commission Chamber
2020 – April 8 – Tampa Bay Region, Tampa Office
2020 – April 9 – Heartland Region, Bartow City Hall

Public Meeting for Pending Permit Applications – 9:00 a.m., Tampa Office

2019 – October 2, November 6, December 4
2020 – January 8, February 5, March 4, April 1, May 6, June 3, July 1, August 5, September 2

**Environmental Resource Permitting Advisory Group – 10:00 a.m., and
Water Use Permitting Advisory Group – 2:00 p.m., Tampa Office**

2019 – October 30
2020 – April 29, July 22

Meeting Locations

Brooksville Office – 2379 Broad Street, Brooksville, FL 34604
Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637
Lake Eva Banquet Hall – 799 Johns Avenue, Haines City, FL 33844
Bartow City Hall – 450 N. Wilson Avenue, Bartow, FL 33830
Sarasota County Commission Chamber – 1660 Ringling Blvd. Sarasota, FL 34236
Sarasota County Operations Center – 1001 Sarasota Center Blvd. Sarasota, FL 34240

Executive Summary

Executive Summary

GOVERNING BOARD MEETING

MARCH 24, 2020
10:00 a.m.

CONVENE PUBLIC MEETING (TAB A)

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Recognition and Resolution No. 20-02, Commending John Henslick for His Service as a Member of the Southwest Florida Water Management District Governing Board
4. Employee Recognition
5. Additions/Deletions to Agenda
6. Public Input for Issues Not Listed on the Published Agenda

CONSENT AGENDA (TAB B)

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

Finance/Outreach & Planning Committee

7. Budget Transfer Report

Request approval of the Budget Transfer Report covering all budget transfers made during the month of February 2020.

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

Staff Recommendation:

Request approval of the Budget Transfer Report covering all budget transfers for February 2020.

8. Springs Protection Awareness Month Resolution

Staff request the Governing Board approve a resolution declaring April as "Springs Protection Awareness Month."

There are more than 150 documented springs as well as thousands of undocumented springs and seeps in the District. The District has five first-magnitude spring groups that collectively discharge more than one billion gallons of water per day. These springs are important for their ecological value and their economic impact on local communities.

The District, in partnership with various stakeholders, is committed to implementing studies, projects and programs to conserve and improve the ecological balance of these spring systems, thereby supporting regional economies and quality of life. The District has been a lead technical agency in springs protection and improvement for more than a decade and has taken a comprehensive approach to protect the region's springs, which includes water conservation, restoration, planning, communication and education, monitoring, research and development, regulation, and land acquisition and management.

"Springs Protection Awareness Month" - The Florida House and Senate have filed resolutions declaring April 2020 as "Springs Protection Awareness Month" because the state's springs are essential to the environment, economy, citizens and visitors of the state. On a more local level, staff support a Governing Board resolution to recognize the importance of our springs. The resolution for the Committee's consideration and recommendation for approval is provided as an exhibit.

Staff Recommendation:

Approve and execute Resolution No. 20-01 declaring April 2020 as "Springs Protection Awareness Month."

Resource Management Committee

9. Modification of the Repayment of Funds for Lake Jackson Watershed Hydrology Investigation Project (N554)

Staff request approval to waive repayment of funds for the Lake Jackson Watershed Hydrology Investigation Project.

On March 31, 2015, Highlands County (County) and the District entered into a Cooperative Funding Agreement to conduct the Lake Jackson Watershed Hydrology Investigation Project. The primary objective of this County-led feasibility study was to investigate the causes of low water levels in Lake Jackson and Little Lake Jackson and develop cost-effective recovery strategies. Lake Jackson and Little Lake Jackson are currently not meeting their established Minimum Lake Levels (MLLs).

The study consisted of five tasks at a total cost of \$400,000. The District's share for this project was \$300,000 (75%) and the County's share was \$100,000 (25%), since the County qualified as a Rural Economic Development Initiative or REDI Community. The Agreement between the District and the County notes that the City of Sebring agreed to fund up to \$52,500 toward the County's share of project costs. The County has been working directly with the City regarding their funding contribution, and the City is not a party to the District's Cooperative Funding Agreement for this project.

Task 1 of the project was completed under budget and on schedule and included development of a technical report with monitoring recommendations and cost analysis for building an integrated groundwater/surface water model of the Lake Jackson and Little Lake Jackson area. After completion of Task 1, the Highlands County Board of County Commissioners chose to discontinue the project at this time because lake levels have increased due to additional rainfall in recent years and County funding priorities have changed. The total cost for Task 1 was \$37,624.40, of which the District reimbursed the

County \$28,218.30. No other work was completed beyond Task 1, and no additional funds were expended.

The Agreement between the County and District requires the County to repay the District's share if the County fails to complete the project. The Agreement also provides that the County may request the District Governing Board to waive the repayment obligation. On March 3, 2020, the County sent a letter to the District requesting a waiver of the repayment to the District (See Exhibit).

Unless the repayment provision is waived, the County would need to repay the District's \$28,218.30 share of Task 1.

By completing Task 1, the County provided a valuable deliverable to the District. The information learned during Task 1 and the recommendations in the Task 1 report have already been used by District staff to develop well construction designs for a separate project near Lake Eva in Polk County (CFI project N888), and this information will also be useful for developing future integrated lake modeling projects for other lakes. Additionally, if the Lake Jackson project is pursued in the future, the Task 1 work will serve as a foundation for completing the project. Task 1 provides a stand-alone measurable benefit as it summarizes recommendations for a detailed scope of work and a cost-efficient plan for future watershed hydrology investigations for Lake Jackson and Little Lake Jackson as well as for other lakes not meeting their MLLs.

Based on the determination that the District has gained valued information and received a complete work product for Task 1, staff recommends that repayment to the District by the County for this task be waived.

Staff Recommendation:

Approve waiving Highlands County's obligation to repay District costs of \$28,218.30 for the Lake Jackson Hydrology Investigation Project, Cooperative Funding Initiative project N554.

10. Anna Maria North Island BMPs Phases H and J - Scope Change (W215)

The purpose of this item is to request approval to revise the scope of work to the Cooperative Funding Agreement with the City of Anna Maria for the North Island BMPs Phases H and J (W215) project.

The Board approved the Anna Maria North Island BMPs Phases H and J project during the fiscal year (FY) 2019 cooperative funding cycle. The total estimated cost for the project is \$913,500 with the District and the City each contributing fifty percent (\$476,750). The project, as initially presented to the Board, includes design, permitting and construction of stormwater Best Management Practices (BMPs) to treat contributing drainage areas of approximately 75 acres, with pollutant reductions of 63,582 lbs./yr. of total suspended solids (TSS) and 1,468 lbs./yr. of Total Nitrogen (TN). BMPs will be implemented for areas along portions of North Bay Blvd, Hammock Road, Iris Street, Tern Drive and other streets intersecting portions of North Shore Drive to improve water quality discharging to Tampa Bay.

The City of Anna Maria requested a revision to the resource benefits approved by the Board and included in the scope of work. Incorrect land use information and BMP removal efficiencies were used to calculate the resource benefits when the City applied for funding. As additional information became available during design the error was discovered. The District's cooperative funding agreement requires verification of the approved resource

benefit calculations during design. The approved and revised resource and measurable benefits are included in the table below.

	Approved	Revised
Treatment Area (acres)	75	No change
Total Suspended Solids (TSS) lbs./yr.	63,582	15,800
Total Nitrogen (TN) lbs./yr.	1,468	352

The project cost remains the same, \$913,500 with the District and City each contributing \$476,750 (fifty percent). The original cost effectiveness was \$0.72/lb of TSS and the revised cost effectiveness is \$2.89/lb of TSS which is still well below the FY2019 metric of \$20/lb. The original cost effectiveness was \$31.11/lb of TN and the revised cost effectiveness is \$129.54/lb of TN which is below the FY2019 metric of \$224/lb. The project cost effectiveness ranking has not changed. The project, as originally approved by the Board, had an overall ranking of High. The requested change from the City will not change the overall ranking.

Staff Recommendation:

Approve the scope revision to decrease the TSS removal from 63,582 lbs./yr. to 15,800 lbs./yr. and reduce the TN removal from 1,468 lbs./yr. to 352 lbs./yr., which are the resource benefits in the cooperative funding agreement.

11. FARMS – Tippen Bay Properties, LLLP – Doe Hill Citrus Phase 3 (H781), DeSoto County

Staff request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Tippen Bay Properties, LLLP (formerly J.R. Paul Properties, Inc.) and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$42,000 (75 percent of total project costs). Of this amount, \$42,000 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$56,000.

The District received a project proposal from Tippen Bay Properties, LLLP for their 1,833-acre citrus grove located 18 miles southeast of Arcadia, in southeastern DeSoto County, within the Southern Water Use Caution Area (SWUCA) and the Shell, Prairie, and Joshua Creek watersheds (SPJC). This project will involve the automation of 12 pump stations to offset the use of groundwater from the Upper Floridan aquifer for supplemental irrigation of 1,833 acres of citrus. The Water Use Permit (WUP) authorizes an annual average groundwater withdrawal of 1,585,000 gallons per day (gpd).

Between December 2011 and August 2017, the Governing Board approved two phases of FARMS projects with Tippen Bay Properties, LLLP, on this property. Phase 1 project (H656) consisted of the construction of a surface water pump station, filtration and mainline to connect a 4-acre reservoir to the existing irrigation system to provide surface water for the irrigation of 500 acres of citrus. The total project cost was \$369,201, with a District reimbursement of \$128,000 (35%). The reduction in groundwater use from the first phase project has averaged 65,000 gpd since it became operational in September 2012. Phase 2 project (H758) consisted of the construction of a surface water pump station, filtration and mainline to connect another 4-acre reservoir to the existing irrigation system to provide surface water for the irrigation of an additional 350 acres of citrus. The total project cost was \$547,181, with a District reimbursement of \$232,409 (42%). The Phase 2 project has only been in operation since December 2019 and is projected to reduce groundwater use by an estimated 85,000 gpd. The proposed third phase project will consist of 12 auto-stop pump station controllers to optimize grove irrigation scheduling and reduce groundwater use by an estimated 30,000 gpd.

The proposed project involves water quality and water quantity best management practices for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated two percent savings of permitted quantities for daily irrigation, or 30,000 gpd, yields a daily cost of \$1.11 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for generally accepted average cost savings per thousand gallons for irrigation management techniques implemented in citrus operations. Reimbursement will be from the Governing Board FARMS fund. Upon approval, the Governing Board will have \$5,958,000 remaining in its FARMS Program budget.

Staff Recommendation:

- 1) Approve the Tippen Bay Properties, LLLP project for a not-to-exceed reimbursement of \$42,000, with \$42,000 provided by the Governing Board;
- 2) Authorize the transfer of \$42,000 from fund 010 H017 Governing Board FARMS fund to the H781 Tippen Bay Properties, LLLP project fund; and
- 3) Authorize the division director to sign the agreement.

Operations, Lands and Resource Monitoring Committee

12. Release and Acceptance of Conservation Easements Between the District, Hillsborough County and Lennar Homes for the Apollo Beach Boulevard Extension Project, SWF Parcels 11-118-145S and 11-118-146P

Request Governing Board approval of the release and acceptance of conservation easements necessary for the construction of the of the Apollo Beach Boulevard extension. General location maps of the project are included as Exhibits 1 and 2.

In October 2006 the District issued an Environmental Resource Permit (43029147) and received a conservation easement as mitigation for wetland impacts as part of the development approval process. The conservation easement was granted to both the District and the Hillsborough County Environmental Protection Commission (EPC). In February 2007 the original easement was released and replaced with another conservation easement. The original developer, Belmont LLC, subsequently sold the entitled development property to Lennar Homes LLC.

Hillsborough County recently approached the District to request that portions of the District's conservation easement be released to accommodate the extension of Apollo Beach Boulevard over Interstate 75 and along the southern boundary of Lennar property. The County has proposed to exchange an area owned by Lennar together with a payment to offset the difference in property value. The extension will link Apollo Beach Boulevard from U.S. Highway 41 to the west to U.S. Highway 301 to the east. The funding for the roadway improvements will be through a grant from the Florida Department of Transportation (FDOT) along with funding from the Lennar Homes LLC and Hillsborough County.

The conservation easement held by the District and EPC encumbers 214.279 acres and is located along the east side of Interstate 75. The property consists of approximately 60 percent wetlands and 40 percent uplands. The County requested the District release its easement over 13.003 acres. As replacement for the mitigation area Lennar Homes will convey an unencumbered strip that is approximately 190 feet wide that was originally planned for the road alignment. The Lennar property consists of 5.921 acres. For the difference of the 7.082 acres the County has offered to equalize the value of the two properties with a cash payment.

The District's conservation easements obtained for mitigation are valued either through an independent appraisal or by utilizing the reported "Just Value" determined by the County

property appraiser. In this case the County Property Appraisers indication was utilized. District staff has reviewed the valuation and determined it to be acceptable. The following summarizes the offer from the County and Lennar Homes:

Apollo Beach Boulevard	
Easement Release	13.003 acres
Easement Acceptance	5.921 acres
Consideration	\$225,000*

*Total value of approximately \$450,000 split with Hillsborough County EPC

The valuation of the easement was based on the overall Just Value for the entire Lennar ownership at \$64,033 per gross acre. Using the value for the property on a price per gross acre basis recognizes the mix of uplands and wetlands of the property to be exchanged.

The value of the District's and EPC's conservation easement interest in the property was considered to be 100 percent of the Just Value per gross acre. The potential impacts involving access, severance and environmental connectivity were recognized as potential property conditions, however after consideration of each it was determined that they would be offset by the exchange property. The documents that include the terms and conditions of the proposed transaction are attached as Exhibit 3.

There is no change in the operational costs related to this release and acceptance of conservation easements. The District generally take a passive role with conservation easements obtained for mitigation with periodic monitoring to ensure they remain undisturbed.

Staff Recommendation:

- Accept the offer of a 5.921-acre conservation easement and \$225,000;
- Approve and authorize the Chairman and Secretary of the Governing Board to execute the First Amendment to Conservation Easement;
- Approve and authorize the Chairman and Secretary of the Governing Board to execute the Partial Release of Conservation Easement and Quit Claim;
- Approve the Agreement for Release of Easement with Hillsborough County and authorize the Executive Director to sign on behalf of the District after all other contingencies required by the First Amendment to the Conservation Easement have been satisfied; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

13. Purchase and Sale Agreement Between the District and Hillsborough County for Maydell Drive Bridge Replacement, SWF Parcel Numbers 13-001-749S and 13-001-750P

Request approval of a Sale and Purchase Agreement between the District and Hillsborough County for Tampa Bypass Canal property necessary for the replacement of the Maydell Drive Bridge. General location maps of the property are included as Exhibits 1 and 2.

In the late 1960's, the District acquired the property along Six Mile Creek, now known as the Palm River, as part of Tampa Bypass Canal Project. The acquisitions along this section of the Project included the property where the Maydell Drive Bridge crosses the River. The District currently owns the land beneath the current Maydell Drive Bridge.

The current Maydell Drive Bridge was constructed in 1968 and in 2015 this bridge was closed to traffic after an underwater inspection found the support system was unstable and structurally deficient. Hillsborough County has requested a 200-foot right of way from the District for the replacement of the Bridge.

The Hillsborough County Board of County Commissioners, as part of their Capital Improvement Program Project #C69634000, approved funding for the Maydell Drive Bridge Replacement Project. The total project cost is projected to be approximately \$9.9 million. The County will obtain about \$3.7 million in Federal funding for the Project. The construction plans for the new two-lane bridge includes paved eight-foot wide emergency lanes, a barrier wall separating traffic from a five-foot wide sidewalk, and a 10-foot wide bicycle path. The current project timeline estimates completion by 2023.

The current Maydell Drive Bridge occupies a 50-foot strip of right of way (0.81 acres) across the Tampa Bypass Canal. The replacement bridge will require 200 feet of right of way for reconstruction and maintenance. The additional right of way consists of two 75-foot wide strips of submerged lands lying to each side of the existing right of way for the Bridge consisting of 2.48 acres.

The District will convey fee title to the right of way and retain an easement that will allow for construction, maintenance and dredging as necessary for the operation and maintenance of the Tampa Bypass Canal. The District will also retain the ability to operate the Canal for reclamation, conservation or water storage. All activities will be at the sole discretion of the District.

Hillsborough County staff prepared a valuation of the right of way proposed for acquisition. The County based their valuation on the property being submerged and the District retaining an easement which will allow the District to operate and maintain the Tampa Bypass Canal. The valuation prepared by the County was based on \$1.00 per square foot resulting in a total compensation of \$108,094. District staff reviewed the County's valuation and agrees with the conclusion. The purchase agreement received from Hillsborough County for this transaction is attached as Exhibit 3.

There is no change in operational costs related to this transaction. The District must maintain current operational capacities of the Tampa Bypass Canal to ensure its continued flood control purposes are maintained.

Staff Recommendation:

- Accept the offer of \$108,094 for the additional 150-feet of right of way (approx. 2.48 acres) needed for the Maydell Drive Bridge replacement;
- Approve the Purchase Agreement and authorize the Executive Director to sign on the behalf of the District;
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon the request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

14. **Monitor Well Purchase-South Hillsborough Aquifer Recharge Project-Phase II Sun City Well (SMWD-6), Hillsborough County**

The purpose of this item is to recommend the Governing Board approve the transfer of funds in the amount of \$638,550 for the purchase of a monitoring well from Hillsborough County (County) for inclusion into the District's coastal groundwater quality monitoring network. The

District's purchase of this well is contingent on a Florida Department of Environmental Protection (FDEP) funding agreement for reimbursement of District funds.

The County installed well SMWD-6 as part of the South Hillsborough Aquifer Recharge Project (SHARP) - Phase II cooperative funding initiative (CFI) project. The County's testing of recharge zone water quality during the construction of the monitoring well discovered a much fresher quality of water than required to recharge reclaimed water. As a result, the County is moving the SHARP recharge site closer to the coast where aquifer water quality is much higher in total dissolved solids (TDS) meeting the FDEP's permitting requirements. The SMWD-6 well is not suitable for the SHARP project and CFI funds will not be used to reimburse the County for this well. However, this well is ideal for groundwater monitoring in the Most Impacted Area (MIA) of the Southern Water Use Caution Area (SWUCA). The well is needed for the long-term monitoring of saltwater intrusion within the Upper Floridan Aquifer (UFA) in accordance with the SWUCA Recovery Strategy. A general location map is included as Exhibit 1.

The primary goal of the District's coastal monitoring network for saltwater intrusion in the MIA is to track water quality changes in groundwater-salinity and saltwater intrusion along the coastal margin of the District, and the upwelling of mineralized groundwater within inland areas. The District has maintained and sampled the coastal monitoring network as a groundwater resource monitoring initiative since 1991. The coastal margin from southern Hillsborough County south through Manatee County is of critical concern for monitoring saltwater intrusion in the UFA, especially in the highly permeable Avon Park Formation where increasing chloride trends have been observed at several of the District's coastal groundwater monitoring stations. The location of the Hillsborough County SMWD-6 well would provide an inland "anchor" point for better interpretation of the landward subsurface migration of brackish or saline groundwater, complementing the District's other existing monitoring sites.

Data gathered from the SMWD-6 well will improve the District's understanding of the hydrogeologic framework of coastal Hillsborough and Manatee counties, enhance groundwater modeling and provide for assessment of potential withdrawal-related impacts to water resources within the District and the MIA. Transfer of the funds and purchase of the well will allow the District immediate access to monitor the well at this location. The cost breakdown for the well is included in the table below.

Description	Costs
Mobilization & Demobilization and Site Restoration	\$69,700
Drilling	\$160,100
Casing	\$291,050
Cement	\$64,500
Geophysical Logging	\$26,000
Water Quality Sampling and Analysis	\$27,200
Total	\$638,550

Staff is requesting a budget transfer of \$638,550 to cover the costs for the purchase of the monitoring well from the County. The District has been notified that funding is available this fiscal year from the FDEP to reimburse costs associated with enhancing water quality monitoring programs. The District's purchase of the SMWD-6 well is contingent on funding from the FDEP. Funding is available from the Zephyr Creek Drainage Improvements: Units 1

and 2 CFI Project (N836), which has been cancelled by Pasco County and replaced by an FY2021 CFI request to complete a feasibility study of the Zephyr Creek area. The feasibility study will evaluate cost effective solutions to the street and structure flooding along Zephyr Creek before proceeding with any improvement project.

Staff Recommendation:

1. Authorize staff to transfer \$638,550 from the Zephyr Creek Drainage Improvements: Units 1 & 2 Project (N836) to the Water Quality Monitoring Program for the purchase of the County's SMWD-6 well (C008).
2. Approve entering into an agreement with the County for the purchase of the SMWD-6 well, contingent on FDEP funding, to be executed in accordance with the Signature Authority.

Regulation Committee

15. Individual Water Use Permits Referred to the Governing Board

a. **WUP No. 20001512.014 - CHWA Public Water Supply/Charlotte Harbor Water Association (Charlotte)**

This is a renewal of an existing water use permit for public supply use. The authorized quantities are changed from those previously permitted. The annual average quantity is increased from 712,000 gallons per day (gpd) to 910,200 gpd; and the peak month quantity is increased from 804,000 gpd to 1,208,600 gpd. There is no change in Use Type from the previous revision. The increase is due to a projected functional population in 2050 of 7,734 persons at an average per capita rate of 90 gallons per capita per day (gpcd). This permit is located within the Southern Water Use Caution Area (SWUCA) and relies exclusively on sources of alternative water supply (AWS) in the form of brackish groundwater with reverse osmosis.

Special conditions include those that require the Permittee to report meter readings monthly; to perform meter accuracy checks every five years; to cap withdrawals not in use; to submit water quality sampling results quarterly; to submit a comprehensive Wellfield Report every five years (next report due April 1, 2025); to maintain a water-conserving rate structure; to comply with per capita requirements; to comply with customer billing requirements; to submit the Public Supply Annual Report by April 1 each year; and to comply with the requirements of the SWUCA Recovery Strategy. The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

b. **WUP No. 20008836.014 Sarasota County Utilities/Sarasota County BOCC (Sarasota)**

This is a modification of an existing water use permit for public supply. This permit authorizes a change to the water quality monitoring plan and provides for a more comprehensive monitoring well network at the Carlton Memorial Reserve wellfield. The authorized quantities for the Carlton Memorial Reserve wellfield are unchanged at 7,303,300 gallons per day (gpd) on an annual average basis, and 9,625,000 gpd on a peak month basis. The authorized quantities for this Consolidated Permit as a whole also remain unchanged from the previous revision and are 13,737,400 gallons per day (gpd) on an annual average basis, and 16,499,300 gpd on a peak month basis. There is no change in Use Type from the previous revision. This water use permit is located within the Most Impacted Area of the Southern Water Use Caution Area (SWUCA- MIA).

Special conditions include those that require the Permittee to report meter readings monthly, investigate well complaints, monitor water levels and water quality at each

wellfield, convert water level data from NGVD 1929 to NAVD 1988, construct proposed production and/or monitor wells according to approved specifications, cap any withdrawals not in use, maximize beneficial reuse of treated wastewater, continue implementation of the Environmental Monitoring Plan, immediately implement the Wellfield Management Plan for the Carlton Memorial Reserve wellfield, submit a comprehensive annual report for each wellfield by June 1 each year, maintain a water-conserving rate structure with enhanced customer billing and meter reading, submit the Public Supply Annual Report by April 1 each year, maintain an average per capita rate of 86 gpcd, and comply with the requirements of the SWUCA Recovery Strategy. The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

General Counsel's Report

16. Rulemaking

a. **Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, Minimum Flows, for the Crystal River/Kings Bay, Lower Pithlachascotee River, and Upper Pithlachascotee River Systems**

Rule 40D-8.041, Florida Administrative Code (F.A.C.), delineates the minimum flows (MFLs) adopted by the District pursuant to Section 373.042 and 373.0421, Florida Statutes. Last year the District's proposed rule adopting a minimum flow for the Rainbow River System was challenged. A formal administrative hearing occurred over the summer and a Final Order in the matter was recently entered. In the Final Order the Administrative Law Judge (ALJ) approved District staff's methodology for development of the MFLs, as well as the actual proposed minimum flow, but removed part of the rule language concerning the process for evaluating the status of the minimum flow. The language that was removed by the ALJ is also contained within the rule provisions establishing the Crystal River/Kings Bay, Lower Pithlachascotee River, and Upper Pithlachascotee River Systems MFLs. As a result, these portions of Rule 40D-8.041, F.A.C., must be amended to comply with the ALJ's ruling in the Final Order.

The proposed amendment to the rule language is attached as an exhibit to this recap. Upon Governing Board authorization of the initiation of rulemaking and approval of the proposed amendment, District staff will submit notice to the Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with formal rulemaking without further Governing Board action. If substantive changes are necessary as a result of comments received from the public or from reviewing entities such as OFARR or the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

Staff Recommendation:

Initiate and approve rulemaking to amend Rule 40D-8.041, Florida Administrative Code, to modify the minimums flows for the Crystal River/Kings Bay, Lower Pithlachascotee River, and Upper Pithlachascotee River Systems, and authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process.

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

a. **Approval of Consent Order Between SWFWMD and Buckner Land Enterprises, Inc., and GatorWorld Parks of Florida, LLC – CT No. 395018 – Sumter County**

GatorWorld Parks of Florida, LLC (GatorWorld), operates an alligator farm and tourist

attraction (Project) on adjoining, leased lands, owned in part by Buckner Land Enterprises, Inc. (Buckner) at 492 West Highway 44 in Wildwood, Florida (Property).

On November 2, 2017, District staff inspected the Project and observed that buildings, access roads, and parking facilities had been constructed without the issuance of an Environmental Resource Permit (ERP). The District issued its first Notice of Unauthorized Activities on December 4, 2017, and a pre-application meeting was held with a representative for GatorWorld and Buckner on December 7, 2017.

Between February 19, 2018, and April 5, 2019, GatorWorld and Buckner (collectively, the Applicants) submitted and withdrew two separate ERP applications for the Project. District staffs' review of the ERP applications revealed that the unauthorized construction included the addition of 3.0-acres of impervious material, a portion of which directly impacted 0.22-acres of a wetland. As a result, District staff issued the Applicants a Notice of Violation and proposed Consent Order on December 9, 2019, to bring the Project into compliance.

Following the issuance of the Notice of Violation and proposed Consent Order, District staff met with the Applicants at the Project where the parties discussed options whereby the Applicants could restore the impacted wetland and come into compliance by obtaining an ERP. The Applicants subsequently agreed to execute a Consent Order that includes a payment of \$10,000.00 in penalties and District enforcement costs and requires the Applicants to apply for and obtain an ERP within 120 days after submitting the application to the District. Furthermore, the Consent Order requires the Applicants to restore the impacted wetland and complete construction of the surface water management system pursuant to the ERP within 90 days of permit issuance. If the Applicants fail to comply with any condition of the Consent Order, an additional payment of \$15,250.00 will become due immediately.

Staff Recommendation:

- 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.

b. **Approval of Consent Order Between SWFWMD and Besim Enterprises, Inc. – CT No. 403162 – Pasco County**

Besim Enterprises, Inc. (Besim), owns an unimproved parcel of land located northwest of Chancey Road and Paul S. Buchman Highway in Zephyrhills, Florida (Property). Pursuant to a complaint of flooding from the Shady Oaks Owners Association, Inc. (Shady Oaks), whose property is located to the north of Besim's Property, District staff identified fill and alterations to the Property as the likely cause of the flooding experienced by Shady Oaks' residents.

District staff met with Rafman Balla, Besim's president, at the site on March 26, 2019. Mr. Balla admitted to placing fill on the Property and suggested he was planning to sell the Property. Following this initial visit, Mr. Balla did not remove the fill nor restore the wetland. As a result, District staff issued Notices of Unauthorized Activities on April 5, 2019, and July 21, 2019, requesting that Besim remove all fill and blockages and restore the wetland to its pre-impact condition, to which Besim did not respond. The District issued its Notice of Violation and proposed Consent Order on December 4, 2019.

District staff met with Mr. Balla at the Property again on February 12, 2020. At this visit, District staff conducted a thorough inspection and determined that the fill directly impacted 0.13-acres of the wetland, representing a functional loss of 0.07 units pursuant to the Uniform Mitigation Assessment Method.

Mr. Balla agreed to and executed a Consent Order at the February 12th site visit. The Consent Order includes payments totaling \$10,000.00 in penalties and District enforcement costs. Furthermore, the Consent Order requires Besim to remove all fill and blockages and restore the wetland to its pre-impact condition no later than 90 days after the Governing Board approves the Consent Order.

Staff Recommendation:

- 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.

c. **Authorization to Issue Administrative Complaint and Order – Permit Condition Violations – Walden Pointe Homeowners Association, Inc. – ERP No. 44030339.000 – CT No. 404674 – Hillsborough County**

Environmental Resource Permit No. 44030339.000 (Permit) was issued to Lawdevco Walden Pointe, LLC (Lawdevco), on June 16, 2006, for the construction of a surface water management system to serve a single-family subdivision (Project). Walden Pointe Homeowners Association, Inc. (Walden Pointe), is the permitted Operation and Maintenance Entity.

On June 11, 2019, District staff inspected the Project and observed several encroachments and blockages, including fences, fill, and landscaping, within a permitted drainage diversion swale. The encroachments and blockages are causing stormwater runoff to discharge through lots rather through the swale itself. District staff issued Notices of Permit Condition Violations to Walden Pointe on June 20 and October 29, 2019.

To date, the altered swale has not been returned to its permitted condition, and the alterations constitute violations to Permit conditions, District rules, and state statutes.

This enforcement matter relates to another matter currently in litigation before the Division of Administrative Hearings to which the District and Walden Pointe are parties. The Office of General Counsel is requesting authorization to issue an Administrative Complaint and Order so that all relevant permit and compliance issues may be resolved contemporaneously.

Staff Recommendation:

- 1) Authorize District staff to issue an Administrative Complaint and Order to Lawdevco and Walden Pointe and any other necessary parties to obtain compliance with District rules.
- 2) Authorize District staff to initiate an action in Circuit Court against Lawdevco and Walden Pointe and any other necessary parties to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorney's fees, if appropriate.
- 3) Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

d. **Consideration of Final Order – Petition for Declaratory Statement – Shannon R. Turbeville – Hernando County**

On December 30, 2019, Shannon R. Turbeville (Petitioner) filed a Petition for Declaratory Statement (Petition) with the District, seeking a declaratory statement interpreting Section 373.1391, Florida Statutes (F.S.), regarding the management of real property to which the District holds title.

Petitioner alleges that his current and future vessel access to lands owned by Hernando County and recreational enjoyment on the Weeki Wachee River rely in part upon the natural state and condition of public lands titled to the District. Petitioner further alleges that, eventually, local and state government agencies will have an obligation to restrict vessel access to the Weeki Wachee River in response to alleged degradation from recreational activities having occurred on District-owned lands. He cites to a statute which authorizes other authorities, but not the District, to establish boating-restricted areas in waters of the state, to support his claim. The Petitioner did not allege that his vessel access or use of any District-owned lands was restricted.

Section 120.565, F.S., provides that any substantially affected person may seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision to a petitioner's particular set of circumstances. As provided in Rule 28-105.001, a declaratory statement is a means for answering questions or doubts concerning the applicability of statutes over which the agency has authority. A petitioner must show there is a bona fide present need for the declaration and that the declaration deals with present, ascertainable facts.

The facts alleged by Petitioner relate to his future vessel access and use of the Weeki Wachee River and lands owned by Hernando County under hypothetical boating restrictions that do not exist. Moreover, these particular circumstances do not relate to Petitioner's use or access to District-owned lands.

The Petitioner has not alleged any present, ascertainable facts to establish his position as a substantially affected person and, therefore, lacks standing to obtain a declaratory statement. Furthermore, the hypothetical circumstances alleged relate to lands owned by other entities and would require the District to interpret statutory provisions to which it does not have authority. Though Section 373.1391, F.S., is under the District's statutory authority, the Petition does not allege any facts affected by the statute to which the District can issue a declaratory statement.

Staff Recommendation:

Approve the Final Order denying the Petition for Declaratory Statement filed by Shannon R. Turbeville.

e. **Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Mark James – License Number 11031 – CT Nos. 406326 & 406331 – Hillsborough County**

Mark James (Contractor) is a licensed water well contractor holding License No. 11031 (License). On September 9, 2019, the District issued Well Construction Permit (WCP) Nos. 882241 and 882242 to the Contractor authorizing the abandonment of wells located at 7014 Gunn Highway (Gunn Property) and N WC Maccines Place (Maccines Property), respectively.

On September 12, 2019, District staff visited the Gunn Property and determined the well was abandoned without being witnessed by District staff, which is a violation of District rules and the conditions of the WCP. On September 13, 2019, District staff visited the Maccines Property and determined the well was also abandoned without being witnessed by District staff. District staff contacted the Contractor on September 16 and 30, 2019, regarding the improperly abandoned wells to no avail.

On November 20, 2019, a Notice of Violation and proposed Consent Order was issued to the Contractor that provided for \$4,500.00 in fines and a one (1) year suspension of his License as provided for by the 2014 Water Well Contractor Disciplinary Guidelines and Citations Dictionary. Furthermore, the proposed Consent Order required the Contractor to plug and abandon each well properly. Despite numerous attempts to reach an amicable resolution, as of the date of this Recap the Contractor has not agreed to the terms of the proposed Consent Order.

Staff Recommendation:

- 1) Authorize District staff to issue an Administrative Complaint and Order to Mark James to obtain compliance, recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.
- 2) Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

Executive Director's Report

18. Approve Governing Board Minutes – February 25, 2020

Staff Recommendation:

Approve the minutes as presented.

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB C)
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Discussion

19. Consent Item(s) Moved for Discussion

20. Fiscal Year 2018-19 Comprehensive Annual Financial Report

Presentation of the District's Comprehensive Annual Financial Report for fiscal year ended September 30, 2019, by the District's financial auditors, James Moore & Co., P.L., for acceptance by the Governing Board.

The District is required by Section 218.39, Florida Statutes, to have an annual financial audit of its accounts and records performed by an independent certified public accountant, licensed in the State of Florida, and made in accordance with generally accepted auditing standards, Florida Statutes, and Rules of the Auditor General promulgated pursuant to Section 11.45.

The Comprehensive Annual Financial Report, including a Single Audit pursuant to audit requirements of Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountants' Report for fiscal year ended September 30, 2019, will be distributed prior to the meeting. James Moore & Co., P.L. representatives will attend the meeting to communicate to the Board certain matters related to the conduct of the audit as required by auditing standards. A brief presentation of the report, management letter and independent accountants' report will also be made by James Moore & Company.

Staff Recommendation:

Accept and place on file the District's Comprehensive Annual Financial Report, including a Single Audit pursuant to Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountants' Report for fiscal year ended September 30, 2019.

21. Legislative Wrap-Up

The regular 2020 Legislative Session began on Tuesday, January 14 and ended Friday, March 13. District staff tracked activities, especially focusing on proposed legislation that could impact the water resources or District activities. Staff will provide a legislative wrap-up of the outcomes of proposed legislation and budget items affecting the District.

Staff Recommendation:

This item is provided for the Board's information; no action is required.

Submit & File Reports – None**Routine Reports**

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

- 22. **Treasurer's Report and Payment Register**
- 23. **Monthly Financial Statement**
- 24. **Monthly Cash Balances by Fiscal Year**
- 25. **Comprehensive Plan Amendment and Related Reviews Report**

RESOURCE MANAGEMENT COMMITTEE (TAB D)**Discussion****26. Consent Item(s) Moved for Discussion****27. Peace River Manasota Regional Water Supply Authority Update**

To provide the Board with an overview of the Peace River Manasota Regional Water Supply Authority's regional water supply system, including water supply facilities, expansion of the regional integrated loop system and vision for the future.

Commissioner Alan Maio, Sarasota County's representative on the Board of Directors of the Peace River Manasota Regional Water Supply Authority, will update the Board regarding the status of the Authority's water supplies, regional pipeline interconnection projects and vision for the future. The Authority has constructed over \$300 million in new infrastructure over the past decade through partnership with the District working to create a reliable, environmentally sustainable and affordable water supply for the four-county region of Charlotte, DeSoto, Manatee and Sarasota counties that comprise the Authority. The Authority's last update was provided at the January 2019 Board meeting.

Staff Recommendation:

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

Submit & File Reports

- 28. **2020 Status of the Dover/Plant City Water Use Caution Area Recovery Strategy**
- 29. **Proposed Minimum Flows for Lower Peace River and Lower Shell Creek Prior to Independent Scientific Peer Review**

Routine Reports

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

30. Minimum Flows and Levels Status Report

31. Significant Water Resource and Development Projects

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE (TAB E)

Discussion

32. Consent Item(s) Moved for Discussion

33. Offer for Surplus Lands – Cypress Creek Preserve (CC-1), SWF Parcel No. 13-500-396S

Recommend the Governing Board approve the Contract for Sale and Purchase, included as Exhibit 1, for the Cypress Creek 1 (CC-1) parcel. The District received an offer for the purchase of CC-1 from Waterford Construction and Development Company for \$2,600,000. The offer reflects an offer price of approximately \$295,455 per acre for approximately 8.8 acres. A general location map and an aerial map are attached as Exhibits 2 and 3, respectively.

The District acquired CC-1 in 1993 as part of the Cypress Creek Preserve Project which was purchased at a prorated cost of \$1,000 per acre for 427.5 acres. CC-1 consists of approximately 8.8 acres, most of which are uplands. The parcel has frontage along Wesley Chapel Boulevard (a.k.a., Old State Road 54), a public, paved right of way.

The parcel is currently zoned AC, Agriculture and RES-3, Residential with three density units per acre, with a future land use designation of Conservation. According to Pasco County Land Planning Department, the land use classification supersedes the zoning classification rendering the use of the site as conservation. However, Pasco County has indicated that the zoning could be changed to multifamily but that it would require changing the future land use designation.

This parcel was declared surplus by the Governing Board on May 19, 2015. The parcel was listed with Saunders Real Estate on October 18, 2016 and has been advertised through multiple media and personal contacts since that time. The offer being presented to the Governing Board is above the appraised value and accompanied by a five percent good faith deposit. The value details are below:

	Total	Per Acre
Offer Amount	\$2,600,000	\$295,455
Appraised Value	\$1,900,000	\$235,149
Listing Price	\$2,499,000	\$283,977

The average cost for the District to manage the Cypress Creek Preserve Tract for FY2019 was \$16.19 per acre. Based on the cost per acre, the District's total cost to manage CC-1 for FY2019 was \$142.47 per year.

Nick Mancuso, MAI appraised the parcel on December 6, 2019 for \$1,900,000. A sales summary and adjustment grid from the appraisal is attached as Exhibit 4. The appraiser determined that the highest and best use, would be for multifamily or professional office use dependent on the County changing the future land use designation of the parcel. The District's title to the parcel includes the subsurface rights. Upon the request of a buyer and in accordance with Section 270.11(3), Florida Statutes the District may release its interest in all

phosphate, minerals, metals and petroleum that may be in, on or under the parcel.

As part of this Sale and Purchase process, District staff discussed the most recent appraised value and market conditions with the Nick Mancuso, MAI and received a letter indicating that a new appraisal was not needed (Exhibit 5).

Sale Terms

- The District will deliver title to the buyer by Quit Claim Deed.
- There will be an adjustment in price for actual acreage as determined by a delineation of wetlands, if any.
- The Buyer will make a deposit of five percent of the contract price or \$130,000 of which \$20,000 will go hard after the 60-day Due Diligence Period. An additional \$40,000 (for a total of \$60,000) will go hard after 180 days with a closing to occur no more than 270 days after the effective date of the Sale and Purchase Agreement.
- The buyer, within 60 days of the effective date of the Sale and Purchase Agreement, at its sole expense, shall apply to Pasco County for rezoning of the parcel. The District will cooperate with the buyer's efforts to rezone the parcel.
- The buyer will pay the real estate commission of \$115,000 to Saunders Real Estate.
- The buyer will bear all expenses of the transaction except for the appraisal and advertising costs.

The sale of surplus lands will allow the District to acquire lands that are more environmentally significant. Funds derived from the sale of surplus land may only be used for the purchase of other lands meeting the criteria in Section 373.139, Florida Statutes, resulting in more effectively meeting the District's core mission.

Staff Recommendation:

- Accept the offer of \$2,600,000;
- Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon the request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

34. Offer for Surplus Lands – GUM Slough 1 (Gum-1), SWF Parcel No. 19-193-114S

Recommend the Governing Board approve the Contract for Sale and Purchase, included as Exhibit 1, for the Gum Slough 1 (GUM-1) parcel. The District received an offer to purchase GUM-1 from Cow Hammock, LLC for \$676,400. The offer reflects an offer price of approximately \$10,000 per acre for approximately 67.64 acres. A general location map and an aerial map are attached as Exhibits 2 and 3, respectively.

The District acquired GUM-1 in 2015 as part of a Governing Board approved settlement of litigation involving wetland destruction by Danny Suggs. The District received fee title to 67.64 acres in fee title and a conservation easement over 26.75 acres from the settlement. The surplus acreage for which the fee simple title was conveyed was received as compensation for the 13 years of litigation that occurred to resolve this matter. The parcel was declared surplus by the Governing Board on February 24, 2015.

The property fronts along the north side of Highway 44, a four-lane median divided road, west of its intersection with County Road 470. The District property has a future land use for agriculture together with about ten acres designated as commercial that is located along the Highway 44 frontage. This property is separated from other District managed ownerships. Because the property was identified for surplus from the time it was acquired, the District has not made any improvements nor have there been any management costs associated with ownership.

The property was listed with Saunders Real Estate on November 8, 2016 and has been advertised through multiple media and personal contacts since that time. The current offer being presented to the Governing Board is above the appraised value and accompanied by a 5 percent good faith deposit. The value details are below:

	Total	Per Acre
Offer Amount	\$676,400	\$10,000
Appraised Value	\$440,000	\$6,505
Listing Price	\$899,999	\$13,306

The property was appraised April 3, 2019 for \$440,000 by Joe String, MAI. A sales summary and adjustment grid from the appraisal is attached as Exhibit 4. They determined that the highest and best use, would be for agricultural or low density residential and commercial as allowed per the land use designation for the property. The District's title to the property includes the subsurface rights. Upon the request of a buyer and in accordance with Section 270.11(3), Florida Statutes the District may release its interest in all phosphate, minerals, metals and petroleum that may be in, on or under the property.

As part of this Sale and Purchase process, District appraisers discussed the most recent appraised value and market conditions with the appraiser and independently considered market conditions affecting the property and did not recommend having a new appraisal conducted. The full appraisal is available upon request.

Sale Terms

- The District will deliver title to the buyer by Quit Claim Deed.
- The purchase price is based on \$10,000 per acre and subject to adjustment if the buyer obtains a survey.
- The Buyer will make a deposit of 5 percent of the contract price or \$33,820 with a closing to occur no more than 150 days after the effective date of the Sale and Purchase Agreement.
- The buyer will pay the real estate commission of \$40,000 to Saunders Real Estate.
- The buyer will bear all expenses of the transaction except for the appraisal and advertising costs.

The sale of surplus lands will allow the District to acquire lands that are more environmentally significant. Funds derived from the sale of surplus land may only be used for the purchase of other lands meeting the criteria in Section 373.139, Florida Statutes, resulting in more effectively meeting the District's core mission.

Staff Recommendation:

- Accept the offer of \$676,400;
- Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon the request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

35. Conveyance of Fee Interest for the Ridge Road Right of Way, Pasco County, FL, SWF Parcel Numbers 15-705-107S and 15-705-108P

Request Governing Board approval to convey, to Pasco County (County), the right of way for construction of Ridge Road through the Serenova Tract owned in fee simple by the District. The right of way will be conveyed to the County through the execution of the Quit Claim Deed. A general location map is included as Exhibit 1.

The Florida Department of Transportation (FDOT), County, and District were involved in negotiations about mitigation for the impacts associated with Suncoast Parkway construction. In 1996, the FDOT purchased the Serenova Tract as mitigation for the Suncoast Parkway. Prior to FDOT's acquisition of the Serenova Tract, the County had acquired a reversionary right for an arterial or limited access highway through the property. In 1997 the FDOT conveyed the property, still containing the County's reversionary right, to the District at no cost with the conditions that the District would maintain the land for preservation and mitigation purposes. In response to the acquisition of the Serenova Tract, agreements between the FDOT, County, and District were executed that addressed, among other things, the extension of Ridge Road. Additionally, a conservation easement was granted to the Board of Trustees for the Serenova Tract further ensuring the property will be protected. The conservation easement does not limit or affect the agreements between the parties which identify the extension of Ridge Road through the Serenova Tract.

The agreement between the District and the County, executed in 1997 entitled *Agreement between the Southwest Florida Water Management District and Pasco County relating to Ridge Road* (1997 Agreement) includes the following terms relevant to this Governing Board item:

- The County, at its sole cost, will obtain all necessary regulatory permits for design and construction of a four-lane collector roadway and provide periodic status updates to the District;
- The District shall convey the necessary right of way required for the Ridge Road extension including the interchange and roadway drainage systems; and
- Upon notification by the County to the District that the extension of Ridge Road has been approved by the Board of County Commissioners, the conveyance shall be completed within 90 days of said notification

On February 24, 2020, the District received notification from the County that the extension of Ridge Road has been approved by the Board of County Commissioners requiring the District to convey the right of way within 90 days (Exhibit 2). The long-term maintenance access and other related responsibilities acceptable to both parties are captured in an agreement that will be provided to the Governing Board at or before the meeting. Specifically, the County has agreed to provide the District access across and under the road at four locations more

specifically shown in Exhibit 3. The County will also convey a perpetual access easement to the locations that traverse under the road. The right of way for the Ridge Road extension is currently being cleared and in advance of the District's conveyance of the fee interest. On March 5, 2020, the District granted a license for construction activities to begin on the District property that is located west of the Duke Energy Corridor (Exhibit 3).

The conveyance of the Ridge Road right of way to the County will provide the County an additional evacuation route pursuant to its comprehensive plan requirements. A paved multiuse trail will be constructed within the right of way along the south side of the road to provide the public access and greenway opportunities into designated access points on the property. Conveying this property will satisfy the terms and conditions of the 1997 Agreement.

Staff Recommendation:

- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the Executive Director to execute the agreement outlining access and other related responsibilities resulting from the transfer of the right of way;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

36. Hydrologic Conditions Report

Hydrologic conditions are summarized in the attached report.

Staff Recommendation:

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

Submit & File Reports – None

Routine Reports

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

37. Significant Activities

38. Structure Operations

39. Surplus Lands Update

REGULATION COMMITTEE (TAB F)

Discussion

40. Consent Item(s) Moved for Discussion

41. 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.

Submit & File Reports – None**Routine Reports**

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

- 42. Dover/Plant City Water Use Caution Area Flow Meter and Automatic Meter Reading (AMR) Equipment Implementation Program Update
- 43. Overpumpage Report
- 44. Individual Permits Issued by District Staff

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

- 45. Consent Item(s) Moved for Discussion

Submit & File Reports – None**Routine Reports**

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

- 46. March 2020 Litigation Report
- 47. March 2020 Rulemaking Update

COMMITTEE/LIAISON REPORTS (TAB H)

- 48. Agricultural and Green Industry Advisory Committee

EXECUTIVE DIRECTOR'S REPORT (TAB I)

- 49. Executive Director's Report

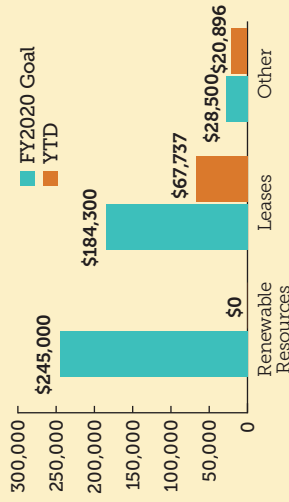
CHAIR'S REPORT (TAB J)

- 50. Chair's Report
- 51. Employee Milestones

ADJOURN PUBLIC MEETING**ADJOURNMENT**

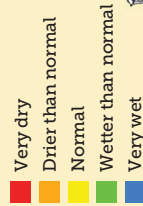
OPERATIONS, LANDS AND RESOURCE MONITORING

FY2020 Land-Based Revenue

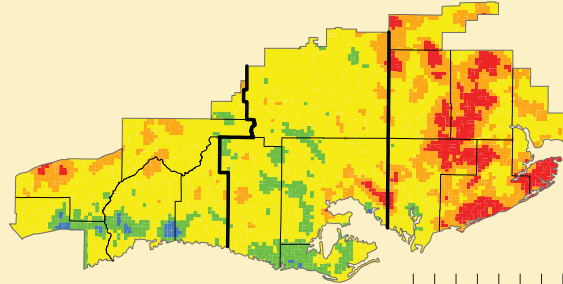
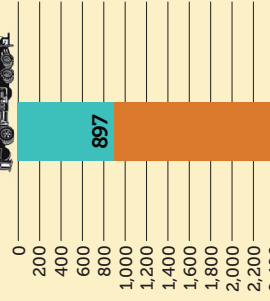


RAINFALL DISTRIBUTION

Mar 2019 – Feb 2020

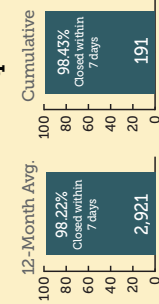


CORE DRILLING

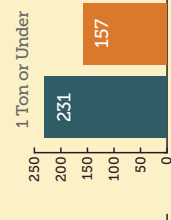


MANAGEMENT SERVICES

Public Records Requests



Fleet

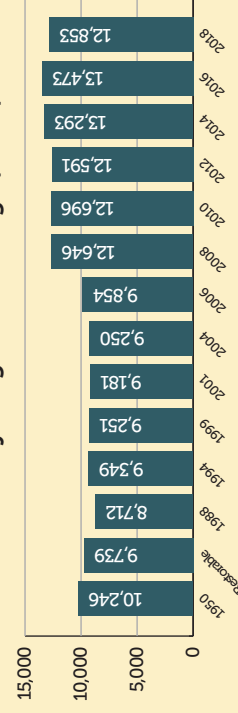


Office Space



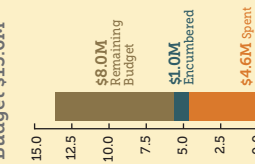
RESOURCE MANAGEMENT

Sarasota Bay Seagrass Coverage (acres)

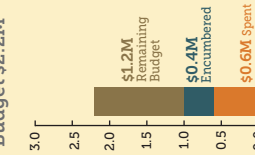


FINANCIAL SUMMARY

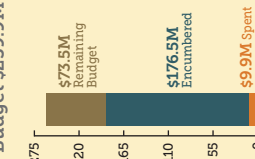
Regulation Budget \$13.6M



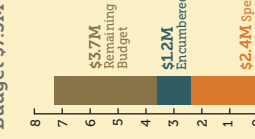
General Counsel Budget \$2.2M



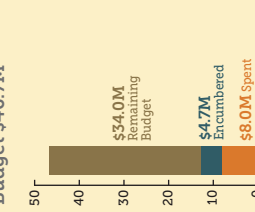
Resource Management Budget \$259.9M



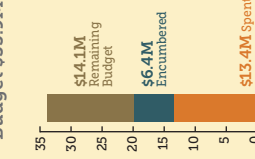
Emp. & Ext. Relations Budget \$7.3M



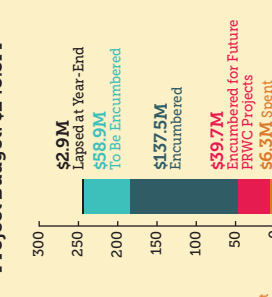
Operations, Lands & Resource Monitoring Budget \$46.7M



Management Services Budget \$33.9M

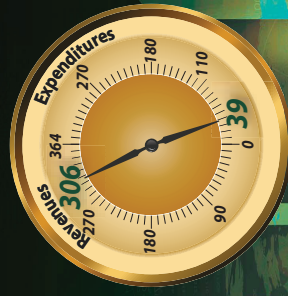


Total Number of Projects: 339



SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Monthly Dashboard February 2020



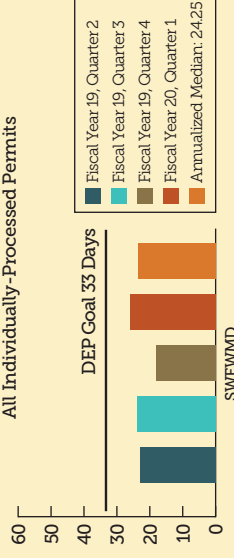
\$365.1 million (current budget)

Days Without an At-Fault Accident: 89
Days Without a Lost-Time Injury: 116

REGULATION

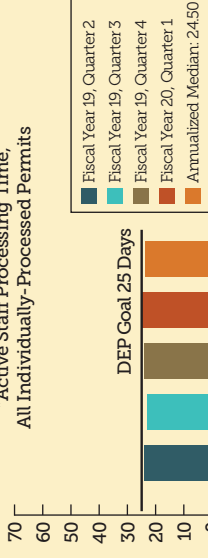
Consumptive Use Permitting

*Active Staff Processing Time, All Individually-Processed Permits



Environmental Resource Permitting

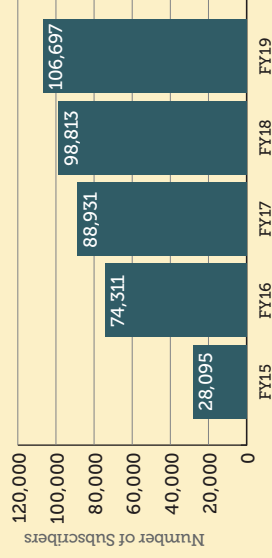
*Active Staff Processing Time, All Individually-Processed Permits



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

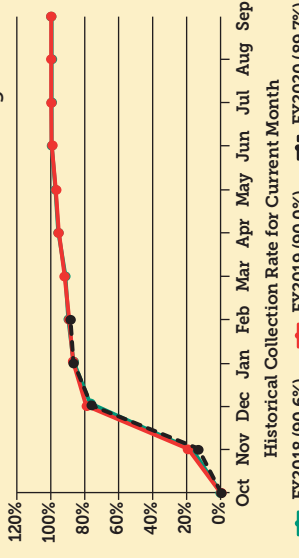
EMPLOYEE & EXTERNAL RELATIONS

Increase in Email Marketing Subscribers Through GovDelivery by Fiscal Year



FINANCE

Percent of Taxes Collected vs Budget



**A. Public Hearing &
Meeting**

Governing Board Meeting

March 24, 2020

CONVENE MEETING OF THE GOVERNING BOARD

PUBLIC MEETING

1. **Call to Order**

The Board Chair calls the meeting to order. The Board Secretary confirms that a quorum is present. The Board Chair then opens the public 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.

2. **Invocation and Pledge of Allegiance**

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

3. **Recognition and Resolution No. 20 – 02, Commending John Henslick for His Service as a Member of the Southwest Florida Water Management District Governing Board**

To honor Mr. John Henslick for his term as a Governing Board member, District staff has prepared the attached resolution to commemorate his service. Mr. Henslick was appointed by Governor Rick Scott in September 2015 and served until August 2019.

Staff Recommendation:

Approve Resolution No. 20-02, Commending John Henslick for his service as a member of the Southwest Florida Water Management District Governing Board.

Presenter: Caroline Browning, Board & Executive Services Manager

RESOLUTION NO. 20-02

**COMMENDING
JOHN HENSLICK
FOR HIS SERVICE AS A MEMBER OF THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT GOVERNING BOARD**

WHEREAS, **JOHN HENSLICK** was appointed by Governor Rick Scott to the Southwest Florida Water Management District Governing Board on September 25, 2015 and served through August 28, 2019; and

WHEREAS, **JOHN HENSLICK** served as the Governing Board liaison to the Charlotte Harbor National Estuary Program Policy Board; and

WHEREAS, **JOHN HENSLICK**, as a wetland scientist with more than 30 years of experience in environmental consulting, provided valuable wetlands expertise to the Governing Board; and

WHEREAS, **JOHN HENSLICK** supported the District's Environmental Resource Permitting Program and worked closely with staff and agency partners for assumption of the U.S. Army Corps of Engineers' 404 permit program; and

WHEREAS, **JOHN HENSLICK** supported the protection of the upper Myakka River watershed in Manatee County through the purchase of a 1,088-acre conservation easement on Triangle Ranch; and

WHEREAS, **JOHN HENSLICK** was an advocate of environmental restoration projects, many of which received national acclaim during his tenure, including the Rock Ponds Ecosystem Restoration Project; and

WHEREAS, **JOHN HENSLICK** supported the acquisition of public lands to protect Florida's first-magnitude springs and the development and approval of SWIM Plans for all five first-magnitude springs in the District; and

WHEREAS, **JOHN HENSLICK** supported development of alternative water supplies and regional pipeline interconnections in partnership with regional water supply authorities, local governments and private utilities to help achieve reductions in groundwater pumping and supported regional cooperative projects; and

WHEREAS, **JOHN HENSLICK** stressed the importance of flood protection and public safety by supporting technological upgrades and refurbishments to the District's complex flood and water control structures throughout the region; and

WHEREAS, **JOHN HENSLICK**, as a member of the Governing Board, demonstrated exceptional skill, leadership, and discipline in championing fiscal responsibility and efficient business processes thereby reducing tax millage rates by more than 15 percent and ensuring the District's operating budget was in line with ad valorem revenue levels since Fiscal Year 2016; and

WHEREAS, the Governing Board of the Southwest Florida Water Management District wishes to express its appreciation of these outstanding contributions, as well as those that are not mentioned but which will long be attributed to the service of **JOHN HENSLICK**.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT that this Board honors **JOHN HENSLICK** by adopting this resolution, expressing its appreciation for his commitment to the mission of the District, his outstanding work and his dedication to public service; and

BE IT FURTHER RESOLVED that this resolution be incorporated into the minutes of this District, permanently honoring the service of **JOHN HENSLICK** to this District, and that this resolution be presented to him.

PASSED and ADOPTED this twenty-fourth day of March 2020.

GOVERNING BOARD OF THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BY _____
Mark Taylor, Chair

ATTEST _____
Joel Schleicher, Secretary

Attachment: Resolution No. 20-02, Commending John Henslick for His Service

Items 4 – 6

4. **Employee Recognition**

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

- 30 years – Mark Bartlett, Structure Operations Manager
- 35 years – Terry Burrell, Hydrologic Data Field Tech Senior

5. **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

6. **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: Mark Taylor, Chair

B. Consent Agenda

Governing Board Meeting

March 24, 2020

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.

Finance/Outreach & Planning Committee

- 7. Budget Transfer Report9
- 8. Springs Protection Awareness Month Resolution11

Resource Management Committee

- 9. Modification of the Repayment of Funds for Lake Jackson Watershed Hydrology Investigation Project (N554)13
- 10. Anna Maria North Island BMPs Phases H and J - Scope Change (W215).....16
- 11. FARMS – Tippen Bay Properties, LLLP – Doe Hill Citrus Phase 3 (H781), DeSoto County18

Operations, Lands and Resource Monitoring Committee

- 12. Release and Acceptance of Conservation Easements Between the District, Hillsborough County and Lennar Homes for the Apollo Beach Boulevard Extension Project, SWF Parcels 11-118-145S and 11-118-146P21
- 13. Purchase and Sale Agreement Between the District and Hillsborough County for Maydell Drive Bridge Replacement, SWF Parcel Numbers 13-001-749S and 13-001-750P50
- 14. Monitor Well Purchase – South Hillsborough Aquifer Recharge Project – Phase II Sun City Well (SMWD-6), Hillsborough County60

Regulation Committee

- 15. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20001512.014 - CHWA Public Water Supply/Charlotte Harbor Water Association (Charlotte)63
 - b. WUP No. 20008836.014 Sarasota County Utilities/Sarasota County BOCC (Sarasota)80

General Counsel's Report

- 16. Rulemaking
 - a. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, Minimum Flows, for the Crystal River/Kings Bay, Lower Pithlachascotee River, and Upper Pithlachascotee River Systems104
- 17. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Approval of Consent Order Between SWFWMD and Buckner Land Enterprises, Inc., and GatorWorld Parks of Florida, LLC – CT No. 395018 – Sumter County109
 - b. Approval of Consent Order Between SWFWMD and Besim Enterprises, Inc. – CT No. 403162 – Pasco County120
 - c. Authorization to Issue Administrative Complaint and Order – Permit Condition Violations – Walden Pointe Homeowners Association, Inc. – ERP No. 44030339.000 – CT No. 404674 – Hillsborough County129

- d. Consideration of Final Order – Petition for Declaratory Statement – Shannon R. Turbeville
– Hernando County130
- e. Authorization to Issue Administrative Complaint and Order – Well Construction Violations
– Mark James – License Number 11031 – CT Nos. 406326 & 406331 – Hillsborough
County.....139

Executive Director's Report

- 18. Approve Governing Board Minutes – February 25, 2020140

FINANCE/OUTREACH & PLANNING COMMITTEE

March 24, 2020

Consent Agenda

Budget Transfer Report

Purpose

Request approval of the Budget Transfer Report covering all budget transfers made during the month of February 2020.

Background

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

Staff Recommendation:

Request approval of the Budget Transfer Report covering all budget transfers for February 2020.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
February 2020

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category			
<u>Change from Original Budget Intent</u>					
1	Water Resources Grant - Financial Assistance	General Services Equipment - Vehicles	Transfer of funds originally budgeted for the Zephyr Creek Drainage Improvements: Units 3 and 4 Cooperative Funding Initiative (CFI) project with Pasco County. The project has been cancelled by the cooperator due to it no longer meeting the benefits originally intended in the approved CFI application. The funds are needed for an unplanned replacement of a light duty truck used by the Regulatory Support field staff, that was deemed unrepairable by insurance after a road accident with another vehicle.	\$	34,610.00
2	Natural Systems & Restoration Grant - Agriculture	Natural Systems & Restoration Consultant Services	Transfer of funds originally budgeted for Governing Board-approved Facilitating Agricultural Resource Management Systems (FARMS) projects under the District's cost reimbursement grant program. Expenditures are projected to be less than anticipated based on applications to date. The funds are needed for a cost increase to the Model Farms Economic Study due to additional work not conducted under prior studies. The additional work involves nutrient analyses that will assist FARMS section staff when reviewing project proposals that incorporate nutrient Best Management Practices.	\$	25,875.00
3	Finance Travel - Training	Office of General Counsel Travel - Training	Transfer of funds originally budgeted for Procurement staff off-site training. Expenditures are projected to be less than anticipated due to unexpected vacancies. The funds are needed for Office of General Counsel staff off-site training that was not planned when the fiscal year 2020 budget was developed.	\$	4,000.00
4	General Services Parts and Supplies	General Services Equipment - Outside	Transfer of funds originally budgeted for Fleet Services parts and supplies. Expenditures are projected to be less than anticipated. The funds are needed for the amount in excess of the \$25,000 budgeted to purchase two heavy duty tire changing machines.	\$	3,015.00
Total Change from Original Budget Intent				\$	67,500.00
<u>Consistent with Original Budget Intent</u>					
1	Water Resources Equipment - Non-Capital Outlay	Water Resources Equipment - Outside	Funds are needed for the original purpose budgeted for the purchase of well monitoring equipment for the Lower Floridan Aquifer investigation network. The funds are being transferred to the appropriate expenditure category for capitalized equipment due to the cost exceeding the capital threshold of \$1,000.	\$	6,384.00
Total Consistent with Original Budget Intent				\$	6,384.00
Total Transfers for Governing Board Ratification				\$	73,884.00

This report identifies transfers made during the month that did not require advance Governing Board approval. These transfers have been approved by either the Executive Director or designee or the Finance Bureau Chief consistent with Budget Authority Transfer of Funds Board Policy, and are presented for Governing Board ratification on the Consent Agenda. This Board Policy limits transfers made for a purpose other than the original budget intent to \$50,000. However, transfers made for accounting reallocation purposes consistent with original budget intent are not limited.

FINANCE/OUTREACH & PLANNING COMMITTEE

March 24, 2020

Consent Agenda

Springs Protection Awareness Month Resolution

Purpose

To request that the Governing Board approve a resolution declaring April 2020 as “Springs Protection Awareness Month.”

Background/History

There are more than 150 documented springs as well as thousands of undocumented springs and seeps in the District. The District has five first-magnitude spring groups that collectively discharge more than one billion gallons of water per day. These springs are important for their ecological value and their economic impact on local communities.

The District, in partnership with various stakeholders, is committed to implementing studies, projects and programs to conserve and improve the ecological balance of these spring systems, thereby supporting regional economies and quality of life. The District has been a lead technical agency in springs protection and improvement for more than a decade and has taken a comprehensive approach to protect the region’s springs, which includes water conservation, restoration, planning, communication and education, monitoring, research and development, regulation, and land acquisition and management.

“Springs Protection Awareness Month” - The Florida House and Senate have filed resolutions declaring April 2020 as “Springs Protection Awareness Month” because the state’s springs are essential to the environment, economy, citizens and visitors of the state. On a more local level, staff support a Governing Board resolution to recognize the importance of our springs. The resolution for the Committee’s consideration and recommendation for approval is provided as an exhibit.

See Exhibit

Staff Recommendation:

Approve and execute Resolution No. 20-01 declaring April 2020 as “Springs Protection Awareness Month.”

Presenter: Melissa Gulvin, Communications Manager, Employee and External Relations Division

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 20-01

**PROCLAIMING APRIL 2020 as
“SPRINGS PROTECTION AWARENESS MONTH”**

WHEREAS, Florida’s springs are essential to the environment, economy, residents and visitors of the state; and

WHEREAS, there are more than 150 documented springs as well as thousands of undocumented springs and seeps in the Southwest Florida Water Management District; and

WHEREAS, the District has five first-magnitude spring groups that collectively discharge more than one billion gallons of water per day; and

WHEREAS, these groups are important not only for their ecological value but also for their economic impact on the communities that call these areas home; and

WHEREAS, the District, in partnership with the various stakeholders, is committed to implementing projects to conserve and restore the ecological balance of these spring systems, thereby supporting regional economies and quality of life.

THEREFORE, BE IT RESOLVED that the Southwest Florida Water Management District hereby proclaims the month of April 2020 as “SPRINGS PROTECTION AWARENESS MONTH.”

BE IT FURTHER RESOLVED that the Southwest Florida Water Management District shall continue to implement an adaptive management strategy to protect the region’s springs through restoration, planning, communication and education, monitoring, research and development, regulation, conservation, and land acquisition and management.

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 Sarasota, Sarasota County, Florida, on this twenty fourth day of March 2020.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Mark Taylor, Chair

Attest: _____
Joel Schleicher, Secretary

Attachment: SWFWMD Springs Resolution FY20 (4926 : Springs Protection Awareness Month Resolution)

RESOURCE MANAGEMENT COMMITTEE

March 24, 2020

Consent Agenda

Modification of the Repayment of Funds for Lake Jackson Watershed Hydrology Investigation Project (N554)

Purpose

To request approval to waive repayment of funds for the Lake Jackson Watershed Hydrology Investigation Project.

Background/History

On March 31, 2015, Highlands County (County) and the District entered into a Cooperative Funding Agreement to conduct the Lake Jackson Watershed Hydrology Investigation Project. The primary objective of this County-led feasibility study was to investigate the causes of low water levels in Lake Jackson and Little Lake Jackson and develop cost-effective recovery strategies. Lake Jackson and Little Lake Jackson are currently not meeting their established Minimum Lake Levels (MLLs).

The study consisted of five tasks at a total cost of \$400,000. The District's share for this project was \$300,000 (75%) and the County's share was \$100,000 (25%), since the County qualified as a Rural Economic Development Initiative or REDI Community. The Agreement between the District and the County notes that the City of Sebring agreed to fund up to \$52,500 toward the County's share of project costs. The County has been working directly with the City regarding their funding contribution, and the City is not a party to the District's Cooperative Funding Agreement for this project.

Task 1 of the project was completed under budget and on schedule and included development of a technical report with monitoring recommendations and cost analysis for building an integrated groundwater/surface water model of the Lake Jackson and Little Lake Jackson area. After completion of Task 1, the Highlands County Board of County Commissioners chose to discontinue the project at this time because lake levels have increased due to additional rainfall in recent years and County funding priorities have changed. The total cost for Task 1 was \$37,624.40, of which the District reimbursed the County \$28,218.30. No other work was completed beyond Task 1, and no additional funds were expended.

The Agreement between the County and District requires the County to repay the District's share if the County fails to complete the project. The Agreement also provides that the County may request the District Governing Board to waive the repayment obligation. On March 3, 2020, the County sent a letter to the District requesting a waiver of the repayment to the District (See Exhibit).

Benefits/Costs

Unless the repayment provision is waived, the County would need to repay the District's \$28,218.30 share of Task 1.

By completing Task 1, the County provided a valuable deliverable to the District. The information learned during Task 1 and the recommendations in the Task 1 report have already

Item 9

been used by District staff to develop well construction designs for a separate project near Lake Eva in Polk County (CFI project N888), and this information will also be useful for developing future integrated lake modeling projects for other lakes. Additionally, if the Lake Jackson project is pursued in the future, the Task 1 work will serve as a foundation for completing the project. Task 1 provides a stand-alone measurable benefit as it summarizes recommendations for a detailed scope of work and a cost-efficient plan for future watershed hydrology investigations for Lake Jackson and Little Lake Jackson as well as for other lakes not meeting their MLLs.

Based on the determination that the District has gained valued information and received a complete work product for Task 1, staff recommends that repayment to the District by the County for this task be waived.

Staff Recommendation:

Approve waiving Highlands County's obligation to repay District costs of \$28,218.30 for the Lake Jackson Hydrology Investigation Project, Cooperative Funding Initiative project N554.

Presenter: Tamera McBride, P.G., Resource Evaluation Manager, Water Resources Bureau



HIGHLANDS COUNTY
BOARD OF COUNTY COMMISSIONERS

March 3, 2020

Ms. Cindy C. Rodriguez
Southwest Florida Water Management District
Government Affairs Program Manager
170 Century Boulevard
Bartow, FL 33830-7700

Re: Lake Jackson Hydrology Study

Dear Ms. Rodriguez:

On behalf of Board of County Commissioners, and the City of Sebring City Council, I am requesting relief of the full amount incurred for the completed task 1 of the Lake Jackson Hydrology Study, amounting to \$28,218.30.

Please pass along our appreciation to the District for their consideration of this request, and for their many years of support for our various projects.

Sincerely,

Randy Vosburg, MPA, AICP, CPM
County Administrator

P. O. Box 1926
Sebring, Florida 33871-1926
Phone (863) 402-6500
Fax (863) 402-6835

RESOURCE MANAGEMENT COMMITTEE

March 24, 2020

Consent Agenda

Anna Maria North Island BMPs Phases H and J - Scope Change (W215)

Purpose

The purpose of this item is to request approval to revise the scope of work to the Cooperative Funding Agreement with the City of Anna Maria for the North Island BMPs Phases H and J (W215) project.

Background/History

The Board approved the Anna Maria North Island BMPs Phases H and J project during the fiscal year (FY) 2019 cooperative funding cycle. The total estimated cost for the project is \$913,500 with the District and the City each contributing fifty percent (\$476,750). The project, as initially presented to the Board, includes design, permitting and construction of stormwater Best Management Practices (BMPs) to treat contributing drainage areas of approximately 75 acres, with pollutant reductions of 63,582 lbs./yr. of total suspended solids (TSS) and 1,468 lbs./yr. of Total Nitrogen (TN). BMPs will be implemented for areas along portions of North Bay Blvd, Hammock Road, Iris Street, Tern Drive and other streets intersecting portions of North Shore Drive to improve water quality discharging to Tampa Bay.

The City of Anna Maria requested a revision to the resource benefits approved by the Board and included in the scope of work. Incorrect land use information and BMP removal efficiencies were used to calculate the resource benefits when the City applied for funding. As additional information became available during design the error was discovered. The District's cooperative funding agreement requires verification of the approved resource benefit calculations during design. The approved and revised resource and measurable benefits are included in the table below.

	Approved	Revised
Treatment Area (acres)	75	No change
Total Suspended Solids (TSS) lbs./yr.	63,582	15,800
Total Nitrogen (TN) lbs./yr.	1,468	352

Benefits/Costs

The project cost remains the same, \$913,500 with the District and City each contributing \$476,750 (fifty percent). The original cost effectiveness was \$0.72/lb of TSS and the revised cost effectiveness is \$2.89/lb of TSS which is still well below the FY2019 metric of \$20/lb. The original cost effectiveness was \$31.11/lb of TN and the revised cost effectiveness is \$129.54/lb of TN which is below the FY2019 metric of \$224/lb. The project cost effectiveness ranking has not changed. The project, as originally approved by the Board, had an overall ranking of High. The requested change from the City will not change the overall ranking.

Item 10

Staff Recommendation:

Approve the scope revision to decrease the TSS removal from 63,582 lbs./yr. to 15,800 lbs./yr. and reduce the TN removal from 1,468 lbs./yr. to 352 lbs./yr., which are the resource benefits in the cooperative funding agreement.

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

RESOURCE MANAGEMENT COMMITTEE**March 24, 2020*****Consent Agenda*****FARMS – Tippen Bay Properties, LLLP – Doe Hill Citrus Phase 3 (H781), DeSoto County*****Purpose***

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Tippen Bay Properties, LLLP (formerly J.R. Paul Properties, Inc.) and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$42,000 (75 percent of total project costs). Of this amount, \$42,000 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$56,000.

Project Proposal

The District received a project proposal from Tippen Bay Properties, LLLP for their 1,833 acre citrus grove located 18 miles southeast of Arcadia, in southeastern DeSoto County, within the Southern Water Use Caution Area (SWUCA) and the Shell, Prairie, and Joshua Creek watersheds (SPJC). This project will involve the automation of 12 pump stations to offset the use of groundwater from the Upper Floridan aquifer for supplemental irrigation of 1,833 acres of citrus. The Water Use Permit (WUP) authorizes an annual average groundwater withdrawal of 1,585,000 gallons per day (gpd).

Between December 2011 and August 2017, the Governing Board approved two phases of FARMS projects with Tippen Bay Properties, LLLP, on this property. Phase 1 project (H656) consisted of the construction of a surface water pump station, filtration and mainline to connect a 4-acre reservoir to the existing irrigation system to provide surface water for the irrigation of 500 acres of citrus. The total project cost was \$369,201, with a District reimbursement of \$128,000 (35%). The reduction in groundwater use from the first phase project has averaged 65,000 gpd since it became operational in September 2012. Phase 2 project (H758) consisted of the construction of a surface water pump station, filtration and mainline to connect another 4-acre reservoir to the existing irrigation system to provide surface water for the irrigation of an additional 350 acres of citrus. The total project cost was \$547,181, with a District reimbursement of \$232,409 (42%). The Phase 2 project has only been in operation since December 2019 and is projected to reduce groundwater use by an estimated 85,000 gpd. The proposed third phase project will consist of 12 auto-stop pump station controllers to optimize grove irrigation scheduling and reduce groundwater use by an estimated 30,000 gpd.

Benefits/Costs

The proposed project involves water quality and water quantity best management practices for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated two percent savings of permitted quantities for daily irrigation, or 30,000 gpd, yields a daily cost of \$1.11 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for generally accepted average cost savings per thousand gallons for irrigation management techniques implemented in citrus operations. Reimbursement will be from the Governing Board FARMS fund. Upon approval, the Governing Board will have \$5,958,000 remaining in its FARMS Program budget.

Item 11

Staff Recommendation:

- 1) Approve the Tippen Bay Properties, LLLP project for a not-to-exceed reimbursement of \$42,000, with \$42,000 provided by the Governing Board;
- 2) Authorize the transfer of \$42,000 from fund 010 H017 Governing Board FARMS fund to the H781 Tippen Bay Properties, LLLP project fund;
- 3) Authorize the Division Director to sign the agreement.

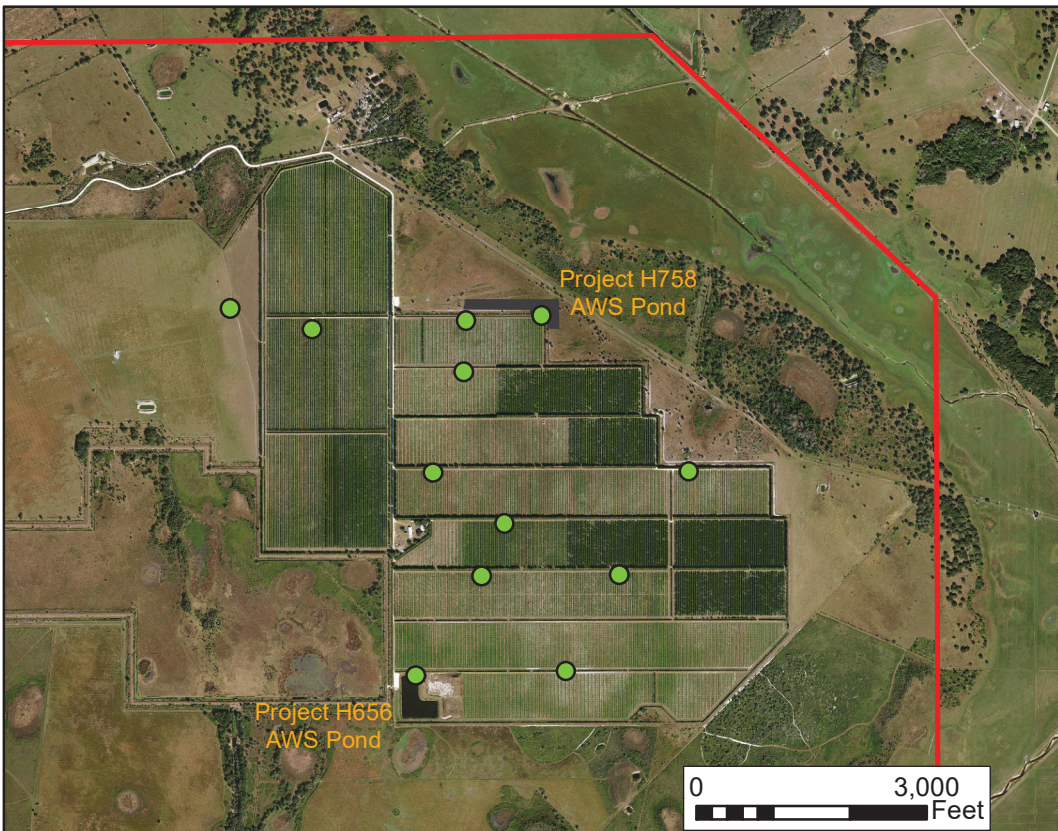
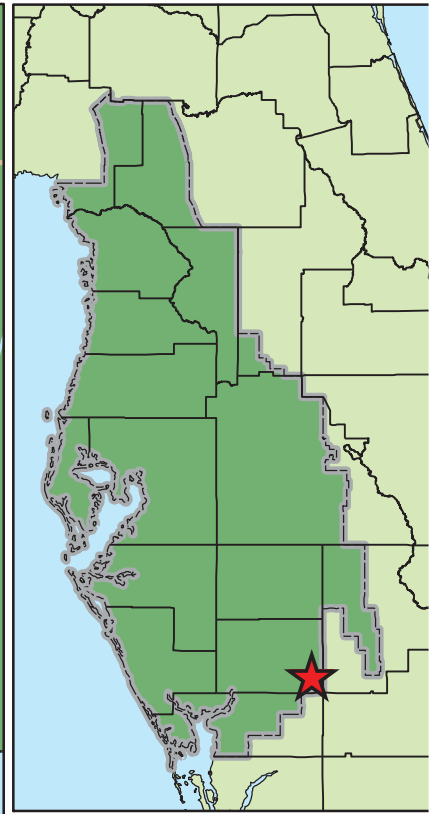
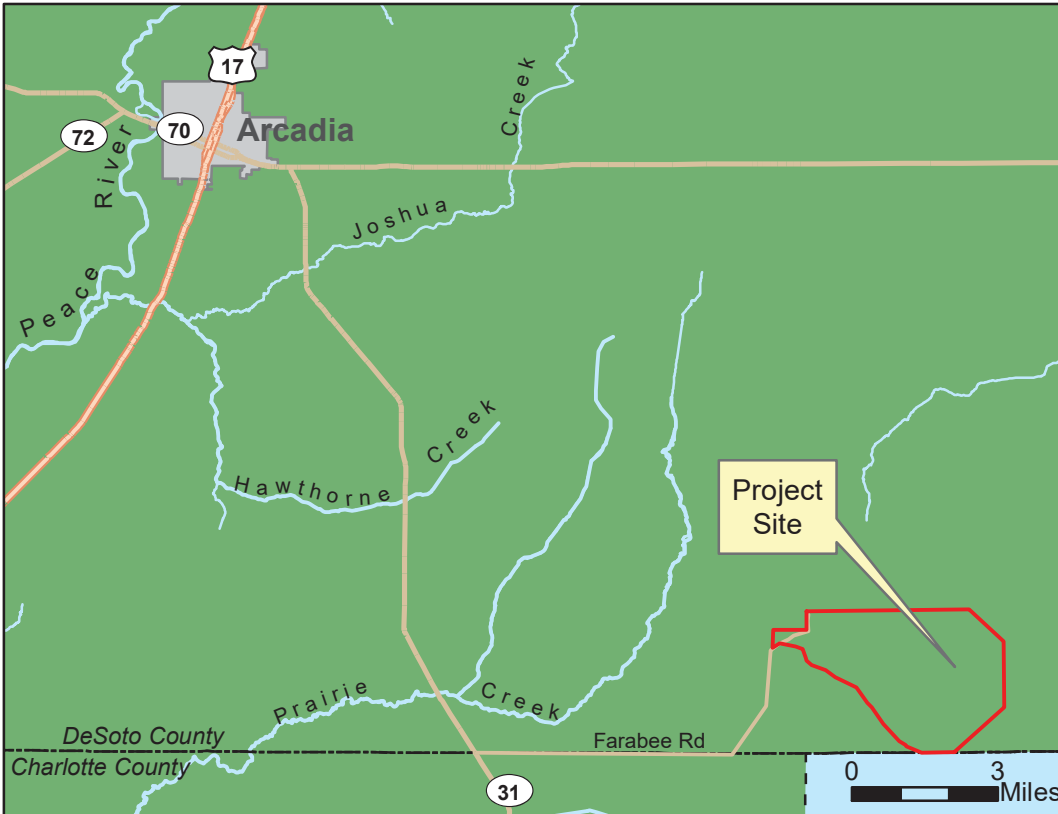
Presenter: Randy Smith, PMP, Bureau Chief, Natural Systems and Restoration

Location Map

Tippen Bay Properties, LLLP

Doe Hill Citrus Phase 3

FARMS Project H781



Legend

- District Boundary
- Project Site Boundary - WUP 6872
- Location of Proposed Irrigation Pump Station Auto-Stop Installation

DeSoto County



Southwest Florida
Water Management District

DLB 2/10/2020

Packet Pg. 20

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

March 24, 2020

Consent Agenda

Release and Acceptance of Conservation Easements Between the District, Hillsborough County and Lennar Homes for the Apollo Beach Boulevard Extension Project, SWF Parcels 11-118-145S and 11-118-146P

Purpose

Request Governing Board approval of the release and acceptance of conservation easements necessary for the construction of the of the Apollo Beach Boulevard extension. General location maps of the project are included as Exhibits 1 and 2.

Background/History

In October 2006 the District issued an Environmental Resource Permit (43029147) and received a conservation easement as mitigation for wetland impacts as part of the development approval process. The conservation easement was granted to both the District and the Hillsborough County Environmental Protection Commission (EPC). In February 2007 the original easement was released and replaced with another conservation easement. The original developer, Belmont LLC, subsequently sold the entitled development property to Lennar Homes LLC.

Hillsborough County recently approached the District to request that portions of the District's conservation easement be released to accommodate the extension of Apollo Beach Boulevard over Interstate 75 and along the southern boundary of Lennar property. The County has proposed to exchange an area owned by Lennar together with a payment to offset the difference in property value. The extension will link Apollo Beach Boulevard from U.S. Highway 41 to the west to U.S. Highway 301 to the east. The funding for the roadway improvements will be through a grant from the Florida Department of Transportation (FDOT) along with funding from the Lennar Homes LLC and Hillsborough County.

Property Description

The conservation easement held by the District and EPC encumbers 214.279 acres and is located along the east side of Interstate 75. The property consists of approximately 60 percent wetlands and 40 percent uplands. The County requested the District release its easement over 13.003 acres. As replacement for the mitigation area Lennar Homes will convey an unencumbered strip that is approximately 190 feet wide that was originally planned for the road alignment. The Lennar property consists of 5.921 acres. For the difference of the 7.082 acres the County has offered to equalize the value of the two properties with a cash payment.

Summary of Value

The District's conservation easements obtained for mitigation are valued either through an independent appraisal or by utilizing the reported "Just Value" determined by the County property appraiser. In this case the County Property Appraisers indication was utilized. District staff has reviewed the valuation and determined it to be acceptable. The following summarizes the offer from the County and Lennar Homes:

Apollo Beach Boulevard	
Easement Release	13.003 acres
Easement Acceptance	5.921 acres
Consideration	\$225,000*

*Total value of approximately \$450,000 split with Hillsborough County EPC

Value Indication

The valuation of the easement was based on the overall Just Value for the entire Lennar ownership at \$64,033 per gross acre. Using the value for the property on a price per gross acre basis recognizes the mix of uplands and wetlands of the property to be exchanged.

The value of the District's and EPC's conservation easement interest in the property was considered to be 100 percent of the Just Value per gross acre. The potential impacts involving access, severance and environmental connectivity were recognized as potential property conditions, however after consideration of each it was determined that they would be offset by the exchange property. The documents that include the terms and conditions of the proposed transaction are attached as Exhibit 3.

Benefits/Costs

There is no change in the operational costs related to this release and acceptance of conservation easements. The District generally take a passive role with conservation easements obtained for mitigation with periodic monitoring to ensure they remain undisturbed.

Staff Recommendation:

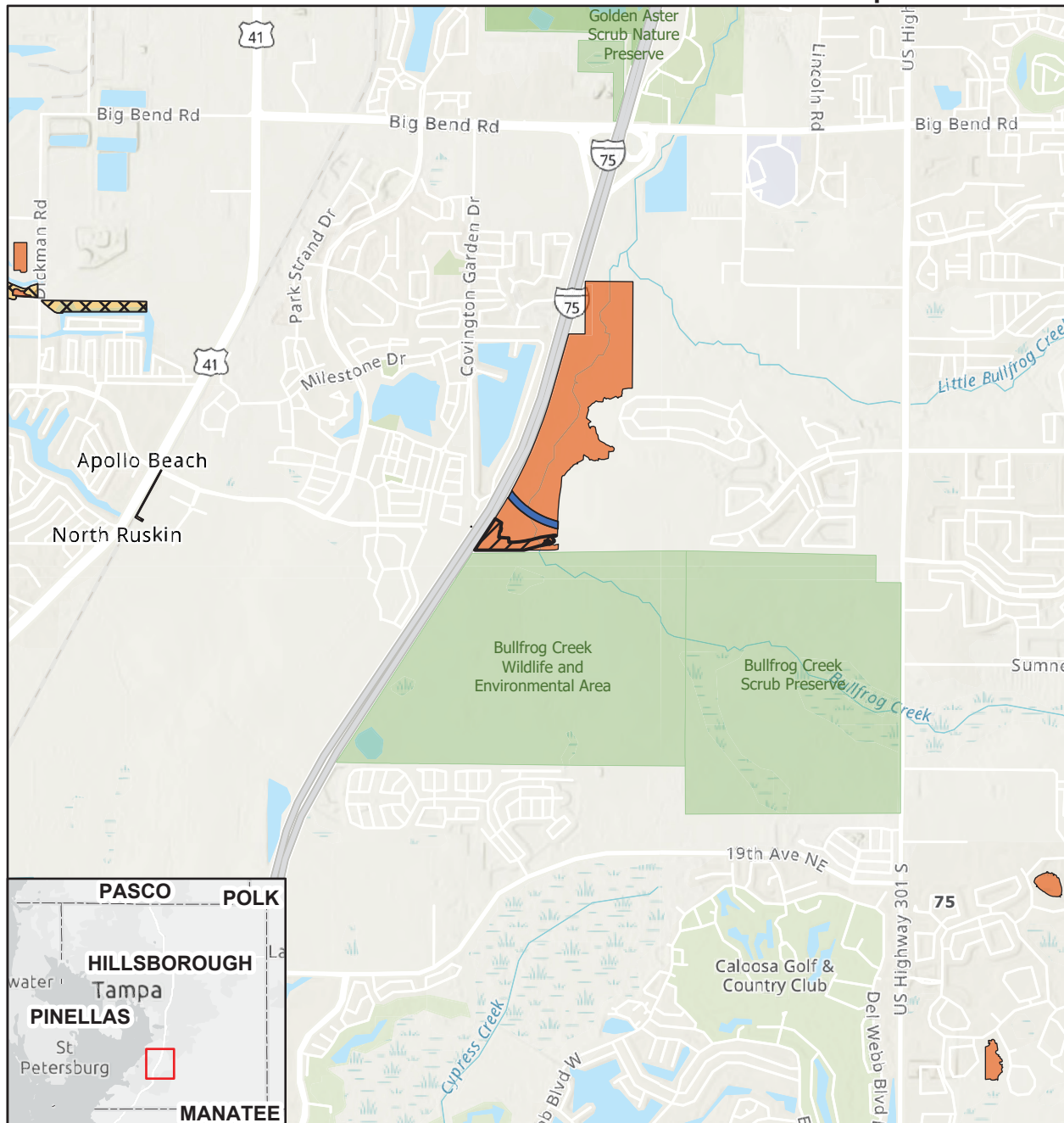
- Accept the offer of a 5.921-acre conservation easement and \$225,000;
- Approve and authorize the Chairman and Secretary of the Governing Board to execute the First Amendment to Conservation Easement;
- Approve and authorize the Chairman and Secretary of the Governing Board to execute the Partial Release of Conservation Easement and Quit Claim;
- Approve the Agreement for Release of Easement with Hillsborough County and authorize the Executive Director to sign on behalf of the District after all other contingencies required by the First Amendment to the Conservation Easement have been satisfied; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief





Exhibit 1

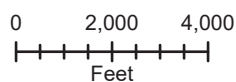
Apollo Beach Boulevard Extension Project

SWF Parcels 11-118-145S and 11-118-146P Location Map



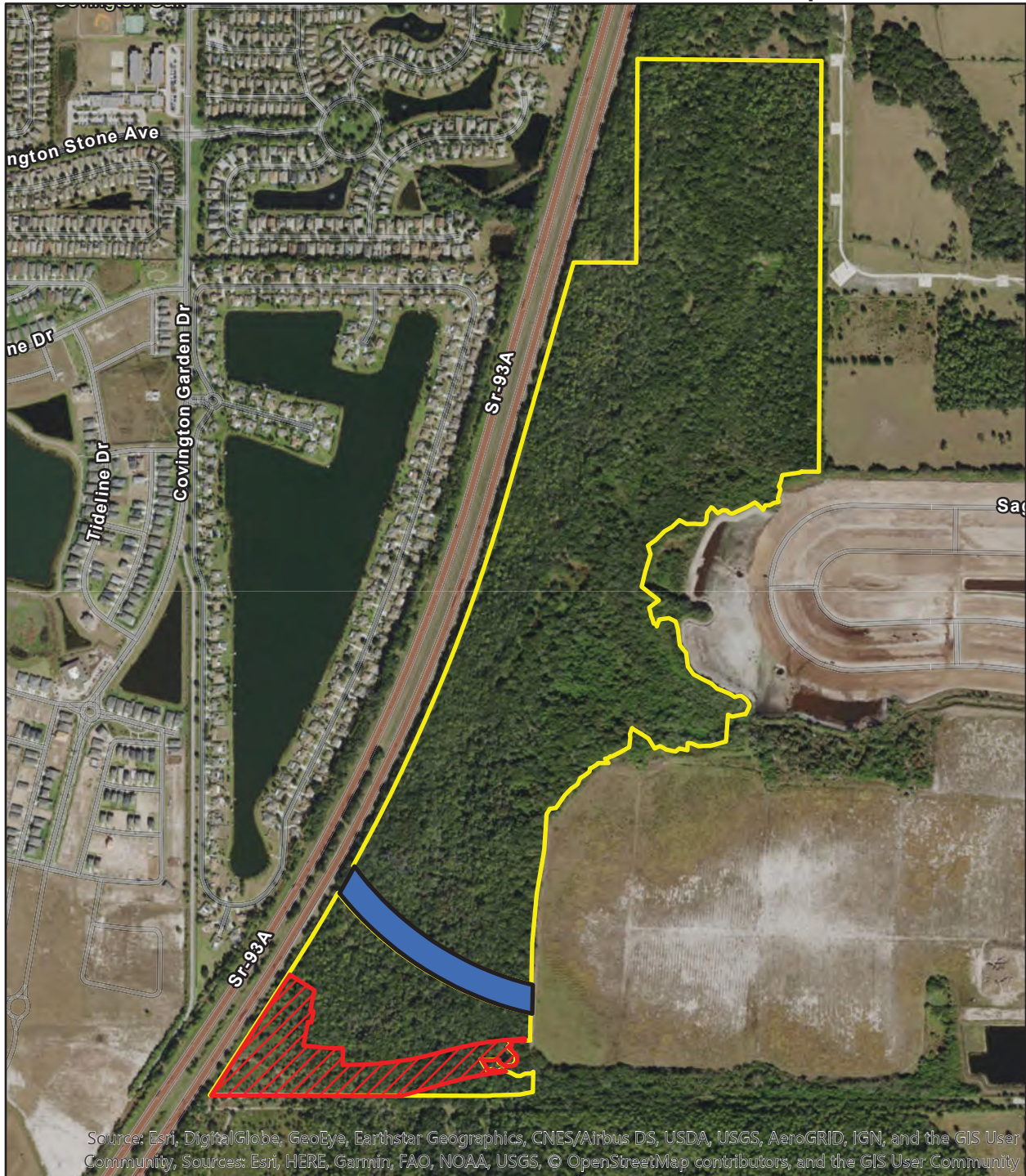
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastysreisen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

-  SWF Parcel No. 11-118-145S
-  SWF parcel No. 11-118-146P
-  SWIM Conservation Easement
-  ERP Regulatory Conservation Easements

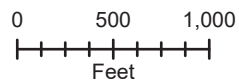


Southwest Florida
Water Management District

Exhibit 2
Apollo Beach Boulevard Extension Project
SWF Parcels 11-118-145S and 11-118-146P Site Map



- SWF Parcel No. 11-118-145S
- SWF parcel No. 11-118-146P
- ERP Regulatory Conservation Easement



Project: 2019-107-R
Parcel: Wildlife Removal Area
Title: Release of Easement



Exhibit 3
**Hillsborough
County Florida**

**HILLSBOROUGH COUNTY GEOSPATIAL & LAND ACQUISITION SERVICES
AGREEMENT FOR RELEASE OF EASEMENT**

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

THIS AGREEMENT made and entered into this _____ day of _____, A.D., 20____, by and between
Southwest Florida Water Management District, ("SWFWMD"), and Hillsborough County, ("County"),
for the use and benefit of Hillsborough County.

WITNESSETH:

WHEREAS, County requires the lands described in Exhibit "A" attached herein for a Release of Easement ("Release") for the above referenced authorized project and said SWFWMD agrees to furnish same for such purpose.

NOW THEREFORE, in consideration of the premises and the sum of \$1.00 each to the other paid, it is agreed as follows:

- (a) SWFWMD agrees to grant unto County a Release of Conservation Easement across said lands for the sum of \$ 225,000.00.
- (b) County shall pay unto SWFWMD the sum of \$ 225,000.00 by County Warrant within 60 days from the date hereof upon the simultaneous delivery of such instrument.
- (c) SWFWMD will place the necessary documentary tax stamps upon the instrument given in pursuance of this Agreement.
- (d) The total sum of \$ 225,000.00 is full compensation for the property acquired, improvements, severance damages and all other damages claimed by SWFWMD, their heirs, successors and assigns now and in the future arising from this cause.
- (e) All encumbrances on or affecting the parcel shall be released or subordinated prior to closing.

County will advise SWFWMD of the specific date by which SWFWMD will be required to vacate and surrender possession of said property. Any extension beyond this date for occupancy of the property must be requested of, and authorized by County in writing. During the period from the date of the easement until SWFWMD surrenders possession to County, SWFWMD shall exercise diligent care in protecting the property from theft and vandalism. Any items included in the purchase price shall be preserved in the normal condition and turned over to County intact.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and year first above written.

Signed, sealed and delivered in the presence of:

SWFWMD

Witness: _____

Sign: _____

Print Name: _____

Print Name: _____

Witness: _____

Print Name: _____

APPROVED BY COUNTY ATTORNEY

By: _____

Approved As To Form And Legal Sufficiency.

ATTEST:

COUNTY

HILLSBOROUGH COUNTY, a political
Subdivision of the State of Florida

BY: _____

BY: _____

Chairman, Board of County Commissioners

Print Name: _____

Description Sketch

DESCRIPTION:

A parcel of land lying in Section 24, Township 31 South, Range 19, Hillsborough County, Florida, and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 24, run thence along the South boundary of said Section 24, S.89°51'20"E., a distance of 154.34 feet to a point on the Easterly Right of Way of INTERSTATE HIGHWAY 75 (State Road 93-A Per Florida Department of Transportation Right of Way Map Section No. 10075-2403), said point also being the **POINT OF BEGINNING**; thence along said Easterly Right of Way the following two (2) courses: 1) N.33°05'58"E., a distance of 858.53 feet; 2) Northeasterly, 60.56 feet along the arc of a tangent curve to the left having a radius of 11589.16 feet and a central angle of 00°17'58" (chord bearing N.32°56'59"E., 60.56 feet); thence S.57°11'58"E., a distance of 184.14 feet; thence S.11°11'51"W., a distance of 131.73 feet; thence S.78°48'09"E., a distance of 20.71 feet; thence S.11°11'51"W., a distance of 72.34 feet; thence N.78°48'09"W., a distance of 20.71 feet; thence S.11°11'51"W., a distance of 154.19 feet; thence Easterly, 252.84 feet along the arc of a non-tangent curve to the left having a radius of 2095.50 feet and a central angle of 06°54'48" (chord bearing S.85°41'46"E., 252.69 feet); thence S.01°09'27"W., a distance of 104.35 feet; thence S.89°26'28"E., a distance of 39.75 feet; thence Easterly, 593.66 feet along the arc of a non-tangent curve to the left having a radius of 2200.00 feet and a central angle of 15°27'40" (chord bearing N.82°05'46"E., 591.86 feet); thence Easterly, 542.38 feet along the arc of a reverse curve to the right having a radius of 2400.00 feet and a central angle of 12°56'54" (chord bearing N.80°50'23"E., 541.22 feet); thence S.02°41'10"E., a distance of 15.27 feet; thence N.90°00'00"W., a distance of 91.68 feet to a point on the Westerly boundary of a Wetlands Mitigation Easement, as recorded in Official Records Book 16382, Page 1584, of the Public Records of Hillsborough County, Florida; thence along said Westerly boundary of the Wetlands Mitigation Easement, S.19°09'15"E., a distance of 29.49 feet; thence S.53°37'36"W., a distance of 23.36 feet; thence S.44°27'58"E., a distance of 72.13 feet to a point on aforesaid Westerly boundary of Wetlands Mitigation Easement, as recorded in Official Records Book 16382, Page 1584; thence along said Westerly boundary, S.04°44'41"E., a distance of 37.54 feet; thence S.36°17'57"W., a distance of 30.86 feet; thence S.82°39'41"W., a distance of 55.28 feet; thence N.60°00'15"W., a distance of 41.48 feet; thence N.26°33'57"W., a distance of 24.80 feet; thence S.85°16'14"W., a distance of 58.18 feet; thence N.84°38'33"W., a distance of 48.63 feet; thence S.31°08'03"E., a distance of 85.80 feet; thence N.65°23'57"E., a distance of 28.39 feet; thence S.72°16'33"E., a distance of 47.16 feet; thence N.46°59'09"E., a distance of 13.89 feet; thence S.74°23'37"E., a distance of 29.61 feet; thence Westerly, 368.20 feet along the arc of a non-tangent curve to the left having a radius of 2200.00 feet and a central angle of 09°35'21" (chord bearing S.79°09'37"W., 367.77 feet); thence S.74°21'56"W., a distance of 322.75 feet to a point on aforesaid South boundary of said Section 24; thence along said South boundary, N.89°51'20"W., a distance of 1206.20 feet to the **POINT OF BEGINNING**.

Containing 13.003 acres, more or less.

NOTES:

1. Bearings are based on State Plane Coordinate System, North American Datum of 1983 (NAD 83 – 1990 Adjustment) for the West Zone of Florida. More specifically the South boundary line of Section 24, Township 31 South, Range 19 East, as being S.89°51'20"E.

See Sheet 2 for Sketch

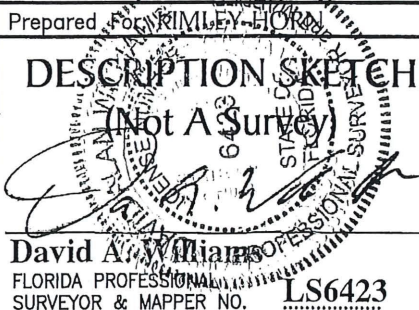
See Sheet 3 Line and Curve Tables

WATERSET I-75 FLYOVER WILDLIFE PRESERVATION REMOVAL AREA

PROJECT: WATERSET I-75 FLYOVER
 PHASE: WILDLIFE PRESERVATION REMOVAL AREA
 DRAWN: JCM | DATE: 07/19/19 | CHECKED BY: DAW

REVISIONS

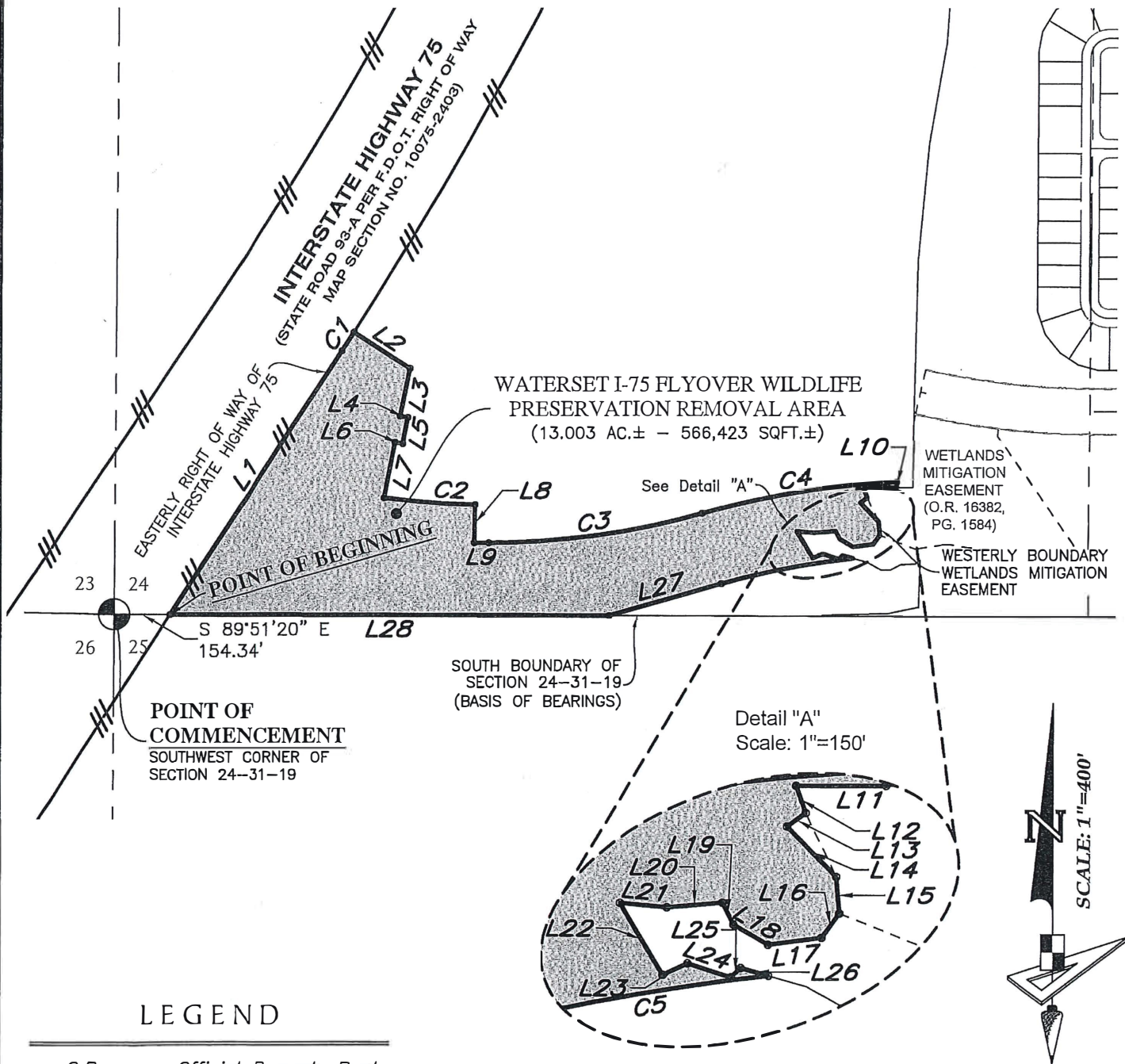
DATE	DESCRIPTION	DRAWN BY

Prepared For: RIMLEY-FLORIDA
DESCRIPTION SKETCH
 (Not A Survey)

 David A. Williams
 FLORIDA PROFESSIONAL
 SURVEYOR & MAPPER NO. LS6423

213 Hobbs Street
 Tampa, Florida 33619
 Phone: (813) 248-8888
 Licensed Business No.: LB 7768

GeoPoint
 Surveying, Inc.

Description Sketch



WATERSET I-75 FLYOVER WILDLIFE PRESERVATION REMOVAL AREA

PROJECT: WATERSET I-75 FLYOVER
 PHASE: WILDLIFE PRESERVATION REMOVAL AREA
 DRAWN: JCM | DATE: 07/19/19 | CHECKED BY: DAW

Prepared For: KIMLEY-HORN

REVISIONS		
DATE	DESCRIPTION	DRAWN BY

DESCRIPTION SKETCH
(Not A Survey)

213 Hobbs Street
 Tampa, Florida 33619
 Phone: (813) 248-8888
 Licensed Business No.: LB 7768

GeoPoint
 Surveying, Inc.

Description Sketch


LINE DATA TABLE		
NO.	BEARING	LENGTH
L1	N 33°05'58" E	858.53'
L2	S 57°11'58" E	184.14'
L3	S 11°11'51" W	131.73'
L4	S 78°48'09" E	20.71'
L5	S 11°11'51" W	72.34'
L6	N 78°48'09" W	20.71'
L7	S 11°11'51" W	154.19'
L8	S 01°09'27" W	104.35'
L9	S 89°26'28" E	39.75'
L10	S 02°41'10" E	15.27'
L11	N 90°00'00" W	91.68'
L12	S 19°09'15" E	29.49'
L13	S 53°37'36" W	23.36'
L14	S 44°27'58" E	72.13'

LINE DATA TABLE		
NO.	BEARING	LENGTH
L15	S 04°44'41" E	37.54'
L16	S 36°17'57" W	30.86'
L17	S 82°39'41" W	55.28'
L18	N 60°00'15" W	41.48'
L19	N 26°33'57" W	24.80'
L20	S 85°16'14" W	58.18'
L21	N 84°38'33" W	48.63'
L22	S 31°08'03" E	85.80'
L23	N 65°23'57" E	28.39'
L24	S 72°16'33" E	47.16'
L25	N 46°59'09" E	13.89'
L26	S 74°23'37" E	29.61'
L27	S 74°21'56" W	322.75'
L28	N 89°51'20" W	1205.94'

CURVE DATA TABLE					
NO.	RADIUS	DELTA	ARC	CHORD	BEARING
C1	11589.16'	000°17'58"	60.56'	60.56'	N 32°56'59" E
C2	2095.50'	006°54'48"	252.84'	252.69'	S 85°41'46" E
C3	2200.00'	015°27'40"	593.66'	591.86'	N 82°05'46" E
C4	2400.00'	012°56'54"	542.38'	541.22'	N 80°50'23" E
C5	2200.00'	009°35'21"	368.20'	367.77'	S 79°09'37" W

See Sheet 1 for Legal Description
See Sheet 2 Sketch

WATERSET I-75 FLYOVER WILDLIFE PRESERVATION REMOVAL AREA

PROJECT: WATERSET I-75 FLYOVER			Prepared For: KIMLEY-HORN		
PHASE: WILDLIFE PRESERVATION REMOVAL AREA			<div>DESCRIPTION SKETCH (Not A Survey)</div> <div>213 Hobbs Street Tampa, Florida 33619 Phone: (813) 248-8888 Licensed Business No.: LB 7768</div> <div></div> <div>GeoPoint Surveying, Inc.</div>		
DRAWN: JCM	DATE: 07/19/19	CHECKED BY: DAW			
REVISIONS					
DATE	DESCRIPTION	DRAWN BY			

Prepared by and when
recorded mail to:

PARTIAL RELEASE OF CONSERVATION EASEMENT AND QUIT CLAIM

This PARTIAL RELEASE OF CONSERVATION EASEMENT AND QUIT CLAIM (Partial Release and Quit Claim) is made and entered into this _____ day of _____, 2020 (Effective Date), by the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation existing under Chapter 373, Florida Statutes, having an address of 2379 Broad Street (U.S. Highway 41 South), Brooksville, Florida 32604-6899 (Grantee), and the ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY, having an address of 3629 Queen Palm Drive, Tampa, Florida 33619, in favor of LENNAR HOMES, LLC, a Florida limited liability company, having an address of 4600 West Cypress Street, Suite 200, Tampa, Florida 33607 (Lennar), and the BELMONT COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, having an address in c/o Rizzetta & Company, Inc., 9428 Camden Field Parkway, Riverview, Florida 33578 (Belmont CDD) (Lennar and Belmont CDD collectively referred to as the Grantors).

WITNESSETH

WHEREAS, Belmont LLC, a Florida limited liability company (Prior Owner), and Grantee executed that certain Conservation Easement and Release of Prior Conservation Easement and Quit Claim (Conservation Easement), recorded on April 19, 2007, as Instrument Number 2007184827 in O.R. Book 17682, page 1535, of the Public Records of Hillsborough County, Florida, as to certain real property more particularly described in such Conservation Easement and situated in Hillsborough County, Florida (Property); and

Prepared by and when
recorded mail to:

FIRST AMENDMENT TO CONSERVATION EASEMENT

This FIRST AMENDMENT TO CONSERVATION EASEMENT (this “**First Amendment**”) is made as of this _____ day of _____, 2020 (the “**Effective Date**”), by and between **LENNAR HOMES, LLC**, a Florida limited liability company, having an address of 4600 West Cypress Street, Suite 200, Tampa, Florida 33607 (“**Lennar Grantor**”), **SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (“SWFWMD”)**, a public corporation existing under Chapter 373, Florida Statutes, having an address of 2379 Broad Street (U.S. Highway 41 South), Brooksville, Florida 32604-6899 , and the **ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY (“EPC”)**, having an address of 3629 Queen Palm Drive, Tampa, Florida 33619. SWFWMD and EPC are collectively referred to herein as the “**Grantees**.”

WITNESSETH

WHEREAS, BELMONT LLC, a Florida limited liability company (“**Prior Owner**”), and Grantee are parties to that certain Conservation Easement and Release of Prior Conservation Easement and Quit Claim (the “**Conservation Easement**”), recorded on April 19, 2007, as Instrument Number 2007184827 in Official Records Book 17682, Page 1535, of the Public Records of Hillsborough County, Florida (the “**Public Records**”); and

WHEREAS, the Conservation Easement conveyed an easement interest over that certain real property situated in Hillsborough County, Florida, as more particularly described therein (the “**Property**”); and

WHEREAS, the easement interest was conveyed to Grantees as a condition of the Permit issued to Prior Owner for the Project, as those terms are defined in the Conservation Easement; and

WHEREAS, Lennar Grantor is a successor in interest to the Prior Owner with respect to the Permit and that portion of the Property that is the subject of this First Amendment (the “**Lennar Property**”); and

WHEREAS, the Conservation Easement does not currently encumber land within the Lennar Property previously set aside as right-of-way for the Paseo Al Mar roadway extension pursuant to the Permit (the “**Original Paseo Al Mar ROW**”); and

WHEREAS, Hillsborough County, Florida has requested that Lennar Grantor cooperate in conveyance of an additional easement interest over the Original Paseo Al Mar ROW (the “**Additional Land**”) in order to facilitate relocation of the right-of-way to an alternative location within the Lennar Property and modification of the Permit; and

WHEREAS, Lennar Grantor and Grantees desire to amend the Conservation Easement to include the Additional Land owned by Lennar Grantor to the Property covered by the Conservation Easement.

NOW THEREFORE, in consideration of the above recitals and the mutual covenants, terms, conditions, and restrictions contained herein, Lennar Grantor and Grantees hereby amend the Conservation Easement as follows:

1. The Property encumbered by the Conservation Easement is hereby modified to include the Additional Land depicted and described in **Exhibit “A-1”** (the “**Additional Easement Area**”), attached hereto and incorporated herein by this reference. The Additional Easement Area shall be subject to the covenants, terms, conditions, and restrictions contained in the Conservation Easement, as amended by this First Amendment.

2. The covenants, terms, conditions, and restrictions of the Conservation Easement, as amended by the First Amendment, shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Additional Easement Area.

3. Except as expressly modified in this First Amendment, the Conservation Easement shall continue in full force and effect according to its terms, and Lennar Grantor and Grantees hereby ratify and affirm all of their respective rights and obligations under the Conservation Easement, as amended by this First Amendment.

4. Lennar Grantor shall record an original of this First Amendment in a timely fashion and upon full execution and delivery thereof to Lennar Grantor in the Public Records and shall rerecord it at any time the Grantees may require to preserve its rights, subject to the terms, conditions and obligations set forth in the Joinder and Agreement for the Payment of Fees and Costs to First Amendment to Conservation Easement, attached hereto and made a part hereof.

5. In the event of any conflict between the terms of the Conservation Easement and this First Amendment, the terms of this First Amendment shall control as to the Additional Easement Area.

[Signatures continue on following page]

IN WITNESS WHEREOF, Lennar Grantor and Grantees have by their duly authorized representatives executed this First Amendment as of the Effective Date.

LENNAR GRANTOR:

Signed, sealed, and delivered in
in the presence of:

LENNAR HOMES, LLC, a Florida
limited liability company

By: _____

Print Name

Print Name, Title

Print Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence
or ☐ online notarization, this ____ day of _____, 2020, by
_____, as _____ of LENNAR HOMES, LLC, a
limited liability company organized under the laws of the State of Florida, on behalf of the limited
liability company. He/She is ☐ personally known to me, or ☐ produced _____
as identification.

NOTARY PUBLIC-STATE OF FLORIDA

Printed Name: _____

My commission expires: _____

GRANTEE:

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT, a public corporation
Existing under Chapter 373, Florida Statutes

Approved as to form:

Office of General Counsel

Mark Taylor, Chairman

Joel Schleicher, Secretary

(seal)

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence
or ☐ online notarization, this _____ day of _____, 2020, by
_____, as Chairman, and _____, as
Secretary, of the GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT, who are personally known to me.

PRINT/TYPE NAME

Notary Public in and for the
County and State last aforesaid.

My Commission Expires: _____

Serial No., if any: _____

GRANTEE:

ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH COUNTY

Janet Dougherty, Executive Director

(seal)

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence
or ☐ online notarization, this _____ day of _____, 2020, by
_____, as _____, of the
ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY, who is
personally known to me.

PRINT/TYPE NAME

Notary Public in and for the
County and State last aforesaid.

My Commission Expires: _____

Serial No., if any: _____

**JOINDER AND AGREEMENT
FOR PAYMENT OF FEES AND COSTS
TO FIRST AMENDMENT TO CONSERVATION EASEMENT**

HILLSBOROUGH COUNTY, a political subdivision of the State of Florida, having an address of _____ (the “**County**”), joins in to this First Amendment for the purposes of providing the County’s agreement, and affirming its’ obligation, to pay all fees and costs related to this First Amendment, including, but not limited to, recording fees and costs, taxes, title search costs, survey costs, municipal lien search costs, title policy premiums and endorsements, Lennar Grantor’s attorneys’ fees and costs, and any and all other amounts due, necessary and required (collectively, the “**Amendment Costs**”) to Lennar Grantor in order for Lennar Grantor to record this First Amendment in the Public Records and for the title insurer to issue a title policy (the “**Title Policy**”) insuring Grantees’ interest in the Additional Easement Area. Lennar Grantor shall not be obligated to record this First Amendment in the Public Records until such time as Lennar Grantor is in receipt of the original fully executed First Amendment and the Amendment Costs in immediately available funds from the County. The County shall hold Lennar Grantor harmless for any Amendment Costs necessary to record this First Amendment in the Public Records and for the title insurer to issue the Title Policy.

HILLSBOROUGH COUNTY, a political
subdivision of the State of Florida

Approved as to form:

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____
(seal)

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2020, by _____, as _____, and _____, as _____, of HILLSBOROUGH COUNTY, a political subdivision of the State of Florida, who are personally known to me.

PRINT/TYPE NAME
Notary Public in and for the
County and State last aforesaid.
My Commission Expires: _____
Serial No., if any: _____

**JOINDER, CONSENT, AND SUBORDINATION
OF BELMONT II COMMUNITY DEVELOPMENT DISTRICT
TO FIRST AMENDMENT TO CONSERVATION EASEMENT**

For Ten Dollars (\$10.00) and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, **BELMONT II COMMUNITY DEVELOPMENT DISTRICT**, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, having an address of _____ (the “**Belmont II CDD**”), encumbering the Additional Easement Area described on **Exhibit “A-1”** attached hereto, pursuant to (i) Notice of Establishment of the Belmont II Community Development District, which is recorded in Official Records Book 26168, Page 546, of the Public Records, (ii) Corrective Notice of Establishment of the Belmont II Community Development District, which is recorded in Official Records Book 26286, Page 225, of the Public Records, (iii) Agreement by and between the Belmont II Community Development District and Lennar Homes, LLC, Regarding the True-up and Payment of 2019 Assessments, which is recorded in Official Records Book 26594, Page 886, of the Public Records, (iv) Temporary Construction and Access Easement Agreement, which is recorded in Official Records Book 26332, Page 889, of the Public Records, (v) Belmont II Community Development District Notice of Series 2019 Special Assessments, which is recorded in Official Records Book 26594, Page 862, of the Public Records, (vi) Declaration of Consent, which is recorded in Official Records Book 26594, Page 874, of the Public Records, (vii) Collateral Assignment and Assumption of Development Rights, which is recorded in Official Records Book 26597, Page 1074, of the Public Records, and (viii) Disclosure of Public Financing and Maintenance of Improvements to Real Property Undertaken by the Belmont II Community Development District, which is recorded in Official Records Book 27044, Page 754, of the Public Records (collectively, the “**Belmont II CDD Documents**”), hereby joins in, consents, and subordinates any and all interests Belmont II CDD has to the Additional Easement Area, pursuant to the Belmont II CDD Documents, as may be modified and amended from time to time, to the interests of Grantee to the Additional Easement Area, pursuant to the Conservation Easement, as amended by this First Amendment, as may be further modified and amended from time to time, with the intent that the Belmont II CDD Documents shall be subject and subordinate to the Conservation Easement, as amended by this First Amendment.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, this Joinder, Consent, and Subordination of Belmont II Community Development District is made this ____ day of _____, 2020.

Signed, sealed, and delivered in
in the presence of:

BELMONT II COMMUNITY DEVELOPMENT
DISTRICT, a local unit of special-purpose
government established pursuant to Chapter 190
of the Florida Statutes

By: _____

Print Name

Print Name, Title

Print Name

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence
or ☐ online notarization, this ____ day of _____, 2020, by
_____, as _____ of BELMONT II COMMUNITY
DEVELOPMENT DISTRICT, a special purpose unit of local government established under
Chapter 190 of the Florida Statutes, on behalf of the District. He/She is ☐ personally known to
me, or ☐ produced _____ as identification.

NOTARY PUBLIC-STATE OF FLORIDA

Printed Name: _____

My commission expires: _____

EXHIBIT “A-1”
ADDITIONAL EASEMENT AREA

Description Sketch

WATERSET I-75 FLYOVER WILDLIFE PRESERVATION REPLACEMENT AREA

DESCRIPTION:


A parcel of land lying in Section 24, Township 31 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 24, run thence along the South boundary of said Section 24, S.89°51'20"E., a distance of 154.34 feet to a point on the Easterly Right of Way of INTERSTATE HIGHWAY 75 (State Road 93-A Per Florida Department of Transportation Right of Way Map Section No. 10075-2403); thence along said Easterly Right of Way the following three (3) courses, 1) N.33°05'23"E., a distance of 858.53 feet; 2) Northeasterly, 667.83 feet along the arc of a tangent curve to the left having a radius of 11589.16 feet and a central angle of 03°18'06" (chord bearing N.31°26'55"E., 667.73 feet) to the **POINT OF BEGINNING**; 3) continue Northeasterly, 195.64 feet along the arc of a non-tangent curve to the left having a radius of 11589.16 feet and a central angle of 00°58'02" (chord bearing N.29°18'51"E., 195.64 feet); thence Southeasterly, 1391.29 feet along the arc of a non-tangent curve to the left having a radius of 2010.00 feet and a central angle of 39°39'33" (chord bearing S.56°22'55"E., 1363.68 feet); thence S.01°22'40"W., a distance of 183.94 feet; thence Northwesterly, 1475.41 feet along the arc of a non-tangent curve to the right having a radius of 2190.00 feet and a central angle of 38°36'01" (chord bearing N.57°56'45"W., 1447.66 feet) to the **POINT OF BEGINNING**.

Containing 5.921 acres, more or less.

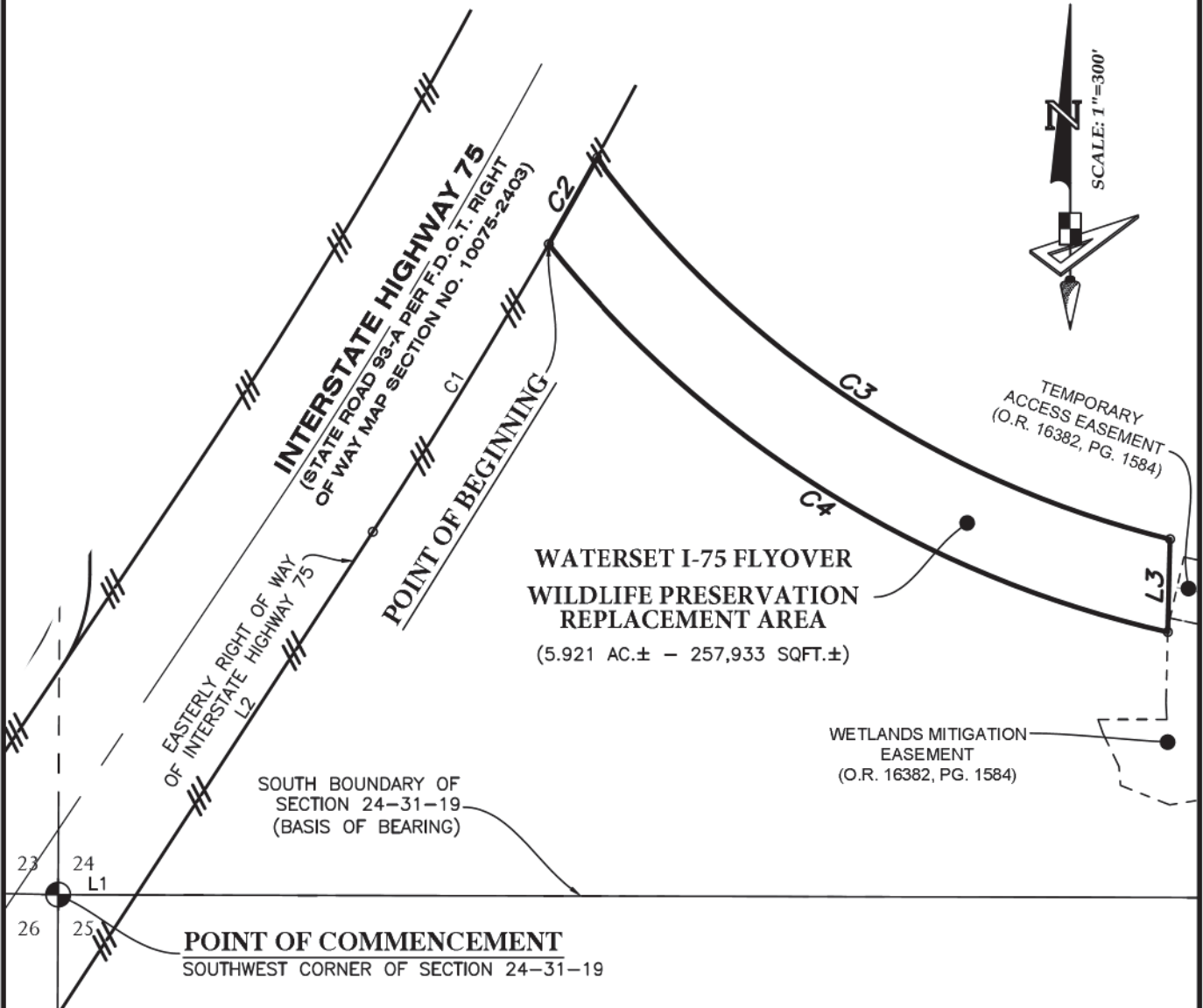
See Sheet 2 for Sketch,
and Sheet 3 for Line & Curve Tables.

WATERSET I-75 FLYOVER

PROJECT: WATERSET I-75 FLYOVER			Prepared For: KIMLEY-HORN		
PHASE: PRESERVATION REPLACEMENT AREA			DESCRIPTION SKETCH (Not A Survey)		
DRAWN: SEC	DATE: 08/09/19	CHECKED BY: DAW			
REVISIONS			<div>213 Hobbs Street Tampa, Florida 33619 Phone: (813) 248-8888 Licensed Business No.: LB 7768</div> <div> GeoPoint Surveying, Inc.</div>		
DATE	DESCRIPTION	DRAWN BY			
David A. Williams FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. LS6423			01 of 03		



Description Sketch



WATERSET I-75 FLYOVER

See Sheet 1 for Legal Description, and Sheet 3 for Line & Curve Tables.

PROJECT: WATERSET I-75 FLYOVER

Prepared For: KIMLEY-HORN

PHASE: PRESERVATION REPLACEMENT AREA

DRAWN: SEC DATE: 08/09/19 CHECKED BY: DAW

REVISIONS

DATE	DESCRIPTION	DRAWN BY

DESCRIPTION SKETCH
(Not A Survey)

213 Hobbs Street
Tampa, Florida 33619
Phone: (813) 248-8888
Licensed Business No.: LB 7768

GeoPoint
Surveying, Inc.

02 of 03

Description Sketch

CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
C1	11589.16'	003°18'06"	667.83'	667.73'	N 31°26'55" E
C2	11589.16'	000°58'02"	195.64'	195.64'	N 29°18'51" E
C3	2010.00'	039°39'33"	1391.29'	1363.68'	S 56°22'55" E
C4	2190.00'	038°36'01"	1475.41'	1447.66'	N 57°56'45" W

LINE DATA TABLE

NO.	BEARING	LENGTH
L1	S 89°51'20" E	154.34'
L2	N 33°05'58" E	858.53'
L3	S 01°22'40" W	183.94'

See Sheet 1 for Legal Description,
and Sheet 2 for Sketch.

WATERSET I-75 FLYOVER

PROJECT: WATERSET I-75 FLYOVER

Prepared For: KIMLEY-HORN

PHASE: PRESERVATION REPLACEMENT AREA

DRAWN: SEC DATE: 08/09/19 CHECKED BY: DAW

REVISIONS

DATE	DESCRIPTION	DRAWN BY

DESCRIPTION SKETCH
(Not A Survey)

213 Hobbs Street
Tampa, Florida 33619
Phone: (813) 248-8888
Licensed Business No.: LB 7768



03 of 03

WHEREAS, the Conservation Easement conveyed an easement interest over the Property to the Grantee, as described therein; and

WHEREAS, Grantors are the successors in interest to Prior Owner with respect to the Property; and

WHEREAS, the Grantors desire that the southern portion of the Property be released from the Conservation Easement; and

WHEREAS, the Grantee has agreed to release the southern portion of the Property from the Conservation Easement in exchange for a grant of additional property to the Conservation Easement and other good and valuable consideration.

NOW THEREFORE, in consideration of the above recitals and the mutual covenants, terms, conditions, and restrictions contained herein, the Grantee agrees as follows:

1. The Grantee voluntarily releases from the Conservation Easement the southern portion of the Property as depicted and described in Exhibit A-2 (Released Property), attached hereto and incorporated herein by this reference, and remises, releases, and quitclaims all the right, title, interest claim, and demand of the Released Property conveyed to the Grantee by the Conservation Easement described herein.

2. Except as expressly modified in this Partial Release and Quit Claim, the Conservation Easement shall continue in full force and effect according to its terms, and the Grantee hereby ratifies and affirms all of its respective rights and obligations under this Conservation Easement, as affected by this Partial Release and Quit Claim.

3. The Grantors shall record this Partial Release and Quit Claim in a timely fashion in the Official Records of Hillsborough County, Florida, and shall rerecord it at any time the Grantee may require to preserve its rights. The Grantors shall pay all recording costs and taxes necessary

to record this Partial Release and Quit Claim in the public records. The Grantors shall hold the Grantee harmless for any recording costs or taxes necessary to record this Partial Release and Quit Claim in the public records.

4. If there is any conflict between the Conservation Easement and this Partial Release and Quit Claim, the terms of this Partial Release and Quit Claim shall control.

IN WITNESS WHEREOF, the Grantee has by its duly authorized representative executed this Partial Release and Quit Claim as of the Effective Date.

[Signatures continue on following page]

GRANTEE

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT, a public corporation
Existing under Chapter 373, Florida Statutes

Approved as to form:

Office of General Counsel

Mark Taylor, Chairman

Joel Schleicher, Secretary

(seal)

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence
or ☐ online notarization, this _____ day of _____, 2020, by
_____, as Chairman, and _____, as
Secretary, of the GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT, who are personally known to me.

PRINT/TYPE NAME

Notary Public in and for the
County and State last aforesaid.

My Commission Expires: _____

Serial No., if any: _____

GRANTEE

ENVIRONMENTAL PROTECTION
COMMISSION OF HILLSBOROUGH COUNTY

Janet Dougherty, Executive Director

(seal)

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2020, by _____, as _____ of the ENVIRONMENTAL PROTECTION COMMISSION OF HILLSBOROUGH COUNTY. He/She is ☐ personally known to me, or ☐ produced _____ as identification.

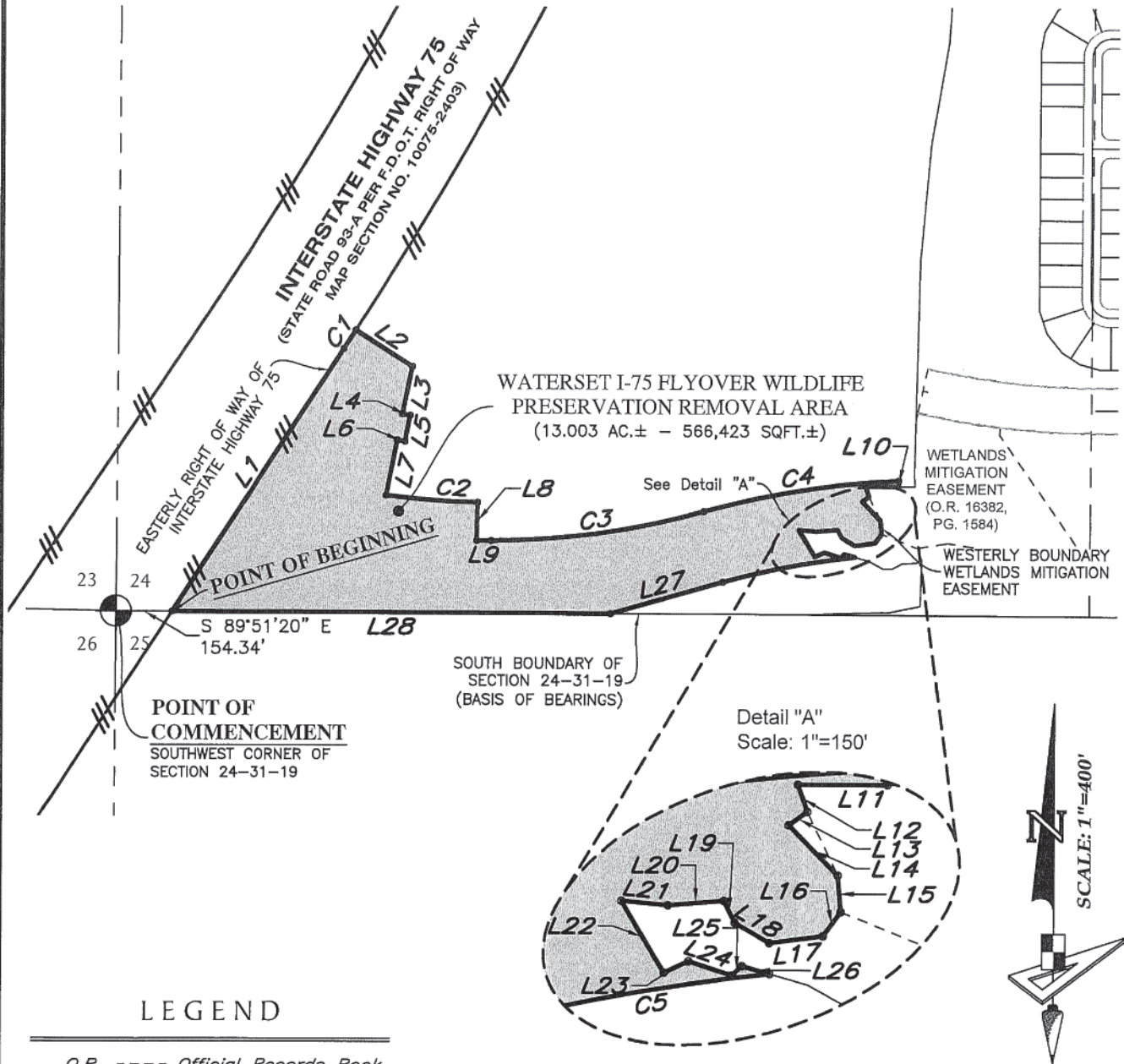
NOTARY PUBLIC-STATE OF FLORIDA

Printed Name: _____

My Commission Expires: _____

Serial Number, if any: _____

Description Sketch




LEGEND

O.R. ---- Official Records Book
Pg(s). ---- Page(s)

See Sheet 1 for Legal Description.
See Sheet 3 for Line and Curve Tables

WATERSET I-75 FLYOVER WILDLIFE PRESERVATION REMOVAL AREA

PROJECT: WATERSET I-75 FLYOVER			Prepared For: KIMLEY-HORN		
PHASE: WILDLIFE PRESERVATION REMOVAL AREA			<div>213 Hobbs Street Tampa, Florida 33619 Phone: (813) 248-8888 Licensed Business No.: LB 7768</div> <div><div>GeoPoint Surveying, Inc.</div></div>		
DRAWN: JCM	DATE: 07/19/19	CHECKED BY: DAW			
REVISIONS					
DATE	DESCRIPTION	DRAWN BY			
			02 of 03		

DESCRIPTION SKETCH
(Not A Survey)

02 of 03

Description Sketch


LINE DATA TABLE		
NO.	BEARING	LENGTH
L1	N 33°05'58" E	858.53'
L2	S 57°11'58" E	184.14'
L3	S 11°11'51" W	131.73'
L4	S 78°48'09" E	20.71'
L5	S 11°11'51" W	72.34'
L6	N 78°48'09" W	20.71'
L7	S 11°11'51" W	154.19'
L8	S 01°09'27" W	104.35'
L9	S 89°26'28" E	39.75'
L10	S 02°41'10" E	15.27'
L11	N 90°00'00" W	91.68'
L12	S 19°09'15" E	29.49'
L13	S 53°37'36" W	23.36'
L14	S 44°27'58" E	72.13'

LINE DATA TABLE		
NO.	BEARING	LENGTH
L15	S 04°44'41" E	37.54'
L16	S 36°17'57" W	30.86'
L17	S 82°39'41" W	55.28'
L18	N 60°00'15" W	41.48'
L19	N 26°33'57" W	24.80'
L20	S 85°16'14" W	58.18'
L21	N 84°38'33" W	48.63'
L22	S 31°08'03" E	85.80'
L23	N 65°23'57" E	28.39'
L24	S 72°16'33" E	47.16'
L25	N 46°59'09" E	13.89'
L26	S 74°23'37" E	29.61'
L27	S 74°21'56" W	322.75'
L28	N 89°51'20" W	1205.94'

CURVE DATA TABLE					
NO.	RADIUS	DELTA	ARC	CHORD	BEARING
C1	11589.16'	000°17'58"	60.56'	60.56'	N 32°56'59" E
C2	2095.50'	006°54'48"	252.84'	252.69'	S 85°41'46" E
C3	2200.00'	015°27'40"	593.66'	591.86'	N 82°05'46" E
C4	2400.00'	012°56'54"	542.38'	541.22'	N 80°50'23" E
C5	2200.00'	009°35'21"	368.20'	367.77'	S 79°09'37" W

See Sheet 1 for Legal Description
See Sheet 2 Sketch

WATERSET I-75 FLYOVER WILDLIFE PRESERVATION REMOVAL AREA

PROJECT: WATERSET I-75 FLYOVER			Prepared For: KIMLEY-HORN		
PHASE: WILDLIFE PRESERVATION REMOVAL AREA			<div style="text-align: center;"> DESCRIPTION SKETCH (Not A Survey) </div> <div style="text-align: right;"> 213 Hobbs Street Tampa, Florida 33619 Phone: (813) 248-8888 Licensed Business No.: LB 7768  GeoPoint Surveying, Inc. </div>		
DRAWN: JCM	DATE: 07/19/19	CHECKED BY: DAW			
REVISIONS					
DATE	DESCRIPTION	DRAWN BY			

03 of 03

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

March 24, 2020

Consent Agenda

Purchase and Sale Agreement Between the District and Hillsborough County for Maydell Drive Bridge Replacement, SWF Parcel Numbers 13-001-749S and 13-001-750P

Purpose

Request approval of a Sale and Purchase Agreement between the District and Hillsborough County for Tampa Bypass Canal property necessary for the replacement of the Maydell Drive Bridge. General location maps of the property are included as Exhibits 1 and 2.

Background/History

In the late 1960's, the District acquired the property along Six Mile Creek, now known as the Palm River, as part of Tampa Bypass Canal Project. The acquisitions along this section of the Project included the property where the Maydell Drive Bridge crosses the River. The District currently owns the land beneath the current Maydell Drive Bridge.

The current Maydell Drive Bridge was constructed in 1968 and in 2015 this bridge was closed to traffic after an underwater inspection found the support system was unstable and structurally deficient. Hillsborough County has requested a 200-foot right of way from the District for the replacement of the Bridge.

The Hillsborough County Board of County Commissioners, as part of their Capital Improvement Program Project #C69634000, approved funding for the Maydell Drive Bridge Replacement Project. The total project cost is projected to be approximately \$9.9 million. The County will obtain about \$3.7 million in Federal funding for the Project. The construction plans for the new two-lane bridge includes paved eight-foot wide emergency lanes, a barrier wall separating traffic from a five-foot wide sidewalk, and a 10-foot wide bicycle path. The current project timeline estimates completion by 2023.

Property Description

The current Maydell Drive Bridge occupies a 50-foot strip of right of way (0.81 acres) across the Tampa Bypass Canal. The replacement bridge will require 200 feet of right of way for reconstruction and maintenance. The additional right of way consists of two 75-foot wide strips of submerged lands lying to each side of the existing right of way for the Bridge consisting of 2.48 acres.

The District will convey fee title to the right of way and retain an easement that will allow for construction, maintenance and dredging as necessary for the operation and maintenance of the Tampa Bypass Canal. The District will also retain the ability to operate the Canal for reclamation, conservation or water storage. All activities will be at the sole discretion of the District.

Summary of Value

Hillsborough County staff prepared a valuation of the right of way proposed for acquisition. The County based their valuation on the property being submerged and the District retaining an easement which will allow the District to operate and maintain the Tampa Bypass Canal. The valuation prepared by the County was based on \$1.00 per square foot resulting in a total

Item 13

compensation of \$108,094. District staff reviewed the County's valuation and agrees with the conclusion. The purchase agreement received from Hillsborough County for this transaction is attached as Exhibit 3.

Benefits/Costs

There is no change in operational costs related to this transaction. The District must maintain current operational capacities of the Tampa Bypass Canal to ensure its continued flood control purposes are maintained.

Staff Recommendation:

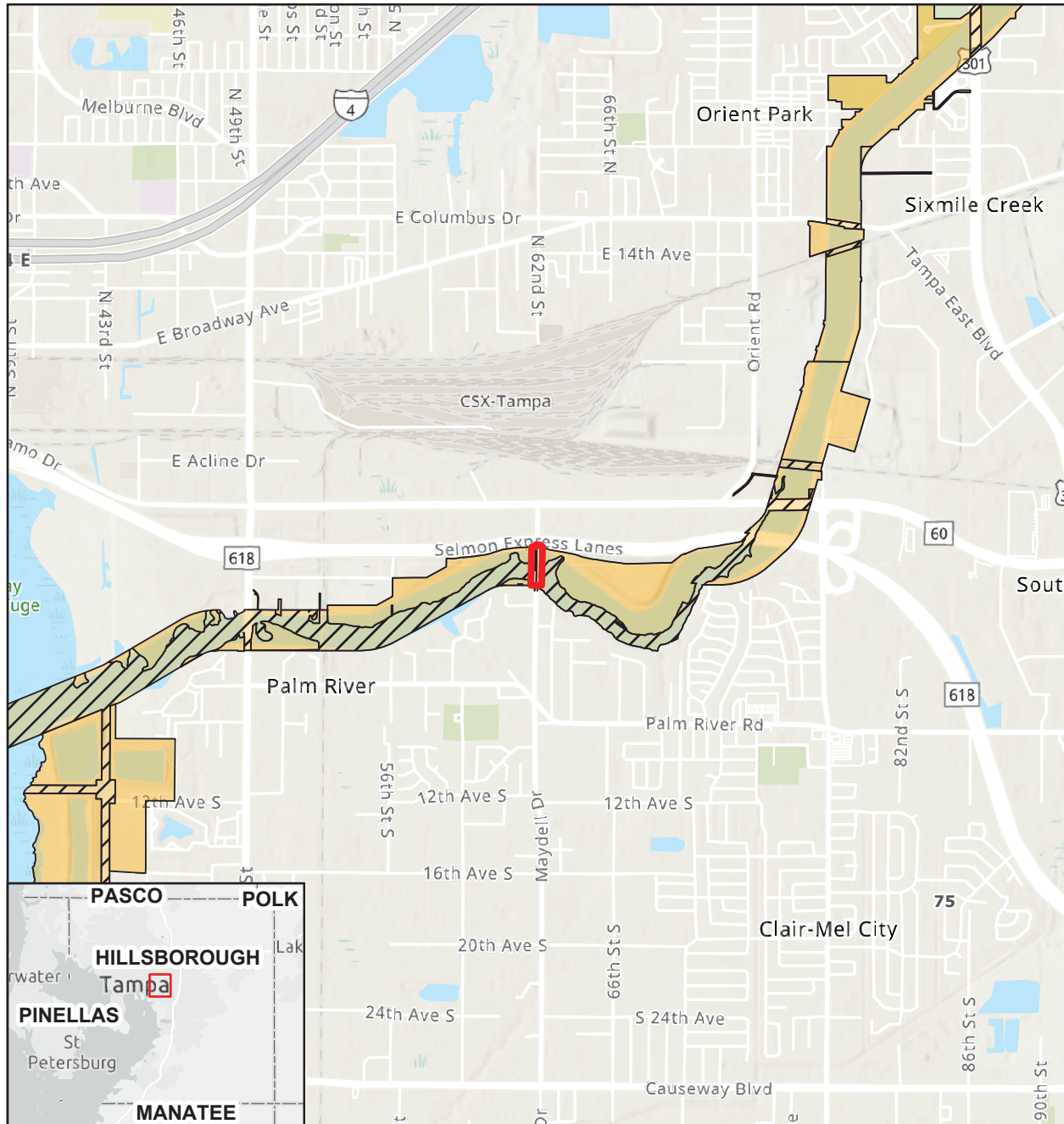
- Accept the offer of \$108,094 for the additional 150-feet of right of way (approx. 2.48 acres) needed for the Maydell Drive Bridge replacement;
- Approve the Purchase Agreement and authorize the Executive Director to sign on the behalf of the District;
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon the request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Exhibit 1

Maydell Drive Bridge Replacement

SWF Parcel Numbers 13-001-749S and 13-001-750P Location Map



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

- SWF Parcel Nos. 13-001-749S and 13-001-750P
- District Easement
- District-owned Fee Simple

0 1,500 3,000
US Feet



Exhibit 2
Maydell Drive Bridge Replacement
SWF Parcel Numbers 13-001-749S and 13-001-750P Location Map

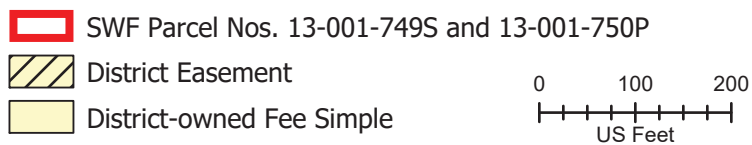


Exhibit 3

HILLSBOROUGH COUNTY
GEOSPATIAL AND LAND ACQUISITION SERVICES DEPARTMENT
PURCHASE AGREEMENT

THIS PURCHASE AGREEMENT (Agreement) made and entered into this ____ day of _____, A.D., 20____, by and between Southwest Florida Water Management District, (Owner), and Hillsborough County, (County), for the use and benefit of Hillsborough County.

WITNESSETH:

WHEREAS, County requires the lands described in Exhibit "A" attached herein, and further identified as Parcel No. 100, Project No.: 2019-082-R for public use for construction and maintenance of the above referenced authorized project and Owner agrees to furnish same for such purpose.

NOW THEREFORE, in consideration of the premises and the sum of \$1.00 each to the other paid, it is agreed as follows:

- (a) Owner agrees to sell and convey by good and sufficient deed, free of liens and encumbrances, unto County said land (fifty (50) foot wide Maydell Drive Bridge span for \$0.00 and an additional one hundred and fifty (150) feet of width for \$108,094.00) for the total sum of \$108,094.00.
- (b) County shall pay unto Owner the sum of \$108,094.00 by County Warrant within 60 days from the date hereof upon the simultaneous delivery of such instrument of conveyance and shall pay the remaining sum of \$108,094.00 when Owner vacates and surrenders possession of the property to County and upon the completion of the removal and clearance of all improvements not included in the purchase price from the lands so conveyed.
- (c) All current taxes for the year in which the Agreement is made shall be pro-rated, and Owner agrees to pay its pro-rated share of said taxes as of the date of closing, and Owner will place the necessary documentary tax stamps upon the deed given in pursuance of this Agreement.
- (d) The total sum of \$108,094.00 is full compensation for the property acquired, improvements, severance damages, all other damages claimed by Owner, their heirs, successors and assigns now and in the future arising from this cause.
- (e) All encumbrances on or affecting the parcel shall be released or subordinated prior to closing.
- (f) Owner will retain an easement over, across, on and above the total 200-foot right-of-way that allows the Owner to access County right-of-way to conduct maintenance activities on the Tampa Bypass Canal.

County will advise Owner of the specific date by which Owner will be required to vacate and surrender possession of said property. Any extension beyond this date for occupancy of the property must be requested of, and authorized by, the County in writing. During the period from the date of the deed until Owner surrenders possession to County, Owner shall exercise diligent care in protecting the property from theft and vandalism. Any items included in the purchase price shall be preserved in the normal condition and turned over to County intact.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and year first above written.

Signed, sealed and delivered in the presence of:

OWNER

Witness: _____

Sign: _____

Print Name: _____

Print Name: _____

Witness: _____

Print Name: _____

ATTEST: PAT FRANK,
Clerk of Circuit Court

COUNTY
Hillsborough County

By: _____
Mildred Dixon, Deputy Clerk

By: _____
Chairman

Approved as to Legal Sufficiency

BOCC Doc No.: _____

By: *Vin An Balle*
Senior Assistant County Attorney

FEBRUARY 19, 2020

EXHIBIT "A"
DESCRIPTION OF SKETCH
PARCEL "100"
MAYDELL DRIVE BRIDGE REPLACEMENT
HILLSBOROUGH COUNTY, FLORIDA

PROJECT NO. 2019-082-R

THAT PART OF THE FOLLOWING DESCRIBED PARCEL THAT LIES WITHIN THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT RIGHT-OF-WAY FOR THE HILLSBOROUGH BYPASS CANAL IN THE NORTHEAST 1/4 OF SECTION 22 AND THE NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "100"

COMMENCE AT A FOUND RAILROAD SPIKE MARKING THE WEST 1/4 CORNER OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 19 EAST, HILLSBOROUGH COUNTY, FLORIDA; THENCE NORTH 01°11'57" EAST, ALONG THE WEST LINE OF SAID SECTION 23 A DISTANCE OF 1,224.63 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT TAMPA BYPASS CANAL, AND THE POINT OF BEGINNING; THENCE DEPARTING THE WEST LINE OF SAID SECTION 23, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, SOUTH 89°52'30" WEST, 99.78 FEET TO A POINT ON THE WESTERLY LINE OF HILLSBOROUGH COUNTY PARCEL "100"; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, THROUGH AND ACROSS THE TAMPA BYPASS CANAL, NORTH 01°11'59" EAST, 708.71 FEET, ALONG THE WESTERLY LINE OF SAID PARCEL "100" TO A POINT ON THE SOUTHERLY LINE OF THE TAMPA-HILLSBOROUGH EXPRESSWAY AUTHORITY LIMITED ACCESS RIGHT OF WAY, PER SECTION 10002-2520; THENCE ALONG SAID LIMITED ACCESS RIGHT OF WAY, NORTH 89°37'00" EAST, A DISTANCE OF 65.90 FEET; THENCE NORTH 89°36'36" EAST, A DISTANCE OF 9.13 FEET; THENCE NORTH 01°11'59" EAST, A DISTANCE OF 41.15 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE TAMPA BYPASS CANAL; THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE, NORTH 89°52'29" EAST, 58.89 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID TAMPA-HILLSBOROUGH EXPRESSWAY AUTHORITY LIMITED ACCESS RIGHT OF WAY; THENCE ALONG SAID LIMITED ACCESS RIGHT OF WAY, SOUTH 58°19'34" EAST, 76.72 FEET TO A POINT ON THE EASTERLY LINE OF SAID HILLSBOROUGH COUNTY PARCEL "100"; THENCE ALONG SAID EASTERLY LINE, THROUGH AND ACROSS THE TAMPA BYPASS CANAL, SOUTH 01°11'59" WEST, 709.76 FEET TO A POINT ON AFORESAID SOUTHERLY RIGHT OF WAY LINE OF THE TAMPA BYPASS CANAL; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, SOUTH 89°52'30" WEST, 100.27 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 145,604 SQUARE FEET OR 3.34 ACRES, MORE OR LESS.

GENERAL NOTES

1. THIS IS NOT A SURVEY. TITLE WORK WAS NOT PROVIDED. INFORMATION INCOMPLETE WITHOUT ACCOMPANYING SKETCH.
2. THIS DRAWING IS SUBJECT TO PERTINENT EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD, IF ANY.
3. BASIS OF BEARING IS THE WEST LINE OF THE SECTION 23, TOWNSHIP 29 SOUTH, RANGE 19 EAST, BEING NORTH 1°11'57" EAST.
4. THIS DRAWING WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY OR PARTIES CERTIFIED TO BELOW FOR THE EXPRESS PURPOSE STATED HEREON AND/OR CONTAINED IN THE CONTRACT BETWEEN HYATT SURVEY SERVICES, INC. AND THE CLIENT FOR THIS PROJECT. COPYING, DISTRIBUTING AND/OR USING THIS DRAWING, IN WHOLE OR IN PART FOR ANY PURPOSE OTHER THAN ORIGINALLY INTENDED WITHOUT WRITTEN CONSENT FROM HYATT SURVEY SERVICES, INC. IS STRICTLY PROHIBITED AND RENDERS THE SURVEYOR'S CERTIFICATION, SIGNATURE AND SEAL NULL AND VOID. ANY QUESTIONS CONCERNING THE CONTENT OR PURPOSE OF THIS DRAWING SHOULD BE DIRECTED TO HYATT SURVEY SERVICES, INC.
5. CERTIFIED TO HILLSBOROUGH COUNTY.

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

HYATT SURVEY SERVICES, INC.
L.B. NO. 7203
2012 LENA ROAD
BRADENTON, FLORIDA 34211
PHONE: (941) 748-4693
FAX: (941) 744-1643



Date:
2020.02.19
15:43:23 -05'00'

SHANE A. CHRISTY, PSM
FLORIDA SURVEYORS REGISTRATION NO. 7100

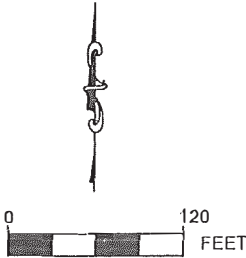
PROJECT #	18-2189-1	
SURVEY #	18-2189-1	
SECTION TWN RNG	22&23-29-19	
SCALE	N/A	
SURVEYED	HYATT	
DESIGNED		
DRAWN	SC	2/2020
CHECKED	RH	2/2020
SHEET 1 OF 2		

FEBRUARY 19, 2020

**SKETCH OF DESCRIPTION
PARCEL "100"
MAYDELL DRIVE BRIDGE REPLACEMENT
HILLSBOROUGH COUNTY, FLORIDA**

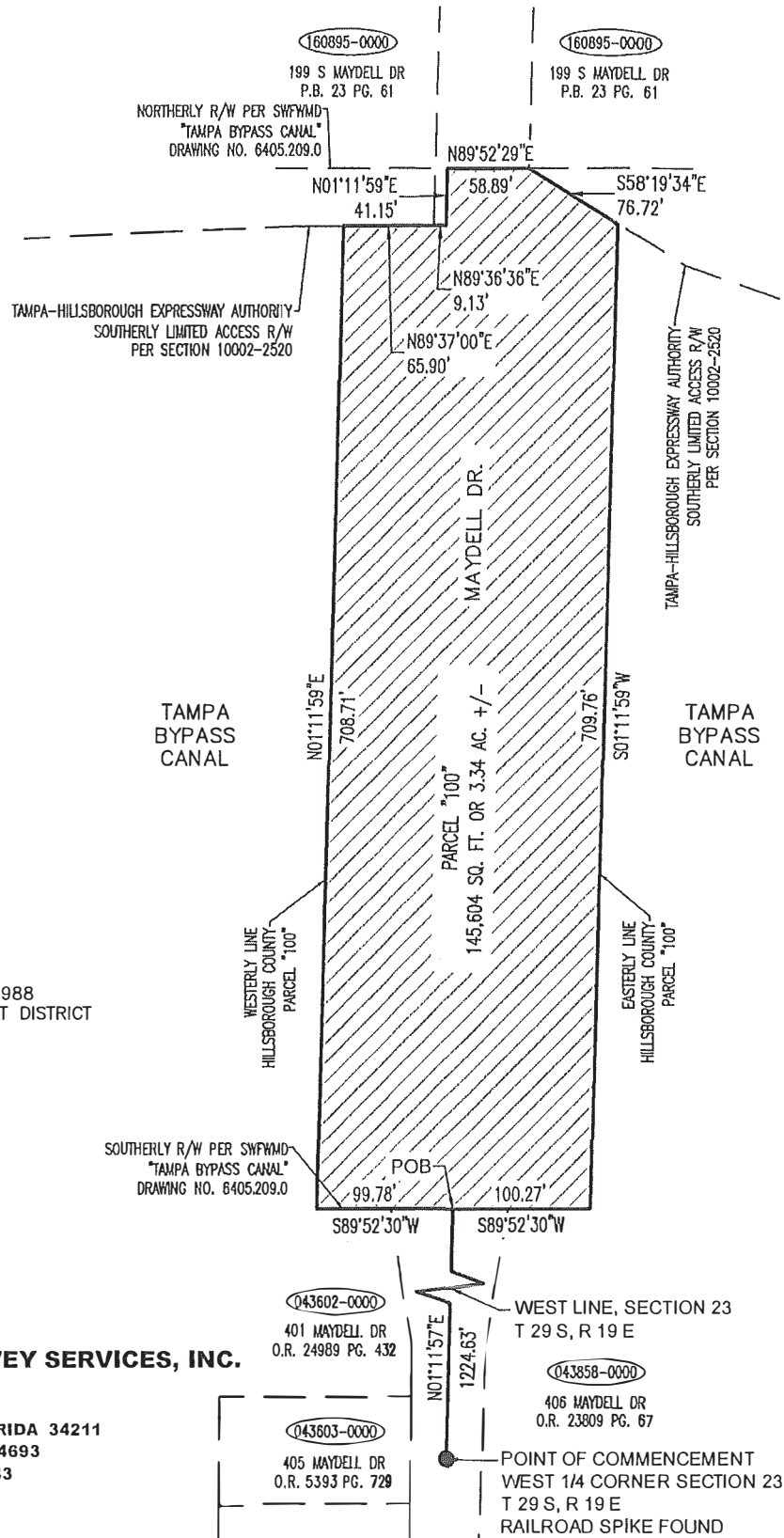
PROJECT NO. 2019-082-R

NOT A SURVEY



LEGEND

L.B. LICENSED BUSINESS
PSM PROFESSIONAL SURVEYOR AND MAPPER
NO. NUMBER
+/- MORE OR LESS
NAVD88 NORTH AMERICAN VERTICAL DATUM OF 1988
SWFWMD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
R/W RIGHT OF WAY
O/R OFFICIAL RECORDS BOOK
POB POINT OF BEGINNING
PG. PAGE
T TOWNSHIP
R RANGE



PROJECT #	18-2189-1
SURVEY #	18-2189-1
SECTION TWN RNG	22&23-29-19
SCALE	1" = 120'
SURVEYED	HYAIT
DESIGNED	
DRAWN	SC 2/2020
CHECKED	RH 2/2020

HYATT SURVEY SERVICES, INC.
L.B. NO. 7203
2012 LENA ROAD
BRADENTON, FLORIDA 34211
PHONE: (941) 748-4693
FAX: (941) 744-1643

SHEET 2 OF 2

Prepared by:
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34602

Return to:
Hillsborough County Geospatial &
Land Acquisition Services Department
P.O. Box 1110, Tampa, FL 33601
Project No. 2019-082-R
Maydell Drive Bridge Replacement

QUIT CLAIM DEED

This Indenture, made this ____ day of _____, 2020, by and between the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter the "Grantor" and Hillsborough County, a political subdivision of the State of Florida, having an address of P.O. Box 1110, Tampa, Florida 33601 hereinafter the "Grantee".

WITNESSETH:

That the Grantor, for and in consideration of ten dollars and no cents (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does remise, release and quitclaim to the Grantee and its successors and assigns forever all the right, title, interest, claim and demand which the Grantor has, reserving to itself and its successors and assigns an "Easement" for public purposes in and to the following real property lying and being in the County of Hillsborough, State of Florida, and described in Exhibit "A" attached hereto and incorporated herein by reference.

Said public purposes of the reserved Easement include but are not limited to any and all purposes necessary, convenient, or incident to, or in connection with, the construction, maintenance, dredging to the original design elevation and disposal of all dredged material, and operation of any project in the interest of flood control, reclamation, conservation, water storage, and water quality related to the existing Tampa Bypass Canal, exclusive of the Bridge and Right-of-Way improvements, in the Grantor's sole discretion.

IT IS EXPRESSLY UNDERSTOOD and acknowledged by the Grantor and by the Grantee, by acceptance of this deed, that, in accordance with Section 270.11(3), Florida Statutes, the Grantee has petitioned the Grantor for the release of the undivided three-fourths interest in, and title in and to the undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on or under the said land and the undivided one-half interest in all the petroleum that is or may be in, on or under the said land all as set forth in Section 270.11(1), Florida Statutes, and that the Grantor by this deed includes the conveyance of the Grantor's interest in all phosphate, minerals, and metals that are or may be in, on or under the said land and interest in all petroleum that is or may be in or on or under the said land.

Together with all the tenements, hereditaments and appurtenances thereto belonging or anywise appertaining.

Quit Claim Deed
Parcel Name: Maydell Drive Bridge
SWF Parcel No: 13-001-000S
Page 1 of 2

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

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

(Corporate Seal)

By: _____
Mark Taylor, Chair

ATTEST:

By: _____
Joel Schleicher, Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of ____ physical presence or ____ online notarization, this _____ day of _____, 2020, by Mark Taylor, Chair and Joel Schleicher, as Secretary of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the Southwest Florida Water Management District, who are personally known to me.

(Notary Seal)

Notary Public

Print: _____

Commission No: _____

My Commission Expires: _____

APPROVED BY:	INITIALS	DATE
ATTORNEY	_____	_____
MANAGER	_____	_____
BUREAU CHIEF	_____	_____
DIRECTOR	_____	_____

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE**March 24, 2020*****Consent Agenda*****Monitor Well Purchase-South Hillsborough Aquifer Recharge Project-Phase II Sun City Well (SMWD-6), Hillsborough County*****Purpose***

The purpose of this item is to recommend the Governing Board approve the transfer of funds in the amount of \$638,550 for the purchase of a monitoring well from Hillsborough County (County) for inclusion into the District's coastal groundwater quality monitoring network. The District's purchase of this well is contingent on a Florida Department of Environmental Protection (FDEP) funding agreement for reimbursement of District funds.

Background and History

The County installed well SMWD-6 as part of the South Hillsborough Aquifer Recharge Project (SHARP) - Phase II cooperative funding initiative (CFI) project. The County's testing of recharge zone water quality during the construction of the monitoring well discovered a much fresher quality of water than required to recharge reclaimed water. As a result, the County is moving the SHARP recharge site closer to the coast where aquifer water quality is much higher in total dissolved solids (TDS) meeting the FDEP's permitting requirements. The SMWD-6 well is not suitable for the SHARP project and CFI funds will not be used to reimburse the County for this well. However, this well is ideal for groundwater monitoring in the Most Impacted Area (MIA) of the Southern Water Use Caution Area (SWUCA). The well is needed for the long-term monitoring of saltwater intrusion within the Upper Floridan Aquifer (UFA) in accordance with the SWUCA Recovery Strategy. A general location map is included as Exhibit 1.

The primary goal of the District's coastal monitoring network for saltwater intrusion in the MIA is to track water quality changes in groundwater-salinity and saltwater intrusion along the coastal margin of the District, and the upwelling of mineralized groundwater within inland areas. The District has maintained and sampled the coastal monitoring network as a groundwater resource monitoring initiative since 1991. The coastal margin from southern Hillsborough County south through Manatee County is of critical concern for monitoring saltwater intrusion in the UFA, especially in the highly permeable Avon Park Formation where increasing chloride trends have been observed at several of the District's coastal groundwater monitoring stations. The location of the Hillsborough County SMWD-6 well would provide an inland "anchor" point for better interpretation of the landward subsurface migration of brackish or saline groundwater, complementing the District's other existing monitoring sites.

Benefit/Costs

Data gathered from the SMWD-6 well will improve the District's understanding of the hydrogeologic framework of coastal Hillsborough and Manatee counties, enhance groundwater modeling and provide for assessment of potential withdrawal-related impacts to water resources within the District and the MIA. Transfer of the funds and purchase of the well will allow the District immediate access to monitor the well at this location. The cost breakdown for the well is included in the table below.

Description	Costs
Mobilization & Demobilization and Site Restoration	\$69,700
Drilling	\$160,100
Casing	\$291,050
Cement	\$64,500
Geophysical Logging	\$26,000
Water Quality Sampling and Analysis	\$27,200
Total	\$638,550

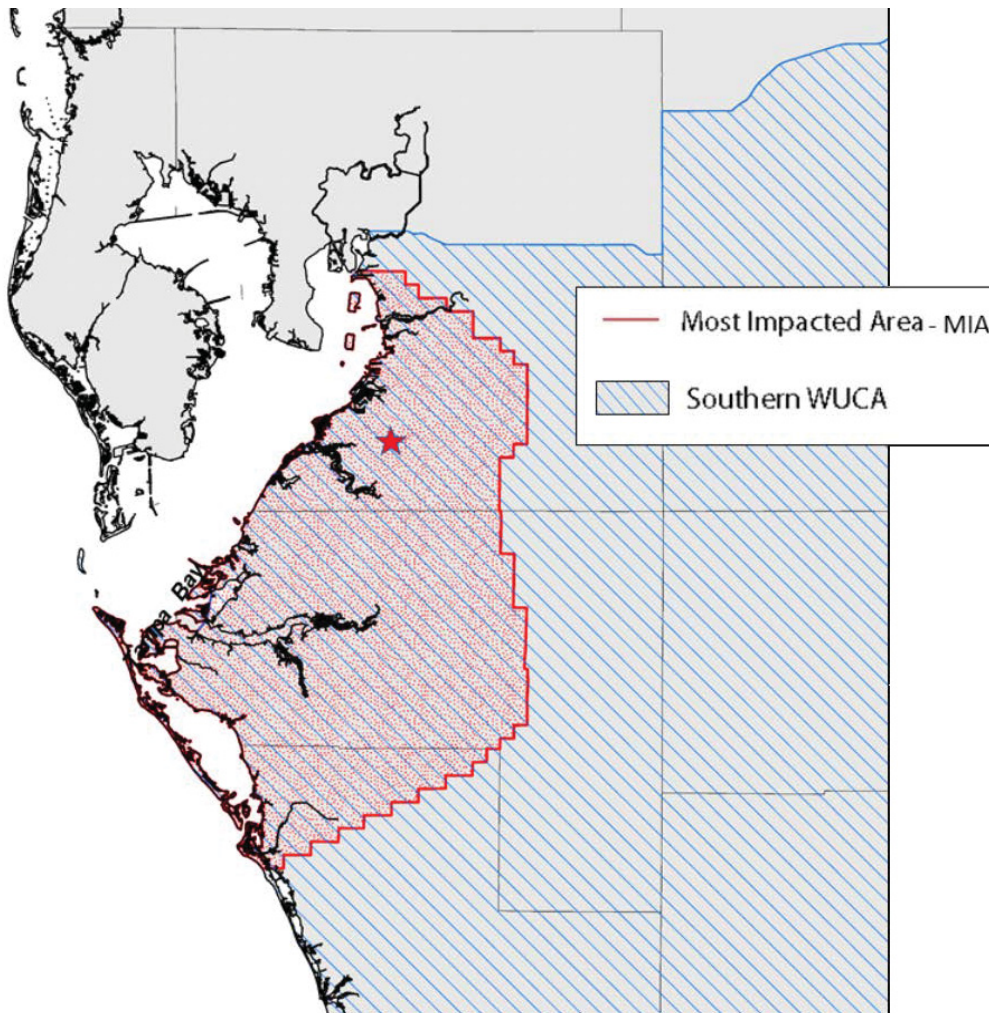
Staff is requesting a budget transfer of \$638,550 to cover the costs for the purchase of the monitoring well from the County. The District has been notified that funding is available this fiscal year from the FDEP to reimburse costs associated with enhancing water quality monitoring programs. The District's purchase of the SMWD-6 well is contingent on funding from the FDEP. Funding is available from the Zephyr Creek Drainage Improvements: Units 1 and 2 CFI Project (N836), which has been cancelled by Pasco County and replaced by an FY2021 CFI request to complete a feasibility study of the Zephyr Creek area. The feasibility study will evaluate cost effective solutions to the street and structure flooding along Zephyr Creek before proceeding with any improvement project.

Staff Recommendation:

1. Authorize staff to transfer \$638,550 from the Zephyr Creek Drainage Improvements: Units 1 & 2 Project (N836) to the Water Quality Monitoring Program for the purchase of the County's SMWD-6 well (C008).
2. Approve entering into an agreement with the County for the purchase of the SMWD-6 well, contingent on FDEP funding, to be executed in accordance with the Signature Authority.

Presenters: Catherine Wolden, Manager, Water Quality Monitoring Program, and
JP Marchand, P.E., Water Resources Bureau Chief

Exhibit 1



★ Location of monitoring well SMWD-6 in southern Hillsborough County.

REGULATION COMMITTEE

March 24, 2020

Consent Agenda

WUP No. 20001512.014 - CHWA Public Water Supply/Charlotte Harbor Water Association (Charlotte)

This is a renewal of an existing water use permit for public supply use. The authorized quantities are changed from those previously permitted. The annual average quantity is increased from 712,000 gallons per day (gpd) to 910,200 gpd; and the peak month quantity is increased from 804,000 gpd to 1,208,600 gpd. There is no change in Use Type from the previous revision. The increase is due to a projected functional population in 2050 of 7,734 persons at an average per capita rate of 90 gallons per capita per day (gpcd). This permit is located within the Southern Water Use Caution Area (SWUCA) and relies exclusively on sources of alternative water supply (AWS) in the form of brackish groundwater with reverse osmosis.

Special conditions include those that require the Permittee to report meter readings monthly; to perform meter accuracy checks every five years; to cap withdrawals not in use; to submit water quality sampling results quarterly; to submit a comprehensive Wellfield Report every five years (next report due April 1, 2025); to maintain a water-conserving rate structure; to comply with per capita requirements; to comply with customer billing requirements; to submit the Public Supply Annual Report by April 1 each year; and to comply with the requirements of the SWUCA Recovery Strategy. The permit application meets all Rule 40D-2 Conditions for Issuance.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 001512.014**

PERMIT ISSUE DATE: March 24, 2020

EXPIRATION DATE: March 24, 2050

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

TYPE OF APPLICATION: Renewal

GRANTED TO: Charlotte Harbor Water Association
2515 Highlands Road
Punta Gorda, FL 33983

PROJECT NAME: CHWA Public Water Supply

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

COUNTY: Charlotte

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

ANNUAL AVERAGE	910,200 gpd
PEAK MONTH ¹	1,028,600 gpd

1. Peak Month: Average daily use during the highest water use month.

ABSTRACT:

This is a renewal of an existing water use permit for public supply use. The authorized quantities are changed from those previously permitted. The annual average quantity is increased from 712,000 gallons per day (gpd) to 910,200 gpd; and the peak month quantity is increased from 804,000 gpd to 1,028,600 gpd. There is no change in Use Type from the previous revision. The increase is due to a projected functional population in 2050 of 7,734 persons at an average per capita rate of 90 gallons per capita per day (gpcd). This permit is located within the Southern Water Use Caution Area (SWUCA) and relies exclusively on sources of alternative water supply (AWS) in the form of brackish groundwater with reverse osmosis.

Special conditions include those that require the Permittee to report meter readings monthly; to perform meter accuracy checks every five years; to cap withdrawals not in use; to submit water quality sampling results quarterly; to submit a comprehensive Wellfield Report every five years (next report due April 1, 2025); to maintain a water-conserving rate structure; to comply with per capita requirements; to comply with customer billing requirements; to submit the Public Supply Annual Report by April 1 each year; and to comply with the requirements of the SWUCA Recovery Strategy.

Attachment: Mar20 WUP 1512_014 Recap Permit (4959 : WUP 20001512.014)

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>
Public Supply	910,200	1,028,600

USE TYPE

Commercial/Industrial

Residential Mobile Home

Residential Multi-Family

Residential Single Family

Treatment Losses
(Backflushing)

Unaccounted Use

PUBLIC SUPPLY:

Population Served: 7,734

Per Capita Rate: 90 gpd/person

WITHDRAWAL POINT QUANTITY TABLE

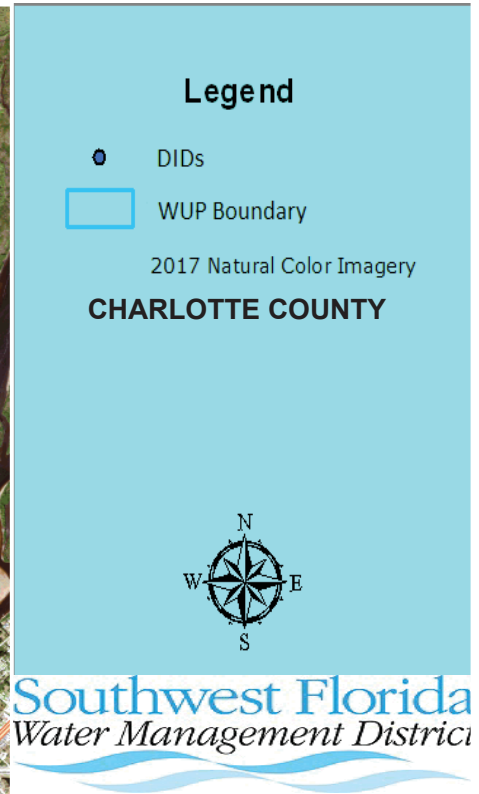
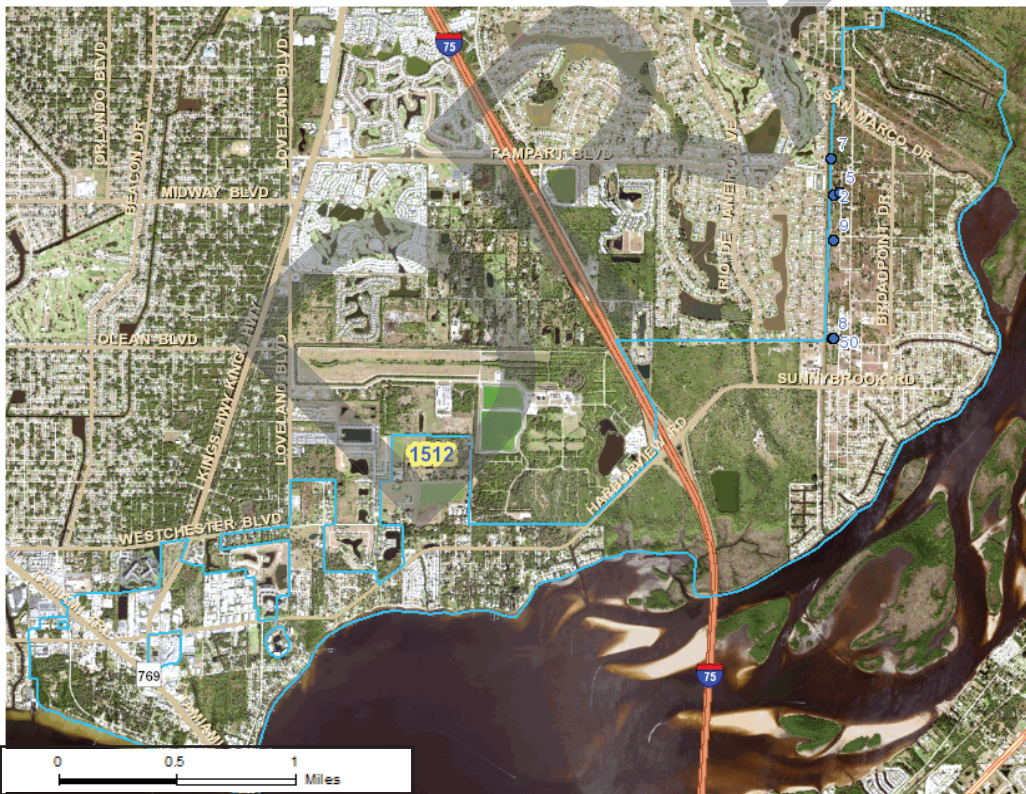
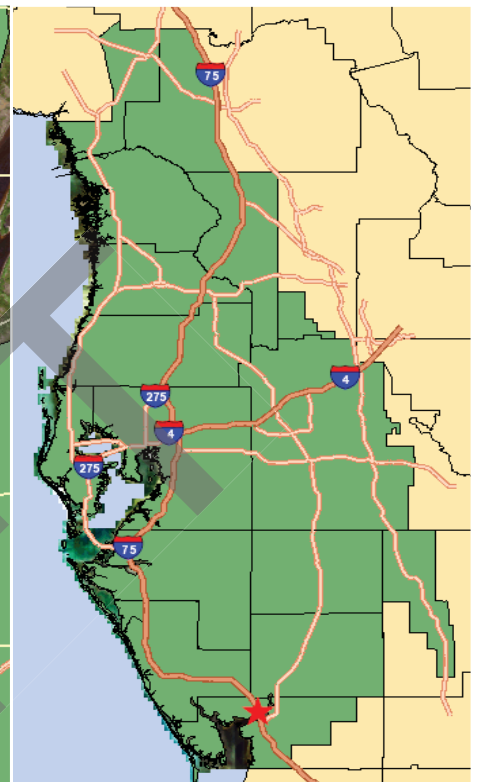
Water use from these withdrawal points are restricted to the quantities given below :

<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>
2 / 2	8	560 / 150	Public Supply	227,600	257,200
5 / 5	10	565 / 150	Public Supply	227,600	257,200
Standby					
7 / 7	16	560 / 177	Public Supply	227,500	257,100
8 / 8	20	550 / 150	Public Supply	227,600	257,200
9 / 9	18	540 / 157	Public Supply	227,500	257,100

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
2	26° 59' 59.84"/82° 00' 31.67"
5	27° 00' 00.41"/82° 00' 29.96"
7	27° 00' 10.09"/82° 00' 32.48"
8	26° 59' 18.40"/82° 00' 32.20"
9	26° 59' 46.78"/82° 00' 31.83"

Location Map
Charlotte Harbor Water Association
WUP No. 20 001512.014



Attachment: Mar20 WUP 1512_014 Recap Permit (4959 : WUP 20001512.014)

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

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

All mailed reports and data are to be sent to:

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

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

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

2. The quantities included in the permit are based on an average per capita rate of 90. By rule, the per capita rate in any given year shall not exceed 150 gpd. However, failure to maintain, on average, the per capita rate on which the permitted quantity is based could result in noncompliance with the terms of the permit. The per capita rate will be monitored via the Annual Report and the Reclaimed Water Supplier Report that are required to be submitted by April 1 of each year for the term of the permit.(67)
3. This permit shall be modified if an additional source of water is provided for public supply use from a separate entity. This includes additional Alternative Water Supply quantities and irrigation water for lawn/landscape and common areas. The Permittee shall notify the District of the additional water source and submit an application to modify the permit to acknowledge receipt.(68)
4. The annual average and peak month quantities for District ID Nos. 2, 5, 7, 8, and 9, Permittee ID Nos. 2, 5, 7, 8, and 9 shown in the withdrawal point quantity table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary so long as adverse environmental impacts do not result and the Permittee complies with all other conditions of this Permit. In all cases, the total annual average daily withdrawal and the total peak month daily withdrawal is limited to 910,200 gallons per day (gpd) and 1,028,600 gpd, respectively.(221)
5. The District reserves the right to set water quality concentration limits on any production well in the future, based on data collected and after a sufficient data base has been established to determine limits. These limits shall be required after discussions with the Permittee. At such time as the concentration in any water sample reaches or exceeds the designated concentration limits, the Permittee shall take appropriate action to reduce concentrations to below those set for the particular well. If the District determines that long-term upward trends or other significant water quality changes are occurring, the District may reconsider the quantities permitted.(276)
6. Every five years the Permittee shall submit a Wellfield Report that is a comprehensive but concise

assessment of the water resources of the wellfield area based on the subject areas listed below. This report shall concisely summarize the elements listed below, with emphasis on the interactions between these elements, where appropriate. Data sources shall be referenced, but no raw data shall be included in the report. Only essential text, graphs, and tables should be included in the report. Unless submitted electronically, three identical copies (colors replicated) of the report and required documentation shall be submitted to the WUP Bureau Chief by April 1, 2025; April 1, 2030; April 1, 2035; April 1, 2040; and April 1, 2045. The report shall cover all activities and conditions pertaining to the CHWA wellfield and service area for the preceding five calendar years. The specific elements of this report are listed below:

Wellfield Operation

A brief overview of wellfield operations, including withdrawal point rotation within the wellfield, shall include discussion of wells used most often, and wells used less often, and why their routine use was altered, future changes or modifications to the wellfield rotation plan due to the yield from the various wells, future annexation sites, potential future production well sites, etc. Any proposed production or monitor wells that were completed, wells retired and their current status, or wells converted from other uses to public supply use since the last Wellfield Report will be noted.

Water Quality Monitoring

Water quality sampling collected as a condition of this permit shall be analyzed and summarized into graphs and statistical analysis for the annual reporting period and related to the historical water quality sampling results as well as to pumpage. The report shall delineate areas of concern with respect to water quality degradation, horizontal or vertical movement in the fresh water/saltwater interface, or other trends which have occurred. Changes in water quality specifically in the production zone shall be discussed.

Water Treatment Efficiency

A description of efforts to improve water treatment efficiency shall be included. This shall include good faith efforts undertaken in its infrastructure planning and implementation efforts. Opportunities during the prior year to replace water treatment-related infrastructure, including items such as change-outs to pressure vessels, piping, racks (skids), and treatment membrane elements shall be discussed.

Wellfield Management Updates

The Permittee shall summarize the development, implementation, and events that may affect the approved wellfield management plan over the previous reporting period. If additional information became available that necessitates a change to the plan, the Permittee shall submit an application to modify the permit to effect the changes.

(524)

7. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
8. Beginning January 1, 2012, the Permittee shall comply with the following requirements:
 - A. Customer billing period usage shall be placed on each utility-metered, customer's bill.
 - B. Meters shall be read and customers shall be billed no less frequently than bi-monthly.
 - C. The following information, as applicable to the customer, shall be provided at least once each calendar year and a summary of the provisions shall be provided to the District annually as described in Section D, below. The information shall be provided by postal mailings, bill inserts, online notices, on the bill or by other means. If billing units are not in gallons, a means to convert the units to gallons must be provided.
 1. To each utility-metered customer in each customer class - Information describing the rate structure and shall include any applicable:
 - a. Fixed and variable charges,
 - b. Minimum charges and the quantity of water covered by such charges,
 - c. Price block quantity thresholds and prices,
 - d. Seasonal rate information and the months to which they apply, and
 - e. Usage surcharges

2. To each utility-metered single-family residential customer - Information that the customer can use to compare its water use relative to other single-family customers or to estimate an efficient use and that shall include one or more of the following:

- a. The average or median single-family residential customer billing period water use calculated over the most recent three year period, or the most recent two year period if a three year period is not available to the utility. Data by billing period is preferred but not required.
- b. A means to calculate an efficient billing period use based on the customer's characteristics, or
- c. A means to calculate an efficient billing period use based on the service area's characteristics.

D. Annual Report: The following information shall be submitted to the District annually by October 1 of each year of the permit term to demonstrate compliance with the requirements above. The information shall be current as of the October 1 submittal date.

1. Description of the current water rate structure (rate ordinance or tariff sheet) for potable and non-potable water.
2. Description of the current customer billing and meter reading practices and any proposed changes to these practices (including a copy of a bill per A above).
3. Description of the means the permittee uses to make their metered customers aware of rate structures, and how the permittee provides information their metered single-family residential customers can use to compare their water use relative to other single-family customers or estimate an efficient use (see C 1 & 2 above).

(592)

9. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.(652)
10. The Permittee shall maintain a water conserving rate structure for the duration of the permit term. Any changes to the water conserving rate structure described in the application shall be described in detail as a component of the next Annual Report on Water Rate, Billing and Meter Reading Practices of the year following the change.(659)
11. The Permittee shall submit a "Public Supply Annual Report" to the District by April 1 of each year on their water use during the preceding calendar year using the form, "Public Supply Water Use Annual Report Form" (Form No. LEG-R.103.00 (05/14)), referred to in this condition as "the Form," and all required attachments and documentation. The Permittee shall adhere to the "Annual Report Submittal Instructions" attached to and made part of this condition in Exhibit B. The Form addresses the following components in separate sections.

Per Capita Use Rate

A per capita rate for the previous calendar year will be calculated as provided in Part A of the Form using Part C of the Form to determine Significant Use deduction that may apply. Permittees that cannot achieve a per capita rate of 150 gpd according to the time frames included in the "Instructions for Completion of the Water Use Annual Report," shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance.

Residential Use

Residential use shall be reported in the categories specified in Part B of the Form, and the methodology used to determine the number of dwelling units by type and their quantities used shall be documented in an attachment.

Non-Residential Use

Non-residential use quantities provided for use in a community but that are not directly associated with places of residence, as well as the total water losses that occur between the point of output of the treatment plant and accountable end users, shall be reported in Part B of the Form.

Water Conservation

In an attachment to the Form, the Permittee shall describe the following:

1. Description of any ongoing audit program of the water treatment plant and distribution systems to address reductions in water losses.
2. An update of the water conservation plan that describes and quantifies the effectiveness of measures currently in practice, any additional measures proposed to be implemented, the scheduled implementation dates, and an estimate of anticipated water savings for each additional measure.
3. A description of the Permittees implementation of water-efficient landscape and irrigation codes or ordinances, public information and education programs, water conservation incentive programs, identification of which measures and programs, if any, were derived from the Conserve Florida Water Conservation Guide, and provide the projected costs of the measures and programs and the projected water savings.

Water Audit

If the current water loss rate is greater than 10% of the total distribution quantities, a water audit as described in the "Instructions for Completion of the Water Use Annual Report" shall be conducted and completed by the following July 1, with the results submitted by the following October 1. Indicate on Part A of the Form whether the water audit was done, will be done, or is not applicable.

Alternative Water Supplied Other Than Reclaimed Water

If the Permittee provides Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) to customers, the information required on Part D of the Form shall be submitted along with an attached map depicting the areas of current Alternative Water Use service and areas that are projected to be added within the next year.

Suppliers of Reclaimed Water

1. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd:

The Permittee shall submit the "SWFWMD Annual Reclaimed Water Supplier Report" on quantities of reclaimed water that was provided to customers during the previous fiscal year (October 1 to September 30). The report shall be submitted in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09), that will be provided annually to them by the District. A map depicting the area of reclaimed water service that includes any areas projected to be added within the next year, shall be submitted with this report.

2. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd:

- a. The Permittee has the option to submit the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above, or
- b. Provide information on reclaimed water supplied to customers on Part E of the Form as described in the "Instructions for Completion of the Water Use Annual Report".

Updated Service Area Map

If there have been changes to the service area since the previous reporting period, the Permittee shall update the service area using the map that is maintained in the District's Mapping and GIS system. (660)

12. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meters or other measuring devices as approved by the Water Use Permit Bureau Chief: District ID Nos. 2, 7, 8, and 9, Permittee ID Nos. 2, 7, 8, and 9. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.

The 8-inch pipeline from the water treatment plant shall also continue to be maintained and operated with existing, non-resettable, totalizing flow meter or other measuring device as approved by the Water Use Permit Bureau Chief: District ID No. 50, Permittee ID No. ROP. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(719)

13. The following existing standby withdrawal facilities (those that provide back-up water for another withdrawal point in the event the other withdrawal point becomes unusable) shall continue to be metered: District ID No. 5, Permittee ID No. 5. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(722)
14. Water quality samples from the withdrawal points listed below shall be collected after pumping the withdrawal point at its normal rate for a pumping time specified below, or to a constant temperature, pH, and conductivity. The frequency of sampling per water quality parameter is listed in the table according to the withdrawal point. The recording and reporting shall begin according to the first sample date for existing wells and shall begin within 90 days of completion of any proposed wells. Samples shall be collected whether or not the well is being used unless infeasible. If sampling is infeasible, the Permittee shall indicate the reason for not sampling on the water quality data form or in the space for comments in the WUP Portal for data submissions. For sampling, analysis and submittal requirements see Exhibit B, Water Quality Sampling Instructions, attached to and made part of this permit.

District ID No.2, Permittee ID No. 2, for specific conductance on a quarterly basis (February, May, August, November).

District ID No.8, Permittee ID No. 8, for chloride, sulfate, and TDS on a quarterly basis (February, May, August, November).
(752)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

Attachment: Mar20 WUP 1512_014 Recap Permit (4959 : WUP 20001512.014)

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

Exhibit B
Instructions

METERING INSTRUCTIONS

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

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

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

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

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

FLOW METER ACCURACY TEST INSTRUCTIONS

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

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

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

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

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

WATER QUALITY INSTRUCTIONS

The Permittee shall perform water quality sampling, analysis and reporting as follows:

1. The sampling method(s) from both monitor wells and surface water bodies shall be designed to collect water samples that are chemically representative of the zone of the aquifer or the depth or area of the water body.
2. Water quality samples from monitor wells shall be taken after pumping the well for the minimum time specified (if specified) or after the water reaches a constant temperature, pH, and conductivity.
3. The first submittal to the District shall include a copy of the laboratory's analytical and chain of custody procedures. If the laboratory used by the Permittee is changed, the first submittal of data analyzed at the new laboratory shall include a copy of the laboratory's analytical and chain of custody procedures.
4. Any variance in sampling and/or analytical methods shall have prior approval of the Water Use Permit Bureau Chief.
5. The Permittee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis.
6. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories."
7. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).
8. Unless other reporting arrangements have been approved by the Water Use Permit Bureau Chief, reports of the analyses shall be submitted to the Water Use Permit Bureau, online at the District WUP Portal or mailed in hardcopy on or before the tenth day of the following month. The online submittal shall include a scanned upload of the original laboratory report. The hardcopy submittal shall be a copy of the laboratory's analysis form. If for some reason, a sample cannot be taken when required, the Permittee shall indicate so and give the reason in the space for comments at the WUP Portal or shall submit the reason in writing on the regular due date.
9. The parameters and frequency of sampling and analysis may be modified by the District as necessary to ensure the protection of the resource.
10. Water quality samples shall be collected based on the following timetable for the frequency listed in the special condition:

Frequency

Weekly
Quarterly
Semi-annually
Monthly

Timetable

Same day of each week
Same week of **February, May, August, November**
Same week of **May, November**
Same week of each month

ANNUAL REPORT SUBMITTAL INSTRUCTIONS

The "Public Supply Water Use Annual Report Form" (Form No. LEG-R.023.00 (01/09)), is designed to assist the Permittee with the annual report requirements, but the final authority for what must be included in the Water Use Annual Report is in this condition and in these instructions. Two identical copies of the "Public Supply Water Use Annual Report Form" and two identical copies of all required supporting documentation shall be included if submitted in hard copy. "Identical copy" in this instance means that if the original is in color, then all copies shall also be printed in color. If submitted electronically, only one submittal is required; however, any part of the document that is in color shall be scanned in color.

1. **Per Capita Use Rate** - A per capita rate for the previous calendar year will be progressively calculated until a rate of 150 gpd per person or less is determined whether it is the unadjusted per capita, adjusted per capita, or compliance per capita. The calculations shall be performed as shown in Part A of the Form. The Permittee shall refer to and use the definitions and instructions for all components as provided on the Form and in the Water Use Permit Applicant's Handbook Part B. Permittees that have interconnected service areas and receive an annual average quantity of 100,000 gpd or more from another permittee are to include these quantities as imported quantities. Permittees in the Southern Water Use Caution Area (SWUCA) or the Northern Tampa Bay Water Use Caution Area (NTBWUCA), as it existed prior to October 1, 2007, shall achieve a per capita of 150 gpd or less, and those in these areas that cannot achieve a compliance per capita rate of 150 gpd or less shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance. Permittees not in a Water Use Caution Area that cannot achieve a compliance per capita rate of 150 gpd or less by December 31, 2019 shall submit this same report in the Annual Report due April 1, 2020.
2. **Residential Use** - Residential water use consists of the indoor and outdoor water uses associated with each category of residential customer (single family units, multi-family units, and mobile homes), including irrigation uses, whether separately metered or not. The Permittee shall document the methodology used to determine the number of dwelling units by type and the quantities used. Estimates of water use based upon meter size will not be accepted. If mobile homes are included in the Permittees multi-family unit category, the information for them does not have to be separated. The information for each category shall include:
 - A. Number of dwelling units per category,
 - B. Number of domestic metered connections per category,
 - C. Number of metered irrigation connections,
 - D. Annual average quantities in gallons per day provided to each category, and
 - E. Percentage of the total residential water use provided apportioned to each category.
3. **Non-Residential Use** - Non-residential use consists of all quantities provided for use in a community not directly associated with places of residence. For each category below, the Permittee shall include annual average gpd provided and percent of total non-residential use quantities provided. For each category 1 through 6 below, the number of metered connections shall be provided. These non-residential use categories are:
 - A. Industrial/commercial uses, including associated lawn and landscape irrigation use,
 - B. Agricultural uses (e.g., irrigation of a nursery),
 - C. Recreation/Aesthetic, for example irrigation (excluding golf courses) of Common Areas, stadiums and school yards,
 - D. Golf course irrigation,
 - E. Fire fighting, system testing and other accounted uses,-
 - F. K-through-12 schools that do not serve any of the service area population, and
 - G. Water Loss as defined as the difference between the output from the treatment plant and accounted residential water use (B above) and the listed non-residential uses in this section.
4. **Water Audit** - The water audit report that is done because water losses are greater than 10% of the total distribution quantities shall include the following items:
 - A. Evaluation of:
 - 1) leakage associated with transmission and distribution mains,
 - 2) overflow and leakage from storage tanks,
 - 3) leakage near service connections,
 - 4) illegal connections,
 - 5) description and explanations for excessive distribution line flushing (greater than 1% of the treated water volume delivered to the distribution system) for potability,
 - 6) fire suppression,
 - 7) un-metered system testing,

- 8) under-registration of meters, and
 - 9) other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts used for residential and non-residential uses specified in Parts B and C above, and
- B. A schedule for a remedial action-plan to reduce the water losses to below 10%.
5. **Alternative Water Supplied other than Reclaimed Water** - Permittees that provide Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) shall include the following on Part D of the Form:
- A. Description of the type of Alternative Water Supply provided,
 - B. County where service is provided,
 - C. Customer name and contact information,
 - D. Customer's Water Use Permit number (if any),
 - E. Customer's meter location latitude and longitude,
 - F. Meter ownership information,
 - G. General customer use category,
 - H. Proposed and actual flows in annual average gallons per day (gpd) per customer,
 - I. Customer cost per 1,000 gallons or flat rate information,
 - J. Delivery mode (e.g., pressurized or non-pressurized),
 - K. Interruptible Service Agreement (Y/N),
 - L. Month/year service began, and
 - M. Totals of monthly quantities supplied.
6. **Suppliers of Reclaimed Water** - Depending upon the treatment capacity of the Permittees wastewater treatment plant, the Permittee shall submit information on reclaimed water supplied as follows:
- A. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd shall utilize the "SWFWMD Annual Reclaimed Water Supplier Report" in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09). The "SWFWMD Annual Reclaimed Water Supplier Report" is described in Section 3.1 of Chapter 3, under the subheading "Reclaimed Water Supplier Report" and is described in detail in the Water Use Permit Applicant's Handbook Part B.
 - B. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd can either utilize the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above or provide the following information on Part E of the Form:
 - 1) Bulk customer information:
 - a) Name, address, telephone number,
 - b) WUP number (if any),
 - c) General use category (residential, commercial, recreational, agricultural irrigation, mining),
 - d) Month/year first served,
 - e) Line size,
 - f) Meter information, including the ownership and latitude and longitude location,
 - g) Delivery mode (pressurized, non-pressurized).
 - 2) Monthly flow in gallons per bulk customer.
 - 3) Total gallons per day (gpd) provided for metered residential irrigation.
 - 4) Disposal information:
 - a) Site name and location (latitude and longitude or as a reference to the service area map),
 - b) Contact name and telephone,
 - c) Disposal method, and
 - d) Annual average gpd disposed.

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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

DRAFT

Attachment: Mar20 WUP 1512_014 Recap Permit (4959 : WUP 20001512.014)

REGULATION COMMITTEE

March 24, 2020

Consent Agenda

WUP No. 20008836.014 Sarasota County Utilities/Sarasota County BOCC (Sarasota)

This is a modification of an existing water use permit for public supply. This permit authorizes a change to the water quality monitoring plan and provides for a more comprehensive monitoring well network at the Carlton Memorial Reserve wellfield. The authorized quantities for the Carlton Memorial Reserve wellfield are unchanged at 7,303,300 gallons per day (gpd) on an annual average basis, and 9,625,000 gpd on a peak month basis. The authorized quantities for this Consolidated Permit as a whole also remain unchanged from the previous revision and are 13,737,400 gallons per day (gpd) on an annual average basis, and 16,499,300 gpd on a peak month basis. There is no change in Use Type from the previous revision. This water use permit is located within the Most Impacted Area of the Southern Water Use Caution Area (SWUCA-MIA).

Special conditions include those that require the Permittee to report meter readings monthly, investigate well complaints, monitor water levels and water quality at each wellfield, convert water level data from NGVD 1929 to NAVD 1988, construct proposed production and/or monitor wells according to approved specifications, cap any withdrawals not in use, maximize beneficial reuse of treated wastewater, continue implementation of the Environmental Monitoring Plan, immediately implement the Wellfield Management Plan for the Carlton Memorial Reserve wellfield, submit a comprehensive annual report for each wellfield by June 1 each year, maintain a water-conserving rate structure with enhanced customer billing and meter reading, submit the Public Supply Annual Report by April 1 each year, maintain an average per capita rate of 86 gpcd, and comply with the requirements of the SWUCA Recovery Strategy.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 008836.014**

PERMIT ISSUE DATE: **March 24, 2020**

EXPIRATION DATE: **August 28, 2027**

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

TYPE OF APPLICATION: Modification

GRANTED TO: Sarasota County BOCC
1001 Sarasota Center Boulevard
Sarasota, FL 34240

PROJECT NAME: Sarasota County Utilities Consolidated Permit

WATER USE CAUTION AREA(S): Most Impacted Area, SOUTHERN WATER USE CAUTION AREA

COUNTY: Sarasota

TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)	
ANNUAL AVERAGE	13,737,400 gpd
PEAK MONTH ¹	16,499,300 gpd

1. Peak Month: Average daily use during the highest water use month.

ABSTRACT:

This is a modification of an existing water use permit for public supply. The purpose of this modification is to change the point of compliance for water quality monitoring of chloride concentration trigger levels, at the Carlton Memorial Reserve wellfield only, from the production wells to a comprehensive monitoring well network. The authorized quantities for the Carlton Memorial Reserve wellfield are unchanged at 7,303,300 gallons per day (gpd) on an annual average basis, and 9,625,000 gpd on a peak month basis. The authorized quantities for this Consolidated Permit as a whole also remain unchanged from the previous revision and are 13,737,400 gallons per day (gpd) on an annual average basis, and 16,499,300 gpd on a peak month basis. There is no change in Use Type from the previous revision. This water use permit is located within the Most Impacted Area of the Southern Water Use Caution Area (SWUCA-MIA).

Special conditions include those that require the Permittee to report meter readings monthly, investigate well complaints, monitor water levels and water quality at each wellfield, convert water level data from NGVD 1929 to NAVD 1988, construct proposed production and/or monitor wells according to approved specifications, cap any withdrawals not in use, maximize beneficial reuse of treated wastewater, continue implementation of the Environmental Monitoring Plan, immediately implement the Wellfield Management Plan for the Carlton Memorial Reserve wellfield, submit a comprehensive annual report for each wellfield by June 1 each year, maintain a water-conserving rate structure with enhanced customer billing and meter reading, submit the Public Supply Annual Report by April 1 each year, maintain an average per capita rate of 86 gpcd, and comply with the requirements of the SWUCA Recovery Strategy.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>
Public Supply	13,737,400	16,499,300

USE TYPE

Regional Public Supply
System

PUBLIC SUPPLY:

Population Served: 269,559
Per Capita Rate: 86 gpd/person

WITHDRAWAL POINT QUANTITY TABLE

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

<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>
SP21 / 1	12	715 / 434	Public Supply	456,500	601,600
STP23 / 3	16	601 / 283	Public Supply	456,400	601,500
STP24 / 4	16	724 / 489	Public Supply	456,400	601,500
SP25 / 5	16	700 / 500	Public Supply	456,500	601,600
TP26 / 6	16	500 / 180	Public Supply	456,400	601,500
TP27 / 7	16	500 / 345	Public Supply	456,400	601,500
TP29 / 8	16	700 / 500	Public Supply	456,500	601,600
TP30 / 9	16	400 / 320	Public Supply	456,400	601,500
TP31 / 10	16	400 / 320	Public Supply	456,400	601,500
TP32 / 11	16	400 / 330	Public Supply	456,500	601,600
TP33 / 12	16	400 / 300	Public Supply	456,400	601,500
TP38 / 13	16	400 / 310	Public Supply	456,400	601,500
TP39 / 14	16	720 / 520	Public Supply	456,500	601,600
SP22R / 57	16	700 / 500	Public Supply	456,400	601,500
59 / 59	16	400 / 300	Public Supply	456,400	601,500
60 / 60	16	400 / 300	Public Supply	456,500	601,600
RO-4 / 102	10	530 / 240	Public Supply	443,500	447,500
RO-5 / 103	10	520 / 240	Public Supply	443,400	447,400
RO-6 / 104	12	530 / 246	Public Supply	443,500	447,400
RO-7 / 143	12	530 / 245	Public Supply	443,500	447,500
RO-8 / 144	12	525 / 240	Public Supply	443,400	447,400
RO-9 / 145	10	380 / 240	Public Supply	443,400	447,400
RO-10 / 146	10	560 / 230	Public Supply	443,500	447,500
RO-1 / 253	12	525 / 240	Public Supply	443,400	447,400
RO-2 / 254	12	525 / 240	Public Supply	443,400	447,400
RO-3 / 255	12	525 / 240	Public Supply	443,400	447,400
1 / 401	8	606 / 350	Public Supply	285,000	342,000
2 / 402	10	600 / 420	Public Supply	286,000	343,200
3 / 403	10	580 / 440	Public Supply	286,000	343,200
4 / 404	10	600 / 440	Public Supply	286,000	343,200
5 / 405	10	640 / 400	Public Supply	286,000	343,200
6 / 406	8	600 / 350	Public Supply	286,000	343,200
7 / 407	10	640 / 460	Public Supply	285,000	342,000

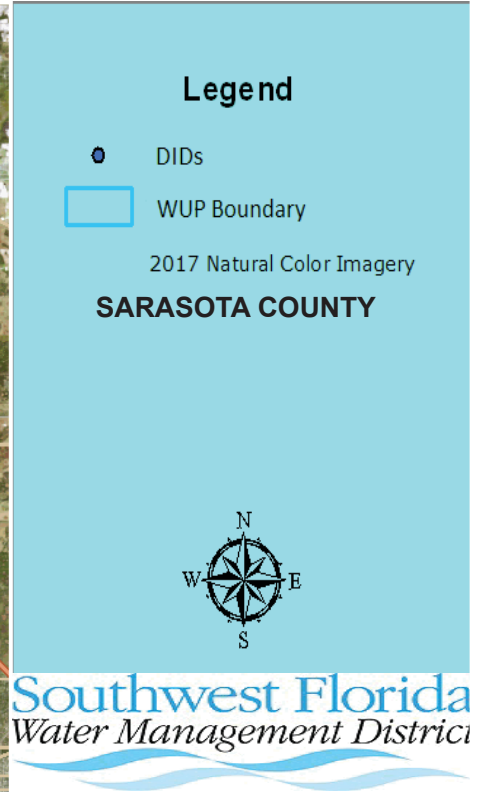
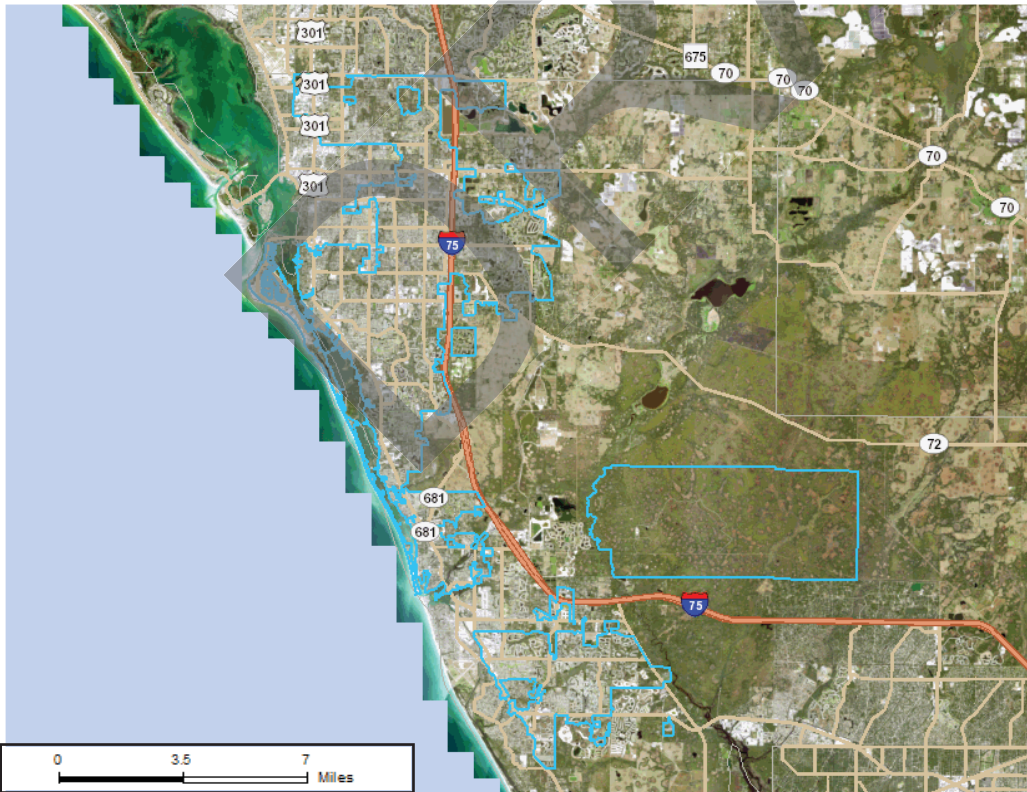
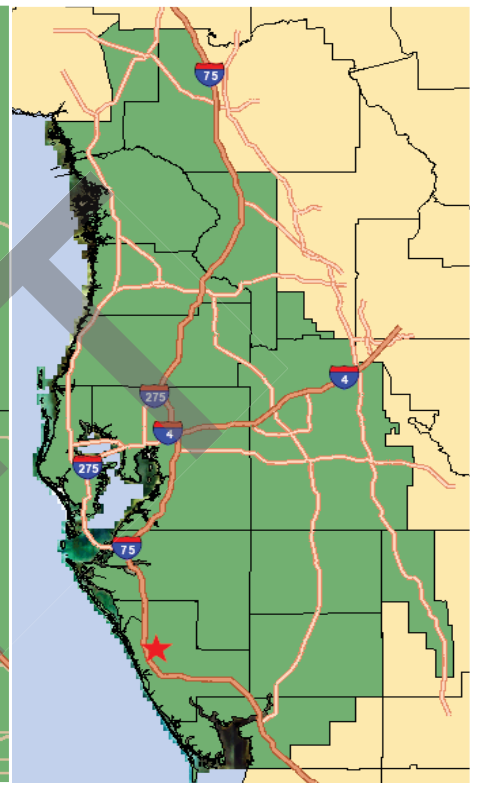
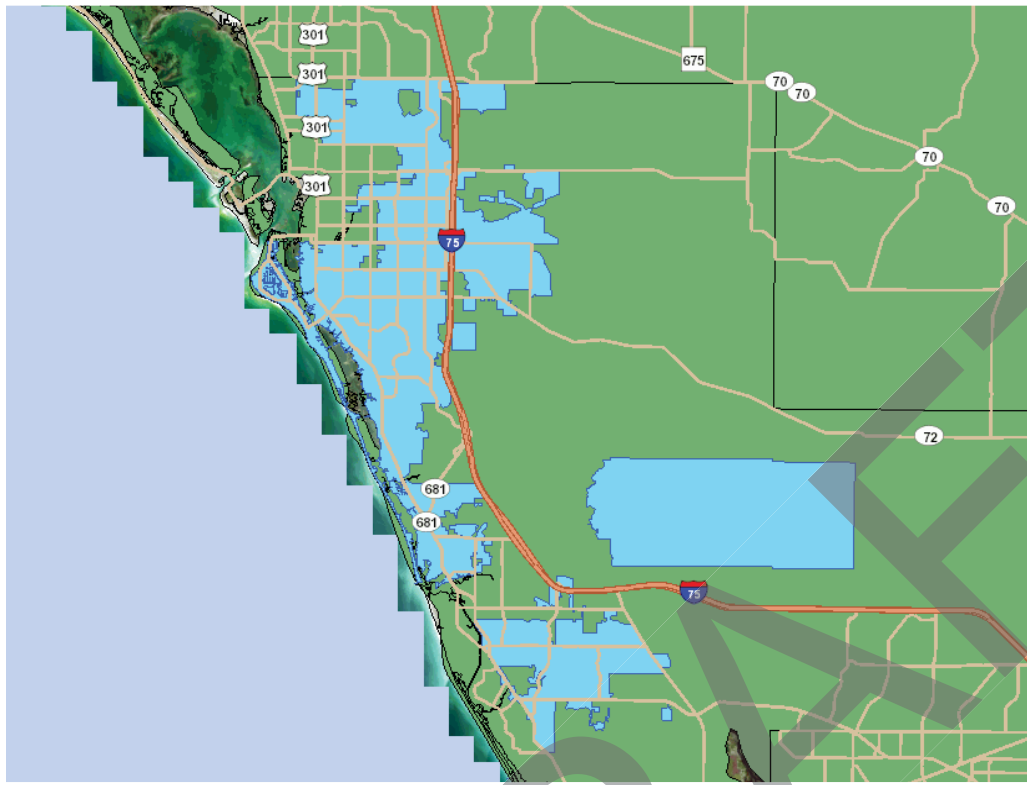
Attachment: Mar20 WUP 8836_014 Recap Permit (4958 : WUP 20008836.014)

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	27° 09' 01.10"/82° 19' 31.50"
3	27° 08' 37.50"/82° 20' 09.70"
4	27° 08' 30.86"/82° 19' 39.87"
5	27° 09' 42.90"/82° 19' 11.80"
6	27° 09' 48.40"/82° 18' 37.10"
7	27° 09' 49.80"/82° 18' 07.40"
8	27° 09' 23.20"/82° 19' 24.50"
9	27° 08' 36.00"/82° 16' 48.60"
10	27° 09' 39.80"/82° 17' 46.10"
11	27° 09' 27.80"/82° 17' 25.80"
12	27° 09' 07.40"/82° 16' 58.30"
13	27° 08' 08.30"/82° 17' 20.50"
14	27° 08' 08.40"/82° 16' 33.50"
57	27° 08' 55.10"/82° 20' 17.20"
59	27° 09' 18.87"/82° 20' 06.84"
60	27° 08' 58.19"/82° 20' 37.05"
102	27° 04' 17.40"/82° 22' 52.00"
103	27° 04' 19.70"/82° 22' 39.00"
104	27° 04' 01.04"/82° 22' 50.84"
143	27° 03' 51.30"/82° 22' 42.40"
144	27° 03' 42.68"/82° 22' 43.19"
145	27° 04' 08.20"/82° 21' 55.17"
146	27° 04' 04.38"/82° 21' 39.25"
253	27° 04' 24.40"/82° 23' 05.30"
254	27° 04' 25.20"/82° 23' 12.20"
255	27° 04' 30.00"/82° 23' 08.30"
401	27° 23' 18.60"/82° 30' 24.30"
402	27° 23' 17.64"/82° 30' 07.33"
403	27° 23' 17.20"/82° 29' 49.50"
404	27° 23' 17.20"/82° 29' 37.30"
405	27° 23' 17.10"/82° 29' 11.10"
406	27° 23' 16.80"/82° 28' 58.10"
407	27° 23' 16.70"/82° 28' 44.79"

Attachment: Mar20 WUP 8836_014 Recap Permit (4958 : WUP 20008836.014)

Location Map
Sarasota County BOCC
WUP No. 20 008836.014



Attachment: Mar20 WUP 8836_014 Recap Permit (4958 : WUP 20008836.014)

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

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

All mailed reports and data are to be sent to:

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

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

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

2. The average day and peak monthly quantities for District ID Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 57, 59 and 60, Permittee ID Nos. SP21, STP23, STP24, SP25, TP26, TP27, TP29, TP30, TP31, TP32, TP33, TP38, TP39, SP22R, 59 and 60, Carlton Memorial Reserve Wellfield, shown in the production withdrawal table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary for the individual wells, within the limits set forth below, so long as adverse environmental impacts do not result and the Permittee complies with all other conditions of this Permit.
- District ID Nos. 1 and 14, Permittee ID Nos. SP21 and TP39: Up to 1,140,000 gallons per day on an annual average basis, and up to 1,369,000 gallons per day on a peak monthly basis
District ID No. 3, Permittee ID No. STP23: Up to 2,120,000 gallons per day on an annual average basis, and up to 2,544,000 gallons per day on a peak monthly basis
District ID No. 4, Permittee ID No. STP24: Up to 2,166,000 gallons per day on an annual average basis, and up to 2,599,000 gallons per day on a peak monthly basis
District ID Nos. 5, 7 and 8, Permittee ID Nos. SP25, TP27 and TP29: Up to 1,152,000 gallons per day on an annual average basis, and up to 1,382,000 gallons per day on a peak monthly basis
District ID No. 6, Permittee ID No. TP26: Up to 1,175,000 gallons per day on an annual average basis, and up to 1,410,000 gallons per day on a peak monthly basis
District ID No. 9, Permittee ID No. TP30: Up to 1,452,000 gallons per day on an annual average basis, and up to 1,742,000 gallons per day on a peak monthly basis
District ID No. 10, Permittee ID No. TP31: Up to 1,935,000 gallons per day on an annual average basis, and up to 2,322,000 gallons per day on a peak monthly basis
District ID Nos. 11 and 12, Permittee ID Nos. TP32 and TP33: Up to 1,544,000 gallons per day on an annual average basis, and up to 1,852,000 gallons per day on a peak monthly basis
District ID No. 13, Permittee ID No. TP38: Up to 772,000 gallons per day on an annual average basis, and up to 926,000 gallons per day on a peak monthly basis

District ID No. 57, Permittee ID No. SP22R: Up to 1,440,000 gallons per day on an annual average basis, and up to 1,728,000 gallons per day on a peak monthly basis
 District ID Nos. 59 and 60, Permittee ID Nos. 59 and 60: Up to 1,440,000 gallons per day on an annual average basis, and up to 1,680,000 gallons per day on a peak monthly basis

In all cases, the total annual average daily withdrawal and the total peak monthly daily withdrawal for the Carlton Memorial Reserve Wellfield are limited to 7,303,000 gpd and 9,625,000 gpd, respectively. (221)

3. The District reserves the right to set water quality concentration limits on any production well in the future, based on data collected and after a sufficient data base has been established to determine limits. These limits shall be required after discussions with the Permittee. At such time as the concentration in any water sample reaches or exceeds the designated concentration limits, the Permittee shall take appropriate action to reduce concentrations to below those set for the particular well. If the District determines that long-term upward trends or other significant water quality changes are occurring, the District may reconsider the quantities permitted.(276)
4. The Permittee shall construct the following proposed monitor wells pursuant to the stipulations given below in accordance with Chapter 62-532, "Water Well Permitting and Construction Requirements". All depths given are relative to feet below land surface. Land surface shall be surveyed relative to North American Vertical Datum 1988 (NAVD 88), and a monitor point elevation identified. A copy of the certified survey and well completion report shall be filed with the District within 30 days of well completion.

District ID Nos. 67 and 68/ Permittee ID Nos. 6F-INT and 20F-INT, with surface casing diameter of 6 inches, to be drilled to a minimum casing depth of 265 feet and a maximum total depth of 305 feet.

District ID No. 70/ Permittee ID No. UFA 56, with surface casing diameter of 6 inches, to be drilled to a minimum casing depth of 500 feet and a maximum total depth of 550 feet. (416)

5. The Permittee shall investigate alleged loss of reliable access to legal, existing withdrawal of ground water, damage to the ground water wells, or to pumps used to access legal, existing withdrawal of water within 6000 feet of District ID No. 102, Permittee ID No. RO-4 (VGW) and within 3200 feet of District ID Nos. 401, 402, 403, 404, 405, 406 and 407, Permittee ID Nos. 1, 2, 3, 4, 5, 6 and 7 (UPW) that may have been caused by the Permittee's ground water withdrawals. Instructions for the complaint handling and possible mitigation procedure are given in Exhibit B, Well Complaint Instructions, attached to and made part of this permit(443)
6. The Permittee is encouraged to demonstrate that beneficial reuse of treated effluent is maximized so that 50% or more of the total annual treated effluent flow is beneficially reused. The calculation of the percentage beneficially reused will be based on the Permittee's wastewater treatment plants that have a capacity of 0.5 million gallons per day or greater. Beneficial reuse includes:
 - A. Landscape irrigation of golf courses, playing fields, cemeteries, parks, playgrounds, school yards, retail nurseries and commercial, industrial and residential properties.
 - B. Agricultural irrigation of food, fiber, fodder and seed crops, wholesale nurseries, "cut flowers", sod farms and improved pastures.
 - C. Groundwater recharge where such recharge results in environmental or water supply benefit.
 - D. Industrial uses for cooling water, process water and wash waters.
 - E. Wetlands restoration.
 - F. Fire protection.
 - G. Environmental enhancement, including discharges to surface waters to replace withdrawals.
 Other useful purposes accepted by the District or allowed under a DEP permit pursuant to Chapter 62-610, F.A.C. (458)
7. The Permittee shall submit a copy of all well completion reports as filed with the Sarasota County Health Department to the Water Use Permit Bureau within 30 days of each well completion.(508)
8. The Permittee shall prepare a comprehensive but concise annual report on the Carlton Memorial Reserve wellfield operation and an assessment of hydrological and ecological system on the Reserve. This report shall summarize the elements in each section listed below, with emphasis on the interactions between these elements, where appropriate. The additional elements of Sarasota County'

Environmental Monitoring Plan dated May 14, 2013, that are not specifically conditioned by this permit should be included in the annual report. Data sources shall be referenced, but no raw data shall be included in the report. Only essential text, graphs, tables, and diagrams should be included in the report. Three copies of the annual report shall be submitted to the Water Use Permit Bureau Chief by June 1 of each year. The parameters, methods, and frequency of sampling and analysis may be modified by mutual agreement between the Water Use Permit Bureau Chief and the Permittee, as necessary to ensure the protection of the resource. The report shall cover all activities for the preceding year (October 1 through September 30). The specific elements of the report are listed in the following sections.

A. Water Use

Reported pumpage data shall be summarized for each production well for the annual reporting period. This shall include the quantities of raw water pumped on a monthly and annual average daily basis. Historical monthly and annual average daily pumpage data shall be presented in tabular or graphical form for each production well. An evaluation of the reported year's pumpage shall be compared and contrasted with the period of record for each well.

B. Water Levels

Water level data collected from production and monitor wells shall be used to determine the effects of pumpage on the surficial, intermediate, and upper Floridan aquifers. Monthly water levels for production and monitor wells shall be summarized in a table for the entire year. Historical water level graphs shall be included for each monitor and production well. An evaluation of the reported year's water levels shall be compared and contrasted with the period of record for each well. The District shall be notified in writing of any significant changes in water levels between historic levels and the reported period.

C. Water Quality

Data collected from the production and monitor wells shall be used to determine the effects of pumpage on the water quality of the intermediate and upper Floridan aquifers. Results from each sampling and analysis event shall be summarized in a table for the entire year. Historical water quality graphs for chloride, sulfate, and TDS shall be included for each well. The District shall be notified in writing of any significant changes in water quality between historic levels and the reported period.

D. Chloride Concentration Trigger Levels

The Permittee shall summarize compliance with, and any events related to, the chloride concentration trigger levels established in this permit for the annual reporting period.

E. Environmental

Data collected each year as outlined in Sarasota County's Environmental Monitoring Plan dated May 14, 2013 shall be presented. An evaluation of each year's wetland data shall be compared and contrasted with the period of record.

(524)

9. A. Wellfield Operation and Management to Avoid Exceeding the Trigger Levels

The Permittee shall operate and manage the wellfield in a manner such that individual wells do not exceed the chloride concentration trigger levels designated in the table below. Such operation and management of the wellfield shall include regular evaluation of water level and water quality data, rotation of production among wells, quantity reductions at specific water quality problem wells, pumpage dispersion, rotation to other sources outside the wellfield, a combination of the above activities, or other methods deemed appropriate to control chloride concentrations. The trigger levels are intended to serve as guidelines in evaluating trends and controlling the effects of wellfield withdrawals on groundwater quality. Single water quality sample concentration readings in excess of the concentrations designated below may occur, provided long-term upward trends (sustained increases) or other significant water quality changes do not occur. At such time as the chloride concentration in any water sample reaches the designated trigger level below, the Permittee shall review the data, examine the cause and consequences of the elevated concentrations, and take appropriate action to reduce concentrations below the trigger level set for the particular well.

University Parkway Wellfield – UPW Production Well Triggers

District ID No. 401/Permittee ID No. 1 - 105 mg/L

District ID No. 402/Permittee ID No. 2 - 97 mg/L

District ID No. 403/Permittee ID No. 3 - 111 mg/L

District ID No. 404/Permittee ID No. 4 - 77 mg/L

District ID No. 405/Permittee ID No. 5 - 140 mg/L

District ID No. 406/Permittee ID No. 6 - 87 mg/L
District ID No. 407/Permittee ID No. 7 - 64 mg/L

Venice Gardens Wellfield - VGW Production Well Triggers

District ID No. 102/Permittee ID No. RO-4 – TBD
District ID No. 103/Permittee ID No. RO-5 - TBD
District ID No. 104/Permittee ID No. RO-6 - 712 mg/L
District ID No. 143/Permittee ID No. RO-7 - 679 mg/L
District ID No. 144/Permittee ID No. RO-8 - TBD
District ID No. 145/Permittee ID No. RO-9 - TBD
District ID No. 146/Permittee ID No. RO-10 - TBD
District ID No. 253/Permittee ID No. RO-1 - TBD
District ID No. 254/Permittee ID No. RO-2 - TBD
District ID No. 255/Permittee ID No. RO-3 – TBD

The Permittee shall immediately implement the Wellfield Management Plan for the Carlton Memorial Reserve wellfield dated November 2019. Where this plan differs from the Special Conditions attached to this permit, those Special Conditions shall have precedence.

Carlton Memorial Reserve Wellfield - CMR Monitor Well Long Term Triggers

District ID No. 31/Permittee ID No. 3F – 28.0 mg/L
District ID No. 35/Permittee ID No. 6F – 18.2 mg/L
District ID No. 49/Permittee ID No. 20F - TBD
District ID No. 56/Permittee ID No. VMW56 – 32.0 mg/L
District ID No. 62/Permittee ID No. TCW9B – 28.1 mg/L
District ID No. 63/Permittee ID No. TCW9C – 27.1 mg/L
District ID No. 65/Permittee ID No. TCW10B – 30.3 mg/L
District ID No. 66/Permittee ID No. TCW20C – 42.1 mg/L
District ID No. 67/Permittee ID No. 6F-INT - TBD
District ID No. 68/Permittee ID No. 20F-INT - TBD
District ID No. 70/Permittee ID No. UFA 56 - TBD

Carlton Memorial Reserve Wellfield – CMR Monitor Well Short Term Triggers

District ID No. 31/Permittee ID No. 3F – 33.6 mg/L
District ID No. 35/Permittee ID No. 6F – 22.1 mg/L
District ID No. 49/Permittee ID No. 20F - TBD
District ID No. 56/Permittee ID No. VMW56 – 37.0 mg/L
District ID No. 62/Permittee ID No. TCW9B – 37.7 mg/L
District ID No. 63/Permittee ID No. TCW9C – 37.1 mg/L
District ID No. 65/Permittee ID No. TCW10B – 44.1 mg/L
District ID No. 66/Permittee ID No. TCW20C – 52.9 mg/L
District ID No. 67/Permittee ID No. 6F-INT - TBD
District ID No. 68/Permittee ID No. 20F-INT - TBD
District ID No. 70/Permittee ID No. UFA 56 - TBD

TBD = Trigger levels to be determined per Section E below

B. Wellfield Operation and Management if Upward Trends are Identified

Compliance with the chloride concentration trigger levels will be based on quarterly sampling results evaluated in both the long term and in the short term. For the UPW and VGW production wells, a single trigger level is applied to both the long term and the short term compliance evaluation. For the CMR monitor wells, two unique trigger levels are established for each well, one applied to the long term compliance evaluation and the other applied to the short term compliance evaluation. In all cases, the long term compliance evaluation will be based on the last six available results: Only when all six results exceed the long term trigger will the well be deemed out of compliance. Meanwhile, the short term compliance evaluation in all cases will be based on a moving average comprising the last three available results: If this average exceeds the short term trigger level, then the well will be deemed out of compliance.

When a UPW or VGW production well is found to be out of compliance, then the Permittee shall rotate

that well out of service for 30 days. After the 30th day has passed, the Permittee shall sample the well to determine if chloride concentrations have receded to below the trigger level. If chloride concentrations have receded below the trigger level the well can be placed back into regular service. If chloride concentrations remain above the trigger level, the well shall be further evaluated as identified below.

When a CMR monitor well is found to be out of compliance, then the Permittee shall immediately undertake a statistical analysis to evaluate the relationship between pumpage and water quality.

C. Detailed Evaluation of Wells Which Remain Above Trigger Levels

If, after taking the actions described above, chloride concentrations in a UPW or VGW production well remain above the trigger level, or a statistically significant relationship between pumpage and water quality is established for a CMR monitor well, then a further and more detailed evaluation of the well shall be undertaken to determine if there are other feasible options to avoid exceeding the trigger level. An evaluation of such options shall be undertaken and submitted to the District within 90 days of the determination that chloride concentrations remain above the trigger level. The evaluation shall include geophysically logging the well with appropriate geophysical logs as agreed to by the Water Use Permit Bureau Chief. Options to be evaluated shall include: enhanced rotation of production among wells, further quantity reductions from the well, further pumpage dispersion (through construction of additional production wells through permit modification), backplugging the well, plugging the well, rotation to other sources outside of the wellfield, a combination of the above activities, or other methods to control chloride concentrations.

D. Trigger Level Modifications

If the Permittee has evaluated and implemented all feasible options to avoid exceeding the trigger level for a particular well as described above, and the chloride concentration still remains above the trigger level, the Permittee may request modification of that trigger level to the lowest feasible chloride concentration, as described below. Such requests shall be submitted in writing, and shall require the written approval of the Water Use Permit Bureau Chief.

The request for modification of the chloride concentration trigger level shall include documentation regarding all wellfield management measures which have been implemented to attain compliance with the trigger level specified in this permit. The Permittee's request for modification of the trigger level must also include a proposal for the lowest feasible chloride concentration for the specific well for consideration by the District. This proposed trigger level shall be based upon a comprehensive evaluation of water level and water quality data from production and monitor wells in order to predict changes to the location of the saline water interface in zones PZ-3 and the upper Floridan (both laterally and vertically) which may result from the proposed increased trigger level. The request shall include an evaluation of the effects of withdrawals from the specific well and the wellfield as a whole on the Permittee, other existing legal users, and environmental resources.

The District will allow chloride concentration trigger level modifications if it is determined that the proposed modified chloride concentration trigger level will not adversely effect the Permittee, other existing legal users, and environmental resources. If the District determines that reasonable assurance has not been provided in the proposed modified chloride concentration trigger level, the level will not be modified. If the District reaches such a determination, the Permittee shall be required to implement other effective measures to remain below the chloride concentration trigger level, or remove the well from service. If the District determines that long-term upward trends or other significant water quality changes are occurring, and such trends have not been effectively addressed by the Permittee, the District may reconsider the quantities permitted. If new trigger levels are specified by the Water Use Permit Bureau Chief, they shall supersede the trigger levels listed in this permit.

E. Setting of Chloride Concentration Trigger Levels for New Wells

Whereas compliance with an established trigger level will be based on quarterly sampling results, all new wells will be sampled monthly for a period of three years (36 sample results) after which time a trigger level will be established and quarterly sampling for compliance purposes can begin.

Within 3 years of placing into service proposed VGW production wells District ID Nos. 59, 60, 102, 103, 144, 145, 146, 253, 254, and 255, Permittee ID Nos. 59, 60, RO-4, RO-5, RO-8, RO-9, RO-10, RO-1,

RO-2, and RO-3, the Permittee shall statistically derive a trigger level or propose the lowest feasible chloride concentration trigger level for the respective well based on monthly water quality sampling for the previous 3 years. Proposed trigger levels shall be submitted in writing to the Water Use Permit Bureau Chief. Upon District approval, the chloride concentration trigger level for the respective well shall be incorporated into this Special Condition.

Within 3 years of placing into service proposed CMR monitor wells District ID Nos. 49, 67, 68, and 70, Permittee ID Nos. 20F, 6F-INT, 20F-INT, and UFA 56, the Permittee shall statistically derive a trigger level or propose the lowest feasible chloride concentration trigger level for the respective well based on monthly water quality sampling for the previous 3 years. Proposed trigger levels shall be submitted in writing to the Water Use Permit Bureau Chief. Upon District approval, the chloride concentration trigger level for the respective well shall be incorporated into this Special Condition.

F. Annual Report

Information regarding compliance with chloride concentration trigger levels established in this permit shall be summarized in the annual report.
(559)

10. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
 11. Beginning January 1, 2012, the Permittee shall comply with the following requirements:
 - A. Customer billing period usage shall be placed on each utility-metered, customer's bill.
 - B. Meters shall be read and customers shall be billed no less frequently than bi-monthly.
 - C. The following information, as applicable to the customer, shall be provided at least once each calendar year and a summary of the provisions shall be provided to the District annually as described in Section D, below. The information shall be provided by postal mailings, bill inserts, online notices, on the bill or by other means. If billing units are not in gallons, a means to convert the units to gallons must be provided.
 1. To each utility-metered customer in each customer class - Information describing the rate structure and shall include any applicable:
 - a. Fixed and variable charges,
 - b. Minimum charges and the quantity of water covered by such charges,
 - c. Price block quantity thresholds and prices,
 - d. Seasonal rate information and the months to which they apply, and
 - e. Usage surcharges
 2. To each utility-metered single-family residential customer - Information that the customer can use to compare its water use relative to other single-family customers or to estimate an efficient use and that shall include one or more of the following:
 - a. The average or median single-family residential customer billing period water use calculated over the most recent three year period, or the most recent two year period if a three year period is not available to the utility. Data by billing period is preferred but not required.
 - b. A means to calculate an efficient billing period use based on the customer's characteristics, or
 - c. A means to calculate an efficient billing period use based on the service area's characteristics.
 - D. Annual Report: The following information shall be submitted to the District annually by October 1 of each year of the permit term to demonstrate compliance with the requirements above. The information shall be current as of the October 1 submittal date.
 1. Description of the current water rate structure (rate ordinance or tariff sheet) for potable and non-potable water.
 2. Description of the current customer billing and meter reading practices and any proposed changes to these practices (including a copy of a bill per A above).
 3. Description of the means the permittee uses to make their metered customers aware of rate structures, and how the permittee provides information their metered single-family residential customers can use to compare their water use relative to other single-family customers or estimate an efficient use (see C 1 & 2 above).
- (592)
12. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy,

which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.(652)

13. The Permittee shall maintain a water conserving rate structure for the duration of the permit term. Any changes to the water conserving rate structure described in the application shall be described in detail as a component of the next Annual Report on Water Rate, Billing and Meter Reading Practices of the year following the change.(659)
14. The Permittee shall submit a "Public Supply Annual Report" to the District by April 1 of each year on their water use during the preceding calendar year using the form, "Public Supply Water Use Annual Report Form" (Form No. LEG-R.103.00 (05/14)), referred to in this condition as "the Form," and all required attachments and documentation. The Permittee shall adhere to the "Annual Report Submittal Instructions" attached to and made part of this condition in Exhibit B. The Form addresses the following components in separate sections.

Per Capita Use Rate

A per capita rate for the previous calendar year will be calculated as provided in Part A of the Form using Part C of the Form to determine Significant Use deduction that may apply. Permittees that cannot achieve a per capita rate of 150 gpd according to the time frames included in the "Instructions for Completion of the Water Use Annual Report," shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance.

Residential Use

Residential use shall be reported in the categories specified in Part B of the Form, and the methodology used to determine the number of dwelling units by type and their quantities used shall be documented in an attachment.

Non-Residential Use

Non-residential use quantities provided for use in a community but that are not directly associated with places of residence, as well as the total water losses that occur between the point of output of the treatment plant and accountable end users, shall be reported in Part B of the Form.

Water Conservation

In an attachment to the Form, the Permittee shall describe the following:

1. Description of any ongoing audit program of the water treatment plant and distribution systems to address reductions in water losses.
2. An update of the water conservation plan that describes and quantifies the effectiveness of measures currently in practice, any additional measures proposed to be implemented, the scheduled implementation dates, and an estimate of anticipated water savings for each additional measure.
3. A description of the Permittees implementation of water-efficient landscape and irrigation codes or ordinances, public information and education programs, water conservation incentive programs, identification of which measures and programs, if any, were derived from the Conserve Florida Water Conservation Guide, and provide the projected costs of the measures and programs and the projected water savings.

Water Audit

If the current water loss rate is greater than 10% of the total distribution quantities, a water audit as described in the "Instructions for Completion of the Water Use Annual Report" shall be conducted and completed by the following July 1, with the results submitted by the following October 1. Indicate on Part A of the Form whether the water audit was done, will be done, or is not applicable.

Alternative Water Supplied Other Than Reclaimed Water

If the Permittee provides Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) to customers, the information required on Part D of the Form shall be submitted along with an attached map depicting the areas of current Alternative Water Use service and areas that are projected to be added within the next year.

Suppliers of Reclaimed Water

1. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd:

The Permittee shall submit the "SWFWMD Annual Reclaimed Water Supplier Report" on quantities of reclaimed water that was provided to customers during the previous fiscal year (October 1 to September 30). The report shall be submitted in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09), that will be provided annually to them by the District. A map depicting the area of reclaimed water service that includes any areas projected to be added within the next year, shall be submitted with this report.

2. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd:

a. The Permittee has the option to submit the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above, or

b. Provide information on reclaimed water supplied to customers on Part E of the Form as described in the "Instructions for Completion of the Water Use Annual Report".

Updated Service Area Map

If there have been changes to the service area since the previous reporting period, the Permittee shall update the service area using the map that is maintained in the District's Mapping and GIS system. (660)

15. The Permittee shall prepare a comprehensive but concise annual report describing the operation of the withdrawal facilities and detailing any plans the Permittee may have for using the University Parkway or Venice Gardens Wellfields on a standby or rotational basis in combination with other sources available to Sarasota County Utilities. The report shall include an analysis of how these plans relate to compliance with the water quality concentration limits specified in this permit. This report shall include an updated description of Sarasota County Utilities' potable water demand and sources. This report shall be submitted to the Water Use Permit Bureau by June 1 of each year. (673)
16. Permittees having their own wastewater treatment plant that generate at least advanced-secondary treated effluent (high-level disinfection, as described in Rule 62-600.440(5), F.A.C.) to the minimum FDEP requirements for public access reuse shall respond in a timely manner to inquiries about availability from water use permit applicants for water uses where such reclaimed water is appropriate. If reclaimed water is or will be available to that permit applicant within the next six years, the Permittees shall provide a cost estimate for connection to the applicant. (674)
17. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief:

Venice Gardens Wellfield (VGW):

District ID Nos. 102, 103, 104, 142, 143, 144, 145, 146, 253, 254 and 255, Permittee ID Nos. RO-4, RO-5, RO-6, RO-Plant, RO-7, RO-8, RO-9, RO-10, RO-1, RO-2 and RO-3.

University Parkway Wellfield (UPW):

District ID Nos. 401, 402, 403, 404, 405, 406 and 407, Permittee ID Nos. 1, 2, 3, 4, 5, 6 and 7

Carlton Memorial Reserve (CMR):

District ID Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 57, 58, 59 and 60, Permittee ID Nos. SP21, STP23, STP24, SP25, TP26, TP27, TP29, TP30, TP31, TP32, TP33, TP38, TP39, SP22R, SUD-100, 59 and 60

Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit. (719)

18. Water quality samples from the monitor sites listed below shall be collected and analyzed for the parameter(s) specified at the frequency indicated. For sampling, analysis and submittal requirements see Exhibit B, Water Quality Sampling Instructions, attached to and made part of this permit.

University Parkway Wellfield (UPW)

Existing District ID Nos. 453 and 454, Permittee ID Nos. 53R and 54R, for chlorides, sulfate and TDS,

on a quarterly basis (February, May, August and November).

Carlton Memorial Reserve (CMR)

Existing District ID Nos. 15, 17, 19, 25, 27, 29, 31, 34, 35, 41, 43, 45, 56, 61, 62, 63, 64, 65 and 66, Permittee ID Nos. SM21A, HM21, OM21, TM37, OM41, 3E, 3F, 6E, 6F, 14F-N, 14E-S, 14F-S, VMW56, TCW9A, TCW9B, TCW9C, TCW10A, TCW10B and TCW10C, for chlorides, sulfate and TDS, on a quarterly basis (February, May, August and November).

Carlton Memorial Reserve (CMR)

Existing District ID No. 49, Permittee ID No. 20F, and proposed District ID Nos. 67, 68, and 70, Permittee ID Nos. 6F-INT, 20F-INT, and UFA 56, for chlorides on a monthly basis for three years, then after on a quarterly basis, and sulfate and TDS on a quarterly basis (February, May, August and November), with the first analyzed sample due within 90 days of completion of the monitor sites or per the first reporting period as given in Exhibit B after completion of the monitor site.
(750)

19. Water quality samples from the withdrawal points listed below shall be collected after pumping the withdrawal point at its normal rate for a pumping time specified below, or to a constant temperature, pH, and conductivity. The frequency of sampling per water quality parameter is listed in the table according to the withdrawal point. The recording and reporting shall begin according to the first sample date for existing wells and shall begin within 90 days of completion of any proposed wells. Samples shall be collected whether or not the well is being used unless infeasible. If sampling is infeasible, the Permittee shall indicate the reason for not sampling on the water quality data form or in the space for comments in the WUP Portal for data submissions. For sampling, analysis and submittal requirements see Exhibit B, Water Quality Sampling Instructions, attached to and made part of this permit.

University Parkway Wellfield:

Existing District ID Nos. 401, 402, 403, 404, 405, 406 and 407, Permittee ID Nos. 1, 2, 3, 4, 5, 6 and 7 for chlorides, sulfates and TDS, after a minimum pumping time of 25 minutes, on a monthly basis.

Venice Gardens Wellfield:

Existing District ID Nos. 102, 103, 104, 143, 144, 145, 146, 253, 254 and 255, Permittee ID Nos. RO-4, RO-5, RO-6, RO-7, RO-8, RO-9, RO-10, RO-1, RO-2 and RO-3 for chlorides, sulfates and TDS, after a minimum pumping time of 25 minutes, on a monthly basis.

Carlton Memorial Reserve:

Existing District ID Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 57, 59 and 60, Permittee ID Nos. SP21, STP23, STP24, SP25, TP26, TP27, TP29, TP30, TP31, TP32, TP33, TP38, TP39, SP22R, 59 and 60 for chlorides, sulfates and TDS, after a minimum pumping time of 25 minutes, on a monthly basis.
(752)

20. The Permittee shall continue to maintain the monitor well(s) or piezometer(s) listed below and report them to the District at the frequency listed for the interval, aquifer system, or geologic formation listed. Water levels shall be recorded relative to the National Geodetic Vertical Datum 1929 and to the maximum extent possible, recorded on a regular schedule: same time each day, same day each week, same week each month as appropriate to the frequency noted. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource. The Permittee shall have the elevation of the measuring point on each well listed surveyed to the specified datum, and a copy of the certified survey report for the wells listed shall be included with the first data submittal.

University Parkway Wellfield (UPW):

The Permittee shall continue to record water levels in District ID Nos. 451 and 452, Permittee ID Nos. S-7 and S-6A, on a continuous (hourly) basis and then reduce the data to daily mean, minimum, and maximum values. The reduced data shall be reported online via the WUP Portal at the District website (watermatters.org) or mailed in hardcopy on District-provided forms to the Water Use Permit Bureau on a quarterly basis, on or before the 15th day of February, May, August and November of each year. The date that the water level is measured shall be reported with the data and the data shall be referenced to National Geodetic Vertical Datum (NGVD 29).

Venice Gardens Wellfield (VGW):

The Permittee shall continue to record water levels for District ID Nos. 101, 128 and 141, Permittee ID Nos. MZCR-1, 2-12 and RM-5, on a monthly basis. The data shall be reported online via the WUP Portal at the District website (watermatters.org) or mailed in hardcopy on District-provided forms to the Water Use Permit Bureau on or before the 15th day of the following month. The date that the water level is measured shall be reported with the data and the data shall be referenced to National Geodetic Vertical Datum (NGVD 29).

Carlton Memorial Reserve Wellfield (CMR):

The Permittee shall monitor water levels in the water table and confined aquifers as indicated in the following table. The water levels will be recorded on a continuous (hourly) basis and will be reduced to daily mean, minimum, and maximum values. Since District ID No. 56 (Permittee ID No. VMW56) is not part of the telemetry network, a water level will be collected manually on a monthly basis. The reduced data shall be reported online via the WUP Portal at the District website (watermatters.org) or mailed in hardcopy on District-provided forms to the Water Use Permit Bureau on or before the 15th day of each month. The date that the water level is measured shall be reported with the data and the data shall be referenced to National Geodetic Vertical Datum (NGVD 29). Water level data for the reported period shall be included in the annual report.

District ID Nos. 28, 32, 33, 39, 42, 46, 51, 52, 53, 54, 55, 61, and 64 Permittee ID Nos. 3G, 5, 6G, 14G-N, 14-S, 20, 4B, 8B, 26, 27, 46, TCW9A, and TCW10A to monitor the Surficial Aquifer System on an hourly basis.

District ID Nos. 17, 21, 29, 34, 40, 43, 48, 56, 62, and 65 Permittee ID Nos. HM21, STM24A, 3E, 6E, 14E-N, 14E-S, 20E, VMW56, TCW9B, and TCW10B to monitor the Intermediate Aquifer System on an hourly basis.

District ID Nos. 15, 19, 27, 31, 35, 41, 45, 49, 63, and 66 Permittee ID Nos. SM21A, OM21, OM41, 3F, 6F, 14F-N, 14F-S, 20F, TCW9C, and TCW10C to monitor the Upper Floridan Aquifer System on an hourly basis.
(756)

21. The Permittee shall continue to monitor water levels in the production wells listed below. The water levels will be recorded on a continuous (hourly) basis and will be reduced to daily mean, minimum, and maximum values. The reduced data shall be reported online via the WUP Portal at the District website or mailed in hardcopy on District-provided forms to the Water Use Permit Bureau, on a monthly basis on or before the 10th day of each month. The date that the water level is measured shall be reported with the data and the data shall be referenced to National Geodetic Vertical Datum (NGVD 29). The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource. Water level data for the reported period shall be included in the annual report. The Permittee shall have the elevation of the measuring point on each well listed surveyed to the specified datum, and a copy of the certified survey report for the wells listed shall be included with the first data submittal.

Carlton Memorial Reserve (CMR):

District ID Nos. 6, 7, 9, 10, 11, 12, 13, 14, 59 and 60, Permittee ID Nos. TP26, TP27, TP30, TP31, TP32, TP33, TP38, TP39, 59 and 60, to monitor the Intermediate Aquifer System on an hourly basis.

District ID Nos. 1, 3, 4, 5, 8 and 57, Permittee ID Nos. SP21, STP23, STP24, SP25, SP29 and SP22R, to monitor the Upper Floridan Aquifer System on an hourly basis.
(758)

22. The Permittee should maintain an average per capita rate of 86 gpd on which the permit was based. The per capita rate in any given year shall not exceed 150 gpd whether it is calculated as an unadjusted gross per capita, an adjusted gross per capita, or a compliance per capita. The per capita rate will be monitored via the Annual Report and the Reclaimed Water Supplier Report that are required to be submitted by April 1 of each year for the term of the permit.
(767)

23. By July 1, 2020, the permittee shall submit a plan to convert the recording and reporting water level data for existing monitor sites, District ID Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 21, 27, 28, 29, 31, 32, 33, 34, 35, 39, 40, 41, 42, 43, 45, 46, 48, 49, 51, 52, 53, 54, 55, 56, 57, 59, 60,

101, 128, 141, 451, and 452, Permittee ID Nos. SP21, STP23, STP24, SP25, TP26, TP27, TP29, TP30, TP31, TP32, TP33, TP38, TP39, SM21A, HM21, OM21, STM24A, OM41, 3G, 3E, 3F, 5, 6G, 6E, 6F, 14G-N, 14E-N, 14F-N, 14-S, 14E-S, 14F-S, 20, 20E, 20F, 4B, 8B, 26, 27, 46, VMW56, SSP22R, 59, 60, MZCR-1, 2-12, RM-5, S-7, and S-6A from National Geodetic Vertical Datum 1929 to North American Vertical Datum 1988. The plan shall include a description of the methodology to be used to convert the elevation data. If a computer program is used, the program title and with release date shall be included. The plan shall indicate when the conversion is to be implemented. After approval of the plan by the District, the conversion shall proceed according to plan and the data will be indicated as converted from NGVD 29 to NAVD 88 with the first submission of converted data.(851)

24. This permit authorizes the continued regional transfer of water from Sarasota County Utilities' Carlton Memorial Reserve Wellfield to the Peace River/Manasota Regional Water Supply Authority (PRMRWSA) on an as needed basis. The transfer of water shall be metered on the 24-inch diameter public supply interconnect pipeline located at the wellfield.

To this end, the Permittee, in cooperation with the PRMRWSA, shall maintain and operate a non-resettable, totalizing flow meter, or other flow measuring device as approved by the Regulation Department Director, for the public supply interconnect pipeline with the PRMRWSA, designated as District ID No. 58, Permittee ID No. SUD-100. Such device shall maintain an accuracy within 5 percent of the actual flow as installed. Total volume from the interconnect shall be recorded on a monthly basis and reported online via the District Permit Information Center (ePIC) at the District website (www.watermatters.org) or mailed hardcopy on District provided forms, on or before the 20th day of the following month. If the public supply interconnect with the PRMRWSA is not utilized during a given month, a report shall be submitted to the Permit Data Section indicating zero gallons.(991)

25. The total quantities in gallons per day authorized under this permit for each facility on an annual average basis are set forth below:

- A. Carlton Memorial Reserve Wellfield (CMR) - 7,303,000 gpd
- B. University Parkway Wellfield (UPW) - 2,000,000 gpd
- C. Venice Gardens Wellfield (VGW) - 4,434,400 gpd

Total Permitted Quantity - 13,737,400 gpd(992)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

Attachment: Mar20 WUP 8836_014 Recap Permit (4958 : WUP 20008836.014)

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

Exhibit B
Instructions

METERING INSTRUCTIONS

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

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

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

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

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

FLOW METER ACCURACY TEST INSTRUCTIONS

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

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

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

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

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

WATER QUALITY INSTRUCTIONS

The Permittee shall perform water quality sampling, analysis and reporting as follows:

1. The sampling method(s) from both monitor wells and surface water bodies shall be designed to collect water samples that are chemically representative of the zone of the aquifer or the depth or area of the water body.
2. Water quality samples from monitor wells shall be taken after pumping the well for the minimum time specified (if specified) or after the water reaches a constant temperature, pH, and conductivity.
3. The first submittal to the District shall include a copy of the laboratory's analytical and chain of custody procedures. If the laboratory used by the Permittee is changed, the first submittal of data analyzed at the new laboratory shall include a copy of the laboratory's analytical and chain of custody procedures.
4. Any variance in sampling and/or analytical methods shall have prior approval of the Water Use Permit Bureau Chief.
5. The Permittee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis.
6. Water quality samples shall be analyzed by a laboratory certified by the Florida Department of Health utilizing the standards and methods applicable to the parameters analyzed and to the water use pursuant to Chapter 64E-1, Florida Administrative Code, "Certification of Environmental Testing Laboratories."
7. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).
8. Unless other reporting arrangements have been approved by the Water Use Permit Bureau Chief, reports of the analyses shall be submitted to the Water Use Permit Bureau, online at the District WUP Portal or mailed in hardcopy on or before the tenth day of the following month. The online submittal shall include a scanned upload of the original laboratory report. The hardcopy submittal shall be a copy of the laboratory's analysis form. If for some reason, a sample cannot be taken when required, the Permittee shall indicate so and give the reason in the space for comments at the WUP Portal or shall submit the reason in writing on the regular due date.
9. The parameters and frequency of sampling and analysis may be modified by the District as necessary to ensure the protection of the resource.
10. Water quality samples shall be collected based on the following timetable for the frequency listed in the special condition:

Frequency

Weekly
Quarterly
Semi-annually
Monthly

Timetable

Same day of each week
Same week of **February, May, August, November**
Same week of **May, November**
Same week of each month

WELL COMPLAINT INSTRUCTIONS

The permittee shall adhere to the following process for handling water resource, surface or ground water withdrawal point impact, dewatering complaints, or discharge/seepage of water from their property:

1. Within 48 hours of a complaint received by the Permittee related to their withdrawal or use of water or dewatering activity, the Permittee shall notify the District, perform a preliminary investigation to determine whether the Permittee's pumpage, dewatering activity, or discharge/seepage from their property may have caused the problem.
2. If this preliminary assessment indicates that the Permittee may be responsible, the Permittee shall, within 72 hours of complaint receipt, supply the complainant with any water necessary for health and safety purposes, such as drinking water.
3. If the resulting investigation determines that the Permittee was not responsible for the well problem, the Permittee shall document the reasons for this determination.
4. If the detailed investigation confirms that the complainant's problem was caused by the Permittee's pumpage, dewatering, or discharge or water impoundment activities:
 - A. The complainant's problem shall be fully corrected within 15 days of complaint receipt.
 - B. Impacts to wells: Full correction shall be restoration of the complainant's well to pre-impact condition or better, including the aspects of pressure levels, discharge quantity, and water quality. This detailed investigation shall include, but not be limited to, an analysis of water levels and pumpage impacts at the time of the complainant's problem, well and pump characteristics including depths, capacity, pump curves, and irrigation system requirements.
5. The Permittee shall file a report of the complaint, the findings of facts, appropriate technical data, and any mitigating action taken or to be taken by the Permittee, to the Water Use Permit Bureau Chief, for review and approval within 20 days of the receipt of any complaint. The report shall include:
 - A. The name and address of each complainant;
 - B. The date and nature of the complaint;
 - C. A summary of the Permittee's investigation;
 - D. A summary of the Permittee's determination, including details of any mitigation activities; and
 - E. Cost of mitigation activity for each complaint.
6. A copy of the report shall be sent to the complainant within 20 days of complaint receipt.

ANNUAL REPORT SUBMITTAL INSTRUCTIONS

The "Public Supply Water Use Annual Report Form" (Form No. LEG-R.023.00 (01/09)), is designed to assist the Permittee with the annual report requirements, but the final authority for what must be included in the Water Use Annual Report is in this condition and in these instructions. Two identical copies of the "Public Supply Water Use Annual Report Form" and two identical copies of all required supporting documentation shall be included if submitted in hard copy. "Identical copy" in this instance means that if the original is in color, then all copies shall also be printed in color. If submitted electronically, only one submittal is required; however, any part of the document that is in color shall be scanned in color.

1. **Per Capita Use Rate** - A per capita rate for the previous calendar year will be progressively calculated until a rate of 150 gpd per person or less is determined whether it is the unadjusted per capita, adjusted per capita, or compliance per capita. The calculations shall be performed as shown in Part A of the Form. The Permittee shall refer to and use the definitions and instructions for all components as provided on the Form and in the Water Use Permit Applicant's Handbook Part B. Permittees that have interconnected service areas and receive an annual average quantity of 100,000 gpd or more from another permittee are to include these quantities as imported quantities. Permittees in the Southern Water Use Caution Area (SWUCA) or the Northern Tampa Bay Water Use Caution Area (NTBWUCA), as it existed prior to October 1, 2007, shall achieve a per capita of 150 gpd or less, and those in these areas that cannot achieve a compliance per capita rate of 150 gpd or less shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance. Permittees not in a Water Use Caution Area that cannot achieve a compliance per capita rate of 150 gpd or less by December 31, 2019 shall submit this same report in the Annual Report due April 1, 2020.
2. **Residential Use** - Residential water use consists of the indoor and outdoor water uses associated with each category of residential customer (single family units, multi-family units, and mobile homes), including irrigation uses, whether separately metered or not. The Permittee shall document the methodology used to determine the number of dwelling units by type and the quantities used. Estimates of water use based upon meter size will not

be accepted. If mobile homes are included in the Permittees multi-family unit category, the information for them does not have to be separated. The information for each category shall include:

- A. Number of dwelling units per category,
- B. Number of domestic metered connections per category,
- C. Number of metered irrigation connections,
- D. Annual average quantities in gallons per day provided to each category, and
- E. Percentage of the total residential water use provided apportioned to each category.

3. **Non-Residential Use** - Non-residential use consists of all quantities provided for use in a community not directly associated with places of residence. For each category below, the Permittee shall include annual average gpd provided and percent of total non-residential use quantities provided. For each category 1 through 6 below, the number of metered connections shall be provided. These non-residential use categories are:

- A. Industrial/commercial uses, including associated lawn and landscape irrigation use,
- B. Agricultural uses (e.g., irrigation of a nursery),
- C. Recreation/Aesthetic, for example irrigation (excluding golf courses) of Common Areas, stadiums and school yards,
- D. Golf course irrigation,
- E. Fire fighting, system testing and other accounted uses, -
- F. K-through-12 schools that do not serve any of the service area population, and
- G. Water Loss as defined as the difference between the output from the treatment plant and accounted residential water use (B above) and the listed non-residential uses in this section.

4. **Water Audit** - The water audit report that is done because water losses are greater than 10% of the total distribution quantities shall include the following items:

- A. Evaluation of:
 - 1) leakage associated with transmission and distribution mains,
 - 2) overflow and leakage from storage tanks,
 - 3) leakage near service connections,
 - 4) illegal connections,
 - 5) description and explanations for excessive distribution line flushing (greater than 1% of the treated water volume delivered to the distribution system) for potability,
 - 6) fire suppression,
 - 7) un-metered system testing,
 - 8) under-registration of meters, and
 - 9) other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts used for residential and non-residential uses specified in Parts B and C above, and
- B. A schedule for a remedial action-plan to reduce the water losses to below 10%.

5. **Alternative Water Supplied other than Reclaimed Water** - Permittees that provide Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) shall include the following on Part D of the Form:

- A. Description of the type of Alternative Water Supply provided,
- B. County where service is provided,
- C. Customer name and contact information,
- D. Customer's Water Use Permit number (if any),
- E. Customer's meter location latitude and longitude,
- F. Meter ownership information,
- G. General customer use category,
- H. Proposed and actual flows in annual average gallons per day (gpd) per customer,
- I. Customer cost per 1,000 gallons or flat rate information,
- J. Delivery mode (e.g., pressurized or non-pressurized),
- K. Interruptible Service Agreement (Y/N),
- L. Month/year service began, and
- M. Totals of monthly quantities supplied.

6. **Suppliers of Reclaimed Water** - Depending upon the treatment capacity of the Permittees wastewater treatment

plant, the Permittee shall submit information on reclaimed water supplied as follows:

- A. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd shall utilize the "SWFWMD Annual Reclaimed Water Supplier Report" in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09). The "SWFWMD Annual Reclaimed Water Supplier Report" is described in Section 3.1 of Chapter 3, under the subheading "Reclaimed Water Supplier Report" and is described in detail in the Water Use Permit Applicant's Handbook Part B.
- B. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd can either utilize the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above or provide the following information on Part E of the Form:
 - 1) Bulk customer information:
 - a) Name, address, telephone number,
 - b) WUP number (if any),
 - c) General use category (residential, commercial, recreational, agricultural irrigation, mining),
 - d) Month/year first served,
 - e) Line size,
 - f) Meter information, including the ownership and latitude and longitude location,
 - g) Delivery mode (pressurized, non-pressurized).
 - 2) Monthly flow in gallons per bulk customer.
 - 3) Total gallons per day (gpd) provided for metered residential irrigation.
 - 4) Disposal information:
 - a) Site name and location (latitude and longitude or as a reference to the service area map),
 - b) Contact name and telephone,
 - c) Disposal method, and
 - d) Annual average gpd disposed.

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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

Attachment: Mar20 WUP 8836_014 Recap Permit (4958 : WUP 20008836.014)

GENERAL COUNSEL'S REPORT

March 24, 2020

Consent Agenda

Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, Florida Administrative Code, Minimum Flows, for the Crystal River/Kings Bay, Lower Pithlachascotee River, and Upper Pithlachascotee River Systems

Rule 40D-8.041, Florida Administrative Code (F.A.C.), delineates the minimum flows (MFLs) adopted by the District pursuant to Section 373.042 and 373.0421, Florida Statutes. Last year the District's proposed rule adopting a minimum flow for the Rainbow River System was challenged. A formal administrative hearing occurred over the summer and a Final Order in the matter was recently entered. In the Final Order the Administrative Law Judge (ALJ) approved District staff's methodology for development of the MFLs, as well as the actual proposed minimum flow, but removed part of the rule language concerning the process for evaluating the status of the minimum flow. The language that was removed by the ALJ is also contained within the rule provisions establishing the Crystal River/Kings Bay, Lower Pithlachascotee River, and Upper Pithlachascotee River Systems MFLs. As a result, these portions of Rule 40D-8.041, F.A.C., must be amended to comply with the ALJ's ruling in the Final Order.

The proposed amendment to the rule language is attached as an exhibit to this recap. Upon Governing Board authorization of the initiation of rulemaking and approval of the proposed amendment, District staff will submit notice to the Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with formal rulemaking without further Governing Board action. If substantive changes are necessary as a result of comments received from the public or from reviewing entities such as OFARR or the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

Staff Recommendation:

Initiate and approve rulemaking to amend Rule 40D-8.041, Florida Administrative Code, to modify the minimums flows for the Crystal River/Kings Bay, Lower Pithlachascotee River, and Upper Pithlachascotee River Systems, and authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process.

Presenter: Adrienne E. Vining, Assistant General Counsel

40D-8.041 Minimum Flows.

(1) – (18) No change.

(19) Minimum Flow for the Crystal River/Kings Bay System.

(a) For purposes of this rule, the Crystal River/Kings Bay System includes the watercourse from Kings Bay to the Gulf of Mexico, including contributing tributaries, Kings Bay, and all named and unnamed springs that discharge to the river or bay.

(b) The Minimum Flow for the Crystal River/Kings Bay System is a long-term tidally-filtered average flow of 406 cubic feet per second (“cfs”) at the United States Geological Survey Crystal River at Bagley Cove near Crystal River, FL Gage (“United States Geological Survey Gage No. 02310747”). The Minimum Flow is based on an 11% reduction from the long-term tidally-filtered average flow of 456 cfs adjusted for groundwater withdrawals for the period of record from 2002 through 2015 at the United States Geological Survey Gage No. 02310747.

(c) Status assessments of the Minimum Flow for the Crystal River/Kings Bay System will be completed to determine whether the long-term tidally-filtered average flow is below or projected to fall below the criteria adopted in this section. Each status assessment is independent from and not a determination of water use permit compliance or environmental resource permit compliance. Permit compliance is a regulatory function that is not within the scope of this subsection. As part of each status assessment, the District will use the following approach:

1. The District will evaluate the Minimum Flow annually to determine the extent to which the long-term tidally-filtered average flow of the Crystal River/Kings Bay System has been reduced due to withdrawals for the period of record from 2002 to the date of each status assessment at the United States Geological Survey Gage No. 02310747.

2. The District will also evaluate the Minimum Flow every five years as part of the regional water supply planning process.

3. If the Minimum Flow is being met based on long-term tidally-filtered average flows adjusted for withdrawals, then no further actions are required beyond continued monitoring.

~~4. If the long term tidally filtered average flow is below the Minimum Flow, or if the long term tidally filtered average flow is projected to fall below the Minimum Flow within 20 years based on the evaluation performed as part of the regional water supply planning process, the District will conduct a causation analysis to evaluate the potential causes of impacts on the Crystal River/Kings Bay System.~~

~~5. Based on the causation analysis, the District will re-evaluate the Minimum Flow for the Crystal River/Kings Bay System, or adopt a recovery or prevention strategy consistent with the provisions of section 373.0421(2), F.S.~~

(d) The District will re-evaluate the Minimum Flow within ten years of adoption of this rule.

(20) Minimum Flows for the Lower Pithlachascotee River.

(a) For purposes of this rule, the Lower Pithlachascotee River in Pasco County, FL includes the watercourse from the bridge across the river at Rowan Road (Pasco County Road 77) to the Gulf of Mexico, and tributaries to the watercourse segment.

(b) Minimum Flows for the Lower Pithlachascotee River are based on the adjusted flow at the U.S. Geological Survey Pithlachascotee River near New Port Richey, FL Gage (“Gage No. 02310300”) and are set forth in Table 8-25. Adjusted flow is defined as flow that would exist in the absence of withdrawal impacts. There are two flow-based Minimum Flows that were developed using average four-day flows at Gage No. 02310300 adjusted for withdrawals, with a long-term average of 27 cubic feet per second (“cfs”) for the period of record from June 22, 1989 through December 31, 2000. The total reduction in flow from the adjusted flow shall not exceed twenty-five

percent of the previous four day's average adjusted flow when the previous four-day's adjusted flow is less than or equal to a Minimum High Flow Threshold of 60 cfs at Gage No. 02310300, and shall not exceed thirty-five percent of the previous four day's average adjusted flow when the previous four-day's adjusted flow exceeds a Minimum High Flow Threshold of 60 cfs at Gage No. 02310300.

Table 8-25 Minimum Flows for the Lower Pithlachascotee River at the U.S. Geological Survey Pithlachascotee River near New Port Richey, FL gage (No. 02310300)			
Period	Effective Dates	Where the Adjusted Average Flow for the Preceding Four Days Equals:	Minimum Flow Is:
Annually	January 1 to December 31	≤60 cfs	Previous four day's average adjusted flow minus 25%
Annually	January 1 to December 31	>60 cfs	Previous four day's average adjusted flow minus 35%

(c) Status assessments of the Minimum Flows for the Lower Pithlachascotee River will be completed to determine whether the long-term, four-day average flow is below or projected to fall below the criterion adopted in this rule. Each status assessment is independent from and not a determination of water use permit compliance or environmental resource permit compliance. Permit compliance is a regulatory function that is not within the scope of this rule subsection. As part of each status assessment, the District will use the following approach:

1. The District will evaluate flows in the Lower Pithlachascotee River annually to: determine the extent to which the long-term average of four-day average flows in the Lower Pithlachascotee River has been reduced due to withdrawals for the period of record from June 22, 1989 to the date of each status assessment at Gage No. 02310300.

2. The District will also evaluate flows in the Lower Pithlachascotee River every five years as part of the regional water supply planning process.

3. If the Minimum Flows are being met based on the long-term average of the four-day average flows at Gage No. 02310300, then no further actions are required beyond continued monitoring.

~~4. If the long term average of the four day average flows at Gage No. 02310300 is below the Minimum Flows, or if the long term average of the four day average flows is projected to fall below the Minimum Flows within 20 years based on the evaluation performed as part of the regional water supply planning process, the District will conduct a causation analysis to evaluate the potential causes of impacts to flow in the Lower Pithlachascotee River.~~

~~5. Based on the causation analysis, the District will re-evaluate the Minimum Flows for the Lower Pithlachascotee River, or adopt a recovery or prevention strategy consistent with the provisions of Section 373.0421(2), F.S.~~

(21) Minimum Flows for the Upper Pithlachascotee River.

(a) For purposes of this rule, the Upper Pithlachascotee River in Pasco County, FL includes the watercourse from the outlet of Crews Lake to the bridge across the river at Rowan Road (Pasco County Road 77), and tributaries to the watercourse segment.

(b) Minimum Flows for the Upper Pithlachascotee River are based on the adjusted flow at the U.S. Geological Survey Pithlachascotee River near New Port Richey, FL Gage ("Gage No. 02310300") and are set forth in Table 8-26. Adjusted flow is defined as flow that would exist in the absence of withdrawal impacts. There are three seasonally dependent, i.e., block-specific, Minimum Flows that were developed based on daily average flows at Gage No. 02310300 adjusted for withdrawals, with a long-term average of 27 cubic feet per second ("cfs") for the period of record from June 19, 1989 through December 31, 2000. In addition, the Minimum Flows are flow-based.

The Minimum Low Flow Threshold is applied continuously regardless of season. No surface water withdrawal will be permitted that would cumulatively cause the adjusted flow to be reduced below the Minimum Low Flow Threshold of 11 cfs. Additionally, permitted surface withdrawals shall cease when flows are below the Minimum Low Flow Threshold of 11 cfs. In addition, the total reduction in flow from the adjusted flow on any given day from June 24 through October 16 shall not exceed sixteen percent of the previous day's adjusted flow when the adjusted flow is less than a Minimum High Flow Threshold of 50 cfs at Gage No. 023103300 and shall not exceed nine percent of the previous day's adjusted flow when the adjusted flow equals or exceeds a Minimum High Flow Threshold of 50 cfs at Gage No. 02310300.

Table 8-26 Minimum Flows for the Upper Pithlachascotee River at the U.S. Geological Survey Pithlachascotee River near New Port Richey, FL Gage (No. 02310300)			
Period	Effective Dates	Where the Adjusted Flow on the Previous Day Equals:	Minimum Flow Is:
Annually	January 1 to December 31	≤11 cfs >11 cfs and <50 cfs ≥ 50 cfs	Actual flow Seasonally dependent – see Blocks below Seasonally dependent – see Blocks below
Block 1	April 25 through June 23	≤11 cfs >11 cfs	Actual flow Previous day's adjusted flow minus 18% but not less than 11 cfs
Block 2	October 17 through April 24	≤11 cfs >11 cfs	Actual flow Previous day's adjusted flow minus 17% but not less than 11 cfs
Block 3	June 24 through October 16	≤11 cfs >11 cfs and <50 cfs ≥50 cfs	Actual flow Previous day's adjusted flow minus 16% but not less than 11 cfs Previous day's adjusted flow minus 9% but not less than 11 cfs

(c) Status assessments of the Minimum Flows for the Upper Pithlachascotee River will be completed to determine whether the long-term, daily average flow and the daily average flows are below or projected to fall below the criteria adopted in this rule. Each status assessment is independent from and not a determination of water use permit compliance or environmental resource permit compliance. Permit compliance is a regulatory function that is not within the scope of this rule. As part of each status assessment, the District will use the following approach:

1. The District will evaluate flows in the Upper Pithlachascotee River annually to: determine the extent to which the long-term average of the daily average flows of the Upper Pithlachascotee River has been reduced due to withdrawals for the period of record from June 19, 1989 to the date of each status assessment at Gage No. 02310300; and to determine whether daily average flows at Gage No. 02310300 have been reduced below 11 cfs due to surface water withdrawals.

2. The District will also evaluate flows in the Upper Pithlachascotee River every five years as part of the regional water supply planning process.

3. If the Minimum Flows are being met based on the long-term average of the daily average flows at Gage No. 02310300, and based on the determination that surface water withdrawals have not reduced daily average flows at Gage No. 0230300 below 11 cfs, then no further actions are required beyond continued monitoring.

4. If the long term daily average flow at Gage No. 02310300 is below the Minimum Flows or if the long term daily average flow is projected to fall below the Minimum Flows within 20 years based on the evaluation performed

~~as part of the regional water supply planning process, the District will conduct a causation analysis to evaluate the potential causes of impacts to flow in the Upper Pithlachascotee River.~~

~~5. Based on the causation analysis or the determination that surface water withdrawals have reduced daily average flows at Gage No. 02310300 below 11 cfs, the District will re-evaluate the Minimum Flows for the Upper Pithlachascotee River, or adopt a recovery or prevention strategy consistent with the provisions of Section 373.0421(2), F.S.~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421 FS. History--New 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, 2-18-08, 3-2-08, 5-12-08, 5-10-09, 3-23-10, 3-28-10, 7-12-10, 8-2-10 (8), 8-2-10 (15), 10-16-12, 3-20-13(16), 3-20-13(17), 6-20-16, 3-15-18, 6-19-18, ____.

GENERAL COUNSEL'S REPORT

March 24, 2020

Consent Agenda

Approval of Consent Order Between SWFWMD and Buckner Land Enterprises, Inc., and GatorWorld Parks of Florida, LLC – CT No. 395018 – Sumter County

GatorWorld Parks of Florida, LLC (GatorWorld), operates an alligator farm and tourist attraction (Project) on adjoining, leased lands, owned in part by Buckner Land Enterprises, Inc. (Buckner) at 492 West Highway 44 in Wildwood, Florida (Property).

On November 2, 2017, District staff inspected the Project and observed that buildings, access roads, and parking facilities had been constructed without the issuance of an Environmental Resource Permit (ERP). The District issued its first Notice of Unauthorized Activities on December 4, 2017, and a pre-application meeting was held with a representative for GatorWorld and Buckner on December 7, 2017.

Between February 19, 2018, and April 5, 2019, GatorWorld and Buckner (collectively, the Applicants) submitted and withdrew two separate ERP applications for the Project. District staffs' review of the ERP applications revealed that the unauthorized construction included the addition of 3.0-acres of impervious material, a portion of which directly impacted 0.22-acres of a wetland. As a result, District staff issued the Applicants a Notice of Violation and proposed Consent Order on December 9, 2019, to bring the Project into compliance.

Following the issuance of the Notice of Violation and proposed Consent Order, District staff met with the Applicants at the Project where the parties discussed options whereby the Applicants could restore the impacted wetland and come into compliance by obtaining an ERP. The Applicants subsequently agreed to execute a Consent Order that includes a payment of \$10,000.00 in penalties and District enforcement costs and requires the Applicants to apply for and obtain an ERP within 120 days after submitting the application to the District. Furthermore, the Consent Order requires the Applicants to restore the impacted wetland and complete construction of the surface water management system pursuant to the ERP within 90 days of permit issuance. If the Applicants fail to comply with any condition of the Consent Order, an additional payment of \$15,250.00 will become due immediately.

Staff Recommendation:

- 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.

Presenter: James B. Fussell, Jr., Staff Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF - _____

IN RE: BUCKNER LAND ENTERPRISES, INC.
 GATORWORLD PARKS OF FLORIDA, LLC
 CT NO. 395018
 492 W. HIGHWAY 44
 WILDWOOD, FLORIDA 34785

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes (“F.S.”), this Consent Order is entered into by and between the Southwest Florida Water Management District (“District”), Buckner Land Enterprises, Inc. (“Buckner”), and GatorWorld Parks of Florida, LLC (“GatorWorld”), collectively referred to as the “Parties,” to settle certain matters at issue between the Parties. The Parties hereby voluntarily agree to the following findings of fact, conclusions of law, and corrective actions:

FINDINGS OF FACT

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder as Chapter 62-330, Florida Administrative Code (“F.A.C.”).
2. Buckner owns real property at 382 NW 85th Boulevard, Wildwood, Florida, further identified by Sumter County Property Appraiser Parcel No. C33-004 (“Buckner Property”).
3. GatorWorld leases, from RJ Property Investments, LLC, real property at 492 West State Road 44, Wildwood, Florida, and further identified by Sumter County Property Appraiser Parcel No. C33-014 (“RJ Property”). The RJ Property includes a strip for access to State Road 44 and adjoins the Buckner Property at the Buckner Property’s northern and western boundaries (collectively, the “Properties”).

4. GatorWorld constructed buildings, access roads, and parking facilities and operates a commercial alligator farm and tourist attraction, also known as GatorWorld ("Project"), over portions of the Properties.

5. District staff noticed the construction activities and inspected the Project on November 2, 2017. During the inspection, District staff determined that the Project's construction resulted in more than 9,000 square feet of impervious material, including more than 4,000 square feet subject to vehicle use, without the District's authorization of an Environmental Resource Permit ("ERP") for the Project.

6. The District issued its first Notice of Unauthorized Activities on December 4, 2017, and a pre-application meeting was held with Buckner's representatives at the District's Brooksville Headquarters on December 7, 2017.

7. An ERP application was submitted by Buckner for the Project on February 19, 2018, but was withdrawn on September 28, 2018. The District issued its second Notice of Unauthorized Activities on October 5, 2018, and Buckner submitted its second ERP application for the Project on November 5, 2018. These ERP applications provided that the Project's total acreage was 18.4 acres with 3.0 acres of impervious material added. The second ERP application was withdrawn on April 5, 2019.

8. During the District's review of the ERP applications, staff inspected the Project and determined that the unauthorized construction included water resource impacts from untreated stormwater runoff, potential water quantity impacts, and wetland impacts. Specifically, the unauthorized activities included the construction of an access road which directly impacted a 0.22-acre wetland area ("Wetland Impact Area"). This impact correlates to a functional loss of 0.27 units to the wetland pursuant to the Uniform Mitigation Assessment Method. The Wetland Impact Area is depicted on the image attached hereto and incorporated herein as Exhibit "A."

9. As of the date of this Consent Order the violations described in paragraphs five (5) and eight (8) have not been corrected, an ERP has not been authorized for the Project, and the Project remains in noncompliance.

10. Buckner and GatorWorld (collectively, the “Applicants”) and the District have agreed to resolve all disputed issues regarding the violations set forth above as described in this Consent Order.

CONCLUSIONS OF LAW

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

12. Pursuant to Section 373.413, F.S., and Rule 62-330.020(2), F.A.C., a permit is required prior to the construction, alteration, operation, maintenance, removal, or abandonment of any regulated activity described in Chapter 373, F.S., or Rule 62-330, F.A.C., that is not otherwise exempt from permitting requirements. It is a violation of Section 373.430, F.S., to fail to obtain any permit required by Chapter 373, Part IV, F.S., or by any rule promulgated thereunder.

13. The activities described in paragraphs five (5) and eight (8) herein constitute the construction or alteration of a surface water management system and the filling of wetlands, as defined in the ERP Applicant’s Handbook Volume I, Sections 2.0(a)(18) and (44), incorporated by reference in Rule 62-330.010(4), F.A.C.

14. The activities described in paragraphs five (5) and eight (8) herein are regulated activities that require an ERP pursuant to Rule 62-330.020(2), F.A.C., and are otherwise not exempt from permitting requirements.

15. The activities described in paragraphs five (5) and eight (8) herein constitute a violation of Section 373.413 and 373.430(1)(b), F.S., and Rule 62-330.020(2), F.A.C.

CORRECTIVE ACTIONS

16. The Applicants shall not engage in any further activity on the Properties that constitutes the construction, alteration, operation, or abandonment of a project subject to

regulation pursuant to Chapter 373, F.S., unless and until an ERP is obtained from the District. Any further activity shall be authorized by and conducted in accordance with an ERP.

17. Within thirty (30) days of this Consent Order's approval by the District's Governing Board, the Applicants shall submit an ERP application ("Application") to request authorization to construct and operate the stormwater management system at the Project.

18. The Applicants shall include plans to remove and re-route the access road depicted in Exhibit A, and restore the Wetland Impact Area to its pre-impact condition. The Wetland Impact Area restoration will be included as a permit condition in the issued ERP. The Wetland Impact Area shall be restored pursuant the ERP.

19. The Applicants shall comply with and respond to any District request for additional information or clarification relating to the ERP application referenced in paragraph 17 within 30 days of receiving such request. The Applicants shall obtain District approval of an ERP no later than one hundred twenty (120) days after the submittal of the ERP application contemplated herein.

20. Within ninety (90) days of the issuance of the ERP, The Applicants shall complete all construction authorized and required by the ERP, including restoration of the Wetland Impact Area. Within thirty (30) days of completion of the construction authorized by the ERP, the Applicants shall submit to the District a complete As-Built Certification and Request for Conversion to Operation Phase form certifying that the construction of the Property has been completed in conformance with the ERP and otherwise satisfies all District requirements. If the District discovers any deviations from the permitted design or violations of District rules, the Applicants shall perform any necessary remedial work within thirty (30) days of issuance of written notification by the District, and shall submit to the District a new As-Built Certification and Request for Conversion to Operation Phase form. The Parties agree that any permit condition violations of the issued ERP shall be deemed a violation of this Consent Order.

21. In resolution of this matter, the Parties agree that the penalties payable to the District shall total twenty-three thousand two hundred fifty dollars (\$23,250.00), and that the enforcement costs payable to the District shall total Two Thousand Dollars (\$2,000.00), for a total amount of Twenty Five Thousand Two Hundred Fifty Dollars (\$25,250.00). These penalties and enforcement costs are due and payable by the Applicants to the District in the manner described in paragraphs 22 – 24 herein.

22. The Applicants shall pay to the District Ten Thousand Dollars (\$10,000.00) of the agreed penalty and enforcement costs pursuant to a 10-month payment plan. The Applicants shall make payments equal to One Thousand Dollars (\$1,000.00) due on the first day of each month beginning April 1, 2020. Payments may be made by check or money order payable to the Southwest Florida Water Management District. If mailed, the address for payment is:

Southwest Florida Water Management District
Finance Department
2379 Broad Street
Brooksville, Florida 34604-6899

23. The balance of the agreed penalty and enforcement costs, totaling Fifteen Thousand Two Hundred Fifty Dollars (\$15,250.00), shall be waived by the District upon the Applicants' timely completion of the corrective actions listed in paragraphs 16 – 20, and timely and complete payments pursuant to paragraphs 21 and 22 herein.

24. If the Applicants fail to complete any corrective action described in paragraphs 16 – 20 within the time-frames described herein, or fail to make any payment described in paragraph 22 herein, or engages in the unauthorized construction or alteration of a surface water management system at the Project or elsewhere, the unpaid balance of Fifteen Thousand Two Hundred Fifty Dollars (\$15,250.00) shall become immediately due to the District upon the District's written demand for such.

25. The Applicants may apply in writing to the District for an extension of the time limits contained in this Consent Order no later than five (5) days prior to the expiration of such time limit. The District may grant an extension of time in writing for good cause shown.

26. For each day of delay beyond any due date specified in this Consent Order, the Applicants shall pay to the District an additional sum of Five Hundred Dollars (\$500.00) per day. This additional sum shall be paid by the Applicants upon the District's mailing of a demand letter to the Applicants for payment. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.

27. The Applicants hereby waive any right to an administrative hearing or judicial review of the terms of this Consent Order. The Applicants reserve the right to dispute any allegation of noncompliance with the Consent Order, or any permit or approval issued hereunder.

28. For and in consideration of the complete and timely performance by the Applicants of the obligations under this Consent Order, the District waives its right to pursue civil or administrative action for any violation described herein. If the Applicants fail to completely and timely perform the obligations under this Consent Order, the District retains its right to pursue civil or administrative action for any violations described herein.

29. The District hereby expressly reserves and retains the right to initiate appropriate legal action against the Applicants to prevent or prohibit the future violation of any applicable statutes, rules, or orders, except as specifically addressed in this Consent Order. The Applicants acknowledge by the execution of this Consent Order that any future violation of Chapter 373, F.S., District rules, or the terms of any permit (including such as may be modified) may subject the Applicants to criminal prosecution, administrative action, or civil suit in which penalties of up to Ten Thousand Dollars (\$10,000.00) per day per offense may be imposed, as provided in Section 373.129(5), F.S.

30. This Consent Order is not a license or a permit. The Applicants shall not undertake any further construction activities without necessary District authorizations.

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

32. The Applicants shall allow authorized District representatives to access the Property at all reasonable times without prior notice to determine compliance with this Consent Order, Chapter 373, F.S., and District rules.

33. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 373.083(1), and 373.129, F.S.

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

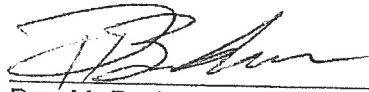
35. No modifications of the terms of this Consent Order are effective unless reduced to writing and executed by all Parties.

36. Any person, who is not a party to this Consent Order, whose substantial interests are affected by the District's action in this Consent Order may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (7) the relief sought, including precisely what action the requester wishes the

agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, contain the same information set forth above (with the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776 or (813) 367-9772, within twenty-one (21) days of receipt of this notice. If this Consent Order is mailed, receipt is deemed to be the fifth day after the date on which the Consent Order is deposited in the United States mail. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Any person who is not a party to this Consent Order whose substantial interests will be affected by any such final action of the District has the right to request a hearing in accordance with the requirements set forth above. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

[signatures continue on following page]

BUCKNER LAND ENTERPRISES, INC., and
GATORWORLD PARKS OF FLORIDA, LLC



Don M. Buckner, as President of Buckner Land
Enterprises, Inc., and as President of
GatorWorld Parks of Florida, LLC

March 4, 2020
Date

Approved by the Governing Board of the Southwest Florida Water Management District this
_____ day of _____, 2020.

Approved as to Legal Form and Content
James B. Fussell, Jr., Staff Attorney

By: _____
Mark Taylor, Chair

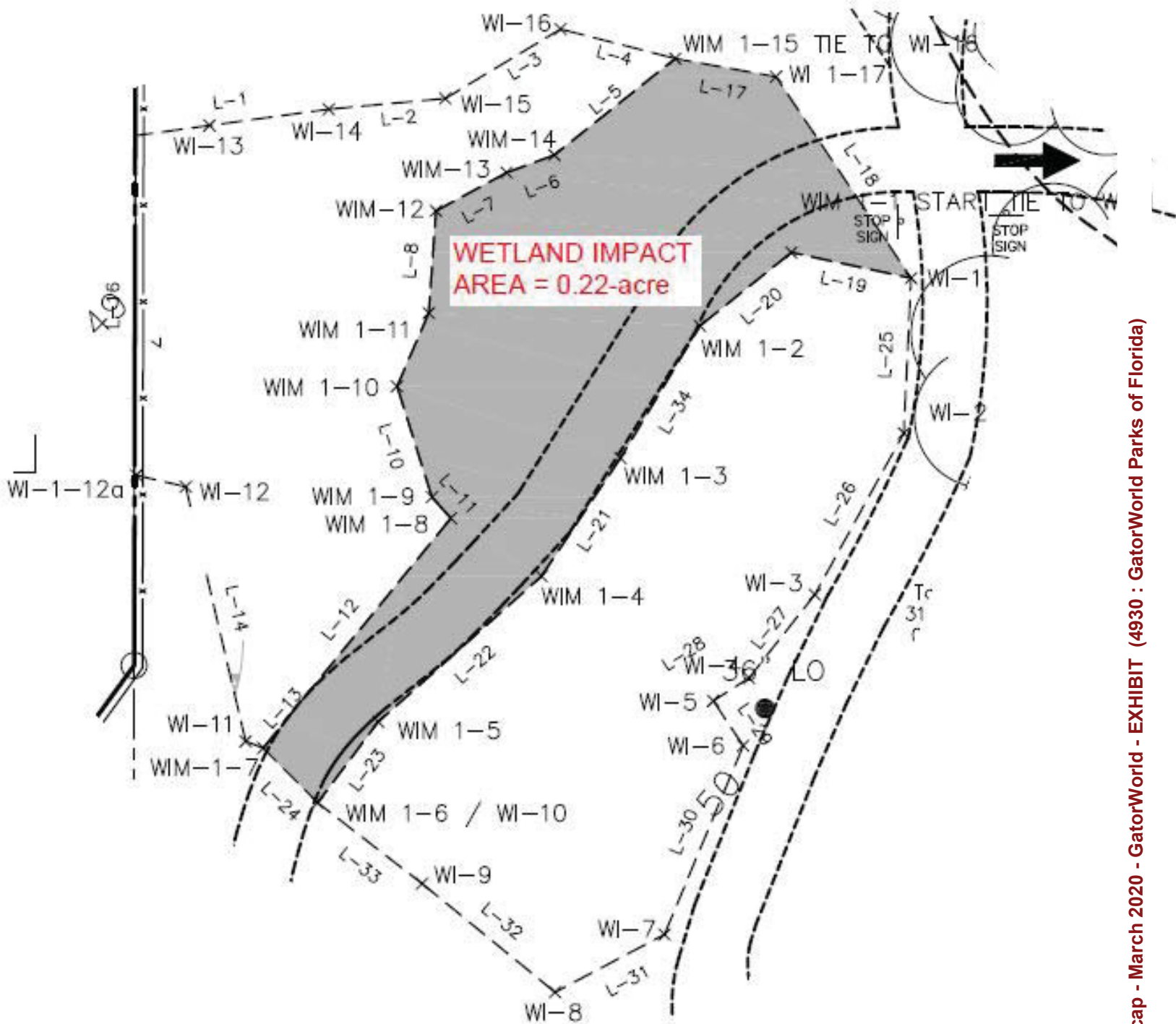
Attest: _____
Joel Schleicher, Secretary

Filed this ___ day of
_____, 2020.

Deputy Agency Clerk

CONSENT ORDER
GATORWORLD PARKS
CT NO. 395018
SUMTER COUNTY, FLORIDA

EXHIBIT "A" WETLAND IMPACT AREA



GENERAL COUNSEL'S REPORT

March 24, 2020

Consent Agenda

Approval of Consent Order Between SWFWMD and Besim Enterprises, Inc. – CT No. 403162 – Pasco County

Besim Enterprises, Inc. (Besim), owns an unimproved parcel of land located northwest of Chancey Road and Paul S. Buchman Highway in Zephyrhills, Florida (Property). Pursuant to a complaint of flooding from the Shady Oaks Owners Association, Inc. (Shady Oaks), whose property is located to the north of Besim's Property, District staff identified fill and alterations to the Property as the likely cause of the flooding experienced by Shady Oaks' residents.

District staff met with Rafman Balla, Besim's president, at the site on March 26, 2019. Mr. Balla admitted to placing fill on the Property and suggested he was planning to sell the Property. Following this initial visit, Mr. Balla did not remove the fill nor restore the wetland. As a result, District staff issued Notices of Unauthorized Activities on April 5, 2019, and July 21, 2019, requesting that Besim remove all fill and blockages and restore the wetland to its pre-impact condition, to which Besim did not respond. The District issued its Notice of Violation and proposed Consent Order on December 4, 2019.

District staff met with Mr. Balla at the Property again on February 12, 2020. At this visit, District staff conducted a thorough inspection and determined that the fill directly impacted 0.13-acres of the wetland, representing a functional loss of 0.07 units pursuant to the Uniform Mitigation Assessment Method.

Mr. Balla agreed to and executed a Consent Order at the February 12th site visit. The Consent Order includes payments totaling \$10,000.00 in penalties and District enforcement costs. Furthermore, the Consent Order requires Besim to remove all fill and blockages and restore the wetland to its pre-impact condition no later than 90 days after the Governing Board approves the Consent Order.

Staff Recommendation:

- 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.

Presenter: James B. Fussell, Jr., Staff Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF _____

IN RE: BESIM ENTERPRISES, INC.
CT NO. 403162
PASCO COUNTY, FLORIDA

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes ("F.S."), this Consent Order is entered into by and between the Southwest Florida Water Management District ("District") and Besim Enterprises, Inc., ("Besim"), collectively referred to as "the Parties," to settle certain matters at issue between the Parties. The Parties hereby voluntarily agree to the following findings of fact, conclusions of law, and corrective actions:

FINDINGS OF FACT

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder as Chapter 62-330, Florida Administrative Code ("F.A.C.").

2. Besim owns an unimproved parcel of real property located within Section 23, Township 26, Range 21 in Zephyrhills, Florida, and further identified by Pasco County Property Appraiser Parcel ID No. 23-26-21-0020-06700-0000 ("Property").

3. On February 13, 2019, the District received a complaint from the Shady Oaks Owners Association, Inc. ("Shady Oaks") for flooding experienced by its residents. Shady Oaks adjoins the Property at its northern boundary.

4. District staff reviewed aerial photographs and identified alterations to the Property as the likely source of the Shady Oaks off-site flooding.

5. District staff sent a letter to Besim on March 15, 2019, requesting permission to access and inspect the Property.

6. On March 26, 2019, District staff met with Rafman Balla, president of Besim, to inspect the Property. Mr. Balla admitted to filling in a wetland area on the Property. When asked to remove the fill by District staff, Mr. Balla stated that he intended to sell the Property.

7. District staff determined that Besim filled 0.33 acres of wetlands ("Direct Filling Impacts") and impacted the hydrology of an additional 1.17 acres of wetlands ("Direct Hydrological Impacts") on the Property. These impacts resulted in a functional loss of 0.34 units, calculated pursuant to the Uniform Mitigation Assessment Method, and offsite flooding. The areas with Direct Filling Impacts and Direct Hydrological Impacts are depicted on the image attached hereto and incorporated herein as Exhibit "A."

8. The District issued Notices of Unauthorized Activities to Besim on April 5, 2019, and July 21, 2019. Each notice requested that Besim remove all fill and blockages and restore the Property to its pre-fill conditions by the deadline provided therein.

9. As of the date of this Consent Order, the violations described in paragraph seven (7) have not been corrected, and the Property remains in non-compliance.

10. The Parties have agreed to resolve all disputed issues regarding the violations set forth above as described in this Consent Order.

CONCLUSIONS OF LAW

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

12. Pursuant to Section 373.413, F.S., and Rule 62-330.020(2), F.A.C., a permit is required prior to the construction, alteration, operation, maintenance, removal, or abandonment of any regulated activity described in Chapter 373, F.S., or Rule 62-330, F.A.C., that is not otherwise exempt from permitting requirements. It is a violation of Section 373.430, F.S., to fail to obtain any permit required by Chapter 373, Part IV, F.S., or by any rule promulgated thereunder.

13. The activities described in paragraph seven (7) herein constitute the construction or alteration of a surface water management system and the filling of wetlands, as defined in the

ERP Applicant's Handbook Volume I, Sections 2.0(a)(18) and (44), incorporated by reference in Rule 62-330.010(4), F.A.C.

14. The activities described in paragraph seven (7) herein are regulated activities that require an ERP pursuant to Rule 62-330.020(2), F.A.C., and are otherwise not exempt from permitting requirements.

15. The activities described in paragraph seven (7) herein constitute a violation of Section 373.413 and 373.430(1)(b), F.S., and Rule 62-330.020(2), F.A.C.

CORRECTIVE ACTIONS

16. Besim shall not place any further fill into wetlands or otherwise engage in any further activity on the Property that constitutes the construction, alteration, operation, or abandonment of a project subject to regulation pursuant to Chapter 373, F.S., unless and until an ERP is obtained from the District. Any further activity shall be authorized by and conducted in accordance with an ERP.

17. Within thirty (30) days of this Consent Order's approval by the District's Governing Board, Besim shall remove all fill and blockages from the areas depicted on Exhibit A and restore the Property to its pre-filled condition.

18. Besim shall pay to the District Thirteen Thousand Six Hundred Dollars (\$13,600.00) in assessed penalties and Two Thousand Dollars (\$2,000.00) in District enforcement costs for a total of Fifteen Thousand Six Hundred Dollars (\$15,600.00) by certified check or money order within thirty (30) days of this Consent Order's approval by the District's Governing Board. If mailed, the address for payment is:

Southwest Florida Water Management District
Finance Department
2379 Broad Street
Brooksville, FL 34604-6899

\$10,000
over 6 months
RM

19. Besim may apply in writing to the District for an extension of the time limits contained herein no less than five (5) days prior to the expiration of such time limit. The District may grant an extension of time in writing for good cause shown.

20. For each day of delay beyond any due date specified in this Consent Order, Besim shall pay to the District an additional sum of Two Hundred Fifty Dollars (\$250.00) per day. This additional sum shall become immediately due to the District upon the District's written demand for such. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.

21. For and in consideration of the complete and timely performance by Besim of the obligations under this Consent Order, the District waives its right to pursue civil or administrative action for any violation described herein. If Besim fails to completely and timely perform the obligations under this Consent Order, the District retains its right to pursue civil or administrative action for any violations described herein.

22. The District hereby expressly reserves and retains the right to initiate appropriate legal action against Besim to prevent or prohibit the future violation of any applicable statutes, rules, or orders, except as specifically addressed in this Consent Order. Besim acknowledges by the execution of this Consent Order that any future violation of Chapter 373, F.S., District rules, or the terms of any permit (including such as may be modified) may subject Besim to criminal prosecution, administrative action, or civil suit in which penalties of up to Ten Thousand Dollars (\$10,000.00) per day per offense may be imposed, as provided in Section 373.129(5), F.S.

23. This Consent Order is not a license or a permit. Besim shall not undertake any further construction activities without necessary District authorizations.

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

25. Besim shall allow authorized District representatives to access the Property at all reasonable times without prior notice to determine compliance with this Consent Order, Chapter 373, F.S., and District rules.

26. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69, 373.083(1), and 373.129, F.S.

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

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

29. Any person, who is not a party to this Consent Order, whose substantial interests are affected by the District's action in this Consent Order may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (7) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute, contain the same information set forth above (with the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the

District at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776 or (813) 367-9772, within twenty-one (21) days of receipt of this notice. If this Consent Order is mailed, receipt is deemed to be the fifth day after the date on which the Consent Order is deposited in the United States mail. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Any person who is not a party to this Consent Order whose substantial interests will be affected by any such final action of the District has the right to request a hearing in accordance with the requirements set forth above. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

(space left intentionally blank)

WITNESS:

BESIM ENTERPRISES, INC.

Kim Dymond
Signature
Kim Dymond
Printed Name
2/12/2020
Date

[Signature]
Signature
Regina B. [Signature]
Printed Name, Title
2/12/2020
Date

Approved by the Governing Board of the Southwest Florida Water Management District
this ____ day of _____, 2020.

Approved as to Legal Form and Content

James B. Fussell, Jr., Staff Attorney

By: _____
Mark Taylor, Chair

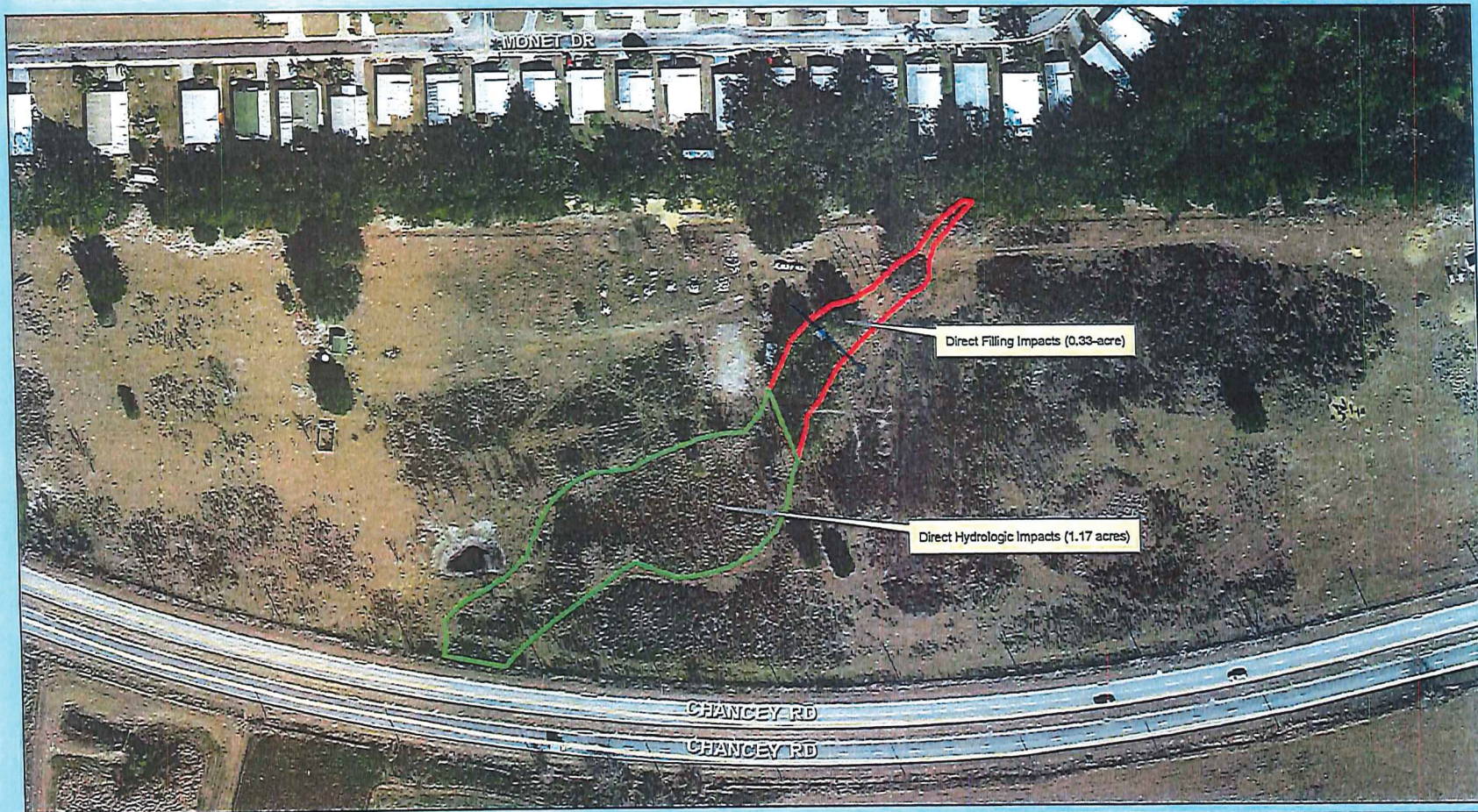
Attest: _____
Joel Schleicher, Secretary

Filed this ____ day of _____, 2020.

Deputy Agency Clerk

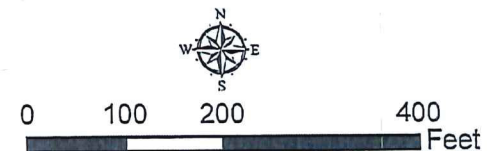
CONSENT ORDER
BESIM ENTERPRISES, INC.
CT NO.: 403162
PASCO COUNTY, FLORIDA

Besims Enterprises
CT 403162
Exhibit A



Southwest Florida
Water Management District

BUREAU: ERP
DATE CREATED: 10-18-2019
AERIAL YEAR: 2018



GENERAL COUNSEL'S REPORT

March 24, 2020

Consent Agenda

**Authorization to Issue Administrative Complaint and Order – Permit Condition Violations
– Walden Pointe Homeowners Association, Inc. – ERP No. 44030339.000 – CT No. 404674
– Hillsborough County**

Environmental Resource Permit No. 44030339.000 (Permit) was issued to Lawdevco Walden Pointe, LLC (Lawdevco), on June 16, 2006, for the construction of a surface water management system to serve a single-family subdivision (Project). Walden Pointe Homeowners Association, Inc. (Walden Pointe), is the permitted Operation and Maintenance Entity.

On June 11, 2019, District staff inspected the Project and observed several encroachments and blockages, including fences, fill, and landscaping, within a permitted drainage diversion swale. The encroachments and blockages are causing stormwater runoff to discharge through lots rather through the swale itself. District staff issued Notices of Permit Condition Violations to Walden Pointe on June 20 and October 29, 2019.

To date, the altered swale has not been returned to its permitted condition, and the alterations constitute violations to Permit conditions, District rules, and state statutes.

This enforcement matter relates to another matter currently in litigation before the Division of Administrative Hearings to which the District and Walden Pointe are parties. The Office of General Counsel is requesting authorization to issue an Administrative Complaint and Order so that all relevant permit and compliance issues may be resolved contemporaneously.

Staff Recommendation:

- 1) Authorize District staff to issue an Administrative Complaint and Order to Lawdevco and Walden Pointe and any other necessary parties to obtain compliance with District rules.
- 2) Authorize District staff to initiate an action in Circuit Court against Lawdevco and Walden Pointe and any other necessary parties to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorney's fees, if appropriate.
- 3) Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

Presenter: James B. Fussell, Jr., Staff Attorney

GENERAL COUNSEL'S REPORT

March 24, 2020

Consent Agenda

Consideration of Final Order – Petition for Declaratory Statement – Shannon R. Turbeville – Hernando County

On December 30, 2019, Shannon R. Turbeville (Petitioner) filed a Petition for Declaratory Statement (Petition) with the District, seeking a declaratory statement interpreting Section 373.1391, Florida Statutes (F.S.), regarding the management of real property to which the District holds title.

Petitioner alleges that his current and future vessel access to lands owned by Hernando County and recreational enjoyment on the Weeki Wachee River rely in part upon the natural state and condition of public lands titled to the District. Petitioner further alleges that, eventually, local and state government agencies will have an obligation to restrict vessel access to the Weeki Wachee River in response to alleged degradation from recreational activities having occurred on District-owned lands. He cites to a statute which authorizes other authorities, but not the District, to establish boating-restricted areas in waters of the state, to support his claim. The Petitioner did not allege that his vessel access or use of any District-owned lands was restricted.

Section 120.565, F.S., provides that any substantially affected person may seek a declaratory statement regarding an agency's opinion as to the applicability of a statutory provision to a petitioner's particular set of circumstances. As provided in Rule 28-105.001, a declaratory statement is a means for answering questions or doubts concerning the applicability of statutes over which the agency has authority. A petitioner must show there is a bona fide present need for the declaration and that the declaration deals with present, ascertainable facts.

The facts alleged by Petitioner relate to his future vessel access and use of the Weeki Wachee River and lands owned by Hernando County under hypothetical boating restrictions that do not exist. Moreover, these particular circumstances do not relate to Petitioner's use or access to District-owned lands.

The Petitioner has not alleged any present, ascertainable facts to establish his position as a substantially affected person and, therefore, lacks standing to obtain a declaratory statement. Furthermore, the hypothetical circumstances alleged relate to lands owned by other entities and would require the District to interpret statutory provisions to which it does not have authority. Though Section 373.1391, F.S., is under the District's statutory authority, the Petition does not allege any facts affected by the statute to which the District can issue a declaratory statement.

Staff Recommendation:

Approve the Final Order denying the Petition for Declaratory Statement filed by Shannon R. Turbeville.

Presenter: James B. Fussell, Jr., Staff Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ORDER NO. SWF 20 –

IN RE:
SHANNON R. TURBEVILLE
PETITION FOR DECLARATORY
STATEMENT

OGC File No. 2019048

_____ /

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 of Declaratory Statement filed by Shannon R. Turbeville (Petitioner) pursuant to Section 120.565, Florida Statutes (F.S.), and Rule 28-105.001, Florida Administrative Code (F.A.C.). The District hereby finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On December 30, 2019, the District received a Petition for Declaratory Statement Before the Southwest Florida Water Management District (Petition) from the Petitioner Shannon R. Turbeville. A copy of the Petition is attached hereto as Exhibit A.

2. The Petition seeks a declaratory statement interpreting Section 373.1391, F.S., regarding the management of real property to which the District holds title.

3. Section 373.1391, F.S., provides the following, in pertinent part:

(1)(a) Lands titled to the governing boards of the districts shall be managed and maintained, to the extent practicable, in such a way as to ensure a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition.

...

(b) Whenever practicable, such lands shall be open to the general public for recreational uses. General public recreational purposes shall include, but not be limited to, fishing, hunting, horseback riding, swimming, camping, hiking, canoeing, boating, diving, birding, sailing, jogging, and

other related outdoor activities to the maximum extent possible considering the environmental sensitivity and suitability of those lands.

4. Petitioner alleges the following facts in support of his standing to obtain a declaratory statement:

A. Petitioner is a taxpayer and owns property at 6193 Colony Cr., Weeki Wachee, Florida, which has access to a canal system fed by the Mud River, a tributary of the Weeki Wachee River.¹

B. Petitioner's "current and future vessel access to [Hernando] county parcels and recreational enjoyment on the Weeki Wachee River rely in part upon the natural state and condition of public land titled to the District."²

5. Petitioner alleges that his vessel access to Hernando County parcels and recreational enjoyment on the Weeki Wachee River have been negatively impacted by degradation from recreational activities that have occurred on District-owned lands.³ The Petitioner does not allege that the District holds title to the land where the Weeki Wachee River is located or to the parcels owned by Hernando County.

6. Petitioner alleges that local and state government agencies will eventually have an obligation to restrict vessel access to the Weeki Wachee River to mitigate public safety concerns, thereby "creating doubt to Petitioner's future status of vessel access on the Weeki Wachee River."⁴

7. To support his claim, Petitioner cites to Section 327.46, F.S., which authorizes municipalities, counties, and the Florida Fish and Wildlife Conservation

¹ See Petition at ¶ 3.

² See Petition at ¶ 17.

³ See Petition at ¶ 4.

⁴ See Petition at ¶ 5.

Commission (FWC) to establish boating-restricted areas which restrict vessel speeds and vessel traffic in waters of the state.⁵

8. Based on the foregoing facts, the Petitioner's request would have the District issue a declaratory statement that recreational use of District-owned land adjacent to the Weeki Wachee River is prohibited by Section 373.1391, F.S.⁶

9. The District received no public comment in response to the Notice of Petition for Declaratory Statement published in the Florida Administrative Register on January 3, 2020.

CONCLUSIONS OF LAW

10. Regarding standing, Section 120.565, F.S., provides in pertinent part:

1) 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.

(2) 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.

11. Rule 28-105.001, F.A.C., which implements the above referenced statute, states:

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. 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" (emphasis added).

⁵ See Petition at ¶ 6.

⁶ See Petition at ¶ 17.

12. The purpose of the declaratory statement procedure is “to enable members of the public to definitively resolve ambiguities of law arising in the conduct of their daily affairs or in the planning of their future affairs' and ‘to enable the public to secure definitive binding advice as to the applicability of agency-enforced law to a particular set of facts.’” *Fla. Dep’t. of Bus. & Prof’l. Regulation v. Inv. Corp. of Palm Beach*, 747 So. 2d 374, 382 (Fla.1999) (internal citations omitted).

13. A party seeking declaratory relief must show that there is a bona fide, actual, present practical need for the declaration and that the declaration should deal with a present, ascertained, or ascertainable state of facts or present controversy as to the state of facts. *Santa Rosa County v. Administration Commission, Division of Administrative Hearings*, 661 So.2d 1190, 1192 (Fla. 1995) (quoting *Martinez v. Scanlon*, 582 So.2d 1167, 1170 (Fla. 1991)). Absent a bona fide need for a declaration based on present, ascertainable facts, a tribunal lacks jurisdiction to render declaratory relief. *Id.*

14. It is well settled that declaratory relief amounting to an advisory opinion will not be rendered for parties merely showing the possibility of legal injury on the basis of a hypothetical state of facts which have not arisen and are only contingent, uncertain, and rest in the future. *Santa Rosa*, 661 So.2d at 1193 (quoting *LaBella v. Food Fair, Inc.*, 406 So.2d 1216, 1217 (Fla. 3d DCA 1981)). Furthermore, declaratory statements should not be used to answer a hypothetical question, or one based upon events which may or may not occur. See *American Indemnity Co. v. Southern Credit Acceptance, Inc.*, 147 So. 2d 10, 11 (Fla. 3d DCA 1962), and *Board of County Commissioners of Indian River County v. Graham*, 191 So. 3d 890, 895 (Fla. 2016) (holding that an agency’s declaration was within its statutory jurisdiction).

15. Petitioner alleges that general public recreation has contributed to degradation of District-owned lands to surmise that other state and local authorities may, at some uncertain time in the future, enact regulations restricting his boating access to the Week Wachee River. Such restrictions appear to be hypothetical in nature and constitute a legal injury to the Petitioner that does not and may not ever exist. Petitioner's allegations are pure speculation and conjecture based on a hypothetical state of facts which have not yet arisen. Petitioner has alleged no present, certain, or ascertainable fact or injury to establish his position a substantially affected person and, therefore, lacks standing to obtain a declaratory statement. See *Santa Rosa*, 661 So.2d at 1193, and *American Indemnity Co.*, 147 So. 2d at 11.

16. Additionally, the particular circumstances alleged by Petitioner relate to his use and enjoyment of, and vessel access to, the Weeki Wachee River.⁷ However, the statute for which Petitioner requests interpretation, Section 373.1391, F.S.,⁸ relates to the District's management of lands to which it holds title. The Petitioner recognizes Section 327.46, F.S.,⁹ which vests such jurisdiction in local authorities and the FWC, as the operative statute affecting his current and future vessel access. The District does not have jurisdiction over such vessel access, as Section 327.46, F.S., does not clothe the District with the authority to enforce or implement its provisions. To provide such an analysis would require the District to stand in the place and suppose the future actions of those authorities having jurisdiction. Accordingly, the District has no cause or basis to express an opinion of Section 327.46, F.S.,'s applicability to Petitioner's alleged set of

⁷ See Petition at ¶ 5.

⁸ See Petition at ¶ 2.

⁹ See Petition at ¶ 6.

circumstances. See Fla. Admin. Code R. 28-105.001, and *Citizens of the State ex rel. Office of Public Counsel*, 164 So. 3d at 59.

17. Moreover, the Petitioner is not entitled to a declaratory statement because his request is not based on his particular circumstances. See generally *Grippe v. Fla. Dep't. of Bus. & Prof'l. Regulation*, 729 So. 2d 459 (Fla. 4th DCA 1999). The Petitioner alleges that his “[use] and recreational enjoyment on the Weeki Wachee River has been negatively impacted by degradation, resulting in part, from recreational activities occurring on public land titled to the [District].” The Petitioner has not alleged that *his* recreational activities on District-owned land have contributed to the injury. Rather, the Petitioner requests the District to determine that the recreational activities of others on District-owned land should be prohibited in accordance with Section 373.1391, F.S. The District plainly lacks the authority to make such a determination, nor is a declaratory statement the appropriate means for determining the conduct of other parties. Fla. Admin. Code R. 28-105.001. Such a determination by the District would amount to a broad policy prohibiting the recreational use of District-owned land by individuals not made a party to this proceeding. See *Lennar Homes, Inc. v. Fla. Dep't. of Bus. & Prof'l. Regulation*, 888 So. 2d 50, 54 (Fla. 1st DCA 2004), and *Tampa Electric Co. v. Fla. Dep't of Community Affairs*, 654 So. 2d 998, 999 (Fla. 1st DCA 1995) (stating that a declaratory statement which sets forth “broad agency policy . . . that appl[ies] to an entire class of persons” is impermissibly broad).

18. Finally, the party moving for a declaratory statement must show that they are in doubt as to the existence or nonexistence of some right or status, and that they are entitled to have such doubt removed. See *Keiner v. Woody*, 399 So. 2d 35, 37 (Fla. 3d

DCA 1981). Although the Petitioner indirectly avers that he is in “doubt” as to the applicability of Section 373.1391, F.S., the statute shows on its face that there is no doubt as to the meaning of the powers and responsibilities conferred on the District. The statute requires the District to manage and maintain property, *to the extent practicable*, by balancing public access, general public recreation, and preservation. See § 373.1391(1)(a), Fla. Stat. (emphasis supplied). The Petitioner’s “doubt” arises solely from his selective reading of Section 373.1391, F.S., as requiring the District to elevate consideration of preservation over public access and general public recreation. The statutory directive to balance public access, recreation, and preservation necessarily implies that such considerations are not mutually exclusive. The doubt, uncertainty, or insecurity that forms the basis for a declaratory statement must arise from the facts and circumstances creating them and not merely from the state of mind or attitude of the moving party. See *Garner v. De Soto Ranch, LLC*, 150 So. 2d 493, 494 (Fla. 2d DCA 1963). Absent a bona fide doubt as to the meaning of Section 373.1391, F.S., the Petitioner has not demonstrated entitlement to a declaratory statement.

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 March 2020.

Approved as to Legal Form and Content:

James B. Fussell, Jr., Staff Attorney

By: _____
Mark Taylor, Chair

Attest: _____
Joel Schleicher, Secretary

Filed this ____ day of March 2020.

(seal)

Deputy Agency Clerk

Attachment: Recap - March 2020 - Petition for Declaratory Statement - EXHIBIT (4939 : Shannon R. Turbeville)

GENERAL COUNSEL'S REPORT

March 24, 2020

Consent Agenda

Authorization to Issue Administrative Complaint and Order – Well Construction Violations – Mark James – License Number 11031 – CT Nos. 406326 & 406331 – Hillsborough County

Mark James (Contractor) is a licensed water well contractor holding License No. 11031 (License). On September 9, 2019, the District issued Well Construction Permit (WCP) Nos. 882241 and 882242 to the Contractor authorizing the abandonment of wells located at 7014 Gunn Highway (Gunn Property) and N WC Maccines Place (Maccines Property), respectively.

On September 12, 2019, District staff visited the Gunn Property and determined the well was abandoned without being witnessed by District staff, which is a violation of District rules and the conditions of the WCP. On September 13, 2019, District staff visited the Maccines Property and determined the well was also abandoned without being witnessed by District staff. District staff contacted the Contractor on September 16 and 30, 2019, regarding the improperly abandoned wells to no avail.

On November 20, 2019, a Notice of Violation and proposed Consent Order was issued to the Contractor that provided for \$4,500.00 in fines and a one (1) year suspension of his License as provided for by the 2014 Water Well Contractor Disciplinary Guidelines and Citations Dictionary. Furthermore, the proposed Consent Order required the Contractor to plug and abandon each well properly. Despite numerous attempts to reach an amicable resolution, as of the date of this Recap the Contractor has not agreed to the terms of the proposed Consent Order.

Staff Recommendation:

- 1) Authorize District staff to issue an Administrative Complaint and Order to Mark James to obtain compliance, recover an administrative fine/civil penalty, and recover any District costs and fees, if appropriate.
- 2) Authorize District staff to obtain compliance with the terms of the Administrative Complaint and Order in Circuit Court, if necessary.

Presenter: Allison Dhand, Staff Attorney

EXECUTIVE DIRECTOR'S REPORT

March 24, 2020

Consent Agenda

Approve Governing Board Minutes – February 25, 2020

Staff Recommendation:

Staff recommends the Board approve the minutes as presented.

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

MINUTES OF THE MEETING

GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

FEBRUARY 25, 2020

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., on February 25, 2020, at the District's Brooksville Office, 2379 Broad Street, Brooksville, Florida. The following persons were present:

Board Members Present

Mark Taylor, Chair
Michelle Williamson, Vice Chair
Joel Schleicher, Secretary**Via Phone*
Kelly S. Rice, Treasurer
Rebecca Smith, Ph.D., Member
James G. Murphy, Member
Roger Germann, Member**Via Phone*
Jack Bispham, Member
Seth Weightman, Member**Via Phone*

Staff Members

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

Board Administrative Support

Robyn Felix, Communications & Bd Svc Bureau Chief
Lori Manuel, Administrative Coordinator

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

PUBLIC HEARING (00:00)

1. Call to Order

Chair Mark Taylor called the meeting to order and opened the public hearing. Treasurer Kelly Rice stated a quorum was present.

2. Invocation and Pledge of Allegiance

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

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

Chair Taylor stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a "Request to Speak" card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Taylor stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

Attachment: GB 02252020 - Draft (4915 : Approve Governing Board Minutes – February 25, 2020)

3. Employee Recognition

Chair Taylor recognized employees who have reached at least 20 years of service with the District and thanked them. The following staff were recognized: Jamison Janke, Joseph Quinn and Karen Frazier.

4. Additions/Deletions to Agenda

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

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

Mr. David Ballard Geddes, Jr., spoke regarding water protection.

Consent Agenda

Resource Management Committee

6. 2020 Florida Department of Transportation Mitigation Program Annual Plan

Staff recommended the Board approve the District's 2020 Florida Department of Transportation Mitigation Plan.

7. Facilitating Agricultural Resource Management Systems (FARMS) Program Governing Board Policy

Staff recommended the Board:

- 1) Approve repealing the existing FARMS Rule, Chapter 40D-26, Florida Administrative Code (F.A.C.) and replace the rule with the FARMS Program Governing Board Policy
- 2) Authorize the Office of General Counsel to complete the steps necessary to repeal the existing FARMS Rule, Chapter 40D-26, Florida Administrative Code (F.A.C.)
- 3) Approve the Governing Board Policy for the Facilitating Agricultural Resource Management Systems (FARMS) Program

Finance/Outreach & Planning Committee

8. Authorization to Dispose of Equipment

Staff recommended the Board approve the disposition of one John Deere loader (unit 2061) through the auction process.

9. Florida Department of Highway Safety and Motor Vehicles Audit

Staff recommended the Board approve the Florida Department of Highway Safety and Motor Vehicle Audit.

10. 2020 Consolidated Annual Report

Staff recommended the Board approve the 2020 Consolidated Annual Report and its transmittal

11. Budget Transfer Report

Staff recommended approval of the Budget Transfer Report covering all budget transfers for January 2020.

Operations, Lands and Resource Monitoring Committee - None

Regulation Committee

12. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20005013.009 – North Patrick Grove/Alico, Inc. (Polk County)

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

b. WUP No. 20007332.007 – Ft. Green Farm/South Ft. Meade Land Management, Inc. (Hardee County)

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

- c. **WUP No. 20009808.009 – University Park Country Club/University Park Community Association Inc., University Park Recreation District (Manatee and Sarasota counties)**
Staff recommended the Board approve the proposed permit as an exhibit.

General Counsel's Report

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

- a. **Consideration of Final Order – Long Bar Pointe, LLLP V. Lake Flores, LLC and Southwest Florida Water Management District – Case No. 17-5609 – Environmental Resource Permit No. 49042599.001 – Manatee County**

Staff recommended the Board approve and enter Final Order SWF 20-005 to issue Environmental Resource Permit Nos. 49042599.001-002 and dismiss Long Bar Pointe, LLLP's Petition for Administrative Hearing.

14. Rulemaking – None

Executive Director's Report

15. Approve Governing Board Minutes – January 28, 2020

Staff recommended the Board approve the minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (00:09:48)

Chair Taylor relinquished the gavel to the Resource Management Committee Chair Rebecca Smith, who called the meeting to order. (00:10:08)

Resource Management Committee

Discussion

16. Consent Item(s) Moved for Discussion - None

17. Withlacoochee Regional Water Supply Authority (WRWSA) Update

Ms. Suzannah Folsom, P.E., executive director, provided background regarding the WRWSA, a summary of the 2019 Regional Water Supply Plan, and an overview of water conservation efforts.

Ms. Folsom stated the WRWSA was created in 1977. It covers counties within the Southwest Florida Water Management District (SWFWMD) and part of the St. Johns River Water Management District (SJRWMD). The WRWSA water supply assets include the Charles A. Black wellfield and two water treatment facilities that serve Citrus County.

Ms. Folsom stated the WRWSA Regional Supply Plan Five-Year update was completed November 2019. This plan included public supply demand projects from 2015 to 2040 and evaluated several sources to meet those demands. Those sources included: water conservation, reclaimed water offset, additional groundwater, surface water (Withlacoochee River) and seawater desalination.

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

18. 2020 Central Florida Water Initiative (CFWI) Regional Water Supply Plan

Mr. Joseph Quinn, senior project manager, explained that CFWI is a collaborative water supply effort with the Florida Department of Environmental Protection (FDEP), SJRWMD, SWFWMD, the South Florida Water Management District (SFWMD), the Florida Department of Agriculture and Consumer Services (FDACS), regional utilities, business organizations, environmental groups, agricultural groups and other stakeholders.

Mr. Quinn explained the organizational structure which includes a steering committee and a management oversight committee. He explained that regional water supply planning is required in

areas where water sources are not adequate to supply existing/future uses and sustain water resources and related natural systems. He provided an overview of the 2020 CFWI Regional Water Supply Plan.

Mr. Quinn provided an overview of water demands in the CFWI planning area for 2015 and 2040, based on type. He provided an overview of the demand modeling that was completed for the groundwater availability assessment. Mr. Quinn provided a map that displayed the primary areas that are susceptible to groundwater withdrawals. He charted the planning level for groundwater availability once the 760 million gallons per day (mgd) is utilized. Mr. Quinn outlined the projected 2040 water conservation savings per category. He stated that public supply demands will be the greatest area of growth. Mr. Quinn outlined water source options for projects that would provide benefits and funding options associated with these.

Mr. Quinn responded to questions from the Board.

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

19. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302, Florida Administrative Code, to Adopt a Reservation for Lake Hancock and Lower Saddle Creek

Mr. Randy Smith, Natural Systems & Restoration Bureau chief, explained that a reservation is an adopted rule that reserves water from use by permit applicants for the protection of fish and wildlife or public health and safety and protects existing legal uses that are not contrary to the public interest. Reservations are subject to periodic reviews and revisions.

Mr. Smith stated that the P-11 Lake Hancock Structure was replaced in 2013 as part of the District's Lake Hancock Lake Level Modification Project which is an important part of the Southern Water Use Caution Area (SWUCA) recovery strategy to achieve minimum flows in the upper Peace River. He provided information regarding the recovery needs for the minimum flows that have been established for the upper Peace River at Bartow, Fort Meade and Zolfo Springs.

Mr. Smith outlined the proposal of the reservation. He explained that water will be temporarily stored in Lake Hancock through the P-11 structure and released to Lower Saddle Creek for upper Peace River minimum flows recovery. Mr. Smith explained the benefits of the reservation. He stated that all analysis has been peer reviewed by an independent panel of experts and any issues identified have been addressed by staff. Mr. Smith outlined all outreach efforts and communication efforts.

Mr. Smith responded to questions from the Board.

Staff recommended:

- 1) Accept the report entitled "Water Budget Evaluation for a Proposed Reservation for Lake Hancock and Lower Saddle Creek in Polk County, Florida, February 2020 Final Draft."
- 2) Authorize the initiation of rulemaking and approve the proposed rule language for the adoption of an amendment to Rule 40D-2.302, F.A.C., to establish a reservation for Lake Hancock and Lower Saddle Creek.
- 3) Authorize staff to make any necessary clarifying or minor technical changes that may result from the rulemaking process.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (01:00:15)

Submit & File Reports - None

Routine Reports

The following items were provided for the Committee's information, and no action was required.

20. Minimum Flows and Levels Status Report

21. Significant Water Resource and Development Projects

Committee Chair Smith relinquished the gavel to the Finance/Outreach & Planning Committee Chair Kelly Rice, who called the meeting to order. (01:01:10)

Finance/Outreach & Planning Committee

Discussion

22. Consent Item(s) Moved for Discussion - None

23. Legislative Update

Mr. Michael Molligan, Employee and External Relations director, outlined the schedule for the 2020 Legislative session. He reminded the Board that there are five Board member appointments pending confirmation. Mr. Molligan provided overviews for various bills. These bills included water quality improvements, reclaimed water, land acquisition trust, the aquatic preserve, the Citrus/Hernando Waterways Restoration Council, and the water management district boundaries.

Mr. Molligan provided an overview of budgets that have passed the House and the Senate. This included: \$2.25 million to the District for land management activities; \$50 million for springs funding; \$40 million for alternative water supply; and \$41.5 million for local water projects. He also stated that the Senate passed a \$125 million budget for Florida Forever funding, while the House passed a \$20 million budget for the same funding.

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

Submit & File Reports

24. Association of Inspectors General Peer Review of the Office of Inspector General

25. District Performance Measures

Routine Reports

The following items were provided for the Committee's information, and no action was required.

26. Monthly Financial Statement

27. Treasurer's Report and Payment Register

28. Monthly Cash Balances by Fiscal Year

29. Comprehensive Plan Amendment and Related Reviews Report

Committee Chair Rice relinquished the gavel to the Operations, Lands & Resource Monitoring Committee Chair James Murphy, who called the meeting to order. (01:08:46)

Operations, Lands & Resource Monitoring Committee

Discussion

30. Consent Item(s) Moved for Discussion - None

Mr. Brian Starford provided an update to public comments that were received at the January Board meeting from Mr. Tom Palmer and Ms. Marian Ryan. They had concerns regarding the Turnpike Enterprise (Turnpike) and access to the Marshall Hampton property. Mr. Starford informed the Board that staff had met with the Turnpike authorities for a pre-application meeting. The District was keeping Mr. Palmer and Ms. Ryan apprised of any information.

Submit & File Reports

31. Hydrologic Conditions Report

Routine Reports

The following items were provided for the Committee's information, and no action was required.

32. Significant Activities

33. Structure Operations

34. Surplus Lands Update

Committee Chair Murphy relinquished the gavel to the Regulation Committee Vice Chair Michelle Williamson, who called the meeting to order. (01:11:35)

Regulation Committee

Discussion

35. Consent Item(s) Moved for Discussion - None

36. Denials Referred to the Governing Board

No Denials were presented.

Submit & File Reports - None

Routine Reports

The following items were provided for the Committee's information, and no action was required.

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

39. Individual Permits Issued by District Staff

Regulation Committee Vice Chair Williamson relinquished the gavel to Chair Taylor. (01:12:05)

General Counsel's Report

Discussion

40. Consent Item(s) Moved for Discussion – None

Mr. Chris Tumminia, deputy general counsel, provided an update regarding the Rainbow River Minimum Flows and Levels (MFLs) rule challenge. He stated that the ruling has been issued in favor of the District. Mr. Tumminia explained that a portion of the rule language regarding the development of recovery or prevention strategy was removed but all other aspects of the challenge were validated.

Submit & File Reports – None

Routine Reports

The following items were provided for the Committee's information, and no action was required.

41. February 2020 Litigation Report

42. February 2020 Rulemaking Update

Committee/Liaison Reports

43. Environmental Advisory Committee

Ms. Jennette Seachrist, Resource Management director, stated there were two recommendations from the Environmental Advisory Committee (EAC). The first recommendation involved the Weeki Wachee carrying capacity study. She stated the EAC recommended a follow-up study to evaluate how the enforcement of vessel limitation is assisting in recovery efforts. The study also identified management options and recommended the development of a management working group which will be led by Hernando County. Staff recommended that the working group initiate any further studies, if necessary.

Ms. Seachrist stated the second recommendation involved extending the Lower Hillsborough River MFL five-year assessment review period until the end of April. She stated that staff is supportive of this recommendation.

A written summary of the January 14 meeting was provided.

44. Industrial Advisory Committee

A written summary of the February 11 meeting was provided.

45. Public Supply Advisory Committee

Treasurer Rice stated that the committee voted to support staff's recommended rule changes affecting how reclaimed water credits are calculated.

A written summary of the February 11 meeting was provided.

Executive Director's Report

46. Executive Director's Report

Mr. Brian Armstrong, executive director, informed the Board of a control burn of 23,000 acres in the Green Swamp. He stated that the District coordinated with the Florida Forestry Service, the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission. Mr. Armstrong stated that the controlled burn took four days. However, without the combined efforts from these agencies it would have taken 30 days. He credited Mr. James Karels, Executive Director of the Florida Forestry Service with this effort.

Mr. Armstrong recognized Mr. Brian Werthmiller, Inspector General. He stated that the State Auditor General (AG) recommended the Office of Inspector General (OIG) have a peer review completed. Mr. Werthmiller coordinated with the Association of Inspector Generals (AIG) to complete this peer review. This resulted in a cost savings to the District by not hiring an outside consultant. Mr. Armstrong stated that the AIG unanimously concluded the OIG passed all applicable standards.

Chair's Report

47. Chair's Report

Chair Taylor commended staff and the Board for the efforts made related to the Rainbow River Minimum Flows and Levels (MFLs) rule challenge.

Chair Taylor reminded the Board that the next meeting is on March 24 at the Sarasota County Operations Center.

48. Employee Milestones

The meeting was adjourned at 10:24 a.m.

Chair

Attest:

Secretary

**C. Finance/Outreach
& Planning**

**Governing Board Meeting
March 24, 2020**

FINANCE/OUTREACH & PLANNING COMMITTEE
--

Discussion Items

19. Consent Item(s) Moved for Discussion	148
20. Fiscal Year 2018-19 Comprehensive Annual Financial Report	149
21. Legislative Wrap-Up	150

Submit & File Reports – None

Routine Reports

22. Treasurer's Report and Payment Register	151
23. Monthly Financial Statement	157
24. Monthly Cash Balances by Fiscal Year	162
25. Comprehensive Plan Amendment and Related Reviews Report	164

FINANCE/OUTREACH & PLANNING COMMITTEE

March 24, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Michael Molligan, Division Director, Employee and External Relations

FINANCE/OUTREACH & PLANNING COMMITTEE

March 24, 2020

Discussion Item

Fiscal Year 2018-19 Comprehensive Annual Financial Report

Purpose

Presentation of the District's Comprehensive Annual Financial Report for fiscal year ended September 30, 2019, by the District's financial auditors, James Moore & Co., P.L., for acceptance by the Governing Board.

Background

The District is required by Section 218.39, Florida Statutes, to have an annual financial audit of its accounts and records performed by an independent certified public accountant, licensed in the State of Florida, and made in accordance with generally accepted auditing standards, Florida Statutes, and Rules of the Auditor General promulgated pursuant to Section 11.45.

The Comprehensive Annual Financial Report, including a Single Audit pursuant to audit requirements of Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountants' Report for fiscal year ended September 30, 2019, will be distributed prior to the meeting. James Moore & Co., P.L. representatives will attend the meeting to communicate to the Board certain matters related to the conduct of the audit as required by auditing standards. A brief presentation of the report, management letter and independent accountants' report will also be made by James Moore & Company.

Staff Recommendation:

Accept and place on file the District's Comprehensive Annual Financial Report, including a Single Audit pursuant to Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountants' Report for fiscal year ended September 30, 2019.

Presenter: James Halleran, James Moore & Co., P.L.

FINANCE/OUTREACH & PLANNING COMMITTEE

March 24, 2020

Discussion Item

Legislative Wrap-Up

The regular 2020 Legislative Session began on Tuesday, January 14 and ended Friday, March 13. District staff tracked activities, especially focusing on proposed legislation that could impact the water resources or District activities. Staff will provide a legislative wrap-up of the outcomes of proposed legislation and budget items affecting the District.

Staff Recommendation:

This item is provided for the Board's information; no action is required.

Presenter: Cara Martin, Government and Community Affairs Office Chief

FINANCE/OUTREACH & PLANNING COMMITTEE

March 24, 2020

Routine Report

Treasurer's Report and Payment Register

Purpose

Presentation of the Treasurer's Report and Payment Register.

Background

In accordance with Board Policy, *District Investment Policy*, a monthly report on investments shall be provided to the Governing Board. The Treasurer's Report as of February 29, 2020, reflects total cash and investments.

In accordance with Board Policy, *Disbursement of Funds*, all general checks written during a period shall be reported to the Governing Board at its next regular meeting. The Payment Register listing disbursements since last month's report is available upon request. The Payment Register includes checks and electronic fund transfers (EFTs).

Staff Recommendation:

These items are presented for the Committee's information, and no action is required.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
February 29, 2020

CUSTODIAN HELD INVESTMENTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	AMORTIZED COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
PUBLIC TRUST ADVISORS						
<u>SWFWMD-Enhanced Cash Portfolio</u>						
7951619	Investments	1.95	\$165,572,155	\$166,581,796	\$679,190	
7951619	Cash / Money Market Fund	1.46	217,324	217,324	0	
			Subtotal	\$165,789,479	\$166,799,120	\$679,190
7951619	Accounts Receivable-Trade date prior to 2/29/20, Settlement date after 2/29/20		20,057	20,057	0	
			Total	\$165,809,536	\$166,819,177	\$679,190
						31.18
<u>SWFWMD- 1-3 Year Portfolio</u>						
7951620	Investments	1.89	\$251,572,704	\$255,089,333	\$1,209,848	
7951620	Cash / Money Market Fund	1.46	3,591,209	3,591,209	0	
			Subtotal	\$255,163,913	\$258,680,542	\$1,209,848
7951620	Accounts Receivable-Trade date prior to 2/29/20, Settlement date after 2/29/20		160,445	160,445	0	
			Total	\$255,324,358	\$258,840,987	\$1,209,848
						48.02
TOTAL CUSTODIAN HELD INVESTMENTS				\$421,133,894	\$425,660,164	\$1,889,038
						79.20

STATE BOARD OF ADMINISTRATION (SBA) INVESTMENT ACCOUNTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	PURCHASE COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
STATE BOARD OF ADMINISTRATION						
<u>Florida PRIME (Formerly Local Government Investment Pool)</u>						
271413	SBA General Investments	1.76	\$78,900,736	\$78,900,736		
271414	SBA Land Resources	1.76	18,358,550	18,358,550		
271415	SBA Advanced State Funding (Eco System Trust Fund)	1.76	168,495	168,495		
271416	SBA Advanced State Funding (FDOT)	1.76	12,976,033	12,976,033		
271418	SBA Advanced State Funding (WPSTF-AWS)	1.76	197,091	197,091		
	TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS		\$110,600,905	\$110,600,905		20.80
	TOTAL INVESTMENTS		\$531,734,799	\$536,261,069		100.00
	CASH, SUNTRUST DEMAND ACCOUNT		1,324,144	1,324,144		
	TOTAL CASH AND INVESTMENTS		\$533,058,943	\$537,585,213		

Weighted average yield on portfolio at February 29, 2020 is 1.88%.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT TO THE GOVERNING BOARD
February 29, 2020

EQUITY - CASH AND INVESTMENTS

DISTRICT AND BASINS

District General Fund	\$483,602,861	90.73%
Restricted for Alafia River Basin	498,766	0.09%
Restricted for Hillsborough River Basin	9,042,836	1.70%
Restricted for Coastal Rivers Basin	321,488	0.06%
Restricted for Pinellas-Anclote River Basin	9,298,825	1.74%
Restricted for Withlacoochee River Basin	1,018,527	0.19%
Restricted for Peace River Basin	1,556,512	0.29%
Restricted for Manasota Basin	2,787,759	0.52%
Total District General Fund	\$508,127,574	95.32%
FDOT Mitigation Program	12,735,644	2.39%
Florida Forever Program	12,195,725	2.29%
TOTAL EQUITY IN CASH AND INVESTMENTS	\$533,058,943	100.00%

Monthly Investment Report for Period Ended February 29, 2020

Southwest Florida
Water Management District



Southwest Florida Water Management District Investment Program Review

2379 Broad Street
Brooksville, FL 34604-6899

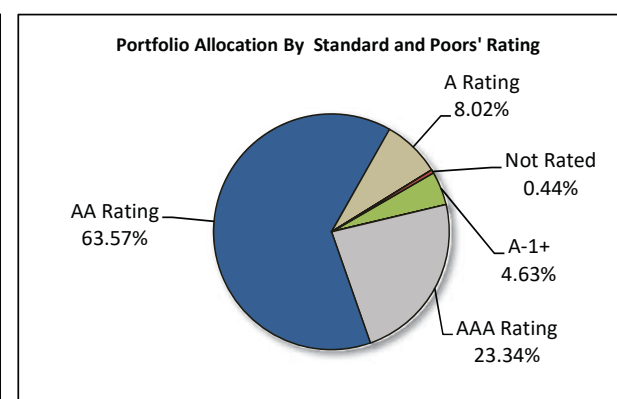
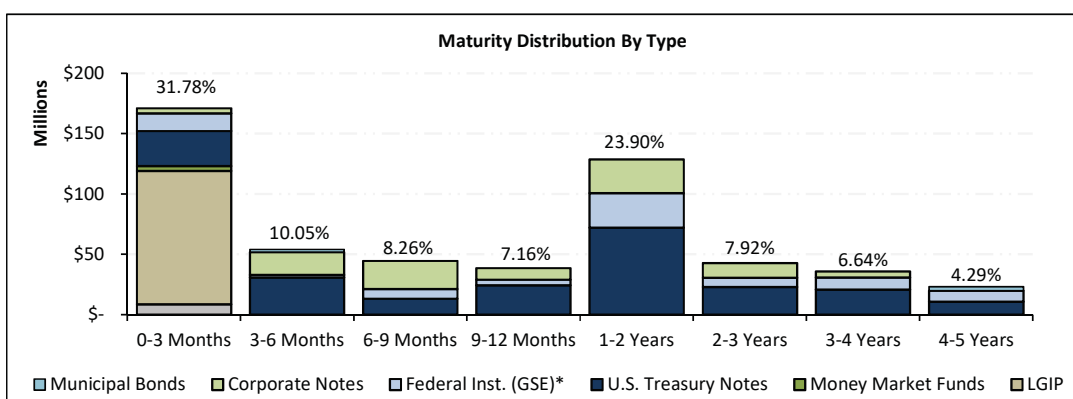
Public Trust Advisors LLC
201 E. Pine Street, Suite 750
Orlando, Florida 32801

Southwest Florida Water Management District All Assets Summary Comparison for the period February 1, 2020 to February 29, 2020

Southwest Florida Water Management District All Assets Portfolio	February 1, 2020 Beginning Balance	February 29, 2020 Ending Balance	Portfolio Characteristic	February 1, 2020 Beginning Balance	February 29, 2020 Ending Balance
Book Value Plus Accrued	\$ 546,607,281	\$ 533,443,334	Weighted Book Yield	1.92%	1.88%
Net Unrealized Gain/Loss	2,432,583	4,526,270	Weighted Duration	1.09 Years	1.08 Years
Net Pending Transactions	(3,096,145)	180,501			
Market Value Plus Accrued Net	\$ 545,943,719	\$ 538,150,105			

Individual Portfolio Characteristics	February 1, 2020 Beginning Balance	February 29, 2020 Ending Balance	February 29, 2020 Monthly Earnings	February 29, 2020 YTD Earnings
Liquid Portfolio (SBA-Florida Prime)	\$ 121,154,995	\$ 110,600,904	\$ 161,209	\$ 647,306
Enhanced Cash	166,756,596	167,498,367	263,301	1,396,421
Short Term 1-3 Year	258,032,128	260,050,835	403,490	2,055,612
Market Value Plus Accrued Net	\$ 545,943,719	\$ 538,150,106	\$ 828,000	\$ 4,099,339
			Less Advisory Fees:	
			\$ (9,906)	\$ (51,814)
			Total Earnings Net of Fees	
			\$ 818,094	\$ 4,047,525

Blended Basis Fee (Annualized) 0.02228% 0.02331%



See additional disclosures for footnotes.



Additional Disclosure

This statement is for general information purposes only and is not intended to provide specific advice or recommendations. Please review the contents of this statement carefully. Should you have any questions regarding the information presented, calculation methodology, investment portfolio or security detail, or any other facet of your statement, please feel free to contact us.

Public Trust Advisor's monthly statement is intended to detail our investment advisory activity as well as the activity of any accounts held by clients in pools that are managed by Public Trust Advisors. The custodian bank maintains the control of assets and executes and settles all investments transactions. The custodian statement is the official record of security and cash holdings transactions. Public Trust Advisors recognizes that clients may use these reports to facilitate record keeping; therefore the custodian bank statement and the Public Trust Advisors statement should be reconciled and differences resolved. Many custodians use a settlement date basis which may result in the need to reconcile due to a timing difference. Please contact your relationship manager or our toll free number 855-395-3954 with questions regarding your account.

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Pricing sources from our reporting platform are provided by Clearwater reporting platform and are established by Clearwater's internal pricing procedures. Clearwater utilizes a hierarchical pricing model which starts with one of the industry's pricing sources, S&P Capital IQ. Securities with short maturities and infrequent secondary market trades are typically priced via mathematical calculations. The Securities in this investment portfolio, including shares of mutual funds, are not guaranteed or otherwise protected by Public trust Advisors, the FDIC (except for certain non-negotiable certificates of deposit) or any government agency, unless otherwise specifically stated. Investment in fixed income securities involves risks, including the possible loss of the amount invested.

Past performance is not an indication of future performance.

Beginning and Ending Balances based on Market Value plus Accrued Interest on a Trade Date basis.

Public Trust Advisors is an investment advisor registered with the Securities and Exchange Commission, and is required to maintain a written disclosure statement of our background and business experience. If you would like to receive a copy of our current disclosure statement, privacy policy, or code of ethics please contact Service Operations at the address below.

Public Trust Advisors
717 17th Street, Suite 1850
Denver, CO 80202

FINANCE/OUTREACH & PLANNING COMMITTEE

March 24, 2020

Routine Report

Monthly Financial Statement

Purpose

Presentation of the February 29, 2020, monthly financial statement.

Background

In accordance with Sections 373.536(4)(e) and 215.985(11), Florida Statutes, relating to state financial information with certain financial transparency requirements, the District is submitting a "Statement of Sources and Uses of Funds for the Fifth Month Ended February 29, 2020."

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

Statement of Sources and Uses of Funds For the Five Months Ended February 29, 2020

The attached “Statement of Sources and Uses of Funds” statement is provided for your review. This financial statement provides summary-level revenues (i.e., sources) and expenditures by program (i.e., uses). **This unaudited financial statement is provided as of February 29, 2020, with 41.7 percent of the fiscal year completed.**

This financial statement compares revenues recognized and encumbrances/expenditures made against the District’s FY2019-20 available budget of \$365.1 million. Encumbrances represent orders for goods and services which have not yet been received.

Revenues (Sources) Status:

- Overall, as of February 29, 2020, 84 percent of the District’s budgeted revenues/balances have been recognized.
- As of February 29, 2020, the District has received \$101,537,866 of ad valorem tax revenue representing 90 percent of the budget. This is in-line with the five months prior year collection rates of 90 percent for FY2018-19 and 91 percent for FY2017-18. The budget represents 96 percent of estimated proceeds based on the taxable property values as certified by the District’s sixteen counties multiplied by the Governing Board approved millage rate. Projections are based on historical collections.
- Intergovernmental Revenues are recognized as soon as they are both measurable and available. Revenues are considered available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For FY2019-20, \$1,790,077 revenues have been recognized, representing 4 percent of the budget. From year to year, the budgeted amount of intergovernmental revenue compared to the recognized amount can fluctuate for various reasons; projects can be in the planning stages and have not incurred a significant amount of expenditures, or anticipated projects may be canceled (e.g., cooperative funding projects).
- The FY2019-20 interest earnings budget was based on a 2.33 percent expected rate of return. The District’s investment portfolio at February 29, 2020 is earning a weighted average yield of 1.88 percent. For the five months ended February 29, 2020, the District has earned 1.94 percent yield on its investments. Interest earnings on invested funds in the amount of \$4,100,359 have been recognized representing 37 percent of the budgeted amount.
- License and Permit Fees consist of revenue from water use permits, environmental resource permits, water well construction permits, and water well construction licenses. Revenue recognized represents 42 percent of the budgeted amount as of February 29, 2020.
- As of February 29, 2020, other revenue earned is 737 percent of budget. Each year, items that fall within the “Other” revenue category are budgeted conservatively due to the uncertainty of the amounts to be collected. For example, revenues from timber sales, hog hunts, insurance recoveries and the sale of capital assets can vary significantly from

year to year. The majority of the increase is due to sales of capital assets in the amount of \$4,751,511.

- Fund Balance consists of balance from prior years (budgeted for the current year) plus fund balance associated with the ad valorem funded encumbrances that rolled into the current year.

Expenditures (Uses) Status:

Overall, as of February 29, 2020, the District had obligated 63 percent of its total budget.

Summary of Expenditures by Program

This financial statement illustrates the effort to date for each of the District's six statutory program areas (Section 373.536(5)(e)4, Florida Statutes). A discussion of the expenditures by program follows.

- The **Water Resource Planning and Monitoring Program** includes all water management planning, including water supply planning, development of minimum flows and levels, and other water resource planning; research, data collection, analysis, and monitoring; and technical assistance (including local and regional plan and program review). Of the \$46.5 million budgeted for this program, the District has obligated 60 percent of the budget (18 percent expended, and 42 percent encumbered).
- The **Land Acquisition, Restoration and Public Works Program** includes the development and construction of all capital projects (except for those contained in the Operation and Maintenance of Works and Lands Program), including water resource development projects/water supply development assistance, water control projects, and support and administrative facilities construction, land acquisition (i.e., Florida Forever program), and the restoration of lands and water bodies. Of the \$252.3 million budgeted for this program, the District has obligated 68 percent of the budget (4 percent expended, and 64 percent encumbered).
- The **Operation and Maintenance of Works and Lands Program** includes all operation and maintenance of facilities, flood control and water conservation structures, lands, and other works authorized by Chapter 373, Florida Statutes. Of the \$29.2 million budgeted for this program, the District has obligated 41 percent of the budget (24 percent expended, and 17 percent encumbered).
- The **Regulation Program** includes water use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration, compliance and enforcement, and any delegated regulatory program. Of the \$21.5 million budgeted for this program, the District has obligated 43 percent of the budget (34 percent expended, and 9 percent encumbered).
- The **Outreach Program** includes all environmental education activities, such as water conservation campaigns and water resources education; public information activities; all lobbying activities relating to local, regional, state, and federal governmental affairs; and all public relations activities and advertising in any media. Of the \$3.1 million budgeted

for this program, the District has obligated 48 percent of the budget (21 percent expended, and 27 percent encumbered).

- The **Management and Administration Program** includes executive management, executive support, governing board support, ombudsman, general counsel, inspector general, administrative support (general), procurement, finance, human resources, and risk management. Of the \$12.5 million budgeted for this program, the District has obligated 54 percent of the budget (46 percent expended, and 8 percent encumbered).

Based on the financial activities for the five months ended February 29, 2020, the financial condition of the District is positive and budget variances are generally favorable. There are no reported or identified major trends, conditions or variances that warrant additional management attention.

**Southwest Florida Water Management District
Statement of Sources and Uses of Funds
For the Five Months Ended February 29, 2020
(Unaudited)**

	Current Budget	Actuals Through 2/29/2020	Variance (under)/Over Budget	Actuals As A % of Budget (rounded)
Sources				
Ad Valorem Property Taxes	\$ 113,153,713	\$ 101,537,866	\$ (11,615,847)	90%
Intergovernmental Revenues	45,176,609	1,790,077	(43,386,532)	4%
Interest on Invested Funds	11,000,000	4,100,359	(6,899,641)	37%
License and Permit Fees	2,029,700	853,635	(1,176,065)	42%
Other	690,250	5,086,666	4,396,416	737%
Fund Balance	193,034,811	193,034,811	-	100%
Total Sources	\$ 365,085,083	\$ 306,403,414	\$ (58,681,669)	84%

	Current Budget	Expenditures	Encumbrances¹	Available Budget	% Expended (rounded)	% Obligated² (rounded)
Uses						
Water Resource Planning and Monitoring	\$ 46,495,914	\$ 8,490,529	\$ 19,499,245	\$ 18,506,140	18%	60%
Land Acquisition, Restoration and Public Works	252,344,548	10,281,767	161,835,192	80,227,589	4%	68%
Operation and Maintenance of Works and Lands	29,183,764	6,948,082	5,004,138	17,231,544	24%	41%
Regulation	21,503,217	7,342,215	1,975,423	12,185,579	34%	43%
Outreach	3,081,465	634,120	833,521	1,613,824	21%	48%
Management and Administration	12,476,175	5,727,387	1,063,961	5,684,827	46%	54%
Total Uses	\$ 365,085,083	\$ 39,424,100	\$ 190,211,480	\$ 135,449,503	11%	63%

¹ Encumbrances represent unexpended balances of open purchase orders and contracts.

² Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited preliminary financial statement is prepared as of February 29, 2020, and covers the interim period since the most recent audited financial statements.

FINANCE/OUTREACH & PLANNING COMMITTEE

March 24, 2020

Routine Report

Monthly Cash Balances by Fiscal Year

Purpose

To provide a schedule of monthly cash balances by fiscal year, updated to reflect the cash balance as of February 29, 2020.

Background

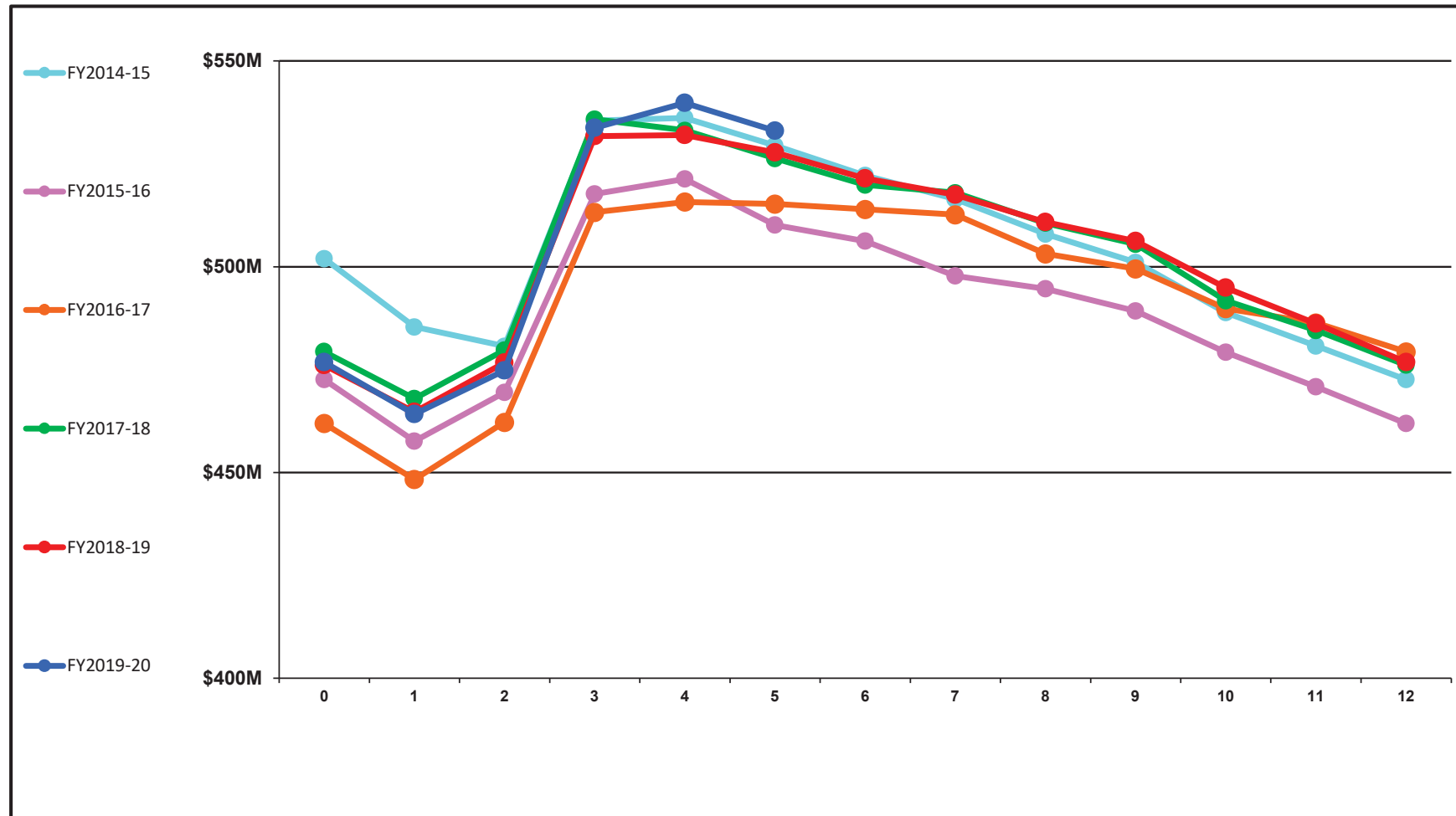
This routine report has been developed to allow the Governing Board to easily monitor the District's cash balances at each month-end and in comparison with monthly cash balances for the last five fiscal years. This trend information will become more important as the District's budget declines and reserves are utilized for projects.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

Southwest Florida Water Management District
Monthly Cash Balances by Fiscal Year
(FY2014-15 - FY2018-19 and FY2019-20 To-Date)



FINANCE/OUTREACH & PLANNING COMMITTEE

March 24, 2020

Routine Report

Comprehensive Plan Amendment and Related Reviews Report

Purpose

This report is provided for the Committee's information and shows District activity in the review of Local Government Comprehensive Plans and Amendments. Staff updates the report monthly.

Background/History

The water management districts provide technical and policy information on water resources and water resource management to local governments as they prepare amendments to their local government comprehensive plans. This information encompasses various areas of water resource management, including water supply, flood protection and water quality, and is intended to support sound land use decisions. Statutory directives for this assistance include Section 373.711, Florida Statutes (F.S.), Technical Assistance to Local Governments, and Section 163.3184, F.S., Process for Adoption of Comprehensive Plan or Plan Amendments. Under Section 163, F.S., substantially revised in 2011, if important state resources and facilities are to be adversely impacted, the water management districts and other state reviewing agencies must state with specificity how the plan amendment will adversely impact the resource or facility and must include measures that the local government may take to eliminate, reduce, or mitigate the impacts. Any plan amendment comments provided by a water management district and/or other state agencies that are not resolved may be challenged by the Department of Economic Opportunity (DEO).

Benefits/Costs

The benefits of the District's local government technical assistance program are to ensure local government elected officials have sound water resource technical and policy information as they amend their local government comprehensive plans. This helps to ensure local plans are compatible with the District's plans, programs and statutory direction. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

Staff Recommendation:

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

Presenter: Cara Martin, Government and Community Affairs Office Chief

**Governing Board Meeting
March 24, 2020**

RESOURCE MANAGEMENT COMMITTEE

Discussion Items

26. Consent Item(s) Moved for Discussion	165
27. Peace River Manasota Regional Water Supply Authority Update	166

Submit and File Reports

28. 2020 Status of the Dover/Plant City Water Use Caution Area Recovery Strategy	167
29. Proposed Minimum Flows for Lower Peace River and Lower Shell Creek Prior to Independent Scientific Peer Review	169

Routine Reports

30. Minimum Flows and Levels Status Report	172
31. Significant Water Resource and Development Projects	174

RESOURCE MANAGEMENT COMMITTEE

March 24, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

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

RESOURCE MANAGEMENT COMMITTEE

March 24, 2020

Discussion Item

Peace River Manasota Regional Water Supply Authority Update

Purpose

To provide the Board with an overview of the Peace River Manasota Regional Water Supply Authority's regional water supply system, including water supply facilities, expansion of the regional integrated loop system and vision for the future.

Background/History

Commissioner Alan Maio, Sarasota County's representative on the Board of Directors of the Peace River Manasota Regional Water Supply Authority, will update the Board regarding the status of the Authority's water supplies, regional pipeline interconnection projects and vision for the future. The Authority has constructed over \$300 million in new infrastructure over the past decade through partnership with the District working to create a reliable, environmentally sustainable and affordable water supply for the four-county region of Charlotte, DeSoto, Manatee and Sarasota counties that comprise the Authority. The Authority's last update was provided at the January 2019 Board meeting.

Staff Recommendation:

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

Presenter: Alan Maio, Board of Directors, Peace River Manasota River Water Supply Authority

RESOURCE MANAGEMENT COMMITTEE

March 24, 2020

Submit and File Report

2020 Status of the Dover/Plant City Water Use Caution Area Recovery Strategy

Purpose

The purpose of this item is to provide an update on the Dover/Plant City Water Use Caution Area (DPWUCA) Recovery Strategy, as required by 40D-80.075, F.A.C.

Background/History

In 2011, the DPWUCA was established following the unprecedented January 2010 freeze event comprised of eleven consecutive days of below freezing temperatures. During the 2010 freeze event, approximately 750 dry well complaints and 150 sinkholes were reported as a result of groundwater withdrawals for agricultural related cold protection activities. The DPWUCA was established to address impacts from groundwater pumping used for cold protection within a 256-square-mile area (refer to Exhibit 1). The District developed and adopted a comprehensive management plan to reduce and monitor groundwater pumping as well as a method to equitably evaluate and mitigate dry well complaints received during cold protection events. The DPWUCA recovery strategy established a minimum aquifer level (MAL) of 10 feet (NGVD, 1929) at the District's Upper Floridan Aquifer (UFA) DV-1 (Suwannee) monitoring well. The strategy also established an overall goal of reducing groundwater pumped for cold protection in comparison to the 2010 event by 10 percent in 2015 and 20 percent in 2020.

Groundwater pumping reductions specified in 40D-80.075, F.A.C. were intended to reduce the potential occurrence of drawdown below 10 feet (NGVD, 1929) in the UFA at District monitor well DV-1 (Suwannee) during cold protection events. The rule also states that, "If by 2020 a 20 percent reduction in groundwater withdrawals used for frost/freeze (cold protection) has not been achieved or if the MAL has not been achieved, the Recovery Strategy will be reassessed." The preliminary comprehensive assessment indicates this condition will not be met; therefore, the District has begun to reassess the Recovery Strategy. As an initial step the District plans to conduct stakeholder meetings for the affected agricultural and residential community to explore options including:

- Alternative cold protection technology and techniques;
- Additional incentives through cooperative project implementation;
- Additional Water Use Permitting (WUP) provisions

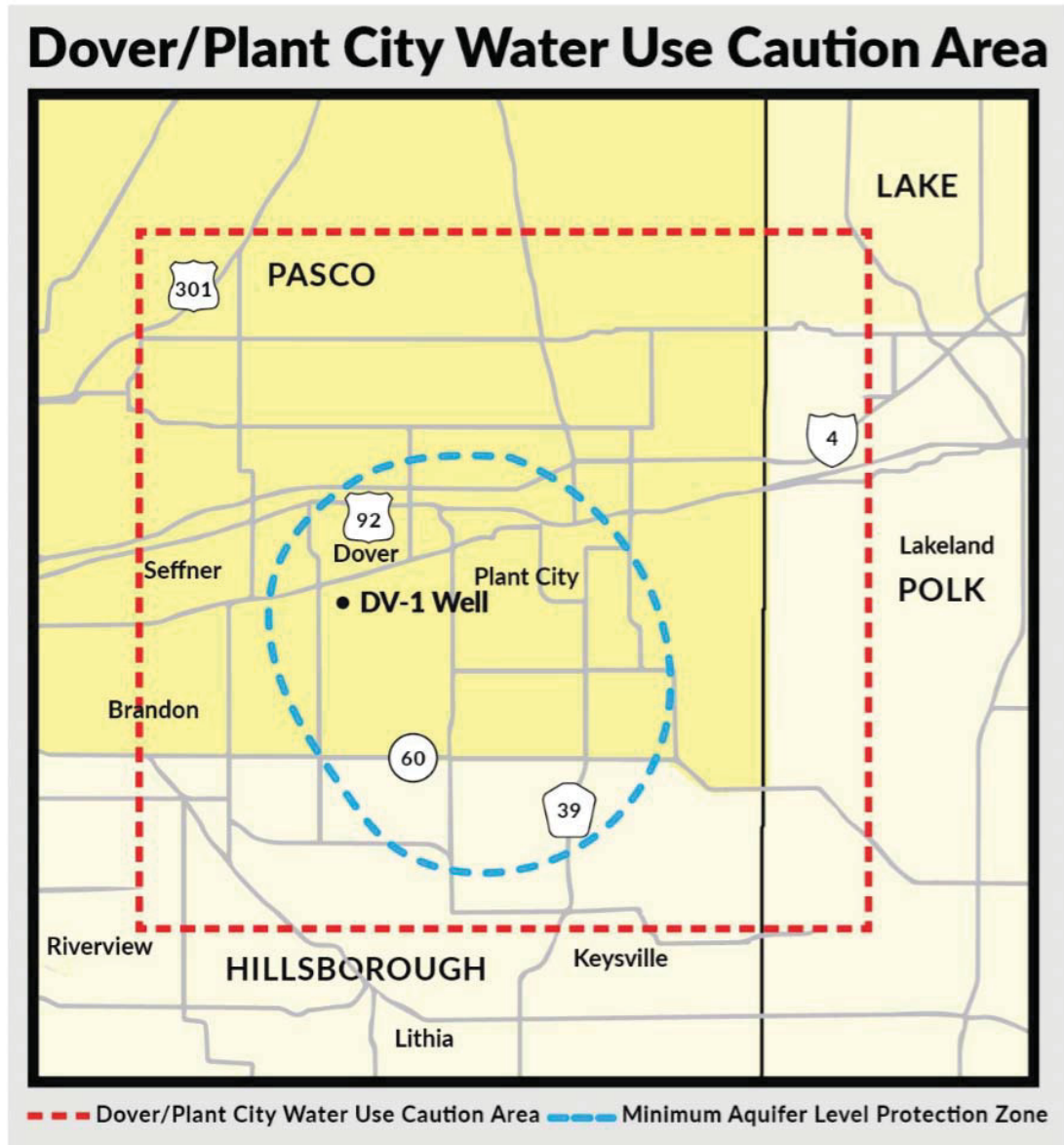
District staff will provide a future report on the DPWUCA Recovery Strategy - 2020 Comprehensive Assessment and revised Recovery Strategy Plan following stakeholder outreach meetings and development of options for a revised recovery strategy.

Staff Recommendation:

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

Presenters: Jennette M. Seachrist, P.E., Resource Management Division Director, and
Michelle Hopkins, P.E., Regulation Division Director

Exhibit 1



RESOURCE MANAGEMENT COMMITTEE**March 24, 2020*****Submit and File Report*****Proposed Minimum Flows for Lower Peace River and Lower Shell Creek Prior to Independent Scientific Peer Review*****Purpose***

To provide, for information only: 1) proposed minimum flows for the Lower Peace River and Lower Shell Creek; 2) summarize the methods used to develop the proposed minimum flows; and 3) provide an update on plans for peer review and opportunities for stakeholder input on the proposed minimum flows.

Background/History

Minimum flows for the Lower Peace River were adopted (Rule 40D-8.041(8), F.A.C.) in July 2010 and became effective in August 2010. The minimum flow rule provision includes a low flow threshold that is applicable throughout the year and seasonally dependent (i.e., block-specific) minimum flows that specify allowable percentage-based flow reductions. The rule also limits permitted maximum withdrawals from the Lower Peace River on any day to 400 cubic feet per second (cfs).

Reevaluation of the currently adopted minimum flows for the Lower Peace River and development of new minimum flows for Lower Shell Creek are scheduled for 2020 on the District's Minimum Flows and Levels Priority List and Schedule.

Purpose/Approach

The purpose for establishing minimum flows is to identify limits beyond which further withdrawals would be significantly harmful to the water resources or ecology of the areas. District staff has completed a comprehensive reevaluation of the minimum flows established for the Lower Peace River and developed new, recommended minimum flows for the Lower Peace River and Lower Shell Creek. These recommended minimum flows were developed using the best information available, as required by the Florida Statutes, and were based on all relevant environmental values identified in the Florida Water Resource Implementation Rule for consideration when setting minimum flows.

For the comprehensive minimum flows analyses, the Lower Peace River and Lower Shell Creek were modeled as a single system to appropriately characterize the strong hydrologic interactions between the river, creek and Charlotte Harbor. For modeling efforts, the District re-mapped the bathymetry of the Lower Peace/Shell System and upper Charlotte Harbor estuary, produced a LiDAR-based high resolution digital elevation model for the area, developed and used a refined hydrodynamic model to predict salinity, water level and temperature in the Lower Peace/Shell System and Charlotte Harbor, and extended its application to floodplain areas of the Lower Peace River. In addition, habitat modeling for a number of estuarine-dependent fish species and Blue Crab, water quality assessments, and floodplain inundation analysis for the upper portion of the Lower Peace River were conducted to support minimum flows development for the Lower Peace River and Shell Creek.

Among the various factors assessed for the Lower Peace/Shell System, the most sensitive criterion was low-salinity (< 2 practical salinity units or psu) habitat. Potential flow-related changes in this sensitive habitat were modeled and used to develop minimum flow recommendations for the Lower Peace River and Lower Shell Creek that are expected to maintain 85% of the low-salinity habitat.

The recommended minimum flows for both systems allow for potential reductions of 13% of daily flow under low-flow conditions (Block 1), 23% of the daily flow under moderate-flow conditions (Block 2), and 40% of daily flow under high-flow conditions (Block 3). For the Lower Peace River, the recommended minimum flows also includes a low flow threshold of 130 cfs and a maximum daily withdrawal limit of 400 cfs that are applicable regardless of flow conditions. For the Lower Peace River, the daily flows used for identifying allowable flow reductions are based on the combined flow at the U.S. Geological Survey (USGS) Peace River at Arcadia, Horse Creek near Arcadia and Joshua Creek at Nocatee gages. For Lower Shell Creek, the minimum flows are based on inflows to Shell Creek Reservoir estimated based on outflow from the reservoir at the USGS Shell Creek near Punta Gorda gage, reservoir storage and permitted withdrawals from the reservoir.

Status assessments based on the best available information indicate the recommended minimum flows for the Lower Peace River are being met and are expected to be met over the next 20 years. However, modeling results based on historical records indicate the proposed minimum flows for Lower Shell Creek would not have been met approximately 20% of time during a long-term simulation. Based on this assessment, flows in Lower Shell Creek are currently below the minimum flows recommended for the creek. Development, concurrent adoption, and expeditious implementation of a recovery strategy would, therefore, be necessary for adoption of the proposed minimum flows for Lower Shell Creek. Staff has developed a preliminary, draft recovery strategy for Lower Shell Creek that will support achievement of the proposed minimum flows and will be working with the City of Punta Gorda in the coming months on development of a final, draft recovery strategy report for consideration by the Governing Board.

The data, methods and models used to support development of the proposed minimum flows are summarized in a technical report "Proposed Minimum Flows for the Lower Peace and Lower Shell Creek, Draft Report" which is provided under separate cover.

Benefits/Costs

The recommended minimum flows were developed to ensure that the natural and human-use environmental values associated with the Lower Peace River and Lower Shell Creek are protected from significant harm that could result from consumptive water use.

The next step toward establishing the minimum flows involves peer review of the recommended minimum flows by an independent scientific panel. The review will be facilitated by the District in accordance with Florida's Government-in-the-Sunshine Law and include opportunities for stakeholder input on the review process. Findings from the peer review will be provided to the Governing Board at a future meeting. Subsequent to the peer review, public workshops will be facilitated to seek additional stakeholder input on the proposed minimum flows for the Lower Peace River and Lower Shell Creek, and the recovery strategy for Lower Shell Creek. Following staff consideration of the peer review findings and stakeholder input, staff will return to the Board with findings from the peer review, stakeholder input, final minimum flows and recovery

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strategy reports, and proposed rule language to establish minimum flows for the Lower Peace River and Lower Shell Creek and a recovery strategy for Lower Shell Creek.

Staff Recommendation:

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

Presenter: Yonas Ghile, Lead Hydrologist, Environmental Flows and Assessments Section

RESOURCE MANAGEMENT COMMITTEE

March 24, 2020

Routine Report

Minimum Flows and Levels Status Report

Section 373.042 of the Florida Statutes requires the state water management districts or Department of Environmental Protection (DEP) to establish minimum flows and minimum water levels (MFLs) for aquifers, surface watercourses and other surface water bodies. MFLs are the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area and are used in District permitting programs and for water-supply planning.

Summary information concerning the status of five major tasks for water bodies scheduled for MFLs adoption by December 2020, based on the 2019 Priority List and Schedule that was approved by the Governing Board and DEP is summarized below. Data collection and analyses for priority water bodies scheduled for MFLs adoption in 2021 through 2029 is also ongoing but is not summarized in this status report.

MFLs Development Tasks

- Draft MFLs reports are completed for stakeholder review, and in some cases are subjected to independent scientific peer review.
- Independent, scientific peer review is voluntarily initiated and completed for draft reports addressing river, spring and aquifer MFLs. Draft reports for lake and wetland MFLs are not typically subjected to voluntary peer review. The methods used to establish lake and wetland MFLs were, however, peer reviewed prior to those methods being adopted in rule. Voluntary peer review for individual lakes and wetlands may be conducted based on requests from affected stakeholders or by District decision.
- Public workshops are completed to provide opportunities for stakeholders to learn about and provide input on proposed MFLs.
- Final MFLs reports that incorporate peer review findings and stakeholder input are prepared for Governing Board approval.
- Rulemaking for proposed MFLs and any necessary MFLs prevention or recovery strategies is approved by the Governing Board, initiated through legal noticing of rule development and proposed rules, and completed with adoption and incorporation of effective MFLs and necessary strategies into District rules.

Status for Water Bodies Scheduled for MFLs Establishment by December 2020 (Recent Status Changes Highlighted)

Water Body	Draft MFLs Report	Independent, Scientific Peer Review	Public Workshop	Final MFLs Report	Rulemaking
Calm Lake ^a	Completed	Completed ^b	Completed	Approved	Initiated
Charles, Lake ^a	Completed	Completed ^b	Completed	Approved	Initiated
Church Lake ^a	Completed	Completed ^b	Completed	Approved	Initiated
Echo Lake ^a	Completed	Completed ^b	Completed	Approved	Initiated

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Linda, Lake ^a	Completed	Completed ^b	Completed		
Sapphire, Lake ^a	Completed	Completed ^b	Completed	Approved	Initiated
41 Northern Tampa Bay Wetlands ^c	Completed	Completed ^b	Completed	Approved	Initiated ^d
Chassahowitzka River ^a	Completed	Completed	Completed	Approved	Initiated
Chassahowitzka Spring Group ^a	Completed	Completed	Completed	Approved	Initiated
Blind Spring ^a	Completed	Completed	Completed	Approved	Initiated
Homosassa River ^a	Completed	Completed	Completed	Approved	Initiated
Homosassa spring Group ^a	Completed	Completed	Completed	Approved	Initiated
Rainbow River ^a	Completed	Completed	Completed	Approved	Initiated
Rainbow Spring Group ^a	Completed	Completed	Completed	Approved	Initiated
Cypress, Lake ^e					
Garden, Lake ^e					
Halfmoon Lake ^e					
Jackson, Lake ^e					
Strawberry (North Crystal) Lake ^e					
Peace River (lower segment) ^e	Completed				
Shell Creek (lower Segment) ^e	Completed				

^a Scheduled for completion in 2019.

^b Peer review completed for lake and wetland MFLs methods.

^c 20 wetlands scheduled for completion in 2019 and 21 scheduled for completion in 2020.

^d Final MFLs report and rulemaking approved and initiated for 40 of 41 wetlands scheduled for completion in 2019 and 2020; further assessment of 1 wetland is ongoing.

^e Scheduled for completion in 2020.

Staff Recommendation:

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

Presenter: Doug Leeper, MFLs Program Lead, Environmental Flows and Assessments Section

RESOURCE MANAGEMENT COMMITTEE**March 24, 2020*****Routine Report*****Significant Water Resource and Development Projects**

This report provides information on significant Resource Management projects and programs in which the Governing Board is participating in funding. The report provides a brief description and status of significant activities associated with the project that have recently occurred or are about to happen.

SWUCA Recovery Project at Flatford Swamp and Hydrologic Restoration

The project investigates the feasibility of using excess water from Flatford Swamp recharged into the Upper Floridan Aquifer that would reduce the rate of saltwater intrusion inland and help restore hydroperiods. A water budget model comparing existing and historic conditions within Flatford Swamp was developed to determine the amount of excess water that could be captured for a beneficial use. Several preliminary scenarios for removal of excess water from the swamp have been evaluated such as a feasibility study to determine Mosaic's potential uses for excess water from Flatford Swamp. The Feasibility Study with Mosaic was finalized in March 2013 but determined unfeasible. Staff researched an injection option at Flatford for the excess water to recharge the aquifer and discussed the need for more information on the Avon Park formation at the swamp. A pre-application meeting with Florida Department of Environmental Protection (FDEP) was held on February 25, 2016. Draft Class V, Group 2 Injection Well permit application was issued by FDEP approximately a year later. The feasibility study memorandum is complete. Staff has presented to the Agricultural\Green Industry, Environmental, Well Drillers and Public Supply Advisory Committees. Also, staff had outreach presentations to the Manatee Chamber Environmental Committee, Myakka River Coordinating Council, and the Florida Groundwater Association Board. Governing Board approved at their April meeting to proceed with the test well project. The successful consultant from the Request for Proposal for the test well project was the Jones Edmunds & Associates (JEA) team. The successful bidder for the drilling RFB was Rowe Drilling. Both the consultant and driller agreements were executed, and kick-off meetings were held on February 22, 2018. Rowe Drilling requested and was approved to drill on a 24-hour, five days a week schedule to bring the drilling back on schedule. Rowe had to drill deeper than originally estimated to fully characterized the Upper Floridan Aquifer. The permit submittal for final recharge well casing depths has been approved by FDEP based on information from the completed Phase 1 tasks. The recharge well and monitor wells are complete. Rowe has demobilized from the site. The drilling is complete. The project received its FDEP Environmental Resource Permit and US Army Corps of Engineers Nationwide permit for the diversion infrastructure. The Project Team continues to develop the recharge testing project plan. Staff is developing a "simple" pilot study to determine quantities of sodium bisulfite (an oxygen scavenger to reduce formation of arsenic in the aquifer) for the testing portion. Request for Bid (RFB) for the diversion infrastructure was advertised on January 3, 2020. The mandatory pre-bid meeting and site visit took place on January 15, 2020. Bids were due to District Procurement on February 4, 2020. ***New Activities Since Last Meeting:*** Staff are currently working with procurement to develop an agreement for the construction of the diversion infrastructure. *Project Manager: Lisann Morris*

Lower Hillsborough River MFLs Recovery Strategy - Implementation

At its August 2007 meeting, the Governing Board established minimum flows and approved a recovery strategy for the lower Hillsborough River (LHR). The recovery strategy was adopted as required by statute, because flows in the LHR were below the established minimum flows. The

recovery strategy includes a number of projects to divert water from various sources to help meet the minimum flows. Projects planned or completed under the recovery strategy, funded through a Joint Funding Agreement with the City of Tampa (COT), include diversions of water from Sulphur Springs, Blue Sink, the Tampa Bypass Canal (TBC), and Morris Bridge Sink. All projects are constructed and are operating except for the Morris Bridge Sink project. In October 2017, the District completed design for the Morris Bridge Pumping facility, but construction has not begun pending the outcome of analysis the COT is performing associated with the Tampa Augmentation Project (TAP). In addition, the COT, with District co-funding, has completed the LHR Dam Control Gate Facilities (N492) project which constructed a new sluice gate in the dam to allow the city to pass the full quantity of water needed to meet minimum flows. In December 2017 the COT began operation of the temporary pump stations at the District's S-161 site and at the Hillsborough River Dam site. The COT has received Water Use Permit (WUP) No. 20020802 from the District for the operation of these pump stations. In summary, all activities and projects proposed in the adopted recovery strategy are either underway, completed, or have been determined to not be viable. Important components of the recovery strategy are currently in operation, including the use of Sulphur Springs, Blue Sink, LHR Dam Control Gate Facilities, and the TBC as recovery flow sources, and data results from recent years suggest that the desired goal of creating low salinity habitat below the dam can be sustained through minimum flows implementation. The annual LHR recovery strategy update was provided to the Governing Board in August 2019. The Five-Year Assessment Report draft has been reviewed internally, posted to the District website, and has been sent to various stakeholders. Agreement executed with Jones Edmunds and Associates to complete the permit required environmental monitoring for Morris Bridge Sink. District in negotiation with consultant to perform the biological sampling required for the third five-year assessment. ***New Activities Since Last Meeting:*** District staff have attended various stakeholder meetings, including the District Public Supply Advisory Committee and the Hillsborough River Interlocal Planning Board's Technical Advisory Council, to present the findings of the second five-year assessment. Outreach will continue through February of 2020. District has approved a request from stakeholders to delay the finalization of the second five-year assessment report until May 2020. *Project Manager: Danielle Rogers*

Pasco County - Restoration - Central Pasco Recharge Wetlands Facility Optimization Project

Pasco County, in partnership with the Southwest Florida Water Management District (District), has constructed a system of groundwater recharge wetlands on the 4G Ranch in central Pasco County to receive reclaimed water for groundwater recharge. The facility consists of 175 acres of constructed wetlands divided into fifteen (15) cells planted with native wetland vegetation. Each cell is operated independently through a valve manifold that includes flow control valves and flow meters and operated based on water elevation setpoints. These water level setpoints should change monthly based on recommendations defined in the Operation and Maintenance Manual to achieve a wetland hydroperiod that mimics natural Florida wetlands, with high levels in the summer wet season and lower levels in the winter dry season.

The Central Pasco Recharge Wetlands Facility Optimization project is a follow-up three-year project (N943) that began in 2018. The goal of the project is to compile and review available applicable operational data to evaluate impacts to the local groundwater system, optimize system performance, and estimate future operational trends. The total cost of this project is \$280,000, split equally between the County and the District. As part of this project, an operational groundwater model of the site will be developed using the information from the consultant combined with the data that County staff is currently collecting. This operational

groundwater model will be used to estimate potential future system infiltration rates, impacts and benefits to the Upper Floridan aquifer, and future operational conditions. Consultant scientists will perform biannual vegetation surveys of the 15 cells constructed on the 4G Ranch to assess the performance of the wetlands against the setpoints. The surveys will be completed through photo-interpretation of low-altitude, high resolution photography obtained by the County to determine wetland vegetation cover of each cell. A technical memorandum that includes the results of both the hydrogeologic review and the vegetation hydroperiod review will be provided. This technical memorandum will include recommendations for changes to the monthly water elevation setpoints that will both maximize groundwater recharge while maintaining healthy wetland vegetative communities. The County is funding the third and final year of the project at 100 percent. There have been some problems with the well monitoring equipment, which are to be resolved by the County. The County provided a plan to resolve the problems with the well monitoring equipment. Otherwise, the optimization effort (N943) is on schedule and moving forward in its third year. The District has received the first status report for the plan to correct the well monitoring issues, and that effort appears to be progressing in a reasonable manner. **New Activities Since Last Meeting:** The District provided comments to the County on the second annual report for the project. A meeting will be held to discuss the report and comments. *Project Manager: Mike Hancock*

South Hillsborough County Aquifer Recharge Program (SHARP)

This is a direct aquifer recharge pilot project to evaluate directly recharging the non-potable zone of the UFA with up to 2 mgd of highly treated reclaimed water at the Hillsborough County's Big Bend facility near Apollo Beach in southern Hillsborough County (County). The goal of the project is to improve water levels within the Most Impacted Area of the Southern Water Use Caution Area and possibly slow the rate of inland movement of saltwater intrusion in the area. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, assessing aquifer characteristics, performing recharge testing, evaluating water level improvements, migration of the recharge water and metals mobilization, and conducting public outreach. The County's consultant submitted the well construction permit application for authorization to install the test recharge well and monitoring wells on December 20, 2011. Design and preparation of bid documents were completed in early July 2012; a request for bids was released the week of July 16, 2012, with responses received in August 2012. Construction contract with the contractor (A.C. Schultes of Florida, Inc.) was approved by the County on April 3, 2013. The recharge well was completed in December 2013 with an open-hole diameter of 14.75 inches, 780 feet of casing, and a total depth of 1,100 feet. The County received a letter from FDEP on July 13, 2015 authorizing recharge operations to begin. **New Activities Since Last Meeting:** Recharge testing and monitoring continued during the months of January and February at an average recharge rate of 2.4 mgd. Estimated injection volume for February was not available at the time this update was prepared. Total recharge volume through January is approximately 3,538 million gallons since the beginning of the project. The County submitted the Underground Injection Control (UIC) operation permit application to the FDEP in October and FDEP is still evaluating it. *Project Manager: Don Ellison*

City of Tampa, Tampa Augmentation Project (TAP)

This project is a study that will explore the cost and feasibility of two options to beneficially use reclaimed water from the Howard F. Curren Advanced Wastewater Treatment Plant (HFCAWTP). The first alternative concept involves transmitting reclaimed water to the Lower Hillsborough Wilderness Preserve Area and delivering water through created wetlands and/or rapid infiltration basins (RIBs) to the Tampa Bypass Canal. This alternative was found infeasible and the project focus went to the second alternative. The second alternative concept evaluates a recharge/recovery system to store and recover reclaimed water (and possibly stormwater) in the aquifer for delivery to the Hillsborough River Reservoir and possibly in the future directly to the David L Tippen Water Treatment Plant. The City has developed their stakeholder outreach

plan, completed their route and regulatory/institutional analysis memorandums. The City is currently testing the recharge/recovery concept at an existing aquifer storage and recovery site. A No Cost Time Extension amendment is being routed to allow for finalization of the more complex memoranda covering modeling and water quality treatment. A draft Florida Department of Environmental Protection Underground Injection Well permit application was prepared. Additional feasibility tasks have been identified as a result of this first phase and the City has submitted a revised Cooperative Funding Application to request funding for Fiscal Year 2019. No Cost Time Extension was executed extending the contract completion date to the end of August 2018. The City withdrew their underground injection control permit for the entire TAP project and will continue discussions with FDEP on permitting aspects of the overall project. In the interim, the City plans to move forward and develop a permit application for the Rome Avenue site for testing with potable water. The City decided to fund 30 percent design activities for some of the TAP infrastructure. The Phase I Feasibility Study is complete and closed. Phase 2 Feasibility Study kick-off meeting was held on January 30, 2019. The Memorandum of Understanding with Tampa Bay Water was tabled until June 2020 when the Phase 2 TAP Feasibility Study is anticipated to have additional answers. Meanwhile, the City initiated recovery at the TAP-1 well collecting water quality samples. The City is working through the Rome Avenue Underground Injection Control permit with Florida Department of Environmental Protection that will use potable water in the test. A kick-off meeting was held on the Rome Avenue test well site on July 17, 2019. Testing will be done with potable water with data inputting into the SEAWAT model to predict disposition of the reclaimed water injection. **New Activities Since Last Meeting:** Staff met with the City for an update. The City has requested a No Cost Time Extension on the project because permitting delays caused the seasonal testing to be pushed back. Because the testing was delayed, final memorandum completion dates must be extended. TAP -E well and new monitoring well, RZMW-1 were completed. Draft for the Revised Pipeline Route Analysis has been received. *Project Manager: Mohamed Hersi*

Water Incentives Supporting Efficiency (WISE) Program

This is a cost-share program that supports and promotes water conservation with non-agricultural water users. It will provide a streamlined project implementation/application process and reach cooperators that might not otherwise implement smaller conservation projects. The program was presented to the Governing Board on November 13, 2018 and officially launched December 1, 2018. The \$50,000 that was budgeted for FY2019 has been committed to a total of six conservation projects. Total estimated water savings for all the FY2019 projects was approximately 10,400 gpd. Funds are still available for FY2020, and outreach is ongoing. Five additional projects have been approved for funding with FY2020 funds. Meetings and calls with potential applicants are ongoing. The program handbook is undergoing minor updates/clarification for use in FY2020. As of early February, approximately 44 percent of FY2020 funds are remaining with 66 percent of the fiscal year remaining. **New Activities Since Last Meeting:** No changes since last meeting. *Project Manager: Josh Madden*

Polk County Regional Water Cooperative Southeast Wellfield Project

Polk County lies within the Southern Water Use Caution Area (SWUCA) and the Central Florida Water Initiative (CFWI) where traditional water sources are nearing their sustainable limits and alternative water sources need to be developed to meet the projected demands. As a result, Polk County and the municipalities within Polk County, with the District's encouragement, have created a regional water supply entity, the Polk Regional Water Cooperative (PRWC), to develop future alternative water supplies (AWS). The Southeast Wellfield project is one of four PRWC projects that are utilizing funds from District Resolution 15-07 for the feasibility and design of new AWS sources. The project consists of the development of a wellfield to supply brackish groundwater from the Lower Floridan aquifer (LFA), a reverse osmosis water treatment facility with capacity expandable to 30 mgd, and a regional transmission system to serve multiple municipalities in Polk County. The current CFI Agreement with the Polk Regional Water

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Cooperative (PRWC) includes the following tasks: an LFA test well study including exploratory drilling and groundwater modeling for anticipated aquifer yield and water quality, the conceptual designs of the water treatment facility and regional transmission system, a District-led third-party review of the test well study and conceptual designs, pilot water treatment testing, preliminary (30 percent) designs of the treatment facility and regional transmission system, a second District-led third-party review of the preliminary designs, and a preliminary water rate analysis for PRWC member customers. The preliminary designs and water rate analysis will assist the District and PRWC in determining member participation in the final design and construction, as well as developing funding plans and timelines for implementation. The CFI Agreement was executed in April 2017 with a total cost of \$11,800,000. The District's 50 percent share was provided by a transfer from funds reserved by Governing Board Resolution 15-07. In April 2019, the Governing Board approved reducing the project cost to \$11,117,916 to utilize savings from the testing program to transfer fund to the PRWC Peace River/Land Use Transition study. The exploratory drilling was conducted on a county-owned land parcel approximately 10 miles east of Lake Wales and was substantially completed in April 2019. The parcel is proposed as the future site for the water treatment facility. The water treatment facility and wellfield conceptual design was developed with a 7.5 mgd production capacity in its initial phase and six incremental expansions up to a total of 30 mgd, based on projected customer needs and practical components for the facility. The regional transmission conceptual design evaluated multiple routes to ten customer service areas by cost and nine other criteria. The report drafts from the testing program and the conceptual designs of the water treatment facility and regional transmission system were received in July 2019. The District's third-party review of the groundwater testing and conceptual designs was presented to the Governing Board at the September 2019 meeting, and the continuance with the preliminary design phase was approved. The PRWC continues to work on the preliminary design of the wellfield, brackish water treatment facility, and the regional transmission system. The District has received a \$1,424,000 State grant to apply to this project, which will reduce the District and PRWC shares equally. A CFI Amendment to apply the grant funds was drafted and is pending PRWC approval at their March Board meeting. **New Activities Since Last Meeting:** No changes since last meeting. *Project Manager: John Ferguson*

Staff Recommendation:

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

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

**E. Operations,
Lands & Resource
Monitoring**

**Governing Board Meeting
March 24, 2020**

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE
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Discussion Items

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35. Conveyance of Fee Interest for the Ridge Road Right of Way, Pasco County, FL, SWF Parcel Numbers 15-705-107S and 15-705-108P	209
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OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

March 24, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

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

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

March 24, 2020

Discussion Item

Offer for Surplus Lands – Cypress Creek Preserve (CC-1), SWF Parcel No. 13-500-396S

Purpose

Recommend the Governing Board approve the Contract for Sale and Purchase, included as Exhibit 1, for the Cypress Creek 1 (CC-1) parcel. The District received an offer for the purchase of CC-1 from Waterford Construction and Development Company for \$2,600,000. The offer reflects an offer price of approximately \$295,455 per acre for approximately 8.8 acres. A general location map and an aerial map are attached as Exhibits 2 and 3, respectively.

Background

The District acquired CC-1 in 1993 as part of the Cypress Creek Preserve Project which was purchased at a prorated cost of \$1,000 per acre for 427.5 acres. CC-1 consists of approximately 8.8 acres, most of which are uplands. The parcel has frontage along Wesley Chapel Boulevard (a.k.a., Old State Road 54), a public, paved right of way.

The parcel is currently zoned AC, Agriculture and RES-3, Residential with three density units per acre, with a future land use designation of Conservation. According to Pasco County Land Planning Department, the land use classification supersedes the zoning classification rendering the use of the site as conservation. However, Pasco County has indicated that the zoning could be changed to multifamily but that it would require changing the future land use designation.

This parcel was declared surplus by the Governing Board on May 19, 2015. The parcel was listed with Saunders Real Estate on October 18, 2016 and has been advertised through multiple media and personal contacts since that time. The offer being presented to the Governing Board is above the appraised value and accompanied by a five percent good faith deposit. The value details are below:

	Total	Per Acre
Offer Amount	\$2,600,000	\$295,455
Appraised Value	\$1,900,000	\$235,149
Listing Price	\$2,499,000	\$283,977

The average cost for the District to manage the Cypress Creek Preserve Tract for FY2019 was \$16.19 per acre. Based on the cost per acre, the District's total cost to manage CC-1 for FY2019 was \$142.47 per year.

Appraisal and Minimum Price

Nick Mancuso, MAI appraised the parcel on December 6, 2019 for \$1,900,000. A sales summary and adjustment grid from the appraisal is attached as Exhibit 4. The appraiser determined that the highest and best use, would be for multifamily or professional office use dependent on the County changing the future land use designation of the parcel. The District's title to the parcel includes the subsurface rights. Upon the request of a buyer and in accordance with Section 270.11(3), Florida Statutes the District may release its interest in all phosphate, minerals, metals and petroleum that may be in, on or under the parcel.

As part of this Sale and Purchase process, District staff discussed the most recent appraised value and market conditions with the Nick Mancuso, MAI and received a letter indicating that a new appraisal was not needed (Exhibit 5).

Sale Terms

- The District will deliver title to the buyer by Quit Claim Deed.
- There will be an adjustment in price for actual acreage as determined by a delineation of wetlands, if any.
- The Buyer will make a deposit of five percent of the contract price or \$130,000 of which \$20,000 will go hard after the 60-day Due Diligence Period. An additional \$40,000 (for a total of \$60,000) will go hard after 180 days with a closing to occur no more than 270 days after the effective date of the Sale and Purchase Agreement.
- The buyer, within 60 days of the effective date of the Sale and Purchase Agreement, at its sole expense, shall apply to Pasco County for rezoning of the parcel. The District will cooperate with the buyer's efforts to rezone the parcel.
- The buyer will pay the real estate commission of \$115,000 to Saunders Real Estate.
- The buyer will bear all expenses of the transaction except for the appraisal and advertising costs.

Benefits/Costs

The sale of surplus lands will allow the District to acquire lands that are more environmentally significant. Funds derived from the sale of surplus land may only be used for the purchase of other lands meeting the criteria in Section 373.139, Florida Statutes, resulting in more effectively meeting the District's core mission.

Staff Recommendation:

- Accept the offer of \$2,600,000;
- Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon the request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Exhibit 1

CONTRACT FOR SALE AND PURCHASE

THIS Contract for Sale and Purchase ("Contract") is made this 24th day of January, 2020, by and between the Southwest Florida Water Management District, a public corporation of the State of Florida, having an address of 2379 Broad Street, Brooksville, Florida 34604 ("District"), and Waterford Construction & Development Company, having an address of 16630 N Dale Mabry Highway, Tampa, FL 33618 ("Buyer"), as follows:

1. **AGREEMENT TO SELL:** The District hereby agrees to sell and Buyer hereby agrees to buy, in accordance with this Contract, the real property that is more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference ("Property").
2. **TIME FOR ACCEPTANCE:** Upon execution of this Contract by Buyer, Buyer's offer shall be binding for Seventy-Five (75) days after such execution by Buyer. If this Contract is not executed by the District on or before Seventy-Five (75) days after execution of this Contract by Buyer, Buyer's offer contained in this Contract is withdrawn and this Contract shall terminate.
3. **EFFECTIVE DATE:** The effective date of this contract shall be the date of execution by the District.
4. **APPROVAL:** This Contract is subject to approval by the District's Governing Board. If the District's Governing Board does not approve this Contract and all the terms and conditions hereof, the District will notify the Buyer in writing and this Agreement shall terminate.
5. **PURCHASE PRICE:** The total purchase price for the Property shall be Two Million Six Hundred Thousand dollars (\$ 2,600,000), which shall be paid in the following manner:
 - a. **Deposit:** Concurrent with the execution by Buyer of this Contract, Buyer shall deposit five percent (5%) of the purchase price in the form of a certified or cashier's check from a financial institution as defined in Section 655.005, Florida Statutes ("F.S."), made payable to the closing agent designated by the District, as earnest money ("Deposit"). In the event this Contract is terminated under Paragraphs 2, 4, 9, or 12 of this Contract, or as a result of the District's default under paragraph 13 of this contract, the District shall return the Deposit to Buyer.
 - b. **Balance:** The balance of the purchase price shall be paid at the time of closing by wire transfer from a financial institution as defined in Section 655.005, F.S., to the closing agent designated by the District.
6. **CLOSING, EXPENSE AND POSSESSION:** This Contract shall be closed no later than Two Hundred Seventy (270) days from the effective date referenced in Paragraph 3, unless this Contract is terminated pursuant to Paragraphs 2, 4, 9, 12, or 13. The following are additional details of closing:
 - a. **Time and Place:** The date, time and place of closing shall be set by the District.

Contract for Sale and Purchase
Parcel Name: CC-1
SWF Parcel No.: 13-500-396S

Revised 11/27/2017

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

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

d. Buyer shall also be responsible for paying Saunders Real Estate in the amount of One Hundred Fifteen Thousand dollars (\$ 115,000), by separate certified or cashier's check made payable to, or wire transfer to, the escrow agent designated by the District. The commission for the District's sale of surplus property is calculated based on the following schedule:

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

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

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

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

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

Contract for Sale and Purchase

Revised 11/27/2017

Parcel Name: CC-1

SWF Parcel No.: 13-500-396S

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

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

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

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

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

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

Contract for Sale and Purchase

Revised 11/27/2017

Parcel Name: CC-1

SWF Parcel No.: 13-500-396S

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

14. **DEFAULT:** If Buyer fails to close within Two Hundred Seventy (270) days from the effective date referenced in Paragraph 3, the District shall retain the Deposit, this Contract shall terminate, and the District and Buyer shall be relieved of all rights and obligations under this Contract. If the District fails to deliver the quit claim deed to Buyer within Two Hundred Seventy (270) days from the effective date referenced in Paragraph 3, the District shall return the Deposit to Buyer, this Contract shall terminate, and Buyer and the District shall be relieved of all rights and obligations under this Contract. Notwithstanding the above, neither party shall be liable under this provision if the closing date is extended pursuant to Paragraph 13, Risk of Loss.

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

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

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

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

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

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

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

Contract for Sale and Purchase

Parcel Name: CC-1

SWF Parcel No.: 13-500-396S

Revised 11/27/2017

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

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

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

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

Exhibit "A" Legal Description

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

Contract for Sale and Purchase

Parcel Name: CC-1

SWF Parcel No.: 13-500-396S

Revised 11/27/2017

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

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

By: _____

Name: _____

Title: _____

Date: _____

BUYER:

By: _____

Name: JOHN WESTFALL

Title: PNES

Date: 1/24/20

By: _____

Name: _____

Title: _____

Date: _____

EXHIBIT "A"

Legal Description Parcel 13-500-396S (Cypress Creek)

All of that portion of the Northwest 1/4 of the Northwest 1/4 of Section 27, Township 26 South, Range 19 East, Lying West of the West right-of-way of Wesley Chapel Boulevard (aka Old State Road 54) as recorded in Official Records Book 202, Page 29 of the Public Records of Pasco County, Florida, lying South of a 100 foot wide Florida Power Easement recorded in Official Records Book 122, Page 161 of the Public Records of Pasco County, Florida, lying North of a line approximately 75 feet North of and Parallel with the South Line of said Northwest 1/4 of the Northwest 1/4 of Section 27, all lying East of the following described line:

Commence at a 5"x5" concrete monument marking the Northwest corner of Section 27, Township 26 South, Range 19 East, thence run along the North line of said Section 27, North 89°47'18" East, a distance of 547.19 feet; thence leaving said North line South 00°12'42" East, a distance of 100.15 feet to the POINT OF BEGINNING, same being an intersection with the South line of a Florida Power Easement recorded in Official Records Book 122, Page 161 of the Public Records of Pasco County, Florida; thence South 00°14'18" East, a distance of 29.28 feet; thence South 35°07'15" East, a distance of 185.89 feet; then South 02°29'05" East, a distance of 145.80 feet; thence North 73°33'07" East, a distance of 70.77 feet; thence South 84°12'05" East, a distance of 26.40 feet; thence South 27°06'21" East, a distance 149.55 feet; thence South 19°59'24" East, a distance of 80.83 feet; thence South 04°07'19" East, a distance of 42.98 feet; thence South 09°34'59" West, a distance of 52.54 feet; thence South 66°33'27" East, a distance of 37.10 feet; thence North 74°05'24" East, a distance of 75.36 feet; thence South 70°06'46" East, a distance of 42.15 feet; thence South 02°11'58" East, a distance of 149.77 feet; South 36°53'30" West, a distance of 61.11; thence South 88°55'09" West, a distance of 43.13 feet; thence South 15°19'44" East, a distance of 69.68 feet; thence South 10°59'54" West, a distance of 45.74 feet; thence South 61°13'06" East, a distance of 37.84 feet; thence North 54°26'35" East, a distance of 37.44 feet; thence North 82°53'52" East, a distance of 25.29 feet; thence South 31°36'28" East, a distance 80.45 feet; thence South 15°50'28" West, a distance of 107.01 feet; thence South 11°36'15" West, a distance of 99.08 feet; South 00°14'18" East, a distance of 29.37 feet to an intersection with the South line of aforesaid Northwest 1/4 of the Northwest 1/4 of Section 27 for the point of terminus, said point lying North 89°59'18" East, a distance of 1020.86 feet from a 1" Open Pipe marking the Southwest corner of said Northwest 1/4 of the Northwest 1/4. This description prepared without the benefit of a boundary survey.

Less

Lot 9 Block 2 of Worthington Gardens as recorded in Plat Book 2, Page 57 of the Public Records of Pasco County, Florida.

And Less

The East half of the vacated street, lying West of Lot 9, Block 2 of Worthington Gardens as recorded in Plat Book 2, Page 57 of the Public Records of Pasco County, Florida

And Less

That certain parcel of land as described in Official Records Book 3652, Page 424 of the Public Records of Pasco County, Florida being more particularly described as follows:

EXHIBIT "A"

Commence at a 5"x5" concrete monument marking the Southwest corner of the Northwest 1/4 of Section 27, Township 26 South, Range 19 East, Pasco County, Florida; thence along the West line of the Northwest 1/4 of said Section 27, N.00°35'23"E., a distance of 1325.22 feet; thence along the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 27, N.89°51'32"E., a distance of 1136.56 feet to the POINT OF BEGINNING; thence leaving said South line, N.05°18'54"E., a distance of 205.60 feet; thence N.11°01'31"E., a distance of 100.50 feet to the existing West right-of-way line of State Road 54; thence along said West right-of-way line, S.05°18' 54"W., a distance of 304. 64 feet to said South line of the Northwest 1/4 of the Northwest 1/4 of Section 27; thence along said South line, S.89°51'32"W., a distance of 10.04 feet to the POINT OF BEGINNING. Containing 2,551 square feet, more or less.

In total the subject parcel contains approximately 8.8 Acres more or less, subject to an accurate field survey.

Approved for use by the Survey Section 03-03-2016, W.O. 16-051.

Remainder of this page intentionally left blank.

ADDENDUM TO CONTRACT FOR SALE AND PURCHASE

This Addendum to the Contract for Sale and Purchase shall modify, amend, and clarify certain provisions of that certain Contract for Sale and Purchase by and between the Southwest Florida Water Management District and Waterford Construction and Development Company (the Buyer), dated January 24, 2020, to which this Addendum is attached. In the event of conflict, inconsistency or discrepancy between the terms and conditions of this Addendum and the Contract for Sale and Purchase, the terms and conditions of this Addendum shall be controlling. Unless otherwise indicated herein, capitalized terms used herein shall have the same meaning as given to such terms in the Contract.

Additional Terms:

5. **Purchase Price:** This offer is based on having nine (9) acres of useable land. Usable Land is described as land outside of the wetland delineation, as established by the District. Should there be less than nine (9) acres of usable land the price will be reduced by the percentage of usable land compared with the nine (9) acres. For example, if there are only eight and a half (8 ½) acres of usable land (which would be 95% of the nine acres) the price will be reduced to 95% of the offering price, which would be \$2,470,000.

a. **Deposit:** The Buyer has the right to terminate this Agreement for any reason prior to the closing date and receive the return of the deposit subject to the following: If the Buyer does not terminate this Agreement prior to the end of the Due Diligence period, then \$20,000 of the deposit will become non-refundable. If the Buyer does not terminate this Agreement before 180 days from the Effective Date, then \$60,000 of the deposit (total, including the \$20,000 after the Due Diligence period) will become non-refundable.

c. **Commission:** The Commission will be split 50/50 between SRD Commercial Real Estate and Waterford Properties Real Estate Company.

9. **Due Diligence:**

d. **Rezoning:** Within 60 days from the Effective Date, Buyer at Buyer's sole expense, shall apply for final, non-appealable rezoning of the Property, including any necessary changes to land use regulations, to permit Buyer's intended use on the Property and will continue to try to obtain the appropriate zone & site plan approval.

e. **Seller's Cooperation:** Seller shall reasonably cooperate with Buyer's efforts to obtain the re-zoning and land use change of the Property and shall designate an individual to sign applications as required by applicable governmental authorities in connection with the re-zoning and land use change and said individual shall sign and deliver same to Buyer within ten (10) Business Days from Buyer's request therefor. Seller agrees to attend governmental hearings and meetings, if Buyer's consultants advise Buyer that same is necessary. Seller will not be obligated to undertake any public advocacy on behalf of Buyer's efforts to obtain re-zoning or the land use change of the Property or any Development Approvals. Seller hereby agrees to provide the Buyer or its agent with a statement of authority as may be required by the Pasco County Planning and Zoning Division or any other governmental agency in connection with any governmental meetings or proceedings which are conducted in connection with the re-zoning, land use change and the Development Approvals. At the Closing, the Seller shall assign to

Buyer, in such form and content as shall be required by the applicable governmental agency and as reasonable approved by Seller and Buyer, all Development Approvals that have been issued in Seller's name pursuant to this Addendum.

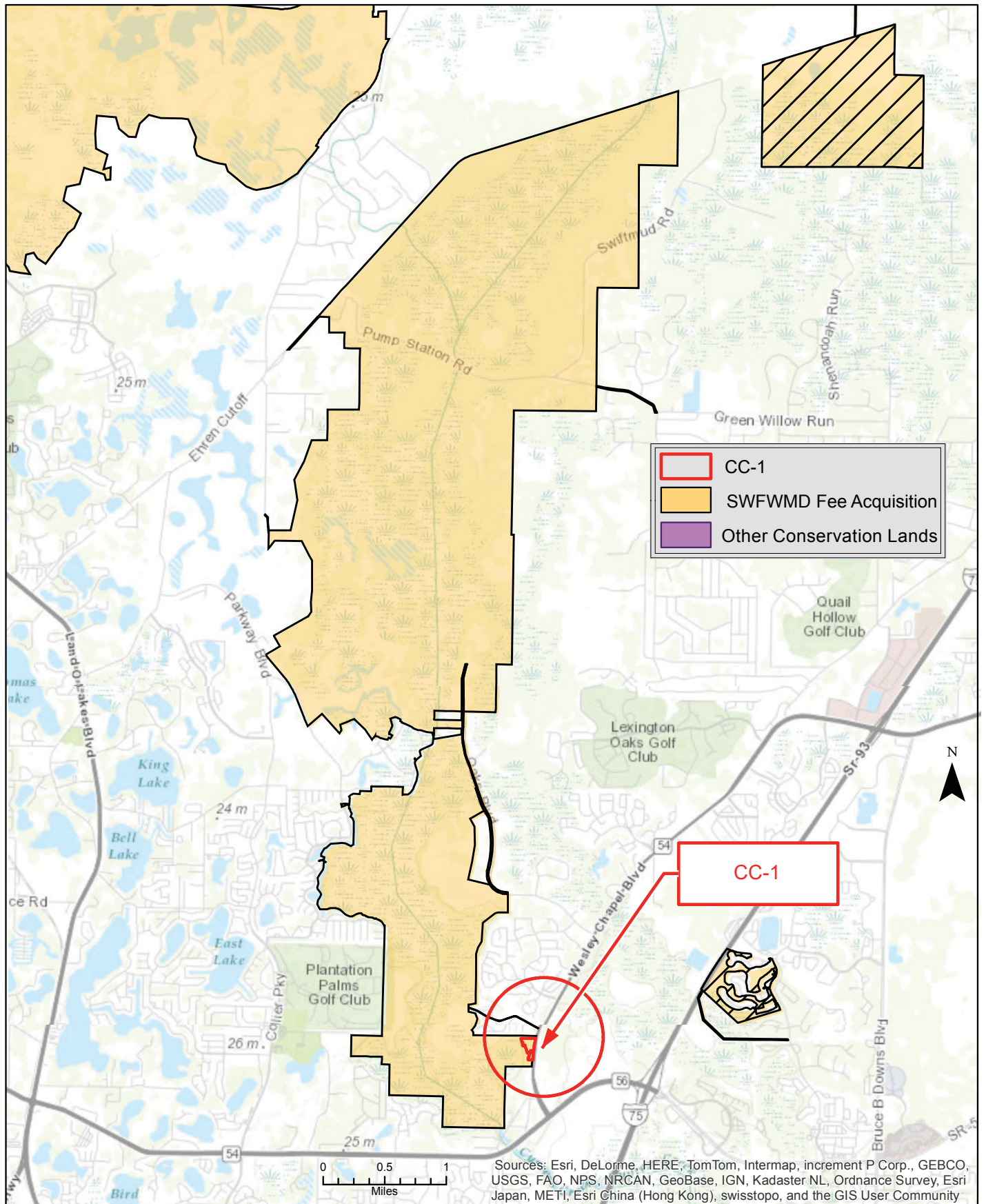
14. Default: The Buyer may, if the District fails to deliver the quit claim deed to Buyer within two hundred seventy (270) days from the effective date referenced in Paragraph 3, elect to receive return of Buyer's Deposit without thereby waiving any action for damages resulting from Seller's breach, and may seek to recover such damages or seek specific performance.

Additional Term: The District will provide a copy of any survey of the property that the District may have within five (5) days of the Effective Date.

COPY



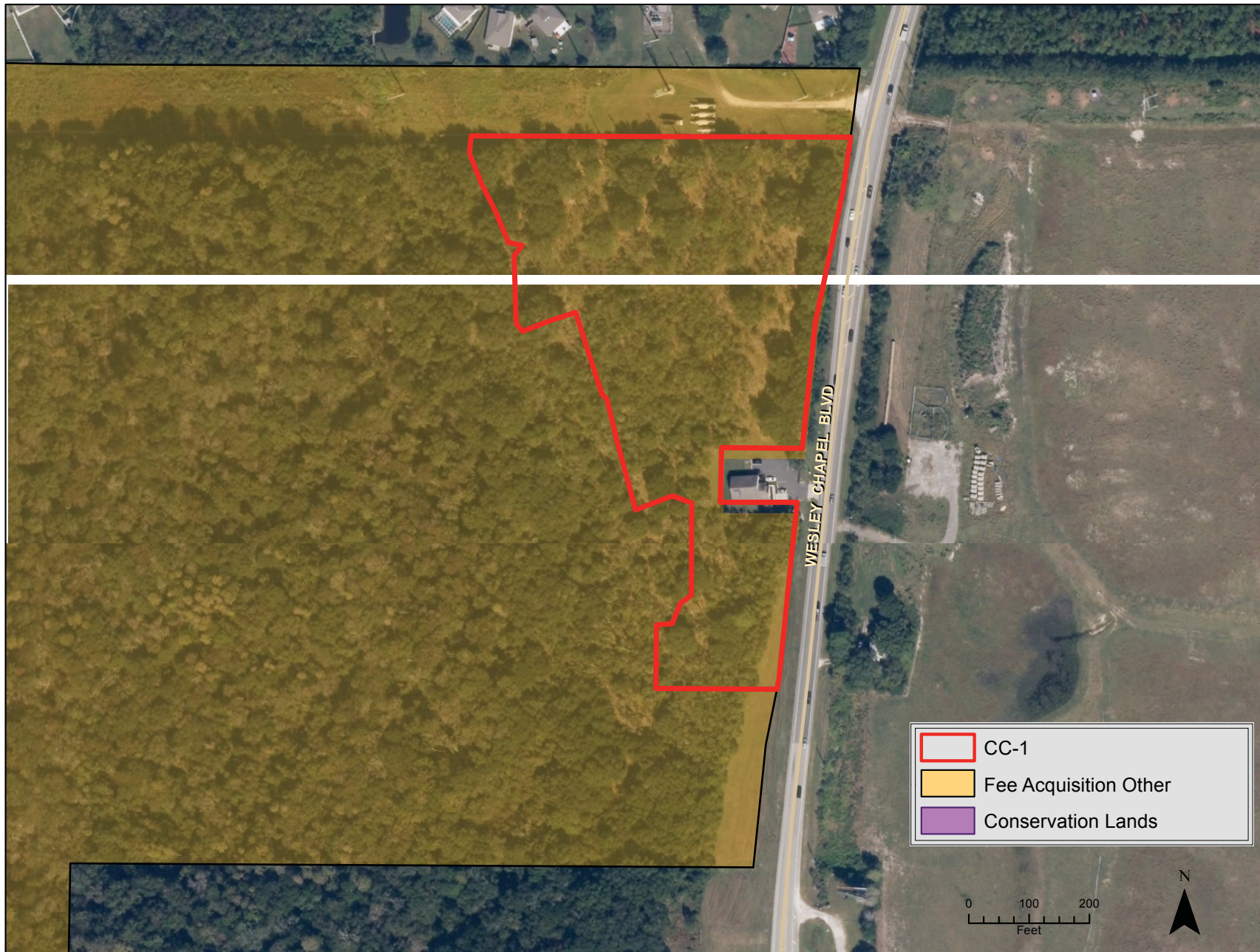
Exhibit 2
Cypress Creek Preserve (CC-1)
SWF Parcel No. 13-500-396S



Date: 1/27/2015, Author: dgillet

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

Exhibit 3
Cypress Creek Preserve (CC-1)
SWF Parcel No. 13-500-396S



Date: 1/27/2015, Author: dgillett

Exhibit 4
Cypress Creek Preserve (CC-1)
SWF Parcel No. 13-500-396S

LAND SALES COMPARISON AND ADJUSTMENT CHART

SALE NO.	Subject	Land Sale 1	Land Sale 2	Land Sale 3	Land Sale 4	Land Sale 5
Location:	Wesley Chapel Blvd.	Post Oak Blvd., West of Wesley Chapel Blvd.	Eagleston Blvd.	Eagleston Blvd	SR 54 & Meadowbrook Dr	25324 Wesley Chapel Blvd.
City	Lutz	Wesley Chapel	Wesley Chapel	Wesley Chapel	Lutz	Lutz
County	Pasco	Pasco	Pasco	Pasco	Pasco	Pasco
Date of Sale		Sept-18	Jan-17	Nov-17	June-16	March-16
Sales Price	8.8 acres±	\$3,300,000	\$3,000,000	\$2,500,000	\$3,400,000	\$1,425,000
Total Acres		20.80 acres±	10.0 acres±	9.65 acres±	15.51 acres±	10.40 acres±
Net Upland Acres	8.8 acres±	16.8 acres±	10.0 acres±	9.65 acres±	15.51 acres±	10.30 acres±
Zoning/FLU	MPUD / RES-3 (a)	MPUD / PD	MPUD / MU	MPUD/MU	MPUD / EC	AC/ RES-3
\$ / Upland Sq.Ft.		\$4.51	\$6.89	\$5.95	\$5.03	\$3.18
Adjustments:						
Property Rights Conveyed		Similar	Similar	Similar	Similar	Similar
Financing		Similar	100% financing	Similar	Similar	Similar
Conditions of Sale		Similar	Superior	Similar	Similar	Similar
Market Conditions		Similar	Similar	Similar	Similar	Similar
Physical Adjustments:						
Location / Exposure		Inferior	Superior	Superior	Inferior	Similar
Access		Similar	Similar	Similar	Superior	Similar
Size (useable)		Similar	Similar	Similar	Similar	Similar
Net of Retention		Superior	Similar	Similar	Similar	Similar
Zoning/FLU		<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Similar</u>	<u>Inferior</u>
Net Adjustment		Similar	Much Superior	Superior	Similar	Inferior

(a) Subject zoning of MPUD is based on the hypothetical condition stated throughout the appraisal

Mancuso Appraisal Services, Inc.

APPRAISALS/CONSULTING

Nicholas J. Mancuso, MAI

State-certified general real estate appraiser RZ 542

Kevin Nogues

State-registered trainee real estate appraiser RI 21884

December 9, 2019

Mr. Robert M. (Myke) Morris, ARA
State-certified General Real Estate Appraiser, RZ322
Sr. Real Estate Specialist
Operations & Land Management Bureau – Real Estate Services
Southwest Florida Water Management District
170 Century Blvd.
Bartow, FL 33830-7700

Re: Update of Value for an Appraisal Report
Tract – SWF Parcel No. 13-500-396S
Name – Cypress Creek Preserve Surplus, SZ00 CC-1
Address: 25299-25333 Wesley Chapel Blvd.
Lutz, Pasco County, Florida

Dear Mr. Morris:

In response to your request, I have completed an update of value for the previously completed appraisal report of the above referenced property located on the west side of Wesley Chapel Blvd. (State Road 54), Lutz, Pasco County, Florida. The prior submitted appraisal has a report date of March 27, 2019 and an effective date of value of March 20, 2019, my file number 19-031 NM.

The purpose of the update and original appraisal was to estimate the Current Market Value of the fee simple interest, subject to the extraordinary assumption that the entire subject site is uplands and subject to the hypothetical condition that the property has been re-zoned to its highest and best use and that the future land use in the County Comprehensive Plan has been changed to allow for re-zoning and development. It is my understanding the intended use of this report was for a possible sale of the subject property. The intended user of this update of value is Southwest Florida Water Management District. This update references the original report herein which conforms to USPAP guidelines and the SWFWMD supplemental appraisal guidelines.

The subject of the update and the original appraisal consists of an 8.8 acre vacant site located in the unincorporated area of the city of Lutz, at 25299-25333 Wesley Chapel Blvd., Lutz, Florida.

The client has subsequently provided me with two current contracts to purchase the subject property, only one of which is signed by the prospective buyer. The unsigned contract has a purchase price of \$2,025,000. This contract calls for a 90 day feasibility study time period with the right to extend the due diligence period by 60 days with an additional \$20,000 “second deposit”. The closing is stated to occur on or before 90 days from the following two elements: 1) rezoning is approved by the city/county and 2) a site plan of at least 15 units per acre is approved by city/county. It is my understanding that the prospective purchaser is seeking approval for affordable multi-family housing.

377 E. Central Avenue Winter Haven, FL 33880
Office (863) 294-2331 * Fax: (863) 324-6656
Website: www.mancusoappraisal.com

Attachment: CC-1 MinTrac Exhibit Complete (4947 : Offer for Surplus Lands – Cypress Creek Preserve (CC-1), SWF Parcel No. 13-500-396S)

December 6, 2019
Mr. Robert M. (Myke) Morris
Tract – SWF Parcel No. 13-500-396S
Page 2 of 2

The second contract, which is signed by the prospective buyer, has a purchase price of \$2,200,000 with a 90 time for acceptance and a 270 day due diligence period to determine to buyer's satisfaction the suitability of the property for buyer's intended use and development. Buyer is to close within 360 days. It is my understanding that the prospective buyer is seeking approval for market rate multi-family apartment development.

Both of these contracts will require zoning and land use changes and both are seeking multi-family residential development approvals, which is different from the highest and best use concluded for the subject property. Based on multiple conversations with the Pasco County Long Range Planning Division, the highest and best use of the subject property was concluded to be as office and mixed minor retail commercial uses, along with residential mixed use under an MPUD (master planned unit development).

My research of sale activity within the subject market area for the time period between March 2019 and December 6, 2019 did not reveal any new sales felt to be comparable to the subject or any market activity that would indicate a change in value.

Based on this analysis and that presented in the prior submitted appraisal report, based on the extraordinary assumption that the entire subject site is uplands and under the hypothetical condition that the property has been re-zoned to its highest and best use and that the future land use in the County Comprehensive Plan has been changed to allow for re-zoning and development, it is my opinion the Current Market Value of the fee simple interest in the subject property, as of December 6, 2019, was:

ONE MILLION NINE HUNDRED THOUSAND DOLLARS
(\$1,900,000)

The above market value conclusion is subject to the general and limiting conditions of this appraisal report.

Sincerely,
MANCUSO APPRAISAL SERVICES, INC.



Nicholas J. Mancuso, MAI
State-certified general real estate appraiser #RZ542

MANCUSO APPRAISAL SERVICES, INC.

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

March 24, 2020

Discussion Item

Offer for Surplus Lands – GUM Slough 1 (Gum-1), SWF Parcel No. 19-193-114S

Purpose

Recommend the Governing Board approve the Contract for Sale and Purchase, included as Exhibit 1, for the Gum Slough 1 (GUM-1) parcel. The District received an offer to purchase GUM-1 from Cow Hammock, LLC for \$676,400. The offer reflects an offer price of approximately \$10,000 per acre for approximately 67.64 acres. A general location map and an aerial map are attached as Exhibits 2 and 3, respectively.

Background

The District acquired GUM-1 in 2015 as part of a Governing Board approved settlement of litigation involving wetland destruction by Danny Suggs. The District received fee title to 67.64 acres in fee title and a conservation easement over 26.75 acres from the settlement. The surplus acreage for which the fee simple title was conveyed was received as compensation for the 13 years of litigation that occurred to resolve this matter. The parcel was declared surplus by the Governing Board on February 24, 2015.

The property fronts along the north side of Highway 44, a four-lane median divided road, west of its intersection with County Road 470. The District property has a future land use for agriculture together with about ten acres designated as commercial that is located along the Highway 44 frontage. This property is separated from other District managed ownerships. Because the property was identified for surplus from the time it was acquired, the District has not made any improvements nor have there been any management costs associated with ownership.

The property was listed with Saunders Real Estate on November 8, 2016 and has been advertised through multiple media and personal contacts since that time. The current offer being presented to the Governing Board is above the appraised value and accompanied by a 5 percent good faith deposit. The value details are below:

	Total	Per Acre
Offer Amount	\$676,400	\$10,000
Appraised Value	\$440,000	\$6,505
Listing Price	\$899,999	\$13,306

Appraisal and Minimum Price

The property was appraised April 3, 2019 for \$440,000 by Joe String, MAI. A sales summary and adjustment grid from the appraisal is attached as Exhibit 4. They determined that the highest and best use, would be for agricultural or low density residential and commercial as allowed per the land use designation for the property. The District's title to the property includes

the subsurface rights. Upon the request of a buyer and in accordance with Section 270.11(3), Florida Statutes the District may release its interest in all phosphate, minerals, metals and petroleum that may be in, on or under the property.

As part of this Sale and Purchase process, District appraisers discussed the most recent appraised value and market conditions with the appraiser and independently considered market conditions affecting the property and did not recommend having a new appraisal conducted. The full appraisal is available upon request.

Sale Terms

- The District will deliver title to the buyer by Quit Claim Deed.
- The purchase price is based on \$10,000 per acre and subject to adjustment if the buyer obtains a survey.
- The Buyer will make a deposit of 5 percent of the contract price or \$33,820 with a closing to occur no more than 150 days after the effective date of the Sale and Purchase Agreement.
- The buyer will pay the real estate commission of \$40,000 to Saunders Real Estate.
- The buyer will bear all expenses of the transaction except for the appraisal and advertising costs.

Benefits/Costs

The sale of surplus lands will allow the District to acquire lands that are more environmentally significant. Funds derived from the sale of surplus land may only be used for the purchase of other lands meeting the criteria in Section 373.139, Florida Statutes, resulting in more effectively meeting the District's core mission.

Staff Recommendation:

- Accept the offer of \$676,400;
- Approve the Contract for Sale and Purchase and authorize the Executive Director to sign on the behalf of the District;
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon the request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Exhibit 1

CONTRACT FOR SALE AND PURCHASE

THIS Contract for Sale and Purchase ("Contract") is made this _____ day of _____, 2020, by and between the Southwest Florida Water Management District, a public corporation of the State of Florida, having an address of 2379 Broad Street, Brooksville, Florida 34604 ("District"), and Cow Hammock, LLC, a Florida limited liability company, having an address of 3619 Kiessel Road, The Villages, FL 32163 ("Buyer"), as follows:

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

2. **TIME FOR ACCEPTANCE:** Upon execution of this Contract by Buyer, Buyer's offer shall be binding for forty-five (45) days after such execution by Buyer. If this Contract is not executed by the District on or before forty-five (45) days after execution of this Contract by Buyer, Buyer's offer contained in this Contract is withdrawn and this Contract shall terminate.

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

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

5. **PURCHASE PRICE:** The total purchase price for the Property shall be a per acre (acreage to be determined by Buyer's survey) amount of Ten Thousand and 00/100 dollars (\$10,000.00/acre), which shall be paid in the following manner:

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

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

6. **CLOSING, EXPENSE AND POSSESSION:** This Contract shall be closed no later than one hundred twenty (120) days from the effective date referenced in Paragraph 3, unless this Contract is terminated pursuant to Paragraphs 2, 4, 9, 12, or 13. The following are additional details of closing:

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

Contract for Sale and Purchase

Revised 11/27/2017

Parcel Name: _____

SWF Parcel No.: E02-200

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

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

d. Buyer shall also be responsible for paying Saunders Real Estate in the amount of approximately Forty Thousand and 00/100 dollars (\$ 40,000), by separate certified or cashier's check made payable to, or wire transfer to, the escrow agent designated by the District. The commission for the District's sale of surplus property is calculated based on the following schedule:

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

7. **REAL ESTATE TAXES, EASEMENTS, RESTRICTIONS, AND ENCUMBRANCES:**

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

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

9. **DUE DILIGENCE PERIOD:** Buyer will, at Buyer's expense, determine whether the Property is suitable for the Buyer's intended use and development of the Property within ninety (90) days from the effective date of this Contract ("Due Diligence Period").

a. During the Due Diligence Period, Buyer may conduct any tests, analyses, surveys,
Contract for Sale and Purchase Revised 11/27/2017
Parcel Name: _____
SWF Parcel No.: E02-200

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

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

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

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

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

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

Contract for Sale and Purchase

Revised 11/27/2017

Parcel Name: _____

SWF Parcel No.: E02-200

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

14. **DEFAULT:** If Buyer fails to close within one hundred twenty (120) days from the effective date referenced in Paragraph 3, the District shall retain the Deposit, this Contract shall terminate, and the District and Buyer shall be relieved of all rights and obligations under this Contract. If the District fails to deliver the quit claim deed to Buyer within one hundred twenty (120) days from the effective date referenced in Paragraph 3, the District shall return the Deposit to Buyer, this Contract shall terminate, and Buyer and the District shall be relieved of all rights and obligations under this Contract. Notwithstanding the above, neither party shall be liable under this provision if the closing date is extended pursuant to Paragraph 13, Risk of Loss.

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

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

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

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

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

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

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

Contract for Sale and Purchase

Revised 11/27/2017

Parcel Name: _____

SWF Parcel No.: E02-200

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

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

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

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

Exhibit "A" Legal Description

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

Contract for Sale and Purchase

Parcel Name: _____

SWF Parcel No.: E02-200

Revised 11/27/2017

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

DISTRICT:

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

Witness

Printed Name

Witness

Printed Name

By: _____

Name: _____

Title: _____

Date: _____



Witness

Doris A. Pardo

Printed Name

BUYER:

Cow Hammock, LLC, a Florida limited liability

By:  _____

Name: **Mark Morse**

Title: **Manager**

Date: **1/29/2020**

Witness

Printed Name

By: _____

Name: _____

Title: _____

Date: _____

Contract for Sale and Purchase

Parcel Name: _____

SWF Parcel No.: **E02-200**

Revised 11/27/2017

Exhibit "A"
Legal Description

COPY

Contract for Sale and Purchase

Parcel Name: _____

SWF Parcel No.: E02-200

Revised 11/27/2017

Gum Slough
SWF Parcel No. 19-193-114S (Surplus ID GUM-1)

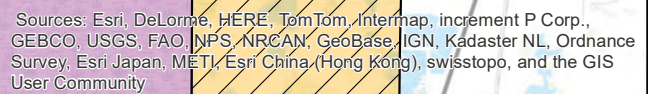


Exhibit 3

GUM SLOUGH
SWF PARCEL NO. 19-193-114S (SURPLUS ID GUM-1)

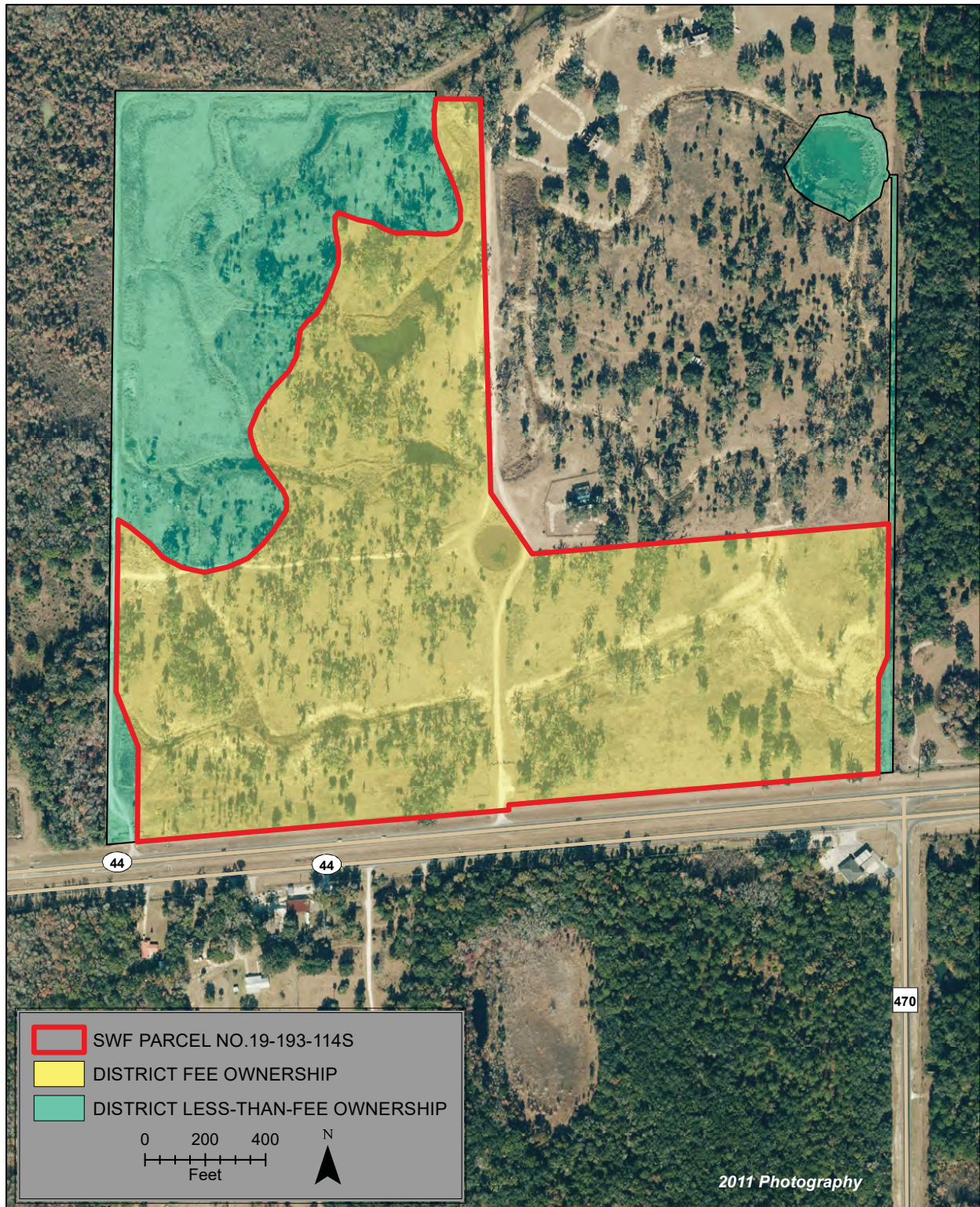


Exhibit 4

LAND SALES SUMMARY CHART

SALE NO.	SUBJECT	SALE #1	SALE #2	SALE #3	SALE #4
Location	State Road 44	CR 476	4518 SR #50	South Istachatta Road	CR 222
Area	Rutland	Bushnell	Webster	Floral City	Oxford
County	Sumter	Sumter	Sumter	Citrus	Sumter
Sale Date	N/A	11-08-2017	09-11-2018	05-01-2018	05-01-2018
Sale Price	N/A	\$342,000	\$370,000	\$470,000	\$975,000
Access	4-lane Road	2-lane Road	2-Lane Road	2-Lane Road	2-lane Road
Total Acres	67.64	62.00	58.24	84.64	120.22
Upland %	91%	85%	88%	100%	95%
Zoning	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
Water/Sewer	N/A	N/A	N/A	N/A	N/A
Improvements	Fences	Fences	Fences & Mobile Home	Fences	Fences
Price Per Acre	N/A	\$5,516	\$6,353	\$5,553	\$8,110

ADJUSTMENT CHART

SALE NUMBER	SALE #1	SALE #2	SALE #3	SALE #4
Price Per Acre	\$5,516	\$6,353	\$5,553	\$8,110
Financing	0	0	0	0
Date of Sale	Plus	0	0	0
Motivation	0	0	0	0
Location	Plus	Plus	Plus	Minus, Minus
Access	0	0	0	0
Size	0	0	0	0
% Uplands	0	0	0	0
Zoning	0	0	0	0
Water/Sewer	0	0	0	0
Improvements	0	Minus	0	0
Overall Rating	Inferior	Similar	Slightly Inferior	Superior

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

March 24, 2020

Discussion Item

Conveyance of Fee Interest for the Ridge Road Right of Way, Pasco County, FL, SWF Parcel Numbers 15-705-107S and 15-705-108P

Purpose

Request Governing Board approval to convey, to Pasco County (County), the right of way for construction of Ridge Road through the Serenova Tract owned in fee simple by the District. The right of way will be conveyed to the County through the execution of the Quit Claim Deed. A general location map is included as Exhibit 1.

Background/History

The Florida Department of Transportation (FDOT), County, and District were involved in negotiations about mitigation for the impacts associated with Suncoast Parkway construction. In 1996, the FDOT purchased the Serenova Tract as mitigation for the Suncoast Parkway. Prior to FDOT's acquisition of the Serenova Tract, the County had acquired a reversionary right for an arterial or limited access highway through the property. In 1997 the FDOT conveyed the property, still containing the County's reversionary right, to the District at no cost with the conditions that the District would maintain the land for preservation and mitigation purposes. In response to the acquisition of the Serenova Tract, agreements between the FDOT, County, and District were executed that addressed, among other things, the extension of Ridge Road. Additionally, a conservation easement was granted to the Board of Trustees for the Serenova Tract further ensuring the property will be protected. The conservation easement does not limit or affect the agreements between the parties which identify the extension of Ridge Road through the Serenova Tract.

The agreement between the District and the County, executed in 1997 entitled *Agreement between the Southwest Florida Water Management District and Pasco County relating to Ridge Road* (1997 Agreement) includes the following terms relevant to this Governing Board item:

- The County, at its sole cost, will obtain all necessary regulatory permits for design and construction of a four-lane collector roadway and provide periodic status updates to the District;
- The District shall convey the necessary right of way required for the Ridge Road extension including the interchange and roadway drainage systems; and
- Upon notification by the County to the District that the extension of Ridge Road has been approved by the Board of County Commissioners, the conveyance shall be completed within 90 days of said notification.

On February 24, 2020, the District received notification from the County that the extension of Ridge Road has been approved by the Board of County Commissioners requiring the District to convey the right of way within 90 days (Exhibit 2). The long-term maintenance access and other related responsibilities acceptable to both parties are captured in an agreement that will be provided to the Governing Board at or before the meeting. Specifically, the County has agreed to provide the District access across and under the road at four locations more specifically shown in Exhibit 3. The County will also convey a perpetual access easement to the

locations that traverse under the road. The right of way for the Ridge Road extension is currently being cleared and in advance of the District's conveyance of the fee interest. On March 5, 2020, the District granted a license for construction activities to begin on the District property that is located west of the Duke Energy Corridor (Exhibit 3).

Benefits/Costs

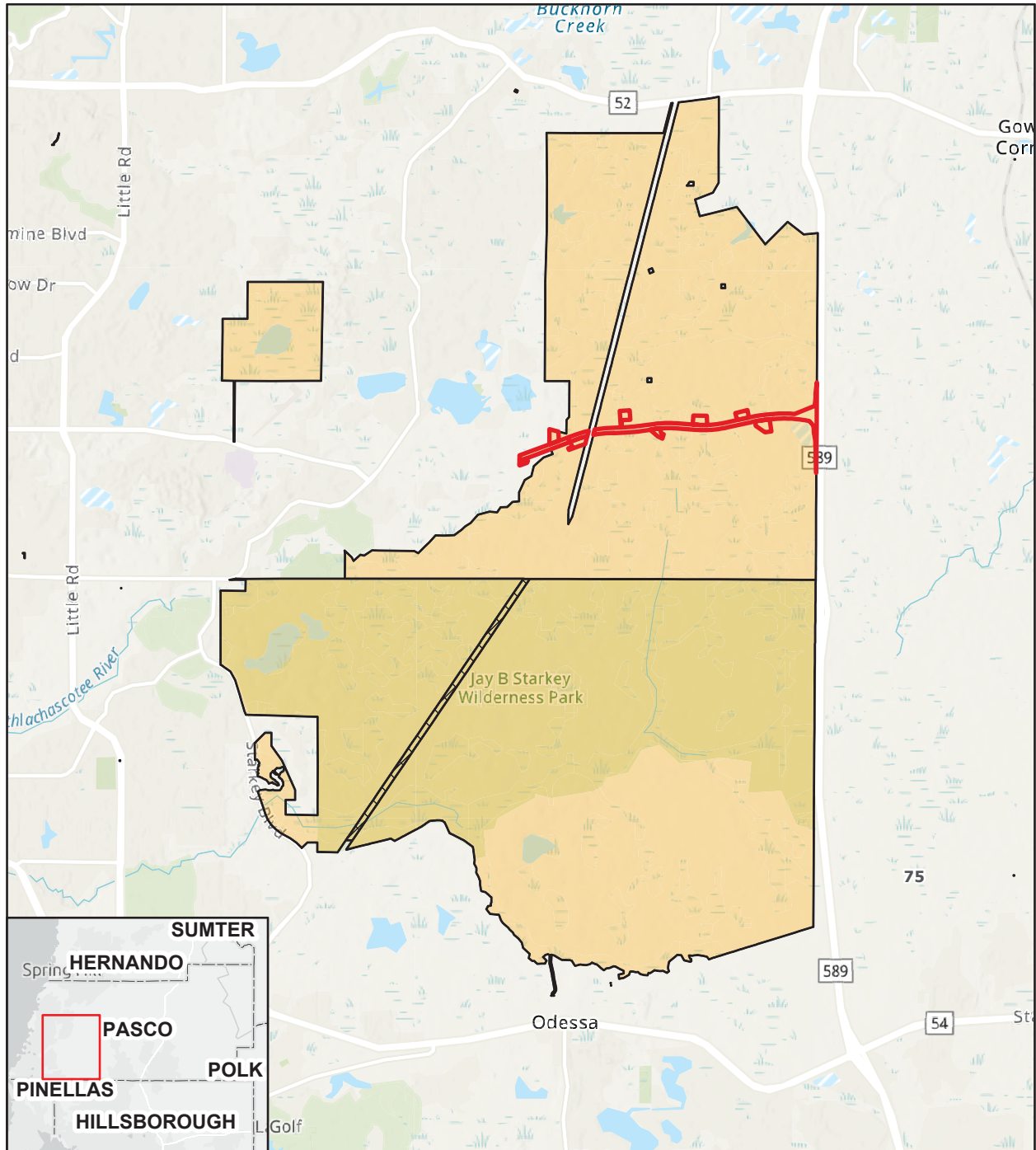
The conveyance of the Ridge Road right of way to the County will provide the County an additional evacuation route pursuant to its comprehensive plan requirements. A paved multiuse trail will be constructed within the right of way along the south side of the road to provide the public access and greenway opportunities into designated access points on the property. Conveying this property will satisfy the terms and conditions of the 1997 Agreement.

Staff Recommendation:

- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the Executive Director to execute the agreement outlining access and other related responsibilities resulting from the transfer of the right of way;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

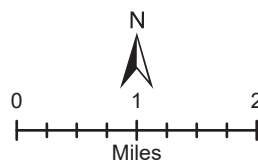
Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Exhibit 1
Conveyance of Fee Interest for the Ridge Road Right of Way
Pasco County, FL , SWF Parcel Numbers 15-705-107S and 15-705-108P Location Map



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

- District-owned Fee Simple
- Perpetual Easement, not CE
- SWF Parcel Numbers 15-705-107S and 15-705-108P



Southwest Florida
 Water Management District

AGREEMENT
BETWEEN THE SOUTHWEST FLORIDA WATER MANAGEMENT
DISTRICT AND PASCO COUNTY RELATING
TO RIDGE ROAD

THIS AGREEMENT is made and entered into by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ("District") and PASCO COUNTY, a political subdivision of the State of Florida ("County"), by and through its Board of County Commissioners.

W I T N E S S E T H:

WHEREAS, the Florida Department of Transportation (Turnpike District) has purchased or acquired for environmental preservation and mitigation purposes, a certain tract of land hereinafter known as the Serenova property, and generally depicted in Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the District has proposed to purchase or acquire for environmental preservation and mitigation purposes a certain tract of land known as the Crockett property and generally depicted in Exhibit "B" attached hereto and incorporated herein; and

WHEREAS, such acquisitions by the District impose significant effects upon the County's tax base, comprehensive planning efforts, and economic development potential; and

WHEREAS, the County, in accordance with its Comprehensive Plan, intends to construct a four-lane thoroughfare roadway known as Ridge Road Extension; and

WHEREAS, the purposes of this Agreement are;

1) to provide assurance to the County that its interests will be fully and appropriately considered by the District in the District's permitting evaluation and mitigation requirements with

respect to the proposed extension of Ridge Road from DeCubellis Road to the proposed Suncoast Parkway and the proposed purchase or acquisition of the Serenova tract described herein, it being understood by both parties that the District's permitting criteria will not change because of the existence of this Agreement;

2) to set forth the related commitments and understandings of the District and the County;

3) to secure the District's support for the utilization of the various tracts of land including Serenova and Crockett property for compatible mitigation areas; and

WHEREAS, pursuant to that certain Trustees' Deed recorded in Book 1832, Page 1209, Official Records of Pasco County, Florida, the County on July 18, 1989, obtained certain ownership rights in the real property referred to herein as the Pasco County Acres Property, a portion of which is described in Exhibit "C", attached and incorporated herein, subject to certain reservations in favor of the Grantor; and

WHEREAS, the County has acquired, in fee simple, a parcel of land described in Exhibit "D" which is known as the Water Treatment Plant Site located on the south side of the Serenova property; and

WHEREAS, the District has permitted and the County and the District have jointly funded the construction of a 20" pipeline within the above referenced Serenova tract.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 1. Recitals. The foregoing recitals are true and correct, and are incorporated herein.

Section 2. Construction of Ridge Road from DeCubellis east to the proposed Suncoast Parkway.

A. The County shall, at its sole cost, procure all necessary regulatory permits, design, and construct a four-lane collector roadway in Pasco County. Construction may be performed in phases and may be initially designed and constructed as a two-lane roadway. This roadway shall connect the existing intersection at Ridge Road and Moon Lake Road to the proposed inter-change at Ridge Road and the North Suncoast Parkway.

B. The County shall provide the District with periodic status updates of the final design of the Ridge Road Extension.

Section 3. Conveyance of District Property to County (Serenova). Contingent upon the acquisition of the Serenova property generally depicted in Exhibit "A" by the District, the District shall:

A. Convey, in fee simple to the County, that portion of the Serenova property necessary for construction of the proposed Ridge Road Extension as a four-lane collector roadway facility including a full interchange with the North Suncoast Parkway within the Serenova property. The minimum right-of-way shall be two hundred and fifty feet (250') unless otherwise agreed upon. The exact limits of the needed right-of-way shown in Exhibit "E" will be determined only after all design has been completed and all permit requirements determined.

B. Convey, by instruments suitable to both parties, all easements necessary for the operation and maintenance of the existing jointly funded reclaimed water transmission main and the existing potable

water transmission main within the Serenova property as shown in Exhibit "E".

C. Convey, by an instrument suitable to both parties, all easements necessary for the construction, operation and maintenance of potable water pipelines shown in Exhibit "E" proposed to connect the County's existing well sites to the County's existing potable water transmission pipelines within the Serenova property. The exact location and limits of the needed easements shown in Exhibit "E" will be determined only after all design has been completed and all permit requirements determined.

Section 4. Conveyance of District Property to County (Crockett). In the event that the District purchases or acquires the Crockett property generally depicted in Exhibit "B" by the District, the District shall convey, in fee simple to the County, that portion of the said property needed for construction of the proposed Ridge Road Extension (as shown on Exhibit "E") as an ultimate four-lane collector roadway facility within the Crockett property. The minimum right-of-way width shall be two hundred and fifty feet (250') unless otherwise agreed upon. The exact limits of the right-of-way needed will be determined only after all design has been completed and all permit requirements determined.

Section 5. Conveyance of County Property to SWFWMD. Simultaneous with SWFWMD's conveyance to the County contemplated in Section 3(a) above, the County shall convey by County Deed pursuant to Sections 125.411 and 125.37, Florida Statutes, to SWFWMD all of its rights to the Pasco County Acres Property described in Exhibit "C".

Section 6. Exchange of Water Plant Site. The County shall convey, in fee simple to the District, the Water Treatment Plant Site depicted in exhibit "D" which property includes approximately 105 acres of non-jurisdictional uplands and approximately 76 acres of jurisdictional wetlands. Simultaneously, the District shall convey, in fee simple to the County, a mutually acceptable portion of the Serenova property which site shall contain at least 105 acres of contiguous, non-jurisdictional, buildable land; or, in the event the proposed exchange site does not include contiguous lands suitable for the County's purposes, the District shall purchase the Water Treatment Plant site upon terms mutually acceptable to both parties. Applications for any necessary regulatory permit modifications for the North Suncoast Parkway shall be prepared for the Turnpike District by the County.

Section 7. Use of District Lands for Drainage and Mitigation Purposes. The County and the District agree that the District shall provide any and all lands other than the Ridge Road right-of-way conveyed to the County as described above needed for the roadway drainage systems and for any other District ERP permit requirements within the Serenova and Crockett properties, respectively. Surface water treatment and attenuation systems within Serenova shall only be utilized for the Ridge Road Extension within Serenova. Any such systems shall comply with all District permitting rules and regulations. Wetland creation solely for mitigation purposes shall not be permitted within the Serenova property. In addition, so far as such uses are consistent with the District's rules and regulations, the District shall provide any additional lands needed by the County to meet the permitting and/or mitigation requirements of other agencies. Such

lands shall be provided, at no cost to the County, through easements, licenses, deed or other instrument acceptable to both parties.

Section 8. Timing of Conveyances.

A. Conveyances for the Ridge Road Extension described in Sections 3(A), 4, and 5 shall occur immediately upon the issuance of all necessary regulatory permits for the construction of Ridge Road Extension.

B. Conveyances for the Ridge Road Interchange described in Section 3(A) shall occur immediately upon the issuance of all necessary regulatory permits for the construction of Ridge Road Interchange.

C. Conveyances described in Sections 3(B) and 6 shall occur upon acquisition of the Serenova property by the District.

D. Conveyances described in Section 3(C) shall occur immediately upon the issuance of all necessary regulatory permits for the proposed potable water pipelines, including any necessary water withdrawal permits.

Section 9. District to Assist County. The District shall cooperate with the County in the project development and environmental permitting activities associated with the County's gaining necessary approvals for the alignment and construction of the proposed extension of Ridge Road.

Section 10. County Notifications to District and Time of Performance. Upon notification by the County to the District that design and construction of the extension of Ridge Road has been programmed and approved by the Board of County Commissioners, and that all conditions precedent to the road's construction have been met, or will be met upon completion of the conveyances described above, and that all other contingencies required by this Agreement have been

met, the District and the County agree the conveyances described above shall be completed within 90 days of such notification by the County.

Section 11. Budgetary Provisions Governing County. County's obligation to construct the Ridge Road Extension described in this Agreement shall be contingent upon a suitable appropriation by the Board of County Commissioners of Pasco County.

Section 12. Budgetary Provisions Governing District. The District's obligations pursuant to this Agreement shall be contingent upon a suitable appropriation by the District's Governing Board.

Section 13. Notices. Notices required to be given pursuant to this Agreement shall be provided via certified mail, return receipt requested, to each of the parties at the following addresses:

COUNTY

John J. Gallagher
Pasco County Administrator
7530 Little Road
New Port Richey, Florida 34654

DISTRICT

Fritz H. Musselmann
Land Resources Director
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34609-6899

Section 14. Modification. No modification, amendment, or alteration of the terms or conditions contained herein shall be effective unless contained in a written document executed by the parties hereto, with the same formality, and of equal dignity herewith.

Section 15. Entire Agreement. This Agreement embodies the entire agreement between the parties. It may not be modified or terminated except as provided herein. If any provision is invalid,

it shall be considered deleted therefrom, and shall not invalidate the remaining provisions.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: COUNTY through its Board of County Commissioners, signing by and through its Chairman, authorized to execute same by Board action on the ____ day of _____, 199__, and DISTRICT, signing by and through its _____, authorized to execute same.

(S E A L)

ATTEST:

By: Donalea Schmitt
JED PITTMAN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

By: David H. Clark, Jr.
DAVID H. CLARK, JR. CHAIRMAN

DATE: 03/04/97

WITNESSES:

M. R. Mahagan
M. R. MAHAGAN
Print or Type

J. R. CLARK
J. R. CLARK
Print or Type

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: J. R. Clark

Title: LAND RESOURCES DIRECTOR

DATE: FEB. 27, 1997

APPROVED AS TO LEGAL FORM AND CONTENT
Office of the County Attorney

By: [Signature]
Attorney

LIST OF EXHIBITS

EXHIBIT "A"	SKETCH OF SERENOVA PROPERTY
EXHIBIT "B"	SKETCH OF CROCKETT PROPERTY
EXHIBIT "C"	OLD SUNCOAST ALIGNMENT (PASCO COUNTY ACRES PROPERTY)
EXHIBIT "D"	UTILITY SITE (WATER TREATMENT SITE)
EXHIBIT "E"	WATER TRANSMISSION PIPELINES (SERENOVA PROPERTY), RIDGE ROAD EXTENSION, RIDGE ROAD INTERCHANGE



EXHIBIT "A"

ED)

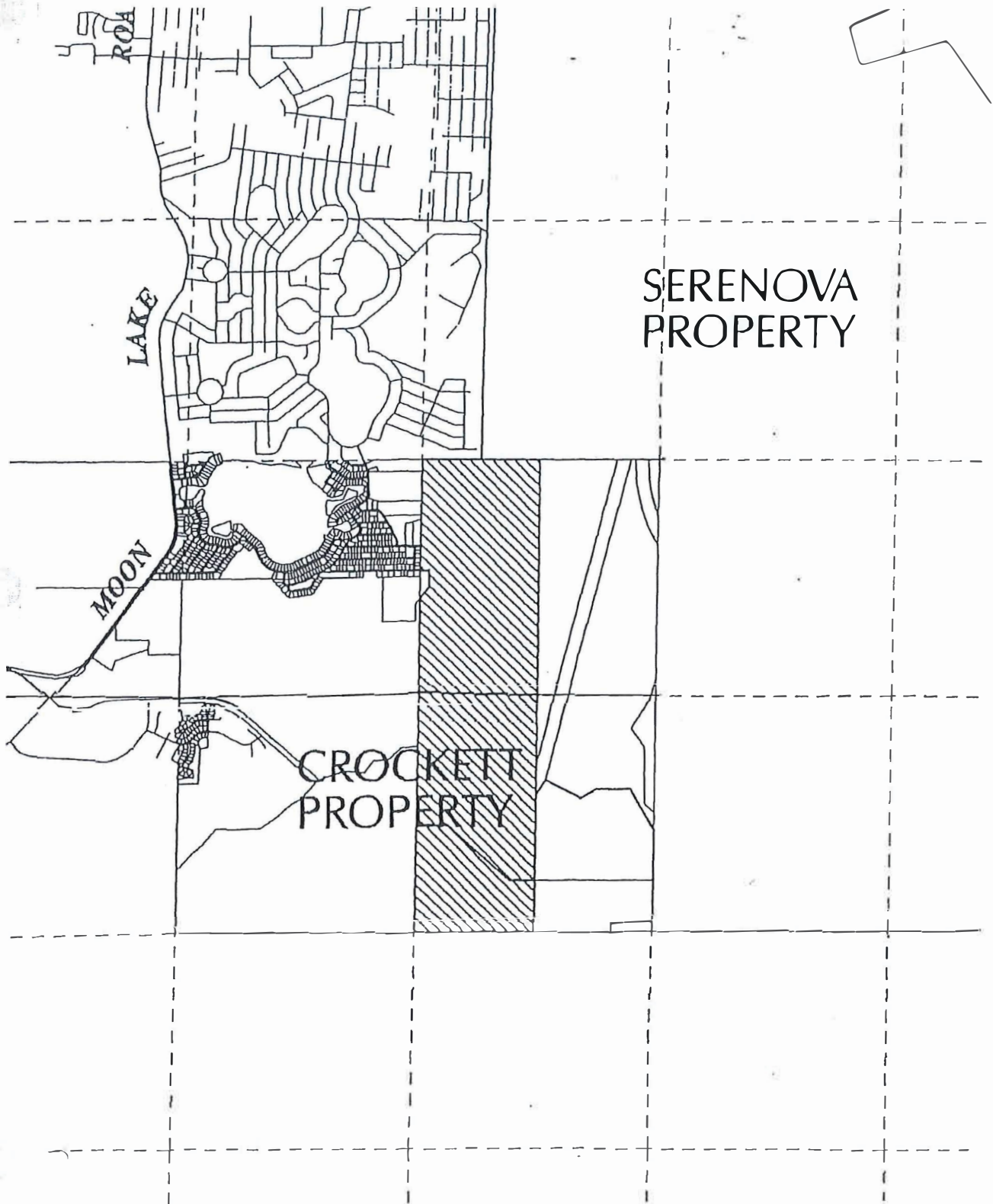


EXHIBIT "B"

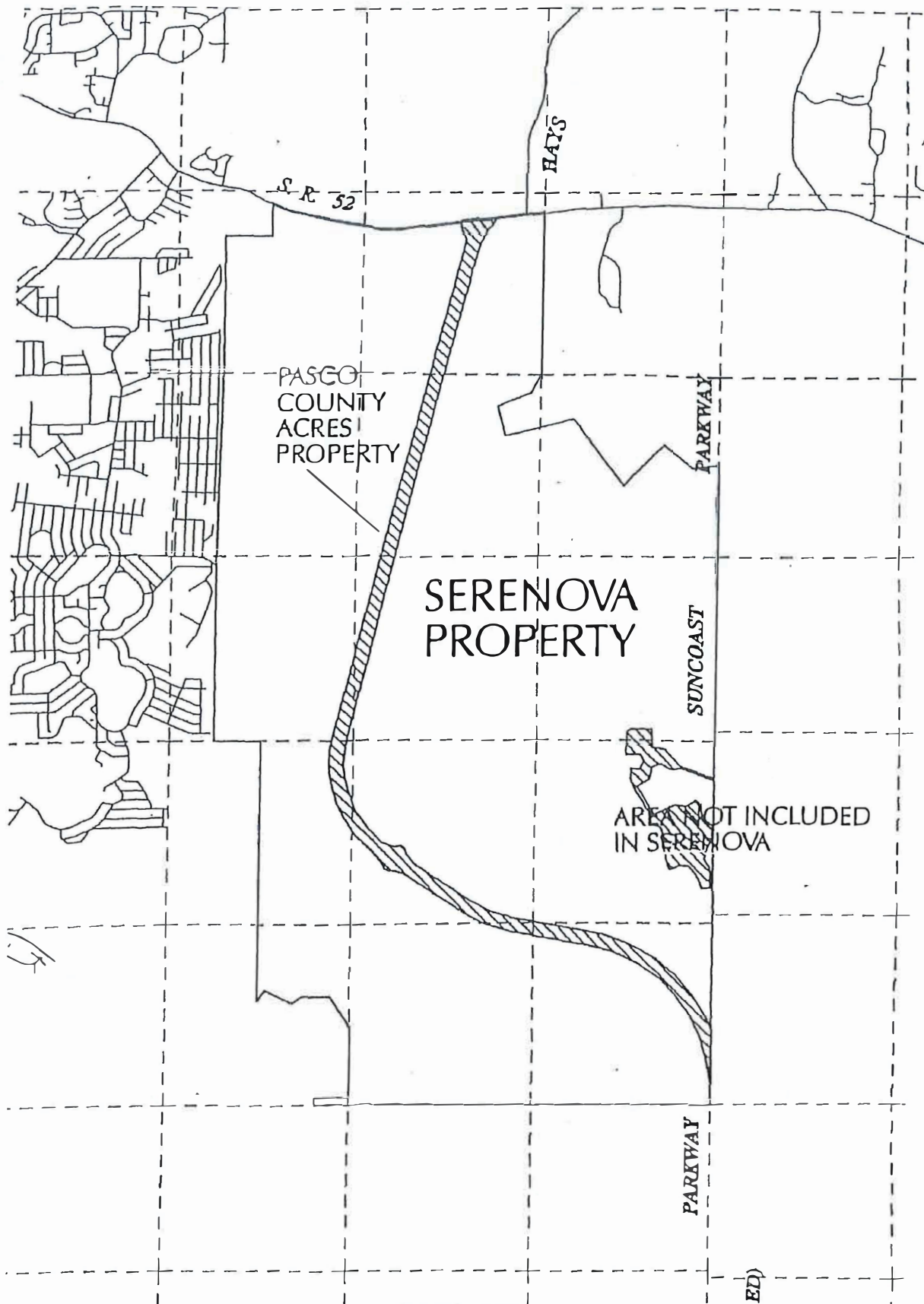


EXHIBIT "C"

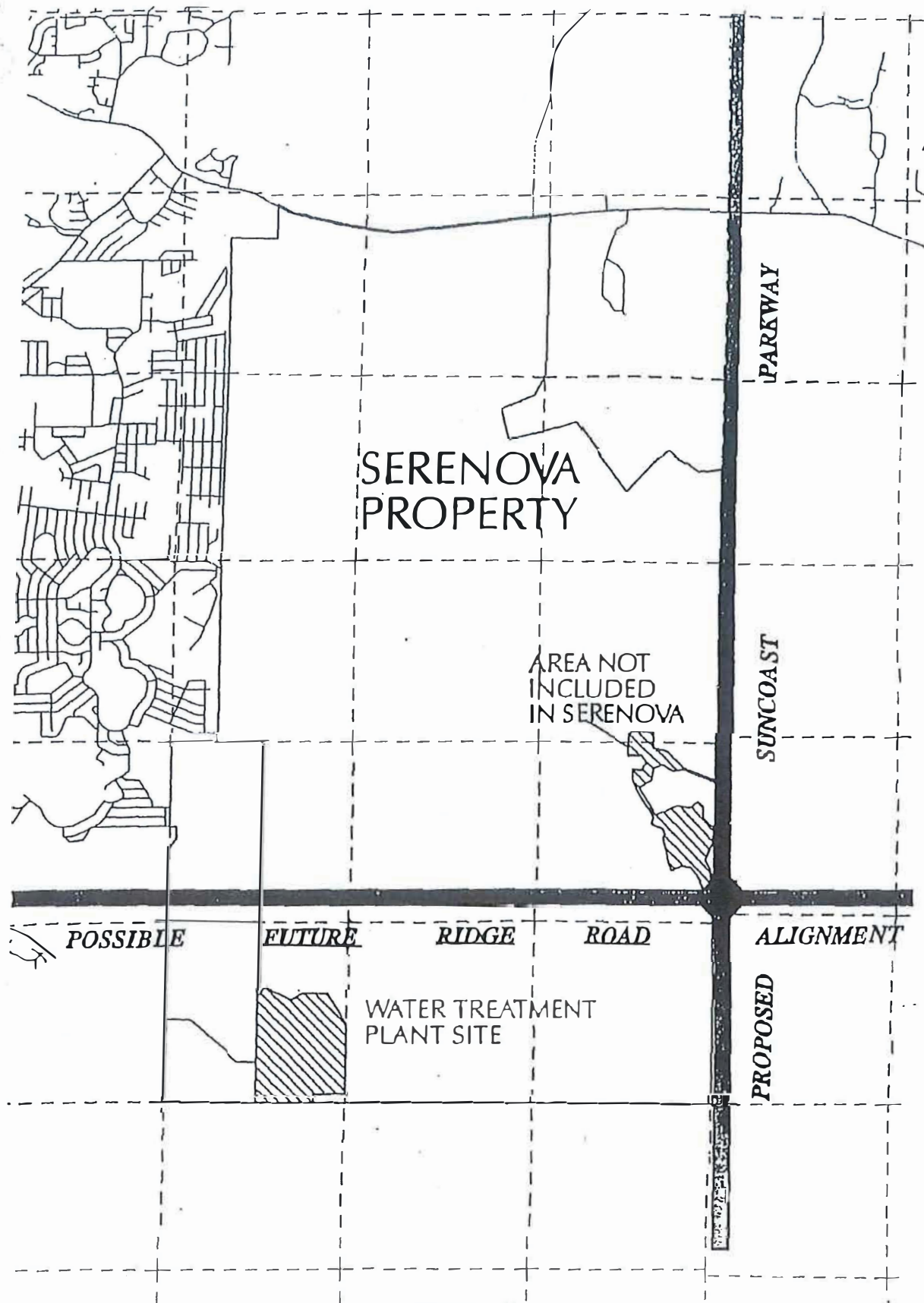


EXHIBIT "D"

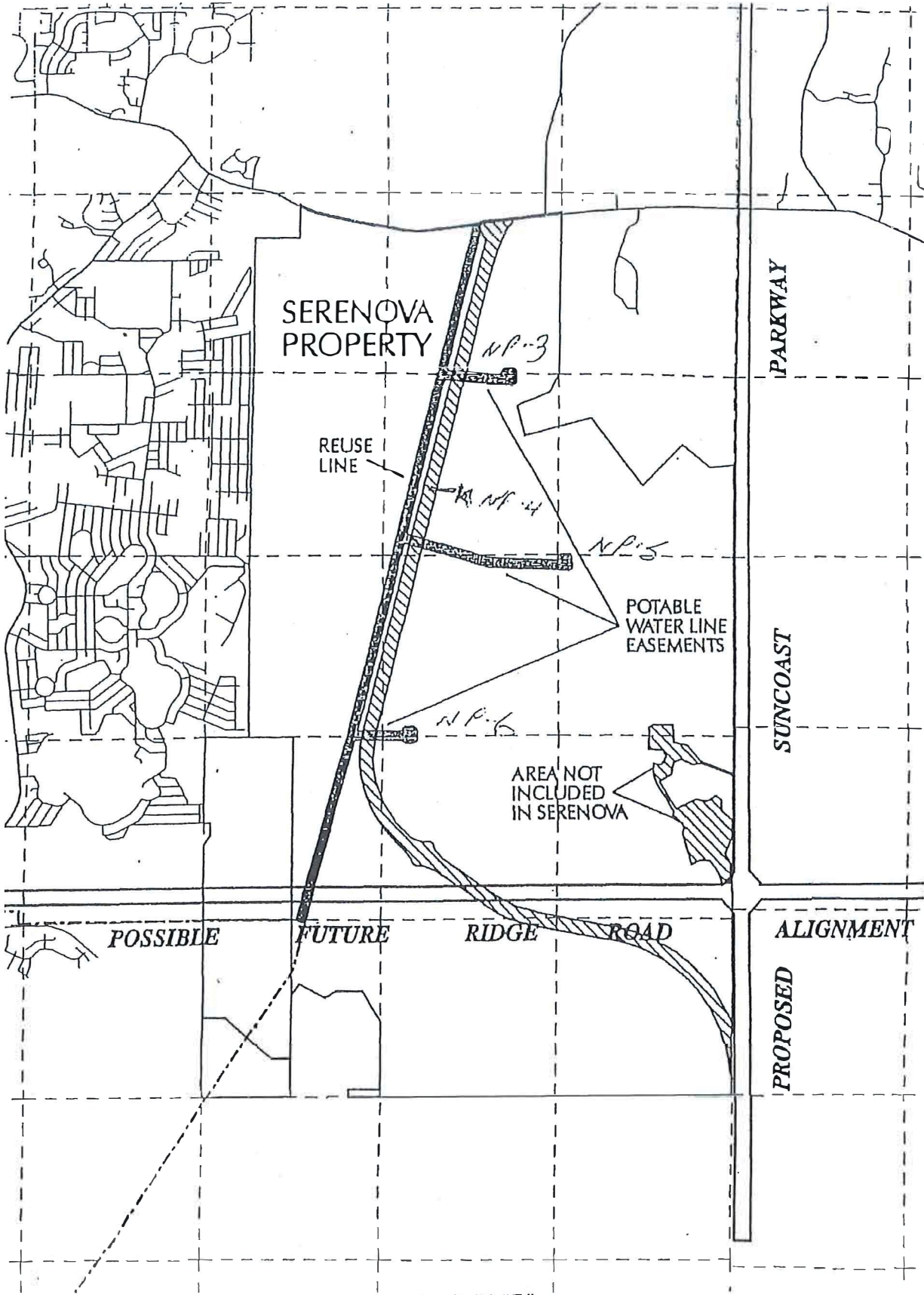
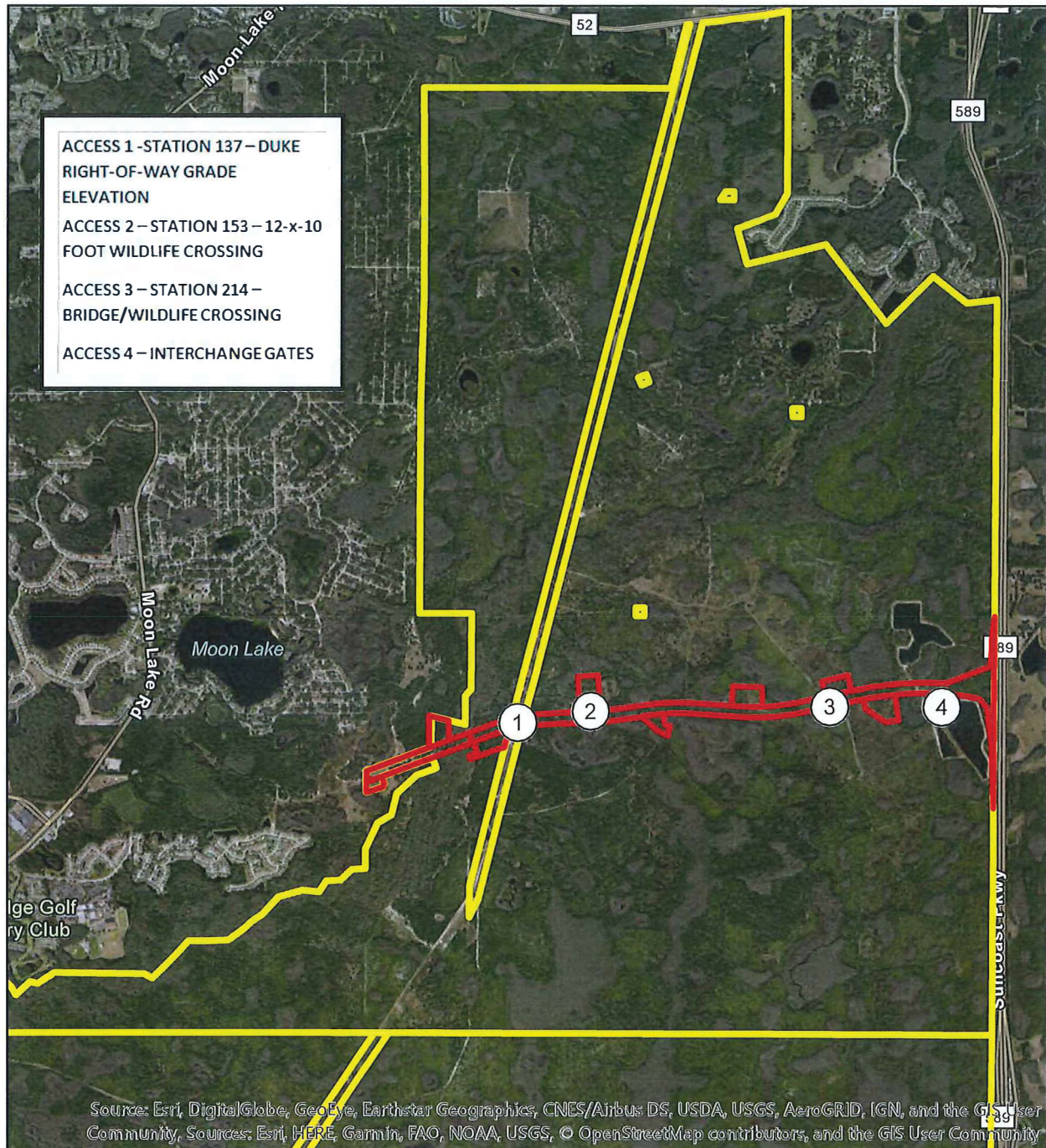


EXHIBIT 2

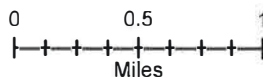
Exhibit 3
Conveyance of Fee Interest for the Ridge Road Right of Way
Pasco County, FL , SWF Parcel Numbers 15-705-107S and 15-705-108P Site Map



SWF Parcel Numbers 15-705-107S and 15-705-108P

District-owned Fee Simple

Access



Southwest Florida
Water Management District

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

March 24, 2020

Discussion Item

Hydrologic Conditions Report

See attached report.

Staff Recommendation:

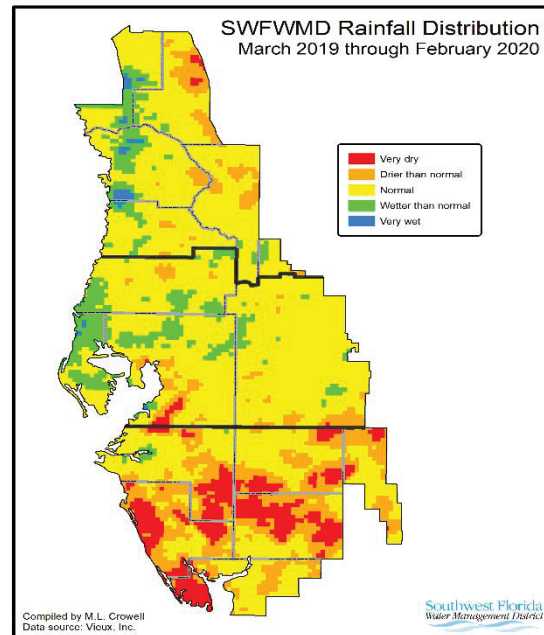
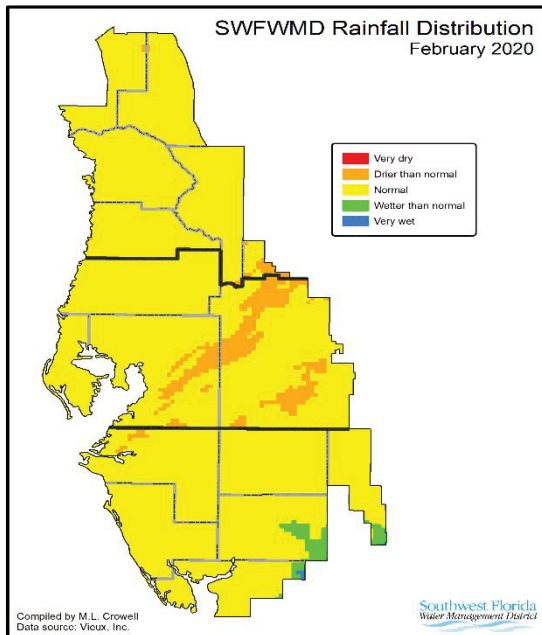
This item is provided for the Board's information only, and no action is required.

Presenter: Granville Kinsman, Hydrologic Data Manager

SUMMARY OF CONDITIONS

- February historically marks the fifth month of the 8-month dry season (October through May) and most hydrologic indicators throughout the District saw declines for the month.
- Rainfall:** Rainfall totals for the month were within the historical normal range in all three regions of the District. The District-wide 12-month cumulative rainfall totals saw increases during the month, showing a month-end deficit of approximately 1.8 inches below the long-term historical average.
- Streamflow:** Regional streamflow data indicates flow decreased at 11 of the 12 streamflow monitoring stations, compared to last month. All stations ended the month within the normal range of historical values.
- Groundwater:** Monthly aquifer level data indicates that regional levels have declined in the northern and central regions of the District, while levels have increased in the southern region, compared to last month. All three regions ended the month with levels within the normal range.
- Lake Levels:** Water level data indicates that regional lake levels declined in all four lake regions of the District, compared to last month. The Northern, Tampa Bay and Polk Uplands regions ended the month with levels within the normal range, while the Lake Wales Ridge region ended the month with “below-normal” levels.
- Overall:** Most major hydrologic indicators saw declines in February, although they continue to remain within their normal ranges in most regions, with the exception that average lake levels in the Lake Wales Ridge region has dropped to below-normal levels.

RAINFALL



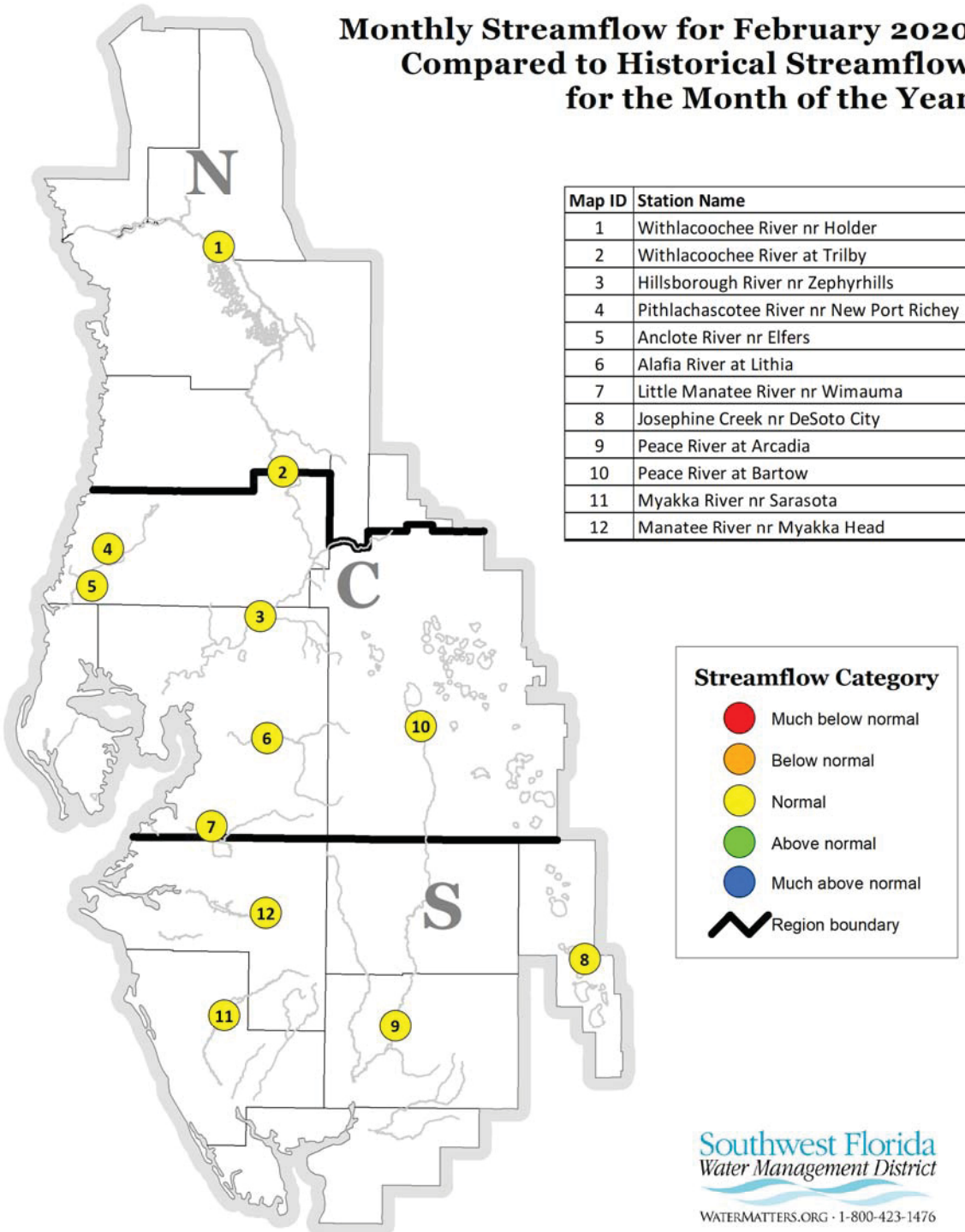
RELATIONSHIP OF FEBRUARY 2020 RAINFALL TO HISTORICAL RAINFALL AVERAGE

Regional Summary (in inches):

Region	FEB 2020 Average Rainfall	Historical Average For FEB	Departure From Historical Average	Cumulative 12-month Rainfall MAR 2019 – FEB 2020	Historical 12-month Cumulative Rainfall	Departure From Historical 12-month Cumulative
Northern Counties	2.45	2.99	-0.54	54.56	53.61	0.95
Central Counties	1.90	2.83	-0.93	53.01	52.43	0.58
Southern Counties	2.25	2.54	-0.29	45.93	52.42	-6.49
District All Counties	2.17	2.77	-0.60	50.97	52.75	-1.78

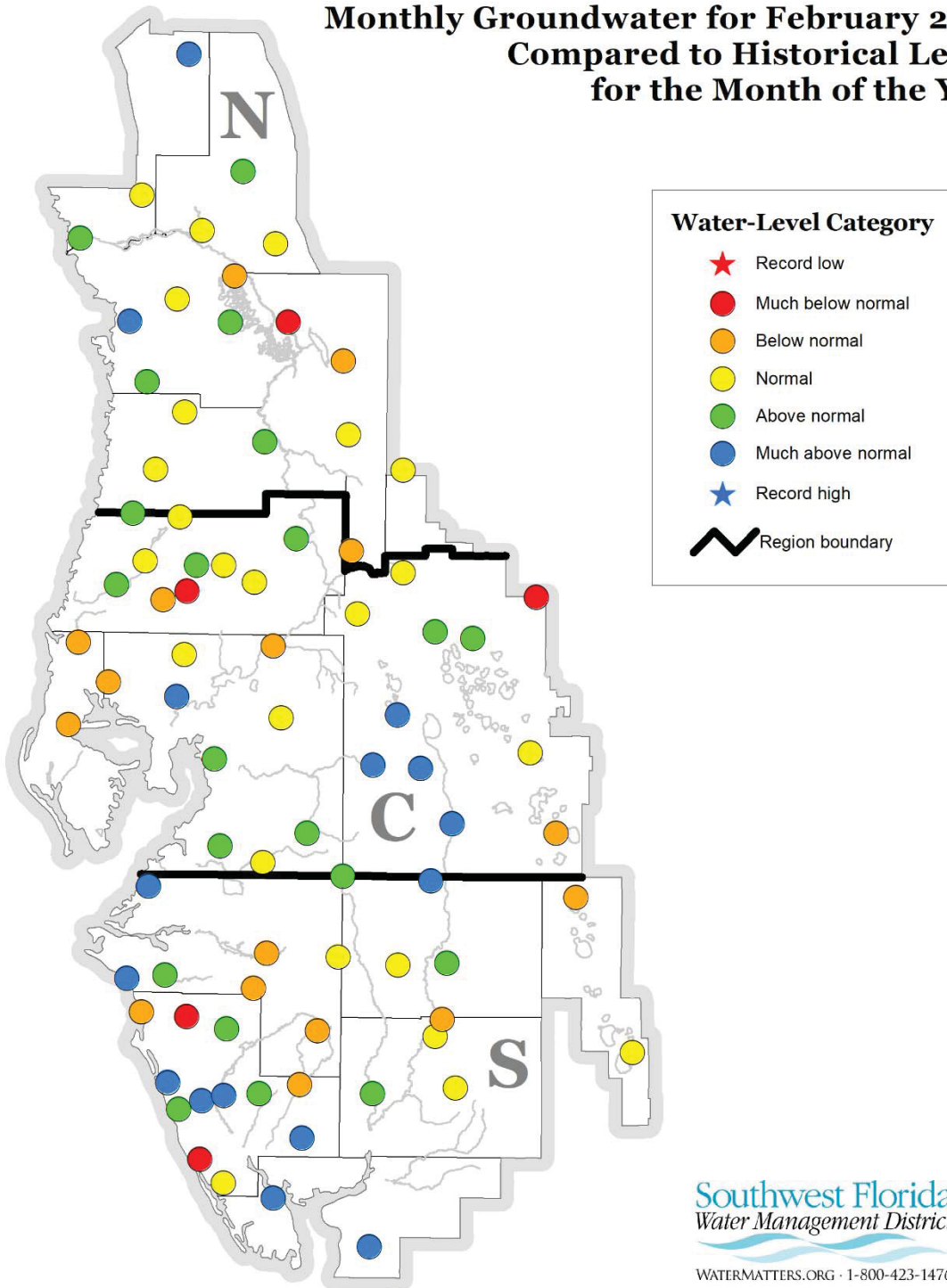
STREAMFLOW

Monthly Streamflow for February 2020 Compared to Historical Streamflow for the Month of the Year



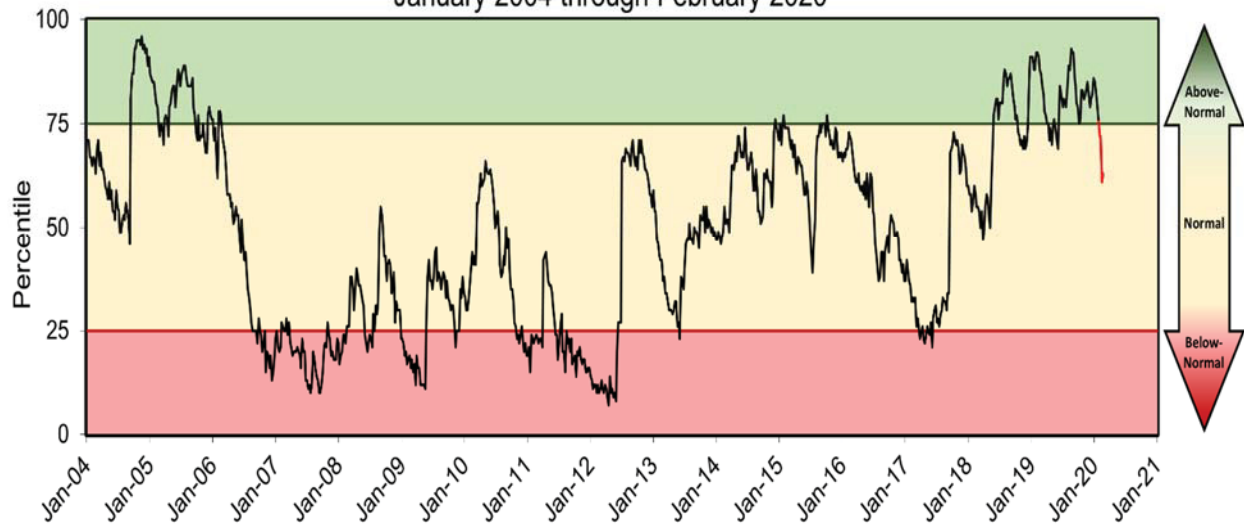
GROUNDWATER

Monthly Groundwater for February 2020 Compared to Historical Levels for the Month of the Year

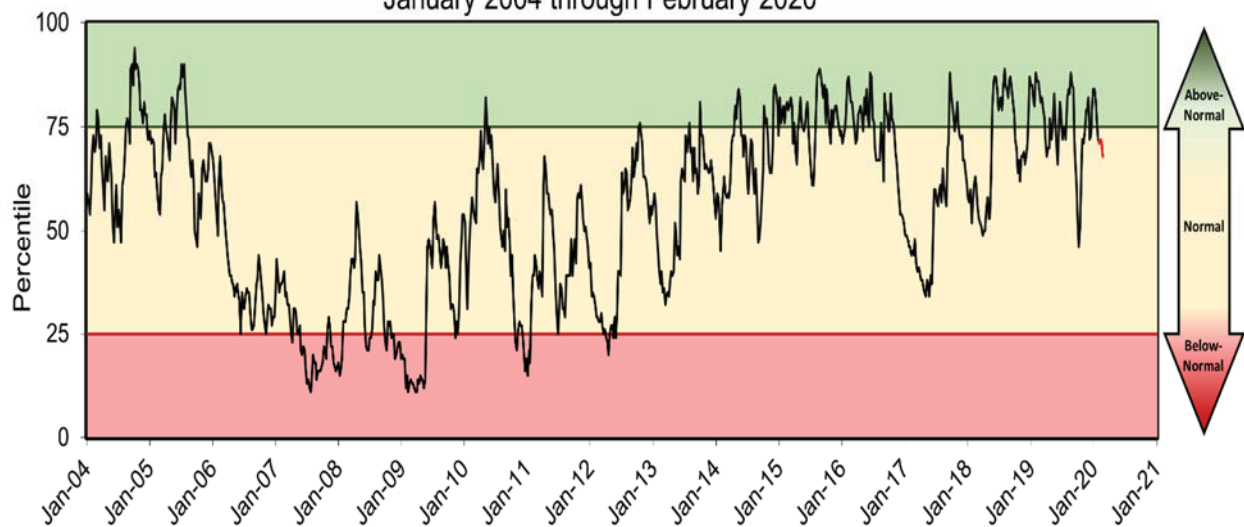


GROUNDWATER (Cont.)

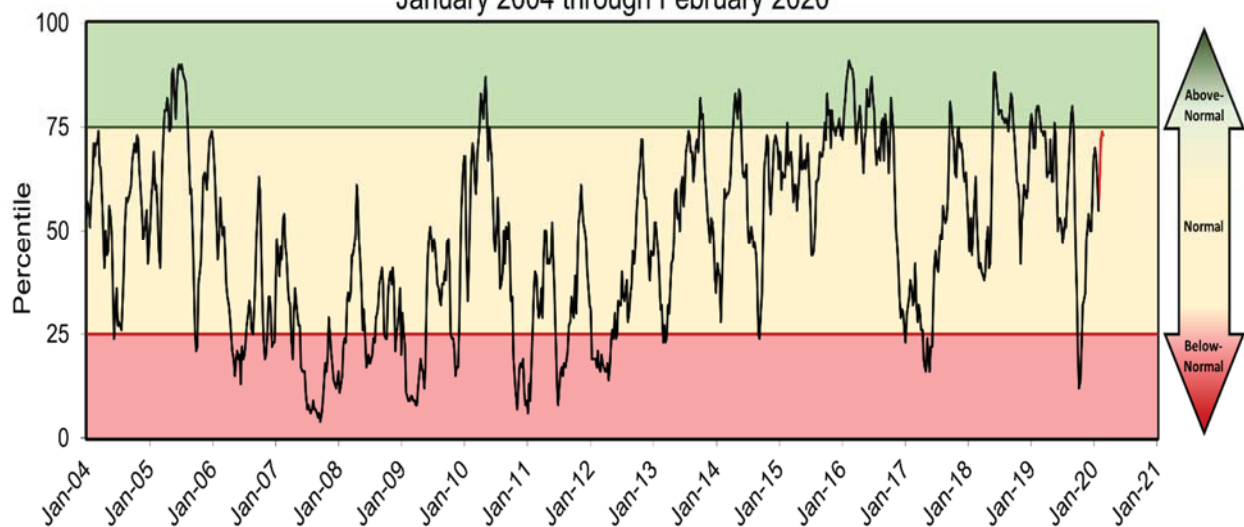
Groundwater Levels: Northern Counties
January 2004 through February 2020



Groundwater Levels: Central Counties
January 2004 through February 2020

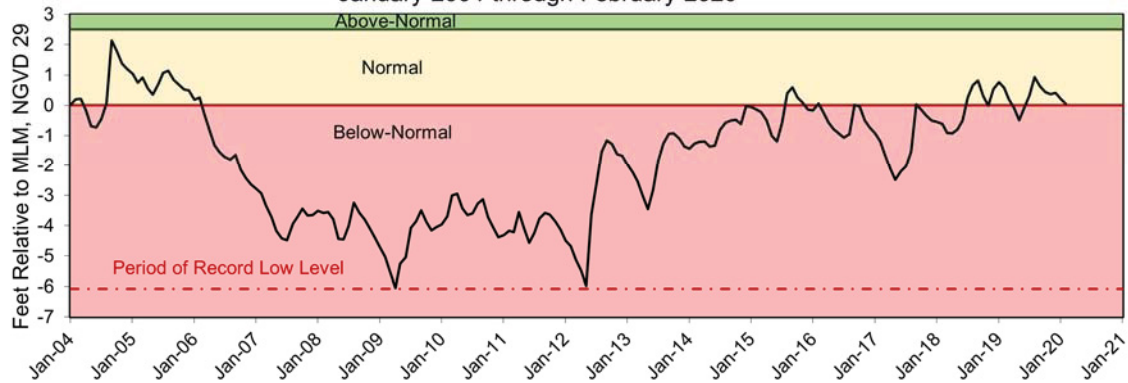


Groundwater Levels: Southern Counties
January 2004 through February 2020

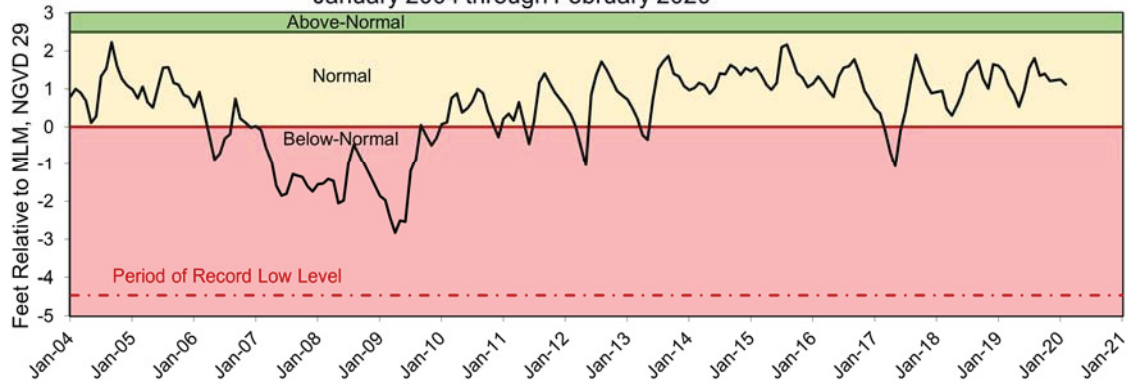


LAKES

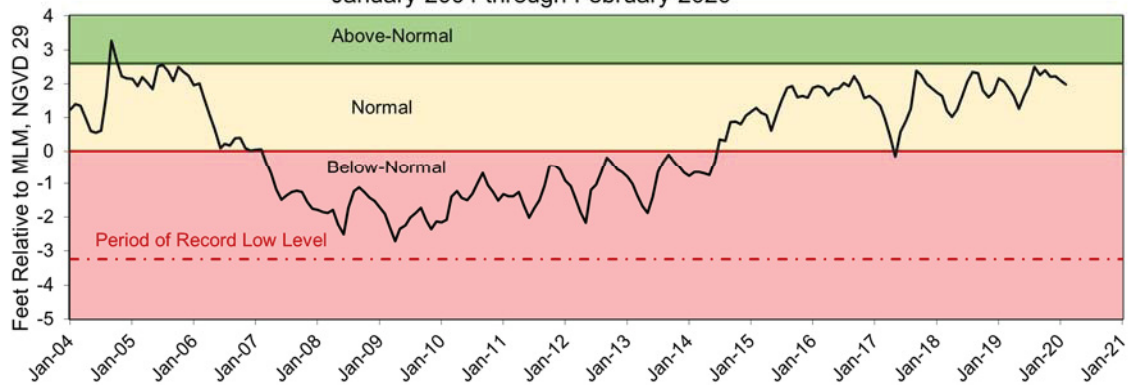
Surface Water Levels: Northern Lakes
January 2004 through February 2020



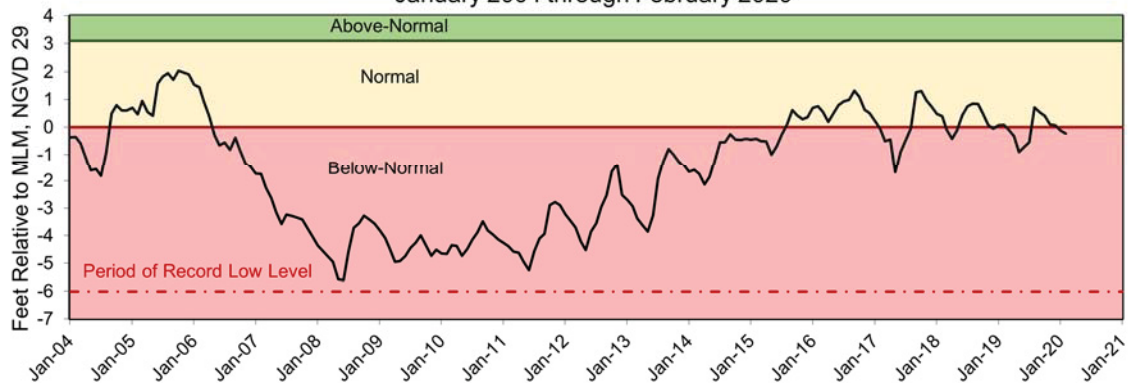
Surface Water Levels: Tampa Bay
January 2004 through February 2020



Surface Water Levels: Polk Uplands
January 2004 through February 2020

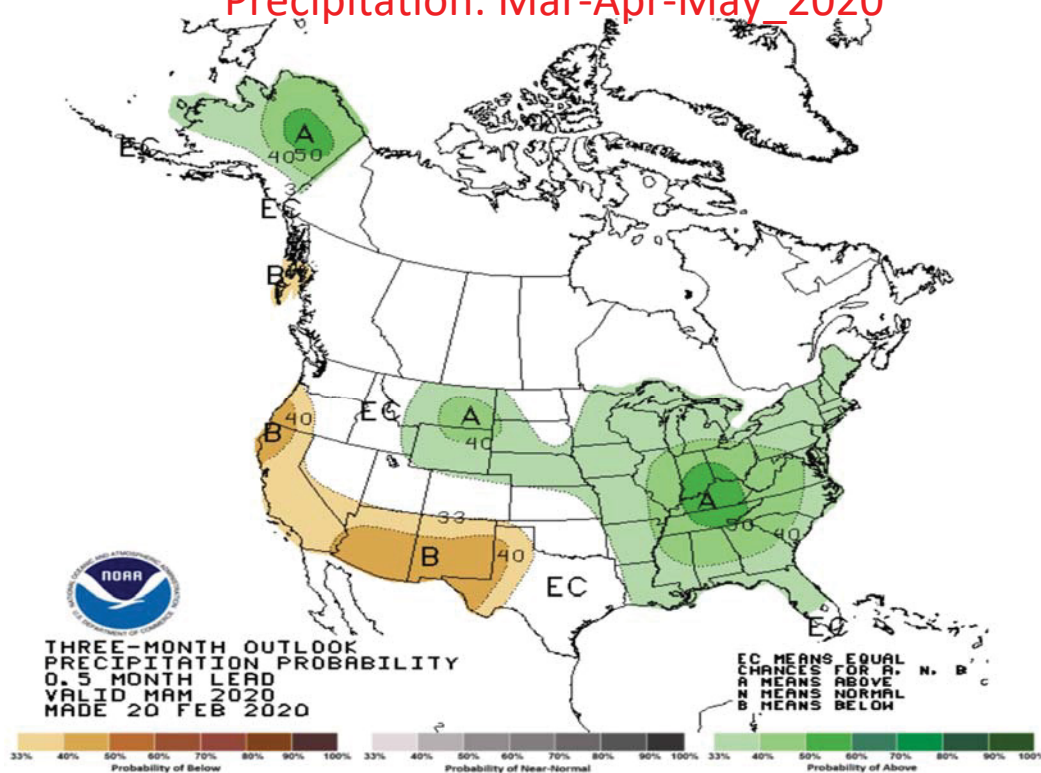


Surface Water Levels: Lake Wales Ridge Lakes
January 2004 through February 2020

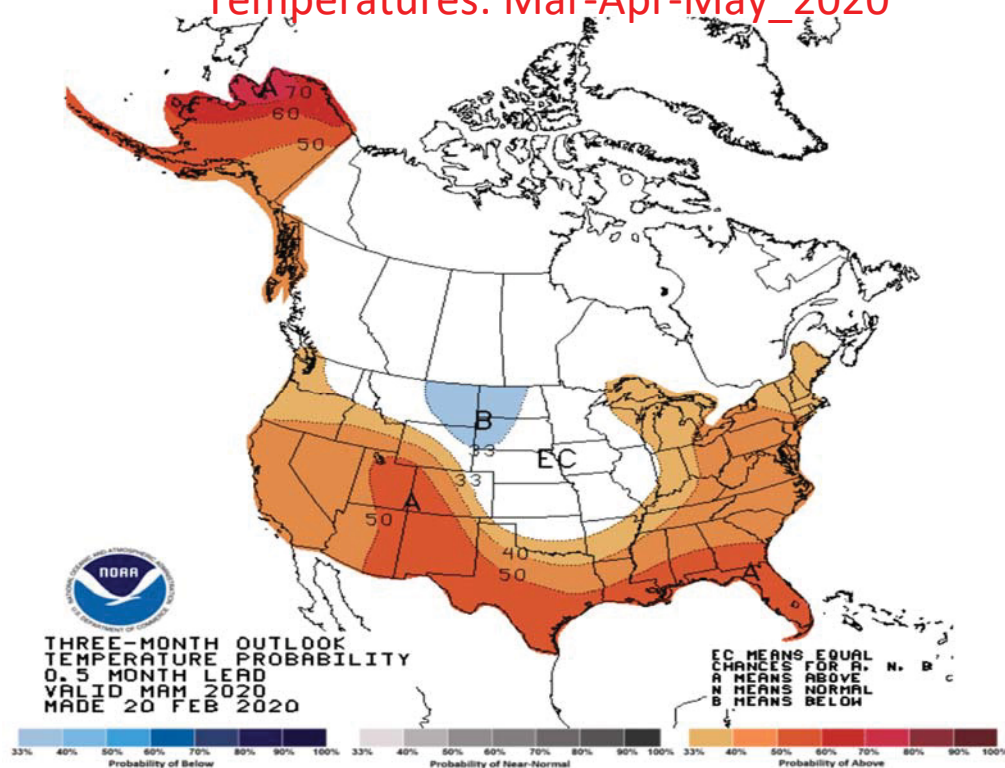


NOAA THREE-MONTH WEATHER FORECAST

Precipitation: Mar-Apr-May_2020



Temperatures: Mar-Apr-May_2020



NOAA Climate Prediction Center: Precipitation and Temperature Forecast

March through May: The three-month forecast, as of February 20, 2020, predicts above-normal rainf throughout the District during the composite period of March through May 2020. The temperature forecast for th same time-period indicates above-normal temperatures in all three regions of the District. For more informati log on to the CPC's website at: <https://www.cpc.ncep.noaa.gov/products/predictions/90day/>.

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

March 24, 2020

Routine Report

Significant Activities

Staff Recommendation:

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

Significant Activities

This report provides monthly information through February 21, 2020 on significant Operations and Land Management projects and programs. The report provides a brief description and status of significant activities associated with the projects that have recently occurred or are about to happen.

Land Management

- Applied prescribed fire to 14,913 acres of District lands.
- Conducted three interagency aerial prescribed burns on Green Swamp East with assistance from the Florida Forest Service and the Florida Fish and Wildlife Conservation Commission. A total of 8,993 acres were treated with fire.
- Removed 624 feral hogs from District lands.
- Treated invasive exotic vegetation on 9,383 acres on District lands.
- Land resource-based revenue totals \$86,490.

Land Resources/Land Use and Protection

Issued Special Use Authorization to the following:

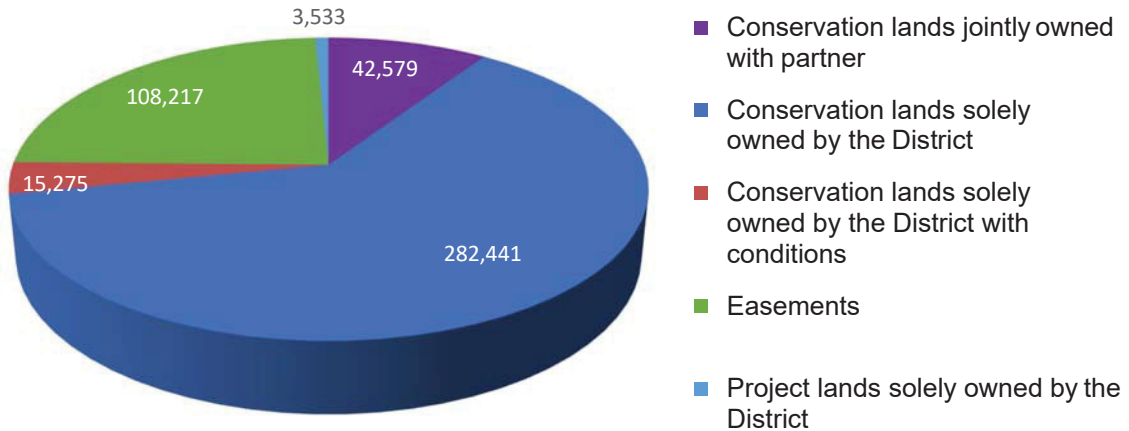
- Jeff and Lynette Spence for vehicle access to Lake Hancock to conduct the National Backyard Bird Count as part of a national program of “citizen science” coordinated by the National Audubon Society along with Cornell University.
- Gone Riding, Inc. for vehicle access to Green Swamp West to conduct a long-distance bicycle endurance race. Up to 150 participants expected.
- FWC for vehicle access to Green Swamp East for up to 15 law enforcement officers to conduct search and rescue training. Aviation and K9 support will not be involved.
- Pan American Dragon Boat Association for vehicle and vessel access to Tampa Bypass Canal to conduct a rowing event.
- City of Tampa Wastewater Department for vehicle access and use of Tampa Bypass Canal to conduct a wastewater main replacement project.

Volunteers provided 374 hours of service at a value of approximately \$8,811.00 to the District's conservation/recreation lands. Volunteer services included campground maintenance, trash removal, fence repair, mowing, and other miscellaneous tasks to assist in recreation and land management duties.

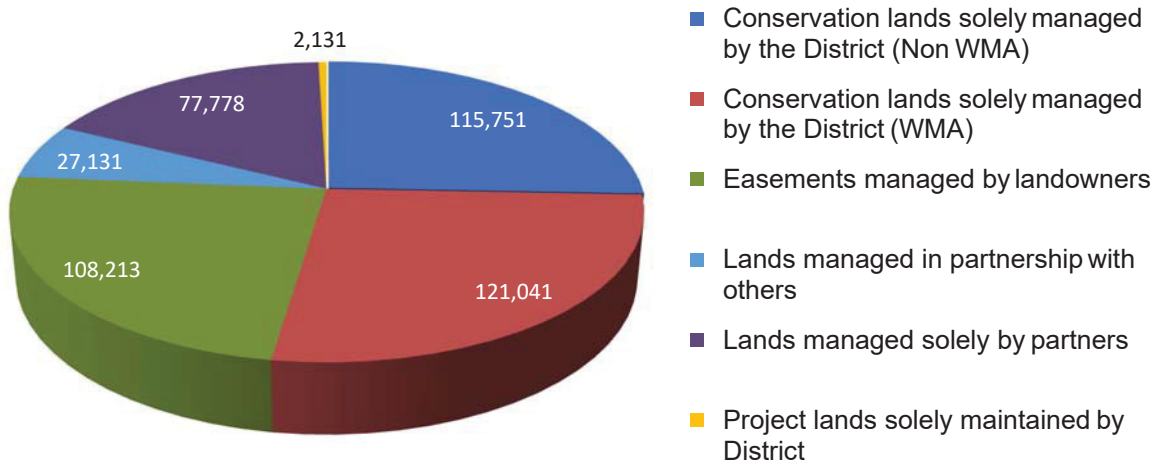
Processed 880 requests and provided 2,437 camping opportunities on District lands.

The following is a breakdown of District land interests:

District Land Ownership Total Acres: 452,045



Land Management and Maintenance Total Acres: 452,045



Staff Recommendation:

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

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

March 24, 2020

*Routine Report***Structure Operations**

Summary of gate status and water levels for select water control structures on March 2, 2020.
Refer to Exhibit A for District Structure Sites Location Map.

Tampa Bypass Canal

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Hillsborough River	S-155	22.92	38.0	21.0	Open
Upper Pool	S-159	23.57	38.0	21.0	Closed
Middle Pool	S-161	13.82	15.0	12.0	Closed
Lower Pool	S-160	9.84	11.0	9.0	Closed

*Elevations above referenced to NGVD29 datum

Hillsborough River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Thonotosassa	Flint Creek	35.30	36.1	33.6	Closed

Lake June-in-Winter

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
June-in-Winter	G-90	73.11	74.4	72.1	Closed

North Winter Haven Chain of Lakes

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Smart	P-6	127.50	127.75	123.50	Closed
Lake Henry	P-5	124.96	125.50	123.00	Closed
Lake Fannie	P-7	124.50	124.75	122.50	Closed
Lake Hamilton	P-8	120.09	120.50	118.00	Closed

Peace River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Hancock	P-11	99.30	102.1	96.6	Open

Alafia River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Medard Reservoir	Medard	57.88	58.2	56.6	Closed

Rocky Creek System

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Pretty	Pretty	43.34	43.50	41.00	Closed
Lake Armistead	Armistead	41.03	43.20	39.70	Closed

Brooker Creek System

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Tarpon	S-155	2.66	3.10	1.50	Closed

Sawgrass Lake

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Sawgrass Lake	Sawgrass	3.42	3.20	3.00	Closed

Withlacoochee River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Rousseau	Inglis Main	26.70	27.10	25.60	Closed
Lake Rousseau	Inglis Bypass	26.70	27.10	25.60	Open

Tsala-Apopka Chain of Lakes

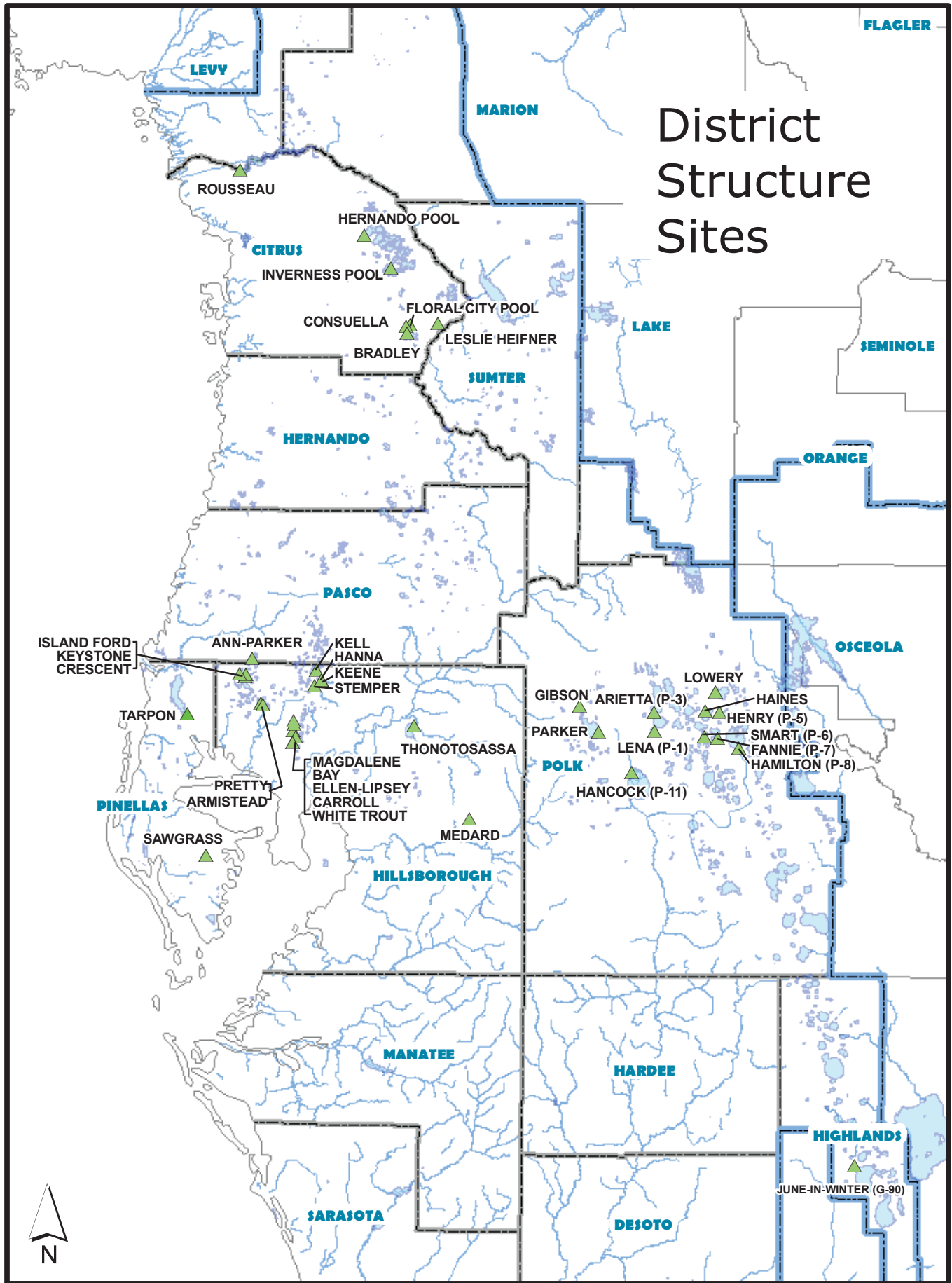
Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Hernando Pool	S-353	37.07	38.10	36.40	Closed

*Elevations above referenced to NAVD88 datum

Staff Recommendation:

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

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

March 24, 2020

Routine Report

Surplus Lands Update

Purpose

This report provides a status on the District's surplus lands program. Information is through March 2, 2020.

Background

In 2011, at the direction of the Governing Board, the District began a regular surplus lands assessment and sales of surplus lands program. The table below shows the status of the parcels declared surplus by the Governing Board.

Surplus Lands Status	Acres	Compensation
Sold, Exchanged or Transferred	1,761	\$8,745,719
Closing Pending		
Marketed by District (Annutteliga Hammock lots)	33	
Marketed by Broker	968	
Not Marketed	2,251	
Total	5,013	\$8,745,719

Sold from 2/3/2020 to 3/2/2020				
SWF Parcel No.	Date Closed	Acres	Contract Price	Appraised Value
15-228-1801S	2/3/2020	.92	\$9,000	\$8,800
15-228-1483S	2/7/2020	.62	\$7,500	\$6,000
Total		1.54	\$16,500	\$17,600

Staff Recommendation:

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

Presenter: Jerry Mallams, P.G., Operations and Land Management Bureau Chief

F. Regulation

**Governing Board Meeting
March 24, 2020**

REGULATION COMMITTEE

Discussion Items

40. Consent Item(s) Moved for Discussion	241
41. Denials Referred to the Governing Board	242

Submit & File Reports – None

Routine Reports

42. Dover/Plant City Water Use Caution Area Flow Meter Automatic Meter Reading (AMR) Equipment Implementation Program Update	243
43. Overpumpage Report	244
44. Individual Permits Issued by District Staff	248

REGULATION COMMITTEE

March 24, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

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

REGULATION COMMITTEE

March 24, 2020

Discussion Item

Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action.

Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

Staff Recommendation:

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

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

REGULATION COMMITTEE

March 24, 2020

Routine Report

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

At their December 2010 meeting, the Governing Board adopted a minimum aquifer level in the Dover/Plant City Water Use Caution Area (DPCWUCA); Rule 40D-8.626, Florida Administrative Code (F.A.C.), as well as a recovery strategy (Rule 40D-80.075, F.A.C.) that incorporated flow meters and automatic meter reading (AMR) equipment installations to monitor and reduce resource impacts from future frost/freeze pumping events. Meter information in the Dover/Plant City area will be used by the District to: (1) improve the allocation of well mitigation responsibilities among permit holders, (2) allow District staff to better identify permit compliance issues resulting from pumping during frost/freeze events, (3) improve the modeling of impacts resulting from pumping during frost/freeze events, (4) allow the monitoring of performance and track the progress of management actions implemented, and (5) provide for the overall assessment of the recovery strategy goal of reducing frost/freeze protection quantities by 20 percent in ten years. It was originally estimated as of June 16, 2011 that there were 626 flow meters and 961 AMR devices needing installation within the 256-square mile DPCWUCA. As of December 1, 2016 it was estimated that 573 flow meters and 954 AMR devices will need to be installed, currently, a revised assessment completed of May 1, 2019 estimated a program total of 540 flow meters and 870 AMR devices. This revised assessment is due to expired permits, use change, deletion of withdrawals not required to be metered and have AMR devices and the completion of the Flow Meter Reimbursement Program. Total costs of the program were estimated to be \$5.5 million for flow meter and AMR equipment installation with approximately \$316,000 required annually to support the program. On August 7, 2013, the AMR equipment installation and operation component of this project under RFP 004-13 was awarded to Locher Environmental Technology, LLC, partnered with AMEC Environmental and Infrastructure, Inc., and Hydrogage, Inc. The contract for the first phase of the program was executed on November 14, 2013 and an extension was made to allow for the replacement of 457 modems that will no longer be supported by Verizon by December 31, 2019. The modem replacements are to be completed by September 30, 2020. The second phase of program, for ongoing maintenance and limited AMR installations will begin on October 1, 2019.

New Activities Since Last Meeting: As of March 1, 2020, a total of 457 modems, required to be replaced by September 30, 2020, have been successfully replaced (100 percent complete).

Project Manager: Talia M. Paolillo

Staff Recommendation:

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

Presenter: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

REGULATION COMMITTEE

March 24, 2020

Routine Report

Overpumpage Report

Please see the attached report.

Staff Recommendation:

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

Presenter: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau

Overpumpage Report January 2020

Under Review ⁽¹⁾ Permit Application In-House ⁽²⁾ Forwarded to OGC ⁽³⁾

Permit No.	Permit Holder	Use Type	Permitted Quantity (gpd)	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<i>New From Previous Report</i>						
N/A	N/A	N/A	N/A	N/A	N/A	N/A

(1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC).

Overpumpage Report January 2020

Under Review ⁽¹⁾ Permit Application In-House ⁽²⁾ Forwarded to OGC ⁽³⁾

Permit No.	Permit Holder	Use Type	Permitted Quantity (gpd)	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
Continuing From Previous Report						
7139.004	Buttonwood Bay Utilities ¹	Public Supply – Modular Home Community	203,000	9/1/2019 216,808 gpd 6.80%	01/01/2020 232,414 gpd 14.49%	Bartow
11017.006	QC Desoto Grove Ventures, LLC (QC Standby 5-2) ¹	Agriculture - Citrus	122,900	9/1/2019 206,597 gpd 68.00%	01/01/2020 216,638 gpd 76.27%	Sarasota
10923.001	Spruce Creek Golf, LLC. ³	Recreation – Golf Course	163,600	4/1/2019 513,085 gpd 213.62%	01/01/2020 609,595 gpd 272.59%	Brooksville
1854.008	Panther Trails CDD ³	Recreation - Lawn/Landscaping	4,600	02/01/2019 11,573 gpd 151.59%	01/01/2020 10,089 gpd 119.33%	Tampa
12900.002	Minto Bradenton LLC. (Perico Island Development) ³	Recreation - Lawn/Landscaping	130,500	11/01/2017 196,759 gpd 50.77%	01/01/2020 156,770 gpd 20.13%	Sarasota
1156.012	Bay Laurel Center Public Water Supply System ^{2&3}	Public Supply	2,555,000	09/01/2016 2,696,799 gpd 5.55%	01/01/2020 3,422,403 gpd 33.95%	Brooksville
2588.010	Kelly Family Holdings, LLC. (Kelly Farms) ^{2&3}	Agriculture – Potatoes, Corn and Pasture	1,043,600	11/01/2016 851,054 gpd 20.79%	01/01/2020 1,226,422 gpd 17.52%	Sarasota

(1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC).

Attachment: Mar20 Routine Reports - Overpumpage Report - January 2020 Pumpage (4957 :

Overpumpage Report January 2020

Under Review ⁽¹⁾ Permit Application In-House ⁽²⁾ Forwarded to OGC ⁽³⁾

Permit No.	Permit Holder	Use Type	Permitted Quantity (gpd)	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<i>Continuing From Previous Report</i>						
7002.004	MHC FR Utility Systems, LLC. ³	Public Supply	97,100	04/01/2015 104,929 gpd 8.06%	01/01/2020 149,371 gpd 53.83%	Tampa

(1) Preliminary determination - permit is in non-compliance and file is under review by Regulation staff.

(2) A permit application is in-house for review.

(3) The non-compliance matter has been referred to the Office of General Counsel (OGC).

Attachment: Mar20 Routine Reports - Overpumpage Report - January 2020 Pumpage (4957 :

REGULATION COMMITTEE

March 24, 2020

Routine Report

Individual Permits Issued by District Staff

Please see the attached report.

Staff Recommendation:

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

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

INDIVIDUAL PERMITS ISSUED: ERPS – FEBRUARY 2020

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
43043605.004	The Villages of Southern Oaks Storm Water Earthworks Plan Phase 4C Modification	Sumter	Major modification to modify ponds previously authorized under 43043605.002. Also, adding two new ponds to the total project.	337	87.41	14.49	0
43041576.004	West Port	Charlotte	Modification of the previously approved stormwater system including new development layout and stormwater management system. No modification of previously approved wetland impacts are proposed.	434.68	7.07	1.69	0
49042599.001	Lake Flores	Manatee	Conceptual ERP	1,184.9	134.29	99.17	37.06
43032522.025	Main Street Villages	Sarasota	This application is for mass earth moving construction of a new surface water management. Proposed construction consists of 15 stormwater lakes, and expansion of two existing lakes.	564	101.36	22.2	0

Wetland Mitigation Acres may be zero or less than Wetland Acres Impacted for a variety of reasons. Some of those reasons are: impacted wetlands require no mitigation by rule (e.g., upland cut manmade ditches, etc.); quality of the impacted wetlands is less than the quality of proposed mitigation; or mitigation is provided through a different permit or a mitigation bank.

INDIVIDUAL PERMITS ISSUED: WUPS – FEBRUARY 2020

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	PREVIOUS PERMITTED QUANTITY	NEW PERMITTED QUANTITY	DURATION (YEARS)
20005676.010	Lake Placid Grove	Highlands	Renewal. Includes FARMS project to offset ground water with surface water. No increase in quantities.	Agricultural	2,563,500	2,449,700	20

**G. General
Counsel's Report**

**Governing Board Meeting
March 24, 2020**

GENERAL COUNSEL'S REPORT

Discussion Items

45. Consent Item(s) Moved for Discussion	250
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Submit & File Reports – None

Routine Reports

46. March 2020 Litigation Report	251
47. March 2020 Rulemaking Update	255

GENERAL COUNSEL'S REPORT

March 24, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Karen E. West, General Counsel

GENERAL COUNSEL'S REPORT

March 24, 2020

Routine Report

March 2020 Litigation Report

Staff Recommendation:

Presenter: Karen E. West, General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT
March 2020

OPEN ENFORCEMENT CASES
54 Cases as of March 5, 2020

Case Style	Court/Case No.	Attorney	Description	Date Opened	Date Closed
Enforcement Cases in Active Litigation					
SWFWMD v. James Marcus Vernon, P.E., et al	DOAH 20-000580	E. Fernandez	Challenge to Administrative Complaint and Order	01/31/20	
Permit/Agency Action Challenges					
Denlinger v. Summit View, LLC, and SWFWMD	N/A	J. Fussell A. Witherup	Administrative Challenge – ERP	08/20/19	9/6/19 – Pending Appeal
HC Waterworks, Inc. v. SWFWMD	N/A	C. Tumminia	Administrative Challenge- WUP	1/27/20	
Walden Pointe HOA v. SWFWMD	DOAH 20-000896	J. Fussell A. Dhand	Administrative Challenge – ERP	2/4/20	
Circuit Court Litigation					
Uranowski v. SWFWMD	Hernando County Case No. 16-CA-976	T. Gonzalez (outside counsel)	Employment Discrimination	09/30/16	
Denlinger v. SWFWMD	Pasco County Case No. 18-CA-1241	J. Fussell C. Tumminia	Inverse Condemnation Negligence (ERP)	05/18/18	Awaiting Order - Action Partially Dismissed
Heritage Lake Park CDD v. SWFWMD, et al.	Charlotte County Case NO. 18-CA-1191	C. Tumminia	Foreclosure (delinquent ad valorem taxes)	12/21/18	
Valdez v. SWFWMD	Pasco County Case No. 18-CA-1241	J. Fussell C. Tumminia	Inverse Condemnation Negligence (ERP)	01/30/19	Awaiting Order - Action Partially Dismissed
Cow Hammock, LLC v. Suggs & SWFWMD	Sumter County Case No. 19-CA-142	C. Tumminia	Quiet Title	04/22/19	
Gilberti v. DeSantis, SWFWMD, et al.	U.S. Middle Dist. Fl. 2:19-282-FtM	E. Fernandez C. Tumminia	R.I.C.O.	05/28/19	

SWFWMD v. Jacobs Engineering Group, Inc.	Hernando County Case No. 2019-CA-001105	M. McNeil	Complaint for Damages (Contracts and Indebtedness and professional malpractice)	09/27/19	
SWFWMD v. The Links at River Ridge	Pasco County Case No. 2019-CA-003331	C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies – Unauthorized Water Use	10/8/19	
SWFWMD v. Kelly Family Holdings, LLC	Charlotte County Case No. 19001087CA	C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies – WUP Overpumpage	10/15/19	
Duke Energy Florida, LLC v. SWFWMD, et al.	Pasco County Case No. 2019-CA-003821	J. Fussell	Petition in Eminent Domain	12/5/19	
Michael Lapham v. SWFWMD & FWC	US Middle Dist. FL. Case No. 5:19-cv-00579	A. Vining M. Bray	Civil Rights – Americans with Disabilities Act	01/10/2020	
SWFWMD v. Etcetera, Etc., Inc.	DeSoto County Case No. 2020-CA-000017	C. Tumminia M. Albrecht	Petition for Enforcement and Complaint for Civil Remedies - ERP	01/15/2020	
SWFWMD v. Carl Douglas Jr.	Charlotte County Case No. 20CA0112	E. Fernandez C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies – Well Construction Violations	02/06/2020	

SWFWMD v. James L. Barfield	Hillsborough County Case No. 20-CA-1725	E. Fernandez C. Tumminia	Petition for Enforcement and Complaint for Civil Remedies – Well Construction Violations	02/24/2020	
SWFWMD v. Holloway Park Foundation, Inc.	Polk County Case No. 20-CA- 000632	A. Vining	Petition for Enforcement and Complaint for Civil Remedies - ERP	2/19/2020	
William Laslo and Kyong E. Laslo v. SWFWMD, et al.	Hillsborough County Case No. 20-CA-1008	E. Fernandez M. Albrecht	Complaint for Negligence, Trespass, Breach of Duty to Warn or Avert a Dangerous Condition, Inverse Condemnation and Nuisance	2/24/2020	
Appeals					
Gilberti v. Federal Reserve, SWFWMD, et al.	U.S. Federal Cir.	E. Fernandez C. Tumminia	R.I.C.O.	06/18/19	Appeal Dismissed 3/4/20
Harry and Janet Denlinger v. SWFWMD	Second District Court of Appeal Case No. 2D19-3835	M. Bray J. Fussell A. Witherup	Appeal of Final Order of Dismissal with Prejudice	10/4/19	
Delegated Consent Orders					
None					

GENERAL COUNSEL'S REPORT

March 24, 2020

Routine Report

March 2020 Rulemaking Update

Staff Recommendation:

Presenter: Karen E. West, General Counsel

RULEMAKING UPDATE
MARCH 2020
PROPOSED RULES & AMENDMENTS

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
1. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302(1), F.A.C., to Repeal Reservations from Use of Morris Bridge Sink	May 2015	TBD	May 2015
2. Initiation and Approval of Rulemaking to adopt Minimum Flows for Rule 40D-8.041, F.A.C., Rainbow River System	June 2017	Effective Approx. March 2020	June 2017
3. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, F.A.C., to adopt revised Minimum Flows for the Chassahowitzka and Homosassa River Systems in Citrus County	October 2019	Effective Approx. March 2020	October 2019
4. Initiation and Approval of Rulemaking to Amend Rule 8.623, F.A.C. to Adopt revised Minimum Wetland Levels in Hillsborough, Pasco, and Pinellas Counties	November 2019	Effective Approx. March 2020	November 2019
5. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lakes Church and Echo in Hillsborough County	December 2019	Effective Approx. March 2020	December 2019
6. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Charles in Hillsborough County	December 2019	Effective Approx. March 2020	December 2019
7. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Calm in Hillsborough County	December 2019	Effective Approx. March 2020	December 2019
8. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Sapphire Lake in Hillsborough County	December 2019	Effective Approx. March 2020	December 2019

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
9. Initiation and Approval of Rulemaking to Amend Rule 8.624, F.A.C. to Adopt revised Minimum and Guidance Levels for Lake Linda in Pasco County	January 2020	TBD	January 2020
10. Initiation and Approval of Rulemaking to Amend Rule 40D-2.302 to adopt a Reservation from Use for Lake Hancock in Polk County	February 2020	Effective Approx. May 2020	February 2020
11. Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, F.A.C., to amend WUP Applicant's Handbook Part B	April 2020	April 2020	April 2020

COMMITTEE/LIAISON REPORTS

March 24, 2020

Discussion Item

Agricultural and Green Industry Advisory Committee

Staff Recommendation:

Presenter: Michelle Williamson, Board Member

EXECUTIVE DIRECTOR'S REPORT

March 24, 2020

Discussion Item

Executive Director's Report

Staff Recommendation:

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

J. Chair's Report

CHAIR'S REPORT

March 24, 2020

Discussion Item

Chair's Report

Staff Recommendation:

Presenter: Mark Taylor, Chair

CHAIR'S REPORT

March 24, 2020

Routine Report

Employee Milestones

Staff Recommendation:

Presenter: Mark Taylor, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	03/23/2015	Geron Kendrick	System Support Specialist	Tampa	Regulatory Support	2020	03/23/2020
5	03/23/2015	Lisa Marie Cronin	Staff Regulatory Support Technician	Sarasota	Regulatory Support	2020	03/23/2020
30	03/20/1990	Mike Bartlett	Structure Operations Manager	Brooksville	Operations and Land Management	2020	03/20/2020
35	03/18/1985	Terry Burrell	Hydrologic Data Field Tech Senior	Brooksville	Data Collection	2020	03/18/2020