

Governing Board Meeting

Agenda and Meeting Information

May 19, 2020

9:00 AM

Brooksville Office

2379 Broad Street • Brooksville, Florida

(352) 796-7211

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



An Equal
Opportunity
Employer

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs, services and activities. Anyone requiring reasonable accommodation, or 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. 4703; or email ADACoordinator@WaterMatters.org<<mailto:ADACoordinator@WaterMatters.org>>. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice). 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

MAY 19, 2020

9:00 AM

Brooksville Office

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

All meetings are open to the public.

- Viewing of the Board meeting will be available at each of the District offices and through the District's website at www.WaterMatters.org. All or part of this meeting may be conducted by means of communications media technology.
- 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

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

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

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

5. Resolution No. 20-06, Commending Bryan Beswick for His Service as a Member of the Southwest Florida Water Management District Governing Board
6. Office of Inspector General: Self-Insurance Programs Follow-Up Audit
7. Water Reuse Week
8. Budget Transfer Request for Property and Casualty Premiums and Insurance Broker Services
9. Budget Transfer Report

Resource Management Committee

10. FARMS - William Kip Keene – Trapnell Road Farm (H783), Hillsborough County

Operations, Lands and Resource Monitoring Committee

11. Second Amendment to Agreement for Release of Conservation Easement – Sarasota Interstate Park of Commerce (SIPOC) – Sarasota County SWF Parcel No. 21-118-248
12. Donation of Property – Cypress Creek Preserve, SWF Parcel No. 13-500-397
13. Monitor Well Purchase – South Hillsborough Aquifer Recharge Project - Phase II Sun City Well, Hillsborough County - Regional Observation Monitor-Well (ROMP) TR9-5 [20-065] SWF Parcel No. 11-020-040

Regulation Committee

14. Authorization for Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, F.A.C., to Amend WUP Applicant's Handbook Part B, and to Amend the Public Supply Annual Report Part A
15. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20004352.008 - South Central Hillsborough Regional Wellfield / Tampa Bay Water (Hillsborough County)
 - b. WUP No. 20020703.001 / Optimum Ranch / Optimum Ranch Florida, LLC (Desoto County)
 - c. WUP No. 20020808.000 / City of Cape Coral Supplemental Irrigation Water Supply / City of Cape Coral (Charlotte County)

General Counsel's Report

16. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Consideration of Final Order - Petition for Declaratory Statement - Shannon R. Turbeville - Hernando County
 - b. Approval of Consent Order Between SWFWMD and McLeod Family Holdings, LLC and Automotive Fleet Enterprises, Inc. – ERP Violations – CT No. 396747 – Pasco County
 - c. Approval of Settlement Agreement Between SWFWMD and the Links at River Ridge, LLC - Unauthorized Water Use - CT No. 400298 - Pasco County
17. Rulemaking-None

Executive Director's Report

18. Approve CFI Northern Region Meeting Minutes – April 1, 2020
19. Approve CFI Southern Region Meeting Minutes – April 2, 2020
20. Approve CFI Tampa Bay Region Meeting Minutes – April 8, 2020
21. Approve CFI Heartland Region Meeting Minutes – April 9, 2020
22. Approve Governing Board Minutes – April 28, 2020

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

23. Consent Item(s) Moved for Discussion
24. Knowledge Management: Comprehensive Fraud Governing Board Policy

25. Fiscal Health Update

Submit & File Reports - None

Routine Reports

26. Treasurer's Report and Payment Register

27. Monthly Financial Statement

28. Monthly Cash Balances by Fiscal Year

29. Comprehensive Plan Amendment and Related Reviews Report

RESOURCE MANAGEMENT COMMITTEE (TAB D)

Discussion

30. Consent Item(s) Moved for Discussion

31. FY2020-21 Cooperative Funding Update

Submit & File Reports

32. Lower Hillsborough River Recovery Strategy – Second Five-Year Assessment

Routine Reports

33. Minimum Flows and Levels and Reservations Status Report

34. Significant Water Resource and Development Projects

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE (TAB E)

Discussion

35. Consent Item(s) Moved for Discussion

Submit & File Reports

36. Hydrologic Conditions Report

Routine Reports

37. Significant Activities

38. Structure Operations

39. Surplus Lands

REGULATION COMMITTEE (TAB F)

Discussion

40. Consent Item(s) Moved for Discussion

41. Consider Water Shortage Order(s) as Necessary

42. Denials Referred to the Governing Board

Submit & File Reports - None

Routine Reports

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. May 2020 Litigation Report

47. May 2020 Rulemaking Update

EXECUTIVE DIRECTOR'S REPORT (TAB H)

48. Executive Director's Report

CHAIR'S REPORT (TAB I)

49. Chair's Report

50. 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 4/15/2020

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., Brooksville Office (Audio Visual Communication)
April 28, 2020 – 10:00 a.m., Brooksville Office (Audio Visual Communication)
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 (Audio Visual Communication)
2020 – April 2 – Southern Region, Brooksville Office (Audio Visual Communication)
2020 – April 8 – Tampa Bay Region, Brooksville Office (Audio Visual Communication)
2020 – April 9 – Heartland Region, Brooksville Office (Audio Visual Communication)

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

MAY 19, 2020
9:00 a.m.

CONVENE PUBLIC MEETING (TAB A)

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Additions/Deletions to Agenda
4. 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

5. Resolution No. 20-06, Commending Bryan Beswick for His Service as a Member of the Southwest Florida Water Management District Governing Board

Request that the Governing Board sign a resolution to honor Mr. Bryan Beswick for his term as a Governing Board member. Mr. Beswick was appointed by Governor Charlie Crist in April 2008 and reappointed by Governor Rick Scott in March 2013. He served until July 2019.

Staff Recommendation:

Approve Resolution No. 20-06, Commending Bryan Beswick for His Service as a Member of the Southwest Florida Water Management District Governing Board.

6. Office of Inspector General: Self-Insurance Programs Follow-Up Audit

In accordance with the Office of Inspector General (OIG) Charter Governing Board Policy and Section 20.055, Florida Statutes, the Inspector General shall monitor the implementation of the District's response to any audit issued by the Auditor General (AG).

On July 9, 2018, the AG released report No. 2019-001 on the operational audit of the District. Included in this report was a finding regarding self-insurance programs. The AG recommended the District should enhance procedures to effectively monitor health and workers' compensation self-insurance claims payments.

The OIG conducted this follow-up audit for the period October 1, 2018 to December 31, 2019 in accordance with Generally Accepted Government Auditing Standards. Those standards require that the OIG plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for conclusions based upon the audit objectives. The OIG believes that the evidence obtained provides a reasonable basis for the conclusion based on the audit

objectives. The audit objectives of this follow-up audit were to:

- Evaluate management's performance in establishing and maintaining internal controls in accordance with applicable statutes, laws, rules, regulations, contracts, grant agreements, and other guidelines.
- Examine internal controls designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance, economic and efficient operations, reliability of records and reports, and the safeguarding of assets, and identify weaknesses in those controls.
- Determine whether management had taken corrective action for, or was in the process of correcting, the AG's self-insurance programs finding from report No. 2019-001.

This follow-up audit did not disclose any reportable conditions regarding management's performance within the scope of the audit. As a result, the OIG concludes the District has taken corrective actions for the self-insurance programs finding per the AG's Report No. 2019-001.

Staff Recommendation:

Staff recommends the Board approve the Office of Inspector General Self-Insurance Programs Follow-Up Audit.

7. Water Reuse Week

Request that the Governing Board sign a resolution declaring May 17-23, 2020 as "Water Reuse Week" to focus the public on the benefits of expanding this important water resource.

Since 2007, the State of Florida, the Florida Department of Environmental Protection, water management districts, water utilities, local governments and water-related organizations such as the WaterReuse Association have declared the third week in May as "Water Reuse Week" to promote and encourage efficient use of reclaimed water.

The largest use for reclaimed water is irrigation and May is typically the month when irrigation demands peak due to hot and dry conditions. Reclaimed water provides a means for conserving and augmenting Florida's precious water resources and is key to meeting future demands.

Three decades of Governing Board support has enabled utilities within the District to progressively increase beneficial reclaimed water use to 190 million gallons per day in 2019. This represents a 51 percent beneficial utilization of all wastewater treatment plant flows within the District and is well on the way to achieving the District's 2040 goal of 75 percent beneficial utilization.

Approval of this resolution demonstrates the District's continued support of the use and expansion of reclaimed water. This item supports the District's mission and strategic initiatives through maximizing the beneficial use of reclaimed water to offset potable water supplies and restore water levels and natural systems.

Staff Recommendation:

Approve and execute Resolution No. 20-04 declaring May 17-23, 2020 as "Water Reuse Week."

8. **Budget Transfer Request for Property and Casualty Premiums and Insurance Broker**

Request approval of a budget transfer in the amount of \$60,200 from the withdrawn Zephyr Creek Drainage Improvements: Units 1 and 2 CFI Project (N836) for Property and Casualty Premiums and Insurance Broker Services.

Two events occurred in FY2020 that resulted in utilizing additional funds from the current Insurance and Bonds budget.

1. Property and casualty coverage for the new Sarasota Office building.
2. Overlapping insurance broker services due to transition to new broker.

In January, the new Sarasota building was purchased. Staff were not able to move into the new location until March. Therefore, during this time we owned both buildings and required overlapping coverage due to the transition of the old and new building. This along with other unanticipated increases in premiums required an additional \$14,450 for the remainder of the fiscal year.

The District transitioned this year to having one broker for multiple lines of insurance, rather than separate brokers for each line. Based on the solicitation for broker services, the District awarded Public Risk Insurance Advisors (PRIA) the contract for broker services for health, risk, and workers' compensation insurance effective January 1, 2020. The existing broker for Property and Casualty, USI Insurance Services, continued until March 30, 2020.

During this transitional phase of broker services, this resulted with an overlap in services for the first quarter of calendar year 2020 which required an additional \$15,750. The overlap was necessary to ensure the District had brokerage service during the purchase of the new Sarasota office building.

Additionally, a recent review of the District's current insurance policies resulted in a recommendation of increasing the coverage for Cyber Security insurance. It was determined that the current limits on this policy compared to others in the industry are significantly lower. Due to the pandemic, there has been an increase in staff currently working remotely from home. The rise in remote working can lead to an increased vulnerability to cyber-attacks. This has also resulted in an increase in claims by other public entities. The cost of Cyber Security liability insurances continues to rise due to these claims. The additional coverage would require \$30,000 in premiums for the excess Cyber Security coverage and will be effective for one calendar year.

Funding is available from the Zephyr Creek Drainage Improvements: Units 3 and 4 CFI Project (N990), 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:

Approve the budget transfer of \$60,200 from the Zephyr Creek Drainage Improvements: Units 1 and 2 CFI Project (N836) for Property and Casualty Premiums and Insurance Broker Services.

9. **Budget Transfer Report**

Request approval of the Budget Transfer Report covering all budget transfers made during the month of April 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:

Approve the Budget Transfer Report covering all budget transfers for April 2020.

Resource Management Committee

10. FARMS – William Kip Keene – Trapnell Road Farm (H783), Hillsborough County

Request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with William Kip Keene and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$87,854 (75% percent of total project costs). Of this amount, \$87,854 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$117,139.

The District received a project proposal from William Kip Keene, for his 45-acre strawberry operation located 6 miles southeast of Plant City, in eastern Hillsborough County, within the Northern Tampa Bay Water Use Caution Area (NTBWUCA), and Dover Plant City Water Use Caution Area (DPCWUCA). This project will involve the utilization of a 2-acre reservoir, currently under construction, to collect tailwater and surface water from the property and surrounding watershed to offset Upper Floridan aquifer groundwater used for bed preparation, crop establishment, supplemental irrigation and cold protection for 35 acres of strawberries. The Water Use Permit (WUP) authorizes an annual average groundwater withdrawal of 149,600 gallons per day (gpd) and a cold protection quantity of 2,358,000 gpd. FARMS project components consist of one surface water irrigation pump station, filtration system, valves, and the piping necessary to connect the surface water reservoir to the existing irrigation system.

The proposed project involves water quantity best management practices for bed preparation, crop establishment, supplemental irrigation and alternatives to using groundwater for cold protection within the DPCWUCA. Therefore, the project qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. The project is expected to offset 16,000 gpd for bed preparation and crop establishment and 980,000 gpd of the permitted cold protection quantities. This offset yields a cost of \$2.79 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and cold protection for strawberry operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of this project, the Governing Board will have \$5,188,021 remaining in its FARMS Program budget.

Staff Recommendation:

- 1) Approve the William Kip Keene - Trapnell Rd Farms project for a not-to-exceed project reimbursement of \$87,854 with \$87,854 provided by the Governing Board.
- 2) Authorize the transfer of \$87,854 from fund 010 H017 Governing Board FARMS Fund to the H783 William Kip Keene - Trapnell Rd Farm project fund.
- 3) Authorize Division Director to sign the agreement.

Operations, Lands and Resource Monitoring Committee

11. Second Amendment to Agreement for Release of Conservation Easement – Sarasota Interstate Park of Commerce (SIPOC) – Sarasota County SWF Parcel No. 21-118-248

Recommend the Governing Board approve the Second Amendment to the Agreement for Release of Conservation Easement for the Sarasota Interstate Park of Commerce (SIPOC), now known as University Town Center (UTC), included as Exhibit 1. A general location map and a site map are attached as Exhibits 2 and 3, respectively.

The District issued an Individual Conceptual ERP No. 49025469.000 for the SIPOC on September 28, 2004. This Conceptual Permit for a 372-acre commercial project provided conceptual approval for the stormwater management system; 100-year floodplain; and wetland delineation, impacts, and mitigation. As part of the wetland mitigation plan a 63.91-acre conservation easement over an area of uplands and wetlands was recorded, Sarasota County Instrument No. 2005234325 (CE).

The mitigation provided by the CE is no longer needed due to additional wetland mitigation provided under subsequent construction permits (ERP Nos. 49025469.001 and .002). The property owner, Benderson, LLC ("Benderson"), requested a release of the CE. In May of 2016 the Governing Board approved the release of the CE together with an Agreement for Release of Conservation Easement ("CE Release Agreement"). The terms of the CE Release Agreement required Benderson to provide the District, within twelve months, either a land exchange or new conservation easement of equivalent environmental value, or participation in a District land purchase. If Benderson failed to provide the District with a new conservation easement, a land exchange that is environmentally equivalent to the CE, or participate in a District land purchase for acreage that would provide an environmental equivalent to the CE, then the District's sole remedy is for Benderson to pay the value of the CE property, determined as of May 24, 2016.

Prior to the expiration of the twelve-month period for providing the District with a land exchange or new conservation easement, Benderson requested a one-year extension of the CE Release Agreement. The District's Governing Board approved an Amendment to CE Release Agreement in May of 2017 that extended the time for another year. In May of 2018 the District and Benderson began discussions for the resolution of this matter that resulted in obtaining an appraisal of the CE at the predetermined date of value, May 24, 2016. The appraisal process led to further discussions about the useable area of the property. The resolution of this matter resulted in need for the Second Amendment to Agreement for Release of Conservation Easement. The proposed amendment will resolve payment for the portions of the site that will be immediately developed and address the future payment for the remainder of the property upon its development.

The Property consists of a total of 63.91 acres of which 19.41 acres are potentially developable with 13.35 acres being currently financially feasible for development.

The property is zoned RMF-3 / PUD (Residential Multi-Family / Planned Unit Development) by Sarasota County. The Future Land Use for the property is HDR (High Density Residential) with a density of 9 to 13 units per acre.

The appraisal obtained by Benderson was prepared by Robert Fletcher MAI with Bass Fletcher and Associates, Inc. The appraiser estimated the value of the 63.91-acre property based on the conservation easement being released. The property consists of 44.5 acres that are undevelopable and 19.41 acres that may be developed. The Districts CE has been released for the entire property.

The appraisal valued the undevelopable areas and also determined that of the 19.41 acres that may be developed, only 13.35 acres are currently considered feasible for development. The Second Amendment to the Agreement for Release of the Conservation Easement is necessary to address the future compensation to the District for the remaining 6.06 acres when they are developed. The appraiser estimated a value for the property, excluding the future development value of the 6.06 acres and after deduction of the development costs, as of May 24, 2016, to be \$1,510,000.

Negotiated Terms

- The total potentially developable area of the released CE property is 19.41 acres.
- Benderson will pay \$1,510,000 for the 13.35 acres of currently developable property.
- Benderson will pay for the remaining 6.06 acres when it becomes economically feasible for development.
- The value for the additional 6.06 acres will be paid based on the determination of the market value at the time of its development.
- The District will receive payment for the value of the CE encumbering the 13.35 acres within five calendar days after approval of this Second Amendment to Agreement for Release of Conservation Easement.

The District will receive a payment for the release of its easement and there will be no future monitoring or enforcement costs for the property.

Staff Recommendation:

- Approve the Second Amendment to the Agreement for Release of Conservation Easement and authorize the Governing Board Chair and Secretary to execute the document on behalf of the District; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

12. **Donation of Property – Cypress Creek Preserve, SWF Parcel No. 13-500-397**

Recommend the Governing Board accept the Donation Agreement with the Mertz Foundation, included as Exhibit 1, and add the property proposed for donation to the District's Florida Forever Work Plan as part of the Cypress Creek Project. The proposed property being donated consists of approximately 1,055 acres (Property). A general location map and a site map are attached as Exhibits 2 and 3, respectively.

The Cypress Creek Preserve consists of approximately 7,400 acres of conservation lands, providing water resource benefits to the region. The Preserve includes a wellfield, that is managed by Tampa Bay Water and serves as an important public water supply source for the surrounding region.

The District has not considered the property for acquisition until the offer of a donation was received. The Property has not been included in the District's Florida Forever Work Plan. The Work Plan identifies lands that meet the goals outlined in the Florida Forever Act (259.105, F.S.) including conservation lands and lands necessary for water resource development projects or waterbody restoration projects.

The Governing Board may amend the District's Florida Forever Work Plan by adding or deleting project lands as deemed necessary. Adding this property to the District's Florida Forever Work Plan and accepting the donation of the Property is consistent with the Florida Forever Act goals:

- Enhance the coordination and completion of land acquisition projects.
- Increase the protection of Florida's biodiversity at the species, natural community, and landscape levels.
- Protect, restore and maintain the quality and natural functions of land, water, and wetland systems of the state.

The Property consists of three separate parcels comprising 1,055 acres, all of which adjoin District ownership. The proposed transaction would be the largest property donation ever made to the District. The properties are in Pasco County along the east side of Ehren cutoff road and the north and east sides of Parkway Boulevard. The largest of the parcels is 980 acres and the other two parcels are not connected to the main piece and are 44 and 31 acres

in size.

Pasco County identifies the zoning and land use for this property as a Planned Unit Development. The largest parcel is vacant with a mix of uplands used for pasture and wetlands interspersed with small ponds. There is a grazing lease for cattle on the largest parcel. The smaller parcels have more native vegetation and wetland areas. The current land cover of improved pasture and basin swamps with canals and ditching connecting the wetlands. The primary flow way from these interconnected wetlands is into the Cypress Creek floodplain. The improved pastures occur primarily on former sandhill natural communities, and as such these are high recharge areas.

Portions of this property may offer future restoration opportunities for the District's Surface Water Improvement and Management (SWIM) program.

The Property is being offered as a donation therefore an appraisal was not obtained or necessary for the District to accept title.

Donation Terms:

- The Foundation will deliver title free and clear of all encumbrances not acceptable to the District by a fee simple deed.
- The Foundation will provide the District a current survey of the property.
- The Foundation will provide title insurance for the property.
- The District will obtain a Phase I Environmental Site Assessment (ESA), with Phase II investigations subject to approval by the Foundation.
- The Foundation will either terminate or assign the grazing lease upon request by the District.
- The District will execute an IRS Form 8283 acknowledging the Foundation's donation.
- The Foundation will bear all expenses, with exception of the documentary stamps owed for recording the conveyance, and ESA for the transaction.
- The District cannot assign, transfer or convey its interest, in whole or in part under any circumstances.

The acceptance of this donation will benefit all four of the District's Areas of Responsibilities and provide an enhancement to the District's existing ownership. The Property will further protect the investment the District has already made in the Cypress Creek Preserve.

The future management needs may include a prescribed burn program, cattle lease management, and restoration activities. The estimated cost to manage the District's property within the Cypress Creek Preserve in 2019 was \$16.19 per acre.

Staff Recommendation:

- 1) Amend the District's Florida Forever Work Plan to add the Property proposed for the Donation.
- 2) Approve the Donation Agreement and authorize the Executive Director to sign on behalf of the Governing Board.
- 3) Designate the Property as having been acquired for conservation purposes.
- 4) Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

13. Monitor Well Purchase – South Hillsborough Aquifer Recharge Project - Phase II Sun City Well, Hillsborough County - Regional Observation Monitor-Well (ROMP) TR9-5 [20-065] SWF Parcel No. 11-020-040

Request Governing Board approval of the transfer documents relating to the purchase of the

South Hillsborough Aquifer Recharge Project - Phase II Sun City Well from Hillsborough County (County) for inclusion into the District's coastal groundwater quality monitoring network as the ROMP TR 9-5 well site. The District's purchase of ROMP TR 9-5 well site is contingent on a Florida Department of Environmental Protection (FDEP) funding agreement for reimbursement of District funds. A general location map is attached as Exhibit 1.

The Governing Board approved the purchase of the ROMP TR 9-5 well site at its Board Meeting on March 24, 2020, and also approved the transfer of funds in the amount of \$638,550 from the Zephyr Creek Drainage Improvements: Units 1 & 2 Project (N836) to the Water Quality Monitoring Program. The purchase is subject to a FDEP funding agreement for reimbursement of District funds and to the District obtaining acceptable legal ingress/egress access to ROMP TR 9-5 well site. The application for funding was completed, submitted to FDEP and approved by FDEP on April 21, 2020. Transfer of ROMP TR 9-5 well site from the County to the District will be accomplished using a bill of sale for the well components and an assignment of the permanent utility easement, copies of which are attached hereto as Exhibits 2 and 3, respectively. The District has negotiated ingress/egress access with the County and the landowner, Miller Homes of Florida, Inc., through an amendment to the County's existing force main easement, a proposed copy of which is attached hereto as Exhibit 4. The District has additionally negotiated an easement with the landowner for the discharge of water withdrawn from the well during water quality sampling (purge water) into an adjacent wet retention pond, a copy of which is attached hereto as Exhibit 5.

Data gathered from the ROMP TR 9-5 well site will:

1. Improve the District's understanding of the hydrogeologic framework of coastal Hillsborough and Manatee counties.
2. Enhance regional and local groundwater modeling efforts.
3. Improve the District's understanding of the position and movement of the saltwater interface within the Most Impacted Area (MIA) of the Southern Water Use Caution Area (SWUCA); and
4. Support assessments of potential withdrawal-related impacts to water resources.

Purchase of the well will allow the District immediate access to monitor the water resources at this location. The cost breakdown for the well was determined to be \$638,550, and the assignments and easements from the landowner and the County for ingress/egress access and purge water were negotiated at no cost to the District.

Staff Recommendation:

- Approve the bill of sale for the well components and authorize the Executive Director to sign on behalf of the Governing Board.
- Accept the amended force main perpetual easement.
- Accept the assignment of the perpetual utility easement for the well location.
- Accept the perpetual easement for the purge water.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Regulation Committee

14. Authorization for Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, F.A.C., to Amend WUP Applicant's Handbook Part B, and to Amend the Public Supply Annual Report Part A

The District proposes the following amendments to provisions of 40D-2 Florida Administrative Code (F.A.C.), the Water Use Permit Applicant's Handbook Part B (Applicant's Handbook), and the Public Supply Annual Report Part A (PSAR).

Rule 40D-2.091, F.A.C., incorporates by reference forms and instructions that have been approved by the Governing Board and are used in District water use permitting. The District's Applicant's Handbook is incorporated by reference in Rule 40D-2.091(1)(a), F.A.C. The objective of the Applicant's Handbook is to identify the procedures and information used by District staff in permit application review.

The Applicant's Handbook Section 2.4.8.4.1.3 provides for a standard deduction of 50% for reclaimed water use in annual report calculations by public supply permittees. The proposed revisions to the Applicant's Handbook and the PSAR would allow a public supply permittee to account for actual reclaimed water use rather than artificially limiting the beneficial reuse of reclaimed water to a fixed percentage.

Additionally, Rule 40D-2.091(1)(a), F.A.C. must be updated to incorporate the revised version of the Applicant's Handbook.

Exhibits for the proposed amendments are included in the Governing Board's meeting materials. Upon Governing Board authorization of the initiation of rulemaking and approval of the proposed amendments, District staff will submit notice to the Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with rulemaking. If substantive changes are necessary as a result of comments received from the public or from the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

Staff Recommendation:

Authorize the initiation of rulemaking and approve the proposed revisions to Rule 40D-2.091(1)(a) F.A.C., Applicant's Handbook Section 2.4.8.4.1.3, and the Public Supply Annual Report Part A, and authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process.

15. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 20004352.008 - South Central Hillsborough Regional Wellfield / Tampa Bay Water (Hillsborough County)

This is a renewal of an existing permit for public supply use for a regional wellfield. The authorized annual average and peak month quantities remain unchanged from the previous permit and authorize an annual average quantity of 24,100,000 gallons per day (gpd) and a peak month quantity of 33,000,000 gpd. There is no change in use from the previous permit. The authorized quantities are a component of the Tampa Bay Water regional system needed to meet the south-central Hillsborough County public supply demand. The quantities are based on demand projections which were calculated from population projections, historical pumpage data, and documented per capita water use rates.

Special conditions include those that require the Permittee to maintain flow meters on all withdrawal points; report monthly meter readings; monitor and report water quality, aquifer water levels, streamflow, and rainfall; cap withdrawal points not in use; reduce pumping to the maximum degree possible during freeze events; investigate withdrawal related complaints; and submit annual wellfield reports.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

b. WUP No. 20020703.001 / Optimum Ranch / Optimum Ranch Florida, LLC (Desoto County)

This is a renewal with modification of an existing water use permit for agricultural use. The authorized water use quantities are an increase from 769,600 gallons per day (gpd) to 2,414,700 gpd annual average, from 769,600 gpd to 2,432,800 gpd drought annual average, and from 1,362,400 gpd to 5,350,900 gpd Peak Month. The increase is due to a change in the crop plan which increased the irrigated crops from 203 acres of Spring small vegetables and 203 acres of Fall small vegetables to 242.2 acres of Spring small vegetables, 414.5 acres of Fall small vegetables, 172.3 acres of squash, 245.2 acres of Spring tomatoes, 245.2 acres of Fall tomatoes, and 179.5 acres of melons. The crops are irrigated using drip with plastic and seepage auxiliary, with the exception of a 172.3-acre field serviced by a mobile lateral irrigation system using overhead spray with seepage auxiliary. The water use quantities for supplemental irrigation are based on the District's agricultural irrigation demand model AGMOD. The project includes use of an augmented linear irrigation reservoir with collector ditches that will capture tailwater as well as rainfall runoff. Reclaimed water is not used at the site as none is currently available. The permit is in DeSoto County and Southern Water Use Caution Area (SWUCA).

Special Conditions of the permit require the Permittee to continue metering and monthly reporting of three existing wells, install a meter and begin monthly reporting for one proposed well, conduct and report meter accuracy testing every 5 years, install and maintain backflow prevention and an automated augmentation control system at the well used for augmentation, report twice annually the seasonal crops grown, construct two proposed wells per authorized well specifications, caliper log a well (DID No. 2) if accessed for regular maintenance, investigate the feasibility of reclaimed water when directed by the District, submit updates to leases, implement BMPs and a water conservation plan, and be subject to 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.

c. WUP No. 20020808.000 / City of Cape Coral Supplemental Irrigation Water Supply / City of Cape Coral (Charlotte County)

This is a new Water Use Permit (WUP) for Use Type landscape/recreation. This permit authorizes the capture and storage of excess wet season sheetflow off the Babcock-Webb Wildlife Management Area (WMA) in an offline reservoir located in Charlotte County, within the jurisdiction of the Southwest Florida Water Management District (SWFWMD). The reservoir is comprised of former mine pits associated with the Southwest Aggregates property (WUP 11222), which will conclude all mining activities in 2021. During the dry season, storage will be conveyed south from the reservoir via three miles of pipeline along U.S. Highway 41, discharging west into Gator Slough which then flows into the City of Cape Coral's extensive canal system, located in Lee County within the jurisdiction of the South Florida Water Management District (SFWMD). A Memorandum of Understanding (MOU) between the SWFWMD and the SFWMD was executed on December 17, 2019 to address this transfer of water across District boundaries. The authorized quantities are 3,945,200 gallons per day (gpd) on an annual average basis, and 16,000,000 gpd on a peak month basis. Quantities are based on maintenance of canal levels within the City of Cape Coral as necessary for both irrigation and fire suppression during the dry season, as determined by a 2017 Pilot Study and ongoing 2020 Work Plan now supported by a comprehensive environmental Monitoring Plan and an Operations & Maintenance Plan.

This permit is located within the Southern Water Use Caution Area (SWUCA) and relies exclusively on Alternative Water Supply (AWS). This permit provides significant resource benefit in the form of regional watershed management and restoration by capturing excess sheetflow which is adversely impacting the hydrology of the Babcock-Webb WMA. Additionally, this permit provides a significant benefit to public health and safety because the City of Cape Coral also relies on its canal system for firefighting.

Special conditions include those that require the Permittee to report inflows to and discharges from the reservoir; to adhere to the diversion schedules; to perform meter accuracy checks every five years; to immediately implement the environmental Monitoring Plan; to immediately implement the Operations & Maintenance Plan; to continue implementation of the ongoing Work Plan with final report due by January 1, 2022; to install and monitor hydraulic barriers; to investigate complaints related to reservoir operation; to install and maintain specified staff gauges and report water levels; to install and maintain specified piezometers and report water levels; to install and maintain a rain gauge and report rainfall totals; to submit a comprehensive Annual Reservoir Operations report by January 1 each year; to demonstrate ownership or control of the property within one year, and to obtain all necessary permits and authorizations; 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.

General Counsel's Report

16. Administrative, Enforcement and Litigation Activities that Require Governing Board

Approval

a. 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. On March 20, 2020, Petitioner waived the statutory timeline provided in section 120.565(3), F.S., and authorized a 90-day extension that the District may consider additional information.

Petitioner alleges that his current and future vessel access to lands adjacent to 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.

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.

The facts alleged by Petitioner relate to his future vessel access and use of the Weeki Wachee River and lands abutting the river under hypothetical boating restrictions that do not exist. 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 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.

b. Approval of Consent Order Between SWFWMD and McLeod Family Holdings, LLC and Automotive Fleet Enterprises, Inc. – ERP Violations – CT No. 396747 – Pasco County

This enforcement matter involves the unauthorized construction of approximately 52,100 square feet of impervious/semi-impervious surface area created to serve an RV and commercial truck sales lot in Pasco County, Florida ("Project Site"). The Project Site is owned by McLeod Family Holdings, LLC ("Owner") and operated by Automotive Fleet Enterprises, Inc. ("Tenant").

On September 27, 2018, District staff investigated the unauthorized construction at the Project Site. District staff noted at the time that the construction was not being served with a stormwater management system and was not compliant with the rules regulating stormwater management systems. After the meeting, the Property Owner contacted the District to discuss bringing the Project Site into compliance.

After several attempts to resolve the non-compliance, on November 14, 2019, District staff issued a Notice of Violation and proposed Consent Order to the Property Owner and Tenant. On January 9, 2020 the Property Owner met on site with District staff to discuss the District's permitting criteria and potential options to remedy the non-compliance. The Property Owner expressed that it intended to retain the services of an engineer to assist it in bringing the Project Site into compliance.

On April 15, 2020, the Property Owner and Tenant executed a proposed Consent Order. The Consent Order contains terms requiring the construction of a stormwater management system that complies with the District's rules and regulations, and certification of the system by a licensed professional engineer. Additionally, the Property Owner acknowledges in the Consent Order that it has incurred penalties and costs owed to the District in the amount of \$9,175.00. The Consent Order states that those penalties shall be waived if the Property Owner meets all the established deadlines for design and construction of the stormwater management system.

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. Approval of Settlement Agreement Between SWFWMD and the Links at River Ridge, LLC - Unauthorized Water Use - CT No. 400298 - Pasco County

The Links at River Ridge, LLC (The Links), is the owner of the River Ridge Golf Club (Golf Club) in Pasco County. On September 17, 2001, the District issued Water Use Permit No. 20008118.003 (Permit) to the prior owner of the Golf Club. The Permit authorized water withdrawals from a 6-inch groundwater well and a 10-inch surface water withdrawal pipe for golf course and landscape irrigation. The Permit expired and the prior owner subsequently transferred ownership of the Golf Club to The Links.

On November 14, 2018, District staff became aware that The Links did not have a valid Water Use Permit for the withdrawal of water at the Golf Club. District staff issued a Notice of Violation and proposed Consent Order to The Links that provided for the payment of an administrative penalty and required The Links to obtain a Water Use Permit or connect to Pasco County's reclaimed water line to continue irrigating the Golf Course. After the parties were unable to reach an agreement to resolve the compliance issues, the District initiated an action in Circuit Court to obtain relief.

On April 29, 2020, the Links agreed to execute a Settlement Agreement to resolve the pending litigation and compliance issues. The Settlement Agreement provides for an initial payment of \$5,000.00 to be made in five equal monthly installments. The Settlement Agreement also requires The Links to obtain a Water Use Permit to authorize utilization of the 10-inch surface water withdrawal pipe at the Golf Course and to retain a licensed water well contractor to plug and abandon the groundwater well. The Links' failure to comply with the requirements in the Settlement Agreement will result in immediate payment of an additional \$5,000.00 penalty and further enforcement action.

Staff Recommendation:

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

17. Rulemaking – None

Executive Director's Report

18. Approve CFI Northern Region Meeting Minutes – April 1, 2020

Staff Recommendation:

Approve minutes as presented.

19. Approve CFI Southern Region Meeting Minutes – April 2, 2020

Staff Recommendation:

Approve minutes as presented.

20. Approve CFI Tampa Bay Region Meeting Minutes – April 8, 2020

Staff Recommendation:

Approve minutes as presented.

21. Approve CFI Heartland Region Meeting Minutes – April 9, 2020

Staff Recommendation:

Approve minutes as presented.

22. Approve Governing Board Minutes – April 28, 2020

Staff Recommendation:
Approve minutes as presented.

FINANCE/OUTREACH & PLANNING COMMITTEE (TAB C)

Discussion

23. Consent Item(s) Moved for Discussion

24. Knowledge Management: Comprehensive Fraud Governing Board Policy

As part of the District's Knowledge Management initiative, all the District's Governing Board Policies are being reviewed by the respective divisions.

The District's Knowledge Management initiative was launched in FY2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus since FY2018 has been on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

Staff performed a review of the Comprehensive Fraud Governing Board Policy. Staff is proposing to change the document owner to the executive director, add the Office of Inspector General's fraud hotline number, add a method for anonymous reporting to the Office of General Counsel, add confidentiality exceptions for a Whistle-Blower in accordance with Florida Statutes, and other minor revisions.

Updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

Staff Recommendation:

This item is presented for the Board's information and no action is requested. The Comprehensive Fraud Governing Board Policy will be included as a consent item at the next Governing Board meeting and approval will be requested at that time.

25. Fiscal Health Update

The purpose of this item is to provide an update to the Governing Board on the fiscal health of the District including an assessment of the financial impacts of the COVID-19 pandemic on the current fiscal year 2020 budget as well as the fiscal year 2021 budget.

The District budgets annually for its fiscal year that begins October 1 and ends September 30 each year. The current fiscal year 2020 budget began October 1, 2019 and ends September 30, 2020. This budget totals \$202.7 million and is currently seven months complete as of April 30, 2020. In June, staff will present the fiscal year 2021 Recommended Annual Service Budget which commences October 1, 2020 and concludes September 30, 2021.

An analysis of economic projections and possible impacts to the District's financial situation will allow staff and the Governing Board to make informed decisions regarding District operations and projects.

Staff Recommendation:

This item is presented for information only. No Board action is required.

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

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

26. **Treasurer's Report and Payment Register**
27. **Monthly Financial Statement**
28. **Monthly Cash Balances by Fiscal Year**
29. **Comprehensive Plan Amendment and Related Reviews Report**

RESOURCE MANAGEMENT COMMITTEE (TAB D)

Discussion**30. Consent Item(s) Moved for Discussion****31. FY2020-21 Cooperative Funding Update**

To provide the Board an update on fiscal year (FY) 2020-21 Cooperative Funding projects that have been recommended by all four Regional Subcommittees, review three projects the Regional Subcommittees recommended for presentations, review one revised project evaluation, and to review the remaining Cooperative Funding process and timeline.

Background

The Cooperative Funding Initiative application deadline was Friday, October 4, 2019 and 118 applications were initially received. Staff evaluated all 118 applications totaling \$104 million in District funding requests. Eight Regional Subcommittee meetings have been completed to review these projects.

During the first round of Subcommittee meetings held in February, staff presented preliminary project evaluations and rankings. Additional information requested by Subcommittee members during these first meetings was provided during the second round of Subcommittee meetings held in April. In addition, staff presented the final project rankings and recommendations.

A compilation of evaluations for the projects recommended by all four Regional Subcommittees has been developed and has been provided to the Governing Board. This has been done to allow Board members an opportunity to review projects approved by the other Subcommittees prior to the presentation of the FY2021 Recommended Annual Service Budget (RASB) in June. This includes an updated evaluation for Q193 Conservation - Crystal River Toilet Rebate Phase 1 with revised project savings and cost effectiveness. Additionally, the Southern Subcommittee requested a full board presentation of Q145 Conservation - Longboat Key Club Advanced Irrigation System. The Heartland Subcommittee requested a full board presentation of Q184 - Brackish - Polk Regional Water Cooperative (PRWC) Southeast Wellfield Implementation and Q216 - Interconnects - PRWC Regional Transmission Southeast Phase 1. Staff will provide an overview of these three projects as a part of this presentation. A summary of staff final project recommendations, including projects Q145, Q184, and Q216, is listed below.

PLANNING REGION	RECOMMENDED	NOT RECOMMENDED
Northern	\$6.6M (17)	\$6.8M (2)
Tampa Bay	\$26.2M (41)	\$0.8M (1)
Heartland	\$17.3M (16)	\$0.0M (0)
Southern	\$5.6M (22)	\$2.5M (1)
Total District Share	\$55.6M (96)	\$10.1M (4)

Within the Recommended projects is one Springs Initiative project pending Florida Department of Environmental Protection (FDEP) approval. This project, WW09 - Hernando County Septic to Sewer District A, Phase 1, is in the Northern Region and accounts for \$495,000 of the District's share in the table above. Since FDEP approval is not expected before the June 23 Governing Board meeting, the project will be excluded from the RASB.

In addition, staff requests the first year of funding for the two PRWC projects presented (Q184 and Q216) be provided by transferring the funds in the current year from the H094 - Polk Partnership funds previously budgeted. Since FY2015, \$50 million has been budgeted per Resolutions 15-07 and 18-06, and over \$39.7 million remains available for Board approved regional alternative water supply (AWS) projects that can achieve 30 million gallons per day for Polk County. These projects are in the Heartland Region Recommended projects and account for \$11,700,000 of the District's share in the table above. If these projects are approved by the Governing Board along with the budget transfer, these projects will be excluded from the RASB as well.

Finally, the Recommended projects where the District serves as the lead party will include an additional \$9,209,125 in the RASB as outside revenue. Therefore, the total staff recommendation for 1A, High and Medium ranked projects to be included in the RASB is \$52,640,747.

Staff Recommendation:

- 1) Approve budget transfer from H094 Polk Partnership for a total amount of \$11,700,000 to:
 - a. Q184 - Brackish - Polk Regional Water Cooperative Southeast Wellfield Implementation for \$6,750,000, and
 - b. Q216 - Interconnects - Polk Regional Water Cooperative Regional Transmission Southeast Phase 1 for \$4,950,000.
- 2) Approve staff recommendation to include 1A, High and Medium ranked projects in the District's FY2021 RASB in the amount of \$52,640,747.
- 3) Approve staff recommendation to eliminate all Low ranked and Not Recommended projects from further funding consideration.

Submit & File Reports

32. Lower Hillsborough River Recovery Strategy – Second Five-Year Assessment

To summarize findings from the second five-year assessment of the Lower Hillsborough River (LHR) Recovery Strategy. This item is presented for the Board's information and review.

As required by statute, if the actual flow of a water course is below the adopted minimum flow or is projected to fall below the minimum flow over the next 20 years, a recovery strategy is developed as part of the minimum flows establishment process. At its August 2007 meeting,

the Governing Board approved rule amendments that incorporated revised minimum flows and a revised recovery strategy for the LHR into Rule Nos. 40D-8.041 and 40D-80.073, Florida Administrative Code (F.A.C.), respectively, and these rule amendments became effective on November 25, 2007.

The currently adopted minimum flows for the LHR were established to extend a salinity range less than 5 ppt (parts per thousand) from the Hillsborough River Dam towards Sulphur Springs. The minimum flows are expressed as seasonal “freshwater equivalent” flow rates of 20 and 24 cubic feet per second (cfs) that may be adjusted downward based on upstream river flows. The minimum flows are expressed as freshwater equivalents, meaning that the flows are defined for water that has a salinity of 0.0 ppt for modeling purposes. This means that flows higher than the specified flow rates of 20 and 24 cfs may be necessary if water with salinity greater than 0.0 ppt is used to meet the minimum flows.

The recovery strategy requires that in 2013, and for each five-year period through 2023, the District shall evaluate the strategy regarding its effects on the hydrology, dissolved oxygen, salinity, temperature, pH, and biological characteristics of the LHR that have been achieved from minimum flows implementation. The first five-year evaluation was submitted to the Governing Board in March 2015.

The District’s second five-year LHR recovery strategy assessment report, titled “A Hydrobiological Evaluation of the Minimum Flows for the Lower Hillsborough River for the Second Five-Year Assessment Period - October 2012 to May 2018” summarizes changes in hydrobiological and water quality characteristics of the LHR in response to the release and diversion of water to meet minimum flow requirements through May 2018. The draft report was provided to numerous stakeholders for review and comment. District staff worked with the stakeholders to ensure they had sufficient time to review and comment on the report. The final report was modified to incorporate many of the comments received.

The District also received recommendations from stakeholders for consideration during the third and final five-year recovery strategy assessment period. Based on these suggestions, the District intends to form a stakeholder group that will meet in late summer 2020 to discuss the recommendations submitted by stakeholders and assess data collection activities for characterizing recovery during the final five-year assessment.

Highlights and recommendations noted in the second five-year assessment report include the following.

1. All activities and projects proposed in the recovery strategy are either underway, completed, or have been determined not to be viable. Minimum flow pumping responsibilities at Structures S-161, the Hillsborough River Dam, Sulphur Springs and Blue Sink are now the responsibility of the City of Tampa.
2. Minimum flows implementation has generally been sufficient to meet minimum flow requirements on all days, with exceptions. Water needed to meet the overall salinity goal due to the use of brackish water from Sulphur Springs has not been provided to the lower river. Original analysis performed by the District indicated an additional 3 cfs should be added to the 20 and 24 cfs to address freshwater equivalency conditions and meet the salinity-habitat improvement goal of the minimum flows. Additional data collection, analysis and coordination should occur during the final five-year assessment to determine if additional flow is necessary for the lower river.
3. Salinity conditions have improved with continued minimum flows implementation. Salinities in the LHR near the dam in the vicinity of Rowlett Park were relatively high in

2000, when no water was supplied to the base of the dam for minimum flow purposes. Lower salinities were observed in subsequent years as a consequence of rainfall conditions and diversion of increasing quantities of water to the base of the dam for minimum flows recovery.

4. Three biological communities (zooplankton, nekton and benthic macroinvertebrates) were assessed for the second five-year assessment. These communities were indicative of improved low-salinity conditions. The fish communities exhibited evidence of a shift toward a community more reflective of purely freshwater habitats with reduced abundance of marine taxa and increased abundance of freshwater taxa. The macroinvertebrates showed increased densities and taxon richness. Additional biannual (twice yearly) biological sampling events will be completed during the next five years to further characterize the response of biological communities to minimum flows implementation.
5. Based on previous studies and review, a 25 percent loss term for water routed from the Tampa Bypass Canal to the lower river for minimum flows implementation is an overestimate. There is a need to further discuss and seek agreement on this aspect of the LHR recovery strategy.

Results from the second five-year assessment suggest that the desired goal of creating low-salinity habitat below the Hillsborough River Dam can be sustained through minimum flows implementation. Additional data collection, analysis and stakeholder coordination is on-going to address the minimum flow requirements of the LHR Recovery Strategy. The final five-year assessment report covering the period 2018-2023 is anticipated to be completed in 2024. A link to the report “*A Hydrobiological Evaluation of the Minimum Flows for the Lower Hillsborough River for the Second Five-Year Assessment Period - October 2012 to May 2018*” is provided under separate cover and the report is available on the District’s website.

Staff Recommendation:

This item is presented for information only. No Board action is required.

Routine Reports

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

33. **Minimum Flows and Levels and Reservations Status Report**
34. **Significant Water Resource and Development Projects**

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE (TAB E)

Discussion

35. **Consent Item(s) Moved for Discussion**

Submit & File Reports

36. **Hydrologic Conditions Report**

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. Consider Water Shortage Order(s) as Necessary**

Staff continues to monitor water resource and supply conditions to determine if any actions would be prudent. Since Board-issued water shortage orders must be discussed in a noticed public meeting prior to implementation, this agenda item is included as a contingency provision. It allows the Governing Board to immediately consider any action that staff may recommend based on regional data to be reviewed on May 12, 2020.

Staff Recommendation:

Recommendations, if any, will be presented at the Governing Board meeting May 19, 2020 based on then-current conditions and predictions.

42. Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action.

Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

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.

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. May 2020 Litigation Report**47. May 2020 Rulemaking Update****EXECUTIVE DIRECTOR'S REPORT (TAB H)****48. Executive Director's Report**

CHAIR'S REPORT (TAB I)

49. Chair's Report

50. Employee Milestones

ADJOURN PUBLIC MEETING

ADJOURNMENT

**A. Public Hearing &
Meeting**

Governing Board Meeting

May 19, 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. **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

4. **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 May 19, 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

- 5. Resolution No. 20-06, Commending Bryan Beswick for His Service as a Member fo the Southwest Florida Water Management District Governing Board 6
- 6. Office of Inspector General: Self-Insurance Programs Follow-Up Audit 8
- 7. Water Reuse Week 16
- 8. Budget Transfer Request for Property and Casualty Premiums and Insurance Broker Services 18
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Resource Management Committee

- 10. FARMS - William Kip Keene – Trapnell Road Farm (H783), Hillsborough County 22

Operations, Lands and Resource Monitoring Committee

- 11. Second Amendment to Agreement for Release of Conservation Easement – Sarasota Interstate Park of Commerce (SIPOC) – Sarasota County SWF Parcel No. 21-118-248 25
- 12. Donation of Property – Cypress Creek Preserve, SWF Parcel No. 13-500-397 31
- 13. Monitor Well Purchase – South Hillsborough Aquifer Recharge Project – Phase II Sun City Well (SMWD-6), Hillsborough County – ROMP TR9-5 [20-065] SWF Parcel No. 11-020-040 63

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- 14. Authorization for initiation and Approval of Rulemaking to Amend Rule 40D-2.091, F.A.C., to Amend WUP Applicant’s Handbook Part B, and to Amend the Public Supply Annual Report Part A 66
- 15. Individual Water Use Permits Referred to the Governing Board
 - a. WUP No. 20004352.008 – South Central Hillsborough Regional Wellfield / Tampa Bay Water (Hillsborough County) 72
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 - c. WUP No. 20020808.000 / City of Cape Coral Supplemental Irrigation Water Supply / City of Cape Coral (Charlotte County) 105

General Counsel's Report

- 16. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
 - a. Consideration of Final Order - Petition for Declaratory Statement - Shannon R. Turbeville – Hernando County..... 118
 - b. Approval of Consent Order Between SWFWMD and McLeod Family Holdings, LLC and Automotive Fleet Enterprise, Inc – ERP Violations – CT No. 396747 – Pasco County 173
 - c. Approval of Settlement Agreement Between SWFWMD and the Links at River Ridge, LLC – Unauthorized Water Use – CT No. 400298 – Pasco County 182

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Executive Director's Report

18. Approve CFI Northern Region Meeting Minutes – April 1, 2020	189
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20. Approve CFI Tampa Bay Region Meeting Minutes – April 8, 2020	196
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FINANCE/OUTREACH & PLANNING COMMITTEE

May 19, 2020

Consent Agenda

Resolution No. 20-06, Commending Bryan Beswick for His Service as a Member of the Southwest Florida Water Management District Governing Board

To honor Mr. Bryan Beswick for his term as a Governing Board member, District staff has prepared this resolution to commemorate his service. Mr. Beswick was appointed by Governor Charlie Crist in April 2008 and reappointed by Governor Rick Scott in March 2013. He served until July 2019.

Staff Recommendation:

Approve Resolution No. 20-06, Commending Bryan Beswick for His Service as a Member of the Southwest Florida Water Management District Governing Board.

Presenter: Robyn Felix, Communications and Board Services Bureau Chief

RESOLUTION NO. 20-06

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

WHEREAS, **BRYAN BESWICK** was appointed by Governor Charlie Crist to the Southwest Florida Water Management District Governing Board on April 8, 2008, was reappointed by Governor Rick Scott on March 4, 2013 and served through July 22, 2019; and

WHEREAS, **BRYAN BESWICK** served as Governing Board Secretary from June 2016 through May 2019 and co-chaired the Peace River Basin Board; and

WHEREAS, **BRYAN BESWICK** served as the Governing Board liaison to the District’s Agriculture and Environmental advisory committees; and

WHEREAS, **BRYAN BESWICK** served as the Governing Board liaison to the Charlotte Harbor National Estuary Program Policy Committee; and

WHEREAS, **BRYAN BESWICK** was a strong advocate of the District’s Facilitating Agricultural Resource Management Systems (FARMS) Program, an agricultural cost-share reimbursement program that reduces groundwater withdrawals from the Upper Floridan aquifer through conservation and alternative water supply best management practices; and

WHEREAS, **BRYAN BESWICK** supported innovative surface water management designs to improve water conservation and water quality through the District’s Agricultural Ground and Surface Water Management (AGSWM) Program; and

WHEREAS, **BRYAN BESWICK** served as a liaison between the District and the agricultural community on the Citrus Task Force to assist the citrus industry and other commodity groups reduce costs without compromising the District’s mission to protect the water resources; and

WHEREAS, **BRYAN BESWICK** was involved in efforts to improve surface water quality in the Shell, Prairie and Joshua creek watersheds, and Prairie Creek was delisted as impaired by the Florida Department of Environmental Protection in 2015; and

WHEREAS, **BRYAN BESWICK**, 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 23 percent and ensuring the District’s operating budget was in line with ad valorem revenue levels since Fiscal Year 2008; 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 **BRYAN BESWICK**.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT that this Board honors **BRYAN BESWICK** 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 **BRYAN BESWICK** to this District, and that this resolution be presented to him.

PASSED and ADOPTED this nineteenth day of May 2020.

GOVERNING BOARD OF THE
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BY _____
Mark Taylor, Chair

ATTEST _____
Joel Schleicher, Secretary

Attachment: Resolution - B Beswick for presentation Final (4951 : Resolution No. 20-06, Commending Bryan Beswick)

FINANCE/OUTREACH & PLANNING COMMITTEE

May 19, 2020

Consent Agenda

Office of Inspector General: Self-Insurance Programs Follow-Up Audit

Purpose

In accordance with the Office of Inspector General (OIG) Charter Governing Board Policy and Section 20.055, Florida Statutes, the Inspector General shall monitor the implementation of the District's response to any audit issued by the Auditor General (AG).

Background/History

On July 9, 2018, the AG released report No. 2019-001 on the operational audit of the District. Included in this report was a finding regarding self-insurance programs. The AG recommended the District should enhance procedures to effectively monitor health and workers' compensation self-insurance claims payments.

The OIG conducted this follow-up audit for the period October 1, 2018 to December 31, 2019 in accordance with *Generally Accepted Government Auditing Standards*. Those standards require that the OIG plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for conclusions based upon the audit objectives. The OIG believes that the evidence obtained provides a reasonable basis for the conclusion based on the audit objectives.

The audit objectives of this follow-up audit were to:

- Evaluate management's performance in establishing and maintaining internal controls in accordance with applicable statutes, laws, rules, regulations, contracts, grant agreements, and other guidelines.
- Examine internal controls designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance, economic and efficient operations, reliability of records and reports, and the safeguarding of assets, and identify weaknesses in those controls.
- Determine whether management had taken corrective action for, or was in the process of correcting, the AG's self-insurance programs finding from report No. 2019-001.

This follow-up audit did not disclose any reportable conditions regarding management's performance within the scope of the audit. As a result, the OIG concludes the District has taken corrective actions for the self-insurance programs finding per the AG's Report No. 2019-001.

Staff Recommendation:

Staff recommends the Board approve the Office of Inspector General Self-Insurance Programs Follow-Up Audit.

Presenter: Brian Werthmiller, Inspector General

OFFICE OF
INSPECTOR
GENERAL

Self-Insurance Programs Follow-Up Audit

October 1, 2018 to December 31, 2019

Southwest Florida
Water Management District

Governing Board
May 19, 2020

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Southwest Florida Water Management District

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Tampa, Florida 33637-6759
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- Mark Taylor**
Chair, Hernando, Marion
- Michelle Williamson**
Vice Chair, Hillsborough
- Joel Schielcher**
Secretary, Charlotte, Sarasota
- Kelly S. Rice**
Treasurer, Citrus, Lake, Levy, Sumter
- Jack Blapham**
Manatee
- Roger Germann**
Hillsborough
- James G. Murphy**
Polk
- Rebecca Smith**
Hillsborough, Pinellas
- Seth Weigman**
Pasco
- Brian J. Armstrong, P.C.**
Executive Director

May 19, 2020

Mr. Mark Taylor, Chair
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34604-6899

Dear Mr. Taylor:

In accordance with F.S. 20.055 and the Office of Inspector General (OIG) Charter Governing Board Policy, the Inspector General (IG) shall monitor the implementation of the District's response to any audit issued by the Auditor General (AG).

On July 9, 2018, the AG released report No. 2019-001 on the operational audit of the Southwest Florida Water Management District (District). Included in this report was a finding regarding self-insurance programs. The AG recommended the District enhance procedures to effectively monitor health and workers' compensation self-insurance claims payments. Per the Audit Plan, approved by the Governing Board, a follow-up audit on self-insurance programs was performed and the OIG has concluded the District has taken corrective actions.

The OIG would like to thank the Management Services Director, Employee and External Relations Director, and their staff for their cooperation and assistance throughout the audit. I respectfully submit to you, the final audit report which was conducted in accordance with *Generally Accepted Government Auditing Standards*.

Sincerely,

Brian Werthmiller, CPA, CIG
Inspector General

- cc: Finance/Outreach and Planning Committee
- Remaining Members of the Governing Board
- Mr. Brian Armstrong, Executive Director
- Ms. Mandi Rice, Assistant Executive Director
- Mr. John Campbell, Management Services Director
- Mr. Michael Molligan, Employee and External Relations Director
- Ms. Sherril Norman, State of Florida Auditor General
- Mr. James Halleran, James Moore & Company CPA's
- Legislative Auditing Committee

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT SELF-INSURANCE PROGRAMS FOLLOW-UP AUDIT

SUMMARY

This is a follow-up audit to the self-insurance programs finding from the AG Report No. 2019-001 released July 2018. The AG recommended the District should enhance procedures to effectively monitor health and workers' compensation self-insurance claims payments. Such procedures could specify that:

- To provide assurance as to the effectiveness of claims processing controls, the District's contract with the third party administrator (TPA) require the TPA to annually obtain a service organization controls (SOC) Type 2 report on the TPA's controls and timely submit the report to the District for review.
- If the service auditor's report discloses that the TPA's controls over claims processing are not suitably designed and operating effectively, the District should determine the risks associated with the control deficiency and either require the TPA to implement appropriate controls or find a new service provider to suitably administer the District's health and workers' compensation self-insurance programs

The OIG's follow-up audit disclosed the District has taken corrective actions.

BACKGROUND

Authorized in 1972, the District protects and manages water resources in a sustainable manner for the continued welfare of the citizens across the 16 counties it serves. The District is one of five water management districts created under the Florida Water Resources Act of 1972¹ and includes all or part of Charlotte, Citrus, Desoto, Hardee, Hernando, Highlands, Hillsborough, Lake, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, and Sumter Counties. Governance lies with a thirteen-member Board which consists of representatives from specific geographic areas within District boundaries. Each member is appointed by the Governor and confirmed by the Senate. An Executive Director is appointed by the Board, subject to approval by the Governor and confirmation by the Senate.

¹ Chapter 373, Florida Statutes.

As allowed by State law², the District established a health self-insurance program for employees, retirees, and dependents and a workers' compensation self-insurance program for employees. The District contracted with a TPA to administer the District's health and workers' compensation self-insurance programs. During the period October 2018 through December 2019, the District paid \$10.4 million for health self-insurance claims and \$64,039 for workers' compensation claims.

To provide assurances that claims payments were for eligible participants, in accurate amounts, and to appropriate service providers, service organizations, such as TPAs, are often required to provide a SOC Type 2 report in accordance with attestation standards established by the American Institute of Certified Public Accountants. Such a report provides the service auditor's opinion on the suitability of the design and operating effectiveness of the internal control policies, procedures, and processing controls placed in operation for claims processing. If a TPA SOC Type 2 report is not provided, other measures, such as the performance of a test of claims payments processed by the TPA, would be necessary to obtain those assurances.

FINDINGS AND RECOMMENDATIONS

This follow-up audit did not disclose any reportable conditions regarding management's performance within the scope of the audit.

PRIOR AUDIT FOLLOW-UP

Based upon the objectives, scope, and methodology as documented below, the District has taken corrective actions for the self-insurance programs finding per the AG in Report No. 2019-001.

OBJECTIVES, SCOPE, AND METHODOLOGY

The OIG conducted this follow-up audit for the period of October 1, 2018 to December 31, 2019 in accordance with *Generally Accepted Government Auditing Standards* (GAGAS). Those standards require that the OIG plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on the audit objectives. The OIG believes that the evidence obtained provides a reasonable basis for findings and conclusions based on the audit

² Sections 112.08(2)(a) and 440.38(6), Florida Statutes.

objectives. In addition, the IG is independent per the GAGAS requirements for internal auditors.

The objectives of this operational audit were to:

- Evaluate management’s performance in establishing and maintaining internal controls in accordance with applicable statutes, laws, rules, regulations, contracts, grant agreements, and other guidelines.
- Examine internal controls designed and placed in operation to promote and encourage the achievement of management’s control objectives in the categories of compliance, economic and efficient operations, reliability of records and reports, the safeguarding of assets, and identify weaknesses in those controls.
- Determine whether management had taken corrective action for, or was in the process of correcting, the AG’s self-insurance programs finding from report No. 2019-001.

An audit by its nature does not include a review of all records and actions of entity management, staff, and vendors, and as a consequence, cannot be relied upon to identify all instances of noncompliance, fraud, waste, abuse, or inefficiency.

Professional judgment has been used in determining significance and audit risk and in selecting the particular transactions, legal compliance matters, records, and controls considered.

In conducting the audit for the period of October 1, 2018 to December 31, 2019, the OIG:

- Reviewed applicable statutes, policies, procedures and interviewed District staff to gain an understanding of the District’s operations and internal controls on self-insurance programs for health and workers’ compensation.
- Gained an understanding of the information systems for health and workers’ compensation claims.
- Evaluated the effectiveness of District policies and procedures relating to monitoring health and workers’ compensation claims, to determine whether internal controls were designed properly and operating effectively.
- For TPA health and workers’ compensation contracts effective January 1, 2019 and after, examined District contracts to determine whether the contracts required the TPA to obtain SOC Type 2 reports.
- Examined the District’s monitoring of health and workers’ compensation claims.
- Examined whether the District obtained and reviewed available SOC Type 2 reports to help assess the suitability of control policies and procedures over claims payment processes.
- Communicated on an interim basis with applicable officials.

- Performed various other auditing procedures as necessary to accomplish the objectives of the audit.

**Brian Werthmiller, CPA, CIG
Inspector General**

2379 Broad Street Brooksville, Florida 34604-6899

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FINANCE/OUTREACH & PLANNING COMMITTEE

May 19, 2020

Consent Agenda

Water Reuse Week

Purpose

To request that the Governing Board sign a resolution declaring May 17-23, 2020 as “Water Reuse Week” to focus the public on the benefits of expanding this important water resource.

Background/History

Since 2007, the State of Florida, the Florida Department of Environmental Protection, water management districts, water utilities, local governments and water-related organizations such as the Water Reuse Association have declared the third week in May as “Water Reuse Week” to promote and encourage efficient use of reclaimed water.

The largest use for reclaimed water is irrigation and May is typically the month when irrigation demands peak due to hot and dry conditions. Reclaimed water provides a means for conserving and augmenting Florida’s precious water resources and is key to meeting future demands.

Three decades of Governing Board support has enabled utilities within the District to progressively increase beneficial reclaimed water use to 190 million gallons per day in 2019. This represents a 51 percent beneficial utilization of all wastewater treatment plant flows within the District and is well on the way to achieving the District’s 2040 goal of 75 percent beneficial utilization.

Approval of this resolution demonstrates the District’s continued support of the use and expansion of reclaimed water. This item supports the District’s mission and strategic initiatives through maximizing the beneficial use of reclaimed water to offset potable water supplies and restore water levels and natural systems.

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

Staff Recommendation:

Approve and execute Resolution No. 20-04 declaring May 17-23, 2020 as “Water Reuse Week.”

Presenter: Cara Martin, Office Chief, Government and Community Affairs

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 20-04

PROCLAIMING MAY 17-23, 2020 as “WATER REUSE WEEK” in FLORIDA

WHEREAS, safe, clean, and sustainable water resources are essential to Florida’s environment, economy, citizens, and visitors; and

WHEREAS, water reuse provides a means for conserving and augmenting Florida’s precious water resources; and

WHEREAS, Florida has established the encouragement and promotion of water reuse as state objectives in Chapters 373 and 403, Florida Statutes; and

WHEREAS, the Southwest Florida Water Management District has joined with the State of Florida, the Florida Department of Environmental Protection, and other municipalities in encouraging and promoting water reuse and conservation; and

WHEREAS, the District has invested more than \$434 million in 383 reclaimed water projects since 1987, which has resulted in nearly \$1 billion in partnering entities reclaimed water infrastructure.

THEREFORE, BE IT RESOLVED that the Southwest Florida Water Management District hereby proclaims May 17-23 as “WATER REUSE WEEK” in Florida.

BE IT FURTHER RESOLVED the Southwest Florida Water Management District urges every citizen and visitor to become more aware of the need to save our precious water supply and take appropriate steps to conserve and protect this vital resource.

BE IT FURTHER RESOLVED 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 Hernando County, Florida, on this 19 day of May 2020.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____
Mark Taylor, Chair

Attest: _____
Joel Schleicher, Secretary

Attachment: 2020 SWFWMD Water Reuse Week ProclamationFinal (5025 : Water Reuse Week)

FINANCE/OUTREACH & PLANNING COMMITTEE

May 19, 2020

Consent Agenda

Budget Transfer Request for Property and Casualty Premiums and Insurance Broker Services

Purpose

Request approval of a budget transfer in the amount of \$60,200 from the withdrawn Zephyr Creek Drainage Improvements: Units 1 and 2 CFI Project (N836) for Property and Casualty Premiums and Insurance Broker Services.

Background/History

Two events occurred in FY2020 that resulted in utilizing additional funds from the current Insurance and Bonds budget.

1. Property and casualty coverage for the new Sarasota Office building.
2. Overlapping insurance broker services due to transition to new broker.

In January, the new Sarasota building was purchased. Staff were not able to move into the new location until March. Therefore, during this time we owned both buildings and required overlapping coverage due to the transition of the old and new building. This along with other unanticipated increases in premiums required an additional \$14,450 for the remainder of the fiscal year.

The District transitioned this year to having one broker for multiple lines of insurance, rather than separate brokers for each line. Based on the solicitation for broker services, the District awarded Public Risk Insurance Advisors (PRIA) the contract for broker services for health, risk, and workers' compensation insurance effective January 1, 2020. The existing broker for Property and Casualty, USI Insurance Services, continued until March 30, 2020.

During this transitional phase of broker services, this resulted with an overlap in services for the first quarter of calendar year 2020 which required an additional \$15,750. The overlap was necessary to ensure the District had brokerage service during the purchase of the new Sarasota office building.

Additionally, a recent review of the District's current insurance policies resulted in a recommendation of increasing the coverage for Cyber Security insurance. It was determined that the current limits on this policy compared to others in the industry are significantly lower. Due to the pandemic, there has been an increase in staff currently working remotely from home. The rise in remote working can lead to an increased vulnerability to cyber-attacks. This has also resulted in an increase in claims by other public entities. The cost of Cyber Security liability insurances continues to rise due to these claims. The additional coverage would require \$30,000 in premiums for the excess Cyber Security coverage and will be effective for one calendar year.

Funding is available from the Zephyr Creek Drainage Improvements: Units 3 and 4 CFI Project (N990), 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

Item 8

effective solutions to the street and structure flooding along Zephyr Creek before proceeding with any improvement project.

Staff Recommendation:

Approve the budget transfer of \$60,200 from the Zephyr Creek Drainage Improvements: Units 1 and 2 CFI Project (N836) for Property and Casualty Premiums and Insurance Broker Services.

Presenter: Michael Molligan, Employee and External Relations Division Director

FINANCE/OUTREACH & PLANNING COMMITTEE

May 19, 2020

Consent Agenda

Budget Transfer Report

Purpose

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
April 2020

Item No.	--- TRANSFERRED FROM --- Bureau / Expenditure Category	--- TRANSFERRED TO --- Bureau / Expenditure Category	Reason For Transfer	Transfer Amount
Change from Original Budget Intent				
1	Communications and Board Services Education Support	Communications and Board Services Education Services	Transfer of funds originally budgeted for educational materials used by the District at special events to educate the public on the District's core mission and the importance of protecting our water resources. Expenditures are less than anticipated due to the cancellation of some events as a result of COVID-19. The funds are needed for the Conservation Education Program for a pilot project that replaces existing turf requiring supplemental irrigation with drought-tolerant options to reduce residential irrigation needs.	\$ 911.00
Total Change from Original Budget Intent				\$ 911.00
Consistent with Original Budget Intent				
1	Natural Systems & Restoration Consultant Services	Water Resources Contracted Construction	Funds are needed for the original purpose budgeted to complete the diversion infrastructure construction and testing phase of the Most Impacted Area Recharge Salt Water Intrusion Minimum Aquifer Level Recovery project at Flatford Swamp. Monitoring of the wells as part of the construction was going to be contracted by the Surface Water Improvement and Management (SWIM) section but will now be completed in-house. The funds are being transferred to the Water Supply section to complete the diversion infrastructure construction and testing phase of the project.	\$ 200,000.00
Total Consistent with Original Budget Intent				\$ 200,000.00
Total Transfers for Governing Board Ratification				\$ 200,911.00

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.

RESOURCE MANAGEMENT COMMITTEE

May 19, 2020

Consent Agenda

FARMS - William Kip Keene – Trapnell Road Farm (H783), Hillsborough County

Purpose

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with William Kip Keene and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$87,854 (75% percent of total project costs). Of this amount, \$87,854 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$117,139.

Project Proposal

The District received a project proposal from William Kip Keene, for his 45 acre strawberry operation located 6 miles southeast of Plant City, in eastern Hillsborough County, within the Northern Tampa Bay Water Use Caution Area (NTBWUCA), and Dover Plant City Water Use Caution Area (DPCWUCA). This project will involve the utilization of a 2-acre reservoir, currently under construction, to collect tailwater and surface water from the property and surrounding watershed to offset Upper Floridan aquifer groundwater used for bed preparation, crop establishment, supplemental irrigation and cold protection for 35 acres of strawberries. The Water Use Permit (WUP) authorizes an annual average groundwater withdrawal of 149,600 gallons per day (gpd) and a cold protection quantity of 2,358,000 gpd. FARMS project components consist of one surface water irrigation pump station, filtration system, valves, and the piping necessary to connect the surface water reservoir to the existing irrigation system.

Benefits/Costs

The proposed project involves water quantity best management practices for bed preparation, crop establishment, supplemental irrigation and alternatives to using groundwater for cold protection within the DPCWUCA. Therefore, the project qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. The project is expected to offset 16,000 gpd for bed preparation and crop establishment and 980,000 gpd of the permitted cold protection quantities. This offset yields a cost of \$2.79 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and cold protection for strawberry operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of this project, the Governing Board will have \$5,188,021 remaining in its FARMS Program budget.

Item 10

Staff Recommendation:

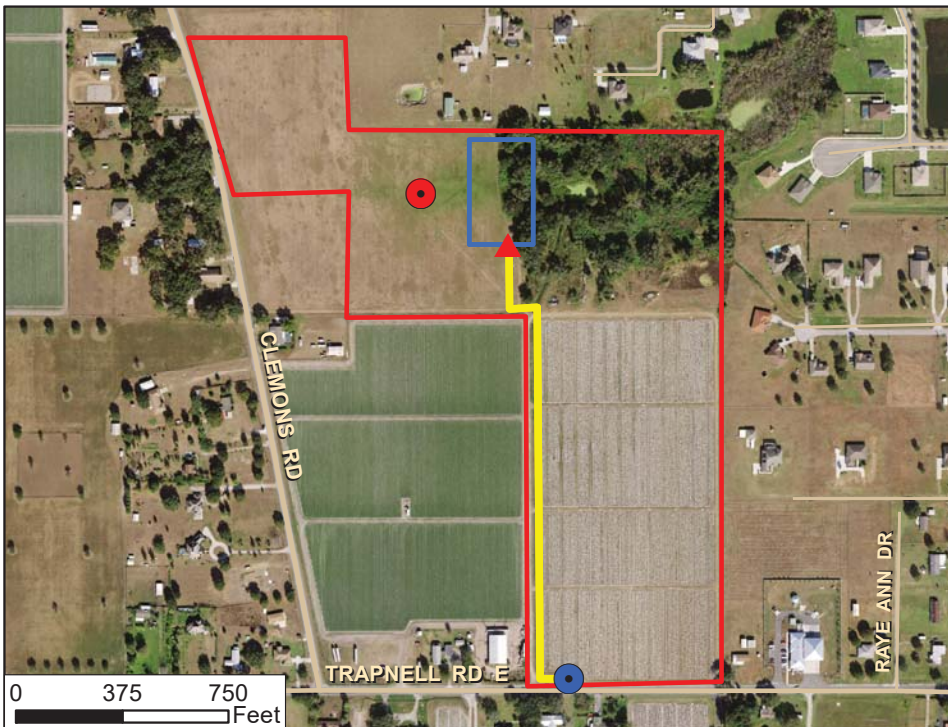
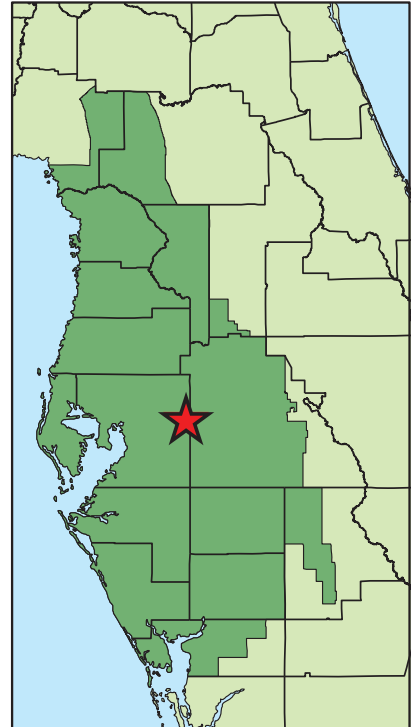
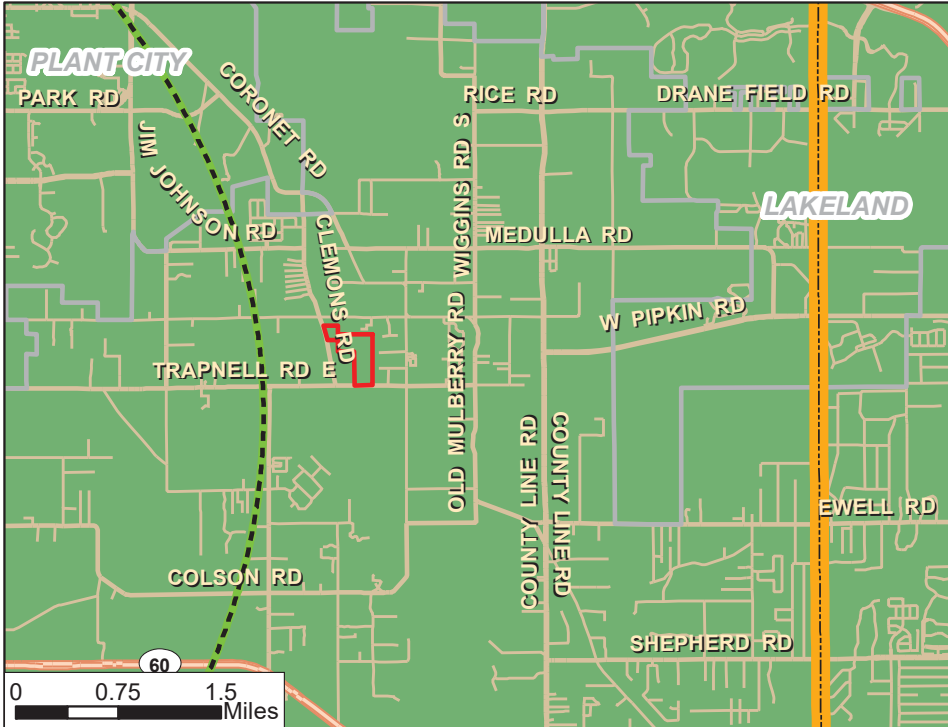
- 1) Approve the William Kip Keene - Trapnell Rd Farms project for a not-to-exceed project reimbursement of \$87,854 with \$87,854 provided by the Governing Board;
- 2) Authorize the transfer of \$87,854 from fund 010 H017 Governing Board FARMS Fund to the H783 William Kip Keene - Trapnell Rd Farm project fund;
- 3) Authorize Division Director to sign the agreement.

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

Location Map

FARMS

William Kip Keene - Trapnell Road Farm - H783



Legend

- Project Area WUP#522
- Reservoir Under Construction
- ▲ Proposed Pump Station
- Proposed Mainline
- Proposed Groundwater Well
- Existing Groundwater Well
- Min Aquifer Lvl Prot Zone
- Dover Plant City WUCA

Hillsborough County

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 19, 2020

Consent Agenda

Second Amendment to Agreement for Release of Conservation Easement – Sarasota Interstate Park of Commerce (SIPOC) – Sarasota County SWF Parcel No. 21-118-248

Purpose

Recommend the Governing Board approve the Second Amendment to the Agreement for Release of Conservation Easement for the Sarasota Interstate Park of Commerce (SIPOC), now known as University Town Center (UTC), included as Exhibit 1. A general location map and a site map are attached as Exhibits 2 and 3, respectively.

Background

The District issued an Individual Conceptual ERP No. 49025469.000 for the SIPOC on September 28, 2004. This Conceptual Permit for a 372-acre commercial project provided conceptual approval for the stormwater management system; 100-year floodplain; and wetland delineation, impacts, and mitigation. As part of the wetland mitigation plan a 63.91-acre conservation easement over an area of uplands and wetlands was recorded, Sarasota County Instrument No. 2005234325 (CE).

The mitigation provided by the CE is no longer needed due to additional wetland mitigation provided under subsequent construction permits (ERP Nos. 49025469.001 and .002). The property owner, Benderson, LLC (“Benderson”), requested a release of the CE. In May of 2016 the Governing Board approved the release of the CE together with an Agreement for Release of Conservation Easement (“CE Release Agreement”). The terms of the CE Release Agreement required Benderson to provide the District, within twelve months, either a land exchange or new conservation easement of equivalent environmental value, or participation in a District land purchase. If Benderson failed to provide the District with a new conservation easement, a land exchange that is environmentally equivalent to the CE, or participate in a District land purchase for acreage that would provide an environmental equivalent to the CE, then the District’s sole remedy is for Benderson to pay the value of the CE property, determined as of May 24, 2016.

Prior to the expiration of the twelve-month period for providing the District with a land exchange or new conservation easement, Benderson requested a one-year extension of the CE Release Agreement. The District’s Governing Board approved an Amendment to CE Release Agreement in May of 2017 that extended the time for another year. In May of 2018 the District and Benderson began discussions for the resolution of this matter that resulted in obtaining an appraisal of the CE at the predetermined date of value, May 24, 2016. The appraisal process led to further discussions about the useable area of the property. The resolution of this matter resulted in need for the Second Amendment to Agreement for Release of Conservation Easement. The proposed amendment will resolve payment for the portions of the site that will be immediately developed and address the future payment for the remainder of the property upon its development.

Property Description

The Property consists of a total of 63.91 acres of which 19.41 acres are potentially

developable with 13.35 acres being currently financially feasible for development.

The property is zoned RMF-3 / PUD (Residential Multi-Family / Planned Unit Development) by Sarasota County. The Future Land Use for the property is HDR (High Density Residential) with a density of 9 to 13 units per acre.

Summary of Valuation

The appraisal obtained by Benderson was prepared by Robert Fletcher MAI with Bass Fletcher and Associates, Inc. The appraiser estimated the value of the 63.91-acre property based on the conservation easement being released. The property consists of 44.5 acres that are undevelopable and 19.41 acres that may be developed. The Districts CE has been released for the entire property.

The appraisal valued the undevelopable areas and also determined that of the 19.41 acres that may be developed, only 13.35 acres are currently considered feasible for development. The Second Amendment to the Agreement for Release of the Conservation Easement is necessary to address the future compensation to the District for the remaining 6.06 acres when they are developed. The appraiser estimated a value for the property, excluding the future development value of the 6.06 acres and after deduction of the development costs, as of May 24, 2016, to be \$1,510,000.

Negotiated Terms

- The total potentially developable area of the released CE property is 19.41 acres.
- Benderson will pay \$1,510,000 for the 13.35 acres of currently developable property.
- Benderson will pay for the remaining 6.06 acres when it becomes economically feasible for development.
- The value for the additional 6.06 acres will be paid based on the determination of the market value at the time of its development.
- The District will receive payment for the value of the CE encumbering the 13.35 acres within five calendar days after approval of this Second Amendment to Agreement for Release of Conservation Easement.

Benefits/Costs

The District will receive a payment for the release of its easement and there will be no future monitoring or enforcement costs for the property.

Staff Recommendation:

- Approve the Second Amendment to the Agreement for Release of Conservation Easement and authorize the Governing Board Chair and Secretary to execute the document on behalf of the District; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenters: Jerry Mallams, P.G., Operations and Land Management Bureau Chief and Ellen Morrison, Operations and Land Management Assistant Bureau Chief

SECOND AMENDMENT TO AGREEMENT
FOR RELEASE OF CONSERVATION EASEMENT

This Second Amendment to Agreement for Release of Conservation Easement is made and entered into by and between the Southwest Florida Water Management District (District), a public corporation of the State of Florida, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, and Benderson Development Company, LLC (Benderson), a Florida limited liability company, having an address of 7978 Cooper Creek Boulevard, University Park, Florida 34201, collectively referred to herein as the "Parties".

WHEREAS, the Parties executed the Agreement for Release of Conservation Easement (Release Agreement), which required Benderson to provide the District an environmental equivalent to a Conservation Easement in exchange for the District's release of the Conservation Easement (Easement); and

WHEREAS, the Parties executed the First Amendment to the Agreement for Release of Conservation Easement (First Amendment), extending the date by which Benderson could provide an environmental equivalent to the Easement; and

WHEREAS, the Release Agreement, as amended, requires Benderson to pay the value of the Easement to the District if it failed to timely provide the District with an environmental equivalent; and

WHEREAS, Benderson did not timely provide an environmental equivalent and intends to pay to the District the value of the Easement pursuant to Paragraph 3 of the Release Agreement, as amended; and

WHEREAS, on May 21, 2019, the Parties obtained an independent appraisal to determine the value of the Easement; and

WHEREAS, the appraisal determined that there are 19.41 developable acres within the 63.91-acre Easement (Developable Area); and

WHEREAS, the appraisal determined 13.35 acres of the Developable Area are currently developable (Coopers Creek North) with an Easement value of \$1,510,000.00 that includes the value of 44.50 undevelopable acres and 6.06 Floodplain mitigation acres, as of May 24, 2016; and

WHEREAS, the appraisal determined that the remaining 6.06 acres of the Developable Area may become developable (Coopers Creek South) in the future, though development is currently economically unfeasible; and

WHEREAS, the Parties wish to amend the Release Agreement, as amended, to allow Benderson to pay the value of Coopers Creek North and defer payment of the Easement value of Coopers Creek South at such future date as it may be developed .

NOW THEREFORE, the District and Benderson, in consideration of the mutual terms, covenants, and conditions set forth herein, agree as follows:

1. Paragraph 3 of the Agreement for Release of Conservation Easement, as amended, is hereby amended and replaced by the following:

3. Benderson shall pay One Million Five Hundred Ten Thousand Dollars (\$1,510,000.00) for the developable portion of the Conservation Easement located north of Coopers Creek, consisting of 13.35 acres, 44.5 undevelopable acres and 6.06 Floodplain mitigation acres, to the District within 5 calendar days of approval of this 2nd Amendment by the District's Governing Board. Benderson shall pay to the District the difference between the value of the remaining developable portion of the Conservation Easement, consisting of 6.06 acres south of Coopers Creek, as determined at the time of its development, and the value of the 6.06 Floodplain mitigation acres that will be paid to the District pursuant to this Second Amendment to Agreement, at the time of such development.

2. The Parties acknowledge that all other aspects of the Agreement for Release of Conservation Easement, as amended by the First Amendment, not modified herein remain in full force and effect.


IN WITNESS WHEREOF, each party, or its lawful representative, has executed this Second Amendment for Release of Conservation Easement on the date set forth next to its signature below.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

By: _____ Date: _____
Mark Taylor, Chair

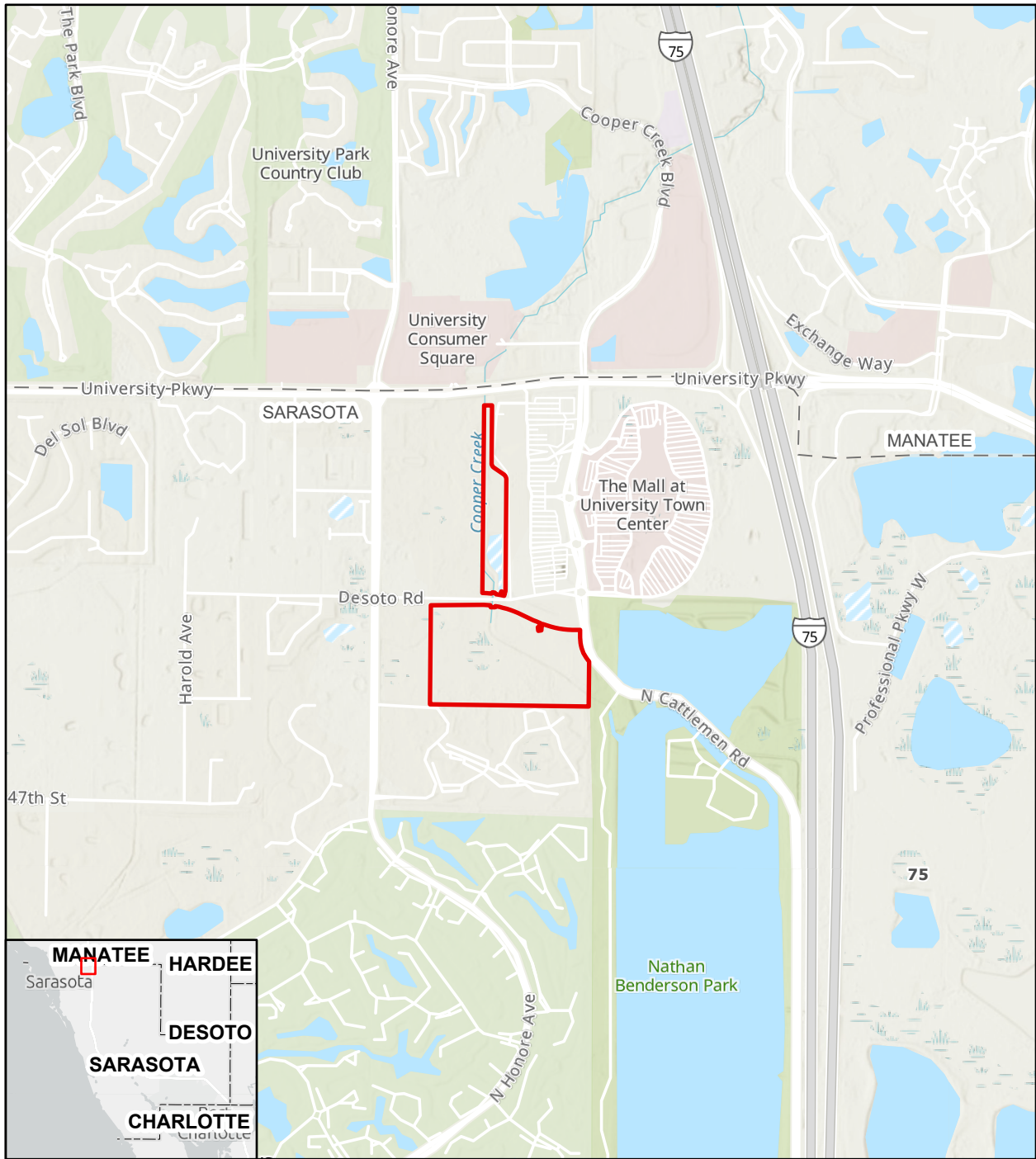
Attest: _____ (seal)
Joel Schleicher, Secretary

BENDERSON DEVELOPMENT COMPANY, LLC

By:  _____ Date: 05/05/2020
Stephen C. Scalione, Manager

Digitally signed by Stephen C. Scalione
DN: cn=Stephen C. Scalione, ou=Authorized
Officer (Manager | Treasurer | Secretary),
email=SCS@Benderson.com, c=US
Date: 2020.05.05 08:30:28 -0400

Exhibit 2
Second Amendment to Agreement – Sarasota Interstate Park of Commerce
SWF Parcel No. 21-118-248 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

Conservation Easement Release

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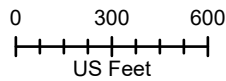
Southwest Florida
 Water Management District

Exhibit 3
Second Amendment to Agreement – Sarasota Interstate Park of Commerce
SWF Parcel No. 21-118-248 Site Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

 Conservation Easement Release



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 19, 2020

Consent Agenda

Donation of Property – Cypress Creek Preserve, SWF Parcel No. 13-500-397

Purpose

Recommend the Governing Board accept the Donation Agreement with the Mertz Foundation, included as Exhibit 1, and add the property proposed for donation to the District's Florida Forever Work Plan as part of the Cypress Creek Project. The proposed property being donated consists of approximately 1,055 acres (Property). A general location map and an site map are attached as Exhibits 2 and 3, respectively.

Background

The Cypress Creek Preserve consists of approximately 7,400 acres of conservation lands, providing water resource benefits to the region. The Preserve includes a wellfield, that is managed by Tampa Bay Water and serves as an important public water supply source for the surrounding region.

The District has not considered the property for acquisition until the offer of a donation was received. The Property has not been included in the District's Florida Forever Work Plan. The Work Plan identifies lands that meet the goals outlined in the Florida Forever Act (259.105, F.S.) including conservation lands and lands necessary for water resource development projects or waterbody restoration projects.

The Governing Board may amend the District's Florida Forever Work Plan by adding or deleting project lands as deemed necessary. Adding this property to the District's Florida Forever Work Plan and accepting the donation of the Property is consistent with the Florida Forever Act goals:

- Enhance the coordination and completion of land acquisition projects.
- Increase the protection of Florida's biodiversity at the species, natural community, and landscape levels.
- Protect, restore and maintain the quality and natural functions of land, water, and wetland systems of the state.

Property Description

The Property consists of three separate parcels comprising 1,055 acres, all of which adjoin District ownership. The proposed transaction would be the largest property donation ever made to the District. The properties are in Pasco County along the east side of Ehren cutoff road and the north and east sides of Parkway Boulevard. The largest of the parcels is 980 acres and the other two parcels are not connected to the main piece and are 44 and 31 acres in size.

Pasco County identifies the zoning and land use for this property as a Planned Unit Development (PUD). The largest parcel is vacant with a mix of uplands used for pasture and wetlands interspersed with small ponds. There is a grazing lease for cattle on the largest parcel. The smaller parcels have more native vegetation and wetland areas. The current land cover of improved pasture and basin swamps with canals and ditching connecting the wetlands. The primary flow way from these interconnected wetlands is into the Cypress Creek floodplain. The

Item 12

improved pastures occur primarily on former sandhill natural communities, and as such these are high recharge areas.

Portions of this property may offer future restoration opportunities for the District's Surface Water Improvement and Management (SWIM) program.

Summary of Appraisals & Valuation

The Property is being offered as a donation therefore an appraisal was not obtained or necessary for the District to accept title.

Donation Terms

- The Foundation will deliver title free and clear of all encumbrances not acceptable to the District by a fee simple deed.
- The Foundation will provide the District a current survey of the property.
- The Foundation will provide title insurance for the property.
- The District will obtain a Phase I Environmental Site Assessment (ESA), with Phase II investigations subject to approval by the Foundation.
- The Foundation will either terminate or assign the grazing lease upon request by the District.
- The District will execute an IRS Form 8283 acknowledging the Foundation's donation.
- The Foundation will bear all expenses, with exception of the documentary stamps owed for recording the conveyance, and ESA for the transaction.
- The District cannot assign, transfer or convey its interest, in whole or in part under any circumstances.

Benefits/Costs

The acceptance of this donation will benefit all four of the District's Areas of Responsibilities and provide an enhancement to the District's existing ownership. The Property will further protect the investment the District has already made in the Cypress Creek Preserve.

The future management needs may include a prescribed burn program, cattle lease management, and restoration activities. The estimated cost to manage the District's property within the Cypress Creek Preserve in 2019 was \$16.19 per acre.

Staff Recommendation:

- Amend the District's Florida Forever Work Plan to add the Property proposed for the donation;
- Approve the Donation Agreement and authorize the Executive Director to sign on behalf of the Governing Board;
- Designate the Property as having been acquired for conservation purposes; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenters: Jerry Mallams, P.G., Operations and Land Management Bureau Chief and
Ellen Morrison, Operations and Land Management Assistant Bureau Chief

AGREEMENT FOR DONATION OF REAL PROPERTY

THIS AGREEMENT FOR DONATION OF REAL PROPERTY (the "Agreement"), is made and entered into this ____ day of May, 2020, by and between the **ESTHER AND HAROLD MERTZ FOUNDATION** (hereinafter referred to as the "**Mertz Foundation**"), having a mailing address c/o Lavender Trust Company Inc., a South Dakota corporation, 212 South Main Avenue, Suite 133, Sioux Falls, South Dakota 57104 and **SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604 (hereinafter referred to as "**SWFWMD**" or the "**District**"). The Mertz Foundation and SWFWMD are hereinafter sometimes referred to, individually, as a "**Party**" and, collectively, as the "**Parties**".

WITNESSETH:

WHEREAS, it is the Mertz Foundation's desire to support SWFWMD's efforts and statutory public purpose mission as it relates to flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes (the "**Mission**"); and

WHEREAS, in an effort to support the furtherance of the Mission, the Mertz Foundation wishes to donate to SWFWMD certain undeveloped real property located in Pasco County, Florida, which property is adjacent to the Cypress Creek Preserve owned by SWFWMD; and

WHEREAS, SWFWMD acknowledges that water and water-related resources must be conserved and protected for the public health and welfare and agrees to accept the donation of the Land from the Mertz Foundation as a means to pursue its Mission towards fulfillment; and

WHEREAS, the Parties wish to establish the terms of the contemplated gift and desire to enter into this Agreement in order to fulfill the purposes hereinbefore stated by having the Mertz Foundation convey the Land to SWFWMD.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and the mutual covenants and undertakings herein contained, the Parties agree as follows:

I. **DONATION AND ACCEPTANCE**

1.01 **Agreement to Donate and Convey.** The Mertz Foundation agrees to donate and convey to SWFWMD, and SWFWMD agrees to accept from the Mertz Foundation, all of the undeveloped real property located in Pasco County, Florida, being more particularly described in **Exhibit A** attached hereto and made a part hereof as Parcels 2-1, 7, and 8 (the "**Land**"), together with any mineral rights in, on, under, or otherwise pertaining to the Land, subject to the terms and conditions hereinafter set forth.

1.02 **Inspection Period for Property Investigation.** SWFWMD shall have the right, at its expense, to inspect the Land for a period of sixty (60) days following the "**Board Approval Date**" as referenced in Section 1.06 (the "**Inspection Period**"). In this regard, the Mertz Foundation hereby grants to SWFWMD and SWFWMD's agents and independent contractors (hereinafter "**SWFWMD's Consultants**") a license to enter upon the Land for the purpose of performing its inspection of the Land,

Exhibit 1

provided that (i) the Mertz Foundation shall have been afforded at least forty-eight (48) hours written notice of such intent to enter upon the Land and has been given the opportunity to be present and (ii) the inspections shall not in any way damage the Land or any adjacent property or cause injury to any thing or person.

During the first forty (40) days of the Inspection Period, SWFWMD shall have the right to obtain a Phase I environmental site assessment on the Land (the "**Phase 1 ESA**"). SWFWMD shall deliver the written results of the Phase I ESA to the Mertz Foundation within five (5) days after its receipt of the Phase 1 ESA.

SWFWMD agrees that if the report of SWFWMD's Consultants conducting the Phase 1 ESA recommends that Phase 2 sampling or testing for environmental compounds or hazardous substances be conducted on or about the Land (a "**Phase 2 ESA**") and details why any such additional sampling or testing is necessary, then neither SWFWMD, SWFWMD's Consultants, nor any party acting directly or indirectly on behalf of either of them, shall conduct any Phase 2 ESA sampling or testing on or about the Land without the Mertz Foundation's prior written consent, it being understood by SWFWMD that such consent may be withheld in the sole and absolute discretion of the Mertz Foundation. If the Mertz Foundation consents to the Phase 2 ESA, (i) the Inspection Period shall not be extended and (ii) SWFWMD shall use commercially reasonable efforts to keep the results of any such Phase 2 ESA confidential in accordance with the provisions of this Agreement; however neither SWFWMD nor any of SWFWMD's Consultants shall be obligated to violate any law, ordinance, regulation, or ruling in order to maintain such confidentiality, including, but not limited to, Chapter 119, Florida Statutes. If the results of any permitted Phase 2 ESA are not acceptable to SWFWMD as to any portion of the Land, SWFWMD's sole right and remedy shall be to terminate this Agreement prior to the end of the Inspection Period in which event all rights and liabilities arising hereunder shall cease except for those which are specifically stated in this Agreement to survive termination or to close the transaction in the same manner as if no such concerns had been discovered.

SWFWMD acknowledges and agrees that SWFWMD shall rely solely on its own judgment and due diligence inspections and the opinions and recommendations of SWFWMD's Consultants in deciding whether to accept the Land. SWFWMD represents and warrants to the Mertz Foundation that SWFWMD is fully capable of making an informed decision to proceed or not proceed with its acceptance of the Land in its "AS-IS, WHERE-IS, AND WITH ALL FAULTS CONDITION" based solely on the basis of the results and conclusions of its inspections.

SWFWMD expressly acknowledges that the Land is being accepted "AS-IS, WHERE-IS, AND WITH ALL FAULTS". As part of SWFWMD's agreement to accept the Land "AS-IS, WHERE-IS, AND WITH ALL FAULTS" and not as a limitation on such agreement, SWFWMD hereby unconditionally and irrevocably waives any and all actual or potential rights SWFWMD might have regarding any form of warranty, express or implied, of any kind or type, relating to the Land. This waiver is an absolute, complete, total and unlimited waiver of express warranties, implied warranties, warranties of any type, and claims of every kind and type, including, but not limited to, claims regarding defects which might have been discoverable, claims regarding defects which were not or are not discoverable, and all other extant or later created or conceived of strict liability or strict liability type claims and rights.

Exhibit 1

Without limiting the generality of the "AS-IS, WHERE-IS, AND WITH ALL FAULTS " nature of this transaction, SWFWMD expressly acknowledges and agrees that, if SWFWMD elects to accept the donation of the Land, that SWFWMD is accepting the Land subject to all adverse environmental conditions, if any.

In conducting any inspections of the Land, SWFWMD and SWFWMD's Consultants shall: (a) not interfere with the rights of the Tenant under the Grazing Lease referenced in Section 1.07 hereof or the operation, use, and maintenance of the Land; (b) not damage any part of the Land nor conduct any activities precluded by this Agreement; (c) not injure or otherwise cause bodily harm to the Mertz Foundation, the Tenant, or any third party; (d) maintain commercial general liability (occurrence) insurance in an amount of not less than \$1,000,000.00 combined single limit covering any accident arising in connection with the presence of SWFWMD and SWFWMD's Consultants on the Land and shall deliver evidence of insurance to the Mertz Foundation prior to the first entry upon the Land; (e) promptly pay when due the costs of all inspections done with regard to the Land; and (f) not permit any liens to attach to the Land by reason of the exercise of SWFWMD's right to conduct inspections.

The provisions of this Section 1.02 shall survive the Closing or earlier termination of this Agreement.

1.03 **Indemnification.** SWFWMD covenants and agrees that it shall at all times protect, indemnify, hold harmless, and defend the Mertz Foundation, and its affiliated trustees, direction advisors, and affiliated entities and their respective managers, officers, directors, agents, and employees, representatives, and consultants (collectively, the "**Indemnitees**") from and against any and all claims, suits, demands, causes of action, proceedings, liabilities, losses, costs, damages, and expenses of any kind or manner (including reasonable attorneys' fees at or before the trial level and in any appellate proceeding) suffered, sustained, or incurred by the Indemnitees or any of them as a result, in whole or in part, of SWFWMD's inspections of the Land, including, but not limited to, claims, liabilities, losses, costs, damages, and expenses arising from (i) any damage to the Land, (ii) any personal injury on the Land (iii) the filing of any lien, claim, or demand against the Land, or the Indemnitees, or any of them, (iv) any breach of any covenant, agreement, obligation, representation, or warranty of SWFWMD contained in this Agreement, and (v) any actions taken by SWFWMD with respect to its access to or activities on the Land during the term of this Agreement, or thereafter, to the proportionate extent such claims, suits, demands, causes of action, proceedings, liabilities, losses, costs, damages and expenses arise from the negligent acts or omissions of SWFWMD or the misconduct of SWFWMD. The Mertz Foundation shall give SWFWMD prompt written notice of any claims, suits, demands, causes of action, proceedings, liabilities, losses, costs, damages and expenses, or discovery of facts on which the Mertz Foundation intends to base a request for indemnification. The Mertz Foundation's failure to provide such notice to SWFWMD does not relieve SWFWMD of any liability that SWFWMD may have to the Mertz Foundation, but in no event shall SWFWMD be liable for any costs that result from a delay in providing notice, which delay materially prejudices the defense of the related third-party claim. Each notice must contain a description of the third-party claim and the nature and amount of the related losses. The Mertz Foundation shall furnish promptly to SWFWMD copies of all papers and official documents received in respect of any losses. The obligations of SWFWMD under this Section shall survive the Closing or the earlier termination of this Agreement and, except as provided herein, shall not be subject to any limitation or liquidation of damages; provided, however, that nothing contained herein shall constitute a waiver of

Exhibit 1

SWFWMD's sovereign immunity under Section 768.28, Florida Statutes or extend the limits of liability or recovery under Section 768.28, Florida Statutes.

1.04 **Representations and Warranties by the Mertz Foundation**. The Mertz Foundation represents and warrants to SWFWMD that:

(a) Nancy L. Close is the current CEO of Lavender Trust Company Inc., the sole Trustee of the Mertz Foundation, with full power and authority to enter into this Agreement on behalf of the Mertz Foundation.

(b) The Mertz Foundation makes no other representations or warranties whatsoever, express or implied, or of any other kind or nature whatsoever.

The acceptance by SWFWMD of the Deed (as defined in Section 3.02(a) hereof) shall for all purposes be deemed to be a full and complete performance, satisfaction and discharge of every agreement, covenant and obligation on the part of the Mertz Foundation hereunder, and no representation, warranty, covenant, or agreement, express or implied, of the Mertz Foundation or any other Indemnitees shall survive the conveyance of title.

1.05 **Representations and Warranties by SWFWMD**. SWFWMD represents and warrants to the Mertz Foundation that:

(a) SWFWMD is a public corporation duly organized, validly existing and in good standing under the laws of the State of Florida. It has all requisite right, power and authority to (i) own properties such as the Land and (ii) engage in and consummate the transaction contemplated by this Agreement.

(b) All action on the part of SWFWMD, its officers, manager, members, directors and shareholders, as applicable, necessary for the authorization, execution and delivery of this Agreement, the acquisition of the Land and the performance of all obligations of SWFWMD hereunder have been taken.

(c) SWFWMD is a qualified organization for purposes of accepting a charitable contribution in accordance with Section 170(c) of the Internal Revenue Code and has the power and authority to execute and deliver an IRS Form 8283 at Closing.

(d) SWFWMD shall employ its best efforts to manage the Land as a steward in accordance with its Mission.

1.06 **Approval of Governing Board**. Notwithstanding anything in this Agreement to the contrary, the Mertz Foundation acknowledges that this Agreement must be ratified and approved by the Governing Board of SWFWMD (the “**Board**”) at its regularly scheduled meeting on May 19, 2020, the (the “**Board Approval Date**”) and that only upon such formal approval will SWFWMD be able to acquire the Land pursuant to the terms and conditions of this Agreement (the “**Board Approval**”). In the event the Board Approval is not obtained by the Board Approval Date, this Agreement shall terminate and become null and void. SWFWMD will promptly provide the Mertz Foundation with

written notice of the Board's decision, which if approved may be accomplished by the District providing the Mertz Foundation an original copy of the executed Agreement.

1.07 **Grazing Lease.** The Mertz Foundation has disclosed to SWFWMD that the Land is currently leased to Handcart Citrus and Cattle, Inc., a Florida corporation (the "**Tenant**") pursuant to a Grazing Lease dated November 1, 2008, as subsequently amended by Amendment Nos. 1-4, inclusive (the "**Grazing Lease**"). The term of the Grazing Lease expires on October 31, 2023, but is subject to the landlord's right to cancel upon sixty (60) days prior notice. At Closing, the Mertz Foundation shall terminate the Grazing Lease as it relates to the Land with the express understanding that the tenant under the Grazing Lease shall have the right to remain on the Land for a period not to exceed sixty (60) days subsequent to the Closing in order to remove its cattle and personal property.

II. **TITLE AND SURVEY**

2.01 **Title Insurance.** The Mertz Foundation, at its own expense, shall obtain an owner's title insurance commitment with copies of all exceptions (the "**Commitment**") to be followed by an owner's policy of title insurance (the "**Title Policy**") issued by Fidelity National Title Insurance Company (the "**Title Company**"), committing to insure SWFWMD's fee simple title to the Land in the total amount of the appraised value of the Land.

2.02 **Survey.** The Mertz Foundation, at its own expense, will obtain a survey of the Land (the "**Survey**") from Landmark Engineering and Surveying Corporation ("Landmark"). Landmark shall be given instructions to prepare the Survey in accordance with the requirements set forth on **Exhibit B** attached hereto and incorporated herein by reference.

2.03 **SWFWMD's Review.** The Commitment and Survey, together with any and all documents underlying exceptions identified in Schedule BII of the Commitment, shall be delivered to SWFWMD no later than twenty (20) days after the start of the Inspection Period; provided, however, that if the Commitment and Survey are not delivered within the aforesaid twenty (20) days, the Inspection Period shall be extended on a day-to-day basis for each day that the Commitment and Survey remain undelivered to SWFWMD. SWFWMD shall have fifteen (15) days after its receipt of both the Commitment and the Survey in which to (x) determine the nature of any objections to the Land which may be derived from matters or facts disclosed by the Commitment or the Survey and (y) notify the Mertz Foundation in writing of any such objections (the "**SWFWMD's Objections**"). If SWFWMD's Objections are not delivered to the Mertz Foundation as aforesaid, then SWFWMD shall be deemed to have approved and accepted all matters appearing in the Commitment and on the Survey.

In the event the Mertz Foundation does receive SWFWMD's Objections as aforesaid and if SWFWMD and the Mertz Foundation are unable to satisfactorily resolve SWFWMD's Objections within thirty (30) days after receipt of SWFWMD's Objections (it being acknowledged and agreed by SWFWMD that the Mertz Foundation may elect not to attempt to resolve any or all of SWFWMD's Objections and has absolutely no obligation to attempt to cure any of SWFWMD's Objections), SWFWMD's sole right and remedy shall be to terminate this Agreement in which event all rights and liabilities arising hereunder shall cease except for those which are specifically stated in this Agreement to survive termination or to close the transaction in the same manner as if no such concerns had been discovered.

III. **PROVISIONS WITH RESPECT TO CLOSING**

3.01 **Closing Date.** The consummation of the transaction contemplated by this Agreement (the "Closing") shall take place in Tampa, Florida, at the offices of Hill, Ward & Henderson, P.A., Bank of America Plaza, 101 East Kennedy Boulevard, Suite 3700, Tampa, Florida 33602 (the "Closing Agent") commencing at 10:00 a.m. on the date which is ten (10) days after the conclusion of the later to occur of (i) the conclusion of the Inspection Period or (ii) the thirty (30) day curative period referenced in Section 2.03 above provided the Mertz Foundation elects in writing to undertake any such curative measures (the "Closing Date"). The Closing may be accomplished in a "mail-away" fashion and electronic submittal of signed documents with original documents to be delivered to the Closing Agent on the Closing Date.

Possession of the Land, subject to the Grazing Lease and the Tenant's rights thereunder, shall be granted by the Mertz Foundation to SWFWMD on the Closing Date.

3.02 **The Mertz Foundation's Obligations at Closing.** At the Closing, the Mertz Foundation shall do the following:

- (a) Execute, acknowledge and deliver to SWFWMD a fee simple deed in the form attached hereto as **Exhibit C** and made a part hereof by reference (the "Deed") conveying the Land to SWFWMD, which Deed shall be in statutory form for recording;
- (b) Execute and deliver to the Title Company a construction lien, possession and gap affidavit in sufficient form and substance so as to allow the Title Company to remove the construction lien exception, parties-in-possession exception (with exception for the Grazing Lease and the Tenant's rights thereunder) and gap exception from the owner's title insurance policy;
- (c) Execute and deliver instruments satisfactory to SWFWMD and the Title Company reflecting the proper power, good standing and authorization for the transfer of the Land from the Mertz Foundation to SWFWMD;
- (d) Execute and deliver to SWFWMD a counterpart of a settlement statement setting forth the closing costs as set forth herein (the "**Settlement Statement**"); and
- (e) Execute and deliver such other documents as may be required by this Agreement.

3.03 **SWFWMD's Obligations at Closing.** Contemporaneously with the performance by the Mertz Foundation of its obligations set forth in Section 3.02 above, at Closing, SWFWMD shall do the following:

- (a) Execute and deliver to the Mertz Foundation a counterpart of the Settlement Statement;
- (b) Deposit with Closing Agent an Internal Revenue Service ("IRS") Form 8283 executed by SWFWMD; and

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- (c) Execute and deliver such other documents as may be required by this Agreement.

3.04 **Closing Costs.**

(a) The Mertz Foundation shall pay the following costs and expenses in connection with the Closing:

- (i) The title search costs and closing fees, endorsement costs and premium payable for the owner's policy of title insurance;
- (ii) The costs of the Survey; and
- (iii) Its costs of document preparation and its attorneys' fees.

(b) SWFWMD shall pay the following costs and expenses in connection with the Closing:

- (i) The documentary stamps owed in connection with the conveyance of the Land;
- (ii) Recording fees in connection with the Deed; and
- (iii) Its attorneys' fees, if any.

IV. **OTHER CONTRACTUAL PROVISIONS**

4.01 **Termination.** Notwithstanding anything contained in this Agreement to the contrary, the Mertz Foundation may elect to terminate this Agreement prior to Closing without liability to SWFWMD. Notwithstanding the foregoing, if the Mertz Foundation elects to terminate this Agreement pursuant to this provision, the Mertz Foundation will reimburse the District for the costs incurred by the District in obtaining the Phase 1 ESA from a third-party environmental consultant that exceed fifteen thousand dollars (\$15,000).

4.02 **Remaining Properties.** SWFWMD acknowledges that the Mertz Foundation or some of its affiliates own certain properties in the vicinity of the Land, and all such properties are more particularly identified as Parcels 1, 2-2, 2-3, 5, and 6 on **Exhibit D** attached hereto and incorporated herein by reference (the "**Remaining Land**"). SWFWMD covenants and agrees that, if all or any portion of the Remaining Land requires stormwater drainage easements across the Land in order to accommodate and facilitate their future development, SWFWMD will cooperate and grant from time to time the necessary stormwater drainage easements benefitting the Remaining Land over and across the Land provided that the proposed drainage easements will not adversely affect the Mission of the District in any material manner. This provision will not be interpreted to allow the Land to be utilized as an off-site stormwater management system for the benefit of the Remaining Land. This agreement shall be documented in a recordable instrument executed by SWFWMD at Closing and shall run with both the Remaining Land and the Land. The Mertz Foundation shall deliver a draft of the proposed instrument to SWFWMD for its review and approval within fifteen (15) days after the commencement of the

Exhibit 1

Inspection Period, and SWFWMD shall provide to the Mertz Foundation any comments that it might have to the proposed instrument within ten (10) days after its receipt.

4.03 **Public Acknowledgement.** If requested by the Mertz Foundation, SWFWMD agrees to display a plaque or another form of recognition in a public place on the Land acknowledging, in a general way, the generosity of Esther M. Mertz, the creator of the Mertz Foundation. In no event shall the text of any such plaque or recognition violate the provisions of Section 4.04 of this Agreement.

4.04 **Confidentiality.** SWFWMD is aware of, and sympathetic to, the wish of the Mertz Foundation to maintain its privacy. SWFWMD may: (i) publicly disclose the fact that the Mertz Foundation donated the Land to SWFWMD, and (ii) list the Mertz Foundation as a donor in any public announcement, report, or other communication. However, SWFWMD will not publicly disclose the total amount or value of the donation hereby made, except as required by law, including but not limited to, Chapter 119, Florida Statutes, and will make every reasonable effort not to discuss the amount or value of the donation other than in connection with required disclosures for tax and regulatory purposes and other than in disclosures within SWFWMD.

4.05 **No Assignment.** SWFWMD may not assign, transfer or convey its interest in this Agreement, in whole or in part, under any circumstances, and any such attempted assignment, transfer, or conveyance shall be null and void *ab initio*.

4.06 **Notices.** All notices which are required or permitted hereunder must be in writing and shall be deemed to have been given, delivered or made, as the case may be (notwithstanding lack of actual receipt by the addressee) (i) upon hand delivery, (ii) three (3) business days after having been deposited in the United States mail, certified or registered, return receipt requested, sufficient postage affixed and prepaid, (iii) one (1) business day after having been deposited with an expedited, overnight courier service (such as by way of example but not limitation, FedEx or (iv) by delivery of an e-mail (with .PDF or .TIF attachment), addressed to the Party to whom notice is intended to be given at the address set forth below:

The Mertz Foundation: Esther and Harold Mertz Foundation
c/o Lavender Trust Company, Inc.
212 South Main Avenue
Suite 133
Sioux Falls, South Dakota 57104
Attn: Ms. Nancy L. Close
E-mail: nclose@lavendertrustcompany.com

and

Hill, Ward & Henderson, P.A.
Bank of America Plaza, Suite 3700
101 East Kennedy Boulevard
Tampa, Florida 33602
Attn: Thomas N. Henderson, III, Esq. / John B. Grandoff, III, Esq.
Telephone No. (813) 221-3900

Exhibit 1

E-mail: thenderson@hwlaw.com
john.grandoff@hwlaw.com

SWFWMD:

Southwest Florida Water Management District
2379 Broad Street (US 41 South)
Brooksville, Florida 34604-6899
Attn: Mr. Brian Starford, Acting Division Director
Operations, Lands & Resource Monitoring
Telephone No. (352) 796-7211 x6125
E-mail: brian.starford@watermatters.org

and

Southwest Florida Water Management District
7601 US 301 North (Fort King Hwy)
Tampa, Florida 33637-6759
Attn: Karen E. West, Esq., General Counsel –
Office of General Counsel
Telephone No. (352) 796-7211 x2139
E-mail: karen.west@swfwmd.state.fl.us

It is agreed that, if any Party is represented by legal counsel, such legal counsel is authorized to deliver written notice directly to the other Party on behalf of his or her client, and the same shall be deemed proper notice hereunder if delivered in the manner hereinabove specified.

Any Party may, at any time by giving ten (10) days written notice to the other Party, designate any other address in substitution of the foregoing address to which such notice shall be given and other parties to whom copies of all notices hereunder shall be sent.

4.07 **Entire Agreement.** This Agreement embodies and constitutes the entire understanding among the Parties with respect to the transaction contemplated herein, and all prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Agreement. Neither this Agreement nor any provision hereof may be changed, waived, modified, amended, discharged, or terminated except by an instrument in writing signed by the Parties, and then only to the extent set forth in such instrument.

4.08 **Recitals.** The Parties agree that the "WHEREAS" recitals set forth on Page 1 of this Agreement are an integral part of this Agreement and are not mere recitals hereto.

4.09 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, without giving effect to principles of conflicts of law.

4.10 **Headings.** Descriptive headings are for convenience of reference only and shall not control or affect the meaning or construction of any provision of this Agreement.

Exhibit 1

4.11 **Interpretation.** Whenever the context hereof shall so require, the singular shall include the plural, the male gender shall include the female gender and neuter and vice versa. The titles of paragraphs, sections and subsections herein have been inserted as a matter of convenience of reference only and shall not control or affect the meaning or construction of any of the terms or provisions herein. The use of the words "herein", "hereof", "hereunder" and any other words of similar import refer to this Agreement as a whole and not any particular article, section, paragraph or sub-entity thereof of this Agreement unless specifically otherwise noted in this Agreement.

4.12 **Execution of Documents.** Each Party covenants and agrees that it will at any time and from time to time do such acts and execute, acknowledge, and deliver, or cause to be executed, acknowledged, and delivered, such further documents as may be reasonably necessary to effectuate the purposes and objectives contemplated by this Agreement.

4.13 **Time.** Should any period of time specified herein end on a Saturday, Sunday or national banking holiday recognized in Pasco County, Florida, the period of time shall automatically be extended to 5:00 P.M. of the next full business day. For purposes of this Agreement, a "business day" as used herein shall mean any day which is not a Saturday, Sunday or a national banking holiday recognized in Pasco County, Florida.

Whenever this Agreement makes reference to a time period which begins on or lasts for a time "from", "following" or "after" a certain date, it is expressly understood and agreed that the words "from", "following" and "after" do not imply or impute the word "including" so that no such time frames shall include such date. Furthermore, whenever this Agreement makes reference to a specific time, it is understood to mean Eastern Standard Time or any applicable Eastern Daylight Savings Time.

4.14 **No Waiver.** Neither the failure of either Party to exercise any power given such Party hereunder or to insist upon strict compliance by the other Party with its obligations hereunder, nor any custom or practice of the Parties at variance with the terms hereof shall constitute a waiver of either Party's right to demand exact compliance with the terms hereof.

4.15 **Construction of Terms.** This Agreement shall not be construed more strictly against one Party than against the other by virtue of the fact that initial drafts may have been prepared by legal counsel for one of the Parties, it being recognized that this Agreement and any related instruments are the product of extensive negotiations between the Parties and that both Parties have contributed substantially and materially to the final preparation of this Agreement.

4.16 **Survival.** Notwithstanding any references contained in this Agreement to the effect that, upon a termination or cancellation of this Agreement, the Parties shall thereafter have no further rights or obligations hereunder, any agreements on the part of one Party to indemnify the other Party shall survive any such termination of this Agreement and shall be continuing obligations after such termination hereof. Furthermore, the provisions of all sections of this Agreement which, from their sense and context are intended to survive the Closing or termination of this Agreement in order for them to be effectual and have the meaning intended by the Parties, shall so survive and shall not be merged in to the Deed or any other document from the Mertz Foundation to SWFWMD at Closing.

Exhibit 1

4.17 **Press Releases.** Any press release or similar communication to the public issued with respect to the transaction contemplated by this Agreement shall be subject to the prior written approval of the Mertz Foundation.

4.18 **Exhibits.** All exhibits referred to herein and attached hereto are incorporated herein by this reference as if fully set forth in the main body of this Agreement.

4.19 **PDF Copies.** PDF copies of this Agreement and the signatures thereon shall have the same force and effect as if the same were original documents. PDF signatures are acceptable and shall be deemed to be original signatures.

4.20 **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original instrument, but all such counterparts together shall constitute one and the same instrument.

4.21 **Effective Date.** The "Effective Date" for this Agreement shall be the date that it is last executed by the Mertz Foundation and SWFWMD. The Mertz Foundation and SWFWMD covenant and agree that they will each furnish the other, via e-mail, a copy of their respective execution of this Agreement on the same date that it is signed by the respective Parties. In the event that this Agreement is not fully-executed on or before May ____, 2020, this Agreement shall be null and void in all respects.

[Execution Page Follows on Next Succeeding Page]

COPY

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year set forth below their respective signatures.

Signed, sealed and delivered
in the presence of:

LAVENDER TRUST COMPANY INC., a
South Dakota corporation, in its capacity as the
Trustee of the Esther and Harold Mertz
Foundation U/A/D July 31, 2000, as amended

By: _____
Nancy L. Close, Chief Executive Officer

Name: _____
(Type or Print Name)

(Corporate Seal)

Dated: May _____, 2020

Name: _____
(Type or Print Name)

"MERTZ FOUNDATION"

**SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT**, a public
corporation

By: _____
Name: _____
Title: _____

Name: _____
(Print or Type Name)

Name: _____
(Print or Type Name)

Dated: May _____, 2020

"SWFWMD"

**[The recording of this Agreement, in whole or in part, is strictly prohibited and is not permitted,
and the Clerks of the Circuit Court of the State of Florida are expressly prohibited from
accepting this Agreement or any copy or memorandum thereof for recording in the Public
Records of Florida]**

EXHIBIT A

Legal Description

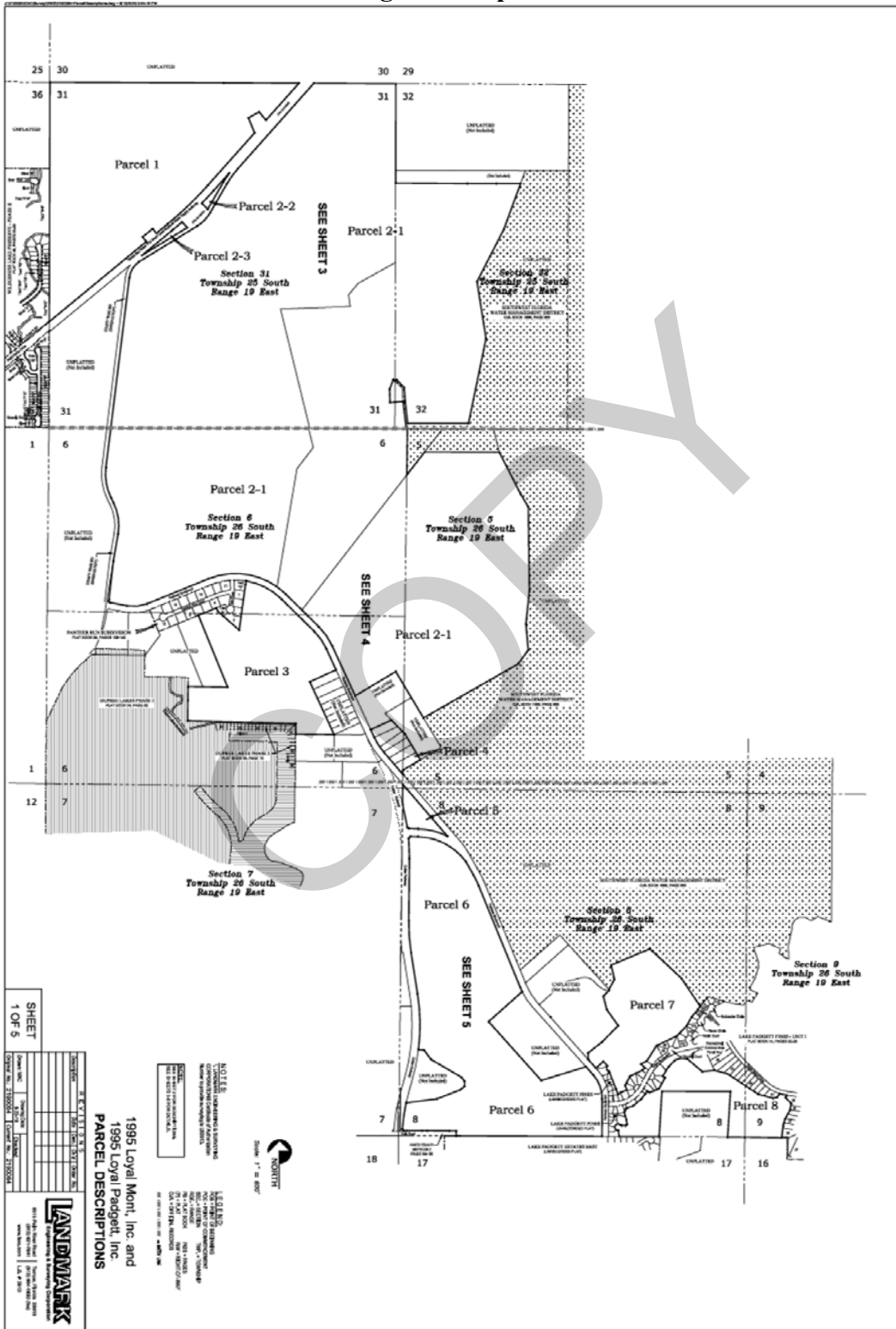


Exhibit 1

Parcel 2-1:

A portion of Sections 31 and 32, Township 25 South, Range 19 East AND a portion of Sections 5 and 6, Township 26 South, Range 19 East, Pasco County, Florida, ALL being more particularly described as follows:

BEGIN at the Northeast corner of said Section 31, said point also being the Northwest corner of said Section 32; thence S.00°05'46"W., 1523.60 feet along the Easterly boundary line of said Section 31 and the Westerly boundary line of said Section 32 to the Southwest corner of the property described in Official Records Book 9655, Page 2294 of the Public Records of Pasco County, Florida; thence along the Southerly boundary line of said property described in Official Records Book 9655, Page 2294, the following three courses: S.89°38'43"E., 1099.47 feet; thence S.89°52'13"E., 444.44 feet; thence N.89°59'35"E., 371.18 feet to the Westerly boundary line of the properties described in Official Records Book 1981, Page 212, Official Records Book 1998, Page 865, and Official Records Book 2002, Page 641, of the Public Records of Pasco County, Florida; thence along said Westerly boundary lines the following twenty-one courses: S.20°06'27"W., 744.38 feet; thence S.27°06'41"W., 903.77 feet; thence S.09°00'52"E., 882.46 feet; thence S.11°39'55"W., 1324.28 feet; thence N.89°57'55"W., 934.24 feet; thence N.06°17'22"W., 337.52 feet; thence N.04°20'53"W., 212.18 feet; thence N.44°33'20"W., 163.90 feet; thence S.45°26'40"W., 31.89 feet to the boundary line of the Ehren Cemetery property described in Official Records Book 9127, Page 1330, of the Public Records of Pasco County, Florida; thence along said boundary line of Ehren Cemetery the following five courses: N.45°17'03"W., 38.65 feet; thence S.20°41'28"W., 163.90 feet; thence S.02°07'10"E., 201.76 feet; thence N.83°43'43"E., 76.89 feet; thence N.85°58'25"E., 122.65 feet to the Westerly boundary lines of properties described in Official Records Book 1981, Page 212, Official Records Book 1998, Page 865, and Official Records Book 2002, Page 641; thence S.06°44'10"E., 418.85 feet; thence S.89°50'52"E., 17.86 feet; thence S.00°45'12"W., 710.00 feet along the Easterly boundary line of said Section 6; thence N.37°48'29"E., 445.47 feet; thence S.89°48'12"E., 1144.76 feet; thence S.27°01'49"E., 720.34 feet; thence S.30°35'59"E., 229.45 feet; thence S.00°44'41"E., 1283.14 feet; thence S.05°54'22"W., 513.77 feet; thence S.05°00'53"E., 400.52 feet; thence S.35°48'23"W., 261.14 feet; thence S.60°17'10"W., 1672.92 feet to the boundary line of the property described in said Official Records Book 9127, Page 1330; thence along said boundary line of the property described in Official Records Book 9127, Page 1330, the following two courses: N.30°51'58"W., 827.47 feet; thence S.59°08'21"W., 724.53 feet to the Northeasterly right-of-way line of PARKWAY BOULEVARD; thence along the North and Northeasterly right-of-way line of said PARKWAY BOULEVARD, the following four courses and four curves: N.24°40'07"W., 843.80 feet to the beginning of a non-tangent curve concave to the Southwest having a radius of 1000.00 feet; thence Northwesterly, 361.43 feet along said curve through a central angle of 20°42'31" (chord bears N.35°01'51"W., 359.47 feet); thence N.45°22'47"W., 707.46 feet to the beginning of a non-tangent curve concave to the Southwest having a radius of 1100.25 feet; thence Northwesterly, 1281.89 feet along said curve through a central angle of 66°45'18" (chord bears N.78°46'09"W., 1210.61 feet); thence S.67°50'54"W., 1013.19 feet to the beginning of a curve concave to the Northwest having a radius of 550.00 feet; thence Southwesterly, 315.87 feet along said curve through a central angle of 32°54'19" (chord bears S.84°18'03"W., 311.54 feet); thence N.79°14'47"W., 259.71 feet to the beginning of a non-tangent curve concave to the Northeast having a radius of 41.50 feet; thence Northwesterly, 30.87 feet along said curve through a central angle of 42°37'26" (chord bears N.57°40'14"W., 30.17 feet) to the Easterly right-of-way line of COUNTY ROAD 583 (EHREN CUTOFF); thence along said right-of-way line the following six courses and three curves: N.09°26'27"E., 30.39 feet; thence N.06°32'22"E., 594.84 feet; thence N.09°51'09"E., 419.78 feet to the beginning of a non-tangent curve concave to the Southwest having a radius of 791.35 feet; thence Northwesterly, 496.27 feet along said curve through a central angle of 35°55'53" (chord bears N.08°21'17"W., 488.18 feet); thence N.26°18'51"W., 82.42 feet to the beginning of a non-tangent curve concave to the Northeast having a radius of 818.65 feet; thence Northwesterly, 476.62 feet along said curve through a central angle of 33°21'28" (chord bears N.09°38'50"W., 469.92 feet); thence N.07°01'54"E., 612.99 feet; thence N.07°01'54"E., 2318.45 feet to the beginning of a curve concave to the Southeast having a radius of 349.44 feet; thence Northeasterly, 295.64 feet along said curve through a central angle of 48°28'30" (chord bears N.31°16'09"E., 286.90 feet) to the Southeasterly abandoned railroad right-of-way line as described in Official Records Book 9127, Page 1330, of the Public Records of Pasco County, Florida; thence along said Southeasterly right-of-way line the following three courses and two curves: N.58°27'57"E., 1040.62 feet to the beginning of a non-tangent curve concave to the Northwest having a radius of 593.57 feet; thence Northeasterly, 294.33 feet along said curve through a central angle of 28°24'39" (chord bears N.44°17'54"E., 291.32 feet); thence N.30°05'35"E., 513.04 feet to the beginning of a curve concave to the Southeast having a radius of 1414.43 feet; thence Northeasterly, 285.42 feet along said curve through a central angle of 11°33'43" (chord bears N.35°52'26"E., 284.94 feet); thence N.41°39'18"E., 1752.02 feet to the Northerly boundary line of said Section 31; thence S.89°41'27"E., 1256.00 feet along said Northerly boundary line to the POINT OF BEGINNING.

Exhibit 1

Parcel 7:

A portion of Section 8, Township 26 South, Range 19 East, Pasco County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of Lot 98, LAKE PADGETT PINES - UNIT I, as recorded in Plat Book 14, Pages 20-26, of the Public Records of Pasco County, Florida; thence S.32°09'18"W., 277.26 feet; thence S.63°07'31"W., 100.59 feet; thence S.44°44'54"E., 84.25 feet; thence S.47°26'18"W., 51.38 feet; thence S.63°30'52"W., 112.12 feet; thence S.63°36'38"W., 100.83 feet; thence S.28°06'40"W., 110.45 feet; thence S.28°02'34"W., 48.08 feet; thence S.20°51'44"E., 75.00 feet; thence S.68°45'08"W., 100.39 feet; thence S.54°24'09"W., 51.53 feet; thence N.21°14'23"W., 89.92 feet; thence N.21°18'10"W., 270.42 feet; thence N.21°26'31"W., 18.25 feet to the beginning of a non-tangent curve concave to the Northeast having a radius of 50.05 feet; thence Northwesterly, 108.03 feet along said curve through a central angle of 123°40'44" (chord bears N.16°05'50"W., 88.24 feet); thence N.43°55'15"W., 91.27 feet; thence S.48°13'28"W., 152.38 feet to the Northeasterly right-of-way line of PARKWAY BOULEVARD; thence N.41°37'48"W., 178.10 feet along said Northeasterly right-of-way line to the boundary line of the property described in Official Records Book 9127, Page 1330, of the Public Records of Pasco County, Florida; thence along said boundary line the following seven courses: N.00°48'21"W., 98.97 feet; thence N.51°42'06"E., 274.37 feet; thence N.44°33'39"E., 350.20 feet; thence N.35°24'35"W., 300.98 feet; thence N.14°31'13"W., 211.10 feet; thence N.43°45'19"E., 124.47 feet; thence N.04°32'12"W., 14.92 feet to the Southerly boundary line of the property described in Official Records Book 1998, Page 865, of the Public Records of Pasco County, Florida; thence along said Southerly boundary line the following five courses: N.28°59'11"E., 175.12 feet; thence N.12°33'35"W., 226.14 feet; thence N.67°16'01"E., 642.96 feet; thence S.46°58'01"E., 661.08 feet; thence S.33°43'24"E., 518.93 feet to the Westerly boundary line of said LAKE PADGETT PINES - UNIT I; thence along said Westerly boundary line the following five courses: S.36°08'58"W., 60.04 feet; thence S.40°39'52"W., 149.05 feet; thence S.29°21'04"W., 160.64 feet; thence S.44°18'49"W., 210.89 feet; thence S.64°25'20"W., 345.38 feet to the POINT OF BEGINNING.

Parcel 8:

A portion of Sections 8 and 9, Township 26 South, Range 19 East, Pasco County, Florida, being more particularly described as follows:

BEGIN at the Southwest corner of Parcel No. 1, LAKE PADGETT PINES - UNIT I, as recorded in Plat Book 14, Pages 20-26, of the Public Records of Pasco County, Florida; thence along the Southerly and Westerly boundary lines of said LAKE PADGETT PINES - UNIT I, the following nineteen courses and one curve: N.35°13'01"E., 74.56 feet; thence N.43°49'24"E., 130.34 feet; thence N.67°28'20"E., 92.66 feet; thence S.84°01'09"E., 108.66 feet; thence S.49°33'03"E., 299.95 feet; thence N.84°11'53"E., 188.91 feet; thence S.75°06'02"E., 205.23 feet; thence S.56°25'38"E., 567.42 feet; thence S.74°47'00"E., 232.84 feet; thence N.79°36'50"E., 61.06 feet; thence N.35°03'30"E., 72.39 feet to the Northeast corner of Lot 81 of said LAKE PADGETT PINES - UNIT I and the Southerly right-of-way line of EAGLE ISLAND DRIVE and the beginning of a non-tangent curve concave to the Northeast having a radius of 630.00 feet; thence Southeasterly, 104.88 feet along said curve through a central angle of 09°32'20" (chord bears S.76°46'12"E., 104.76 feet); thence S.81°45'15"E., 7.17 feet to the Northwest corner of Lot 36 of said LAKE PADGETT PINES - UNIT I; thence S.19°50'39"W., 41.77 feet; thence S.44°23'05"E., 117.53 feet; thence S.08°27'55"W., 98.85 feet; thence S.28°47'15"W., 162.98 feet; thence S.15°55'16"W., 60.82 feet; thence S.15°55'15"W., 47.45 feet; thence S.06°58'15"W., 183.01 feet to the Southerly boundary line of the Southwest 1/4 of said Section 9; thence N.89°08'53"W., 566.21 feet along said Southerly boundary line to the Southwest corner thereof and the Southeast corner of said Section 8; thence N.89°48'06"W., 261.65 feet along the Southerly boundary line of said Section 8 to the Southeast corner of the property described in Official Records Book 9127, Page 1330, of the Public Records of Pasco County, Florida; thence along the boundary line of said property described in Official Records Book 9127, Page 1330, the following three courses: N.03°29'49"E., 700.00 feet; thence N.89°48'07"W., 1050.00 feet; thence S.03°29'49"W., 700.00 feet to the Southerly boundary line of said Section 8; thence N.89°48'15"W., 614.34 feet along said Southerly boundary line; thence N.05°55'51"W., 95.62 feet to the beginning of a non-tangent curve concave to the Southeast having a radius of 50.00 feet; thence Northeasterly, 203.94 feet along said curve through a central angle of 233°41'59" (chord bears N.21°12'36"E., 89.22 feet) to the beginning of a non-tangent curve concave to the Northeast having a radius of 24.46 feet; thence Southeasterly, 0.69 feet along said curve through a central angle of 01°37'31" (chord bears S.41°32'33"E., 0.69 feet) to the beginning of a compound curve concave to the Northeast having a radius of 24.46 feet; thence Southeasterly, 20.44 feet along said curve through a central angle of 47°52'43" (chord bears S.66°17'40"E., 19.85 feet); thence S.89°46'25"E., 60.18 feet to the beginning of a curve concave to the Northwest having a radius of 20.00 feet; thence Northeasterly, 31.41 feet along said curve through a central angle of 90°00'00" (chord bears N.45°13'35"E., 28.28 feet) to the beginning of a compound curve concave to the Southwest having a radius of 248.86 feet; thence Northwesterly, 66.59 feet along said curve through a central angle of 15°19'52" (chord bears N.07°26'21"W., 66.39 feet); thence N.15°06'17"W., 123.14 feet; thence N.29°53'43"E., 70.71 feet; thence N.70°42'08"E., 100.16 feet; thence N.50°09'11"E., 173.16 feet; thence N.36°56'58"E., 100.02 feet; thence N.37°10'20"E., 49.97 feet; thence S.52°48'00"E., 40.02 feet; thence N.67°06'24"E., 77.64 feet; thence N.67°00'33"E., 39.97 feet; thence N.67°34'12"E., 43.48 feet; thence N.28°41'58"E., 190.00 feet; thence N.61°17'59"W., 40.00 feet; thence N.28°41'15"E., 102.64 feet to the POINT OF BEGINNING.

EXHIBIT B

Southwest Florida Water Management District Requirements for Boundary Surveys

Scope of Work

- ❑ All interior improvements must be shown (including wells, septic tanks, interior fencing, gates, and utilities). Visible evidence of underground installations or apparent cross rights uses will be located and noted.
- ❑ The survey will be certified to the 1) Southwest Florida Water Management District, 2) current owners, 3) Title Insurance agency and 4) Title Insurance underwriter.
- ❑ The following certification will appear on the survey map:

THIS _____ SURVEY IS CERTIFIED TO THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AS MEETING OR EXCEEDING, IN QUALITY AND PRECISION, THE STANDARDS OF PRACTICE APPLICABLE FOR THIS WORK, AS SET FORTH IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES.

- ❑ Title Commitment exceptions must be addressed on the survey (*see Mapping section below*).
- ❑ The survey will be based on the Florida State Plane Coordinate System (West Zone), North American Datum of 1983/Current Adjustment. Distances shown on the drawing and reported within any legal description created for this task work assignment will be converted to ground using an average scale factor.
- ❑ When applicable, the existence of Sovereign Boundaries will be determined by coordinating with the Bureau of Survey and Mapping, Florida Department of Environmental Protection. The demarcation will be a part of this scope.
- ❑ Show all Federal Emergency Management Agency (FEMA) Flood Zones and/or Floodways. Search FEMA and local community for letter of map amendment (LOMA) and/or letter of map revision (LOMR) and show changes, if any. Reference Community Panel(s) and dates.

When the lands being surveyed, or any portion thereof, are described as being a portion of a PLSS Section, Eight (8) controlling corners for each section described will be recovered and shown on the map of survey. If current corner and accessories are substantially different new Certified Corner Records are to be submitted to FDEP and copies provided as a deliverable for this task work assignment. In some instances, all 8 controlling corners may not need to be surveyed, this can be negotiated on a case by case basis with a District PSM after the request for scope and fee is made.

Mapping

- ❑ Drawing size will be 24" x 36" drawn at an appropriate scale for the details being shown (for large areas, preferred scale 1"=200' or larger, e.g. 1"=100'). If multiple sheets are used, sheet one of the set will be the key sheet, which will show the entire boundary of the parcel, street names and linework for the improvements and easements. Each subsequent sheet in the set will show the adjoining sheet number at the edge of the parcel, where applicable. All sheets will contain details, as needed, for clarity of improvements or encroachments.

Exhibit 1

- ❑ The following information will be prominently displayed in drawing title block, together with the District's logo:

<p><i>Southwest Florida Water Management District</i></p> <p><i>Survey Section</i></p> <p><i>2379 Broad Street U.S. Hwy. 41 South</i></p> <p><i>Brooksville, Fl. 34604</i></p> <p><i>(352) 796-7211 (800) 423-1476</i></p>	<p><i>Basin Name: (e.g. Green Swamp)</i></p> <p><i>Project Name: xxxxxxxxxxxxxxxxxxxx</i></p> <p><i>Parcel Number: (e.g. 10-100-100)</i></p> <p><i>Parcel Name: xxxxxxxxxxxxxxxxxxxx</i></p>
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- ❑ Drawing orientation will have north to the top of the sheet (preferred) or to the right.
- ❑ A coordinate table, listing state plane coordinates for all property corners and Section corners recovered or set, will be shown.
- ❑ "Surveyor's Notes:" will be required on the drawing. This section will include a statement regarding the datum and accuracy of horizontal coordinates shown, together with the average scale factor used. The scaled around point (centroid) used for the conversion to ground distances will be noted; accuracy of located features will be noted, any items the surveyor of record feels needs to be reported about the survey will be noted in this section in a numbered paragraph(s) format.
- ❑ When north is rotated to the right on a sheet, all annotation will be oriented to read normally when the user views the map with north towards the top of the page.
- ❑ The legal description of the survey will be shown with a header of "Legal Description".
- ❑ List area in acres to the hundredth (e.g.123.45 acres) and label within the parcel boundaries and below the legal description.
- ❑ Prominently label the parcel number within the boundaries of the parcel.
- ❑ When listing area in acres, do not state "more or less" except when combining with square footage (e.g. Containing 97,123 square feet or 2.23 acres more or less).
- ❑ List the title exceptions under Survey Notes:

Easements listed as items X, X, X, etc. under Schedule B – Section 2 of (Title Insurance Company Name)'s commitment number: XXXXXX (and if applicable) reference number XXXXXXXX effective date: XXXXXX XX, XXXX at XX:XX (a.m./p.m.) have been shown or noted hereon.
- ❑ Drawing No. XX-XXX-XXX (xx-xxx-xxx = parcel number) will be placed outside the bottom border on the right side.
- ❑ Any line or curve tables will be labeled and numbered in ascending order.
- ❑ Do not show owner(s) names or tax parcel identifiers from the property appraiser's data.

Exhibit 1

- ❑ When multiple sheets are used, the FEMA flood zone boundaries will be shown only in the last sheet of the set. This sheet will depict the entire parcel boundary, show sufficient features for orientation and be drawn at a reasonable scale.
- ❑ Only applicable items and/or abbreviations will be shown in the legend.
- ❑ A simple line diagram, vicinity or location map is required and will show the subject survey relative to clearly labeled major roadways. Do not copy in or externally reference other map sources i.e. aerial photography, scanned maps, web services.
- ❑ Drawing date (drawing started) will appear in the title box.
- ❑ No revision date will appear unless signed and sealed prints have previously been issued.
- ❑ Each sheet that depicts the survey boundaries will show the applicable Section(s), Township(s) and Range(s) and County(s) inside the upper right border.
- ❑ List geodetic control stations in notes (minimum of two), include designation and P.I.D.
- ❑ All monumentation recovered outside the boundaries of the subject survey that was included in the analysis and resolution of the survey will be shown and dimensioned.

CAD Standards

- ❑ CAD file name will normally be the District parcel number (i.e. XX-XXX-XXX.dwg).
- ❑ Save file in 2007 or newer format.
- ❑ CAD file will be purged (*see note below*), layer set to 0, left in appropriate space for plotting (model or paper) and zoomed extents.
- ❑ The CAD file will be delivered referenced to NAD 83 (2011) Florida West Zone. Distance labels will ground distances and not grid.
- ❑ Any custom fonts, shapes, line types, plot style tables, hatching will be provided. (*Using eTransmit can assist with identifying custom files.*)
- ❑ CAD file will contain No annotative objects, if annotative objects were created as a part of normal work flow then the “flatten” command will be utilized to remove such formatting.
- ❑ If multiple sheets are needed, use of paper space is required.
- ❑ CAD file will have all external references removed. (*Use the XREF command to confirm.*)
- ❑ No entities will be contained in layer 0, which color will be white and linetype continuous.
- ❑ Layers will be set to the proper state for plotting.
- ❑ All entities will be created By-Layer, e.g. color, linetype or lineweight.

Exhibit 1

- ❑ Do not utilize aerial images as background or an overlay.
- ❑ Provide a layer named “SWFWMD-Boundary” containing a closed polyline of the subject survey. This layer should be frozen and not printed.
- ❑ Provide a separate layer named “SWFWMD-Easement-ORBXXXXXX-PGXX” containing a closed polyline for each easement listed in the title commitment exceptions. This layer should be frozen and not printed.
- ❑ All entities will be separated into appropriate layers. Using the Layer Properties Manager, add a Description for any abbreviated layer names that may not be easily understood.

❑ The body of the legal description, including the caption, but not the header, will be an mtext entity. *Note: It has been discovered that the table style “Legend” that also has a text style “Legend” associated with it cannot be purged, even if there are no entities in the drawing. This is a bug in Version 2009 and prior versions of AutoCAD.*

Solution: *Execute the Rename command and rename table style “Legend” to another name. It will then allow you to purge the table style and text style “Legend”.*

Initial Deliverables

This is not a preliminary or in progress submittal, it should be complete and ready to seal.

- ❑ A PDF plot of the survey printed at the same size as the hard copy (filename: **Drawing No. XX-XXX-XXX.pdf**, where XX-XXX-XXX is the parcel number)
- ❑ Provide an AutoCAD drawing file of the survey (filename: **XX-XXX-XXX.DWG**, where XX-XXX-XXX is the parcel number. The date of this file will not be later than the PDF plot).
- ❑ A zip file containing all custom font, line types, plot styles, color tables, etc. (filename: **CAD Support Files.zip**, this will not contain the DWG file).
- ❑ Pictures of all boundary markers, control, encroachments, and general site conditions will be provided. (filename: **Site Photos.pdf**)
- ❑ Provide copies of all field notes scanned into PDF format. The beginning page of notes will list the company name, address and telephone number. All pages will contain field book-page numbers and identify the crew persons and dates of work (filename: **Field Notes.pdf**).
- ❑ Provide all supporting computations and analysis of measurements including:
 - Adjustment, translation, rotation, balancing, etc; use bookmarks to organize and annotate to allow for review (filename: **Analysis.pdf**).
 - Export all Data Collection, e.g. conventional, GPS, leveling to an ASCII file format (filename: **(type of) Data Collection.txt**).
 - NGS Control Datasheets – minimum of two (filename: **Source Control.pdf**)

Note: The Source Control.pdf will contain the horizontal and vertical data sheets separated

Exhibit 1

by bookmarked categories. If the NGS station(s) is both horizontal and vertical it would be under its own bookmark category.

For example: Horizontal
XXXXXX XXXX, [PID Designation]

Vertical
XXXXXX XXXX, [PID Designation]

Horizontal-Vertical
XXXXXX XXXX, [PID Designation]

Note: Compile these data in a zip file (filename: Computations.zip).

- ❑ Copies of any reference maps will be provided in PDF format:
 - Right-of-Way including maintained, proposed or existing (filename: Name of Road – County – Type.pdf)
 - Surveys by others (filename: Surveys by Others.pdf - if more than one include in same PDF with bookmarks)
 - FEMA Flood Map (filename: FEMA Flood Map - community panel number.pdf)
 - Existing/New Certified Corner Records (filename: CCR – Sec-Twp-RGE-Cor.pdf)

Note: These data will be compiled in zip file (filename: Reference Data.zip).

- ❑ When the question or establishment of mean high water, safe upland elevation or ordinary high water lines is required, a scanned copy of the signed letter from DEP will be provided in PDF format (filename: DEP Sovereign Letter.pdf).

Initial deliverables will be provided in one zip file named with your company initials and current date with no spaces e.g. YCI_03-17-10.zip. If the size of the zip file is below 20MB, send it as an email attachment. If it is above 20MB the following link is for the District Sharefile account, you can drag and drop the “zip” file there, after posting to Sharefile an email stating that the file has been uploaded to the District sharefile account shall be sent, stating the name of the file.

ShareFile Link: <https://watermatters.sharefile.com/share/upload/recf05e329a9421eb>

PDF Format Requirements

- Edit the PDF and rotate pages for reading or viewing (*Use the Rotate command in the Pages tab*).
- When scanning field book pages position in the same orientation and location.
- Convert bit-mapped images (e.g. site photos) to PDF and reduce to letter size.

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- Combine same types of documents into one PDF and create bookmarks for each type. (For example *Field Notes from different books or types of data collected. Also computations from different sources or types i.e. closures, GPS processing, adjustments. Site photos of different locations.*)
- Use the optimize function to reduce the size of large PDF files, when scanning documents to PDF format do not use a resolution greater than 300 dpi.

Final Deliverables

Resubmit any initial deliverable files that required changes.

- ❑ Provide six (6) signed-sealed prints of the final boundary survey.
- ❑ If a separate Surveyor's Report is provided, after signing and sealing, the document will be scanned into PDF format and named (*filename: Survey Report.pdf*).

The following data should have been provided with the RFP:

Basin Name	Title Commitment
Project Name	District Survey data
Parcel Number	District Logo (AutoCAD format)*
Parcel Name	*available upon request

Addendum for Well Site Surveys

- ❑ All scope of work, mapping, CAD standards and deliverables detailed in the requirements above are applicable to this addendum, unless noted otherwise below.
- ❑ These surveys usually consist of three areas identified as follows:
 - Proposed Well Site Area – normally a 10 foot by 10 foot (*see exception map for site requirements*).
 - Proposed Access Area – normally 10 foot in width from public right of way to proposed well site area (*see exception map for site requirements*).
 - Proposed Temporary Construction Area – normally 100 foot by 100 foot surrounding the proposed well site area (*see exception map for site requirements*).
- ❑ One parcel number represents all three areas. Instead of labeling parcel number within the boundaries, label the type i.e. Proposed Well Site Area, leaders may be used.
- ❑ Boundary corners are to be set for all three parcels.
- ❑ Locate trees 4" DBH (Diameter at Breast Height) within the Access and Well site Areas Only.
- ❑ Title commitment provided will cover the parent parcel, not the well site parcel areas to be created,

Exhibit 1

sufficient recovery of parent parcel boundary limits will be shown to validate that the well site and its additional easements are within the parent parcel limits.

- ❑ Only improvements that are within the proposed well site parcels or within 10 feet of their furthest extent (typically that would be the limits of the “Temporary Construction Area”) are required to be located, no additional parent parcel improvements are required to be located unless additional instructions are given on a case by case basis, this would be negotiated after the request for scope and fee is made.

When the parent parcel is described as being a portion of a PLSS section(s), sufficient section corner locations will be made in order to verify that the well site location is contained wholly within the described portion of the section(s), this may include the location of evidential boundary corners for other subdivided portions of the section(s).

- ❑ Legal descriptions are to be written for each area surveyed.
- ❑ When describing curve direction in a legal description use the phrase "...curve to the left..." or "...curve to the right..." not "...curve concave to the east (etc.)..."
- ❑ Legal description will be written and boundaries dimensioned in a clockwise direction.
- ❑ Legal descriptions will use “for the point of beginning” at the first instance and “to the point of beginning” on return.
- ❑ The legal description header for each boundary will contain a hyphen and area name. For example: Legal Description – Proposed Well Site Area.
- ❑ There will be only one survey drawing which will depict all three areas and contain their legal descriptions.
- ❑ Temporary Construction Area boundaries will be drawn using a dashed linetype.
- ❑ FEMA Flood Zone Data is not required for Well Site Surveys.
- ❑ The scale of the drawing will be increased to focus on the surveyed areas, not the parent tract.

Note: In some instances four wooden stakes have been placed at the proposed well site area location, as well as an iron rod at its center. These points were placed by others representing its approximate location to the land owner. If existing at the time of survey, they will be located and placed on a frozen layer named SWFWMD-Field Points in the provided CAD file. When practical the well site area should be placed at these points. However, appropriate boundaries (i.e. parallel or perpendicular with the parent boundaries, where applicable) will be created and conform with the parameters shown on the exception map provided. If unforeseen circumstances are encountered making the aforementioned impractical, contact the District for further direction.

Remainder of this page intentionally left blank

EXHIBIT C

This instrument was prepared
by and should be returned to:
Thomas N. Henderson, III, Esq., of
Hill Ward Henderson
Bank of America Plaza, Suite 3700
101 East Kennedy Boulevard
Tampa, Florida 33602

Consideration: Nominal

Documentary Stamp Tax: \$0.70

Property Appraiser's Parcel Identification Nos.:

FEE SIMPLE DEED

THIS INDENTURE is made and entered into to be effective as of the ____ day of _____, 2020, by and between **LAVENDER TRUST COMPANY INC.**, a South Dakota corporation, as Trustee of The Esther and Harold Mertz Foundation U/A/D July 31, 2000, as amended, whose mailing address is 212 South Main Avenue, Suite 133, Sioux Falls, South Dakota 57104 (hereinafter referred to as the "**Grantor**") and **SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604 (hereinafter referred to, as the "**Grantee**").

WITNESSETH:

That the Grantor, for and in consideration of the sum of One and No/100ths Dollar (\$1.00), and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and by these presents does grant, bargain, sell, convey and confirm, unto the Grantee, and to its successors and assigns forever, all the following piece, parcel, lot or tract of land, situate, lying and being in the County of Pasco, State of Florida (the "**Property**"), and described as follows, to-wit:

See **Exhibit A** attached hereto and made a part hereof.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or appertaining; and every right, title or interest, legal or equitable, of the Grantor, of, in and to the same.

The Property is not the homestead property of any person.

Exhibit 1

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns, to its proper use, benefit and behoof forever.

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

Signed, sealed and delivered
in the presence of:

LAVENDER TRUST COMPANY INC., a
South Dakota corporation, in its capacity as the
Trustee of the Esther and Harold Mertz
Foundation U/A/D July 31, 2000, as amended

By: _____
Nancy L. Close, Chief Executive Officer

Name: _____
(Type or Print Name)

(Corporate Seal)

Name: _____
(Type or Print Name)

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this ____ day of _____, 2020, Nancy L. Close, as Chief Executive Officer of Lavender Trust Company Inc., a South Dakota corporation, on behalf of the corporation in its capacity as the Trustee of the Esther and Harold Mertz Foundation U/A/D July 31, 2000, as amended. She is personally known to me or has produced _____ as identification.

Notary Public

(Type, Print or Stamp Name)

My Commission Expires:

EXHIBIT A to FEE SIMPLE DEED

Legal Description

COPY

EXHIBIT D

Remaining Land

Parcel 1:

A portion of Section 31, Township 25 South, Range 19 East, Pasco County, Florida, being more particularly described as follows:

BEGIN at the Northwest corner of said Section 31; thence along the Northerly boundary line of said Section 31 the following two courses: S.89°48'19"E., 2661.25 feet; thence S.89°41'27"E., 1156.56 feet to the Northwesternly abandoned railroad right-of-way line as described in Official Records Book 9127, Page 1330, of the Public Records of Pasco County, Florida; thence S.41°44'53"W., 759.93 feet along said Northwesternly abandoned railroad right-of-way line to the Southeast corner of the property described in Official Records Book 1429, Page 1076, of the Public Records of Pasco County, Florida; thence along the boundary line of said property described in Official Records Book 1429, Page 1076, the following three courses: N.39°40'04"W., 164.12 feet; thence S.61°04'51"W., 187.55 feet; thence S.22°20'04"E., 249.46 feet to said Northwesternly abandoned railroad right-of-way line; thence along said Northwesternly abandoned railroad right-of-way line the following two courses and one curve: S.41°44'53"W., 1076.07 feet to the beginning of a curve concave to the Northwest having a radius of 5669.65 feet; thence Southwesterly, 861.63 feet along said curve through a central angle of 08°42'27" (chord bears S.46°06'07"W., 860.80 feet); thence S.50°27'20"W., 218.54 feet to the Southeast corner of the property described in Official Records Book 3376, Page 564, of the Public Records of Pasco County, Florida; thence along said property described in Official Records Book 3376, Page 564, the following three courses: N.39°32'40"W., 90.00 feet; thence S.50°27'20"W., 200.00 feet; thence S.39°32'40"E., 90.00 feet to said Northwesternly abandoned railroad right-of-way line; thence S.50°27'20"W., 1928.29 feet along said Northwesternly abandoned railroad right-of-way line to the Westerly boundary line of said Section 31; thence along said Westerly boundary line the following two courses: N.00°08'51"E., 1022.94 feet; thence N.00°08'05"E., 2648.29 feet to the POINT OF BEGINNING.

Parcel 2-2:

A portion of Section 31, Township 25 South, Range 19 East, Pasco County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of said Section 31; thence N.89°41'27"W., 1256.00 feet along the Northerly boundary line of said Section 31 to the Southeasternly abandoned railroad right-of-way line as described in Official Records Book 9127, Page 1330, of the Public Records of Pasco County, Florida; thence S.41°39'18"W., 1752.02 feet along said Southeasternly abandoned railroad right-of-way line; thence S.63°06'39"W., 146.71 feet to the POINT OF BEGINNING; said point being the beginning of a curve concave to the Southeast having a radius of 1474.43 feet; thence Southwesterly, 160.79 feet along said curve through a central angle of 06°14'5" (chord bears S.33°13'02"W., 160.71 feet); thence S.30°05'35"W., 486.01 feet; thence N.43°33'01"W., 128.52 feet to the beginning of a non-tangent curve concave to Northwest having a radius of 5789.65 feet; thence Northeasterly, 265.13 feet along said curve through a central angle of 02°37'26" (chord bears N.43°07'56"E., 265.1 feet); thence N.41°41'38"E., 359.36 feet to the POINT OF BEGINNING.

Parcel 2-3:

A portion of Section 31, Township 25 South, Range 19 East, Pasco County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of said Section 31; thence N.89°41'27"W., 1256.00 feet along the Northerly boundary line of said Section 31 to the Southeasternly abandoned railroad right-of-way line as described in Official Records Book 9127, Page 1330, of the Public Records of Pasco County, Florida; thence also along said Southeasternly abandoned railroad right-of-way line the following two courses and two curves: S.41°39'18"W., 1752.02 feet to the beginning of a curve concave to the Southeast having a radius of 1414.43 feet; thence Southwesterly, 285.42 feet along said curve through a central angle of 11°33'43" (chord bears S.35°52'26"W., 284.9 feet); thence S.30°05'35"W., 513.04 feet to the beginning of a curve concave to the Northwest having a radius of 593.57 feet; thence Southwesterly, 294.33 feet along said curve through a central angle of 28°24'39" (chord bears S.44°17'54"W., 291.32 feet); thence S.82°24'35"W., 148.06 feet to the POINT OF BEGINNING; thence S.58°30'14"W., 815.17 feet; thence N.50°27'20"E., 604.20 feet to the beginning of a curve concave to the Northwest having a radius of 5789.65 feet; thence Northeast 194.76 feet along said curve through a central angle of 01°55'39" (chord bears N.49°29'31"E., 194.75 feet); thence S.43°33'01"E., 117.69 feet to the POINT OF BEGINNING.

Exhibit 1

Parcel 4:

A portion of Sections 5 and 6, Township 26 South, Range 19 East, Pasco County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 5, said point also being the Southeast corner of said Section 6; thence along the Westerly boundary line of said Section 5 and Easterly boundary line of said Section 6 the following two courses: N.00°33'56"E., 64.26 feet; thence N.00°52'47"E., 150.22 feet to the Northerly right-of-way line of PARKWAY BOULEVARD and the POINT OF BEGINNING; thence along said Northerly right-of-way line the following three courses and one curve: N.40°26'46"W., 55.62 feet; thence N.40°37'00"W., 399.64 feet to the beginning of a non-tangent curve concave to the Northeast having a radius of 950.00 feet; thence Northwesterly, 264.72 feet along said curve through a central angle of 15°57'56" (chord bears N.32°44'38"W., 263.86 feet); thence N.24°42'38"W., 129.90 feet to the boundary line of the property described in Official Records Book 9127, Page 1330, of the Public Records of Pasco County, Florida; thence along said boundary line the following three courses: N.65°17'38"E., 349.83 feet; thence S.44°18'58"E., 297.32 feet; thence S.30°49'17"E., 459.91 feet to the Westerly boundary line of the property described in Official Records Book 1998, Page 865, of the Public Records of Pasco County, Florida; thence along said Westerly boundary line the following two courses: S.59°05'54"W., 311.19 feet to the Westerly boundary line of said Section 5 and the Easterly boundary line of said Section 6; thence S.00°47'00"W., 64.35 feet along said Westerly boundary line and said Easterly boundary line to the POINT OF BEGINNING.

Parcel 5:

A portion of Sections 5 and 8, Township 26 South, Range 19 East, Pasco County, Florida, being more particularly described as follows:

BEGIN at the Southwest corner of said Section 5, said point also being the Northwest corner of said Section 8; thence N.00°30'33"E., 64.34 feet along the Westerly boundary line of said Section 5 to the Southwesterly right-of-way line of PARKWAY BOULEVARD; thence along said Southwesterly right-of-way line the following two courses: S.40°21'15"E., 85.18 feet; thence S.40°40'22"E., 966.33 feet to the Northerly boundary line of PARCEL 101 as described in Official Records Book 7982, Page 1131, of the Public Records of Pasco County, Florida and the beginning of a non-tangent curve concave to the Southwest having a radius of 1060.00 feet; thence along said Northerly boundary line the following curve and two courses: Northwesterly, 464.26 feet along said curve through a central angle of 25°05'40" (chord bears N.75°58'03"W., 460.56 feet); thence N.88°31'00"W., 143.25 feet; thence N.48°26'33"W., 32.18 feet to the Easterly right-of-way line of COLLIER PARKWAY and the beginning of a non-tangent curve concave to the Southwest having a radius of 3060.00 feet; thence along said Easterly right-of-way line Northwesterly, 363.85 feet along said curve through a central angle of 06°48'46" (chord bears N.11°47'09"W., 363.64 feet) to the Westerly boundary line of said Section 8; thence N.00°40'38"E., 240.80 feet along said Westerly boundary line to the POINT OF BEGINNING.

Exhibit 1

Parcel 6:

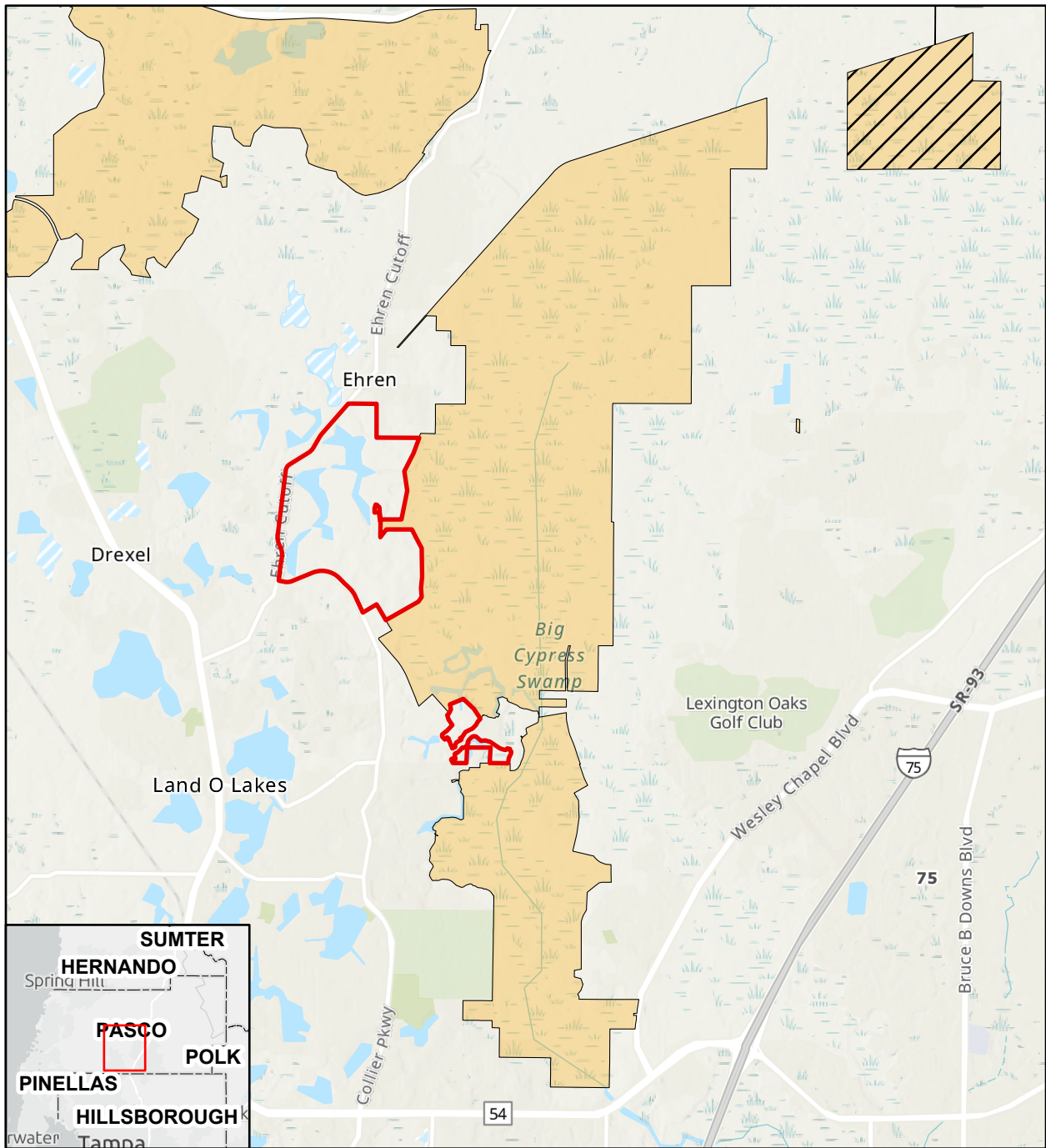
A portion of Section 8, Township 26 South, Range 19 East, Pasco County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of said Section 8; thence S.89°44'22"E., 881.84 feet along the Southerly boundary line of said Section 8 to the Easterly right-of-way line of HALE ROAD and the POINT OF BEGINNING; thence along the Easterly and Northerly right-of-way lines of said HALE ROAD, the following seven courses: N.00°57'38"E., 77.61 feet; thence N.89°47'04"W., 105.47 feet; thence N.89°25'15"W., 339.41 feet; thence S.89°27'18"W., 80.29 feet; thence N.89°49'33"W., 235.41 feet; thence N.89°49'22"W., 47.40 feet; thence N.42°34'58"W., 26.62 feet to the Easterly right-of-way line of COLLIER PARKWAY; thence along said Easterly right-of-way line the following course and curve: N.04°03'29"E., 9.56 feet to the beginning of a non-tangent curve concave to the Southeast having a radius of 2940.00 feet; thence Northeasterly, 403.62 feet along said curve through a central angle of 07°51'57" (chord bears N.08°00'10"E., 403.30 feet) to the Southwest corner of PARCEL 101.2 as described in Official Records Book 7982, Page 1131, of the Public Records of Pasco County, Florida; thence along the boundary line of said PARCEL 101.2, the following eight courses: N.82°50'51"E., 475.90 feet; thence N.68°45'45"E., 378.23 feet; thence N.52°55'20"E., 90.95 feet; thence N.00°00'24"W., 75.94 feet; thence N.36°55'58"W., 80.63 feet; thence N.59°43'25"W., 538.26 feet; thence N.37°06'53"W., 182.10 feet; thence N.82°57'56"W., 85.01 feet to the Easterly right-of-way line of COLLIER PARKWAY and the beginning of a non-tangent curve concave to the Southwest having a radius of 3060.00 feet; thence along said Easterly right-of-way line the following three curves and two courses: Northwesterly, 852.47 feet along said curve through a central angle of 15°57'42" (chord bears N.00°56'29"W., 849.71 feet); thence N.08°55'28"W., 641.67 feet to the beginning of a curve concave to the Northeast having a radius of 2940.00 feet; thence Northwesterly, 491.17 feet along said curve through a central angle of 09°34'20" (chord bears N.04°08'22"W., 490.60 feet); thence N.00°38'50"E., 951.95 feet to the beginning of a curve concave to the Southwest having a radius of 3060.00 feet; thence Northwesterly, 311.68 feet along said curve through a central angle of 05°50'09" (chord bears N.02°16'15"W., 311.5 feet) to the Southerly boundary line of PARCEL 101 as described in Official Records Book 7982, Page 1131, of the Public Records of Pasco County, Florida; thence along said Southerly boundary line the following two courses and one curve: N.43°08'22"E., 37.35 feet; thence S.88°30'58"E., 118.54 feet to the beginning of a curve concave to the Southwest having a radius of 940.00 feet; thence Southeasterly, 860.99 feet along said curve through a central angle of 52°28'47" (chord bears S.62°16'32"E., 831. feet) to the Westerly right-of-way line of PARKWAY BOULEVARD; thence along said Westerly right-of-way line the following two courses and two curves: S.29°39'07"E. 229.01 feet to the beginning of a non-tangent curve concave to the Southwest having a radius of 1450.00 feet; thence Southeasterly, 184.20 feet along said curve through a central angle of 07°16'42" (chord bears S.25°51'58"E., 184.07 feet); thence S.22°13'37"E., 1683.00 feet to the beginning of a non-tangent curve concave to the Northeast having a radius of 1050.00 feet; thence Southeasterly, 72.25 feet along said curve through a central angle of 03°56'34" (chord bears S.24°11'40"E., 72.24 feet) to the Northerly boundary line of the property described in Official Records Book 9127, Page 1330, of the Public Records of Pasco County, Florida; thence along the boundary line of said property described in Official Records Book 9127, Page 1330, the following three courses: S.48°12'21"W., 689.54 feet; thence S.41°49'14"E., 1209.85 feet; thence N.72°56'03"E., 716.50 feet to said Westerly right-of-way line of PARKWAY BOULEVARD; thence along said Westerly right-of-way line the following two courses and one curve: S.41°49'20"E., 163.08 feet to the beginning of a curve concave to the Southwest having a radius of 550.00 feet; thence Southeasterly, 403 feet along said curve through a central angle of 42°02'57" (chord bears S.20°47'54"E., 394.64 feet); thence S.00°13'36"W., 580.55 feet to the Southerly boundary line of said Section 8; thence N.89°47'09"W., 2235.25 feet along said Southerly boundary line to the POINT OF BEGINNING.

13664046v1A

13924843v2

Exhibit 2
Donation of Property – Cypress Creek Preserve, SWF Parcel No. 13-500-397
Location Map



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

- Donation Property
- District Fee Simple Ownership
- District Conservation Easement

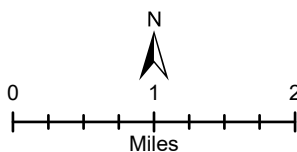
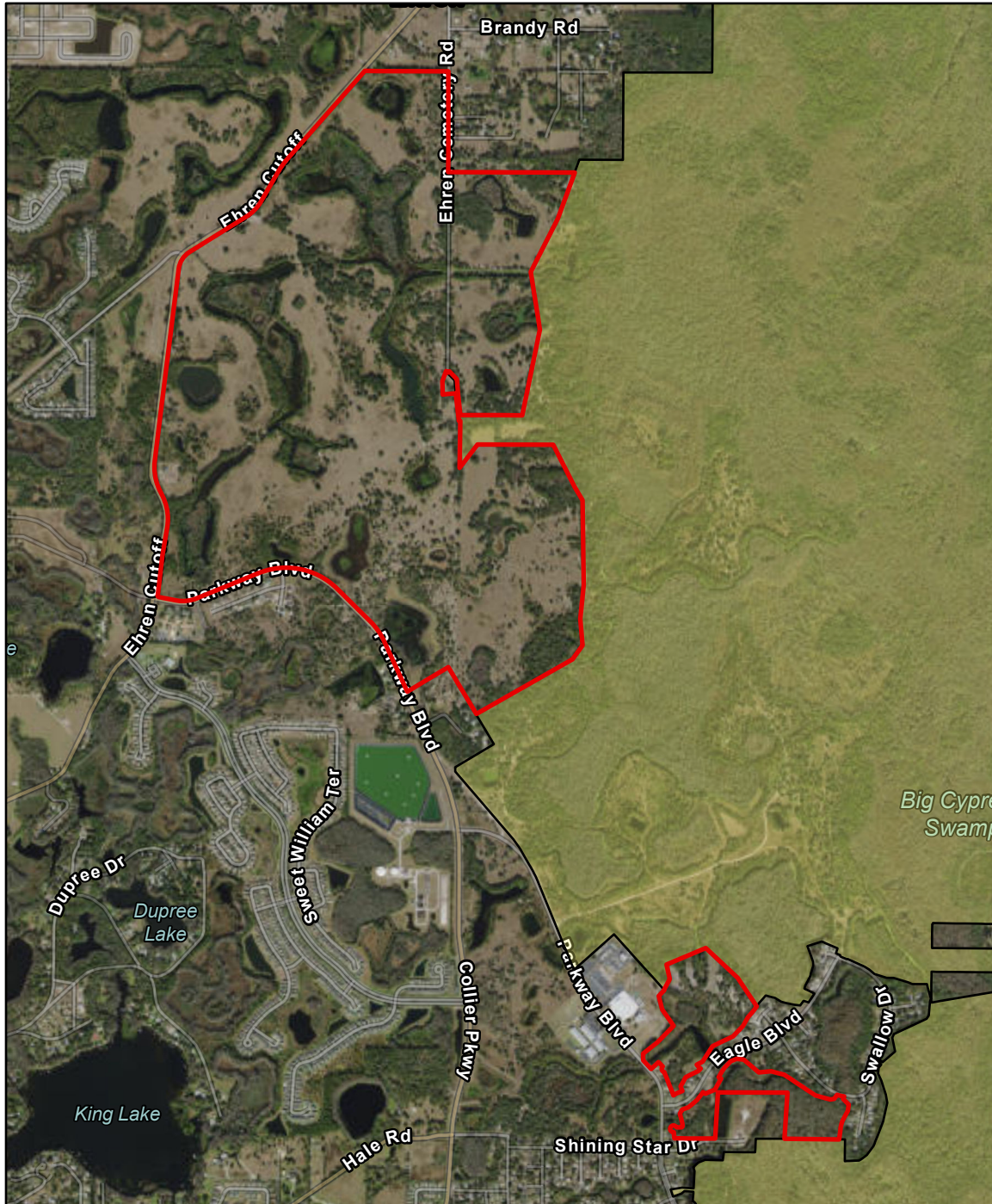
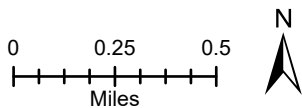


Exhibit 3
 Donation of Property – Cypress Creek Preserve, SWF Parcel No. 13-500-397
Site Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

- Donation Property
- District Fee Simple Ownership



OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 19, 2020

Consent Agenda

Monitor Well Purchase – South Hillsborough Aquifer Recharge Project - Phase II Sun City Well, Hillsborough County - Regional Observation Monitor-Well (ROMP) TR9-5 [20-065] SWF Parcel No. 11-020-040

Purpose

Request Governing Board approval of the transfer documents relating to the purchase of the South Hillsborough Aquifer Recharge Project - Phase II Sun City Well from Hillsborough County (County) for inclusion into the District's coastal groundwater quality monitoring network as the ROMP TR 9-5 well site. The District's purchase of ROMP TR 9-5 well site is contingent on a Florida Department of Environmental Protection (FDEP) funding agreement for reimbursement of District funds. A general location map is attached as Exhibit 1.

Background and History

The Governing Board approved the purchase of the ROMP TR 9-5 well site at its Board Meeting on March 24, 2020, and also approved the transfer of funds in the amount of \$638,550 from the Zephyr Creek Drainage Improvements: Units 1 & 2 Project (N836) to the Water Quality Monitoring Program. The purchase is subject to a FDEP funding agreement for reimbursement of District funds and to the District obtaining acceptable legal ingress/egress access to ROMP TR 9-5 well site. The application for funding was completed, submitted to FDEP and approved by FDEP on April 21, 2020. Transfer of ROMP TR 9-5 well site from the County to the District will be accomplished using a bill of sale for the well components and an assignment of the permanent utility easement, copies of which are attached hereto as Exhibits 2 and 3, respectively. The District has negotiated ingress/egress access with the County and the landowner, Miller Homes of Florida, Inc., through an amendment to the County's existing force main easement, a proposed copy of which is attached hereto as Exhibit 4. The District has additionally negotiated an easement with the landowner for the discharge of water withdrawn from the well during water quality sampling (purge water) into an adjacent wet retention pond, a copy of which is attached hereto as Exhibit 5.

Benefit/Costs

Data gathered from the ROMP TR 9-5 well site will:

1. Improve the District's understanding of the hydrogeologic framework of coastal Hillsborough and Manatee counties;
2. Enhance regional and local groundwater modeling efforts;
3. Improve the District's understanding of the position and movement of the saltwater interface within the Most Impacted Area (MIA) of the Southern Water Use Caution Area (SWUCA); and
4. Support assessments of potential withdrawal-related impacts to water resources.

Purchase of the well will allow the District immediate access to monitor the water resources at this location. The cost breakdown for the well was determined to be \$638,550, and the assignments and easements from the landowner and the County for ingress/egress access and purge water were negotiated at no cost to the District.

Item 13

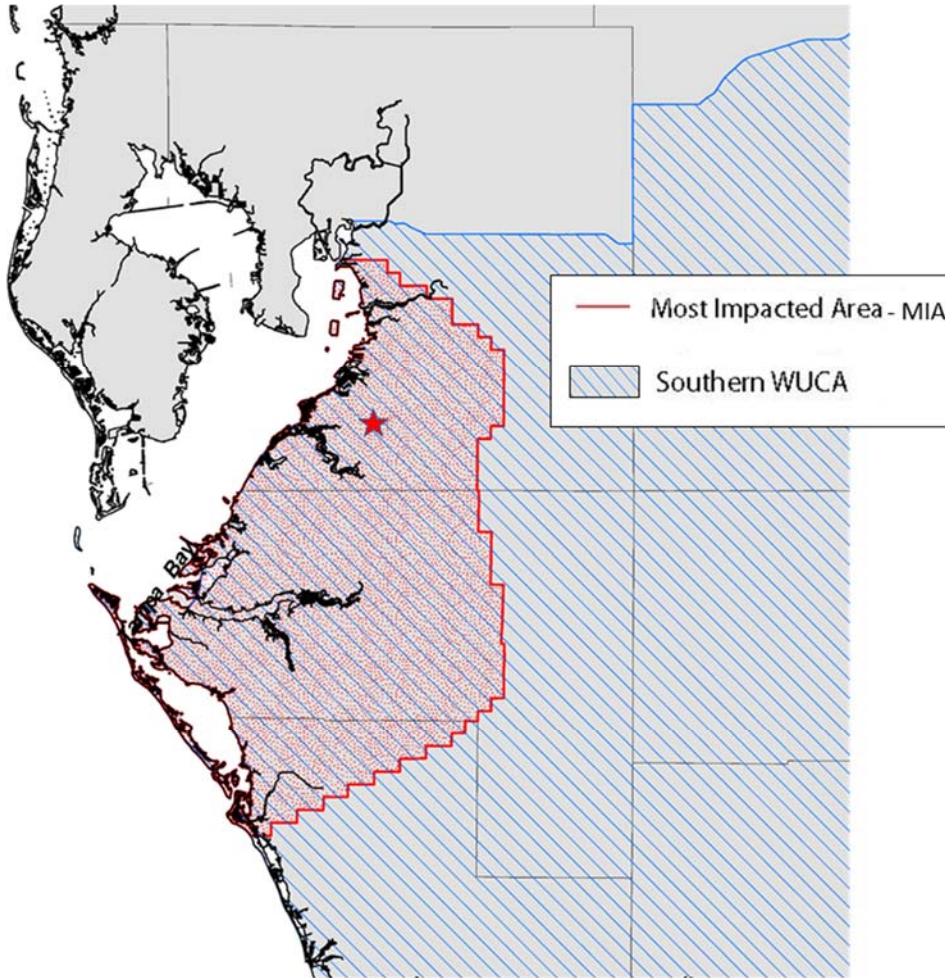
Staff Recommendation:

- Approve the bill of sale for the well components and authorize the Executive Director to sign on behalf of the Governing Board;
- Accept the amended force main perpetual easement;
- Accept the assignment of the perpetual utility easement for the well location;
- Accept the perpetual easement for the purge water; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Presenters: Jerry Mallams, P.G., Operations and Land Management Bureau Chief and Ellen Morrison, Operations and Land Management Assistant Bureau Chief

Exhibit 1

Monitor Well Purchase – South Hillsborough Aquifer Recharge Project - Phase II Sun City Well,
Hillsborough County – Regional Observation Monitor-well Program (ROMP) TR9-5 [20-065]
SWF Parcel No. 11-020-040



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

REGULATION COMMITTEE

May 19, 2020

Consent Agenda

Authorization for Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, F.A.C., to Amend WUP Applicant’s Handbook Part B, and to Amend the Public Supply Annual Report Part A

The District proposes the following amendments to provisions of 40D-2 Florida Administrative Code (F.A.C.), the Water Use Permit Applicant’s Handbook Part B (Applicant’s Handbook), and the Public Supply Annual Report Part A (PSAR).

Rule 40D-2.091, F.A.C., incorporates by reference forms and instructions that have been approved by the Governing Board and are used in District water use permitting. The District’s Applicant’s Handbook is incorporated by reference in Rule 40D-2.091(1)(a), F.A.C. The objective of the Applicant’s Handbook is to identify the procedures and information used by District staff in permit application review.

The Applicant’s Handbook Section 2.4.8.4.1.3 provides for a standard deduction of 50% for reclaimed water use in annual report calculations by public supply permittees. The proposed revisions to the Applicant’s Handbook and the PSAR would allow a public supply permittee to account for actual reclaimed water use rather than artificially limiting the beneficial reuse of reclaimed water to a fixed percentage.

Additionally, Rule 40D-2.091(1)(a), F.A.C. must be updated to incorporate the revised version of the Applicant’s Handbook.

Exhibits for the proposed amendments are included in the Governing Board’s meeting materials. Upon Governing Board authorization of the initiation of rulemaking and approval of the proposed amendments, District staff will submit notice to the Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with rulemaking. If substantive changes are necessary as a result of comments received from the public or from the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

Staff Recommendation:

Authorize the initiation of rulemaking and approve the proposed revisions to Rule 40D-2.091(1)(a) F.A.C., Applicant’s Handbook Section 2.4.8.4.1.3, and the Public Supply Annual Report Part A, and authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process.

Presenters: Darrin Herbst, P.G., Bureau Chief, Water Use Permit Bureau, and Megan Albrecht, Staff Attorney

EXHIBIT A

Proposed Amendment to Rule 40D-2.091, Florida Administrative Code, to revise Water Use Permit Applicant's Handbook Part B

40D-2.091 Publications and Forms Incorporated by Reference.

(1) No change.

(a) Water Use Permit Applicant's Handbook Part B (also referred to as the WUP Applicant's Handbook) (rev. 11/19 04/20), (<https://www.flrules.org> ~~https://www.flrules.org/Gateway/reference.asp?No=Ref-11553~~).

(b) No change.

(2)(a)-(n) No change.

(3) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0363, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.185, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.250, 373.705, 373.709, 373.715 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, 1-20-09, 3-26-09, 7-1-09, 8-30-09, 10-26-09, 11-2-09, 1-27-10, 4-27-10, 5-26-10, 6-10-10, 6-30-10, 6-16-11, 12-12-11, 10-14-12, 2-7-13, 2-18-13, 5-19-14, 9-29-15, 4-2-17, 2-18-20, _____.

EXHIBIT B

Southwest Florida Water Management District

WATER USE PERMIT

APPLICANT'S HANDBOOK

Part B

September 2015

Revised _____

~~January 2020~~

Attachment: May 20 RECAP Exhibit B - WUP Applicant's Handbook Part B (5066 : Authorization for Initiation and Approval of Rulemaking to

EXHIBIT B

RW = Standard deduction of 50%, or if the Applicant chooses, up to the limit of the actual amount beneficially supplied of reclaimed water that has received at least secondary treatment and is provided as reclaimed water for a beneficial purpose as set forth in this Chapter 2. To be deducted, it must first be provided to:

- ~~1.~~ any metered use located outside the utility potable service area boundary- and then to
- ~~2.~~ any single-site separately-metered use within the utility potable service area boundary that uses 25,000 gpd or more on an annual average basis during the per capita reporting period, except that no deduction shall be taken for quantities used for:
 - a. residential irrigation (single family, multi-family or mobile home), or
 - b. common area irrigation, including entranceways, parking lots, irrigated areas within roadway right-of-ways (e.g., road and sidewalk medians), open spaces, community areas, and public parks. This deduction shall not be taken if the reclaimed water replaces existing demand on the Permittee's potable system. Any deduction over the standard 50% reclaimed water per capita credit must be substantiated with verifiable and corresponding reductions in the supplied WUP pumpage, or AGMOD quantities if actual pumpage data is unavailable (all deductions subject to District approval).

EXHIBIT C

Proposed Amendments to the Public Supply Annual Report – Part A, For Individual Permits Over 100,000 GPD Annual Average Quantities

Reclaimed Water Deduction: Standard deduction of 50%, or if the Applicant chooses, up to the limit of the actual amount beneficially supplied of reclaimed water that has received at least secondary treatment and is provided as reclaimed water for a beneficial purpose as set forth in Section 2.1 of Part B of the WUP Applicant's Handbook + the Water Use Permit Applicants Handbook, Part B. To be deducted, it must first be provided to:

- ~~a.~~ any metered use located outside the utility potable service area boundary; and then to
- ~~b.~~ any single-site separately-metered use within the utility potable service area boundary that uses 25,000 gallons per day or more on an annual average basis during the per capita reporting period, except that no deduction shall be taken for quantities used for residential irrigation (single family, multi-family or mobile home) or for common area irrigation , including entranceways, parking lots, irrigated areas within roadway right-of ways (e.g., road and sidewalk medians), open spaces, community areas, and public parks. This deduction shall not be taken if the reclaimed water replaces existing demand on the permittee's potable system. Any deduction over the standard 50% reclaimed water per capita credit must be substantiated with verifiable and corresponding reductions in the supplied WUP pumpage, or AGMOD quantities if actual pumpage data is unavailable (all deductions subject to District approval).

EXHIBIT C

REGULATION COMMITTEE

May 19, 2020

Consent Agenda

WUP No. 20004352.008 - South Central Hillsborough Regional Wellfield / Tampa Bay Water (Hillsborough County)

This is a renewal of an existing permit for public supply use for a regional wellfield. The authorized annual average and peak month quantities remain unchanged from the previous permit and authorize an annual average quantity of 24,100,000 gallons per day (gpd) and a peak month quantity of 33,000,000 gpd. There is no change in use from the previous permit. The authorized quantities are a component of the Tampa Bay Water regional system needed to meet the south-central Hillsborough County public supply demand. The quantities are based on demand projections which were calculated from population projections, historical pumpage data, and documented per capita water use rates.

Special conditions include those that require the Permittee to maintain flow meters on all withdrawal points; report monthly meter readings; monitor and report water quality, aquifer water levels, streamflow, and rainfall; cap withdrawal points not in use; reduce pumping to the maximum degree possible during freeze events; investigate withdrawal related complaints; and submit annual wellfield reports.

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 004352.008**

PERMIT ISSUE DATE: May 19, 2020

EXPIRATION DATE: May 19, 2040

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: Tampa Bay Water
 2575 Enterprise Road
 Clearwater, FL 33763

PROJECT NAME: South Central Hillsborough Regional Wellfield
WATER USE CAUTION AREA(S): Dover Plant City WUCA, SOUTHERN WATER USE CAUTION AREA
COUNTY: Hillsborough

TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)	
ANNUAL AVERAGE	24,100,000 gpd
PEAK MONTH ¹	33,000,000 gpd

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

ABSTRACT:

This is a renewal of an existing permit for public supply use for a regional wellfield. The authorized annual average and peak month quantities remain unchanged from the previous permit and authorize an annual average quantity of 24,100,000 gallons per day (gpd) and a peak month quantity of 33,000,000 gpd. There is no change in use from the previous permit. The authorized quantities are a component of the Tampa Bay Water regional system needed to meet the south central Hillsborough County public supply demand. The quantities are based on demand projections which were calculated from population projections, historical pumpage data, and documented per capita water use rates.

Special conditions include those that require the Permittee to maintain flow meters on all withdrawal points; report monthly meter readings; monitor and report water quality, aquifer water levels, streamflow, and rainfall; cap withdrawal points not in use; reduce pumping to the maximum degree possible during freeze events; investigate withdrawal related complaints; and submit annual wellfield reports.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>
Public Supply	24,100,000	33,000,000

Attachment: May20 WUP 20004352.008 Recap Permit (5042 : WUP No. 20004352.008 - S. Central Hills. Regional Wellfield)

USE TYPE

Regional Public Supply
System

WITHDRAWAL POINT QUANTITY TABLE

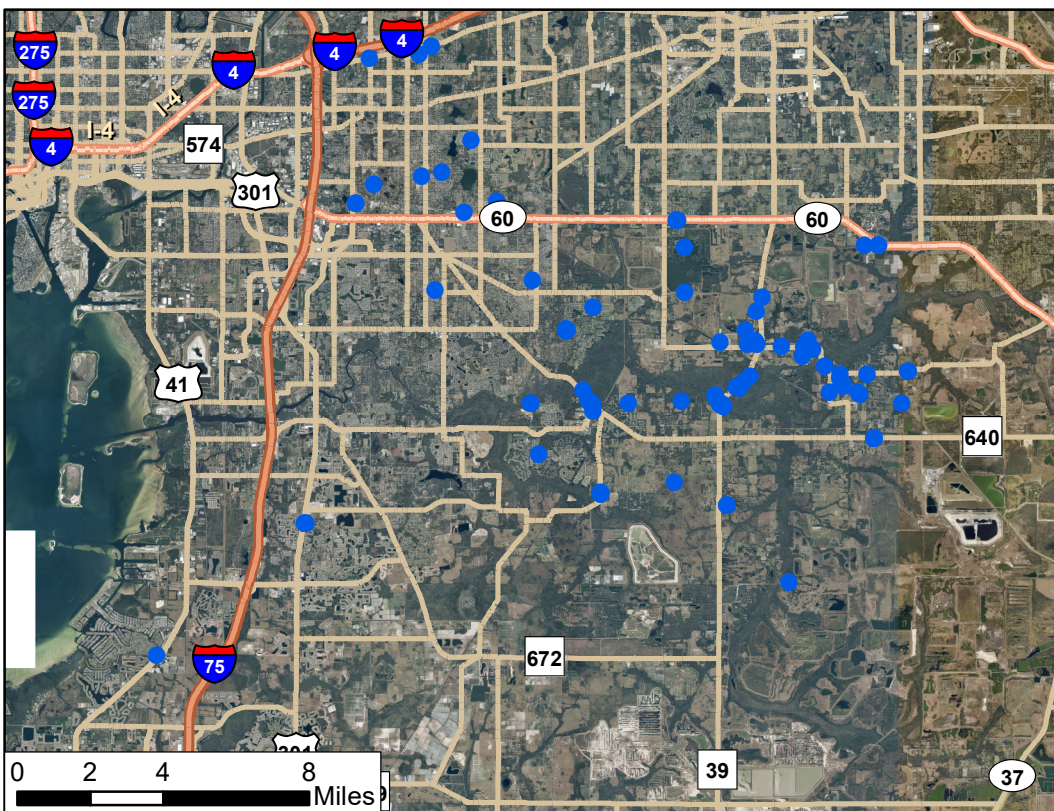
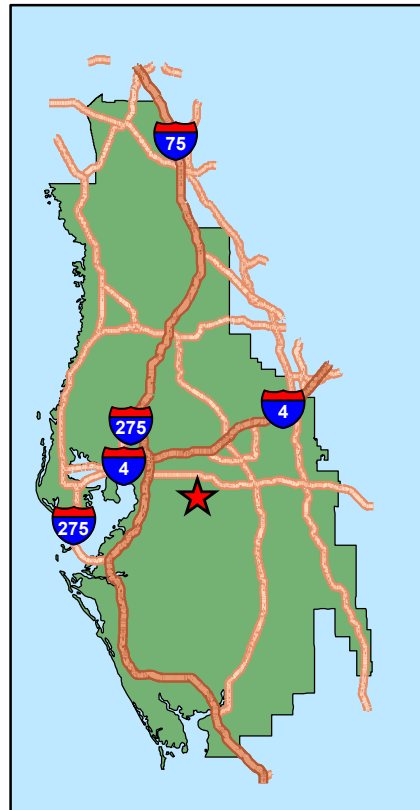
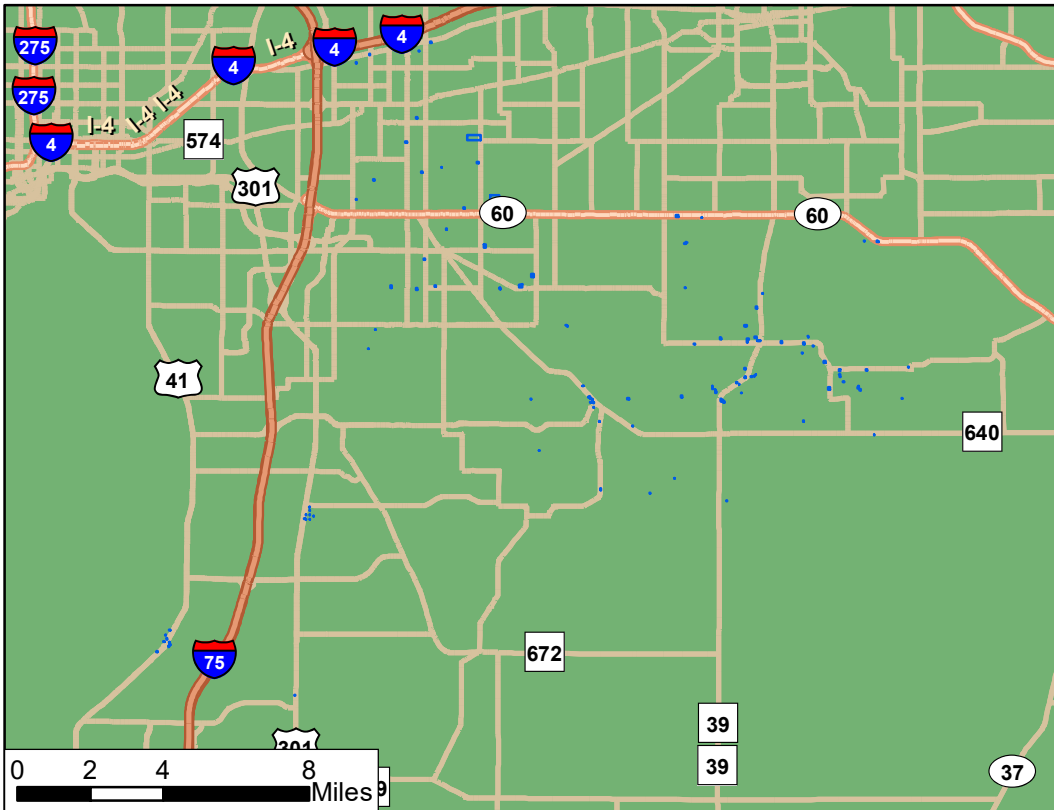
Water use from these withdrawal points are restricted to the quantities given below :

<u>I.D. NO.</u> <u>PERMITTEE/</u> <u>DISTRICT</u>	<u>DIAM</u> <u>(in.)</u>	<u>DEPTH</u> <u>TTL./CSD.FT.</u> <u>(feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE</u> <u>(gpd)</u>	<u>PEAK</u> <u>MONTH</u> <u>(gpd)</u>
SC-1 / 76	20	923 / 212	Public Supply	1,400,000	1,940,000
SC-2 / 77	20	910 / 200	Public Supply	1,400,000	1,940,000
SC-3 / 78	20	910 / 200	Public Supply	1,420,000	1,940,000
SC-4 / 79	20	918 / 211	Public Supply	1,420,000	1,940,000
SC-5 / 80	20	930 / 230	Public Supply	1,420,000	1,940,000
SC-6 / 81	20	930 / 210	Public Supply	1,420,000	1,940,000
SC-7 / 82	20	910 / 200	Public Supply	1,420,000	1,950,000
SC-8 / 83	20	560 / 200	Public Supply	1,420,000	1,940,000
SC-9 / 84	20	917 / 240	Public Supply	1,420,000	1,940,000
SC-10 / 85	20	920 / 200	Public Supply	1,420,000	1,940,000
SC-11 / 86	20	860 / 202	Public Supply	1,420,000	1,940,000
SC-12 / 87	20	905 / 210	Public Supply	1,420,000	1,940,000
SC-13 / 88	20	870 / 200	Public Supply	1,420,000	1,950,000
SC-14 / 89	20	905 / 212	Public Supply	1,420,000	1,940,000
SC-15 / 90	20	877 / 215	Public Supply	1,420,000	1,940,000
SC-16 / 91	20	910 / 240	Public Supply	1,420,000	1,940,000
SC-17 / 92	20	603 / 230	Public Supply	1,420,000	1,940,000

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
76	27° 51' 46.04"/82° 12' 07.54"
77	27° 51' 51.90"/82° 11' 11.34"
78	27° 51' 54.63"/82° 09' 44.75"
79	27° 51' 47.57"/82° 08' 36.47"
80	27° 52' 14.23"/82° 08' 17.01"
81	27° 52' 21.98"/82° 08' 03.50"
82	27° 53' 16.41"/82° 07' 59.01"
83	27° 53' 18.07"/82° 08' 43.09"
84	27° 53' 36.81"/82° 08' 01.51"
85	27° 54' 03.39"/82° 07' 44.55"
86	27° 53' 13.24"/82° 07' 03.63"
87	27° 53' 11.03"/82° 06' 27.32"
88	27° 52' 44.39"/82° 05' 53.44"
89	27° 52' 06.89"/82° 05' 46.64"
90	27° 52' 31.99"/82° 05' 29.36"
91	27° 52' 33.63"/82° 04' 45.79"
92	27° 52' 07.18"/82° 05' 00.14"

Location Map Tampa Bay Water WUP No. 20 004352.008



Legend

- DIDs
- WUP Boundary
- 2014 Natural Color Imagery

HILLSBOROUGH COUNTY

*Southwest Florida
Water Management District*

Attachment: May20 WUP 20004352.008 Recap Permit (5042 : WUP No. 20004352.008 - S. Central Hills. Regional Wellfield)

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 fifteenth 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 annual average daily, peak month, and crop protection/maximum, if applicable, quantities for District ID Nos. 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92; Permittee ID Nos. SC-1, SC-2, SC-3, SC-4, SC-5, SC-6, SC-7, SC-8, SC-9, SC-10, SC-11, SC-12, SC-13, SC-14, SC-15, SC-16, and SC-17 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 up to 2,250,000 gpd on an annual average basis, up to 3,000,000 gpd on a peak month average basis, and up to 4,000,000 gallons on a maximum daily basis for the individual wells, 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, the total peak month daily withdrawal, and the maximum daily withdrawals are limited to the quantities set forth above.(221)
3. The Permittee shall maintain a continuous recording rain gauge at District ID No. 91, Permittee ID No. SC-16. Total daily rainfall shall be recorded at this station in inches to one-hundredth of an inch and submitted to the District online or on District forms on or before the fifteenth day of the following month. The reporting period for these data shall begin on the first day of each month and end on the last day of each month.(255)
4. The Permittee shall submit an Annual 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. Reports shall be submitted to the Water Use Permit Bureau, by July 1 of each year. Any color part of the report that is scanned shall be scanned in color. The report shall cover all activities and conditions pertaining to the wellfield and service area for the preceding water year (October 1 to September 30). The specific elements of this report are listed below:

Hydrologic Analyses

Statistical trend analysis, such as double-mass curve analysis, multiple linear regression, time series analysis, and factor analysis shall be performed for the annual reporting period and the period of record as necessary to analyze the interactions of rainfall and pumpage on changes in the potentiometric surface within and adjacent to the wellfield, water quality, water levels, wetlands, or stream flow. A brief summary of any recommended changes to the monitoring requirements shall be provided noting that some changes may necessitate a modification of the permit.

Wellfield Operation

A brief overview of wellfield operations including withdrawal point rotation within the wellfield for the previous 12 months 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 Annual Wellfield Report will be noted. The report shall also include a summary of flow-meter accuracy testing activities and results and will note any meters that failed calibration standards and required repair or replaced.

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 Intermediate and Upper Floridan aquifers shall be discussed.

Water Level Monitoring

Water levels collected as a condition of this permit shall be analyzed, summarized into graphs and statistical analysis for the annual reporting period, and related to pumpage as well as to historic water levels. The report should delineate any areas of concern with respect to water levels within the aquifers monitored, changes in sampling locations, number of wells included in the program, etc., or any other information which may be deemed appropriate in order to protect the resource.

Investigation of Complaints

A summary of the investigations of withdrawal-related complaints and mitigation activities related to the impacts shall be provided. This summary shall include:

1. Number and type of complaints,
 2. Number and type of mitigation activities,
 3. Number and type of complaints which did not require mitigation activity,
 4. Total cost of all mitigation activity, and
 5. Delineation of areas of concern with respect to legal existing use with respect to any water availability or water quality trends identified.
(524)
5. 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)
 6. 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)
 7. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s)(SCADA Equipped Facilities) as approved by the Water Use Permit Bureau Chief: District ID Nos.76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92, Permittee ID Nos. SC-1, SC-2, SC-3, SC-4, SC-5, SC-6, SC-7, SC-8, SC-9, SC-10, SC-11, SC-12, SC-13, SC-14, SC-15, SC-16, and SC-17. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering

8. 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)

Water quality samples from the monitor sites listed below shall be collected and analyzed for the following constituents at the specified locations:

Production wells: chloride, sulfate, fluoride, conductivity, pH, and sodium

Monitoring wells and surface water sites: chloride, sulfate, fluoride, conductivity, total dissolved solids, pH, and sodium

Samples shall be collected on a quarterly basis at the specified depth (if applicable). The quarterly sampling months are March, June, September, and December. Water quality samples shall be collected prior to the last day of the month specified. Water quality sampling may occur prior to the specified date but a minimum of 31 days must separate consecutive sampling events. Changes and adjustments to the monitoring requirements may be made as necessary to provide continued or more effective monitoring upon written approval by the Water Use Permit Bureau Chief and without modification of the permit. For sampling, analysis and submittal requirements see Exhibit B, Water Quality Sampling Instructions, attached to and made part of this permit.

Production Wells

District ID No. 76/Permittee ID No. SC-1
 District ID No. 77/Permittee ID No. SC-2
 District ID No. 78/Permittee ID No. SC-3
 District ID No. 79/Permittee ID No. SC-4
 District ID No. 80/Permittee ID No. SC-5
 District ID No. 81/Permittee ID No. SC-6
 District ID No. 82/Permittee ID No. SC-7
 District ID No. 83/Permittee ID No. SC-8
 District ID No. 84/Permittee ID No. SC-9
 District ID No. 85/Permittee ID No. SC-10
 District ID No. 86/Permittee ID No. SC-11
 District ID No. 87/Permittee ID No. SC-12
 District ID No. 88/Permittee ID No. SC-13
 District ID No. 89/Permittee ID No. SC-14
 District ID No. 90/Permittee ID No. SC-15
 District ID No. 91/Permittee ID No. SC-16
 District ID No. 92/Permittee ID No. SC-17

Floridan Aquifer Monitor Wells

District ID No. 182/Permittee ID No. GG-D (L) at a depth of 850 feet
 District ID No. 183/Permittee ID No. SCHM-10 at a depth of 850 feet
 District ID No. 184/Permittee ID No. SCHM-11 at a depth of 850 feet

Intermediate Aquifer Monitor Wells

District ID No. 126/Permittee ID No. SCH-11 at a depth of 120 feet
 District ID No. 130/Permittee ID No. SCH-4IA at a depth of 120 feet
 District ID No. 135/Permittee ID No. GG-I at a depth of 120 feet
 District ID No. 139/Permittee ID No. SCH-7UIA at a depth of 120 feet
 District ID No. 145/Permittee ID No. SCH-15UIA at a depth of 120 feet

Surficial Aquifer Monitor Wells

District ID No. 127/Permittee ID No. SCH-1S at a depth of 16 feet
 District ID No. 132/Permittee ID No. SCH-4SA1 at a depth of 15 feet

Surface Water Monitor Sites

District ID No. 109/Permittee ID No. NPRONG (North Prong – Alafia River new Keysville)
 District ID No. 110/Permittee ID No. SPRONG (South Prong – Alafia River near Jameson Road)
 District ID No. 111/Permittee ID No. AR39 (Alafia River at CR39/Alderman)
 District ID No. 112/Permittee ID No. LS (Lithia Springs, Major)
 (750)

9. The Permittee shall continue to maintain the monitor well(s) or piezometer(s) listed below, monitor water levels using a calibrated electronic device (pressure transducer or equivalent) 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 National Geodetic Vertical Datum 1929. The readings shall be reported online via the WUP Portal at the District website (www.watmatters.org) or mailed in hardcopy on District-provided forms to the Water Use Permit Bureau on or before the fifteenth day of the following month. Changes and adjustments to the monitoring requirements may be made as necessary to provide continued or more effective monitoring upon written approval by the Water Use Permit Bureau Chief and without modification of the permit. 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.

Existing District ID Nos. 96, 125, 128, 134, 137, 143, 149, 150, 153, 156, 159, 162, 165, and 168/Permittee ID Nos. SCH-2D, SCH-1D, SCH-4D, GG-D, SCHM-11, SCHM-10, SCHM-1D, SCHM-2D, SCHM-3D, SCHM-4D, SCHM-5D, SCHM-6D, SCHM-7D, and SCHM-8D, to monitor the upper Floridan aquifer on a continuous basis.

Existing District ID Nos. 126, 130, 135, 139, 145, 151, 154, 157, 160, 163, 166, 169, 172, and 181/Permittee ID Nos. SCH-1I, SCH-4IA, GG-I, SCH-7UIA, SCH-15UIA, SCHM-2IA, SCHM-3IA, SCHM-4IA, SCHM-5IA, SCHM-6IA, SCHM-7IA, SCHM-8IA, SCHM-9IA, and LITHIA 4", to monitor the Intermediate aquifer on a continuous basis.

Existing District ID Nos. 127, 132, 152, 158, 161, 164, 167, 177, 178, 185, and 186/Permittee ID Nos. SCH-1S, SCH-4SA1, SCHM-2SA, SCHM-4SA, SCHM-5SA, SCHM-6SA, SCHM-7SA, SCHM-11SA, SCHM-10SA, SCHM-3SAR, and SCHM-8S, to monitor the surficial aquifer on a continuous basis.
(756)

10. The Permittee shall continue to maintain the streamflow gauges, and report measurements of streamflow (in cubic feet per second), for the monitoring sites listed below at the frequency specified. Streamflow data shall be recorded and reported to the Permit Data Section, Regulation Performance Management Department in a form acceptable to the District by the 15th day of the following month. The frequency of recording may be modified by the District, as necessary to ensure the protection of the resource.

District ID No. 108/Permittee ID No. AR-L (Alafia River at State Road 640 near Lithia Springs) on a continuous basis

District ID No. 109/Permittee ID No. NPRONG (North Prong – Alafia River new Keyville) on a continuous basis

District ID No. 110/Permittee ID No. SPRONG (South Prong – Alafia River near Jameson Road) on a continuous basis

District ID No. 112/Permittee ID No. LS (Lithia Springs, Major) on a weekly basis
(990)

11. Should flows from Lithia Springs be reduced to such a degree that The Mosaic Company's (Mosaic) withdrawals from Lithia Springs are adversely impaired, and Mosaic requests that the Permittee provide Mosaic water through the permanent mitigation interconnect (i.e. existing intertie with Mosaic), the Permittee shall immediately provide this water to Mosaic, up to the quantity permitted for withdrawal from Lithia Springs by Mosaic. This condition applies to the circumstance where the actual flow from Lithia Springs is insufficient to meet Mosaic's need, up to the limit of their water use permit, but shall not apply to the circumstance where Mosaic must reduce their withdrawals from Lithia Springs when the flow in the Alafia River is below the Minimum Flow as designated in Chapter 40D-8, F.A.C. Such mitigation water shall continue to be provided until a written notice indicating otherwise is received from the Regulation Department Director. Within 72 hours of such a request from Mosaic, the Permittee shall contact the Regulation Department Director by telephone to inform the District of the circumstances of such an event, and all actions the Permittee is undertaking to address the problem. Within 30 days of such a request from Mosaic, the Permittee shall provide for the approval of the Regulation Department Director, a written report regarding the facts related to the reduction in flows from Lithia Springs, any correspondence or telephone conversation records regarding this issue with

Mosaic, a description of all associated mitigative actions being undertaken by the Permittee, and the Permittee's analyses of the cause of reduced flows in Lithia Springs (using all data available up to and until the time of such a request for water from Mosaic). The report shall also include the Permittee's proposed future actions to mitigate for the effects of any such reductions in Lithia Springs flows on Mosaic's existing legal user withdrawals, as well as any adverse environmental effects due to such reductions in spring flow. Any request for an extension of time to provide this report shall be provided in writing for the approval of the Regulation Department Director, prior to the 30-day deadline. (991)

12. Tampa Bay Water shall minimize withdrawals authorized pursuant to this permit to the greatest extent practicable when a frost/freeze event is imminent. This effort shall consider modifying the production schedules of the Permittee's other water supply sources, subject to all regulatory requirements applicable to those sources, in order to meet water supply demands authorized to be met through this permit. This effort shall be undertaken upon written notice from the District to the Permittee that a frost/freeze event is imminent. Technical, environmental, economic, and system reliability factors will be considered by the Permittee in determining the extent to which withdrawals authorized pursuant to this permit can and will be reduced. During the time period of a regional frost/freeze event, the Permittee's complaint investigation and mitigation obligations, as defined by Special Condition 13 of this permit, shall be held in abeyance. This time period shall begin upon the above written notice from the District and shall end on the fourth calendar day following the last day of near-freezing temperatures in the Dover/Plant City area. All complaints received by the Permittee during this time period within or in proximity to the Mitigation Area as defined by Special Condition 13 and Exhibit C of this permit, shall be referred to the District for assignment to the responsible Permittee(s). (992)

13. The Permittee shall expeditiously investigate complaints concerning adverse impacts and shall mitigate such adverse impacts in accordance with the following procedures:

A. IMPACTS TO WATER WITHDRAWALS

With respect to complaints regarding an impact to a well or surface water withdrawal, the following requirements apply:

I. The Mitigation Area is defined, at a minimum, as the area specified in Exhibit C. At the time of permit issuance, the Mitigation Area, within which mitigation of water withdrawal complaints is required for certain facilities, is delineated in Exhibit C of this permit. If the withdrawal quantities are reduced from the South-Central Hillsborough Regional Wellfield or the Permittee's Good Neighbor Policy is amended, the Mitigation Area may be subsequently altered following District approval of a revised Mitigation Area meeting the above criteria, as submitted by the Permittee.

II. Within 24 hours of complaint receipt by the Permittee, the Permittee shall make every reasonable effort to commence a preliminary investigation and determine whether the Permittee's withdrawals may have caused the problem. The preliminary investigation shall include contacting the complainant to determine the location of the complainant's impacted withdrawal relative to the Mitigation Area. If the complainant is within the Mitigation Area, the Permittee shall then determine the nature of the problem (e.g. loss of water, loss of pressure, water quality, etc.), the uses for the withdrawals, and the date the complainant's withdrawal was initiated.

III. If this preliminary assessment indicates that the Permittee may be responsible for a water supply impact which represents a public health and safety problem, the Permittee shall, within 48 hours of complaint receipt, make available to the complainant any water necessary for health and safety purposes, such as drinking water.

IV. The Permittee is currently investigating domestic wells pursuant to Ch. 49B-3.005, F.A.C., and shall continue mitigating domestic wells during the term of this permit pursuant to this rule, as amended by the Permittee from time to time. However, in no case shall the Permittee's well mitigation be less stringent than as set forth in this special condition.

V. The Permittee may elect to freely mitigate the complaint after the preliminary investigation without further investigation, or conduct a detailed investigation to determine if the Permittee caused the problem. 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, withdrawal and pump characteristics including depths, capacity, pump curves, and irrigation system requirements. If this detailed investigation confirms that the complainant's problem was caused by the Permittee's withdrawals, the complainant's problem shall be fully corrected. In cases where water is unavailable to the complainant for public health and safety purposes, the complainant's problem shall be fully corrected as soon as possible, with restoration of essential domestic water supply within 15 days, and fully corrected within

30 days of complaint receipt, unless an extension of time is granted by the District. In cases of complaints where water is available to the complainant for public health and safety purposes, the complainant's problem shall be fully corrected as soon as possible, and within no more than 30 days of complaint receipt, unless an extension of time is granted by the District.

VI. Full correction shall be restoration of the complainant's water supply to pre-impact condition or better, including the aspects of pressure levels, water quality, and discharge quantity. Full correction may be accomplished by connecting a complainant to a public supply system. Water quality shall meet, at a minimum, the standards referenced below. If the water quality is found to exceed the standards referenced below, the Permittee shall propose alternative mitigation to resolve the complaint, with full correction completed within 45 days of water quality complaint receipt, unless an extension of time is granted by the District. If the water quality is found not to exceed the standards referenced below, mitigation shall be deemed complete.

Water Quality Constituents and Standards:

Constituents: Odor, Total Sulfides, Color, Coliform Bacteria, Iron, Turbidity, Nitrate, Chloride, Sulfate, Total Dissolved Solids. The maximum levels for these constituents in the well water sample shall not exceed any of the levels established by the Florida Department of Environmental Protection (FDEP) Secondary Drinking Water Standards [Ref: 62-550.320(1) F.A.C.], or any modified version thereof. Total Sulfides concentration must not exceed 0.20 milligrams/liter. This Total Sulfides concentration limit may be modified if necessary to protect legal existing water users. Such modifications shall be made only after consultation and discussion with the Permittee.

VII. The Permittee shall file a monthly summary report showing the ongoing complaint investigations and new complaints received during the previous month of operation. The report shall be submitted by the 15th day of the month following the reporting period, to the District for review. The report shall include, but not be limited to:

- a. The name and address of each complainant;
- b. The location of the impacted withdrawal (Q.Q.S.T.R.);
- c. The date of complaint receipt and nature of the complaint (water level, water quality);
- d. The status of the Permittee's investigation (mitigate, not mitigate, pending);
- e. An explanation of reasons for not mitigating a complaint (outside mitigation area, pre-existing problem, not a legal existing user, no problem found, not cause of problem);
- f. Date complaint file closed.

VIII. If the resulting investigation determines that the Permittee was not responsible for the complainant's problem, the Permittee shall document the reasons for this determination. For complaints which are determined not to be eligible for mitigation through a detailed investigation, the Permittee shall submit in the monthly report the findings of facts, all information collected during the investigation, and a summary explaining the Permittee's reasons for this determination. A copy of the report shall also be sent to the complainant concurrent with the report submitted to the District. Should the District decide that water quality data should be collected for well complaints, or that well water quality complaints should be mitigated under the requirements of this permit, the District shall provide the Permittee written notification of these requirements after consultation and discussion with the Permittee.

IX. Only permitted or exempt water uses (legal water withdrawals) which existed prior to establishment of the Permittee's legal existing use shall be eligible for mitigation pursuant to the requirements of this permit.

X. In instances where a new well is constructed to replace an adversely impacted well, the Permittee shall properly abandon the impacted well in a timely manner in accordance with Department of Environmental Protection and District rules regarding well abandonment, currently Ch. 62-532.500(4), F.A.C., and Ch. 40D- 3.531(2), F.A.C., as may be amended from time to time. Should the owner refuse to have the well abandoned, the Permittee shall report this situation to the District.

B. WATER RESOURCE AND LAND USE IMPACTS

With respect to complaints regarding water levels or flows in water bodies such as lakes, wetlands, springs, streams or other watercourses, damage to crops and other vegetation, or damage to the habitat of endangered or threatened species, the following requirements apply:

- I. The Permittee shall commence an investigation within 72 hours of receipt of the complaint by the Permittee. The permittee shall summarize complaints received in the annual report required in Special Condition 4 of this water use permit. Data submitted will include, but not be limited to:
 - a. The name and address of each complainant;
 - b. The date and nature of the complaint; and

c. A summary of the Permittee's investigation to date, and, if the investigation is ongoing, an estimate of the time necessary to complete the investigation.

II. Within 90 days of complaint receipt, the Permittee shall submit a separate report presenting a summary of the Permittee's determinations, including whether the Permittee's withdrawals caused the problem, details of any mitigation or proposed mitigation activities and an estimate of the time necessary to complete mitigation, if incomplete, and any additional information as is necessary to assess the impact and any necessary mitigation. A copy of the report shall also be sent to the complainant concurrent with the report submitted to the District. The Permittee shall make all reasonable efforts to expeditiously mitigate problems caused by the withdrawals. Full mitigation shall not exceed 180 days from complaint receipt, unless additional time is granted by the District.

C. DISTRICT DIRECTION REGARDING MITIGATION

In instances where the District and the Permittee differ on the need for mitigation, the Permittee shall abide by the District's determination. Such determinations by the District shall be made only after consultation and discussion with the Permittee. Failure of the Permittee to carry out mitigation as directed by the District shall be grounds for the District to initiate enforcement action.

(993)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

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

Exhibit B
Instructions

METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and flow 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 fifteenth 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, every five years 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 3 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 15 days of the discovery or the Permittee shall cease operation of the withdrawal point..
 - 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, the withdrawal point shall not operate without a fully functioning meter for more than 60 consecutive days.
8. While the meter is not functioning correctly, the Permittee shall discontinue use of the withdrawal point or 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 e

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.
10. For all wells and wellfields equipped with SCADA (Supervisory Control and Data Acquisition), the Permittee shall maintain the following for each withdrawal point: one venturi-type flow meter or other approved flow measuring device, one non-resettable totalizing recording device at the well site, and one remote transmitter unit that transfers the recorded flow data by telemetry to the remote SCADA master station. The SCADA master station flow data shall be recorded on a monthly basis, for each withdrawal point and the total wellfield withdrawal. For all SCADA-equipped withdrawal points, the non-resettable totalizing recording device at each withdrawal point shall be recorded on an annual basis, and reported in the Annual Report with a comparison to the SCADA-retrieved cumulative flow for each withdrawal point. If and when any facility becomes equipped with SCADA, the provisions of this paragraph shall apply
11. The sum of the individual well meters shall be used as the primary data source for determining total wellfield pumpage. For facilities that have master meters, the Permittee shall cross-check monthly pumpage by comparing master meter quantities with the sum of the individual withdrawal points, and report the percent discrepancy with the monthly pumping report.
12. The Annual Report shall summarize activities conducted under the Agency's Meter Calibration, Testing, and Maintenance Program to maintain accuracy of withdrawal metering. For all SCADA-equipped withdrawal points, the non-resettable totalizing recording device at each withdrawal point shall be recorded on an annual basis, and reported in the Annual Report with a comparison to the SCADA-retrieved cumulative flow for each withdrawal point. For facilities that have master meters, the Permittee shall present the results of the monthly comparison of the master meter quantities with the sum of the individual withdrawal points. For all facilities lacking the means for cross-checking of withdrawal metering, the report shall describe plan and progress for the development of cross-checking capability.

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:

<u>Frequency</u>	<u>Timetable</u>
Weekly	Same day of each week
Quarterly*	Same week of March, June, September, December
Semi-annually	Same week of May, November
Monthly	Same week of each month

*Water quality samples shall be collected prior to the last day of the month specified in each quarterly sampling period. A minimum of 31 days must separate samples.

Attachment: May20 WUP 20004352.008 Recap Permit (5042 : WUP No. 20004352.008 - S. Central Hills. Regional Wellfield)

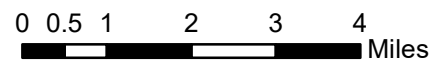
Exhibit C: Mitigation Investigation Area Water Use Permit No. 20004352.008

South Central Hillsborough Regional Wellfield



Legend

- Mitigation Investigation Area
- Withdrawal Points



REG - WUP EVAL
 April 9, 2020
 Aerial: 2017



Attachment: May20 WUP 20004352.008 Recap Permit (5042 : WUP No. 20004352.008 - S. Central Hills. Regional Wellfield)

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: May20 WUP 20004352.008 Recap Permit (5042 : WUP No. 20004352.008 - S. Central Hills. Regional Wellfield)

REGULATION COMMITTEE

May 19, 2020

Consent Agenda

WUP No. 20020703.001 / Optimum Ranch / Optimum Ranch Florida, LLC (Desoto County)

This is a renewal with modification of an existing water use permit for agricultural use. The authorized water use quantities are an increase from 769,600 gallons per day (gpd) to 2,414,700 gpd annual average, from 769,600 gpd to 2,432,800 gpd drought annual average, and from 1,362,400 gpd to 5,350,900 gpd Peak Month. The increase is due to a change in the crop plan which increased the irrigated crops from 203 acres of Spring small vegetables and 203 acres of Fall small vegetables to 242.2 acres of Spring small vegetables, 414.5 acres of Fall small vegetables, 172.3 acres of squash, 245.2 acres of Spring tomatoes, 245.2 acres of Fall tomatoes, and 179.5 acres of melons. The crops are irrigated using drip with plastic and seepage auxiliary, with the exception of a 172.3 acre field serviced by a mobile lateral irrigation system using overhead spray with seepage auxiliary. The water use quantities for supplemental irrigation are based on the District's agricultural irrigation demand model AGMOD. The project includes use of an augmented linear irrigation reservoir with collector ditches that will capture tailwater as well as rainfall runoff. Reclaimed water is not used at the site as none is currently available. The permit is in DeSoto County and Southern Water Use Caution Area (SWUCA).

Special Conditions of the permit require the Permittee to continue metering and monthly reporting of three existing wells, install a meter and begin monthly reporting for one proposed well, conduct and report meter accuracy testing every 5 years, install and maintain backflow prevention and an automated augmentation control system at the well used for augmentation, report twice annually the seasonal crops grown, construct two proposed wells per authorized well specifications, caliper log a well (DID No. 2) if accessed for regular maintenance, investigate the feasibility of reclaimed water when directed by the District, submit updates to leases, implement BMPs and a water conservation plan, and be subject to 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 020703.001**

PERMIT ISSUE DATE: May 19, 2020

EXPIRATION DATE: May 19, 2040

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: Optimum Ranch Florida, LLC
 333 S.E. 2Nd Avenue, Suite 2810
 Miami, FL 33131

PROJECT NAME: Optimum Ranch
WATER USE CAUTION AREA(S): SOUTHERN WATER USE CAUTION AREA
COUNTY: Desoto

TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)	
ANNUAL AVERAGE	2,414,700 gpd
PEAK MONTH ¹	5,350,900 gpd
DROUGHT ANNUAL AVERAGE ²	2,432,800 gpd

1. Peak Month: Average daily use during the highest water use month.
2. Drought Annual Average: Annual average limit when less than historical average rainfall if sufficient Water Conservation credits exist in the Permittee's account.

ABSTRACT:

This is a renewal with modification of an existing water use permit for agricultural use. The authorized water use quantities are an increase from 769,600 gallons per day (gpd) to 2,414,700 gpd annual average, from 769,600 gpd to 2,432,800 gpd drought annual average, and from 1,362,400 gpd to 5,350,900 gpd Peak Month. The increase is due to a change in the crop plan which increased the irrigated crops from 203 acres of Spring small vegetables and 203 acres of Fall small vegetables to 242.2 acres of Spring small vegetables, 414.5 acres of Fall small vegetables, 172.3 acres of squash, 245.2 acres of Spring tomatoes, 245.2 acres of Fall tomatoes, and 179.5 acres of melons. The crops are irrigated using drip with plastic and seepage auxiliary, with the exception of a 172.3 acre field serviced by an mobile lateral irrigation system using overhead spray with seepage auxiliary. The water use quantities for supplemental irrigation are based on the District's agricultural irrigation demand model AGMOD. The project includes use of an augmented linear irrigation reservoir with collector ditches that will capture tailwater as well as rainfall runoff. Reclaimed water is not used at the site as none is currently available. The permit is located in DeSoto County and Southern Water Use Caution Area (SWUCA).

Attachment: May20 WUP 20020703.001 - Recap Permit (5045 : WUP No. 20020703.001 - Optimum Ranch)

Special Conditions of the permit require the Permittee to continue metering and monthly reporting of three existing wells, install a meter and begin monthly reporting for one proposed well, conduct and report meter accuracy testing every 5 years, install and maintain backflow prevention and an automated augmentation control system at the well used for augmentation, report twice annually the seasonal crops grown, construct two proposed wells per authorized well specifications, caliper log a well (DID No. 2) if accessed for regular maintenance, investigate the feasibility of reclaimed water when directed by the District, submit updates to leases, implement BMPs and a water conservation plan, and be subject to the SWUCA Recovery Strategy.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>	<u>DROUGHT ANNUAL AVERAGE</u>
Agricultural	2,414,700	5,350,900	2,432,800

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>	<u>DROUGHT IRRIGATION RATE</u>
Melons	179.50	Drip With Plastic	28.90"/yr.	28.88"/yr.
Squash, Zucchini - (Non Cover Crop)	172.30	Sprinkler Over Plant	21.60"/yr.	22.60"/yr.
Tomatoes (Fall)	245.20	Drip With Plastic	21.20"/yr.	21.24"/yr.
Tomatoes (Spring)	245.20	Drip With Plastic	34.80"/yr.	34.82"/yr.
Vegetables Small (Fall)	172.30	Sprinkler Over Plant	8.00"/yr.	8.38"/yr.
Vegetables Small (Fall)	242.20	Drip With Plastic	11.20"/yr.	11.24"/yr.
Vegetables Small (Spring)	242.20	Drip With Plastic	23.60"/yr.	23.57"/yr.
Cleaning / Maintenance				

Attachment: May20 WUP 20020703.001 - Recap Permit (5045 : WUP No. 20020703.001 - Optimum Ranch)

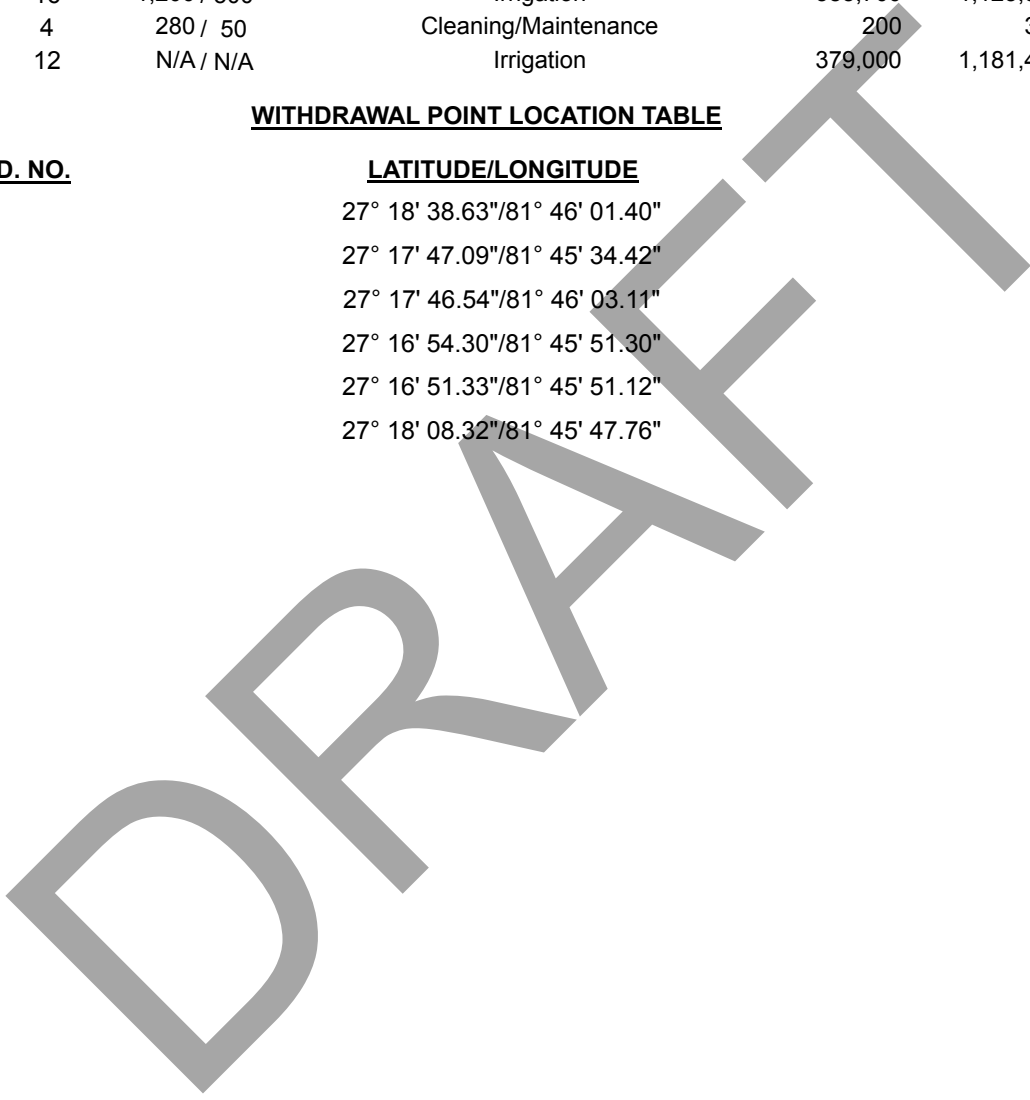
WITHDRAWAL POINT QUANTITY TABLE

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

<u>I.D. NO.</u> <u>PERMITTEE/ DISTRICT</u>	<u>DIAM</u> <u>(in.)</u>	<u>DEPTH</u> <u>TTL./CSD.FT.</u> <u>(feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE</u> <u>(gpd)</u>	<u>PEAK</u> <u>MONTH</u> <u>(gpd)</u>
1 / 1	12	1,514 / 260	Irrigation	627,200	1,242,200
2 / 2	10	1,260 / UNK	Augmentation	379,000	1,181,400
3 / 3	16	1,470 / 575	Irrigation	1,022,600	1,803,200
4 / 4	16	1,200 / 500	Irrigation	385,700	1,123,800
5 / 5	4	280 / 50	Cleaning/Maintenance	200	300
Mobile / 6	12	N/A / N/A	Irrigation	379,000	1,181,400

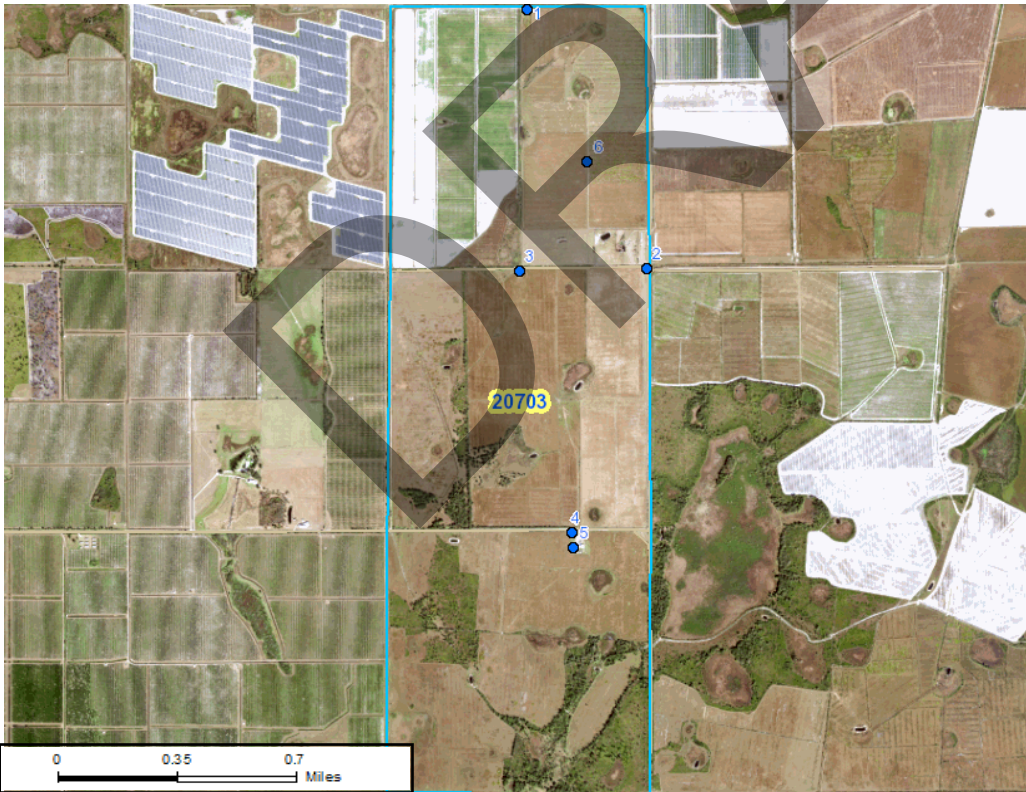
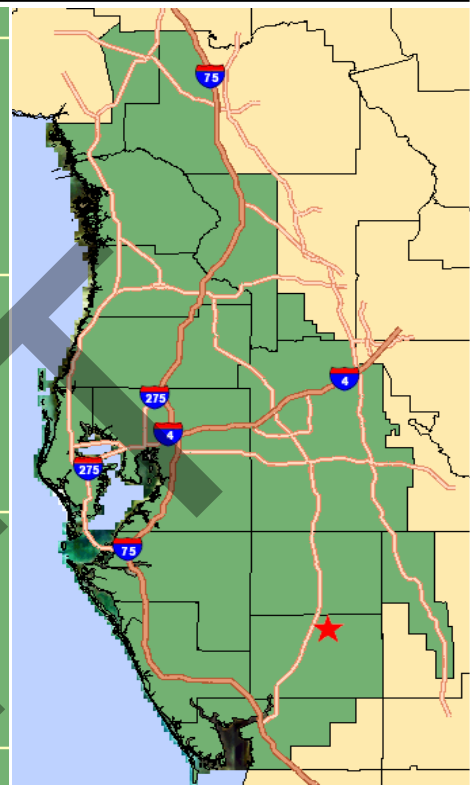
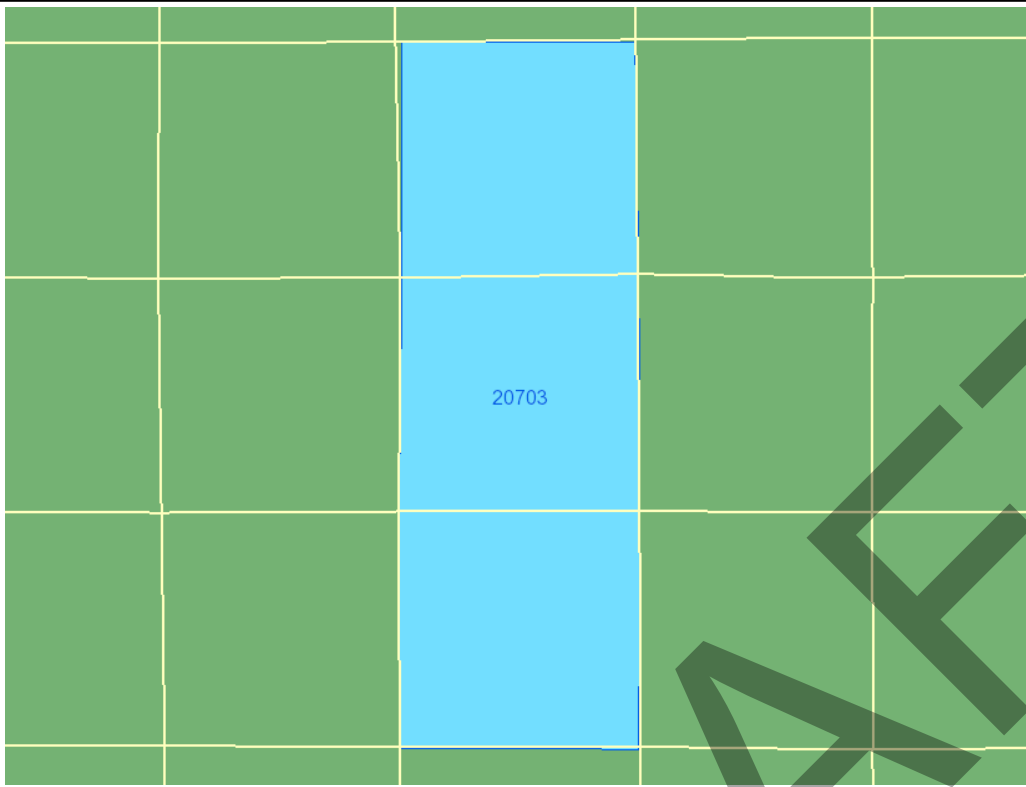
WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	27° 18' 38.63"/81° 46' 01.40"
2	27° 17' 47.09"/81° 45' 34.42"
3	27° 17' 46.54"/81° 46' 03.11"
4	27° 16' 54.30"/81° 45' 51.30"
5	27° 16' 51.33"/81° 45' 51.12"
6	27° 18' 08.32"/81° 45' 47.76"



Attachment: May20 WUP 20020703.001 - Recap Permit (5045 : WUP No. 20020703.001 - Optimum Ranch)

Location Map
Optimum Ranch Florida, LLC
WUP No. 20 020703.001



Legend

- DIDs
- WUP Boundary

2017 Natural Color Imagery

DESOTO COUNTY

Southwest Florida
Water Management District

Attachment: May20 WUP 20020703.001 - Recap Permit (5045 : WUP No. 20020703.001 - Optimum Ranch)

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

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

All mailed reports and data are to be sent to:

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

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

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

2. The Permittee shall construct the proposed well(s) according to the surface diameter and total depth specifications below. The total depth specified, is an estimate, based on best available information, that will prevent the unauthorized interchange of water between different water bearing zones. All depths given are in feet below land surface. For Well Construction requirements see Exhibit B, Well Construction Instructions, attached to and made part to this permit.
District ID No. 5, Permittee ID No. 5, having a surface diameter of 4-inches, drilled to a maximum total depth of 280 feet.
(232)
3. The Permittee shall construct the proposed wells according to the surface diameter and casing depth specifications below. The casing shall be continuous from land surface to the minimum depth stated and is specified to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth at which high producing zones are encountered. However, it is the Permittee's responsibility to have the water in the well sampled during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by the Permittee, and to ensure that withdrawals from the well will not cause salt-water intrusion. All depths given are in feet below land surface. For Well Construction requirements see Exhibit B, Well Construction Instructions, attached to and made part to this permit.

District ID No. 4, Permittee ID No. 4 having a surface diameter of 16-inches, with a minimum casing depth of 500 feet and drilled to a total depth of 1,200 feet.
(240)

4. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)
5. The Permittee shall implement a leak detection and repair program as an element of an ongoing

system maintenance program. This program shall include a system-wide inspection at least once per year.(309)

6. By July 1, 2020, the Permittee shall install and/or properly maintain a District approved automated augmentation control system for the well(s) augmenting the surface water body(ies) indicated in the table below. The system shall be installed such that augmentation does not take place when the water level is at or above the specified water-level elevation in National American Vertical Datum 1988 for the particular water body. Provisions shall be made by the Permittee in the augmentation schedule to allow for the maximum possible runoff/rainfall capture. The regulatory elevation may be modified by the Water Use Permit Bureau Chief, as necessary to protect environmental and water resources of the District.

District ID No. 2, Permittee ID No. 2, augmenting the linear irrigation reservoir shall cease augmentation at 82.9 feet NAVD (1988).

(314)

7. Prior to augmenting the linear irrigation reservoir, the Permittee shall install and maintain a backflow prevention system on District ID No. 2, Permittee ID No. 2, to prevent surface waters from backflowing into the source well.
(315)
8. This specific permit is issued with the understanding that the Permittee shall implement Best Management Practices (BMPs), which will result in elimination of off-site discharge of lower quality irrigation water to the greatest extent practicable. This is required to avoid contribution by this permitted site to the water quality degradation and potential impairment of surface waters within the Joshua Creek watershed.(324)
9. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices.
(331)
10. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)
11. The Permittee shall geophysically (caliper) or video log District ID No. 2, Permittee ID No. 2, if the pump assembly is removed for maintenance or replacement within the term of this permit. If the Permittee does not have to remove the pump assembly during the term of this permit, he or she shall notify the District in writing upon submittal of their application to renew their water use permit (WUP). Such notification will not prejudice the Permittee's application. The District does not require the Permittee to remove the well assembly for the single purpose of logging the well.

The geophysical or video log must clearly show the diameter and total depth of each well, and the casing depth and casing continuity in each well. If a video log is made of the well, it shall clearly show the WUP number, Permittee name, and well identification number on the tape itself. One copy of the log shall be submitted to the District within 30 days of the logging event. Upon sufficient notice (approximately two to three weeks), the District can caliper log the well(s) at no cost to the Permittee; however, the Permittee shall remove the pump assembly at their own cost and prior to the arrival of the District logging vehicle on location.

Until such time as the logging is performed, the District shall continue to assess withdrawal impacts, and credit existing use per aquifer based on the assumption that multiple aquifers are open in the well bore. If an analysis of the log with respect to geology or hydrogeology is made, the report must be signed and sealed by a Professional Geologist who is registered and in good standing with the Florida Department of Business and Professional Regulation.

(408)

12. Permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated acre-inches per irrigated acre per season for each crop type. For all crops except Citrus, an irrigated acre, hereafter referred to as "acre," is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. For Citrus, an irrigated acre is based on 74% shaded area, equivalent to 89.4% of the gross acreage minus uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches.

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

(427)

13. The Permittee shall immediately implement the District-approved water conservation plan submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. Progress reports on the implementation of water conservation practices indicated as proposed in the plan as well as achievements in water savings that have been realized from each water conservation practice shall be submitted April 1, 2030.(449)

14. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water. (458)

15. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for seasonal crops for each permitted irrigation withdrawal point, District ID. Nos. 1, 2, 3 and 4, Permittee ID Nos. 1, 2, 3 and 4:

1. Crop type
2. Irrigated acres per crop for the appropriate season,
3. Dominant soil type or acres by dominant soil type,
4. Irrigation method (NTBWUCA only),
5. Use or non-use of plastic mulch,
6. Planting dates, and
7. Season length.

This information shall be submitted by February 1 of each year documenting irrigation for the previous summer/fall seasonal crops, and by September 1 of each year documenting irrigation for the previous winter/spring crops. Strawberry irrigation information shall be submitted as a winter/spring crop.(476)

16. By April 1, 2021, the Permittee shall provide a document to the Water Use Permit Bureau, which states that the lease agreements for this property have been renewed and are still current. The documents must be signed by both the owner (lessor) and the lessee, and must indicate the extent of the lease agreement period and renewability of the lease. Subsequent documents will be due by April 1 of each year thereafter or on some other appropriate frequency as dictated by the duration of the renewed lease, for the remaining period of this permit. If the lease agreement extends beyond the expiration date of this Permit, then subsequent documents are not necessary. If the required document is not received at the District by the required date, this permit may be revoked.(506)

17. The total withdrawal from District ID No. 2, Permittee ID No. 2, for augmenting the linear irrigation

- reservoir shall not exceed the total withdrawal from District ID No. 6, Permittee ID No. Mobile, from the water body for irrigation during any month.(546)
18. 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)
 19. The Permittee shall submit a copy of the well completion reports to the District's Water Use Permit Bureau, within 30 days of each well completion.(583)
 20. The Permittee shall maximize the use of surface waters from the linear irrigation reservoir before utilizing ground water for augmentation of the source. Augmentation for aesthetic purposes is strictly prohibited.(648)
 21. The Permittee shall comply with allocated irrigation quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit.(651)
 22. 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)
 23. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID No. 4, Permittee ID Nos. 4. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(718)
 24. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 1, 2 and 3, Permittee ID Nos. 1, 2 and 3. 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)
 25. The permittee is eligible for water conserving credits on April 1, 2030, through the submittal of a Letter Modification Application." The Permittee must be in compliance with all permit conditions and have submitted all appropriate seasonal and annual crop reporting forms to be eligible for the additional water conserving credits. The available water conserving credit quantity will be equal to twice the difference between the 5-in-10 and 2-in-10 irrigation requirements as determined by AGMOD.(1027)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

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

Exhibit B
Instructions

METERING INSTRUCTIONS

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

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

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

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

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

FLOW METER ACCURACY TEST INSTRUCTIONS

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

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

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

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

Attachment: May20 WUP 20020703.001 - Recap Permit (5045 : WUP No. 20020703.001 - Optimum Ranch)

- 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.

WELL CONSTRUCTION INSTRUCTIONS

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

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

Authorized Signature
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

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

REGULATION COMMITTEE

May 19, 2020

Consent Agenda

WUP No. 20020808.000 / City of Cape Coral Supplemental Irrigation Water Supply / City of Cape Coral (Charlotte County)

This is a new Water Use Permit (WUP) for Use Type landscape/recreation. This permit authorizes the capture and storage of excess wet season sheetflow off the Babcock-Webb Wildlife Management Area (WMA) in an offline reservoir located in Charlotte County, within the jurisdiction of the Southwest Florida Water Management District (SWFWMD). The reservoir is comprised of former mine pits associated with the Southwest Aggregates property (WUP 11222), which will conclude all mining activities in 2021. During the dry season, storage will be conveyed south from the reservoir via three miles of pipeline along U.S. Highway 41, discharging west into Gator Slough which then flows into the City of Cape Coral's extensive canal system, located in Lee County within the jurisdiction of the South Florida Water Management District (SFWMD). A Memorandum of Understanding (MOU) between the SWFWMD and the SFWMD was executed on December 17, 2019 to address this transfer of water across District boundaries. The authorized quantities are 3,945,200 gallons per day (gpd) on an annual average basis, and 16,000,000 gpd on a peak month basis. Quantities are based on maintenance of canal levels within the City of Cape Coral as necessary for both irrigation and fire suppression during the dry season, as determined by a 2017 Pilot Study and ongoing 2020 Work Plan now supported by a comprehensive environmental Monitoring Plan and an Operations & Maintenance Plan. This permit is located within the Southern Water Use Caution Area (SWUCA) and relies exclusively on Alternative Water Supply (AWS). This permit provides significant resource benefit in the form of regional watershed management and restoration by capturing excess sheetflow which is adversely impacting the hydrology of the Babcock-Webb WMA. Additionally, this permit provides a significant benefit to public health and safety because the City of Cape Coral also relies on its canal system for firefighting.

Special conditions include those that require the Permittee to report inflows to and discharges from the reservoir; to adhere to the diversion schedules; to perform meter accuracy checks every five years; to immediately implement the environmental Monitoring Plan; to immediately implement the Operations & Maintenance Plan; to continue implementation of the ongoing Work Plan with final report due by January 1, 2022; to install and monitor hydraulic barriers; to investigate complaints related to reservoir operation; to install and maintain specified staff gauges and report water levels; to install and maintain specified piezometers and report water levels; to install and maintain a rain gauge and report rainfall totals; to submit a comprehensive Annual Reservoir Operations report by January 1 each year; to demonstrate ownership or control of the property within one year, and to obtain all necessary permits and authorizations; 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 020808.000**

PERMIT ISSUE DATE: May 19, 2020

EXPIRATION DATE: May 19, 2040

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: New

GRANTED TO: City of Cape Coral
 815 Nicholas Parkway
 Cape Coral, FL 33990

B.P. Limited Liability Co.
 15210 Wayzata Blvd.
 Wayzata, MN 35391-1143

PROJECT NAME: City of Cape Coral Supplemental Irrigation 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	3,945,200 gpd
PEAK MONTH ¹	16,000,000 gpd

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

ABSTRACT:

This is a new Water Use Permit (WUP) for Use Type landscape/recreation. This permit authorizes the capture and storage of excess wet season sheetflow off the Babcock-Webb Wildlife Management Area (WMA) in an offline reservoir located in Charlotte County, within the jurisdiction of the Southwest Florida Water Management District (SWFWMD). The reservoir is comprised of former mine pits associated with the Southwest Aggregates property (WUP 11222), which will conclude all mining activities in 2021. During the dry season, storage will be conveyed south from the reservoir via three miles of pipeline along U.S. Highway 41, discharging west into Gator Slough which then flows into the City of Cape Coral's extensive canal system, located in Lee County within the jurisdiction of the South Florida Water Management District (SFWM). A Memorandum of Understanding (MOU) between the SWFWMD and the SFWM was executed on December 17, 2019 to address this transfer of water across District boundaries. The authorized quantities are 3,945,200 gallons per day (gpd) on an annual average basis, and 16,000,000 gpd on a peak month basis. Quantities are based on maintenance of canal levels within the City of Cape Coral as necessary for both irrigation and fire suppression during the dry season, as determined by a 2017 Pilot Study and ongoing 2020 Work Plan now supported by a comprehensive environmental Monitoring Plan and an Operations & Maintenance Plan.

Attachment: May20 WUP 20020808.000 - Recap Permit (5046 : WUP No. 20020808.000 - City of Cape Coral Supplemental Irrigation Water

This permit is located within the Southern Water Use Caution Area (SWUCA) and relies exclusively on Alternative Water Supply (AWS). This permit provides significant resource benefit in the form of regional watershed management and restoration by capturing excess sheetflow which is adversely impacting the hydrology of the Babcock-Webb WMA. Additionally, this permit provides a significant benefit to public health and safety because the City of Cape Coral also relies on its canal system for firefighting.

Special conditions include those that require the Permittee to report inflows to and discharges from the reservoir; to adhere to the diversion schedules; to perform meter accuracy checks every five years; to immediately implement the environmental Monitoring Plan; to immediately implement the Operations & Maintenance Plan; to continue implementation of the ongoing Work Plan with final report due by January 1, 2022; to install and monitor hydraulic barriers; to investigate complaints related to reservoir operation; to install and maintain specified staff gauges and report water levels; to install and maintain specified piezometers and report water levels; to install and maintain a rain gauge and report rainfall totals; to submit a comprehensive Annual Reservoir Operations report by January 1 each year; to demonstrate ownership or control of the property within one year, and to obtain all necessary permits and authorizations; and to 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>
Landscape/Recreation	3,945,200	16,000,000

USE TYPE

Fire Fighting/Testing
 General Recreation
 Aesthetic

WITHDRAWAL POINT QUANTITY TABLE

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

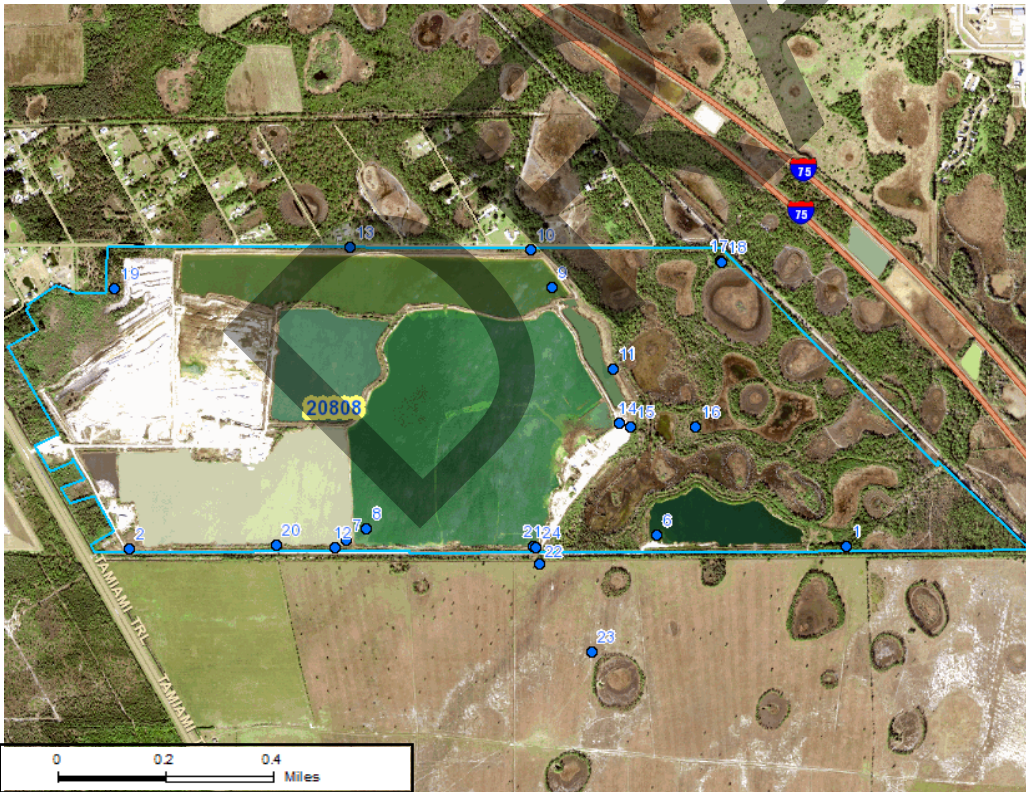
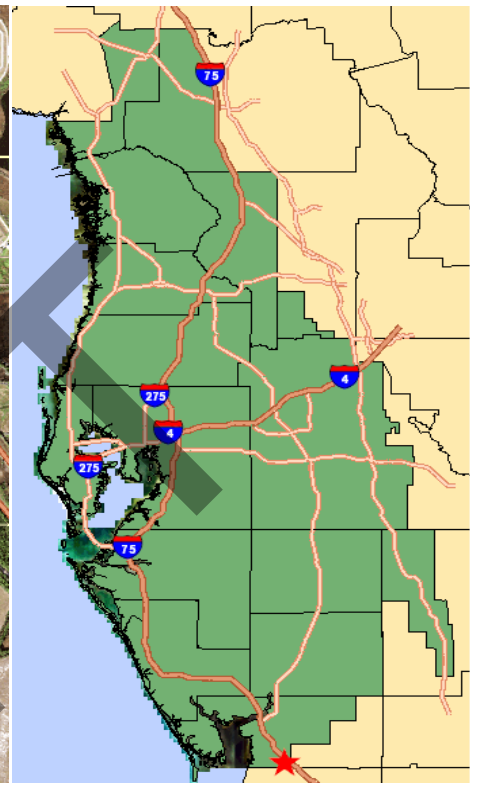
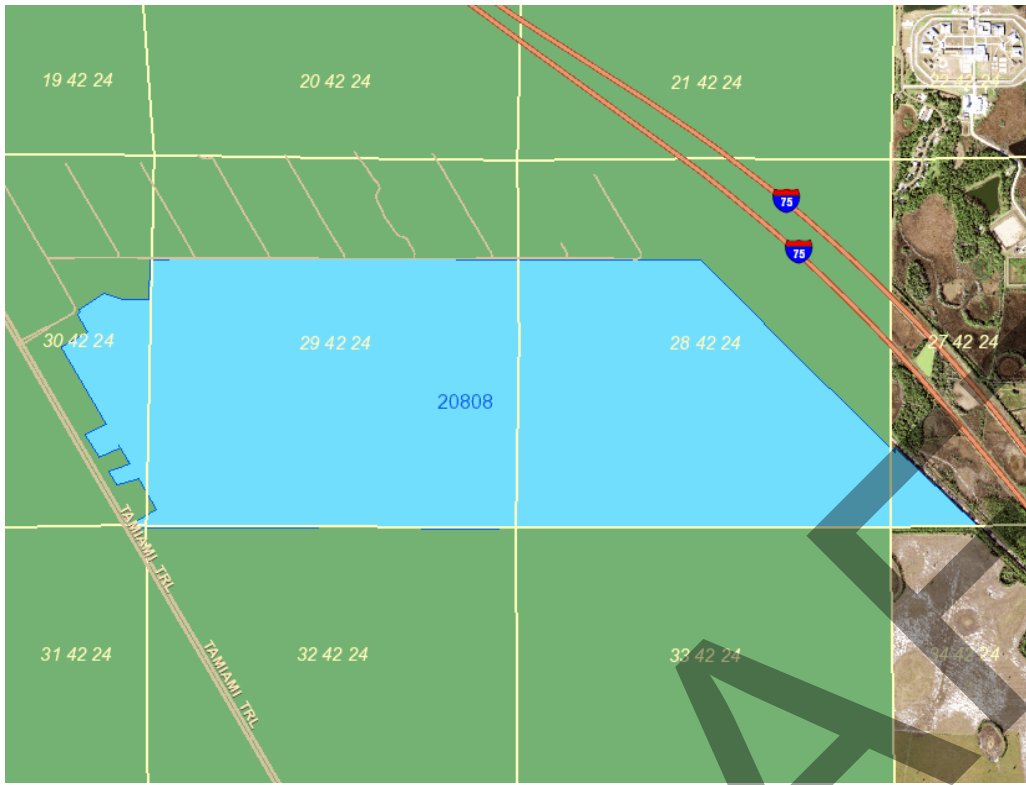
<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>
SWA-SE / 1		N/A / N/A	Augmentation	3,945,200	16,000,000
D-1 / 2	30	N/A / N/A	Re-Pump	3,945,200	16,000,000

WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	26° 47' 05.66"/81° 54' 38.67"
2	26° 47' 05.39"/81° 56' 19.76"

Attachment: May20 WUP 20020808.000 - Recap Permit (5046 : WUP No. 20020808.000 - City of Cape Coral Supplemental Irrigation Water

Location Map
City of Cape Coral
WUP No. 20 020808.000



Legend

- DIDs
- WUP Boundary
- 2017 Natural Color Imagery

CHARLOTTE COUNTY

Southwest Florida
Water Management District

Attachment: May20 WUP 20020808.000 - Recap Permit (5046 : WUP No. 20020808.000 - City of Cape Coral Supplemental Irrigation Water

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 annual average augmentation quantity authorized for District ID No.1, Permittee ID No. SWA-SE shown in the withdrawal point quantity table, is not intended to dictate the quantity available to the reservoir from the Babcock-Webb WMA. Water will enter the property from rainfall and/or the Interstate 75 corridor via inflow gate (DID No. 1) located in the southeast corner of the site, and then gravity flow into the East Pit where it will be conveyed to the reservoir. Diversions from the WMA will vary depending on environmental conditions but are estimated to yield up to 4600 acre-feet (approximately 1.8 billion gallons) of water per year based on modeling results. The actual quantity available will be determined by the following diversion schedule:

- A. Diversions from the Babcock-Webb WMA are limited to the wet season only (July, August, September, and October); and
- B. Diversions are only permitted when the water level recorded at District ID No. 3, Permittee ID No. STA-6 located on the WMA exceeds 25.5 ft NAVD; and
- C. Diversions shall cease when the reservoir stage equalizes at 25.0 ft NAVD, as measured at DID Nos. 4, 5, and 6, Permittee ID Nos. LM-1, LM-2, and LM-3, respectively.

The annual average repump quantity authorized for District ID No. 2, Permittee ID No. D-1 shown in the withdrawal point quantity table, is based on estimates of demand but in this case is expected to represent an upper limit. Releases from the reservoir shall only occur when at least one of the following criteria are met:

- A. The water level in the Hermosa Canal at Weir 17 (Chiquita Boulevard) is less than 6.5 ft NGVD; or
- B. The water pressure in the irrigation distribution network drops below 35 psi for more than 3 hours in a 24-hour period; or
- C. The water level in the Courtney Canal at Weir 7 drops below 3.5 ft NGVD.

The permittee shall also notify the Water Use Permit Bureau Chief when releases from the reservoir begin and end each year.(221)

3. The Permittee shall maintain the existing rain gauge, District ID No. 24, Permittee ID No. RG. Total daily rainfall shall be recorded at this station and submitted to the District online or on District forms on or before the tenth day of the following month. The reporting period for these data shall begin on the first day of each month and end on the last day of each month. (255)
4. Subsequent to completion of the 2020 Work Plan and prior to releases from the reservoir as authorized herein, the Permittee shall install and maintain the hydraulic barriers and associated staff gages proposed in the Operations & Management Plan.(319)
5. The City of Cape Coral shall demonstrate ownership or legal control of the property within one year of WUP issuance. If the City has not acquired or obtained legal control of all of the property described in the permit application within one year of WUP issuance, the WUP shall be deemed abandoned and shall become void. Notwithstanding, if the City does not acquire or obtain legal control of the property within one year of WUP issuance due to extreme hardship caused by factors beyond its control, the District may grant to the City an extension of the ongoing Work Plan.

Additionally, following completion of the Work Plan and prior to implementation of this WUP, the City of Cape Coral shall obtain any and all applicable permits or modifications that may be necessary to accomplish its proposed project.
(506)

6. The Permittee shall submit an Annual Reservoir Operations Report that is a comprehensive but concise assessment of the water resources of the 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. Reports shall be submitted to the Water Use Permit Bureau Chief by January 1 of each year. Any color part of the report that is scanned shall be scanned in color. The report shall cover all activities and conditions pertaining to operation of the reservoir for the preceding water year (October 1 to September 30). The specific elements of this report are listed below:

Reservoir Operation

A brief overview of reservoir operations including the timing, duration, and quantification of both inflows from Babcock-Webb WMA and releases from the reservoir to the City of Cape Coral. This should also include discussion of reservoir stage and functioning of hydraulic barriers.

Water Level Monitoring

Water levels collected as a condition of this permit shall be analyzed, summarized into graphs and statistical analysis, if appropriate, for the annual reporting period, and related to reservoir operation as well as to historic water levels. The report should delineate any areas of concern with respect to water levels within the aquifers monitored, changes in sampling locations, number of wells included in the program, etc., or any other information which may be deemed appropriate in order to protect the resource as well as existing legal users..

Withdrawal Related Complaints

A summary of the investigations of withdrawal-related complaints and mitigation activities related to the impacts shall be provided. This summary shall include:

1. Number and type of complaints,
2. Number and type of mitigation activities,
3. Number and type of complaints which did not require mitigation activity,
4. Total cost of all mitigation activity, and
5. Delineation of areas of concern with respect to legal existing use with respect to any water availability or water quality trends identified.

Wetland Vegetative Assessment

This Section shall include annual analysis of changes to percent cover of wetland and upland species to be noted. Evidence of vegetative stress due to high or low water conditions should be included.

Interpretive Section

An Interpretive Section shall be included that provides analyses and interpretation of reservoir stage data, aquifer water level data, wetland water levels and function, and any other data collected pursuant

to the monitoring plans submitted in support of this permit as it relates to environmental conditions in the vicinity of the reservoir. This section shall also address investigations and analyses of relationships between water level fluctuations, volume changes within the reservoir, atmospheric conditions, and drainage factors relative to the environmental condition of designated wetlands.

Monitoring Plan Updates

The Permittee shall summarize the development, implementation, and events that may affect the approved Monitoring 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.

Maintenance & Operations Plan Updates

The Permittee shall summarize the development, implementation, and events that may affect the approved Maintenance & Operations 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. 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)
8. The Permittee shall immediately implement the Operations & Maintenance Plan submitted in support of this application, and begin collection of the following data:
 - A. Daily water table elevation in the Babcock-Webb WMA as measured at existing piezometer DID No. 3, Permittee ID No. STA-6, in ft NAVD; and
 - B. Total daily inflow from the Babcock-Webb WMA or the Interstate 75 corridor to the reservoir (proposed DID No. 1, Permittee ID No. SWA-SE), in gallons per day; and
 - C. Average daily stage elevation within the East Pit (existing DID No 6, Permittee ID No. SG-1), in ft NAVD; and
 - D. Average daily stage elevation within the reservoir (existing District ID Nos. 7, 8, and 9, Permittee ID Nos. LM-1, LM-2, and LM-3), in ft NAVD; and
 - E. Total daily discharge from the reservoir to the City of Cape Coral (existing DID No. 2, Permittee ID No. D-1), in gallons per day.

The water table elevation, stage elevation, and flow data shall be submitted to the Water Use Permit Bureau, on District forms on or before the tenth day of the following month. The recording frequency may be modified by mutual agreement between the Water Use Permit Bureau Chief as necessary.(671)

9. The Permittee shall immediately implement the "Work Plan to Supply Surface Water from the Southwest Aggregates Mine to the City of Cape Coral Canal System" (Work Plan) dated March 2020, which is incorporated herein by reference. A final report summarizing the results of the Work Plan and all prior work including the 2017 pilot study shall be submitted to the District by January 1, 2022. The final report shall also include an updated groundwater flow model and narrative incorporating the data collected. A permit modification with appropriate changes to both the Monitoring Plan and the Operations & Maintenance Plan shall also be submitted at that time in consultation with District staff(673)
10. The Permittee shall immediately implement the Monitoring Plan that was submitted in support of this application, in addition to the ongoing Work Plan, to monitor environmental conditions in and around the property, and within the Babcock-Webb WMA. In addition to monitoring of groundwater levels and rainfall as specified elsewhere in this permit, the Permittee shall also monitor wetland function within the Babcock-Webb WMA as follows for inclusion in the Annual Reservoir Report:

Wetland monitoring stations DID Nos. 25, 26, 27, and 28, Permittee ID Nos. CW-S, CW-C, CW-N, and CW-PL.(676)
11. If the shallow groundwater elevation as measured at District ID No. 13, Permittee ID No. MW-N1, fall

5.0 feet or more at any time following initiation of discharge from the reservoir, said discharge shall be stopped or reduced until the measured drawdown is less than 5.0 feet.

If unanticipated adverse impacts otherwise occur to wetlands that are to be preserved, to off-site land use, or to existing legal users, the Permittee shall immediately notify the Water Use Permit Bureau Chief to discuss the best course of action to implement immediately to reverse those impacts and to stop further impacts. In no instance are adverse impacts to be allowed to continue.(688)

12. Reservoir discharge shall be metered within 90 days of completion of construction/installation: District ID No. 2, Permittee ID No. D-1. 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.(709)
13. The Permittee shall install and maintain the piezometers listed below to monitor water table elevations in the specified areas. Water levels shall be recorded daily relative to North American Vertical Datum 1988 and, to the maximum extent possible, recorded at the same time each day. The readings shall be reported online via the WUP Portal at the District website (www.watermatters.org) or mailed in hardcopy on District-provided forms to the Water Use Permit Bureau on or before the tenth day of the following month.
- Existing District ID Nos. 3, 4, and 5, Permittee ID Nos. STA-6, STA-7, and SR-6, to monitor water table elevations on the Babcock-Webb WMA
- Existing District ID Nos. 13, 14, 15, 16, 19, 20, 21, 22, and 23, Permittee ID Nos. MW-N1, MW-E1, MW-E2, MW-E3, MW-EX1, MW-EX2, MW-S1, MW-S2, and MW-S3 to monitor water table elevations in and around the reservoir property.
- Proposed District ID Nos. 17 and 18, Permittee ID Nos. MW-E4S and MW-E4D to monitor water table elevations at the northeast corner of the reservoir property.
(756)
14. The Permittee shall install and maintain staff gauges at the locations specified below and record daily measurements of water levels referenced to North American Vertical Datum 1988. To the maximum extent possible, water levels shall be recorded on the same time each day and reported to the Water Use Permit Bureau, online via the WUP Portal on the District website, or in hardcopy on District-provided forms on or before the tenth day of the following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief as necessary to ensure the protection of the resource.
- Existing District ID Nos. 6, 7, 8, and 9, Permittee ID Nos. SG-1, LM-1, LM-2, and LM-3 to monitor water levels in the East Pit, Wash Pit, Main Pit, and North Pit, respectively.
- Proposed District ID Nos. 10, 11, and 12, Permittee ID Nos. PM-1, PM-2, and PM-3 to monitor water levels in the northern, eastern, and southern hydraulic barriers, respectively.
(762)
15. Within 90 days of the construction of the inflow gate in the southeast corner of the property, the permittee shall submit total gallons of inflow measured each month. Reporting shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.
District ID No. 1, Permittee ID No. SWA-SE.
(831)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

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

Exhibit B
Instructions

METERING INSTRUCTIONS

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

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

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

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

GENERAL COUNSEL'S REPORT

May 19, 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. On March 20, 2020, Petitioner waived the statutory timeline provided in section 120.565(3), F.S., and authorized a 90-day extension that the District may consider additional information.

Petitioner alleges that his current and future vessel access to lands adjacent to 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.

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.

The facts alleged by Petitioner relate to his future vessel access and use of the Weeki Wachee River and lands abutting the river under hypothetical boating restrictions that do not exist. 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 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.

See Exhibit

Staff Recommendation:

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

Presenter: James B. Fussell, Jr., Senior 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 Chapter 28-105, 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 of Declaratory Statement Before the Southwest Florida Water Management District (Petition) from Petitioner Shannon R. Turbeville. A copy of the Petition is attached hereto as Exhibit "A".
2. On March 20, 2020, Petitioner waived the statutory timeline provided in 120.565(3), F.S., and authorized a 90-day extension that the District may consider additional information with the Petition.
3. The District issued a Request for Additional Information (RAI) on April 13, 2020, to which Petitioner delivered a written response on April 19, 2020 (Response). The Response clarified statements made in the Petition and amended the Petition to include additional information. The RAI and Response are attached hereto as Exhibits "B" and

“C,” respectively. The Petition and Response were considered together and are collectively referred to hereinafter as the Petition.

4. The Petition seeks a declaratory statement interpreting Section 373.1391, F.S., regarding the management of real property to which the District holds title.

5. 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.

6. 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 (River).¹

7. Petitioner alleges his current and future vessel access to all public and private lands, including District-owned land, abutting the River in Hernando County (“County Parcels,” as defined in the Petition) and recreational enjoyment on the River rely in part upon the natural state and condition of public land titled to the District.”²

8. Petitioner alleges that his vessel access to County Parcels and recreational enjoyment on the River have been negatively impacted by degradation from recreational activities that have occurred on District-owned lands abutting the River.³

¹ See Petition at ¶ 3.

² See Petition at ¶ 17 and Response No. 1.

³ See Petition at ¶ 4.

9. Petitioner alleges that local and state government agencies will eventually have an obligation to restrict vessel access to the River to mitigate public safety concerns, thereby “creating doubt to Petitioner’s future status of vessel access on the [River].”⁴ To support this claim, Petitioner cites to Sections 327.45 and 327.46, F.S., which authorizes municipalities, counties, and the Florida Fish and Wildlife Conservation Commission (FWC) to establish boating-restricted areas which restrict vessel speeds and vessel traffic in waters of the state. Section 327.45, F.S., in particular, authorizes FWC, in consultation and coordination with water management districts, the Florida Department of Environmental Protection, and municipalities, to establish zones restricting the speed and operation of vessels to prevent harm to springs.⁵

10. Based on the foregoing facts, the Petitioner implies the District should issue a declaratory statement that the public’s recreational use of District-owned land adjacent to the River should be prohibited or restricted to limited access points⁶ by Section 373.1391, F.S.⁷

11. The District received no motions to intervene in response to the Notice of Petition for Declaratory Statement published in the Florida Administrative Register on January 3, 2020.

CONCLUSIONS OF LAW

12. 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.

⁴ See Petition at ¶ 5.
⁵ See Petition at ¶ 6 and Response No. 5.
⁶ See Response No. 3.
⁷ See Petition at ¶ 17.

(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.

Accordingly, a petitioner must be substantially affected with respect to the statute for which they seek interpretation. The petitioner must allege facts establishing that petitioner will suffer an injury in fact of sufficient immediacy to entitle him to a declaratory statement, and that the alleged injury is within the zone of interest of the statute of which the agency's opinion is sought. See *Fla. Optometric Ass'n v. Dep't of Prof'l Regulation*, 567 So. 2d 928, 932 (Fla. 1st DCA 1990).

13. Rule 28-105.001, F.A.C., which implements Section 120.565, 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).

14. The purpose of the declaratory statement 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).

15. A declaratory statement must address live issues that personally affect the petitioner. Petitions for declaratory statements that seek opinions regarding conduct that

is hypothetical, speculative, or have already occurred are properly denied. See *Novick v. Dep't of Health*, 816 So.2d 1237, 1240 (Fla. 5th DCA 2002); see also *Nat'l Ass'n of Optometrists v. Dep't of Health*, 922 So.2d 1060, 1063 (Fla. 1st DCA 2006). 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. *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)).

16. 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)). 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); see also *Board of County Commissioners of Indian River County v. Graham*, 191 So. 3d 890, 895 (Fla. 2016) (an agency's declaration should be limited to matters within its exclusive and superior jurisdiction).

17. Petitioner alleges that general public recreation has contributed to degradation of District-owned lands to posit that other state and local authorities may, at some uncertain time in the future, enact regulations restricting his boating access to the River. Such restrictions are hypothetical in nature and may never exist. Petitioner relies on these non-existent regulations to establish a nexus between the District's land

management abilities and his unrealized injuries. The harm alleged by the Petitioner does not constitute an injury in fact of sufficient immediacy to establish him as a substantially affected person. Therefore, Petitioner lacks standing to obtain a declaratory statement. See *Novick*, 816 So.2d at 1240; see also *Santa Rosa*, 661 So.2d at 1193, and *American Indemnity Co.*, 147 So. 2d at 11.

18. Additionally, the particular circumstances alleged by Petitioner relate to his use and enjoyment of and access to the River.⁸ However, Section 373.1391, F.S.,⁹ the statute for which Petitioner requests interpretation, relates to the District's management of lands to which it holds title. Petitioner's alleged injuries of future boating restrictions do not fall within the zone of interest of Section 373.1391, F.S. Accordingly, even if Petitioner did establish that he would suffer an injury of sufficient immediacy to warrant him a declaratory statement, Petitioner would still lack standing because such injury is not within the zone of interest of the statute of which he is requesting interpretation. See *Fla. Optometric Ass'n*, 567 So. 2d at 932.

19. Petitioner recognizes Sections 327.45 and 327.46, F.S.,¹⁰ as the operative statutes affecting his current and future vessel access. These statutes provide the FWC, counties, and local municipalities with the authority to implement boating-restricted areas and protection zones. These statutes do not clothe the District with the authority necessary to implement or enforce the boating restrictions contemplated therein. Although Section 327.45, F.S., requires FWC to consult with water management districts and similarly situated entities in developing boating restrictions specific to springs, it is

⁸ See Petition at ¶ 17.

⁹ See Petition at ¶ 2.

¹⁰ See Petition at ¶ 6 and Response No. 5.

solely within FWC's authority to develop and enforce such provisions. Sections 327.45 and 327.46, F.S., are not within the District's exclusive and superior jurisdiction, and to provide such an analysis would require the District to stand in the place and suppose the future actions of the authorities having such jurisdiction. Therefore, the District has no cause or basis to express an opinion of these statutes' hypothetical applicability to Petitioner's alleged set of circumstances. See Fla. Admin. Code R. 28-105.001, *Fla. Optometric Ass'n v. Dep't of Prof'l Regulation*, 567 So. 2d at 932; see also *Citizens of the State ex rel. Office of Public Counsel*, 164 So. 3d at 59.

20. Moreover, 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). 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]." Petitioner has not alleged that *his* recreational activities on District-owned land have contributed to the injury. Rather, 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. A declaratory statement is not the appropriate means for determining the conduct of other parties. Fla. Admin. Code R. 28-105.001. A petition for declaratory statement that seeks an opinion as to the applicability of a statute to third parties do not comply with the requirement that the declaratory statement must be directed to the petitioner's particular set of circumstances and are therefore appropriately denied. *Manasota-88, Inc. v. Gardinier, Inc.*, 481 So.2d 948, 949

(Fla. 1st DCA 1986); see *Sutton v. Dep't of Env'tl. Prot.*, 654 So.2d 1047, 1048 (Fla. 5th DCA 1995).

21. 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 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). 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., Petitioner has not demonstrated entitlement to a declaratory statement.

STATEMENT OF THE ORDER

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

DONE AND ORDERED by the Governing Board of the Southwest Florida Water Management District this ____ day of May 2020.

By: _____
Mark Taylor, Chair

Approved as to Legal Form and Content:

James B. Fussell, Jr., Staff Attorney

Filed this ____ day of May 2020. (seal)

Deputy Agency Clerk

NOTICE OF RIGHTS

A party who is adversely affected by final agency action may seek judicial review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within thirty (30) days after the rendering of the final action by the District.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
BROOKSVILLE, FLORIDA

RECEIVED
DEC 30 2019
OFFICE OF
GENERAL COUNSEL

Re:

Petition of Declaratory Statement

PETITION OF DECLARATORY STATEMENT BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Shannon R. Turbeville "Petitioner", hereby submits this Petition for Declaratory Statement, pursuant to *Florida Statutes* Section 120.565, and Fla. Admin. Code R.28-105.002, and states as follows:

STATEMENT OF FACTS AND LAW

1. The petitioners name, mailing address and related information are:

Shannon R. Turbeville

Mailing Address: 1325 N Galloway Rd., Lakeland, FL 33810

Phone: (863) 370-9364

Email: LFD147@gmail.com

2. The statute for which interpretation and a declaratory statement is sought is:

Florida Statutes Section 373.1391

3. Petitioner is a home/property owner on a canal system fed by the Mud River in Hernando County Florida at 6193 Colony Cr., Weeki Wachee, Florida, 34607. The Mud River is one of two principal tributaries of the Weeki Wachee River.
4. Petitioner's vessel access to county parcels 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 Southwest Florida Water Management District "District". These activities are causing shoreline erosion, contributing to accumulated sedimentation on the bottom of the Weeki Wachee River that is altering the river channel structure. Petitioner's vessel access to county parcels and recreational enjoyment on the Weeki Wachee River relies in part upon the natural state and condition of public land titled to the District.
5. The altered river channel structure creates concerns with public safety, hazardous water levels, and navigational hazards on the Weeki Wachee River. Petitioner feels local and/or state government would eventually have an obligation to implement prohibitions and/or restrictions



in order to mitigate these concerns, creating doubt to Petitioner's future status of vessel access on the Weeki Wachee River.

6. *Florida Statutes* Section 327.46 authorizes the state to prohibit and/or restrict vessels on navigable waters within the State of Florida for many reasons, including public safety, hazardous water levels, and navigational hazards. Furthermore, pursuant to the same statute, local governments may also impose vessel restrictions.
7. Public records related to shoreline erosion of the Weeki Wachee River and the resulting negative impacts to the bottom of the river exist. Some examples include:
 - The legislatively created Citrus/Hernando Waterways Restoration Council expressed concern of sand erosion from the riverbanks in a 2012 report to the Florida Legislature. According to the council, navigation and the natural resource were negatively impacted. See attached Exhibit A.
 - A 2017 letter from the Hernando County Board of County Commissioners, documents public concern of bank erosion, destruction of submerged vegetation, and public safety; all from recreational activities on the Weeki Wachee River. See attached Exhibit B.
 - A July 2003, report prepared for the District by Madrid Engineering Group, Inc., reads "considerable shoaling is evident within the riverbanks". Furthermore, "the upper reaches of the river have not been highly impacted by man, but the impacts are higher downstream with increasing development." See attached Exhibit C.
 - A November 2019, draft report prepared for the District by Wood Environmental & Infrastructure Solutions, Inc., states recreation-induced vegetation trampling has been shown to cause erosion and adversely impact the shoreline of the Weeki Wachee River. See attached Exhibit D.
8. The District has advised that sedimentation alters the Weeki Wachee River channel structure. See attached Exhibit E.
9. A January 2017, report prepared for the District by HSW Engineering, Inc., concludes that accumulated sediments downstream of a residential area of the Weeki Wachee River will not naturally dissipate. This would leave Florida tax payers (i.e. Petitioner) and/or residents to fund dredges to remove accumulated sedimentation. See attached Exhibit F.
10. Residents are currently being assessed on their property taxes, a municipal service benefit unit for a 2012 dredge to remove excess sedimentation that has long since returned, thus preventing Petitioner's vessel access to county parcels from the Weeki Wachee River during periods of low to medium tide. See page 3 on attached Exhibit G.
11. A 2019 media report documents recreationalists entering District property along the Weeki Wachee River engaged in activities concerning to law enforcement. See attached Exhibit H. The District responded by entering an agreement with the Sheriff to act in situations specifically

involving threats to public safety and welfare. The agreement does not pertain to the protection of the public land titled to the District. See attached Exhibit I.

12. Petitioner takes note of *Florida Statutes* Section 373.139(4), authorizing and encouraging the District to enter cooperative or land management agreements with state agencies or local governments to provide for management of lands to which the District holds title, however the Petitioner interprets *Florida Statutes* Section 373.139(1)(a), as placing ultimate responsibility with the District to protect the lands it has title to, regardless of any agreement.
13. Pages 2 and 3 of attached Exhibit I would indicate the District holds title to the majority of public land along the Weeki Wachee River.
14. Per Hernando County Ordinance No. 90-17, property owners along the Weeki Wachee River are required to have a buffer that is defined in part "to prevent erosion and sedimentation". Activities within the buffer and wetland are also regulated by this local ordinance. See attached Exhibit J.
15. Petitioner is unaware of any projects completed on undeveloped public land titled to the District along the Weeki Wachee River that would provide for stabilized public access points to minimize and/or prevent shoreline erosion.
16. Statutory Provision and Rule Applicable to Petitioner's Case
 - a. The statutory provision on which a declaratory statement is sought is *Florida Statutes* Section 373.1391, "Management of real property".
 - b. *Florida Statutes* Section 373.1391(1)(a), reads in part "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" (emphasis added).
 - c. Fla. Admin. Code R.40D-9.111(4), "Access to and Closure of District Lands", specifies that "District Lands may be closed to public use in areas undergoing construction or restoration, or subject to other land or water management activities, where necessary to protect the site" (emphasis added).
 - d. Fla. Admin. Code R.40D-9.111(5), "Access to and Closure of District Lands", specifies that "District Lands may be closed to public use when such action is necessary to protect the water, natural or cultural resources of such lands" (emphasis added).
 - e. Fla. Admin. Code R.40D-9.191, "Plant or Animal Removal, Destruction, or Harassment", reads "All plants and animals on District Lands are protected. Removing, destroying, or harassing animals or plants from or on District Lands is prohibited except for specifically authorized research efforts, hunting and fishing activities authorized by permit or

Special Use Authorization, or District initiated removals associated with reforestation, control of exotic or nuisance species, silvicultural timber harvests or other land management activities” (emphasis added).

17. Substantial Affect of Statutory Provisions in Petitioner's Case

- Petitioner has standing to petition the agency in this matter as a Florida tax payer, home/property owner along a tributary of the Weeki Wachee River, and one who utilizes the Weeki Wachee River for recreational enjoyment and vessel access to county parcels.
- Petitioner would be substantially affected by the District’s declaratory statement, as his current and future status of vessel access to 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. Assuming Petitioner’s defined statute section and rule are applicable to his case, the statutory protection would assist in preventing shoreline erosion on District lands resulting from recreational activities that are contributing to the alteration of a navigable waterway channel structure.
- Clarification regarding the applicability of the law will enable Petitioner to select a proper course of action moving forward to address his own circumstances.

NATURE OF DECLARATORY STATEMENT SOUGHT

WHEREFORE, Shannon R. Turbeville respectfully requests the District issue a Declaratory Statement providing clarification as to the applicability of *Florida Statutes* Section 373.1391(1)(a), Fla. Admin. Code R.40D-9.111, and Fla. Admin. Code R.40D-9.191, that would appear to require public land titled to the District, be protected in such a way it will remain in its natural state and condition, and providing the District a lawful means to protect its land when recreational activities occurring on the land are significantly altering the natural state and condition of not only the land, but an adjoining navigable waterway channel structure.



Shannon R. Turbeville

12-26-2019

Date

Attached Exhibits

- Exhibit A: Page 17 of the Citrus/Hernando Waterways Task Force 2012 Report to the Legislature.
- Exhibit B: August 31, 2017 letter from the Hernando BOCC to the DEP Secretary.
- Exhibit C: Page 13 of a 2003 sediment investigation report to the District.
- Exhibit D: Page 34 & 37 of a 2019 draft 2019 carrying capacity study to the District.
- Exhibit E: District webpage "Weeki Wachee Channel Restoration Project".
- Exhibit F: Page 30 & 31 of a 2017 sand assessment report to the District.
- Exhibit G: Current tax information on a randomly selected residential parcel in Weeki Wachee Gardens.
- Exhibit H: 2019 media report of tree jumpers on District property.
- Exhibit I: District trespass agreement with Hernando Sheriff.
- Exhibit J: Hernando County Ordinance No. 90-17.



- Exhibit A -

creates a navigational risk to the public and has altered/smothered natural riverine habitat and river bed contours.

PROJECT 2: Weeki Wachee River Fish & Wildlife Habitat Restoration

Timeline: 18–24 months

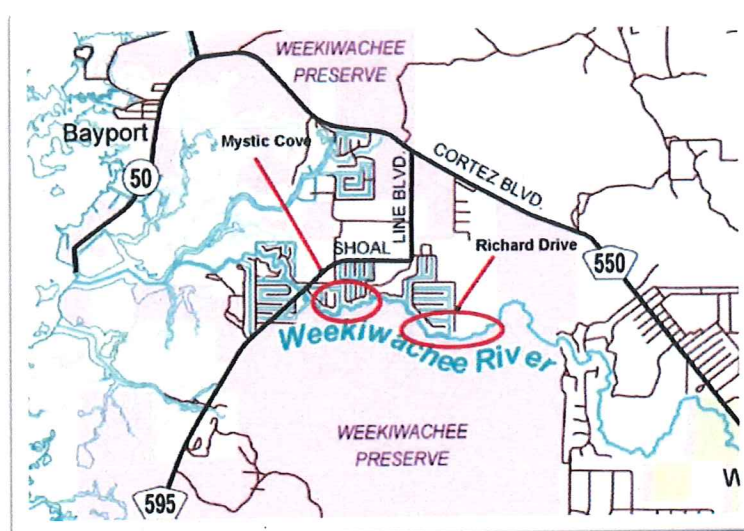
Funding Request: \$100,000

Several environmental problems have developed over time within the headspring and upper reaches of the Weeki Wachee River. The immediate area surrounding the headspring had become infested with *Lyngbya* algae. In addition, the introduction of silts and organics into the spring and river system via untreated stormwater runoff and other external sources has caused additional concerns due to their conveyance downstream.

Erosion of sand from the riverbanks has caused the river to become shallower than it would naturally be, and as such, velocities have been reduced as well as the ability of submerged aquatic vegetation to establish. Aforementioned projects removed primary sources of sand and sediment; however, a significant volume remains within the lower river. In summer 2009, FFWCC Aquatic Habitat Conservation and Restoration Section personnel surveyed the river and found it adequate for manatee passage. They did note habitat restoration was needed in some areas however.

To improve navigation and fish and wildlife habitat, the Hernando County Task Force recommends the removal of shoaling sand in the lower river which has accumulated over historical limerock river bottom substrate, and in some places, impeded river flow.

Various locations, including “Mystic Cove” and “Richard Drive,” are proposed for study for potential hydraulic dredging of sand. The amount of sand accumulated is unknown but a reasonable starting cost for dredging, based on visual estimates, is \$5,000,000.





BOARD OF COUNTY COMMISSIONERS

20 NORTH MAIN STREET ♦ ROOM 263 ♦ BROOKSVILLE, FLORIDA 34601
P 352.754.4002 ♦ F 352.754.4477 ♦ W www.HernandoCounty.us

- Exhibit B -

August 31, 2017

Noah D. Valenstein, Secretary
Florida Department of Environmental Protection
3900 Commonwealth Boulevard, M.S. 49
Tallahassee, FL 32399

RE: Request for Carrying Capacity Study
Weeki Wachee Springs and River Overcrowding

Dear Secretary Valenstein:

Hernando County has limited jurisdiction over waters of the state, including the Weeki Wachee River. On behalf of the Hernando County Board of County Commissioners (BOCC) and the Weeki Wachee community, I am requesting that the Florida Department of Environmental Protection develop, research, and implement a science-based commercial carrying capacity study of the Weeki Wachee headspring and river. It is our understanding that staff at the Southwest Florida Water Management District (SWFWMD) would, subject to its Governing Board's approval, support funding up to 50% of the cost of a carrying capacity study as part of SWFWMD's Cooperative Funding Initiative.

Over the last year, the Hernando BOCC has received numerous complaints regarding public safety issues, user conflicts, bank erosion from the destruction of plants and trees along the shoreline, destruction of submerged vegetation and trespass onto private lands, primarily caused by an unsustainable number of water craft on the river. Due to the increased concerns expressed, the Hernando BOCC provided an opportunity for community input and suggestions at the BOCC meetings of August 8 and August 22, 2017, which further confirmed the concerns mentioned previously.

The number of non-motorized vessels, primarily kayaks and paddleboards, launched annually by the concessionaire from the Weeki Wachee Springs State Park has increased substantially from July 1, 2012 to April 18, 2016 as follows: 31,604 in FY 2012-13; 52,324 in FY 2013-14; 75,254 in FY 2014-15; and 62,855 in FY 2015 to April 18, 2016.

The State Park's concessionaire currently has a fleet of 240 boats. At the August 22, 2017 Hernando BOCC meeting, the Board was provided with a spreadsheet by the State Park's concessionaire outlining the number of boats launched per hour for July of this year. Attached is a copy for your reference: The total number launched for the month was 9,908 or an average of 319 per day. On one day, there were 419 launches listed from the Park.

The Board was also provided with the attached document titled "General Information and Facts" about the Park's concessionaire indicating that the Park Service is allowing the concessionaire to launch up to 70 boats per hour from 7:00 a.m. to 4:00 p.m., or up to 630 boats per day.

In addition, please consider the following:

- There are five other kayak outfitters that launch and pickup from various locations downstream of the Park that contribute to the overcrowding. They collectively have a fleet of over 220 boats.
- The "Existing Use and Recreational Carrying Capacity" section of the 2011 Unit Management Plan for the Weeki Wachee Springs State Park states, "The recreational carrying capacity for this park is a preliminary estimate of the number of users the unit could accommodate...". In the same section of the Unit Management Plan, it further states, "Additional research will be conducted to determine the appropriate carrying capacity for the park, particularly for activity sites within the headspring and spring-run stream". To date, we are not aware of any additional research conducted.
- The Weeki Wachee Surface Water and Improvement (SWIM) Plan approved earlier this year by SWFWMD states, "the spring and river have experienced significant ecological shifts, caused by both natural variability and human activities". The project proposals in the plan include a "Recreation Carrying Capacity Project" to determine the appropriate recreational carrying capacity of the main headspring and river developed in partnership with FDEP/Division of Recreation and Parks and other agencies.
- The Hernando County Port Authority has recommended a carrying capacity study be done to improve safety on the river.
- Lastly, Senator Wilton Simpson and the Hernando BOCC were recently presented with a petition from approximately 300 residents and stakeholders requesting that a commercial recreational carrying capacity be determined for the headspring and river.

While there are ongoing efforts by the Park's concessionaire to find additional take out point(s), upstream of their current location to help reduce the numbers downstream, the fact remains that without implementing some level of restrictions on the total number of launches by all the commercial operators via a carrying capacity study, little will have been done to correct the problems outlined above.

Thank you in advance for your consideration of this request.

Respectfully,

Wayne Dukes
 Wayne Dukes, Chairman
 Board of County Commissioners
 Hernando County, Florida

Attachments

cc: Brian Armstrong, Executive Director, Southwest Florida Water Management District
 The Honorable Wilton Simpson, Florida State Senator

- Exhibit C -

Madrid Engineering Group, Inc.

WEEKI WACHEE RIVER SEDIMENT INVESTIGATION



The Earth is our BusinessSM

Prepared for:

Southwest Florida Water Management District

Prepared by:

MADRID ENGINEERING GROUP, INC.

P.O. Box 2506
Bartow, FL 33831

Project No. 3545
July 2003

native material. However, considerable shoaling is evident within the riverbanks. The upper reaches of the river have not been highly impacted by man, but the impacts are higher downstream with increasing development. Additional observations and conclusions are as follows:

- There is insufficient volume of sediment on Buccaneer Bay Beach to have made a significant impact on the sediments in the river.
- There is little appreciable color difference between the upper beach and the lower beach. The apparent color difference is primarily due to the higher moisture content of the sand adjacent to the water.
- The apparent white samples in the river were primarily located upstream of Sample No. R-5, above the first S-curve in the river. However, data does not support that the Buccaneer Bay Beach sand has migrated sufficiently downstream to affect coloration or gradation.
- The gradations are similar between the river samples and the Buccaneer Bay Beach samples (both upper and lower); therefore, there is no appreciable difference in grain size distribution.
- The white color noticed at various locations within the river are from shell deposits, chiefly, but also some whitish clays and silts that appear to be of natural origin.
- There is considerable shoaling along the river. The shoals are generally parallel to and along the sides of the river, as well as at major bends in the river. They are very loose as indicated by our technicians sinking to the knee or deeper. Due to the looseness of the sediments in the shoal areas, prop wash could be a transport mechanism.
- Prop action from the Weeki Wachee attraction is minimal, as the boats generally stay in the center (i.e., deepest parts) of the river, specifically avoid the shallows, and do not travel downstream very far. Also, these boats generally follow the same path

- Exhibit D -



WEEKI WACHEE NATURAL SYSTEM CARRYING CAPACITY STUDY-ANALYSIS AND REPORTING (WW06)

TASK #4

DRAFT REPORT

Prepared for



Southwest Florida Water Management District

Tampa, FL 33637

and

Hernando County

Brooksville, FL 34604

Prepared by

Wood Environment & Infrastructure Solutions, Inc.

1101 Channelside Drive, Suite 200

Tampa, FL 33602

Wood Project No. 600308x24

TWA NO. 19TW0002077

November 2019



4.2.3 Summary of Recreational Trampling Assessment

The experimental trampling assessment provided documentation of vegetation and soil sensitivity in select shoreline sites of the Weeki Wachee River. After the initial trampling event, each of the three subplots showed increases in exposed soil and dead vegetation. As expected, areas trampled at variable intensities were subject to fluctuating amounts of vegetation and soil disturbance. Percent relative cover of vegetation declined substantially as trampling intensity increased after the initial two-week and six-month trampling events. Percent relative cover was somewhat variable at the six-month interim reestablishment event suggesting each subplot is at a different stage of recovery influenced not only by trampling intensity, but multiple other environmental variables. The reestablishment of vegetation after six months of recovery appeared to be influenced by water level, flows, seasonal climate, and surrounding vegetation. Submerged bars were often newly colonized by floating-leaf aquatic plants such as *Pistia stratiotes* and traveling vines such as *Mikania scandens*, thus changing the community composition. Soil profiles taken after initial impact showed decreases in surface organic matter, signifying disruptions from soil compaction and disturbance. The loss of organic soils was significant two weeks after trampling, and continued to be significant six months after trampling, with no significant change in presence of organic soils between two weeks and six months.

Recreation-induced vegetation trampling has been shown to adversely impact the herbaceous shoreline of the Weeki Wachee River. Limiting or fully restricting vessel docking along the shorelines in general or setting up specific areas for docking and recreation at designated areas that have been engineered for that purpose could decrease the amount of vegetation loss and erosion along the river.

4.3. Comparative Site Assessment

4.3.1 Site Selection

Wood selected a spring-fed river containing point bars with intact vegetative cover to provide a comparative reference site from which to assess ecological impacts observed at point bars on the Weeki Wachee River (such as vegetation and organic soil loss). Candidate spring runs included Alexander Springs Run and Juniper Spring Run in the Ocala National Forest and Rock Springs Run in Orange County. These rivers were reviewed via aerial imagery and site visits to find a site with similar fluvial geomorphic characteristics such as meander pattern, bend geometry, and hydrologic regime to the Weeki Wachee River. Alexander Springs Run was selected as the comparative site for the Weeki Wachee River because it had similar geomorphic patterns, dimensions, and flow regime. It also displays fewer impacts from recreation versus Rock Springs Run, which is heavily eroding in some areas. While the Alexander Springs Run in the studied section is not entirely pristine (it has some rope swings, docks, short segments of cleared shoreline, an eroded kayak/small boat launch, and an actively eroded bluff), it has numerous vegetated and intact bars available to study lacking erosional scarps or other evidence of impacts from recreational use of the bars.



Figure 4.12 – Weeki Wachee Comparative Point Bar

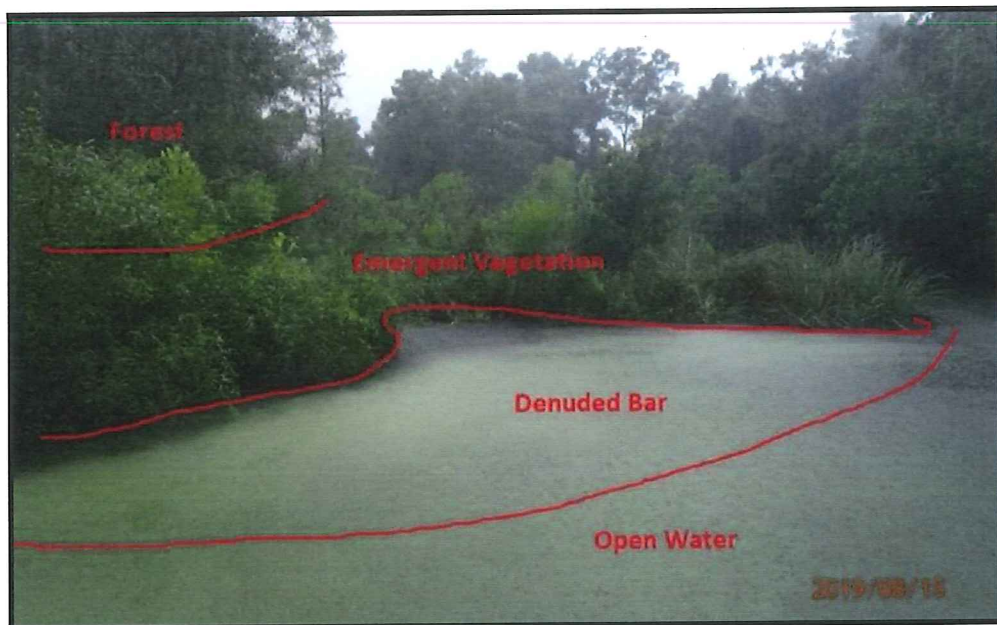


Figure 4.13 – Weeki Wachee Scarp Example (Point Bar 1)



Note: Example of a scarp (unnatural vertical wall), representing BRK-2 as a breakpoint in the point bar mapping exercise.



- Exhibit E -

Weeki Wachee Channel Restoration Project

Project Overview

This multi-year project is evaluating accumulated sediments in the river and identifying where future removal of sediments will benefit the river's ecosystem.

Background

Sedimentation is an environmental problem in the Weeki Wachee River and is identified as one of the priority issues in the [Weeki Wachee River Surface Water Improvement and Management \(SWIM\) Plan](#). Sedimentation alters the river channel structure and can smother beneficial submerged aquatic vegetation and other habitats. Despite most sources of erosion being addressed in the past, this sediment continues to work its way downstream with widening sand bars and increasingly shallow areas in the lower river as signs of continued sedimentation.

Project Details

The District received funding from the state's General Appropriations Act for the evaluation, design and permitting of the project, which is ongoing. The District has hired a consultant to identify the priority areas for sediment removal, prepare a removal and restoration plan and process permits. The final construction plans will be done by the end of 2019.

Based on the construction plans, additional state funding will be requested in the 2020 legislative session. Pending award of the funding, a contractor will be selected through a competitive bidding process. The restoration project includes sediment removal, which is also known as dredging, and is anticipated to begin in the spring of 2021. This webpage will be updated as more details become available, including information about the funding, timing and process for the restoration.

Project Partners

The project has been partially funded, and is anticipated to be fully funded, by the State of Florida. The Southwest Florida Water Management District is the lead agency implementing the project and is working to develop the project with input from Hernando County, Florida Fish and Wildlife Conservation Commission and the Florida Department of Environmental Protection, including the Florida State Parks.

- Exhibit F -

Weeki Wachee River Sand Assessment Phase II

Project Report

January 2017

Prepared for:



2379 Broad Street

Brooksville, FL 34604

Prepared by:



15711 Mapledale Boulevard, Suite B

Tampa, FL 33624

6. CONCLUSIONS

The goal of the Weeki Wachee Sand Assessment – Phase II (WW02) Project is to better understand sediment transport throughout the river and to opine on whether sedimentation observed near Weeki Wachee Retreat (Reach 4) will naturally dissipate. In other words, is the channel aggrading, degrading, or stable? This was accomplished through volumetric analysis, sediment transport measurements, and sediment transport computational analysis.

Overall, there is little evidence the accumulated sediments in Reach 4 will naturally dissipate. It appears that, close to Reach 4, the river is behaving like a naturally forming river delta with sediment being transported from the upper reaches and deposited in the vicinity of Reach 4 during periods of low energy. In addition, the river channel appears to be *dynamically stable*. Dynamic stability occurs when there are no evidence of un-natural behavior in the river such as excessive erosion or deposition. Sediment is transported in a natural riverine system with some naturally occurring deposition and erosion. Under certain extreme conditions, the river's geomorphology could substantially change (horizontal or vertical movement). For example, under extreme tidal events, sediments could be moved upstream and in large storm events sediments could be transported downstream.

Following are the main findings of the study:

- Bedload was the predominantly observed mechanism of sediment transport, even within the control Reach 1.
- Although measured suspended sediment load was minimal, boat traffic was observed to increase suspended sediment concentration temporarily.
- Reaches 1 and 2 are more susceptible to erosion and transport than Reach 4 given their minimal influence by tide and closer proximity to the spring flow with low sediment concentration.
- Reach 4 reflects substantial tidal influence and is susceptible to sedimentation during incoming and high-tide conditions.

Computing the sediment gain/loss using the cross-sectional changes accounts for the dynamic nature of sediment transport in the river in response to various conditions (i.e., hydrodynamic, anthropogenic, etc.) that occurred between the winter and summer season – in contrast with the sediment transport computations that provide an understanding of the system response to specific conditions. Sediment was lost from Reaches 1 and 3 while Reaches 2 and 4 exhibited slight gain between the Winter and Summer 2016 measurements. Additional long-term geomorphic measurements, however, would be needed at the same locations to assess changes in the river and to evaluate temporal sedimentation trends.

Based on measured sediment transport rates in the river, there is little evidence the accumulated sediments in Reach 4 will naturally dissipate or move through the system. Sediment is moving from the upper reaches of the river (the sections that are not tidally influenced) into the tidally influenced section of the river (in the vicinity of Reach 4) and then being deposited during high tide. During winter low tide conditions, the measured bedload sediment transport in Reach 4 was higher than in other reaches of

the river; however, those measured rates were not large enough to transport the sediment depositing during high tide conditions when little to no sediment transport is occurring.

Sediment transport computational analysis included using Hjulstrom's diagram for sediment motion and sediment transport equations to evaluate the system. Hjulstrom's diagram suggests that the tidally influenced areas will experience decreased sediment transport and be subject to sedimentation during high tide. Bedload computations suggest Reach 4 sediment transport is similar to upstream reaches at low tide and less than upstream reaches at high tide. Total sediment transport calculations based on stream power indicate Reach 4 sediment transport will be less than the upstream reaches. Total sediment transport calculations based on unit stream power indicate Reach 4 sediment transport will be similar to the upstream reaches at low tide but less at high tide.

All methods used for evaluating sediment transport in the Weeki Wachee River suggest the accumulated sediments in Reach 4 will not dissipate naturally because of decreased sediment transport rates during high tide conditions. During the study, Reach 4 exhibited little overall increase in sediment with localized aggradation and degradation, a behavior similar to a river in dynamic equilibrium.

To better understand the relationship between recreation and sediment transport in the river, turbidity or suspended solids data could be gathered at Reaches 1 and 2 (both reaches are not tidally impacted). The difference between the two reaches, especially during high traffic events, would provide an indication of the impact of recreation. In addition, long term geometric measurements at Reaches 3 and 4 would provide additional data regarding the volumetric change within a tidally affected portion of the river resulting from the various natural and anthropogenic influences throughout the river. The volumetric change could be used to estimate a rate at which the sediment could re-accumulate in case it was removed by dredging or as a result of an extreme event.



Hernando County, Florida Public Inquiry System

SPECIAL MESSAGES

NO MESSAGES FOUND

V6.35

-Exhibit G-
(Page 3)

TAX YEAR 2019

PROPERTY VIEW

TODAY'S DATE 12/23/2019

KEY 93767

OWNER

01 NUGENESS ARTHUR N JR

PARCEL R32 222 17 3940 0000 0940

LOCATION

5265 RAY DR

ADDRESS

13254 STAR RD
BROOKSVILLE, FL 34613-4142

DESCRIPTION

WEEKIWACHEE GARDENS
UNIT 2 LOT 94
ORB 326 PG 534

- PROPERTY CARD
- SEARCH PARCELS
- SALES BY AREA
- SALES BY GROUP
- SEARCH SUBDIVISION
- INFORMATION REQ.
- SUBMIT

- NAVIGATION
- NEXT OWNER
 - PREV OWNER
 - NEXT PARCEL
 - PREV PARCEL

PROPERTY INFORMATION (CERTIFIED FOR ROLL YEAR 2019)

ZONING	DESC	ZONE ID
LEVY AREA	CWES 3935	COUNTY WIDE EMS WEEKI WACHEE GARDENS - ALL
USE		

GIS MAP

***** ATTENTION *****
Use the **PRINT** button
on the bottom right to
print this screen.

MILLAGE MARKET 16.1775

PCA1 1 CONVENTIONAL	PCA2 2 RESIDENTIAL
PCA3 1 1 UNIT	PCA4 0 SUBS REC/UNR

LAND JUST	42513 132505	CLASS ASSESSED	0 132505	SQFT EXEMPT	2344 0	ACRES TAXABLE	0.1 132505
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EXEMPTIONS NHX

To calculate the estimated taxes for next year (If the Property is sold this calendar year):

Enter property value for calculation: Estimated Taxes are APPROXIMATELY: *

* Taxes are Calculated without exemptions or Save Our Homes Protection based on the value entered above, using current millage and current special assessments.

***** SCROLL DOWN FOR ADDITIONAL INFORMATION *****

TAXES DUE KEY: 93767 Enter new Payment Date below and hit <ENTER> to recalculate
 TAXES CALCULATED FOR PAY DATE 122319 PAY PLAN FULL PAY

[Click on current years taxes below to reprint bill](#)

YEAR/ASM	CERT NUM	BIDDER	TAX AMT	BALANCE	INT %	TOTAL DUE	THRU	TYPE
2019			\$2617.35	\$2617.35	.00%	\$2538.83	12/31/2019	F
2018	20190250800	7510594	\$2404.51	\$2404.51	.25	\$2748.30	12/31/2019	F
	178		\$1512.50	\$453.75	.00	\$.00		

TOTAL TAX DUE 5287.13

*** PAY-OFF AMOUNT PAYABLE TO BD. OF CO. COMM.**

Taxes are for calendar year January 1 thru December 31.
 Current year tax discounts, normally November 1 thru March 31, are determined by postmark of payment. Taxes become delinquent April 1.
 Delinquent tax amount due is determined by the date your payment is received by the tax collector.
 Delinquent taxes must be paid by certified funds only. Cash, Cashier check, Certified check or Credit card.
[Click here for On-Line Payment Options](#)

PAYMENT HISTORY KEY: 93767 TODAY'S DATE 12/23/2019

For a printable copy of the tax bill of a payment please click on the payment year.
 Delinquent taxes are not printable in bill form. Print this page for proof of payment.

YEAR	ADJ	SEQ	CERTIFICATE	RECEIPT	TYPE	DATE	AMT PAID	DISC/PEN
2017	00	01	2017906586	CURRENT	PYMT	11/27/17	\$2163.07	\$90.13
2016	00	01	2016906555	CURRENT	PYMT	11/23/16	\$2001.41	\$83.39
2015	00	01	2015907027	CURRENT	PYMT	11/25/15	\$1971.62	\$82.15
2014	00	01	2014906812	CURRENT	PYMT	11/24/14	\$1950.11	\$81.25
2013	00	01	2013900516	CURRENT	PYMT	11/15/13	\$1914.47	\$79.77
2012	00	01	2012905022	CURRENT	PYMT	11/21/12	\$1715.87	\$71.49
2011	00	01	2011901040	CURRENT	PYMT	11/17/11	\$1802.74	\$75.11

Attachment: Final Order on Pet for Dec Statement 5-5-20 [Revision 1] (5056 : Consideration of Final Order-Petition for Declaratory Statement-

2010 00 01	2010919859	CURRENT PYMT	11/29/10	\$961.71	\$40.07
2009 00 01	2009921968	CURRENT PYMT	11/25/09	\$932.58	\$38.86
2008 00 01	2008908414	CURRENT PYMT	11/21/08	\$948.57	\$39.52
2007 00 01	2007903673	CURRENT PYMT	11/21/07	\$1111.40	\$46.31

PAST TAX VALUATION KEY: 93767

YEAR/ADJ	EI NUM	ASSESSED	EXEMPTIONS	TAXABLE	Gross Tax (No Pen/Disc)
2019 00		\$132505		\$132505	\$2617.35
2018 00		\$126032		\$126032	\$2404.51
2017 00		\$115794		\$115794	\$2253.20
2016 00		\$106682		\$106682	\$2084.80
2015 00		\$103034		\$103034	\$2053.77
2014 00		\$102783		\$102783	\$2031.36
2013 00		\$99811		\$99811	\$1994.24
2012 00		\$99696		\$99696	\$1787.36
2011 00		\$107238		\$107238	\$1877.85
2010 00		\$87230	\$50000	\$37230	\$1001.78
2009 00		\$84937	\$50000	\$34937	\$971.44
2008 00		\$84852	\$50000	\$34852	\$988.09

SPECIAL ASSESSMENTS KEY: 93767

PHASE	ASSESSMENT DESC	UNITS	RATE	ASSESSMENT	BALANCE
36	H.C. FIRE/RESCUE DISTRICT	1.00 OTHER	224.242	\$224.24	\$.00
36	H.C. FIRE/RESCUE DISTRICT	1.00 PARCEL	\$28.870	\$28.87	\$.00
99	SOLID WASTE DISPOSAL MSBU	1.00 OTHER	\$69.400	\$69.40	\$.00
178	STATE ROAD CANAL MAINT DREDGE	1.00 OTHER	151.250	\$151.25	\$453.75

Attachment: Final Order on Pet for Dec Statement 5-5-20 [Revision 1] (5056 : Consideration of Final Order-Petition for Declaratory Statement-

STRUCTURES, FEATURES & LAND KEY: 93767 TODAY'S DATE 12/23/2019

To view detail, click on any entry below.

SFL STR #	TYPE	SEQ	EFF DATE	DESCRIPTION	VALUE
S 1			10/24/11	SINGLE FAMILY RESIDENCE	\$85753
F 1	DK1	001	10/24/11	DOCK, BOAT/WOOD	\$224
F 1	OPU	001	01/01/03	OPEN PORCH, UNFINISHED	\$126
F 1	PT2	002	01/01/03	PATIO, CONCRETE	\$432
F 1	PT2	003	01/01/03	PATIO, CONCRETE	\$180
F 1	PV1	002	01/01/03	PAVEMENT, CONCRETE WALKS/DRIVE	\$144
F 1	PV1	003	01/01/03	PAVEMENT, CONCRETE WALKS/DRIVE	\$420
F 1	PV1	004	01/01/03	PAVEMENT, CONCRETE WALKS/DRIVE	\$864
F 1	PV1	005	01/01/03	PAVEMENT, CONCRETE WALKS/DRIVE	\$216
F 1	PV1	006	01/01/03	PAVEMENT, CONCRETE WALKS/DRIVE	\$1248
F 1	UTW	001	01/01/03	UTILITY, DETACHED, WOOD FRAME	\$290
F 1	WDK	002	10/24/11	WOOD DECK	\$95
L		02 01	01/01/02	RESIDENTIAL	\$41013
L		S2 01	01/01/02	SEAWALL, CONCRETE BLOCK-REINF	\$1500

SALES INFORMATION

KEY: 93767

[VIEW TYPE CODES](#)

SALE DATE	NAME	TYPE	BOOK	PAGE	V or I	SALE PRICE
08/31/1993	NUGENESS ARTHUR N JR	WD	0929	1168	I	\$84000
01/01/1980	COX GERALD R ET UX		0000	0000		

LIENS

KEY: 93767

REF #	LIEN DATE	DESCRIPTION	LIEN AMT	INT DUE	FEE	BALANCE
THERE ARE NO CODE ENFORCEMENT LIENS ON THIS PROPERTY						

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TOTALS: LIEN AMT 0.00 INT 0.00 FEES 0.00 BALANCE 0.00

For CE Lien information please contact Code Enforcement at 352-754-4056.

For MC Abatement Liens Please Contact HC Mosquito Control, 15400 Wiscon Rd, Brooksville, FL 34601

PH: 352-540-6552 for information on mandatory compliance requirements and current/future payoff quotes.

PERMITS ISSUED KEY: 93767

Appl #	Appl Date	Per #	Date	Use Description	Applicant	Status
0002465	03/30/1987	0054964	03/30/1987	ELECTRIC	COX GERALD R ET UX	FINALED

FIRE ASSESSMENTS KEY: 93767

Fire Rescue-Hernando County Fire 352-540-4353

Bill #	Cust Name	Fiscal Yr	Total	Paid	Total Due

TOTAL ASSESSMENTS 0.00

- Exhibit A -

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NEWS > CITRUS, HERNANDO COUNTY



Tree jumpers climbing dangerously high over Weeki Wachee River

Posted: 6:43 PM, Apr 09, 2019 Updated: 11:08 AM, Apr 10, 2019

By: Wendi Lane



Video Player is loading. Play Video

Pause

Unmute

Current Time 0:04 This is a modal window.

Duration 1:34 Repinning of dialog window Escane will cancel and close the window

+ Show Caption



WEEKI WACHEE, Fla. -- People are climbing dangerously high to jump from trees on the Weeki Wachee River, but the sheriff's office says there's nothing they can do to stop it.

Micky Hobby was on the upper part of the Weeki Wachee River Monday when he saw people climbing ridiculously high to jump.

Attachment: Final Order on Pet for Dec Statement 5-5-20 [Revision 1] (5056 : Consideration of Final Order-Petition for Declaratory Statement-

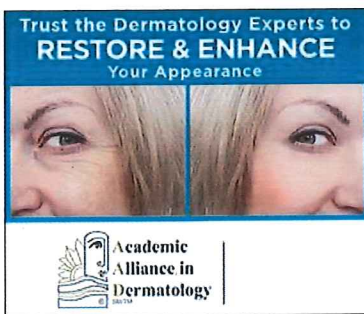
"You can't stop yourself from watching it because you got to be pretty crazy to climb up there," Hobby said.

Some call it crazy, others call it thrilling. For years, people have been building ladders and platforms to jump out of trees into the river but people keep pushing is further, like a tree stand at the very top of a high tree on the upper part of the river.

The Hernando County Sheriff's Office's marine unit says it can be dangerous and people have gotten badly hurt, but they can't stop people from doing it because it's not illegal and not on county land.

"You want to make it where everybody has a good time out on the river but you also want to make it safe," said Maryann Johnson with Weeki Wachee Crime Watch.

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Johnson said the river has changed, it's gotten more shallow and people are getting hurt.

"Broken legs, arms, cuts and bruises. We're just hoping it's not going to be worse than that later down the road," Johnson said.

One issue is that the county is only responsible for the waterway itself. The property along the river is owned by SWFWMD, FWC or other owners.

Johnson says Crime Watch is working with the different agencies to reach a solution before someone gets badly hurt or worse.

"Maybe in some of these areas that are the most dangerous area, put private property signs on them and enforce those areas," Johnson said.

The Weeki Wachee Crime Watch is meeting to talk about these issues this week.

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CURATION BY



Sheriff: 9-month-old drowned after being left alone in bathtub



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leafilterguards.com

Attachment: Final Order on Pet for Dec Statement 5-5-20 [Revision 1] (5056 : Consideration of Final Order-Petition for Declaratory Statement-

-Exhibit I-

**Hernando County Sheriff's Office
Trespass Authorization**

I, Brian S. Starford, Operations Lands & Resource Monitoring Acting Division Director, as duly authorized agent for the Southwest Florida Water Management District, pursuant to Section 810.09(3), Fla. Stat., hereby request, appoint, and authorize the Hernando County Sheriff and his Deputies to communicate orders to leave the property located at Hernando County Property Appraiser Parcel Numbers specifically described in Attachment 1, attached hereto and incorporated herein by reference, in situations involving threats to public safety or welfare. This authorization will remain in effect until revoked by the property owner or property owner's authorized agent.


Signature

5/15/19
Date

Operations, Lands & Resource
Monitoring Acting Division Director
Title

352- 796-7211
Telephone

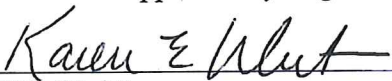
Brian S. Starford, P.G.
Printed Name

Brian.Starford@swfwmd.state.fl.us
E-Mail Address

2379 Broad Street
Contact Address

Brooksville, FL 34604
City, State & Zip

Reviewed and approved by Legal


SWFWMD Attorney

Attachment: Final Order on Pet for Dec Statement 5-5-20 [Revision 1] (5056 : Consideration of Final Order-Petition for Declaratory Statement-

Attachment 1
Hernando County Sheriff's Office Trespass Authorization

Weeki Wachee Springs State Park

R02 423 17 0000 0010 0000
R02 423 17 0000 0030 0000
R02 423 17 0000 0030 0020
R02 423 17 0000 0050 0000
R03 423 17 0000 0010 0010
R03 423 17 0000 0010 0020

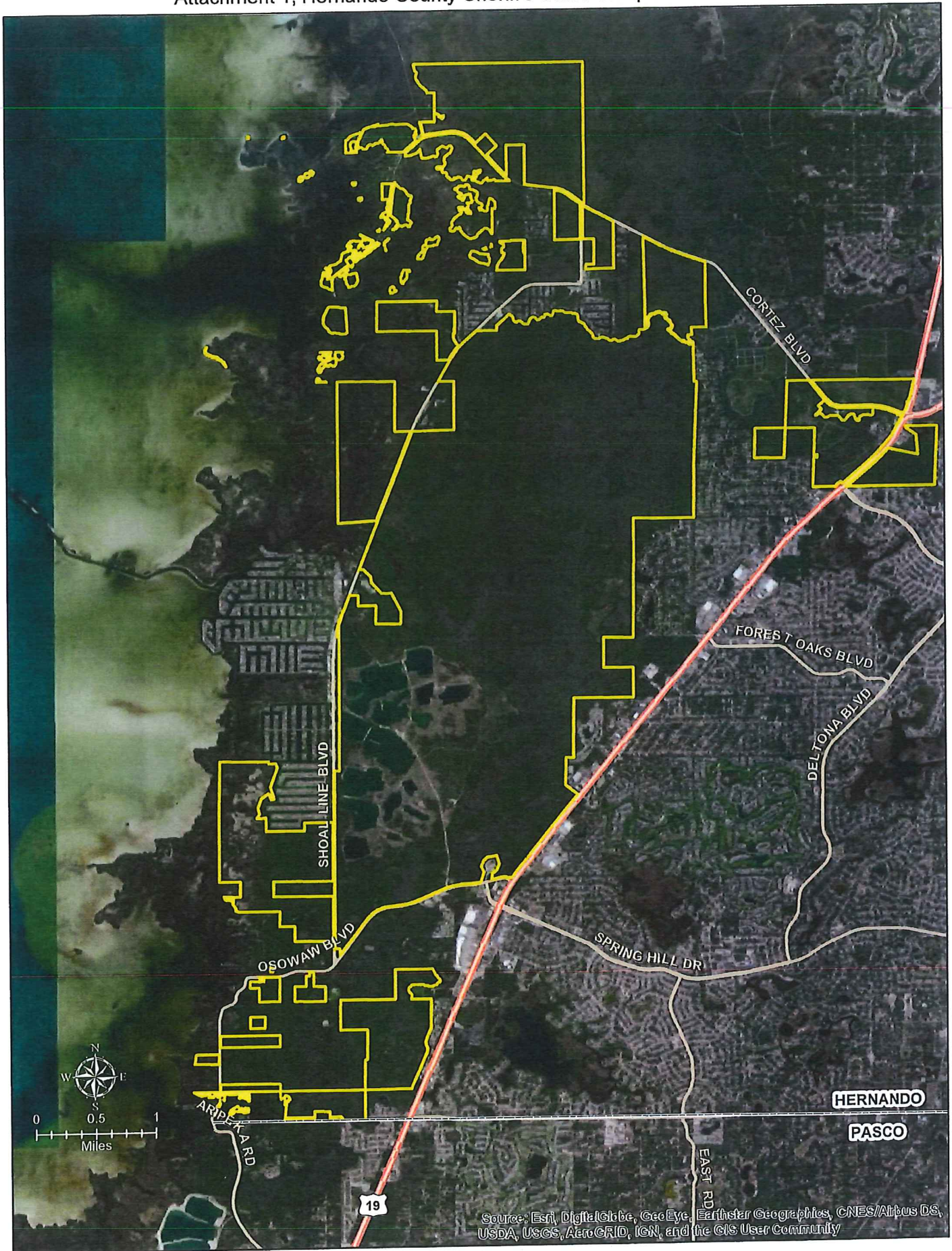
Weekiwachee Preserve

R02 423 17 0000 0030 0000
R04 423 17 0000 0010 0000
R05 423 17 0000 0010 0000
R06 423 17 0000 0020 0000
R06 423 17 0000 0020 0010
R07 423 17 0000 0010 0000
R08 423 17 0000 0010 0000
R09 423 17 0000 0030 0000
R13 423 16 0000 0030 0000
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R25 422 16 0000 0020 0000
R25 423 16 0000 0010 0010
R25 423 16 0000 0030 0000
R25 423 16 0000 0140 0000
R25 423 16 0000 0230 0000

Weekiwachee Preserve continued

R25 423 16 0000 0240 0000
R25 423 16 0000 0430 0000
R28 422 17 0000 0010 0020
R28 422 17 0000 0020 0020
R29 422 17 0000 0060 0000
R29 422 17 0000 0320 0010
R29 422 17 0000 0320 0020
R29 422 17 0000 0320 0040
R29 423 17 0000 0010 0070
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R36 423 16 0000 0210 0000
R36 423 16 0000 0240 0000

Attachment 1, Hernando County Sheriff's Office Trespass Authorization



Attachment: Final Order on Pet for Dec Statement 5-5-20 [Revision 1] (5056 : Consideration of Final Order-Petition for Declaratory Statement-

-Exhibit J-

* See section 10

ORDINANCE NUMBER: 90-17

AN ORDINANCE ESTABLISHING THE HERNANDO COUNTY RIVERINE PROTECTION ORDINANCE; PROVIDING FOR DEFINITIONS; REQUIRING THE POSSESSION OF STATE AND FEDERAL PERMITS; IDENTIFYING DEVELOPMENT AND LAND WITHIN HERNANDO COUNTY SUBJECT TO THE REQUIREMENTS OF THE ORDINANCE; PROVIDING STANDARDS FOR FUELING FACILITIES; PROVIDING STANDARDS FOR WASTE DISPOSAL; PROVIDING GUIDELINES FOR UTILITY INSTALLATIONS; ESTABLISHING GUIDELINES FOR THE ACTIVITIES WITHIN THE NATURAL BUFFER ZONE AND WETLANDS; ESTABLISHING GUIDELINES FOR THE ACTIVITIES WITHIN THE BUFFER ZONE AND WETLANDS; IDENTIFYING PERMITTING REQUIREMENTS FOR DOCKS AND MARINAS; REQUIRING MITIGATION; REGULATING NON-CONFORMING USES; PROVIDING FOR AN ADMINISTRATIVE APPEAL; PROVIDING FOR ENFORCEMENT; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA AS FOLLOWS:

SECTION 1: SHORT TITLE. THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE RIVERINE PROTECTION ORDINANCE.

SECTION 2: FINDINGS. THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS FINDS THAT:

- A. The rivers and associated wetlands of the county provide:
 - 1. Scenic beauty
 - 2. Flood control
 - 3. Partial treatment of stormwater runoff
 - 4. Maintenance of a healthy fish and wildlife population
- B. Although specific alteration of wetlands and construction of structures within the river may result in minor alterations, these alterations could result in increasingly detrimental impacts to the riverine system.
- C. Uplands which fringe wetlands play a vital role in buffering potentially degrading impacts of development.
- D. Beneficial economic expansion continues to pressure the native habitat of threatened or endangered species.
- E. Certain unique vegetative communities exist within the riverine system.
- F. Freshwater wetlands assist in maintaining the hydraulic pressure which prevents the intrusion of saline water into ground water.

SECTION 3: DECLARATION OF INTENT AND PURPOSE.

The intent and purpose of this Ordinance is to protect the health, safety, welfare, and resources of Hernando County including the quality of the water, the water-dependent habitat, and the scenic vistas, by providing guidelines and standards for development and management within one mile of either side of the edge of the Weeki Wachee, Mud, Withlacoochee, and Little Withlacoochee rivers .

SECTION 4: DEFINITIONS.

The following terms shall have the meanings as follows for the purpose of this ordinance:

AWT. Advanced waste treatment which will provide a recovered water product that contains not more than the following concentrations on an annual basis:

- | | |
|--------------------------------------|--------|
| 1. Biological Oxygen Demand | 5 mg/l |
| 2. Suspended solids | 5 mg/l |
| 3. Total Nitrogen, expressed as N | 3 mg/l |
| 4. Total Phosphorous, expressed as P | 1 mg/l |

and has received high level disinfection as defined by rule of the Department of Environmental Regulation.

BUFFER. An area adjacent to a wetland to be maintained with sufficient stabilizing ground cover to prevent erosion and sedimentation and to provide a medium for absorbing stormwater pollutants.

BULKHEAD. Any structure which acts as a restraining wall adjacent to a water body to prevent erosion.

COASTAL ZONE. That area designated as Conservation west of U.S. Highway 19 on the Future Land Use Map of the Hernando County Comprehensive Plan adopted June 7, 1989.

DEVELOPMENT. The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land.

DOCK. A fixed or floating structure including moorings as measured waterward from the mean or ordinary high water line.

EXOTIC SPECIES. A plant species which is not indigenous to the geographic area under consideration as determined by the natural range of the plant species.

FINGER PIER. Any pier extending out from the main dock but not restricted from being a main dock.

LOT OF RECORD. A lot which is part of a subdivision and is shown on a plat or map thereof which has been recorded prior to the effective date of this Ordinance; or a parcel of land described by metes and bounds which is the subject of a deed or land contract which has been duly executed prior to the effective date of this Ordinance.

MARINA. A watercraft harbor complex used primarily for boat moorage and/or storage which may also provide associated accessory facilities and services including but not limited to the sale of fuel, lubricants, provisions and boats and the servicing of equipment.

MITIGATION. An action or series of actions that will offset the adverse impacts on wetlands and

any adjacent buffer due to development activity within the wetland and the buffer. Mitigation does not include cash payments.

NATURAL BUFFER. An area adjacent to a wetland retained in a natural vegetative state which serves to minimize the adverse impacts of upland development on the wetland. This zone also provides habitat for water dependent wildlife.

POINT SOURCE DISCHARGE. Known potential sources of pollution which discharge within the watershed of a water body.

REGULATED ACTIVITY. Any activity which has received all appropriate State, Federal, and local permits for development within the riverine system prior to the adopted date of this Ordinance.

RIVERINE SYSTEM. The main body of the river plus all contiguous jurisdictional wetlands.

VERTICAL SEAWALL. A seawall the waterward face of which is at a slope greater than 75 degrees to the horizontal. A seawall with riprap of approximately 6 inches in diameter installed to a height of 1 foot above mean high water with a slope no greater than 2 to 1 shall not be considered a vertical seawall.

WATER-DEPENDENT ACTIVITY. An activity which can only be conducted on, in, over, or adjacent to water areas because the activity requires direct access to the water body or wetlands for transportation, recreation, energy production or transmission, or source of water and where the use of the water or wetlands is an integral part of the activity.

WETLAND. Any area that is inundated or saturated by surface or ground water with a frequency sufficient to support a prevalence of vegetative species that require saturated or seasonally saturated soil conditions for growth and reproduction. The wetlands shall be conclusively presumed to be that land which lies within the wetland jurisdictional line as defined in this ordinance.

WETLAND LINE. The wetland line is the line of demarcation between a wetland and the adjacent upland. The wetland line as established or approved by the Southwest Florida Water Management District, the U.S. Army Corps of Engineers, Florida Department of Environmental Regulation, or an environmental consultant shall be accepted by the County. If a wetland line has not been established using any of the above methodologies, Hernando County may establish the line using hydric soils as identified by the Soil Conservation Service.

SECTION 5: LOCAL, STATE, AND FEDERAL PERMITS REQUIRED.

The requirements of this Ordinance shall in no case be interpreted to preempt the need for other relevant local, State, and Federal permits and approvals including Consent of Use from DNR. Permits from the Department of Environmental Regulation, Army Corps of Engineers, and the

Southwest Florida Water Management District shall be acquired prior to the issuance of a Building Permit from the County.

It is the intent of the County that all County approvals for land use and other issues related to the use of property governed by this Ordinance other than issuance of a building permit or conditional plat approval may be granted subject to the issuance of all required permits from other agencies.

SECTION 6: REQUIREMENTS FOR REVIEW.

All development activity within one mile either side of the edge of the Weeki Wachee, Mud, Withlacoochee and Little Withlacoochee Rivers is subject to review to determine the applicability of the Ordinance standards. The standards contained within this Ordinance shall not apply to any development landward of the buffer established by this Ordinance. Review will be conducted, to the extent possible, as part of existing review procedures such as Developments of Regional Impact, Subdivision Plats, Rezoning, and Building Permit review. Repairs, and remodeling which do not expand a use or enlarge a structure are not subject to the requirements of this Ordinance.

New subdivisions and commercial and industrial development in pristine areas of the Coastal Zone shall provide a vegetation survey as part of the review process. Such survey shall include a basic plant community description and shall be accompanied by a list of typical plant species present on site. Maps shall be included when more than one type of community is present on site.

SECTION 7: STANDARDS FOR FUELING FACILITIES.

- A. Fueling storage and pumping facilities shall not be allowed on over-the-water structures.
- B. Fueling facilities shall be constructed and operated in a manner to prevent spills and discharge of fuels in the riverine system and any required buffer.
- C. New or expanding meeting an 80% DRI threshold as identified in Florida Administrative Code rule shall maintain spill containment equipment on site sufficient to prevent discharge. Such equipment shall be made available to county employees in the event of a spill.

SECTION 8: STANDARDS FOR WASTE DISPOSAL.

- A. Sewage pump out facilities for docks capable of supporting 10 or more vessels are required. Waste should be routed to a holding tank and pumped out at least weekly.
- B. Septic tanks associated with new development shall not be installed within the riverine system or the required buffer.
- C. No point source discharges will be allowed into the river unless the discharge meets AWT

standards as permitted by the Department of Environmental Regulation.

- D. Installation of hazardous or industrial waste facilities and their discharge is prohibited in the riverine system and any required buffer.

SECTION 9: UTILITY INSTALLATIONS.

- A. Utilities shall be installed in such a manner as to minimize impacts to the riverine system and any required buffer.
- B. Utility installation is prohibited in wetlands except in instances where lack of such installation would create extreme hardship. Extreme hardship is subject to the Board of County Commissioners' discretion.
- C. The installation of public roads or public utilities to islands where such access did not previously exist is prohibited with the exception of extensions which allow for public water-dependent recreational facilities.

SECTION 10: BUFFER ZONES.

- A. The natural buffer zone for a legally existing lot of record which existed prior to the effective date of this Ordinance and which was naturally vegetated as of January 1, 1990 shall be determined as follows.
 - 1. The wetland line shall be delineated .
 - 2. A natural buffer width of 75 feet shall be added to the upland side of the wetland delineation.
 - 3. The applicant may use the methodology for newly created lots of record (Section 10.C) if this application demonstrates that a smaller natural buffer width is appropriate.
- B. The buffer zone for a legally existing lot of record which existed prior to the effective date of this Ordinance and in which the natural vegetation was removed prior to January 1, 1990 shall be determined as follows.
 - 1. A fifteen foot buffer shall be retained adjacent to the wetland line.
 - 2. Site specific stormwater treatment such as a swale/berm system and erosion control measures shall be required adjacent to the upland side of the 15 foot buffer.
- C. Natural buffer zones for any lot of record created after the effective date of this Ordinance shall be based on guidelines contained in "An Evaluation of the Applicability of Upland Buffers for the Wetlands of the Wekiva Basin (Center for Wetlands, Brown and Schaefer, 1987)" and

"Buffer Zones for Water, Wetlands, and Wildlife (Center for Wetlands; Brown, Schaefer, and Brandt; 1989)." The applicant may propose alternate methodology, but such methodology may be subject to verification and must address the following.

1. Erodibility of soils upland of the wetland line.
2. Depth of the water table below the soil surface in the zone immediately upland of the wetland line.
3. Habitat requirements of aquatic and wetland dependent wildlife based on:
 - a. Habitat suitability
 - b. Spatial requirements
 - c. Access to upland or transitional habitat
 - d. Noise impacts
- D. All new commercial and industrial development must follow the buffer methodology contained in C. above.

SECTION 11: HARDSHIP DUE TO BUFFER REQUIREMENT.

Should an applicant be unable to meet the buffer requirements for single family residences, the Board of County Commissioners may allow a variance. This variance will apply to the adjustment of the buffer width and does not automatically eliminate the buffer zone. To qualify for hardship, the applicant must meet the following.

- A. The buffer width cannot be met with reasonable reconfiguration of the site plan.
- B. The wetland line has been delineated.
- C. Construction will not occur within the wetlands unless:
 1. No upland alternatives exist,
 2. No significant loss of wetland function occurs, and
 3. The activity has received all appropriate agency permits.
- D. Stormwater management techniques will be implemented to protect water quality.
- E. Removal of natural vegetation is minimized.
- F. The Board of County Commissioners may grant a variance to lots existing as of January 1, 1990 for reasons other than hardship with regards to the standards of this Ordinance upon a showing of good cause.

SECTION 12: ACTIVITIES WITHIN THE BUFFER AND WETLAND.

No vegetation shall be removed from the natural buffer or the wetland except as follows.

- A. To afford the single family property owner access to, and a view of the river, a "window" may be provided through the natural buffer and wetlands as follows.
1. For lots of 250 feet frontage along the river or less, the window may not exceed 15% of the lot frontage adjacent to the river up to a maximum of 25 feet. The amount of disturbance to the natural upland buffer area shall not be greater than 25%.
 2. For lots with greater than 250 feet of frontage along the river, multiple windows may be allowed as long as the total does not exceed 10% of the lot frontage adjacent to the river, and any individual window does not exceed 25 feet. The amount of disturbance to the natural upland buffer area shall not be greater than 20%."
 3. Removal of vegetation within the window through the natural upland buffer and wetland shall be allowed as follows:
 - a. Natural Upland Buffer. Trees less than 4 inches DBH may be removed, as can understory and weed growth. Remaining trees may be trimmed only to the extent to maintain a view of the river. Where understory is removed, natural ground cover shall be installed within 48 hours.
 - b. Wetland. Wetland vegetation within the window may not be removed but can be trimmed in accordance with applicable State and Federal regulatory agency criteria to maintain a view of the river. Such trimming must be minimized to allow for use by wildlife.
 - c. Pathway. A pathway to the river, up to 40 inches wide, can be constructed through the natural upland buffer and wetland, but it must be of approved materials and constructed in such a fashion as to minimize erosion and impacts to remaining vegetation.
- B. Sufficient vegetation may be removed within the riverine system and natural buffer to allow for installation of water-dependent structures provided that such impact is minimized and is permitted by all agencies. If the applicant intends to provide for ingress and egress to any water-dependent structure, an additional buffer window shall not be cleared.
- C. Conservation easements over wetlands associated with the riverine system and any

required buffer shall be recorded in new subdivisions.

- D. Removal of nuisance exotic vegetation within the wetland is acceptable upon approval from the Department of Natural Resources. Removal of nuisance exotic vegetation within the upland buffer is permitted.
- E. The installation of vertical seawalls within manmade canals associated with the riverine system is permissible upon receiving approval from all State and Federal agencies with jurisdiction.
- F. The following standards shall apply to seawalls installed on the Mud River, the Weeki Wachee River, the Withlacoochee River and the Little Withlacoochee River.
 - 1. The installation of vertical seawalls on the Mud River or downstream of County Road 597 on the Weeki Wachee River is prohibited unless such installation meets the requirements of Chapter 403.918(5)(b), Florida Statutes or the vertical seawall is determined to be essential by all State and Federal agencies with jurisdiction.
 - 2. Replacement of vertical seawalls on the Mud River or downstream of County Road 597 on the Weeki Wachee River is prohibited unless the replacement meets the requirements of Chapter 403.918(5)(b), Florida Statutes or the seawall is faced with riprap.
 - 3. The installation of vertical seawalls upstream of County Road 597 is acceptable upon approval of all State and Federal agencies with jurisdiction.
 - 4. The installation of vertical seawalls on the Withlacoochee or Little Withlacoochee Rivers is prohibited unless the vertical seawall is determined to be essential by all State and Federal agencies with jurisdiction.
 - 5. Where seawalls are deemed necessary, they shall be faced with riprap.

SECTION 13: PERMITTING REQUIREMENTS FOR DOCKS.

- A. Docking facilities shall be designed to prevent or minimize impacts to grassbeds and other biologically productive bottom habitats.
- B. No water-dependent structure including mooring pilings shall extend waterward of the mean low water line more than twenty percent (20%) of the width of the water body at that particular location. If the distance is greater than the Marine Construction Code, the Marine Construction Code standards will apply.

- C. If a dock is constructed adjacent to a bulkhead, the dock shall not extend more than 20% of the width of the channel as measured from the bulkhead. If the distance is greater than the Marine Construction Code, the Maine Construction Code standards will apply.
- D. Main access docks shall be limited to a maximum width of four feet for single family residences and six feet for private multifamily residences and commercial use.
- E. Terminal platform size shall be no more than 130 square feet and the maximum dimension shall not exceed sixteen feet.
- F. Dredging to obtain navigable water depths in conjunction with new docks is prohibited.
- G. Docks shall only be approved in locations having adequate water depths in the vessel mooring, turning basin, access channels, and other such areas which will accommodate the proposed vessel's use in order to ensure that a minimum of one foot clearance is provided between the deepest draft of the vessel and the bottom at mean low water. A water depth of -3 feet mean low water must be provided for mooring a vessel at a dock.
- H. Finger piers shall not exceed 4 feet in width.
- I. No more than two tie pilings per single family dock may be utilized.
- J. Erosion control measures shall be used during dock construction to prevent impacts to the landward/waterward interface.
- K. Mooring structures are limited to no more than one (1) dock per 65 linear feet of river front and no more than one dock per lot.
- L. Single family docks shall be less than 500 square feet.
- M. Structures shall be installed in such a way as to minimize alterations to the natural features of the landscape.
- N. An applicant may request a variance from the Board of County Commissioners if the requirements of this Section infringe upon the Riparian Rights of the property owner.

SECTION 14: PERMITTING REQUIREMENTS FOR MARINAS.

- A. Development must be compatible with adjacent land uses.
- B. Adequate upland support services must be available.
- C. A hurricane contingency plan must be approved by the County.

- D. Ambient water quality must be protected as per Department of Environmental Regulation criteria.
- E. Access to an existing channel must be available.
- F. A Spill Prevention Countermeasure Control Plan must be approved.
- G. Marinas shall be designed to prevent or minimize impacts to grassbeds and other biologically productive bottom habitats.
- H. No water-dependent structure including mooring pilings shall extend waterward of the mean low water line more than twenty percent (20%) of the width of the river at that particular location. If the distance is greater than the Marine Construction Code, the Marine Construction Code standards will apply.
- I. If a dock is constructed adjacent to a bulkhead and the water depth adjacent to the bulkhead is -3 feet at mean low water, the dock shall not extend more than 20% of the width of the channel as measured from the bulkhead. If the distance is greater than the Marine Construction Code, the Marine Construction Code standards will apply.
- J. Main access docks shall be limited to a maximum width of six feet.
- K. Dredging to obtain navigable water depths in conjunction with new docks is prohibited.
- L. Marinas shall only be approved in locations having adequate water depths in the vessel mooring, turning basin, access channels, and other such areas which will accommodate the proposed vessel's use in order to ensure that a minimum of one foot clearance is provided between the deepest draft of the vessel and the bottom at mean low water.
- M. Finger piers shall not exceed 4 feet in width.
- N. Erosion control measures shall be used during dock construction to prevent impacts to the landward/waterward interface.

SECTION 15: MITIGATION.

- A. Mitigation for impacts to any buffer zone as defined in Section 10 with the exception of Section 12 will be the addition of square footage to any remaining buffer. The mitigation ratio shall be one square foot preserved/created for each square foot altered.
- B. Cash payment or transfer of property in lieu of mitigation must be approved by the Board of County Commissioners.
- C. Mitigation ratios for impacted wetlands shall conform with State and Federal permits.

SECTION 16: NON-CONFORMING USES.

A regulated activity that was lawful before the passage of the Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following.

- A. No such activity shall be expanded, changed, enlarged or altered in any manner which increases its non-conformity.
- B. When a non-conforming structure is destroyed to an extent equal to or exceeding 50% of the size of the site or any structure, any use or activity related to that structure shall not be resumed except in a manner which conforms with the provisions of this Ordinance.
- C. If any nonconforming structure is destroyed to an extent equal to or exceeding 50% of the size of the structure as determined by the Hernando County Building Official, such structure shall not be replaced except in accordance with this Ordinance unless a hardship, including economic hardship, has been demonstrated. Such hardship must be approved by the Board of County Commissioners in accordance with Sections 11.B, C, D, and E.

SECTION 17: ADMINISTRATIVE APPEAL.

In the event that an owner or other aggrieved party alleges an error in any order, requirement, decision or determination made by an administrative official in the interpretation of any portion of these provisions, an appeal may be filed with the Board of County Commissioners on forms supplied by the County.

SECTION 18: ENFORCEMENT.

Any violation of this Ordinance shall constitute a misdemeanor and shall be punishable as provided in Section 1-8 of the Hernando County Code. Corrective action may include payment of penalties in addition to mitigation or restoration.

SECTION 19: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, or administrative agency such portion shall be deemed a separate, distinct and independent provision, and except as otherwise expressly provided herein, such holding shall not affect the validity of the remaining portions thereof, all of which will remain in full force and effect, except as otherwise provided for herein.

SECTION 20. INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County, as an addition or amendment thereto, and shall be appropriately renumbered to

conform to the uniform numbering system of the Code.

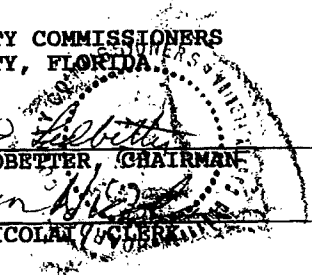
ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION
THIS 23RD DAY OF AUGUST, 1990.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY Henry D. Ledbetter
HENRY D. LEDBETTER, CHAIRMAN

ATTEST Karen Nicolai
KAREN NICOLAI, CLERK

SEAL





An Equal Opportunity Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

(352) 796-7211 or 1-800-423-1476 (FL only)

WaterMatters.org

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

Sarasota Office
78 Sarasota Center Boulevard
Sarasota, Florida 34240-9770
(941) 377-3722 or
1-800-320-3503 (FL only)

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

Mark Taylor
Chair, Hernando, Marion

Michelle Williamson
Vice Chair, Hillsborough

Joel Schleicher
Secretary, Charlotte, Sarasota

Kelly S. Rice
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Sumter

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James G. Murphy
Polk

Rebecca Smith
Hillsborough, Pinellas

Seth Weightman
Pasco

Brian J. Armstrong, P.G.
Executive Director

April 13, 2020

VIA U.S. MAIL AND ELECTRONIC MAIL
(LFD147@gmail.com)

Shannon R. Turbeville
1325 N. Galloway Rd.
Lakeland, FL 33810

Subject: REQUEST FOR ADDITIONAL INFORMATION
In re Petition of Declaratory Statement

Dear Mr. Turbeville:

On December 30, 2019, you submitted your Petition of Declaratory Statement Before the Southwest Florida Water Management District ("Petition") pursuant to Section 120.565, Fla. Stat. In advance of the District's March 24, 2020, Governing Board Meeting, you waived the statutory timeline provided in section 120.565(3), Fla. Stat., and authorized a 90-day extension that the District may consider additional information with the Petition.

Accordingly, please see the District's Request for Additional Information attached hereto as Exhibit "A." Please return your responses to this request to my office by Monday, April 27, 2020, by regular and electronic mail. Your responses will be considered alongside the Petition and will be included in the file of record for this matter.

Thank you for your assistance in this matter. Should you have questions, you may contact me at jamie.fussell@swfwmd.state.fl.us.

Sincerely,

James B. Fussell, Jr.
Senior Attorney
Office of General Counsel

Enclosure: Exhibit A – Request for Additional Information



EXHIBIT A

Request for Additional Information

1. Please define your use of the term “county parcels” as it appears in paragraphs 4, 17, and elsewhere in the Petition.
2. Paragraph 4 of the Petition refers to “public land titled to the Southwest Florida Water Management District.” Please specify whether you are referring to specific lands titled to the District or all lands titled to the District.
3. Please explain specifically how Petitioner’s vessel access to county parcels and recreational enjoyment on the river has been negatively impacted as alleged in paragraph 4 of the Petition.
4. Please describe the “prohibitions and/or restrictions” described in paragraph 5, who specifically may implement these restrictions, and how these restrictions have created doubt to Petitioner’s “future status of vessel access” on the Weeki Wachee River.
5. Please include any additional explanations or information that you wish to supplement your petition.

Shannon R. Turbeville

Subject: Request for Additional Information – in re Petition of Declaratory Statement

April 13, 2020

EXHIBIT A

Request for Additional Information

1. Please define your use of the term “county parcels” as it appears in paragraphs 4, 17, and elsewhere in the Petition.

Response:

All public and private land assigned a Hernando County Property Appraiser parcel number abutting the Weeki Wachee River located in Hernando County, FL.

2. Paragraph 4 of the Petition refers to “public land titled to the Southwest Florida Water Management District.” Please specify whether you are referring to specific lands titled to the District or all lands titled to the District.

Response:


All lands titled to the Southwest Florida Water Management District abutting the Weeki Wachee River located in Hernando County, FL.

3. Please explain specifically how Petitioner’s vessel access to county parcels and recreational enjoyment on the river has been negatively impacted as alleged in paragraph 4 of the Petition.

Response:

Petitioner is unaware of any stabilized access points and/or designated access points along the shoreline to most of the county parcels titled to the District abutting the Weeki Wachee River. Petitioner’s access to those county parcels via non-stabilized access points along the Weeki Wachee River has resulted in vegetation trampling and shoreline erosion, which contributes to the sedimentation accumulation on the bottom of the river that has been determined to alter the navigable waterway structure.




Page 1 of 3

The resulting negative impacts to Petitioner's vessel access to county parcels and recreational enjoyment on the river include, but are not limited to: (1) Hazardous water levels resulting in part to the sedimentation accumulation that is limiting Petitioner's vessel access to the shorelines of county parcels. (2) Navigational hazards experienced by Petitioner resulting in part to the altered navigable waterway structure. (3) Situations involving public safety. Petitioner and other members of the public are at risk when bathers, canoes, and Petitioner's motorboat share the same immediate area, often within one to two arms' length of each other. This user conflict is a result of the expanding accumulated sedimentation that is decreasing the area containing sufficient water depth to safely support Petitioner's recreational activities and that of other recreationalists on the river at the same point in time. Additionally, the eroded and unstabilized shorelines make it increasingly difficult for Petitioner to safely access those county parcels titled to the District. (4) Petitioner's loss of a quality recreational experience on the river. Eroded shorelines are negatively impacting water quality, hydrology, and the wetlands.


4. Please describe the "prohibitions and/or restrictions" described in paragraph 5, who specifically may implement these restrictions, and how these restrictions have created doubt to Petitioner's "future status of vessel access" on the Weeki Wachee River.

Response:

Petitioner alleges that not only is state government obligated, but makes it a priority to protect the safety of the public.

The "prohibitions and/or restrictions" described in paragraph 5 originate in Florida statute and may be implemented by the Florida Fish and Wildlife Conservation Commission (FWC). Florida Statutes Section 327.46 provides that boating- restricted areas, including, but not limited to restrictions of vessel speeds and vessel traffic, may be established by the FWC on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.

Petitioner alleges that there are sufficient scientific reports to give reasonable doubt that his "future status of vessel access" will remain unchanged. A final report recently presented to the District (Weeki Wachee Natural System Carrying Capacity Study) concludes that the navigable waterway structure will continue to be altered as a result of accumulated sedimentation on the bottom of the Weeki Wachee River, largely contributed to vegetation trampling and shoreline erosion. Furthermore, a 2017 (Weeki Wachee River Sand Assessment) report presented to the District concludes that the accumulated sedimentation will not likely naturally dissipate.



The State of Florida is obligated, in order to protect the safety of the public, to impose any necessary "prohibitions and/or restrictions" that Florida law provides, due to hazardous water levels and navigational hazards resulting from the accumulated sediments that are forcing bathers, canoes, and motorboats to share the same and continually shrinking area of significant water depth.

5. Please include any additional explanations or information that you wish to supplement your petition.

Response:

Please amend Petitioner's petition to include:

- Florida Statutes Section 327.45 provides that in consultation and coordination with the water management district and others, the Florida Fish and Wildlife Conservation Commission (FWC) may establish by rule protection zones that restrict the speed and operation of vessels to protect and prevent harm to springs. This harm includes negative impacts to water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent species.

Petitioner alleges that the data in the final report of the Weeki Wachee Natural System Carrying Capacity Study (February 2020) prepared for the District, concludes that the manner in which he is accessing the county parcels titled to the District abutting the Weeki Wachee River, via non-stabilized access points along the shoreline, is negatively impacting water quality, hydrology, and the wetlands. Furthermore, Petitioner alleges the same report indicates that those negative impacts will compound over time if no changes are made to the manner in which Petitioner accesses these county parcels.

Based on these negative impacts, Petitioner has reasonable doubt that his future status of vessel access and enjoyment of the river will remain unchanged, should the compounding negative impacts reach an unacceptable level of harm to the spring. It is unknown to Petitioner if neither the FWC nor any other state agency has made available to the public the level of acceptable harm to Florida's springs before the provisions of Florida Statutes Section 327.45 may be established.


Shannon R. Turbeville

4-19-2020
Date

GENERAL COUNSEL'S REPORT

May 19, 2020

Consent Agenda

Approval of Consent Order Between SWFWMD and McLeod Family Holdings, LLC and Automotive Fleet Enterprises, Inc. – ERP Violations – CT No. 396747 – Pasco County

This enforcement matter involves the unauthorized construction of approximately 52,100 square feet of impervious/semi-impervious surface area created to serve an RV and commercial truck sales lot in Pasco County, Florida (“Project Site”). The Project Site is owned by McLeod Family Holdings, LLC (“Owner”) and operated by Automotive Fleet Enterprises, Inc. (“Tenant”).

On September 27, 2018, District staff investigated the unauthorized construction at the Project Site. District staff noted at the time that the construction was not being served with a stormwater management system and was not compliant with the rules regulating stormwater management systems. After the meeting, the Property Owner contacted the District to discuss bringing the Project Site into compliance.

After several attempts to resolve the non-compliance, on November 14, 2019, District staff issued a Notice of Violation and proposed Consent Order to the Property Owner and Tenant. On January 9, 2020 the Property Owner met on site with District staff to discuss the District’s permitting criteria and potential options to remedy the non-compliance. The Property Owner expressed that it intended to retain the services of an engineer to assist it in bringing the Project Site into compliance.

On April 15, 2020, the Property Owner and Tenant executed a proposed Consent Order. The Consent Order contains terms requiring the construction of a stormwater management system that complies with the District’s rules and regulations, and certification of the system by a licensed professional engineer. Additionally, the Property Owner acknowledges in the Consent Order that it has incurred penalties and costs owed to the District in the amount of \$9,175.00. The Consent Order states that those penalties shall be waived if the Property Owner meets all the established deadlines for design and construction of the stormwater management system.

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: Elizabeth Fernandez, Staff Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 20-

IN RE: AUTOMOTIVE FLEET ENTERPRISES SALES LOT
MCLEOD FAMILY HOLDINGS, LLC
UNAUTHORIZED CONSTRUCTION
PASCO COUNTY
CT NO. 396747

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes (F.S.), this Consent Order is entered into between the Southwest Florida Water Management District (District) and McLeod Family Holdings, LLC (McLeod). The Parties to this Consent Order hereby voluntarily agree as follows:

FINDINGS OF FACT

1. The District is the administrative agency of the State of Florida charged with the responsibility to conserve, protect, manage, and control water resources within its boundaries and to administer and enforce Chapter 373, Florida Statutes (F.S.), and the rules promulgated thereunder in Chapter 62-330, Florida Administrative Code (F.A.C.).
2. McLeod owns property in Pasco County at the intersection of US Hwy 301 and Cummer Road, in Dade City, Florida (Property). The Property is within the District's boundaries.
3. On February 20, 2018, District staff observed approximately 52,100 square feet (1.19 acres) of impervious/semi-impervious surface area had been constructed at the Property without an environmental resource permit (ERP).
4. The construction serves an RV and commercial truck sales lot for the tenant, Automotive Fleet Enterprises, Inc. (Tenant).

5. Neither the Tenant, nor McLeod, have a permit for the construction at the Property.

6. On September 27, 2018, District staff met with Tenant and McLeod at the site of the construction. District staff informed the parties that the site was not in compliance with Chapter 373, Part IV of the Florida Statutes (F.S.), and the rules promulgated thereunder in Chapter 62-330 Florida Administrative Code (F.A.C.).

7. On January 9, 2020, the District attended an in-person meeting with McLeod's representative Cynthia Waller and McLeod's attorney, Charles D. Waller, Esq. The participants in the meeting discussed the compliance options for the construction that occurred at the property.

8. After several subsequent communications discussing the options for bringing the project site into compliance, McLeod agrees to take the below corrective actions.

CONCLUSIONS OF LAW

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

10. 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.

11. The activities described in paragraphs 2 - 5 herein constitute regulated activities. Construction on the project site and the stormwater management system that serves such construction must comply with Chapter 373 Part IV of the Florida statutes and to Rule 62-330.020(2), F.A.C. promulgated thereunder.

12. The activities described in paragraph 2 - 5 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

13. In resolution of all disputed issues regarding the activities described herein, McLeod agrees to retain a licensed engineer to design a stormwater management system for the Property in accordance with the conditions delineated in §403.814(12)(a)-(f) and all subparts. The electronic self-certification must be submitted to the District prior to the start of any construction of the stormwater management system.

14. Within 10 days after approval of this Consent Order by the District's Governing Board, McLeod's licensed engineer shall submit the electronic self-certification and certified plans for the proposed stormwater management system to the District. Within 90 days after approval of this Consent Order by the District's Governing Board, McLeod shall complete construction of the system described in Paragraph 13 herein. The designed stormwater management system shall be constructed in accordance with the District's rules and regulations regarding construction and operation of a stormwater management system. Within 10 days after completion of construction, the licensed engineer must provide the District with a certification that the stormwater management system is built in substantial conformance with the plans.

15. Additionally, McLeod shall owe the District a penalty in the amount of \$8,925.00 and District enforcement costs of \$250.00 for a total amount of \$9,175.00. The District will waive the penalty and enforcement costs upon the timely completion of the corrective actions and compliance with the obligations contained in this consent order.

16. If McLeod fails to meet the deadlines established in paragraph 14, or is found to have any new violations, McLeod shall pay a total of \$9,175.00 which shall become due immediately upon the District's written demand for such. Payment must be made by certified check or money order. If mailed, the address for payment is:

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

17. McLeod 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.

18. For each day of delay beyond any due date specified in this Consent Order, McLeod shall pay to the District an additional sum of two hundred fifty and 00/100 dollars (\$250.00) per day. This additional sum shall be paid by McLeod upon the District's mailing of a demand letter to McLeod 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.

19. This Consent Order is not a license or a permit. McLeod shall not undertake any further construction activities without the necessary District and/or State authorizations.

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

21. McLeod shall allow authorized District representatives to access the Property at all reasonable times without prior notice for the purpose of determining compliance with this Consent Order, Chapter 373, F.S., District rules, and the terms of any permit or restoration plan.

22. 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.

23. For and in consideration of the complete and timely performance by McLeod of its obligations under this Consent Order, the District waives its right to pursue civil or administrative action for any violations described in this Consent Order. In the event McLeod fails to completely and timely perform its obligations under this Consent Order, the District retains its right to pursue civil or administrative action for any violations described herein.

24. The District expressly reserves and retains the right to initiate appropriate legal action against McLeod to prevent or prohibit the future violation of any applicable statutes, rules, orders or permit conditions, except as specifically addressed in this Consent Order. McLeod 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 McLeod to administrative or civil suit in which penalties of up to Ten Thousand and 00/100 Dollars (\$10,000.00) per day per offense may be imposed, as provided in Section 373.129(5), F.S.

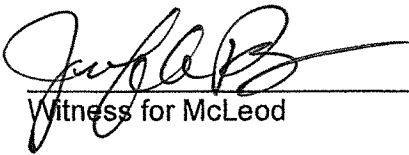
25. McLeod hereby waives any right to an administrative hearing or judicial review of the terms of this Consent Order. McLeod reserves the right to dispute any allegation of noncompliance with the Consent Order, or any permit or approval issued hereunder.

26. 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, any e-mail 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 (except for 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 U.S. Highway 301 North, Tampa, Florida 33637; Phone: (813) 985-7481; Fax: (813)


367-9776 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.

27. The effectiveness of this Consent Order is subject to review and approval by the District Governing Board. In the event the District Governing Board shall 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 shall be effective until reduced to writing and executed by all Parties.



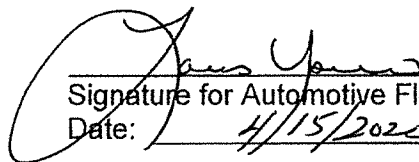
Witness for McLeod



Signature for McLeod Family Holdings, L.L.C.
Date: 4-15-2020



Witness for Automotive



Signature for Automotive Fleet Enterprises, Inc.
Date: 4/15/2020

Approved by the Governing Board of the Southwest Florida Water Management District

this _____ day of _____ 2020.

By: _____
Mark Taylor, Chair

Attest: _____
Joel Schleicher, Secretary

Approved as to Legal Form and
Content

Elizabeth M. Fernandez, Esq.
Office of General Counsel

Filed this _____ day of _____ (Seal)
_____ 2020.

Deputy Agency Clerk

CONSENT ORDER
MCLEOD FAMILY HOLDINGS, LLC
PASCO COUNTY
CT NO. 396747

GENERAL COUNSEL'S REPORT

May 19, 2020

Consent Agenda

Approval of Settlement Agreement Between SWFWMD and the Links at River Ridge, LLC - Unauthorized Water Use - CT No. 400298 - Pasco County

The Links at River Ridge, LLC (The Links), is the owner of the River Ridge Golf Club (Golf Club) in Pasco County. On September 17, 2001, the District issued Water Use Permit No. 20008118.003 (Permit) to the prior owner of the Golf Club. The Permit authorized water withdrawals from a 6-inch groundwater well and a 10-inch surface water withdrawal pipe for golf course and landscape irrigation. The Permit expired and the prior owner subsequently transferred ownership of the Golf Club to The Links.

On November 14, 2018, District staff became aware that The Links did not have a valid Water Use Permit for the withdrawal of water at the Golf Club. District staff issued a Notice of Violation and proposed Consent Order to The Links that provided for the payment of an administrative penalty and required The Links to obtain a Water Use Permit or connect to Pasco County's reclaimed water line to continue irrigating the Golf Course. After the parties were unable to reach an agreement to resolve the compliance issues, the District initiated an action in Circuit Court to obtain relief.

On April 29, 2020, the Links agreed to execute a Settlement Agreement to resolve the pending litigation and compliance issues. The Settlement Agreement provides for an initial payment of \$5,000.00 to be made in five equal monthly installments. The Settlement Agreement also requires The Links to obtain a Water Use Permit to authorize utilization of the 10-inch surface water withdrawal pipe at the Golf Course and to retain a licensed water well contractor to plug and abandon the groundwater well. The Links' failure to comply with the requirements in the Settlement Agreement will result in immediate payment of an additional \$5,000.00 penalty and further enforcement action.

Staff Recommendation:

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

Presenter: Christopher A. Tumminia, Deputy General Counsel

SETTLEMENT AGREEMENT

This Settlement Agreement (Agreement) is made and entered into by and between the Southwest Florida Water Management District (District) and The Links at River Ridge, LLC (The Links). The District and The Links may be referred to herein individually as “Party” and collectively as the “Parties.”

RECITALS

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, Florida Statutes (F.S.), and the rules promulgated thereunder as Chapter 40D-2, Florida Administrative Code.

2. The Links is a Florida limited liability corporation having a principal place of business and mailing address of 11022 Tee Time Circle, New Port Richey, Florida 34654.

3. The Links owns real property located at 11022 Tee Time Circle, New Port Richey, Florida 34654, which is known as the River Ridge Golf Club (Property).

4. On September 17, 2001, the District issued Water Use Permit No. 20008118.003 (Permit) to River Ridge Golf Club, Inc. (Prior Owner), authorizing water withdrawals from a 6-inch groundwater well and a 10-inch surface water withdrawal pipe located at the Property in the amount of 126,000 gallons per day (gpd) on an annual average basis for golf course and landscape irrigation.

5. On November 17, 2007, the Permit expired and no renewal or new permit has been issued for the Property as of the date of this Settlement Agreement.

6. The Links acquired ownership of the Property from the Prior Owner on October 3, 2018.

7. On November 14, 2018, the District issued a Notice of Expired Water Use Permit informing The Links that there was no current valid Water Use Permit for the withdrawal of water at the Property.

8. On December 3, 2018, District staff conducted a field investigation and observed that the golf course and landscaping at the Property were being irrigated without a valid Water Use Permit.

9. The Links received additional Notices of Expired Water Use Permit on December 26, 2018 and April 10, 2019 regarding the continued non-compliance with District rules.

10. On October 8, 2019, the District filed a Petition for Enforcement and Complaint for Civil Remedies against The Links in Pasco County Circuit Court, which is further identified as Case No. 2019-CA-3331-WS, and served a copy of the Petition and summons on The Links' authorized agent on November 7, 2019.

11. As of the date of preparation of this Settlement Agreement, The Links does not have a valid Water Use Permit authorizing the withdrawal of water at the Property.

12. The Parties deem it in their best interests and in the public interest to enter into this Settlement Agreement, which is intended to memorialize the terms of their compromise and reach a resolution of this matter pursuant to the terms set forth below

TERMS OF SETTLEMENT AGREEMENT

NOW, THEREFORE, in consideration of the terms and conditions defined herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

13. The foregoing preamble and recitals are true, correct, and integral parts of this Agreement.

14. This Agreement shall be effective on the date last executed by the Parties. The Parties agree that this Agreement is contingent upon its approval by the District's Governing Board. If this Agreement is not approved by the District's Governing Board, nothing herein shall

be deemed a representation or admission by any Party as to any issue and this Agreement shall be deemed null and void and of no legal effect.

15. The Links, its principals, agents, or lessees shall not utilize any groundwater withdrawals at the Property unless and until the appropriate authorization is obtained from the District.

16. In settlement of the matters described in this Settlement Agreement, the District shall assess penalties and enforcement costs totaling \$10,000.00 for the violations described herein. Following the District Governing Board's approval of this Settlement Agreement, the Links shall make five monthly payments of \$1,000.00 on July 1, 2020; August 1, 2020; September 1, 2020; October 1, 2020; and November 1, 2020. If mailed, the address for payment is:

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

17. Within ninety (90) days of approval of this Settlement Agreement by the District's Governing Board, The Links shall submit an application to the District for a Water Use Permit to authorize utilization of the 10-inch surface water withdrawal located at the Property. The Links shall comply with any District requests for additional information or clarification relating to the application described in this Paragraph, and shall obtain District approval of the Water Use Permit application no later than 180 days after submission.

18. Within ninety (90) days of approval of this Settlement Agreement by the District's Governing Board, The Links shall retain a licensed water well contractor for the purpose of plugging and abandoning the groundwater well located at the Property in accordance with District rules. The Links shall have the licensed water well contractor apply to the District for a permit to plug and abandon the groundwater well within one hundred twenty (120) days of approval of this Settlement Agreement by the District's Governing Board, and shall complete such plugging and abandonment within ninety (90) days after permit issuance. Upon completion of the activities

listed in this Paragraph, the District shall waive the remaining \$5,000.00 in assessed penalties and enforcement costs. The Links' failure to comply with this Paragraph shall result in immediate payment of the remaining \$5,000.00 in assessed penalties upon the District's written demand.

19. The District shall file with the Pasco County Circuit Court a Notice of Voluntary Dismissal with Prejudice of Case No. 2019-CA-3331-WS within five (5) days of receipt of the payment described in Paragraph 16 herein and the well abandonment permit application described in Paragraph 18 herein, whichever occurs last. Each Party shall bear its own costs, including attorneys' fees, incurred in connection with Pasco County Circuit Court Case No. 2019-CA-3331-WS and the development of this Agreement.

20. The Links may apply in writing to the District for an extension of the time limits contained in this Settlement Agreement 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.

21. For each day of delay beyond any due date specified in this Settlement Agreement, The Links shall pay to the District an additional sum of \$100.00 per day. This additional sum shall be paid by The Links upon the District's mailing to The Links a demand letter 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.

22. Entry of this Settlement Agreement shall not relieve The Links of the duty to comply with all applicable federal, state, and local laws, regulations, and ordinances.

23. The terms and conditions set forth in this Settlement Agreement may be enforced in a court of competent jurisdiction.

24. The Links hereby waives any right to an administrative hearing or judicial review of the terms of this Settlement Agreement.

25. The District hereby expressly reserves and retains the right to initiate appropriate legal action against The Links to prevent or prohibit the future violation of any applicable statutes, rules, or orders, except as specifically addressed in this Settlement Agreement.

26. For and in consideration of the complete and timely performance by The Links of the obligations under this Settlement Agreement, the District waives its right to pursue civil or administrative action for any violations described in this Settlement Agreement. In the event that The Links fails to completely and timely perform the obligations under this Settlement Agreement, the District retains the right to pursue civil or administrative action for any violations described herein.

27. No modifications of the terms of this Settlement Agreement shall be effective until reduced to writing and executed by all the Parties.

IN WITNESS WHEREOF, the Southwest Florida Water Management District and The Links at River Ridge, LLC, have executed this Settlement Agreement on the day and year set forth with their signatures below.

THE LINKS AT RIVER RIDGE, LLC

Witness Signature

Signature

Printed Name

Printed Name

Date

Title

Date

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

By: _____
Mark Taylor, Chair

Approved as to Legal Form and Content

Chris Tumminia, Esq.
Deputy General Counsel

Filed this _____ day of
_____ 2020.

Deputy Agency Clerk

THE LINKS AT RIVER RIDGE, LLC
WUP NO. 20008118.003 – EXPIRED – CT NO. 400298 – PASCO COUNTY, FLORIDA

EXECUTIVE DIRECTOR'S REPORT

May 19, 2020

Consent Agenda

Approve CFI Northern Region Meeting Minutes – April 1, 2020

Staff Recommendation:

Approve Minutes as presented.

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

NORTHERN REGION COOPERATIVE FUNDING INITIATIVE PUBLIC MEETING GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

APRIL 1, 2020

Due to the COVID-19 virus, this meeting was held through electronic media to reduce public gatherings and practice social distancing.

The Northern Region Cooperative Funding Initiative (CFI) Public Meeting hosted by the Southwest Florida Water Management District Governing Board convened at 10:00 a.m. on Wednesday, February 1, 2020 at the Southwest Florida Water Management District Brooksville Headquarters, 2379 Broad Street, Brooksville, Florida 34604.

Governing Board Members Present

Mark Taylor, Committee Chair
Kelly Rice *via phone
Seth Weightman*via phone

Recording Secretary

Lori Manuel

Staff Members Present

Mandi Rice *via phone
Jennette Seachrist
Michael Molligan*via phone
John Campbell*via phone
Kevin Wills
Vivianna Bendixson
Frank Gargano*via phone

Committee Chair Taylor explained the logistics of the meeting. He called a short recess to allow for public comments to be received.

The meeting reconvened at 10:05.

The numbers preceding the items below correspond with the published agenda.

1. **Call to Order and Pledge of Allegiance**

Committee Chair Taylor called the meeting to order and led the pledge of allegiance.

2. **Introductions**

Chair Taylor introduced the other members of the committee who attended remotely.

3. **Action Item: Approval of February 5, 2020 Minutes**

A motion was made to approve the minutes from the February 5 meeting. The motion was seconded and carried unanimously.

4. **CFI Final Staff Rankings and Recommendations**

Mr. Kevin Wills, Cooperative Funding Initiative Program lead, provided a presentation. This presentation included a comparison of applications and requests funded for the all four regions from Fiscal Year (FY) 2017 to present. Mr. Wills explained that 16 projects had been withdrawn and those projects were not included in the final evaluations and rankings.

The presentation outlined the project funding requests for FY2021 by ranking, for the Northern region. A map was included that depicted the location of the projects throughout the Northern region.

Mr. Wills updated the Committee regarding changes that had occurred since the February 5 meeting. He addressed the high ranked project WW09 that was submitted by Hernando County (County). He explained this is a springs project requesting funding for septic to

sewer and requires a third-party review. The original funding request was in the amount of \$250,000. The County would like to include funding to complete design past the required 30 percent. The County is also requesting this project become a multiyear request project. The total project amount will remain \$11.55 million and the FY21 funding request will be \$2.3 million.

Mr. Wills identified projects, Q155 and Q173, and stated that these are not being recommended for funding. He explained that project Q155 is eligible for springs funding.

a. **Project Presentations**

None were presented.

5. **FDEP Springs Funding Initiative**

Ms. Vivianna Bendixson, project manager, provided a presentation that included: an overview of the funding process; a summary of previous-year funding requests; a summary of applications received for FY2021; and a detailed timeline.

Ms. Bendixson stated that high ranked project WW09 and medium ranked project Q155 were also selected for CFI funding.

6. **Receive Additional Public Comment**

Committee Chair Taylor stated there were no Request to Speak cards.

7. **Action Item: Approve Project Rankings and Recommendations**

Staff Recommendation the Committee approve the project rankings for the Cooperative Funding projects in the Northern Region ranked 1A, High and Medium; recommend the Governing Board include these projects in the District's budget for Fiscal Year 2020-21; and drop from consideration those projects ranked Low or Not Recommended.

A motion was made to approve staff's recommendation. The motion was seconded and passed unanimously.

8. **Adjournment**

The meeting was adjourned at 10:23 a.m.

EXECUTIVE DIRECTOR'S REPORT

May 19, 2020

Consent Agenda

Approve CFI Southern Region Meeting Minutes – April 2, 2020

Staff Recommendation:

Approve Minutes as presented.

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

SOUTHERN REGION COOPERATIVE FUNDING INITIATIVE PUBLIC MEETING GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

APRIL 2, 2020

Due to the COVID-19 virus, this meeting was held through electronic media to reduce public gatherings and practice social distancing.

The Southern Region Cooperative Funding Initiative Public Meeting hosted by the Southwest Florida Water Management District Governing Board convened at 10:00 a.m. on Thursday, April 2, 2020 at the District's Brooksville Office at 2379 Broad Street, Brooksville, Florida.

Governing Board Members Present

Mark Taylor, Committee Chair
Joel Schleicher *via Phone
Jack Bispham *via Phone

Staff Members Present

Mandi Rice *via phone
Jennette Seachrist
Michael Molligan *via phone
JP Marchand
Kevin Wills

Recording Secretary

Lori Manuel

Committee Chair Taylor explained the logistics of the meeting. He called a short recess to allow for public comments to be received.

The meeting reconvened at 10:05.

The numbers preceding the items below correspond with the published agenda.

1. Call to Order and Pledge Allegiance

Committee Chair Taylor called the meeting to order and led the pledge of allegiance.

2. Introductions

Committee Chair Taylor introduced the other members of the committee.

3. Action Item: Approval of February 12, 2020 Meeting

A motion was made to approve the minutes from the February 12 meeting. The motion was seconded and carried unanimously.

4. CFI Final Staff Rankings and Recommendations

Mr. Kevin Wills, Cooperative Funding Initiative Program lead, provided a presentation. This presentation included a comparison of applications and requests funded for all four regions from Fiscal Year (FY) 2017 to present. Mr. Wills explained that 16 projects for FY2021 have been withdrawn and are not included in the final evaluations and rankings.

The presentation outlined the project funding requests for FY2021 by ranking for the Southern Region. A map was included that depicted the location of the projects throughout the Southern Region.

Mr. Wills updated the Committee regarding changes that had occurred since the February 12 meeting.

Mr. Wills stated that project Q141 was not initially recommended for funding as Manatee County (County) was unable to provide a cost-benefit analysis with the original submission. The County has submitted the information, which demonstrated a high cost effectiveness. Staff revised the project ranking to high.

Mr. Wills stated the City of Venice submitted a revised application for project Q179, which indicated a reduction in rebates and resulted in lower costs.

Mr. Wills explained that the Peace River Manasota Regional Water Supply Authority (PRMRWSA) has increased the request for funding by \$80,000 for project Q202. In addition, the PRMRWSA has incorporated security measures into its new feasibility study as requested by the Committee at the February meeting.

Mr. Wills stated the City of Palmetto submitted a revised application for project Q214, which indicated a reduction of rebates and resulted in lower costs.

Mr. Wills stated low ranked project Q180 was withdrawn.

Mr. Wills stated that project Q208 is a septic-to-sewer request that is not eligible for funding since it is located outside of the springs priority focus area of a Basin Management Action Plan.

Mr. JP Marchand provided a presentation regarding project Q145. He provided an overview, costs, associated project benefits and staff evaluation.

Mr. Marchand addressed the benefits of the District's partnerships with private entities and how it relates to cooperative funding projects.

Mr. John Riley, Longboat Key Club agronomist, spoke in favor of project Q208.

Committee Member Joel Schleicher asked about the completion of the nine holes versus the proposed 27 holes for project Q145. He asked if this project would proceed based on current economic circumstances. He also expressed concern regarding the funding of projects during this time.

Committee Member Jack Bispham asked what type of turf is being used for this project and will reclaimed water be utilized.

In response to Committee Member Schleicher's questions, Mr. Marchand stated that his presentation referenced the portion of the golf course that is associated with this project, not the entire course. He also stated that the benefit of the District funding this project is the acceleration of achieving the water-saving benefits. Mr. Marchand provided historical information regarding reduction of water use as related to the entire project.

In response to Committee Member Bispham's questions, Mr. Marchand stated there is no reclaimed water available on the island. He also stated that salt tolerant turf is being utilized on the golf course.

Mr. Riley added that water reduction has been achieved with the nine holes that have been completed. He also confirmed the project is proceeding as planned. Mr. Riley confirmed the entire facility has been converted to paspalum salt tolerant grass.

Committee Member Schleicher reiterated his concerns regarding funding new projects during this time. He also suggested that consideration should be given to a cooperator's ability to fiscally provide for a project when requesting cooperative funding.

Committee Chair Taylor stated that Committee Member Schleicher's concerns should be addressed at the May Governing Board meeting.

5. Receive Additional Public Comments

No Blue Cards were submitted.

6. Action Item: Approve Project Rankings and Recommendations

Staff recommended the Committee approve the project rankings for the Cooperative Funding projects in the Southern Region ranked 1A, High and Medium; recommend the Governing Board include these projects in the District's budget for Fiscal Year 2020-21; and drop from consideration those projects ranked Low or Not Recommended.

A motion was made to reject project Q145 and not include it in projects forwarded to the Governing Board. The motion was not seconded and failed.

A motion was made to approve staff's recommended ranking for project Q145. The motion was seconded and passed with two in favor and one opposed.

A motion was made to approve staff's original recommendation. The motion passed with two in favor and one opposed.

Committee Chair Taylor made a motion to provide a presentation of project Q145 at the May Governing Board meeting. Committee Member Bispham amended the motion by adding that information be provided regarding the inability to utilize reclaimed water. The motion was seconded and passed unanimously.

7. Adjournment

There being no further discussion, Committee Chair Taylor thanked everyone who attended.

The meeting was adjourned at 11:00 a.m.

EXECUTIVE DIRECTOR'S REPORT

May 19, 2020

Consent Agenda

Approve CFI Tampa Bay Region Meeting Minutes – April 8, 2020

Staff Recommendation:

Approve Minutes as presented.

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

TAMPA BAY REGION COOPERATIVE FUNDING INITIATIVE PUBLIC MEETING GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

APRIL 8, 2020

Due to the COVID-19 virus, this meeting was held through electronic media to reduce public gatherings and practice social distancing.

The Tampa Bay Region Cooperative Funding Initiative Public Meeting hosted by the Southwest Florida Water Management District Governing Board convened at 10:00 a.m. on Wednesday, April 8, 2020 at the District's Brooksville Office at 2379 Broad Street, Brooksville, Florida.

Governing Board Members Present

Mark Taylor, Ad Hoc Committee Chair
Michelle Williamson *via Phone
Rebecca Smith, Ph.D. *via Phone
Roger Germann *via Phone
Seth Weightman *via Phone

Staff Members Present

Mandi Rice *via phone
Jennette Seachrist
Michael Molligan *via phone
JP Marchand
Kevin Wills
Randy Smith

Recording Secretary

Lori Manuel

Committee Chair Taylor explained the logistics of the meeting. He explained that he was serving as the Ad Hoc Chair and would not be voting on any items. Committee Chair Taylor called a short recess to allow for public comments to be received.

The meeting reconvened at 10:10.

The numbers preceding the items below correspond with the published agenda.

1. Call to Order and Pledge Allegiance

Committee Chair Taylor called the meeting to order and led the pledge of allegiance.

2. Introductions

Committee Chair Taylor introduced the other members of the committee.

3. Action Item: Approval of February 13, 2020 Meeting

A motion was made to approve the minutes from the February 13 meeting. The motion was seconded and carried unanimously.

4. CFI Final Staff Rankings and Recommendations

Mr. Kevin Wills, Cooperative Funding Initiative Program lead, provided a presentation. This presentation included a comparison of applications and requests funded for all four regions from Fiscal Year (FY) 2017 to present. Mr. Wills explained that 16 projects, for FY2021, have been withdrawn and are not included in the final evaluations and rankings.

The presentation outlined the project funding requests for FY2021 by ranking, for the Tampa Bay Region. A map was included that depicted the location of the projects throughout the Tampa Bay Region.

Mr. Wills updated the Committee regarding changes that had occurred since the February 13 meeting.

Mr. Wills stated that a revised staff evaluation was received for high ranked project N949.

Mr. Wills stated that project Q147 was withdrawn.

Mr. Randy Smith, Natural Systems and Restoration Bureau chief, provided a presentation regarding high ranked project Q125.

Committee Chair Williamson asked if the City of Plant City is prepared to begin construction once permitting is completed. Ms. Lynn Spivey, representing the City of Plant City, responded in the affirmative.

Mr. JP Marchand, Water Resources Bureau chief, provided a presentation regarding high ranked project N949.

Mr. Marchand provide a presentation regarding high ranked project Q156 and low ranked project N901. He explained the relationship of the two projects and why the different rankings for each project.

5. Receive Additional Public Comments

Jane Graham, representing Smolker, Bartlett, Loeb, Hinds and Thompson Law Firm, spoke in favor of high ranked project Q156.

Mr. Bruce McArthur, representing Landis Evans, spoke in favor of high ranked project Q156.

The committee members supported staff's recommendation for high ranked project Q156 and recommended that project N901 be revisited in the future if necessary.

6. Action Item: Approve Project Rankings and Recommendations

Staff recommended the Committee approve the project rankings for the Cooperative Funding projects in the Tampa Bay Region ranked 1A, High and Medium; recommend the Governing Board include these projects in the District's budget for Fiscal Year 2020-21; and drop from consideration those projects ranked Low or Not Recommended.

A motion was made to approve staff's recommendation. The motion was seconded and passed unanimously.

7. Adjournment

There being no further discussion, Committee Chair Taylor thanked everyone who participated in the meeting.

The meeting was adjourned at 11:04.

EXECUTIVE DIRECTOR'S REPORT

May 19, 2020

Consent Agenda

Approve CFI Heartland Region Meeting Minutes – April 9, 2020

Staff Recommendation:

Approve Minutes as presented.

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

HEARTLAND REGION COOPERATIVE FUNDING INITIATIVE PUBLIC MEETING GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

APRIL 9, 2020

Due to the COVID-19 virus, this meeting was held through electronic media to reduce public gatherings and practice social distancing.

The Heartland Region Cooperative Funding Initiative Public Meeting hosted by the Southwest Florida Water Management District Governing Board convened at 10:00 a.m. on Thursday, April 9, 2020 at the District's Brooksville Office at 2379 Broad Street, Brooksville, Florida.

Governing Board Members Present

Mark Taylor, Ad Hoc Committee Chair
Michelle Williamson *via Phone
James Murphy *via Phone

Staff Members Present

Mandi Rice *via phone
Jennette Seachrist
Michael Molligan *via phone
Eric DeHaven
JP Marchand
Kevin Wills
Randy Smith *via phone

Recording Secretary

Lori Manuel

Committee Chair Taylor explained the logistics of the meeting. He explained that he was serving as the Ad Hoc Chair and would not be voting on any items. Committee Chair Taylor called a short recess to allow for public comments to be received.

The meeting reconvened at 10:16.

The numbers preceding the items below correspond with the published agenda.

1. Call to Order and Pledge Allegiance

Committee Chair Taylor called the meeting to order and led the pledge of allegiance.

2. Introductions

Committee Chair Taylor introduced the other members of the committee.

3. Action Item: Approval of February 12, 2020 Meeting

A motion was made to approve the minutes from the February 12 meeting. The motion was seconded and carried unanimously.

4. CFI Final Staff Rankings and Recommendations

Mr. Kevin Wills, Cooperative Funding Initiative Program lead, provided a presentation. This presentation included a comparison of applications and requests funded for all four regions from Fiscal Year (FY) 2017 to present. Mr. Wills explained that 16 projects, for FY2021, have been withdrawn and are not included in the final evaluations and rankings.

The presentation outlined the project funding requests for FY2021 by ranking for the Heartland Region. A map was included that depicted the location of the projects throughout the Heartland Region.

Attachment: 4-09-2020 Heartland Region Minutes Draft (4987 : Approve CFI Heartland Region Meeting Minutes – April 9, 2020)

Mr. Wills provided an update to the Committee regarding changes that had occurred since the February 12 meeting.

Mr. Wills addressed high ranked project Q187. He stated that staff coordinated with the cooperator to identify additional best management practices (BMPs) and opportunities to maximum the participation in other ongoing conservation projects. As a result, the project ranking has moved from a low to high and is recommended for funding.

Mr. Wills addressed high ranked projects Q184 and Q216. These are third-party review projects. He stated that staff evaluation forms have been revised to include the total conceptual costs.

Mr. Will stated that Polk County has withdrawn the application for low ranked project Q164.

Mr. Wills stated that the application for project Q201 has been withdrawn by the cooperator.

Committee member Williamson recommended that the presentations for projects Q184 and Q216 be postponed and presented at the full Governing Board meeting. Committee member Murphy concurred with this recommendation.

Mr. JP Marchand provided presentations for high ranked projects N926, Q209 and medium ranked project Q181.

Mr. Eric DeHaven provided a presentation on high ranked project Q187.

5. Receive Additional Public Comments

Mr. Morgan Tyrone, representing Highlands Hammock State Park, spoke in favor of project Q181.

6. Action Item: Approve Project Rankings and Recommendations

Staff recommended the Committee approve the project rankings for the Cooperative Funding projects in the Heartland Region ranked 1A, High and Medium; recommend the Governing Board include these projects in the District's budget for Fiscal Year 2020-21; and drop from consideration those projects ranked Low or Not Recommended.

A motion was made to approve staff's recommendation. The motion was seconded and passed unanimously.

7. Adjournment

There being no further discussion, Committee Chair Taylor thanked everyone who attended.

The meeting was adjourned at 11:00.

EXECUTIVE DIRECTOR'S REPORT

May 19, 2020

Consent Agenda

Approve Governing Board Minutes – April 28, 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

APRIL 28, 2020

Due to the COVID-19 virus, this meeting was held through electronic media to reduce public gatherings and practice social distancing.

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 10:00 a.m., on April 28, 2020, at its Brooksville Office, 2379 Broad Street, Brooksville, Florida. The following persons were present:

Board Members Present

Mark Taylor, Chair
Michelle Williamson, Vice Chair *via Phone
Joel Schleicher, Secretary *via Phone
Kelly S. Rice, Treasurer*via Phone
James G. Murphy, Member *via Phone
Jack Bispham, Member *via Phone
Seth Weightman, Member*via phone

Board Members Absent

Rebecca Smith, Ph.D., Member
Roger Germann, Member

Staff Members

Brian J. Armstrong, Executive Director
Amanda Rice, Assistant Executive Director
Karen E. West, General Counsel
John J. Campbell, Division Director
Brian Starford, Division Director
Michael Molligan, Division Director
Jennette Seachrist, Division Director
Michelle Hopkins, Division Director

Board Administrative Support

Lori Manuel, Administrative Coordinator

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.

Chair Taylor provided a telephone number to any member of the public wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda. 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.

At this time, the meeting was recessed to allow for communication with any members of the public who were providing input via telephone. (Audio - 00:04:41)

Chair Taylor reconvened the meeting at 10:15.

2. Invocation and Pledge of Allegiance

Chair Taylor offered the invocation and led the Pledge of Allegiance.

Chair Taylor introduced each member of the Governing Board, who attended remotely. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input was only taken during the meeting via telephone communication.

Due to physical constraints imposed, Chair Taylor chaired all committees.

3. Additions/Deletions to Agenda

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

Finance/Outreach & Planning Committee

7. District Boat Replacement

Mr. Armstrong stated the following item was moved to Discussion:

Regulation Committee

40. Hydrologic Conditions Report and Consider Water Shortage Orders as Necessary

Mr. Armstrong stated that the Chair's Report will follow the Consent Agenda for this meeting.

Secretary Schleicher asked that the following items be moved to Discussion:

Resource Management Committee

10. FARMS – Dover Land, LLC Phase 2 – Haynes Road, LLC (H782), Hillsborough County

General Counsel's Report

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

b. Governing Board Resolution – Temporary Delegation of Authority to the Executive Director

4. Public Input for Issues Not Listed on the Published Agenda

No requests were submitted.

Chair Taylor stated there was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes. A motion was made to approve the amendments to the published agenda, which was seconded. The motion carried unanimously. (Audio - 00:09:55)

Consent Agenda

Finance/Outreach & Planning Committee

5. Water Conservation Month

Staff recommended the Board approve and execute Resolution No. 20-03 declaring April 2020 as "Water Conservation Month."

6. Information Technology – Access Privileges Follow-Up Audit by the Office of Inspector General

Staff recommended the Board approve the Office of Inspector General IT Access Privileges Follow-Up Audit.

7. District Boat Replacement

Staff recommended the Board:

- Approve the purchase of a 24-foot landing craft boat for \$149,597 utilizing the CFEF.
- Approve the surplus disposition of existing boats 3101 and 3316.

8. Budget Transfer Report

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for March 2020.

Resource Management Committee

9. Recommend FY2021 Springs Projects for FDEP Funding Consideration

Staff recommended the Board approve the list of 12 springs projects for submittal to the Florida Department of Environmental Protection (FDEP).

10. FARMS – Dover Land, LLC Phase 2 – Haynes Road, LLC (H782), Hillsborough County

Staff recommended the Board:

- 1) Approve the Dover Land, LLC Phase 2 – Haynes Road, LLC project for a not to exceed project reimbursement of \$656,250 with \$656,250 provided by the Governing Board.
- 2) Authorize the transfer of \$656,250 from fund 010 H017 Governing Board FARMS Fund to the H782 Dover Land, LLC Phase 2 – Haynes Road LLC project fund.
- 3) Authorize Assistant Executive Director to sign the agreement.

11. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Revised Minimum and Guidance Levels for Lake Marion in Levy County (P256)

Staff recommended the Board:

- A. Accept the report entitled Revised Minimum and Guidance Levels Based on Reevaluation of Levels Adopted for Lake Marion in Levy County, Florida.
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.

Operations, Lands and Resource Monitoring Committee

12. Joint Conveyance by the District and the City of Crystal River of an Easement to Duke Energy Florida, LLC, Chassahowitzka River – Three Sisters Springs SWF Parcel No. 15-347-128P

Staff recommended the Board:

- Approve conveyance of a utility easement to Duke Energy.
- Authorize the Governing Board Chair and Secretary to execute the easement; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

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

Staff recommended the Board:

- Approve the conveyance of the Ridge Road right-of-way to Pasco County for the Ridge Road Extension and execution of the Access and Maintenance Agreement.
- Authorize the Governing Board Chair and Secretary to execute the Quit Claim Deed.
- Authorize the Executive Director to execute the Access and Maintenance Agreement outlining access and other related responsibilities resulting from the transfer of the right-of-way.
- Accept perpetual access easements from Pasco County.
- 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.

14. Non-Exclusive Utility Easement to Duke Energy Florida, LLC for the Sawgrass Lake Water Control Structure – SWF Parcel No. 16-560-144X

Staff recommended the Board:

- Approve the conveyance of a Non-Exclusive Perpetual Easement to Duke Energy Florida, LLC; and
- Authorize the Governing Board Chair and Secretary to execute the utility easement.
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

15. Amendment of Perpetual Easement with Tampa Electric Company for the Tampa Bypass Canal - SWF Parcel Numbers 13-001-326

Staff recommended the Board:

- Approve the Amendment to the Perpetual Easement; and
- Authorize the Governing Board Chair and Secretary to execute the Amendment
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

Regulation Committee

16. Individual Water Use Permits Referred to the Governing Board

a. WUP No. 2005789.013 – Wiscon Maintenance Compound / Hernando County Water System / Hernando County BOCC (Hernando County)

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

b. WUP No. 20020883.000 – Sarasota National Community Development District/WCI Communities, LLC (Sarasota County)

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

c. WUP No. 20003872.020 – West Villages Improvement District/The Ranch Land Operations, LLC, West Villages Improvement District (Sarasota County)

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

General Counsel's Report

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

a. Governing Board Concurrence – Emergency Order No. SWF 20-014 – Emergency Measures Made Necessary by COVID-19

Staff recommended the Board approve Emergency Order No. SWF 20-014 and concur with the Executive Director's determinations regarding the state of emergency and the actions necessary to meet the emergency

~~b. Governing Board Resolution – Temporary Delegation of Authority to the Executive Director~~

~~Staff recommended the Board approve Governing Board Resolution No. SWF 20-05.~~

c. Approval of Consent Order Between SWFWMD and Panther Trails, CDD – Overpumpage – WUP No. 20001854.008 – CT No. 400313 – Hillsborough County

Staff recommended:

- 1) Approve the Consent Order
- 2) Authorize the 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.

18. Rulemaking - None

Executive Director's Report

19. Approve Governing Board Minutes – March 24, 2020

45. Chair's Report

Chair Taylor thanked everyone for their efforts and patience during this time. He acknowledged Secretary Schleicher for raising some questions regarding potential impacts from COVID-19 and how it affects the way business is conducted. He specifically referenced Cooperative Funding Initiative (CFI) projects. Chair Taylor reminded the Board that Fiscal Year (FY) 2021 CFI projects are scheduled to be approved at the May Governing Board meeting. Chair Taylor stated that it was important to address concerns that have been raised by Secretary Schleicher prior to the May

Governing Board meeting. He also stated that engaging in the discussion now will allow staff the opportunity to prepare if changes need to be made.

Chair Taylor provided Secretary Schleicher an opportunity to address his concerns and then opened the discussion to other Board Members in accordance with the Sunshine Law.

Secretary Schleicher asked that his April 6, 2020 letter be submitted into the record. He addressed his concerns regarding the negative impact on Florida's economy and how he believed the District should address the funding shortfall that will occur as a result. Secretary Schleicher stated that growth assumptions should be recalibrated. He also stated that although he thinks any new CFI projects, and third-party reviews should be paused, any CFI projects that are currently under construction should not be affected.

Secretary Schleicher stated that a review should be required regarding the financial capacity of cooperators that partner with the District to ensure they can fund their portion per their agreement.

Secretary Schleicher stated that he does not support raising millage rates. This was affirmed by other Board Members.

Treasurer Rice suggested that staff run economic models in preparation of future circumstances.

Chair Taylor reminded the Board that FY2021 funds will not be expended until after the approval of the FY2021 budget at the final budget hearing in September.

A motion was made and seconded to assure the FY2021 CFI projects are presented at the May Board meeting. The motion passed unanimously. (Audio - 00:26:29)

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:33:05)

Chair Taylor called the Resource Management Committee to order. (Audio - 00:33:57)

Due to technical difficulties, the order of the committees changed.

Resource Management Committee Discussion

28. Consent Item(s) Moved for Discussion

10. FARMS – Dover Land, LLC Phase 2 – Haynes Road, LLC (H782), Hillsborough County

Secretary Schleicher asked that a vote be completed on this item.

Staff recommended the Board:

- 1) Approve the Dover Land, LLC Phase 2 - Haynes Road, LLC project for a not-to-exceed project reimbursement of \$656,250 with \$656,250 provided by the Governing Board.
- 2) Authorize the transfer of \$656,250 from fund 010 H017 Governing Board FARMS fund to the H782 Dover Land, LLC Phase 2 - Haynes Road LLC project fund.
- 3) Authorize Assistant Executive Director to sign the agreement.

A motion was made and seconded to approve staff's recommendation. The motion carried with six in favor and one opposed.

29. 2020 Regional Water Supply Plan (RWSP) Update

Mr. Joseph Quinn, Senior Project Manager, provided a presentation. Mr. Quinn outlined regional water supply planning, the District's four planning regions, resource protection criteria, water demand projections by water use category, and demand growth by planning region. Mr. Quinn also reviewed an evaluation of water sources, a graph of potential available sources, a list and graph of water supply and resource development projects, provided an overview of funding mechanisms, and noted the timeline regarding finalization of the RWSP.

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

Submit & File Reports – None

Routine Reports

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

30. Minimum Flows and Levels Status Report

31. Significant Water Resource and Development Project

Chair Taylor adjourned the Committee and called the Finance/Outreach & Planning Committee to order.

Finance/Outreach & Planning Committee

Discussion

20. Consent Item(s) Moved for Discussion - None

21. Investment Strategy Quarterly Update

Mr. John Grady, Public Trust Advisors, provided a presentation (remotely). He provided growth projections for the world economic outlook from the International Monetary Fund. Mr. Grady provided a comparison chart for Gross Domestic Product growth for 2020 versus 2009. He provided a quarterly timeline comparison chart of the Federal Reserve balance sheet from 2008 through current. Mr. Grady provided a graph of jobless claims from 1966 through current. He provided a graph that outlined federal interest rates during the end of February 2020 through March 2020 and federal funds futures information. Mr. Grady provided a comparative historical yield curve for United States treasury yields with three- to five-month maturity and a forward yield curve graph.

Mr. Grady provided an overview of District all assets portfolio for the period of January 1, 2020 through March 31, 2020.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ending March 31, 2020.

A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 01:11:00)

Submit & File Reports

22. Office of Inspector General Quarterly Update – January 1, 2020 to March 31, 2020:

23. Self-Funded Health Insurance Plan - 2019 Annual Update

Routine Reports

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

24. Treasurer's Report and Payment Register

25. Monthly Financial Statement

26. Monthly Cash Balances by Fiscal Year

27. Comprehensive Plan Amendment and Related Reviews Report

Chair Taylor adjourned the Committee and called the Operations, Lands & Resource Monitoring Committee to order. (Audio - 01:12:10)

**Operations, Lands & Resource Monitoring Committee
Discussion**

32. Consent Item(s) Moved for Discussion - None

Submit & File Reports – None

Routine Reports

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

33. Significant Activities

34. Structure Operations

35. Surplus Lands Update

Chair Taylor adjourned the Committee and called the Regulation Committee to order. (01:12:30)

**Regulation Committee
Discussion**

36. Consent Item(s) Moved for Discussion - None

37. Hydrologic Conditions Report and Consider Water Shortage Order(s) as Necessary

Mr. Granville Kinsman, P.G., Hydrologic Data Manager, provided a presentation regarding the hydrologic conditions. Mr. Kinsman stated that hydrologic conditions have declined since January due to predominantly hot and dry weather. Some areas of the District are developing into mild/moderate drought conditions. Groundwater levels throughout the District are considered in the normal range but are showing declines. Lake levels have fallen below normal in the northern and Lake Wales Ridge regions, and lakes in all regions are at the lowest levels in two years and still showing declines. The flow on the Withlacoochee, Hillsborough and Peace Rivers remain in the normal range but all are showing declines, with the Peace River at the bottom of the normal range. The Alafia River has shown a sharp decline and has fallen into the severely impacted category. The water supplies for the Bill Young Reservoir and the Peace River Reservoir systems have shown significant declines due to sharp rises in demand.

Mr. Kinsman stated the climate forecast shows above-normal rainfall until the end of summer, however that forecast is not certain. He stated a potential La Niña cycle is expected at the end of the year resulting in drier conditions.

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

Mr. Darrin Herbst, Water Use Permit Bureau chief, provided a presentation that explained the water shortage plan and the rules associated with it. He also provided an overview of the phases in the plan. Mr. Herbst stated the drought indicator for the central region (Hillsborough, Pinellas and Pasco counties) was a severely abnormal seven-day flow on the Alafia River at Lithia. He stated the drought indicators for the southern region (Manatee, Sarasota, DeSoto, Charlotte, Hardee and Highlands counties) were a moderately abnormal seven-day Peace River flow at Arcadia and a severely abnormal 12-month rainfall. Based on these hydrologic indicators, normal aquifer levels, and the drought resiliency of the public supply systems in these areas, a Phase 1 Water Shortage was recommended.

Staff recommended the Board consider Water Shortage Order No. SWF 20-017.

Declare a Phase I Water Shortage for Hillsborough, Pasco, Pinellas, Manatee, Sarasota, Charlotte, DeSoto, Hardee, and Highlands counties

Consider the budget transfer of \$9,600 from the canceled Zephyr Creek Drainage Improvement Project (N990) for advertising requirements associated with this recommended Water Shortage Order.

Board Member Bispham asked to receive current flow data for the Alafia and Peace rivers. Mr. Kinsman responded in the affirmative.

A motion was made and seconded to approve staff's recommendation. The motion carried with six in favor and one opposed. (Audio – 01:28:50)

38. Denials Referred to the Governing Board

Submit & File Reports – None

Routine Reports

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

39. Overpumpage Report

40. Individual Permits Issued by District Staff

40. Hydrologic Conditions Report and Consider Water Shortage Order(s) as Necessary

Chair Taylor adjourned the Regulation Committee. (Audio – 01:34:08)

General Counsel's Report

Discussion

41. Consent Item(s) Moved for Discussion

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

b. Governing Board Resolution – Temporary Delegation of Authority to the Executive Director

Secretary Schleicher addressed his concerns regarding the delegation of authority.

Ms. Karen West, General Counsel, explained that the purpose of the delegation is to allow the Executive Director the authority to take timely action on items if the Board is unable to convene via any means, i.e., in person, by phone or virtually. She stated that the Executive Director will be required to coordinate with the Chair prior to any actions. Ms. West stated that the St. John's River Water Management District and the Suwannee River Water Management District have both approved similar delegations.

Staff recommended the Board approve Governing Board Resolution No. SWF 20-05.

An amended motion was made and seconded to approve staff's recommendation with the revision that the delegation will sunset after two months. (Audio – 01:42:38)

Ms. West stated the Florida Department of Business and Professional Regulation has declared the COVID-19 a natural emergency under Chapter 252.363 Florida Statutes. This provision provides for the tolling and extension of certain permitting actions.

Ms. West stated that the administrative hearing for Walden Point and Johnson Point has been put in abeyance.

Ms. West stated that staff has responded to concerns expressed by Mr. Robert Cameron at the March Governing Board meeting.

Ms. West stated that Senior Attorney Jamie Fussell and Staff Attorney Elizabeth Fernandez were successful in having litigation dismissed regarding a mining permit in Pasco County.

Submit & File Reports - None

Routine Reports

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

42. April 2020 Litigation Report

43. April 2020 Rulemaking Update

Executive Director's Report

44. Executive Director's Report

Mr. Brian Armstrong, Executive Director, recommended postponing the election of officers, regularly scheduled for the May Board meeting, until Board Members can meet in person. He also recommended that the current Chair set the calendar for FY2021 to allow Board Members the opportunity to schedule accordingly.

A motion was made and seconded to both recommendations made by the Executive Director. (Audio - 01:53:15)

Mr. Armstrong informed the Board that staff will present the additional information for the forecasted financial scenarios requested by the Board at the May Board meeting. He stated that the District has contacted current cooperators to confirm their ability to continue with CFI projects as contracted with the District. Mr. Armstrong stated that only one cooperator has expressed the inability to continue. He stated that the District is currently developing a spend-down plan to ensure the cooperators are utilizing the resources that have been provided.

Chair's Report

45. Chair's Report

46. Employee Milestones

The meeting was adjourned at 12:05.

Attest:

Chair

Secretary

**C. Finance/Outreach
& Planning**

**Governing Board Meeting
May 19, 2020**

FINANCE/OUTREACH & PLANNING COMMITTEE

Discussion Items

23. Consent Item(s) Moved for Discussion 212
24. Knowledge Management: Comprehensive Fraud Governing Board Policy 213
25. Fiscal Health Update 220

Submit and File – None

Routine Reports

26. Treasurer's Report and Payment Register 221
27. Monthly Financial Statement..... 222
28. Monthly Cash Balances by Fiscal Year 223
29. Comprehensive Plan Amendment and Related Reviews Report 224

FINANCE/OUTREACH & PLANNING COMMITTEE

May 19, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Michael Molligan, Division Director, Employee and External Relations

FINANCE/OUTREACH & PLANNING COMMITTEE

May 19, 2020

Discussion Item

Knowledge Management: Comprehensive Fraud Governing Board Policy

Purpose

As part of the District's Knowledge Management initiative, all the District's Governing Board Policies are being reviewed by the respective divisions.

Background/History

The District's Knowledge Management initiative was launched in FY2016 and is now a Core Business Process in the District's Strategic Plan. Knowledge Management is the practice of systematically and actively collecting, managing, sharing and leveraging the organization's data, information and processes. The focus since FY2018 has been on improving the organization of governing documents to facilitate knowledge sharing, ensure the alignment of division and bureau practices with Governing Board Policies and Executive Director Procedures, and allow for timely retrieval and review of existing governing documents.

Staff performed a review of the Comprehensive Fraud Governing Board Policy. Staff is proposing to change the document owner to the executive director, add the Office of Inspector General's fraud hotline number, add a method for anonymous reporting to the Office of General Counsel, add confidentiality exceptions for a Whistle-Blower in accordance with Florida Statutes, and other minor revisions.

Benefits

Updating existing Governing Board Policies increases efficiencies and ensures organizational alignment.

Staff Recommendation:

This item is presented for the Board's information and no action is requested. The Comprehensive Fraud Governing Board Policy will be included as a consent item at the next Governing Board meeting and approval will be requested at that time.

Presenter: Brian Werthmiller, Inspector General

DRAFT

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Comprehensive Fraud

Document Owner: Brian Armstrong, Executive Director

Approved By: Mark Taylor; Chair

Effective Date: MM/DD/YYYY

Supersedes: 04/30/2013

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PURPOSE

The Governing Board of the Southwest Florida Water Management District (District) is committed to the highest standards of moral and ethical behavior. Breaches of these standards, especially through acts involving fraudulent, unethical and other dishonest behavior, are not only costly, but erode the public's trust and confidence in the integrity of the institution. By issuing this formal policy statement, the Governing Board hereby reaffirms a longstanding directive to aggressively combat such behavior.

This policy is intended to:

1. Communicate the prohibition of fraudulent, unethical and other dishonest activities.
2. Institute preventive measures designed to deter these activities or make them easier to detect and stop.
3. Ensure an annual fraud risk assessment.
4. Provide for the reporting and investigation of such, including providing protection to persons who report the inappropriate activities.

SCOPE

This policy applies to any situation of fraud or suspected fraud involving District employees, vendors, contractors, consultants, outside agencies, and/or any other parties with a business relationship with District or its personnel.

GOVERNING BOARD POLICY

Title: Comprehensive Fraud

Effective Date: MM/DD/YYYY

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AUTHORITY

Sections 112.3187-31895, Florida Statutes (F.S.)

DEFINITIONS

Fraud generally involves a willful or deliberate act or omission with the intention of obtaining an unauthorized benefit, service, property or something of value by deception, misrepresentation or other unethical or unlawful means. Fraud can be committed through many methods, including but not limited to mail, telecommunications, computer and the Internet.

Fraudulent, unethical and other dishonest acts may include, but are not limited to:

1. Forgery or unauthorized alteration of documents or computer records.
2. Falsification or misrepresentation of reports to management and external agencies, including records and data submitted to, produced or maintained by the District.
3. Authorizing or receiving payment for time not worked.
4. Submission of fraudulent claims.
5. Misappropriation of funds, securities, equipment, supplies or other assets.
6. Impropriety in handling or reporting of money or financial transactions.
7. Engaging in activities that result in a conflict of interest.
8. Disclosing confidential or proprietary information to unauthorized individuals.
9. Unauthorized use or destruction of District property, records or other District assets.
10. Taking, using or providing to others the accounts, access numbers, passwords or any other identifying information of another person without authorization for the purpose of assuming that person's name or identity or to make transactions or purchases (identity theft).
11. The unauthorized use of District property and resources for personal activities.

STANDARDS

N/A

POLICY

Responsibility for Detection, Prevention and Monitoring

District senior management is responsible for establishing and maintaining proper internal controls that provide security and accountability of District resources. District managers and supervisors are responsible for ensuring compliance with policies, administrative directives, laws, and regulations. Employees at all levels are expected to take personal responsibility for compliance with laws, rules and regulations and for taking steps to avoid noncompliance. Employees are also responsible for the security and accountability of the resources entrusted to them and for abiding by the policies and procedures set in place by the District.

Controls include, but are not limited to, ensuring that:

1. Incompatible duties are properly separated.
2. Financial transactions are properly authorized and approved.
3. Reports of financial activity are periodically reviewed for completeness and accuracy.
4. Official personnel actions (ex: appointments, terminations, promotions) and employee time and leave is properly authorized and approved.
5. Real and tangible assets are properly inventoried and physically secured.
6. Computer and account passwords are protected and not shared.

GOVERNING BOARD POLICY

Title: Comprehensive Fraud

Effective Date: MM/DD/YYYY

Page 3 of 6

7. Intangible assets and data, including confidential and sensitive information, are protected from unauthorized access.
8. Employees are effectively supervised.

Employees at all levels shall be aware of the risks and exposures inherent in their area of responsibility, take appropriate steps to help mitigate those risks and be aware of the related symptoms of fraudulent, unethical and other dishonest actions. The inspector general shall include a fraud risk assessment as part of the periodic enterprise risk assessments performed by the office as a component of the office's annual audit work plan.

Responsibility for Reporting

All employees shall be alert to possibilities of fraud and for any indication that unethical or dishonest activity is taking place. Any employee who has a reasonable basis for believing that a fraudulent act has occurred or is occurring has a duty to immediately report this information.

1. All incidents can be reported, orally or in writing, to the District's Office of Inspector General or anonymously through the District Office of Inspector General fraud hotline at (352) 754-3482.
2. Single incidents of theft or robbery or other related property loss or damage of property shall be reported, orally or in writing, to the District's risk manager, or inspector general, or anonymously to the District's Office of Inspector General fraud hotline. The risk manager shall send a monthly status report relating to these single incident activities to the inspector general.
3. Incidents involving the District's Office of Inspector General staff shall be reported to the District's general counsel. In addition, reporting can be anonymous through a letter to the District's general counsel.

The employee shall not confront the accused individual(s) or discuss the matter with anyone other than the person or office to whom the activity was reported.

Employees who make allegations they know to be false may be subject to disciplinary action up to and including dismissal. However, allegations that are investigated and deemed unsubstantiated are not necessarily indicative of false allegations.

On occasion, individual Board members will receive anonymous information regarding the District. All anonymous information received by any Board member is to be forwarded to the District's Office of Inspector General. If the information involves the District's Office of Inspector General personnel, then the information shall be forwarded to the District's general counsel.

Retaliation Prohibited

An employee who, in good faith, reports wrongful activity in a written and signed complaint to the inspector general or general counsel meeting the provisions of the Whistle-Blower's Act Executive Director Procedure and/or Section 112.3187, F.S. (Whistle-blower's Act), is protected against retaliation for making such a report. The Whistle-blower's Act provides for the individual's identity to remain confidential while the investigation is active unless the disclosure of the individual's identity is necessary to prevent a substantial and specific danger to the public's health, safety, or

GOVERNING BOARD POLICY

Title: Comprehensive Fraud

Effective Date: MM/DD/YYYY

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welfare, or to prevent the imminent commission of a crime, or the disclosure is unavoidable and absolutely necessary during the course of the audit, evaluation, or investigation. Regardless whether or not the provisions of the Whistle-blower's Act are met, it is a violation of this policy for anyone to retaliate against another for reporting, in good faith, allegations of wrongdoing or participating in the investigation of such.

With the exception of making allegations known to be false, disclosing information under this policy will not be the basis for adverse or retaliatory actions, including:

1. Dismissal or threat of dismissal.
2. Discipline, suspension, or threat of discipline or suspension.
3. Demotion.
4. Reduction in salary or benefits, withholding of bonuses.
5. Intimidation or coercion.

Responsibility for Investigation

With the exception of information involving the District's Office of Inspector General personnel, the District's Office of Inspector General is responsible for receiving and investigating disclosures of suspected fraud and whistle-blower information.

Investigation

Upon reviewing allegations of fraudulent, unethical or dishonest acts, if the District's inspector general (or when applicable the District's general counsel) determines an investigation is warranted, the investigation shall be completed expeditiously and in accordance with established procedures (Executive Director Procedure 14-2). The results of the investigation shall be communicated to the appropriate levels of management within the organization or to external authorities as deemed necessary.

During the investigation, the investigator(s) will adhere to appropriate procedures and safeguard the administrative rights of accused district employees. If the accused district employee is named in the report, the accused will be afforded the opportunity to respond to the allegations or matters being investigated.

All employees are to cooperate fully with those performing an investigation pursuant to this policy. An employee who does not fully cooperate with an authorized investigation may be disciplined, up to and including termination of employment. An employee may be required to answer any question that is within the scope of the employee's employment. The District's Inspector General does not have the authority to take disciplinary action against an employee.

Consequences for Fraudulent Behavior

Employee(s) determined to have participated in fraudulent, unethical or dishonest acts will be subject to disciplinary action in accordance with any District personnel procedures and guidelines. Such determination will be made in accordance with procedures and guidelines established by the executive director.

GOVERNING BOARD POLICY

Title: Comprehensive Fraud

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Criminal, civil and/or other administrative actions may also be taken against employees who are found to have participated in unlawful acts. Criminal action falls within the sole purview of local, state or federal law enforcement, prosecuting and judicial authorities.

Regardless of their classification, any employee who fails to report fraudulent activity as required by this policy is subject to disciplinary action.

Policy Dissemination and Employee Training

The executive director is responsible for ensuring all District employees are informed and trained on this policy including the posting of contact information. Associated costs related to an anonymous fraud hotline shall be budgeted within the Office of Inspector General.

DISTRIBUTION

This Policy will be stored in the Governing Document Repository.

REFERENCES

Sections 112.3187-31895, Florida Statutes (Whistle Blower's Act)
Executive Director Procedure 14-2, Whistle-Blower's Act

REVIEW PERIOD

This Policy will be reviewed every 2 years.

GOVERNING BOARD POLICY

Title: Comprehensive Fraud

Effective Date: MM/DD/YYYY

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DOCUMENT DETAILS

Document Name	Comprehensive Fraud
Formerly Known As	N/A
Document Type	Policy
Author(s)	Brian Armstrong
Reviewing Stakeholder(s)	Senior Staff
Document Owner Name	Brian Armstrong
Document Owner Title	Executive Director
Review Period (in days)	730
Span of Control	Governing Board
Supersedes Date	04/30/2013
Effective Date	

APPROVAL

Insert Governing Board Chair's Name
Chair

Date

DRAFT

FINANCE/OUTREACH & PLANNING COMMITTEE

May 19, 2020

Discussion Item

Fiscal Health Update

Purpose

The purpose of this item is to provide an update to the Governing Board on the fiscal health of the District including an assessment of the financial impacts of the COVID-19 pandemic on the current fiscal year 2020 budget as well as the fiscal year 2021 budget.

Background and History

The District budgets annually for its fiscal year that begins October 1 and ends September 30 each year. The current fiscal year 2020 budget began October 1, 2019 and ends September 30, 2020. This budget totals \$202.7 million and is currently seven months complete as of April 30, 2020. In June, staff will present the fiscal year 2021 Recommended Annual Service Budget which commences October 1, 2020 and concludes September 30, 2021.

Benefit/Costs

An analysis of economic projections and possible impacts to the District's financial situation will allow staff and the Governing Board to make informed decisions regarding District operations and projects.

Staff Recommendation:

This item is presented for information only. No Board action is required.

Presenter: John Campbell, Division Director, Management Services

FINANCE/OUTREACH & PLANNING COMMITTEE

May 19, 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 April 30, 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).

The Treasurer's Report exhibit will be provided under a separate cover.

Staff Recommendation:

These items are presented for the Committee's information, and no action is required.

Presenter: Melisa J. Lowe, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

May 19, 2020

Routine Report

Monthly Financial Statement

Purpose

Presentation of the April 30, 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 Seventh Month Ended April 30, 2020."

Exhibit will be provided under a separate cover.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

FINANCE/OUTREACH & PLANNING COMMITTEE

May 19, 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 April 30, 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.

Exhibit will be provided under a separate cover.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Bureau Chief, Finance

EMPLOYEE RECOGNITION

May 19, 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

Local Government Comprehensive Plan Amendment and Related Reviews Report

As of May 01, 20

Project	Amendment Type	Assigned	Completed	Description	10YWSFW
Bowling Green 20-1	ESR	3/20/2020	4/20/2020	No substantive comments.	<input type="checkbox"/>
Bradenton 20-1	ESR	2/3/2020	3/5/2020	Comments addressed statutory requirements for water supply planning and redevelopment opportunities for retrofitting stormwater systems.	<input type="checkbox"/>
Bushnell 20-1	ESR	2/27/2020	3/3/2020	No substantive comments.	<input type="checkbox"/>
Charlotte 20-1	ESR	4/16/2020		Map amendment.	<input type="checkbox"/>
Davenport 20-2	ESR	3/20/2020	4/20/2020	Comments addressed conservation, reuse, existing wells and encouraged scheduling an ERP preapplication meeting.	<input type="checkbox"/>
Eagle Lake 20-1	ESR	3/17/2020	3/24/2020	No substantive comments.	<input type="checkbox"/>
Haines City	ESR	2/28/2020	3/17/2020	Comments addressed statutory requirements for water supply planning.	<input type="checkbox"/>
Highlands 20-1	ESR	3/9/2020	3/17/2020	Comments addressed requirements for regional water supply planning, reuse, conservation, existing wells and encouraged early coordination with ERP staff.	<input type="checkbox"/>
Lake Wales 20-1	ESR	3/9/2020	3/16/2020	No substantive comments.	<input type="checkbox"/>
Manatee 20-1	ESR	2/25/2020	3/2/2020	No substantive comments.	<input type="checkbox"/>
New Port Richey 20-1	ESR	3/23/2020	4/22/2020	Comments addressed water supply availability coordination with TBW.	<input type="checkbox"/>
Pasco 20-4	ESR	2/25/2020	3/23/2020	Comments addressed regional water supply planning, water conservation and flood prone and wetland areas.	<input type="checkbox"/>
Pasco 20-5	ESR	2/25/2020	3/23/2020	No substantive comments.	<input type="checkbox"/>
Pasco 20-6	ESR	2/25/2020	3/23/2020	Comments addressed regional water supply planning, water conservation and flood prone areas.	<input type="checkbox"/>
Pasco 20-7	ESR	2/25/2020	3/23/2020	No substantive comments.	<input type="checkbox"/>
Punta Gorda 20-1	ESR	3/20/2020	3/27/2020	No substantive comments.	<input type="checkbox"/>
Sarasota 20-1	ESR	2/24/2020	3/3/2020	No substantive comments.	<input type="checkbox"/>

Attachment: CPARR 050120 (5043 : Comprehensive Plan Amendment and Related Reviews Report)

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Sumter 20-1	ESR	3/5/2020	4/3/2020	Comment addressed regional water supply planning.	<input type="checkbox"/>
Tampa 20-1	ESR	2/18/2020	5/4/2020	No substantive comments.	<input type="checkbox"/>
Temple Terrace 20-1	ESR	4/8/2020		Map amendment.	<input type="checkbox"/>
Venice 20-1	ESR	3/20/2020	3/27/2020	No substantive comments.	<input type="checkbox"/>

**Governing Board Meeting
May 19, 2020**

RESOURCE MANAGEMENT COMMITTEE

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RESOURCE MANAGEMENT COMMITTEE

May 19, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

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

RESOURCE MANAGEMENT COMMITTEE

May 19, 2020

Discussion Item

FY2020-21 Cooperative Funding Update

Purpose

To provide the Board an update on fiscal year (FY) 2020-21 Cooperative Funding projects that have been recommended by all four Regional Subcommittees, review three projects the Regional Subcommittees recommended for presentations, review one revised project evaluation, and to review the remaining Cooperative Funding process and timeline.

Background

The Cooperative Funding Initiative application deadline was Friday, October 4, 2019 and 118 applications were initially received. Staff evaluated all 118 applications totaling \$104 million in District funding requests. Eight Regional Subcommittee meetings have been completed to review these projects.

During the first round of Subcommittee meetings held in February, staff presented preliminary project evaluations and rankings. Additional information requested by Subcommittee members during these first meetings was provided during the second round of Subcommittee meetings held in April. In addition, staff presented the final project rankings and recommendations.

Discussion

A compilation of evaluations for the projects recommended by all four Regional Subcommittees has been developed and has been provided to the Governing Board. This has been done to allow Board members an opportunity to review projects approved by the other Subcommittees prior to the presentation of the FY2021 Recommended Annual Service Budget (RASB) in June. This includes an updated evaluation for Q193 Conservation - Crystal River Toilet Rebate Phase 1 with revised project savings and cost effectiveness. Additionally, the Southern Subcommittee requested a full board presentation of Q145 Conservation - Longboat Key Club Advanced Irrigation System. The Heartland Subcommittee requested a full board presentation of Q184 - Brackish - Polk Regional Water Cooperative (PRWC) Southeast Wellfield Implementation and Q216 - Interconnects - PRWC Regional Transmission Southeast Phase 1. Staff will provide an overview of these three projects as a part of this presentation. A summary of staff final project recommendations, including projects Q145, Q184, and Q216, is listed below.

PLANNING REGION	RECOMMENDED	NOT RECOMMENDED
Northern	\$6.6M (17)	\$6.8M (2)
Tampa Bay	\$26.2M (41)	\$0.8M (1)
Heartland	\$17.3M (16)	\$0.0M (0)
Southern	\$5.6M (22)	\$2.5M (1)
Total District Share	\$55.6M (96)	\$10.1M (4)

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Within the Recommended projects is one Springs Initiative project pending Florida Department of Environmental Protection (FDEP) approval. This project, WW09 - Hernando County Septic to Sewer District A, Phase 1, is in the Northern Region and accounts for \$495,000 of the District's share in the table above. Since FDEP approval is not expected before the June 23 Governing Board meeting, the project will be excluded from the RASB.

In addition, staff requests the first year of funding for the two PRWC projects presented (Q184 and Q216) be provided by transferring the funds in the current year from the H094 - Polk Partnership funds previously budgeted. Since FY2015, \$50 million has been budgeted per Resolutions 15-07 and 18-06, and over \$39.7 million remains available for Board approved regional alternative water supply (AWS) projects that can achieve 30 million gallons per day for Polk County. These projects are in the Heartland Region Recommended projects and account for \$11,700,000 of the District's share in the table above. If these projects are approved by the Governing Board along with the budget transfer, these projects will be excluded from the RASB as well.

Finally, the Recommended projects where the District serves as the lead party will include an additional \$9,209,125 in the RASB as outside revenue. Therefore, the total staff recommendation for 1A, High and Medium ranked projects to be included in the RASB is \$52,640,747.

Staff Recommendation:

- 1) Approve budget transfer from H094 Polk Partnership for a total amount of \$11,700,000 to:
 - a. Q184 - Brackish - Polk Regional Water Cooperative Southeast Wellfield Implementation for \$6,750,000, and
 - b. Q216 - Interconnects - Polk Regional Water Cooperative Regional Transmission Southeast Phase 1 for \$4,950,000.
- 2) Approve staff recommendation to include 1A, High and Medium ranked projects in the District's FY2021 RASB in the amount of \$52,640,747.
- 3) Approve staff recommendation to eliminate all Low ranked and Not Recommended projects from further funding consideration.

Presenters: Scott Letasi, Office Chief, Project Management Office;
Eric DeHaven, Assistant Director, Resource Management Division; and
Jay Hoecker, Manager, Water Supply Section

RESOURCE MANAGEMENT COMMITTEE

May 19, 2020

Submit and File Report

Lower Hillsborough River Recovery Strategy – Second Five-Year Assessment

Purpose

To summarize findings from the second five-year assessment of the Lower Hillsborough River (LHR) Recovery Strategy. This item is presented for the Board’s information and review.

Background/History

As required by statute, if the actual flow of a water course is below the adopted minimum flow or is projected to fall below the minimum flow over the next 20 years, a recovery strategy is developed as part of the minimum flows establishment process. At its August 2007 meeting, the Governing Board approved rule amendments that incorporated revised minimum flows and a revised recovery strategy for the LHR into Rule Nos. 40D-8.041 and 40D-80.073, Florida Administrative Code (F.A.C.), respectively, and these rule amendments became effective on November 25, 2007.

The currently adopted minimum flows for the LHR were established to extend a salinity range less than 5 ppt (parts per thousand) from the Hillsborough River Dam towards Sulphur Springs. The minimum flows are expressed as seasonal “freshwater equivalent” flow rates of 20 and 24 cubic feet per second (cfs) that may be adjusted downward based on upstream river flows. The minimum flows are expressed as freshwater equivalents, meaning that the flows are defined for water that has a salinity of 0.0 ppt for modeling purposes. This means that flows higher than the specified flow rates of 20 and 24 cfs may be necessary if water with salinity greater than 0.0 ppt is used to meet the minimum flows.

The recovery strategy requires that in 2013, and for each five-year period through 2023, the District shall evaluate the strategy regarding its effects on the hydrology, dissolved oxygen, salinity, temperature, pH, and biological characteristics of the LHR that have been achieved from minimum flows implementation. The first five-year evaluation was submitted to the Governing Board in March 2015.

The District’s second five-year LHR recovery strategy assessment report, titled “*A Hydrobiological Evaluation of the Minimum Flows for the Lower Hillsborough River for the Second Five-Year Assessment Period - October 2012 to May 2018*” summarizes changes in hydrobiological and water quality characteristics of the LHR in response to the release and diversion of water to meet minimum flow requirements through May 2018. The draft report was provided to numerous stakeholders for review and comment. District staff worked with the stakeholders to ensure they had sufficient time to review and comment on the report. The final report was modified to incorporate many of the comments received.

The District also received recommendations from stakeholders for consideration during the third and final five-year recovery strategy assessment period. Based on these suggestions, the District intends to form a stakeholder group that will meet in late summer 2020 to discuss the recommendations submitted by stakeholders and assess data collection activities for characterizing recovery during the final five-year assessment.

Discussion

Highlights and recommendations noted in the second five-year assessment report include the following.

1. All activities and projects proposed in the recovery strategy are either underway, completed, or have been determined not to be viable. Minimum flow pumping responsibilities at Structures S-161, the Hillsborough River Dam, Sulphur Springs and Blue Sink are now the responsibility of the City of Tampa.
2. Minimum flows implementation has generally been sufficient to meet minimum flow requirements on all days, with exceptions. Water needed to meet the overall salinity goal due to the use of brackish water from Sulphur Springs has not been provided to the lower river. Original analysis performed by the District indicated an additional 3 cfs should be added to the 20 and 24 cfs to address freshwater equivalency conditions and meet the salinity-habitat improvement goal of the minimum flows. Additional data collection, analysis and coordination should occur during the final five year assessment to determine if additional flow is necessary for the lower river.
3. Salinity conditions have improved with continued minimum flows implementation. Salinities in the LHR near the dam in the vicinity of Rowlett Park were relatively high in 2000, when no water was supplied to the base of the dam for minimum flow purposes. Lower salinities were observed in subsequent years as a consequence of rainfall conditions and diversion of increasing quantities of water to the base of the dam for minimum flows recovery.
4. Three biological communities (zooplankton, nekton and benthic macroinvertebrates) were assessed for the second five-year assessment. These communities were indicative of improved low-salinity conditions. The fish communities exhibited evidence of a shift toward a community more reflective of purely freshwater habitats with reduced abundance of marine taxa and increased abundance of freshwater taxa. The macroinvertebrates showed increased densities and taxon richness. Additional biannual (twice yearly) biological sampling events will be completed during the next five years to further characterize the response of biological communities to minimum flows implementation.
5. Based on previous studies and review, a 25 percent loss term for water routed from the Tampa Bypass Canal to the lower river for minimum flows implementation is an overestimate. There is a need to further discuss and seek agreement on this aspect of the LHR recovery strategy.

Results from the second five-year assessment suggest that the desired goal of creating low-salinity habitat below the Hillsborough River Dam can be sustained through minimum flows implementation. Additional data collection, analysis and stakeholder coordination is on-going to address the minimum flow requirements of the LHR Recovery Strategy. The final five-year assessment report covering the period 2018-2023 is anticipated to be completed in 2024. A link to the report "*A Hydrobiological Evaluation of the Minimum Flows for the Lower Hillsborough River for the Second Five-Year Assessment Period - October 2012 to May 2018*" is provided under separate cover and the report is available on the District's website.

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Staff Recommendation:

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

Presenter: Jennette Seachrist, P.E., Division Director, Resource Management

RESOURCE MANAGEMENT COMMITTEE

May 19, 2020

Routine Report

Minimum Flows and Levels and Reservations 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.

Section 373.223(4) of the Florida Statutes provide a legal basis for establishing reservations by the water management districts or the DEP. A reservation sets aside a defined quantity of water from consumptive use, i.e., from being included in a permitted withdrawal. Reservations are used for the protection of fish and wildlife or the public health and safety, and like MFLs, are used for permitting and planning activities.

Summary information concerning the status of five major tasks for water bodies scheduled for MFLs or reservation 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 and Reservation Development Tasks

- Draft MFLs and reservation 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 and reservations. 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 and reservations.
- Final MFLs and reservation reports that incorporate peer review findings and stakeholder input are prepared for Governing Board approval.
- Rulemaking for proposed MFLs, any necessary MFLs prevention or recovery strategies, and reservations 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, necessary recovery strategies and reservations into District rules.

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Status for Water Bodies Scheduled for MFLs or Reservation Establishment by December 2020 (Recent Status Changes Highlighted)

Water Body	Draft MFLs/ Reservation Report	Independent, Scientific Peer Review	Public Workshop	Final MFLs/ Reservation 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
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 ^d	Approved ^d	Completed ^d
Chassahowitzka River ^a	Completed	Completed	Completed	Approved	Completed
Chassahowitzka Spring Group ^a	Completed	Completed	Completed	Approved	Completed
Blind Spring ^a	Completed	Completed	Completed	Approved	Completed
Homosassa River ^a	Completed	Completed	Completed	Approved	Completed
Homosassa Spring Group ^a	Completed	Completed	Completed	Approved	Completed
Rainbow River ^a	Completed	Completed	Completed	Approved	Completed
Rainbow Spring Group ^a	Completed	Completed	Completed	Approved	Completed
Marion, Lake ^e	Completed	Completed ^b	Not Needed ^f	Approved	Initiated
Hancock, Lake ^g	Completed	Completed	Completed	Completed	Initiated
Cypress, Lake ^h					
Garden, Lake ^h					
Halfmoon Lake ^h					
Jackson, Lake ^h					
Strawberry (North Crystal) Lake ^h					
Peace River (lower segment) ^h	Completed	Initiated			
Shell Creek (lower Segment) ^h	Completed	Initiated			

Item 33

- ^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 Public workshop, final MFLs report and rulemaking completed for 40 of 41 wetlands scheduled for completion in 2019 and 2020; further assessment of 1 wetland is ongoing.
- ^e Reevaluation of MFLs adopted for Lake Marion completed outside of the MFL Priority List and Schedule due to the lake's location in a springshed and near a District boundary
- ^f The small number of owners of property adjacent to Lake Marion precluded the need for a public workshop. However, an informational letter was sent to lakefront property owners and an offer was made to meet with all stakeholders with questions or concerns associated with the MFLs.
- ^g Reservation scheduled for completion in 2020.
- ^h 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

May 19, 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 it's FDEP Environmental Resource Permit and US Army Corps of Engineers (USACE) 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. TLC Diversified, Inc., was awarded the construction contract and staff are currently working with procurement to develop an agreement for the construction of the diversion infrastructure. Staff set transects in nearby Flatford Swamp wetlands to meet USACE permit conditions for diversion infrastructure construction. ***New Activities Since Last Meeting:*** Anticipate Notice to Proceed for construction of diversion infrastructure to occur late in May 2020. *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 staff have attended various stakeholder meetings to present the findings of the second five-year assessment. District has approved a request from stakeholders to delay the finalization of the second five-year assessment report until May 2020. Agreement has been executed to conduct the biological sampling needed for the third five-year assessment. ***New Activities Since Last Meeting:*** Comments were received by various stakeholders on the second five-year assessment draft report. District modified report to incorporate many of the comments received and has provided the final report to the Governing Board at the May 2020 meeting. The District also received recommendations to consider as part of the third and final five-year assessment period and beyond. *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. 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. **New Activities Since Last Meeting:** No changes since last meeting. *Project Manager: Mike Hancock*

South Hillsborough County Aquifer Recharge Program (SHARP)

This is a direct aquifer recharge pilot project to evaluate directly recharging the non-potable zone of the UFA with up to 2 mgd of highly treated reclaimed water at the Hillsborough County's Big Bend facility near Apollo Beach in southern Hillsborough County (County). The goal of the project is to improve water levels within the Most Impacted Area of the Southern Water Use Caution Area and 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 March and April at an average recharge rate of 2.4 mgd. Estimated injection volume for March or April was not available at the time this update was prepared. Total recharge volume through February is approximately 3,608 million gallons since the beginning of the project. The County submitted the Underground Injection Control 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. The contract period is extended from August 3, 2020 to April 30, 2021. Draft for the Revised Pipeline Route Analysis and TAP-1 operations report summarizing the water quality data collected for the 2018/2019 Woodland Terrace recharge and recovery cycles has been received. This report includes geochemical modeling which considers the mobilization of iron and arsenic. The information developed in this report will be added to the operations data from the Rome Avenue ASR system and the groundwater modeling of recharge/recovery with reclaimed water to estimate the operational requirements of a future TAP Indirect Potable Reuse system. **New Activities Since Last Meeting:** No changes since last meeting. *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. **New Activities Since Last Meeting:** Received request for reimbursement for two completed projects. Received one new application for a weather-based irrigation control system at a condo association in Sarasota. Program is on track to spend all FY2020 funds. *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 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 next Board meeting. ***New Activities Since Last Meeting:*** The March PRWC Board meeting was postponed due to the pandemic, which delayed their approval of the CFI Amendment to apply State grant funds to their April 22, 2020 meeting. The Amendment was fully executed on April 28, 2020. The PRWC continues preliminary design work on the facility and regional transmission system. The PRWC hosted a design preview meeting for their technical advisory committee online on April 7, 2020. *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., Division Director, Resource Management

**E. Operations,
Lands & Resource
Monitoring**

**Governing Board Meeting
May 19, 2020**

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE

Discussion Items

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OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE

May 19, 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

May 19, 2020

Submit and File Report

Hydrologic Conditions Report

See attached report.

Staff Recommendation:

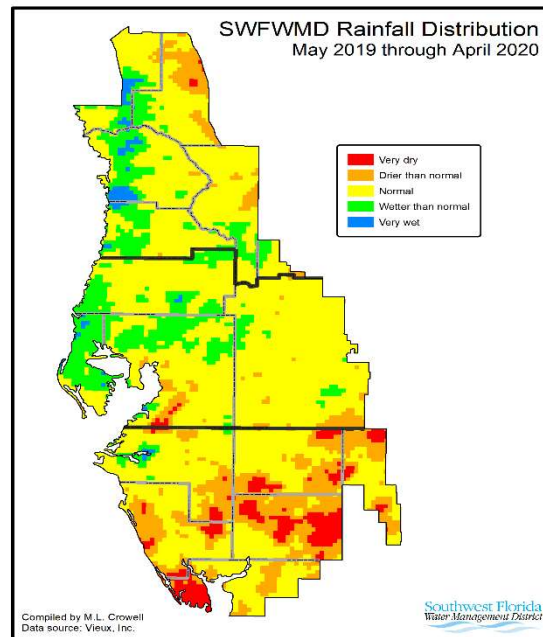
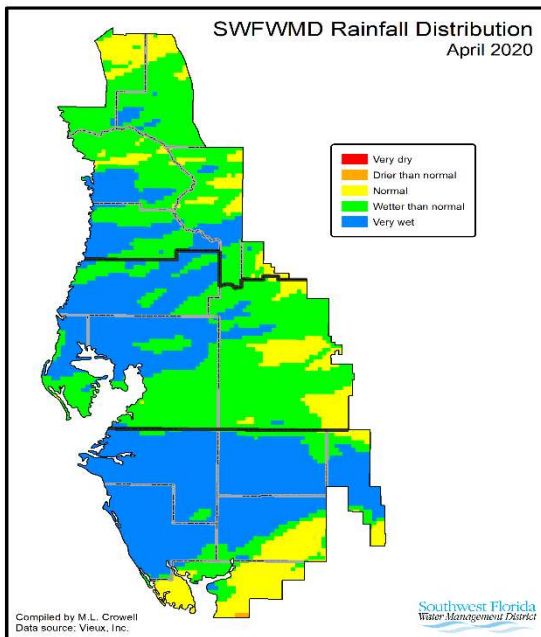
This item is provided for the Board's information only, and no action is required.

Presenter: Granville Kinsman, Hydrologic Data Manager

SUMMARY OF CONDITIONS

- April historically marks the seventh month of the eight-month dry season (October through May) and monthly rainfall totals were abundant, although hydrologic indicators throughout the District saw mixed improvements.
- **Rainfall:** April rainfall totals were above-normal in all three regions of the District. The District-wide 12-month cumulative rainfall totals improved in April, ending the month at a deficit of approximately 0.6 inch below the long-term historical average. The rainfall deficit is greatest in the southern counties, nearly 5 inches below the mean.
- **Streamflow:** Monthly streamflow data indicates flow decreased at 8 streamflow monitoring stations, compared to 12 the previous month. Two stations ended the month below-normal, and 10 within the normal range of historical values. Regional streamflow, based on three index rivers, was considered “normal” in the northern and central regions, while “below-normal” in the southern region.
- **Groundwater:** Monthly aquifer level data indicates that regional levels declined in the northern and central regions of the District, while they 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 Tampa Bay and Polk Uplands regions ended the month with levels within the normal range, while the Northern and Lake Wales Ridge regions ended the month with “below-normal” levels.
- **Overall:** Although rainfall totals for April were above-normal throughout the District, hydrologic conditions saw mixed results due to regional variability of the rainfall, majority of rainfall occurring during last-half of the month, as well as record low rainfall during March.

RAINFALL

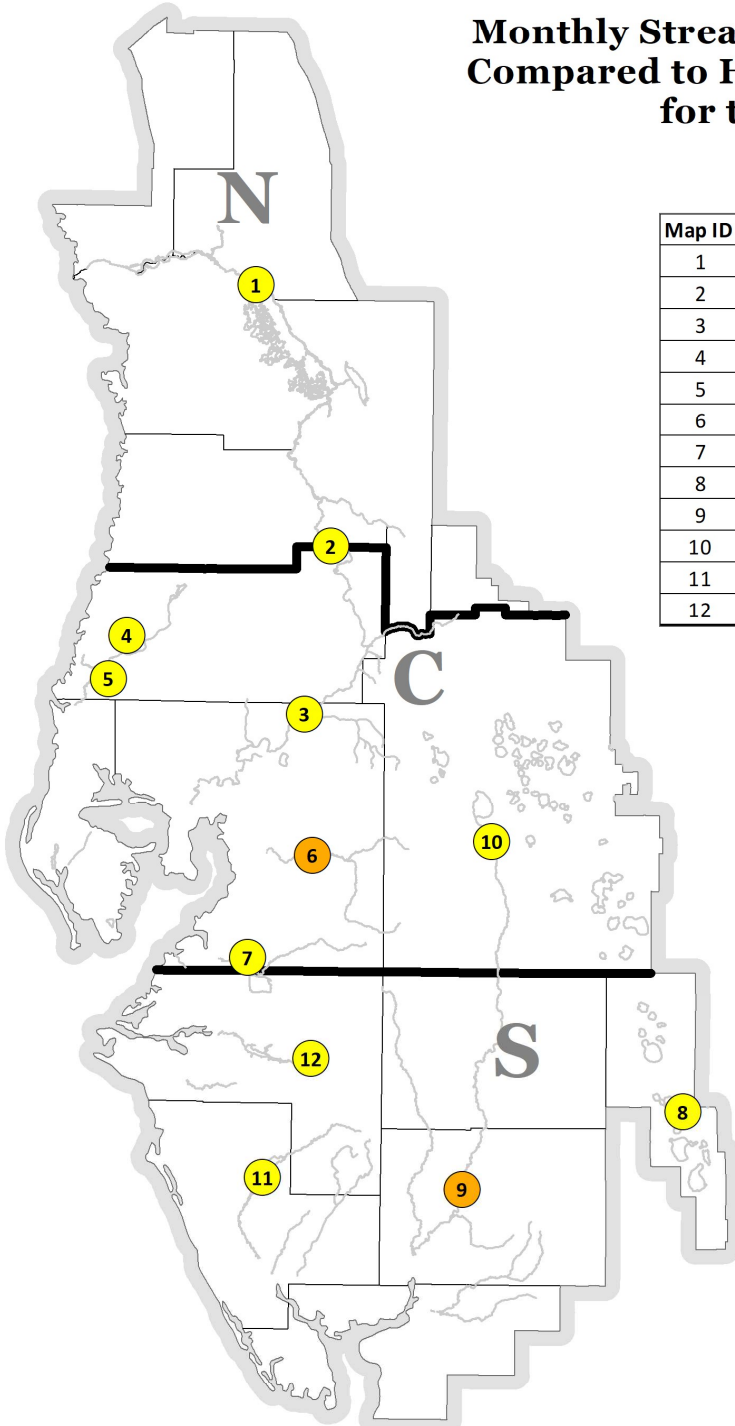


RELATIONSHIP OF APRIL 2020 RAINFALL TO HISTORICAL RAINFALL AVERAGE Regional Summary (in inches):

Region	APR 2020 Average Rainfall	Historical Average For APR	Departure From Historical Average	Cumulative 12-month Rainfall MAY 2019 – APR 2020	Historical 12-month Cumulative Rainfall	Departure From Historical 12-month Cumulative
Northern Counties	4.83	2.76	2.02	55.45	53.61	1.84
Central Counties	4.68	2.46	2.22	54.08	52.43	1.65
Southern Counties	5.02	2.49	2.53	47.44	52.41	-4.97
District All Counties	4.84	2.55	2.29	52.14	52.75	-0.61

STREAMFLOW

Monthly Streamflow for April 2020 Compared to Historical Streamflow for the Month of the Year



Map ID	Station Name
1	Withlacoochee River nr Holder
2	Withlacoochee River at Trilby
3	Hillsborough River nr Zephyrhills
4	Pithlachascotee River nr New Port Richey
5	Anclote River nr Elfers
6	Alafia River at Lithia
7	Little Manatee River nr Wimauma
8	Josephine Creek nr DeSoto City
9	Peace River at Arcadia
10	Peace River at Bartow
11	Myakka River nr Sarasota
12	Manatee River nr Myakka Head

Streamflow Category

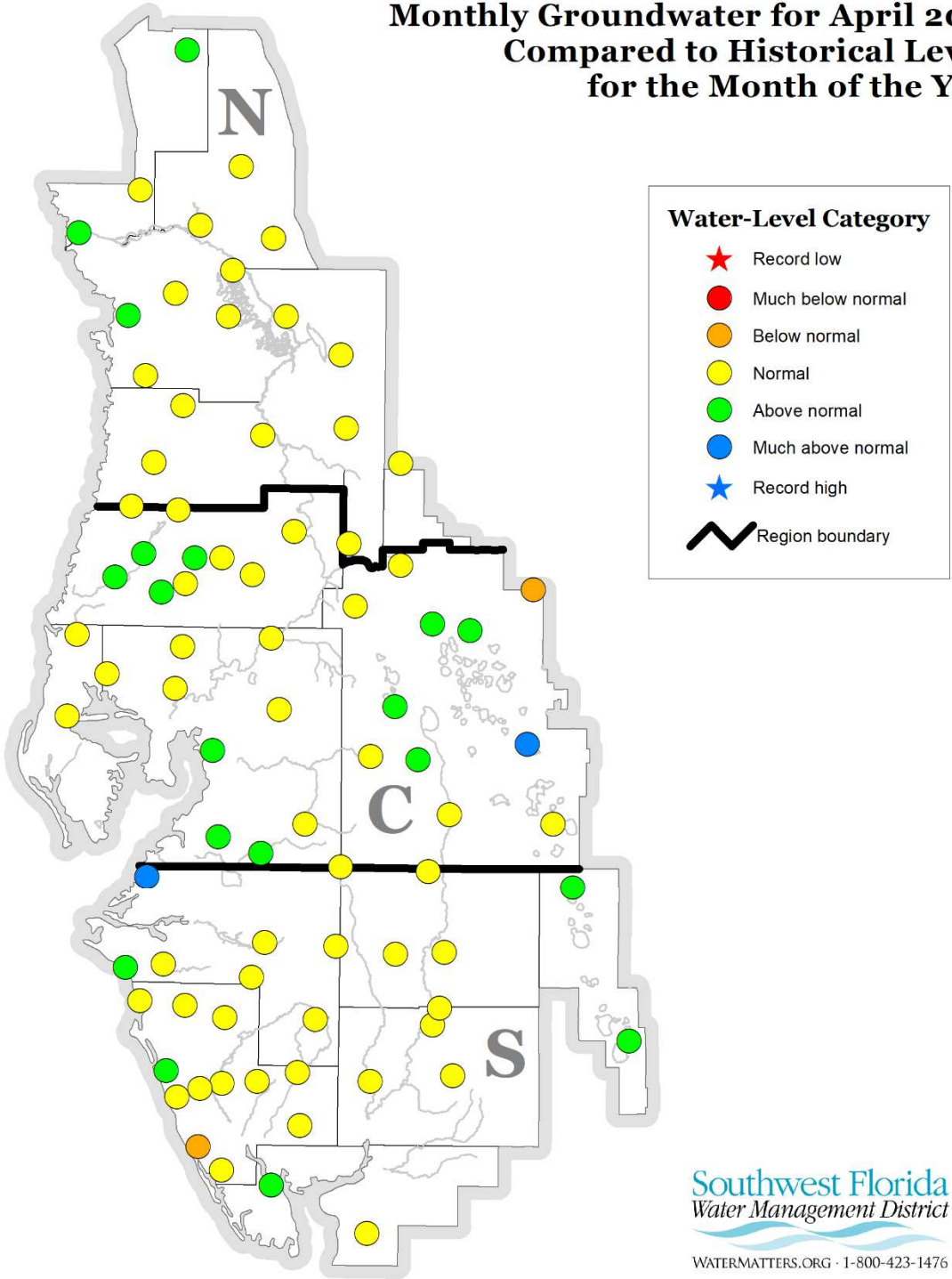
- Much below normal
- Below normal
- Normal
- Above normal
- Much above normal
- Region boundary

Southwest Florida
Water Management District
WATERMATTERS.ORG · 1-800-423-1476

Attachment: HydroConditionsReport (5077 : Hydrologic Conditions)

GROUNDWATER

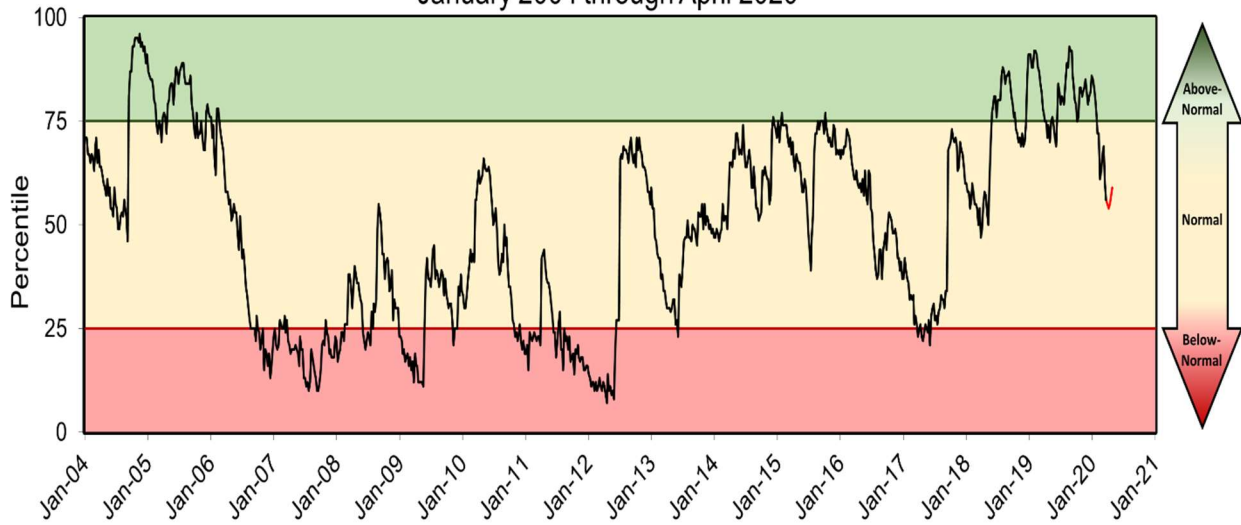
Monthly Groundwater for April 2020 Compared to Historical Levels for the Month of the Year



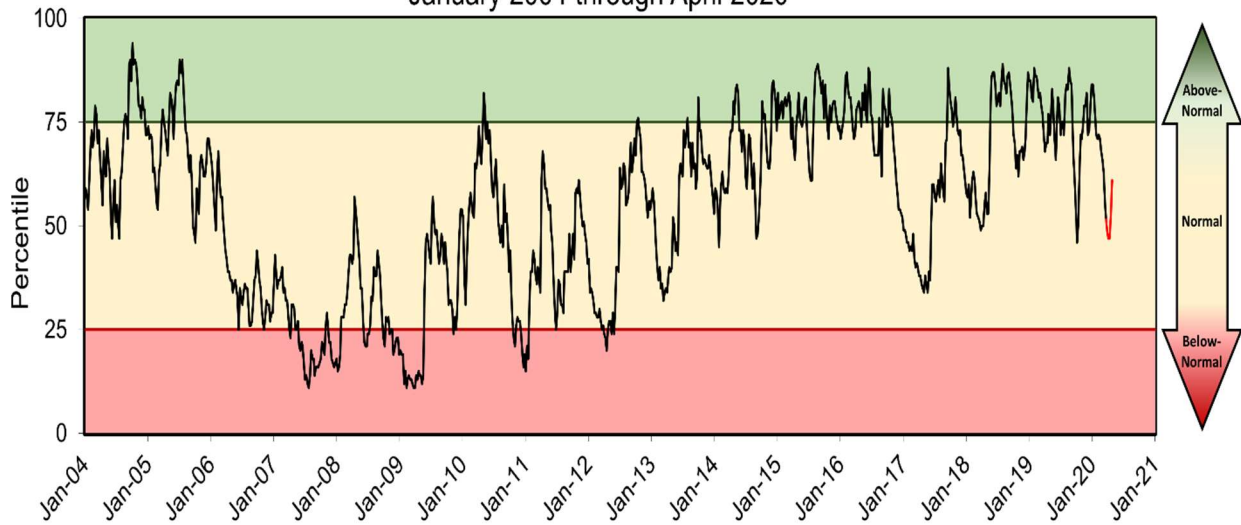
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GROUNDWATER (Continued)

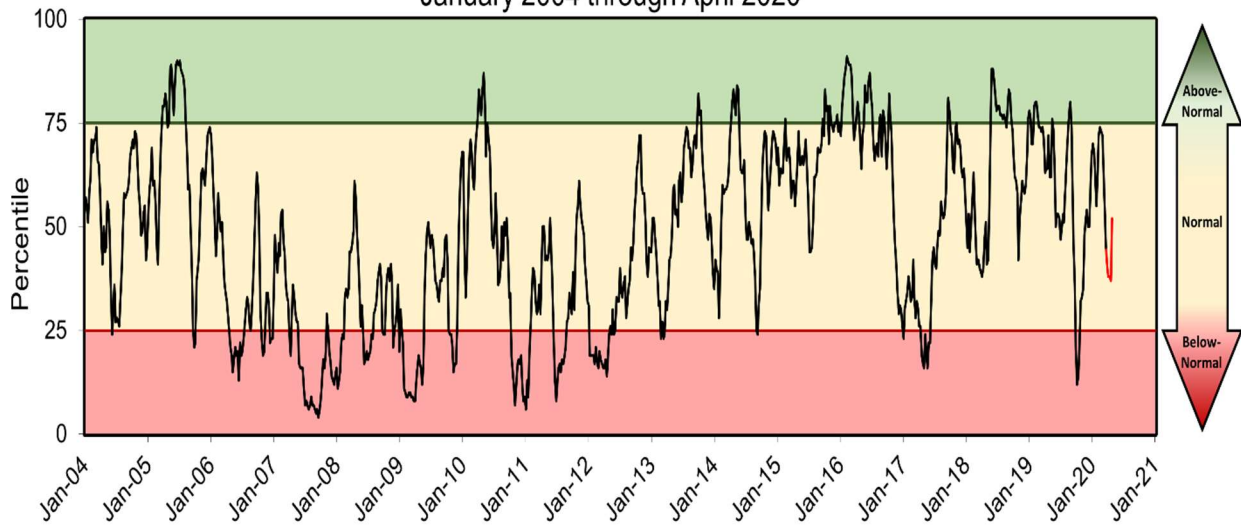
Groundwater Levels: Northern Counties January 2004 through April 2020



Groundwater Levels: Central Counties January 2004 through April 2020

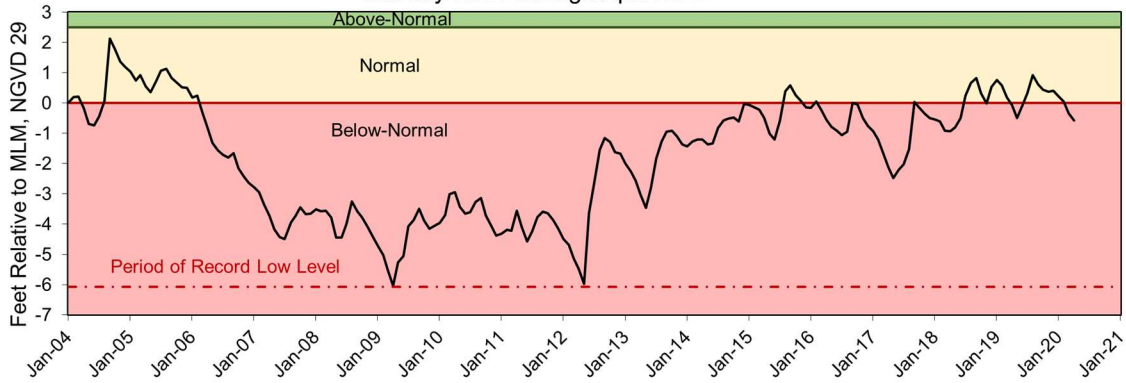


Groundwater Levels: Southern Counties January 2004 through April 2020

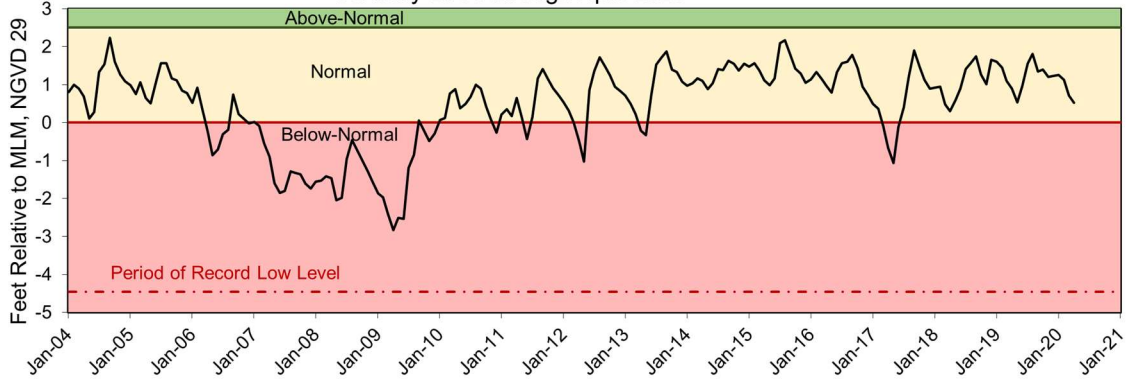


LAKES

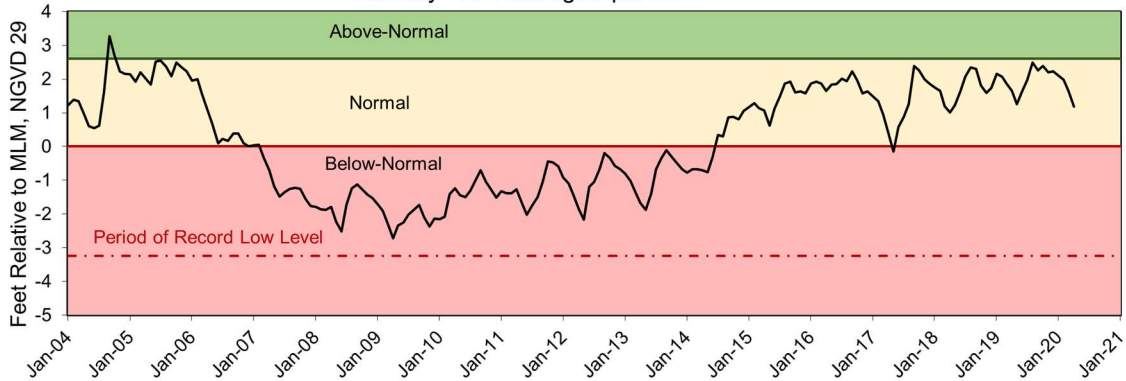
Surface Water Levels: Northern Lakes January 2004 through April 2020



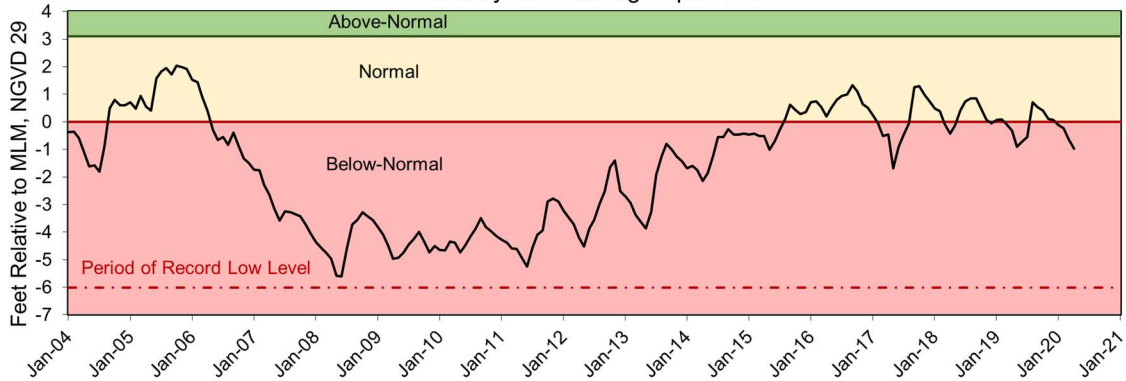
Surface Water Levels: Tampa Bay January 2004 through April 2020



Surface Water Levels: Polk Uplands January 2004 through April 2020

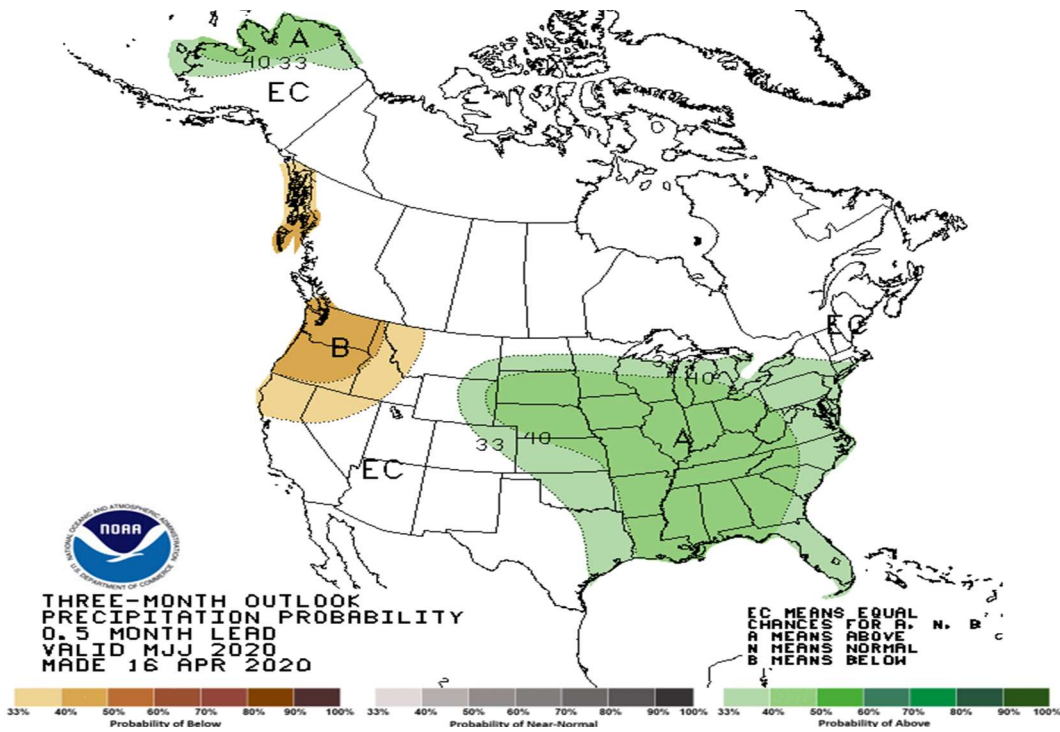


Surface Water Levels: Lake Wales Ridge Lakes January 2004 through April 2020

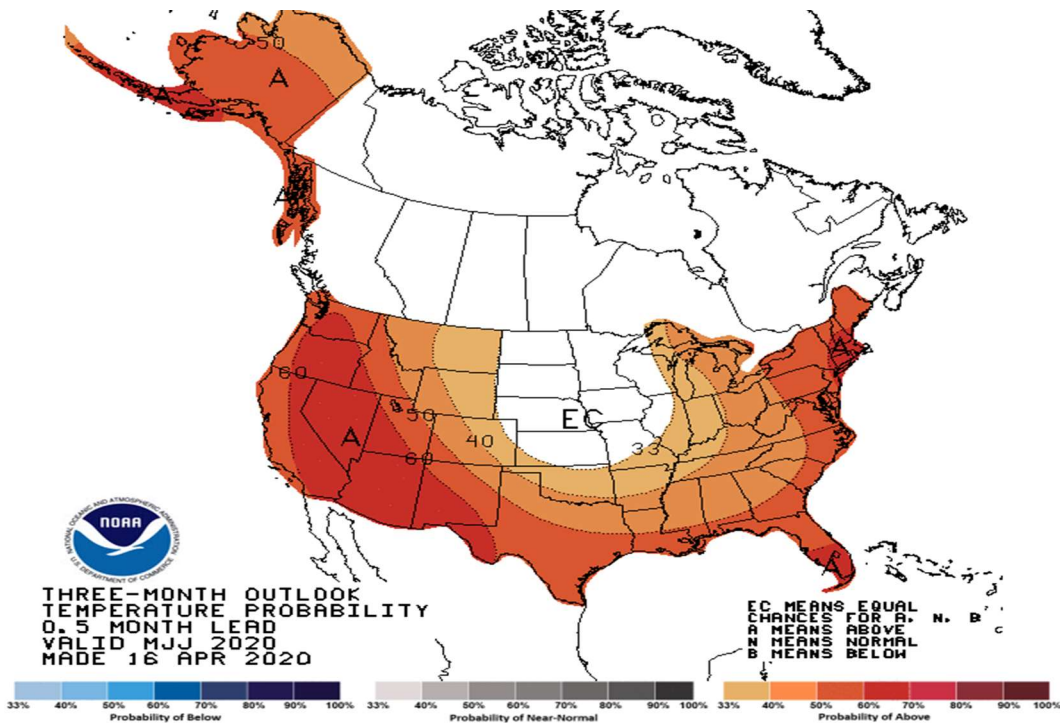


NOAA THREE-MONTH WEATHER FORECAST

Precipitation: May-Jun-Jul_2020



Temperatures: May-Jun-Jul_2020



NOAA Climate Prediction Center: Precipitation and Temperature Forecast

May through July: The three-month forecast, as of April 16, 2020, predicts above-normal rainfall throughout the District during the composite three-month period of May through July 2020. The temperature forecast for the same time-period indicates above-normal temperatures in all three regions of the District. For more information log on to the CPC's website at: <https://www.cpc.ncep.noaa.gov/products/predictions/90day/>.

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 19, 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 April 23, 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 18,458 acres of conservation lands.
- Removed 833 feral hogs from District lands.
- Treated invasive exotic vegetation on 18,882 acres.
- Land resource-based revenue totals \$105,147.

Land Resources/Land Use and Protection

Issued Special Use Authorization:

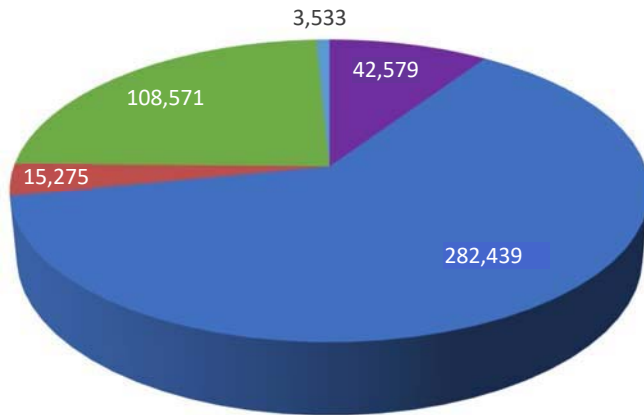
- SFM Services, Inc. for vehicle access to the Tampa Bypass Canal to conduct tree trimming adjacent to the Tampa Executive Airport.
- Earth Systems Environmental Engineering for vehicle access to the District's Tampa Bypass Canal to conduct petroleum contamination monitoring from adjacent privately-owned land.
- Florida Fish and Wildlife Conservation Commission for vehicle access to Chassahowitzka and Weekiwachee Preserves to install bear hair snag corrals to collect hair samples.
- Lisa Mosely for vehicle access to Halpata Tastanaki Preserve to retrieve hog hunting dogs utilized on the adjacent Florida Greenway.
- Manatee County Parks & Natural Resources Department and National Oceanic and Atmospheric Administration for vehicle access to the Rock Ponds Tract to perform one-day sampling events as part of the Reference Vegetation Sampling for the RESTORE Robinson Preserve Wetlands Restoration Project.

All volunteer hours were conducted in a manner consistent with the direction of Governor Ron DeSantis to uphold the Centers for Disease Control and Prevention guidance on social distancing by avoiding gatherings larger than 10 people and distancing themselves a minimum of six feet from others. Volunteers provided 118 hours of service at a value of approximately \$2,780.08 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.

Due to the District cancelling camping reservations we only had 5 approved equestrian access for day use, 12 users. We cancelled 396 requests, which would have provided 1,122 camping opportunities.

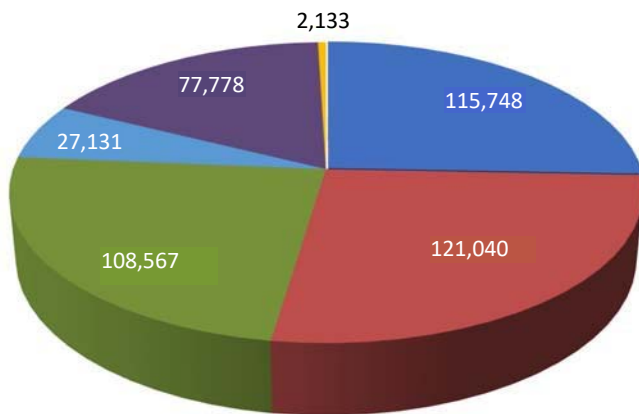
The following is a breakdown of District land interests:

District Land Ownership Total Acres: 452,397



- Conservation lands jointly owned with partner
- Conservation lands solely owned by the District
- Conservation lands solely owned by the District with conditions
- Easements
- Project lands solely owned by the District

Land Management and Maintenance Total Acres: 452,397



- Conservation lands solely managed by the District (Non-WMA)
- Conservation lands solely managed by the District (WMA)
- Easements managed by landowners
- Lands managed in partnership with others
- Lands managed solely by partners
- Project lands solely maintained by District

Staff Recommendation:

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

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 19, 2020

Routine Report

Structure Operations

Summary of gate status and water levels for select water control structures on April 28, 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	21.99	38.0	21.0	Open
Upper Pool	S-159	21.55	38.0	21.0	Closed
Middle Pool	S-161	12.26	15.0	12.0	Closed
Lower Pool	S-160	9.83	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	35.12	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	72.81	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	127.06	127.75	123.50	Closed
Lake Henry	P-5	124.47	125.50	123.00	Closed
Lake Fannie	P-7	123.86	124.75	122.50	Closed
Lake Hamilton	P-8	119.47	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	98.12	102.1	96.6	Open

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Alafia River Watershed

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Medard Reservoir	Medard	57.56	58.2	56.6	Closed

Rocky Creek System

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Lake Pretty	Pretty	42.93	43.50	41.00	Closed
Lake Armistead	Armistead	40.53	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	2.54	3.10	1.50	Closed

Sawgrass Lake

Water Body Name	Structure Name	Water Elevation	Operational Range		Gate Status
			High	Low	
Sawgrass Lake	Sawgrass	3.45	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	26.65	27.10	25.60	Closed
Lake Rousseau	Inglis Bypass	26.65	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	36.37	38.10	36.40	Closed

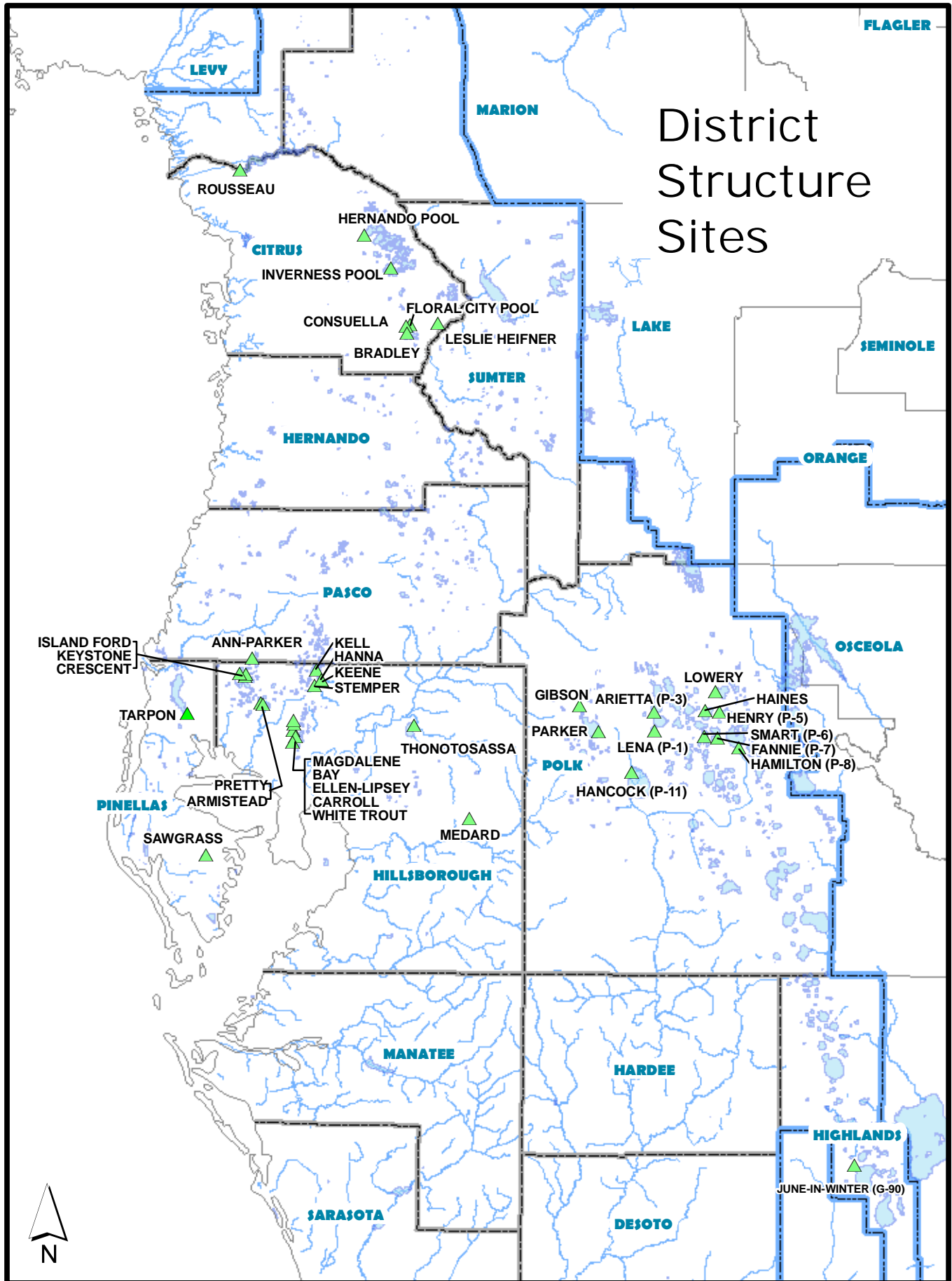
*Elevations above referenced to NAVD88 datum

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

Exhibit A



Attachment: Str Operations Exhibit (5051 : Structure Operations)

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 19, 2020

Routine Report

Surplus Lands

Purpose

This report provides a status on the District's surplus lands program. Information is through May 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

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 and Ellen

Morrison, Operaitons and Land Management Asisistant Bureau Chief

F. Regulation

**Governing Board Meeting
May 19, 2020**

REGULATION COMMITTEE

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REGULATION COMMITTEE

May 19, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

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

REGULATION COMMITTEE

May 19, 2020

Discussion Item

Consider Water Shortage Order(S) as Necessary

Staff continues to monitor water resource and supply conditions to determine if any actions would be prudent. Since Board-issued water shortage orders must be discussed in a noticed public meeting prior to implementation, this agenda item is included as a contingency provision. It allows the Governing Board to immediately consider any action that staff may recommend based on regional data to be reviewed on May 12, 2020.

Staff Recommendation:

Recommendations, if any, will be presented at the Governing Board meeting May 19, 2020 based on then-current conditions and predictions.

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

REGULATION COMMITTEE

May 19, 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

May 19, 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 March 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>						
3707.008	Bayou Club and Bardmoor Golf Club ¹	Recreation - Lawn/Landscaping and Golf Course	512,000	1/1/2020 579,774 gpd 13.85%	03/01/2020 559,857 gpd 9.35%	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).

Overpumpage Report March 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%	03/01/2020 228,374 gpd 12.50%	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%	03/01/2020 202,071 gpd 64.42%	Sarasota
10923.001	Spruce Creek Golf, LLC. ³	Recreation – Golf Course	163,600	4/1/2019 513,085 gpd 213.62%	03/01/2020 530,888 gpd 224.50%	Brooksville
1854.008	Panther Trails CDD ³	Recreation - Lawn/Landscaping	4,600	02/01/2019 11,573 gpd 151.59%	03/01/2020 10,254 gpd 122.91%	Tampa
12900.002	Minto Bradenton LLC. (Perico Island Development) ³	Recreation - Lawn/Landscaping	130,500	11/01/2017 196,759 gpd 50.77%	03/01/2020 148,049 gpd 13.45%	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%	03/01/2020 3,506,773 gpd 37.25%	Brooksville
7002.004	MHC FR Utility Systems, LLC. ^{2&3}	Public Supply	97,100	04/01/2015 104,929 gpd 8.06%	02/01/2020 147,914 gpd* 52.30%	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).

*Missing March 2020 data

Attachment: March 2020 Pumpage for May-2020 Routine GB Reports - Overpumpage Report (5047 :

REGULATION COMMITTEE

May 19, 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 – MAY 2020

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
43043605.005	The Villages of Southern Oaks Storm Water Earthworks Plan Phase 4C Modification	Sumter	Modification serving a 337-acre mass-grading project that will be used for future residential and commercial development	337.00	87.41	14.49	0.00
43027535.003	Parrish Plantation	Manatee	Construction of 358 detached single-family home sites, and 114 attached villa-style home sites, along with streets and other associated infrastructure	165.32	57.51	6.94	0.00
43007934.011	River Landing Phase 1A	Pasco	Modification serving the 131.31-acre first phase (Phase 1A) of residential development south of State Road 56 and west of Morris Bridge Road in Pasco County	131.31	20.26	8.23	0.00
43008703.008	Lake Emily	Charlotte	Modification serving a mixed-use residential/commercial project	156.30	93.61	93.61	0.00
43043390.008	Villages of Southern Oaks Storm Water Earthworks Plan - Phase 4B (Land Plan Mod)	Sumter	Construction of a 683-acre mass-grading project that will be used for future residential and commercial development	683.44	331.05	6.44	0.00
43042457.001	I-4 at SR 557 Interchange, Polk County (FPID 201215-3)	Polk	Construction of a stormwater management system serving proposed roadway improvements for the Interstate 4 (I-4) and State Road 557 interchange located in Polk County, Florida	212.74	77.54	77.54	561.85

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.

Attachment: May Individual Permits Issued by Staff (5048 : Individual Permits Issued by District Staff)

INDIVIDUAL PERMITS ISSUED: WUPs – MAY 2020

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	PREVIOUS PERMITTED QUANTITY	NEW PERMITTED QUANTITY	DURATION (YEARS)
20009478.008	Boran Ranch and Sod	DeSoto	Renewal with no change in quantities	Agricultural	953,700	953,700	20
20002467.012	Ben Hill Griffin, Inc. - Peace River Ranch	Hardee	Modification to renew and increase quantities	Agricultural	1,271,200	1,144,100	20
20005393.011	City of Venice	Sarasota	Renewal with no change in quantities	Public supply	6,864,000	6,864,000	20
20002689.016	East Charlotte Drainage District	Charlotte	Modification to add mining/dewatering type use to the permit and to reduce quantities	Agricultural and Mining/ Dewatering	2,747,900	2,767,100	6
20008638.008	Jefferson Manatee Grove	Manatee	Renewal with modification of an existing water use permit for agricultural use and a reduction in quantities	Agricultural	706,100	663,200	20

Attachment: May Individual Permits Issued by Staff (5048 : Individual Permits Issued by District Staff)

**G. General
Counsel's Report**

**Governing Board Meeting
May 19, 2020**

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Submit & File Reports – None

Routine Reports

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GENERAL COUNSEL'S REPORT

May 19, 2020

Discussion Item

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Karen E. West, General Counsel

GENERAL COUNSEL'S REPORT

May 19, 2020

Routine Report

May 2020 Litigation Report

Staff Recommendation:

Presenter: Karen E. West, General Counsel

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT
May 2020**

**OPEN ENFORCEMENT CASES
50 Cases as of April 30, 2020**

Case Style	Court/Case No.	Attorney	Description	Date Opened	Date Closed
Division of Administrative Hearings (DOAH) Enforcement, Permit, and Agency Action Challenges					
Denlinger v. Summit View, LLC, and SWFWMD	N/A	J. Fussell A. Witherup	Administrative Challenge – ERP	8/20/19	9/6/19 – Dismissed (Pending Appeal)
HC Waterworks, Inc. v. SWFWMD	N/A	C. Tumminia	Administrative Challenge- WUP	1/27/20	
SWFWMD v. James Marcus Vernon, P.E., et al	DOAH 20-000580	E. Fernandez	Challenge to Administrative Complaint and Order – ERP	1/31/20	
Walden Pointe HOA v. SWFWMD	DOAH 20-000896	J. Fussell A. Dhand	Administrative Challenge – ERP	2/04/20	
County Court Litigation					
SWFWMD v. USSI, Inc.	Case No. Pending	E. Fernandez M. Albrecht	Breach of Contract	5/01/2020	
Circuit Court Litigation					
Uranowski v. SWFWMD	Hernando County Case No. 16-CA-976	T. Gonzalez (outside counsel)	Employment Discrimination	9/30/16	
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	
Cow Hammock, LLC v. Suggs & SWFWMD	Sumter County Case No. 19-CA-142	C. Tumminia	Quiet Title	4/22/19	
SWFWMD v. Jacobs Engineering Group, Inc.	Hernando County Case No. 2019-CA-001105	M. McNeil	Breach of Contract and Professional Malpractice	9/27/19	

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	12/05/19	
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	1/15/2020	
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	2/06/2020	
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 – ERP	2/24/2020	

SWFWMD v. Waylon J. Howard	Hillsborough County Case No. 20CA-00230	E. Fernandez M. Albrecht	Petition for Enforcement and Complaint for Civil Remedies – Well Construction Violations	3/12/2020	
SWFWMD v. MGM of West Florida, LLC	Manatee County Case No. 20CA-001336	E. Fernandez A. Dhand	Petition for Enforcement and Complaint for Civil Remedies – ERP	4/01/2020	
Federal District Court Litigation					
Gilberti v. DeSantis, SWFWMD, et al.	U.S. Middle Dist. FL. 2:19-282-FtM	E. Fernandez C. Tumminia	R.I.C.O.	5/28/19	
Denlinger v. Summit View, LLC & SWFWMD	US Bankruptcy Case No. 8:19-bk-10111-MGW	J. Fussell E. Fernandez	Adversary Proceeding Negligence and Inverse Condemnation – ERP	12/19/19	4/27/20 – Dismissed
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	1/10/2020	
Appeals					
Gilberti v. Federal Reserve, SWFWMD, et al.	U.S. Federal Cir. Court of Appeals Case No. 19-5264	E. Fernandez C. Tumminia	Appeal of Final Order of Dismissal with Prejudice	6/18/20	4/22/20 – Dismissed; Rehearing Denied
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	10/04/2019	
Delegated Consent Orders					
NONE					

GENERAL COUNSEL'S REPORT

May 19, 2020

Routine Report

May 2020 Rulemaking Update

Staff Recommendation:

Presenter: Karen E. West, General Counsel

**RULEMAKING UPDATE
MAY 2020
PROPOSED RULES & AMENDMENTS**

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
1. 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. May 2020	December 2019
2. 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. May 2020	December 2019
3. 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. May 2020	December 2019
4. 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. May 2020	December 2019
5. 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
6. Initiation and Approval of Rulemaking to Repeal existing FARMS Rule, Chapter 40D-26	February 2020	Effective May 19, 2020	February 2020
7. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, F.A.C., to Delete a Portion of the Minimum Flow Provisions for the Upper and Lower Pithlachascotee River	March 2020	Effective Approx. June 2020	March 2020
8. Initiation and Approval of Rulemaking to Amend Rule 40D-8.041, F.A.C., to Delete a Portion of the Minimum Flow Provisions for the Crystal River/Kings Bay System	March 2020	Effective Approx. June 2020	March 2020

Attachment: 5-2020 General Counsel - Rulemaking Update (for May 2020 GB-Meeting) (5026 : May 2020 Rulemaking Update)

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
9. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to Adopt Revised Minimum and Guidance Levels for Lake Marion in Levy County	April 2020	Effective Approx. July 2020	April 2020
10. 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	May 2020	Initiation and Approval, May 2020 Governing Board meeting	May 2020
11. Initiation and Approval of Rulemaking to Amend Rule 40D-2.091, F.A.C., to Update the Water Use Permit Applicant's Handbook, Part B	May 2020	Initiation and Approval, May 2020 Governing Board meeting	May 2020

EXECUTIVE DIRECTOR'S REPORT

May 19, 2020

Discussion Item

Executive Director's Report

Staff Recommendation:

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

CHAIR'S REPORT

May 19, 2020

Discussion Item

Chair's Report

Staff Recommendation:

Presenter: Mark Taylor, Chair

CHAIR'S REPORT

May 19, 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	05/11/2015	Clinton Smith	Senior Well Driller	Brooksville	Data Collection	2020	05/11/2020
5	05/11/2015	Donna Kaspari	Senior Performance Management Professional	Brooksville	Human Resources Office	2020	05/11/2020
5	05/11/2015	Lydia Manos	Staff GIS Analyst	Brooksville	Data Collection	2020	05/11/2020
5	05/13/2015	Robin Speidel	Environmental Data Project Manager	Tampa	Data Collection	2020	05/13/2020
10	05/24/2010	Michelle Eddy	WUP Compliance Technician Lead	Tampa	Water Use Permit	2020	05/24/2020
30	05/07/1990	Jan Burke	ERP Compliance Manager	Bartow	Environmental Resource Permit	2020	05/07/2020
30	05/21/1990	Charlie Holmlund	Service Support Coordinator	Brooksville	Information Technology	2020	05/21/2020