

Governing Board Meeting

Agenda and Meeting Information

May 25, 2021

9:00 a.m.

Tampa Office

7601 U.S. Highway 301 • Tampa, Florida
(813) 985-7481 • 1-800-423-1476

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



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

An Equal
Opportunity
Employer

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

Final Agenda GOVERNING BOARD MEETING

**MAY 25, 2021
9:00 AM**

**7601 U.S. Hwy 301, Tampa, FL 33637
(813) 985-7481**

All meetings are open to the public

- › Viewing of the Board meeting will be available through the District's website at 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 available at WaterMatters.org.

Bartow Office

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

Sarasota Office

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

Tampa Office

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

MEETING NOTICE

1. CONVENE PUBLIC MEETING

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

2. CONSENT AGENDA

- 2.1 **Resource Management Committee:** Initiation and Approval of Rulemaking to Amend Rules 40D-8.021, 40D-8.031 and 40D-8.624, Florida Administrative Code
- 2.2 **Regulation Committee:** Water Use Permit No. 20007846.030, Schroeder-Manatee Ranch, Inc. (Sarasota and Manatee Counties)
- 2.3 **General Counsel's Report:** Approval of Consent Order between SWFWMD and UP LA Leesburg, LLC - Violation of Permit Conditions for Construction - Environmental Resource Permit Nos. 44026730.005 & 43026730.008 - CT No. 407344 - Sumter County
- 2.4 **General Counsel's Report:** Approval of Consent Order between SWFWMD and The Villages of Lake Sumter, Inc.– Violation of Permit Conditions for Construction – Environmental Resource Permit Nos. 44026730.005 & 43026730.008 – CT No. 407344 – Sumter County
- 2.5 **General Counsel's Report:** Authorization to Issue Administrative Complaint and Order – Permit Condition Violations – Christ Church of Longboat Key, Inc. – Environmental Resource Permit No. 43007606.002 – CT No. 413561 – Manatee County
- 2.6 **General Counsel's Report:** Approval of Well Construction Permitting Delegation Agreement between the Southwest Florida Water Management District and Sarasota County, Florida, and Initiation and Approval of Rulemaking to Incorporate the Agreement by Reference
- 2.7 **General Counsel's Report:** Approval of Well Construction Permitting Delegation Agreement between the Southwest Florida Water Management District and the Florida Department of Health (Marion County, Florida), and Initiation and Approval of Rulemaking to Incorporate the Agreement by Reference
- 2.8 **General Counsel's Report:** Approval of Well Construction Permitting Delegation Agreement between the Southwest Florida Water Management District and Manatee County, Florida, and Initiation and Approval of Rulemaking to Incorporate the Agreement by Reference
- 2.9 **General Counsel's Report:** Governing Board Concurrence – SWFWMD Emergency Order – Emergency Measures Made Necessary by COVID-19
- 2.10 **Executive Director's Report:** Approve CFI Northern Region Meeting Minutes - April 7, 2021
- 2.11 **Executive Director's Report:** Approve CFI Southern Region Meeting Minutes - April 8, 2021
- 2.12 **Executive Director's Report:** Approve CFI Heartland Region Meeting Minutes - April 14, 2021
- 2.13 **Executive Director's Report:** Approve CFI Tampa Bay Region Meeting Minutes - April 15, 2021

2.14 **Executive Director's Report:** Approve Governing Board Minutes - April 27, 2021

3. FINANCE/OUTREACH & PLANNING COMMITTEE

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

3.2 **Discussion:** Information Only: 2021 Legislative Session Update

3.3 **Submit & File:** Information Only: Budget Transfer Report

4. RESOURCE MANAGEMENT COMMITTEE

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

4.2 **Discussion:** Action Item: Fiscal Year 2022 Cooperative Funding Update

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

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

5.2 **Discussion:** Action Item: Surplus Lands 5.0 Biennial Assessment

5.3 **Discussion:** Information Only: 2021 Hurricane Preparedness

6. REGULATION COMMITTEE

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

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

7. GENERAL COUNSEL'S REPORT

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

7.2 **Discussion:** Information Only: Central Florida Water Initiative Rulemaking Update

8. COMMITTEE/LIAISON REPORTS

8.1 **Discussion:** Information Only: Environmental Advisory Committee

8.2 **Discussion:** Information Only: Well Drillers Advisory Committee

9. EXECUTIVE DIRECTOR'S REPORT

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

10. CHAIR'S REPORT

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

10.2 **Discussion:** Information Only: Employee Milestones

ADJOURNMENT

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective January 12, 2021

OFFICERS	
Chair	Kelly S. Rice
Vice Chair	Joel Schleicher
Secretary	Rebecca Smith
Treasurer	James Murphy

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

RESOURCE MANAGEMENT COMMITTEE
Seth Weightman
Jack Bispham
Ed Armstrong
Michelle Williamson

REGULATION COMMITTEE
Roger Germann
Joel Schleicher
Rebecca Smith

FINANCE/OUTREACH AND PLANNING COMMITTEE
James Murphy
Rebecca Smith
Ed Armstrong
Ashley Bell Barnett

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

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

OTHER LIAISONS	
Central Florida Water Initiative	James Murphy
Spring Coast Steering Committee	John Mitten
Coastal & Heartland National Estuary Partnership Policy Committee	Jack Bispham
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	Rebecca Smith
Tampa Bay Regional Planning Council	Roger Germann

**Southwest Florida Water Management District Schedule of Meetings
Fiscal Year 2021**

5/13/2021

Governing Board Meeting

October 20, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
November 17, 2020 – 9:00 a.m., Tampa Office (Audio Visual Communication)
December 15, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
January 26, 2021 – 9:00 a.m., Tampa Office (Audio Visual Communication)
February 23, 2021 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
March 23, 2021 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
April 27, 2021 – 9:00 a.m., Brooksville Office (Audio Visual Communication)
May 25, 2021 – 9:00 a.m., Tampa Office (Audio Visual Communication)
June 22, 2021 – 9:00 a.m., Brooksville Office
July 27, 2021 – 9:00 a.m., Brooksville Office
August 24, 2021 – 9:00 a.m., Brooksville Office
September 28, 2021 – 3:00 p.m., Tampa Office

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

2021 – September 14 & 28

Agricultural & Green Industry Advisory Committee – 10:00 a.m., Brooksville Office/Audio Visual Communication

2020 – December 1

2021 – March 9, June 8, September 14

Environmental Advisory Committee – 10:00 a.m., Brooksville Office/Audio Visual Communication

2020 – October 13

2021 – January 12, April 13, July 13

Industrial Advisory Committee – 10:00 a.m., Brooksville Office/Audio Visual Communication

2020 – November 10

2021 – February 9, May 11, August 10

Public Supply Advisory Committee – 1:00 p.m., Brooksville Office/Audio Visual Communication

2020 – November 10

2021 – February 9, May 11, August 10

Springs Coast Management Committee – 1:30 p.m., Brooksville Office/Audio Visual Communication

2020 – October 21, December 9

2021 – January 6 (canceled), February 24, May 26, July 14

Springs Coast Steering Committee – 2:00 p.m., Brooksville Office/Audio Visual Communication

2020 – November 4

2021 – January 27, March 10, July 28

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

2020 – October 7 (canceled)

2021 – January 6 (canceled), April 7 (Audio Visual Communication), July 7

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

2021 – February 3 – Northern Region, Brooksville Office (Audio Visual Communication)

2021 – February 4 – Southern Region, Brooksville Office (Audio Visual Communication)

2021 – February 10 – Heartland Region, Brooksville Office (Audio Visual Communication)

2021 – February 11 – Tampa Bay Region, Brooksville Office (Audio Visual Communication)

2021 – April 7 – Northern Region, Brooksville Office (Audio Visual Communication)

2021 – April 8 – Southern Region, Brooksville Office (Audio Visual Communication)

2021 – April 14 – Heartland Region, Brooksville Office (Audio Visual Communication)

2021 – April 15 – Tampa Bay Region, Tampa Office (Audio Visual Communication)

Environmental Resource Permitting Advisory Group – 10:00 a.m., and

Water Use Permitting Advisory Group – 2:00 p.m., Tampa Office

2020 – November 18 (canceled)

2021 – March 31 (canceled), July 28

Meeting Locations

Brooksville Office – 2379 Broad Street, Brooksville, FL 34604

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

Governing Board Meeting
May 25, 2021

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CONVENE PUBLIC MEETING

May 25, 2021

Call to Order

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

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

May 25, 2021

Invocation and Pledge of Allegiance

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

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

May 25, 2021

Election of Governing Board Officers

According to Board Policy 110-7, election of officers shall occur annually in May. Elections will take place during the beginning of the District Business portion of the May Governing Board meeting. New officers will assume offices 24 hours prior to the June Governing Board meeting.

Presenter:

Kelly S. Rice, Chair

CONVENE PUBLIC MEETING

May 25, 2021

Additions/Deletions to Agenda

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

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

Staff Recommendation:

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

Presenter:

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

CONVENE PUBLIC MEETING

May 25, 2021

Public Input for Issues Not Listed on the Published Agenda

At this time, the Board will hear public input for issues not listed on the published agenda.

Presenter:

Kelly S. Rice, Chair

Governing Board Meeting

May 25, 2021

2. CONSENT AGENDA

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

- 2.1 **Resource Management Committee:** Initiation and Approval of Rulemaking to Amend Rules 40D-8.021, 40D-8.031 and 40D-8.624, Florida Administrative Code 9
- 2.2 **Regulation Committee:** Water Use Permit No. 20007846.030, Schroeder-Manatee Ranch, Inc. (Sarasota and Manatee Counties)..... 12
- 2.3 **General Counsel's Report:** Approval of Consent Order between SWFWMD and UP LA Leesburg, LLC - Violation of Permit Conditions for Construction - Environmental Resource Permit Nos. 44026730.005 & 43026730.008 - CT No. 407344 - Sumter County..... 36
- 2.4 **General Counsel's Report:** Approval of Consent Order between SWFWMD and The Villages of Lake Sumter, Inc.– Violation of Permit Conditions for Construction – Environmental Resource Permit Nos. 44026730.005 & 43026730.008 – CT No. 407344 – Sumter County..... 45
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- 2.7 **General Counsel's Report:** Approval of Well Construction Permitting Delegation Agreement between the Southwest Florida Water Management District and the Florida Department of Health (Marion County, Florida), and Initiation and Approval of Rulemaking to Incorporate the Agreement by Reference 74
- 2.8 **General Counsel's Report:** Approval of Well Construction Permitting Delegation Agreement between the Southwest Florida Water Management District and Manatee County, Florida, and Initiation and Approval of Rulemaking to Incorporate the Agreement by Reference 93
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2.10	Executive Director's Report: Approve CFI Northern Region Meeting Minutes – April 7, 2021.....	121
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CONSENT AGENDA**May 25, 2021****Resource Management Committee: Initiation and Approval of Rulemaking to Amend Rules 40D-8.021, 40D-8.031 and 40D-8.624, Florida Administrative Code***Purpose*

To request the Board to initiate rulemaking and approve proposed rule language to amend Rules 40D-8.021, 40D-8.031 and 40D-8.624, Florida Administrative Code (F.A.C.), to modify rule language to delete methodologies for the establishment of minimum lake levels, to revise minimum levels for 29 lakes, and to accept the report entitled: "Revised Minimum Levels Based on Reevaluation of Minimum Levels Adopted for 29 Lakes in the Southwest Florida Water Management District" dated March 24, 2021.

Background/History

Section 373.042(1)(b), F.S., defines the minimum water level of a surface water body as "...the level of surface water at which further withdrawals would be significantly harmful to the water resources or ecology of the area."

Currently, for lakes, detailed methodologies for developing minimum levels are adopted in Rule 40D-8.624, F.A.C., along with established minimum lake levels. Largely unchanged since the early-2000s, these methodologies require an update. These methodologies classify lakes into three "categories" that do not fully capture the hydrologic diversity of lakes included in the District's modern minimum lake levels program. Rules 40D-8.021 and 40D-8.031, F.A.C., contain definitions and language related to these methodologies and other outdated terms and references. Removing these older prescriptive methodologies, categories, and associated language from these rules will allow minimum lake levels to be individually tailored to each lake based on its unique hydrologic behavior, setting, and characteristics. Methodologies will continue to be documented in lake-specific reports, and any new methodologies will be subject to independent scientific peer review.

Additionally, Rule 40D-8.624, F.A.C. currently contains guidance levels for each lake with minimum levels. Guidance levels provide advisory information regarding the expected ranges of water level fluctuations in the lake. For minimum level lakes with District-owned operable structures, guidance levels are considered during the development of structural operations plans. However, the District does not use guidance levels adopted after 2000 for regulatory purposes. Therefore, removing these guidance levels and associated language from rule will streamline rule language. These guidance levels will continue to be documented in lake-specific reports for reference by District staff and other interested parties.

Finally, legacy methodologies directed the establishment of minimum lake levels at Historic conditions (total absence of withdrawals) for certain lake categories. However, in developing minimum levels, 373.0421(1)(a), F.S., directs that consideration shall be given to "...changes and structural alterations to watersheds, surface waters, and aquifers and the effects such changes or alterations have had, and the constraints such changes or alterations have placed, on the hydrology..." After further consideration of the effects of watershed changes and structural alterations, reevaluation was conducted for 29 lakes with minimum levels established at Historic conditions. The proposed minimum levels implement a change that protects the lakes from significant harm, as required by Section 373.042(1)(b), F.S. and Rule 62-40.473, F.A.C., while also acknowledging the effects that watershed changes and structural alterations have placed on each lake, as directed by Section 373.0421(1)(a), F.S. The proposed revisions will also

make the minimum levels for these lakes more consistent with the way minimum levels are set for the majority of other lakes in the District.

The technical report outlining the development of the newly-proposed minimum lake levels was posted on the District's website on March 24, 2021. In order to maintain a process of receiving valuable feedback from stakeholders on the proposed minimum and guidance levels, while also ensuring health, safety, and wellbeing, stakeholders were notified and directed to a District webpage. The webpage included information about how minimum lake levels and guidance levels are developed; the draft report; and an electronic comment card for public comment on the proposed levels. Staff contact details were also provided for stakeholders to request personal assistance. The District received comments from numerous residents regarding the proposed changes. The questions and comments, to date, were resolved by staff through information provided to the stakeholders and did not result in changes to the proposed levels. A summary of the comments received is available upon request. The final draft of the technical report is available at https://www.swfwmd.state.fl.us/sites/default/files/documents-and-reports/reports/Historic_P50_Lakes_Final_Draft_Report_29_lakes.pdf

The District will continue regular monitoring of water levels in the lakes and routinely evaluate the status of the water levels each year with respect to adopted minimum levels for the lakes included in Chapter 40D-8, F.A.C.

Benefits/Costs

Adoption of the rule amendments will streamline rule language, modernize the process of establishing minimum lake levels, and make minimum lake levels more consistent across the District.

A Statement of Estimated Regulatory Costs is not required as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

Upon Governing Board approval of the proposed revisions, staff will proceed with formal rulemaking without further Governing Board action. If substantive changes are necessary as the result of comments received from the public or from reviewing entities such as the Governor's Office of Fiscal Accountability and Regulatory Reform or the Joint Administrative Procedures Committee, this matter will be brought back to the Governing Board for consideration.

Staff Recommendation:

- A. Accept the report entitled, "Revised Minimum Levels Based on Reevaluation of Minimum Levels Adopted for 29 Lakes in the Southwest Florida Water Management District."
- B. Authorize the initiation of rulemaking and approve the proposed rule language to amend Rules 40D-8.021, 40D-8.031 and 40D-8.624, F.A.C., to update obsolete language and delete methodologies, categories and guidance levels for minimum lake levels, as shown in the Exhibit.
- C. Authorize the initiation of rulemaking and approve the proposed rule language to amend Rule 40D-8.624, F.A.C., to replace the previously approved minimum lake levels with the proposed levels for 29 lakes, as shown in the Exhibit.
- D. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.

Presenters:

Cortney Cameron, Staff Hydrogeologist, Water Resources Bureau, and
Adrienne Vining, Assistant General Counsel, Office of General Counsel

CONSENT AGENDA

May 25, 2021

Regulation Committee: Water Use Permit No. 20007846.030, Schroeder-Manatee Ranch, Inc.
(Sarasota and Manatee Counties)

This is a modification of an existing water use permit for both agricultural and landscape/recreation use. This permit involves the redistribution of quantities as the property transitions from agricultural use to landscape/recreation use with continued site development.

The permit provides for no change in the annual average and peak month quantities and a decrease in the crop protection quantity. The permit authorizes an annual average quantity of 18,237,900 gallons per day (gpd); a peak month quantity of 55,731,500 gpd; and a decrease in the crop protection from 28,642,100 gpd to 8,482,100 gpd from all combined sources. The authorized annual average groundwater withdrawal is reduced from 6,252,200 gpd to 6,203,800 gpd, with an additional 4,000,000 gpd of groundwater available on a standby basis for when reclaimed is not available.

The permitted use will continue to transition from mixed agricultural and landscape/recreation to primarily landscape/recreation use during the permit duration. As part of this change, and in cooperative funding partnership with the District, the Permittee will increasingly rely on reclaimed water deliveries from Manatee County and the cities of Bradenton and Sarasota. Reclaimed water use to date has been as high as approximately 7.6 MGD, and Braden River Utilities' (BRU) current reclaimed water contracts identify that up to 15 MGD of reclaimed water could potentially be available in the future.

The quantities for meeting irrigation demand are based on the District's irrigation allotment calculation program, AGMOD. This modification adds 24 District IDs (DIDs Nos. 163-186). These DIDs consist of eight reclaimed water delivery points, 12 repump surface water stations, three redistribution points and one new standby augmentation well. Several abandoned wells and reclaimed water delivery points are removed from the permit (DID Nos. 2, 3, 16, 43, 55, 81, 82, 83, 84, 85, 86, 87, 88 and 90). The quantities from the abandoned wells were redistributed to other wells on the permit. As a result of redistributing the groundwater quantities, 48,400 gpd of annual average and 310,200 gpd of peak month are retired from the permit. This permit is located within the Most Impacted Area of the Southern Water Use Caution Area (SWUCA-MIA), relies on multiple sources of AWS to meet a significant portion of the existing irrigation demand, and will continue to expand the use of AWS during the term of the renewal.

Special conditions include those that require the Permittee to report meter readings monthly, to perform meter accuracy checks every five years, to report quantities used for crop protection, to comply with the allocated quantities, to construct proposed wells according to approved specifications and provide well completion reports, to implement the approved Conservation Plans, to submit both seasonal and annual crop reports, to use AWS to the greatest extent practical, to cap any wells not in use, to comply with the prohibition on lake augmentation for aesthetic purposes, to comply with the SWUCA recovery strategy, to submit water quality data quarterly, to submit a comprehensive Operations Summary Report every five years, and to submit an annual update on Environmental Resource Permitting.

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.E., Bureau Chief, Water Use Permit Bureau

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 007846.030**

PERMIT ISSUE DATE: May 25, 2021

EXPIRATION DATE: January 24, 2037

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

TYPE OF APPLICATION: Modification

GRANTED TO: Schroeder-Manatee Ranch, Inc./Attn: Robert Simons
14400 Covenant Way
Bradenton, FL 34202

PROJECT NAME: Schroeder - Manatee Ranch Inc.

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

COUNTY: Sarasota, Manatee

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

ANNUAL AVERAGE	18,237,900 gpd
PEAK MONTH ¹	55,731,500 gpd
DROUGHT ANNUAL AVERAGE ²	20,595,100 gpd
CROP PROTECTION/MAXIMUM ³	8,482,100 gpd

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

ABSTRACT:

This is a modification of an existing water use permit for both agricultural and landscape/recreation use. This permit involves the redistribution of quantities as the property transitions from agricultural use to landscape/recreation use with continued site development. The permit provides for no change in the annual average and peak month quantities and a decrease in the crop protection quantity. The permit authorizes an annual average quantity of 18,237,900 gallons per day (gpd); a peak month quantity of 55,731,500 gpd; and a decrease in the crop protection quantity from 28,642,100 gpd to 8,482,100 gpd from all combined sources. The authorized annual average groundwater withdrawal is reduced from 6,252,200 gpd to 6,203,800 gpd, with an additional 4,000,000 gpd of groundwater available on a standby basis for when reclaimed is not available.

The permitted use will continue to transition from mixed agricultural and landscape/recreation to primarily landscape/recreation use during the permit duration. As part of this change, and in a cooperative funding partnership with the District, the Permittee will increasingly rely on reclaimed water deliveries from Manatee County and the cities of Bradenton and Sarasota. Reclaimed water use to date has been as high as approximately 7.6 MGD, and Braden River Utilities' (BRU) current reclaimed water contracts identify that up to 15 MGD of reclaimed water could potentially be available in the future.

The quantities for meeting irrigation demand are based on the District's irrigation allotment calculation program, AGMOD. This modification adds 24 District IDs (DIDs Nos. 163-186). These DIDs consist of eight reclaimed water delivery points, 12 repump surface water stations, three redistribution points and one new standby augmentation well. Several abandoned wells and reclaimed water delivery points are removed from the permit (DID Nos. 2, 3, 16, 43, 55, 81, 82, 83, 84, 85, 86, 87, 88 and 90). The quantities from the abandoned wells were redistributed to other wells on the permit. As a result of redistributing the groundwater quantities, 48,400 gpd of annual average and 310,200 gpd of peak month are retired from the permit. This permit is located within the Most Impacted Area of the Southern Water Use Caution Area (SWUCA-MIA), relies on multiple sources of AWS to meet a significant portion of the existing irrigation demand, and will continue to expand the use of AWS during the term of the renewal.

Special conditions include those that require the Permittee to report meter readings monthly, to perform meter accuracy checks every five years, to report quantities used for crop protection, to comply with the allocated quantities, to construct proposed wells according to approved specifications and provide well completion reports, to implement the approved Conservation Plans, to submit both seasonal and annual crop reports, to use AWS to the greatest extent practical, to cap any wells not in use, to comply with the prohibition on lake augmentation for aesthetic purposes, to comply with the SWUCA recovery strategy, to submit water quality data quarterly, to submit a comprehensive Operations Summary Report every five years, and to submit an annual update on Environmental Resource Permitting.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>	<u>DROUGHT ANNUAL AVERAGE</u>	<u>CROP PROTECTION /MAXIMUM</u>
Agricultural	3,598,900	11,932,500	3,997,100	8,482,100
Landscape/Recreation	14,639,000	43,799,000	16,598,000	N/A

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>	<u>DROUGHT IRRIGATION RATE</u>
Citrus	215.50	Low Volume Spray	13.55"/yr.	25.88"/yr.
Golf Course	736.00	Sprinkler Over Plant	31.88"/yr.	31.88"/yr.
Lawn & Landscape	95.00	Sprinkler Over Plant	27.73"/yr.	27.73"/yr.
Lawn & Landscape	703.00	Sprinkler Over Plant	13.55"/yr.	16.06"/yr.
Lawn & Landscape	95.00	Sprinkler Over Plant	29.73"/yr.	29.73"/yr.
Lawn & Landscape	6,115.50	Sprinkler Over Plant	33.72"/yr.	37.11"/yr.
Lawn & Landscape	798.00	Sprinkler Over Plant	41.88"/yr.	43.92"/yr.
Melons	95.00	Drip With Plastic	29.73"/yr.	29.73"/yr.
Strawberries	95.00	Drip With Plastic	27.73"/yr.	27.73"/yr.
Animals				

WITHDRAWAL POINT QUANTITY TABLE

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

I.D. NO. PERMITTEE/ DISTRICT	DIAM (in.)	DEPTH TTL./CSD.FT. (feet bls)	USE DESCRIPTION	AVERAGE (gpd)	PEAK MONTH (gpd)	CROP PROTECTION (gpd)
M1 / 1	10	832 / 385	Irrigation	406,100	1,460,800	2,880,000
M4 / 4	12	1,586 / 700	Irrigation	616,500	4,320,000	N/A
Standby						
M15 / 15	10	UNK / UNK	Irrigation	46,500	1,089,000	2,880,000
M24 / 24	10	958 / 80	Irrigation	91,600	259,500	N/A
Standby						
M26 / 26	10	1,225 / 82	Irrigation	438,200	1,296,000	N/A
M34 / 34	8	1,183 / 110	Augmentation	34,500	538,300	N/A
M39 / 39	8	1,144 / 514	Irrigation	48,400	137,200	N/A
Standby						
M40 / 40	8	1,367 / 430	Irrigation	48,400	137,200	N/A
Standby						
M50 / 50	6	N/A / N/A	Irrigation	213,000	434,000	N/A
51 / 51	12	N/A / N/A	Irrigation	893,300	1,895,200	N/A
52 / 52	14	1,000 / 340	Irrigation	130,900	1,219,900	N/A
53 / 53	12	N/A / N/A	Irrigation	893,300	1,895,200	N/A
M54 / 54	16	1,200 / 450	Irrigation	877,900	2,580,600	N/A
M-56 / 56	5	400 / 120	Irrigation	14,800	42,000	N/A
Standby						
M57 / 57	12	N/A / N/A	Irrigation	1,321,000	2,800,900	N/A
M58 / 58	16	N/A / N/A	Irrigation	893,300	1,895,200	N/A
M59 / 59	12	N/A / N/A	Irrigation	893,300	1,895,200	N/A
61 / 61	16	1,200 / 450	Irrigation	227,500	3,586,600	N/A
62 / 62	5	400 / 120	Irrigation	3,900	16,600	N/A
63 / 63	5	400 / 120	Irrigation	5,200	22,600	N/A
M64 / 64	5	UNK / UNK	Irrigation	700	2,800	N/A
65 / 65	16	1,200 / 450	Irrigation	45,400	764,600	N/A
66 / 66	16	1,200 / 450	Irrigation	137,300	389,300	N/A
Standby						
67 / 67	16	1,200 / 450	Irrigation	787,700	2,580,600	N/A
69 / 69	16	1,200 / 450	Irrigation	42,900	2,645,900	N/A
70 / 70	16	1,200 / 450	Irrigation	93,700	972,900	N/A
73 / 73	12	N/A / N/A	Irrigation	65,300	138,400	N/A
91 / 91	12	N/A / N/A	Re-Pump	170,000	N/A	N/A
92 / 92	12	N/A / N/A	Re-Pump	213,000	430,900	N/A
93 / 93	12	N/A / N/A	Re-Pump	353,700	715,500	N/A
94 / 94	12	N/A / N/A	Irrigation	353,700	720,700	N/A
95 / 95	12	N/A / N/A	Irrigation	285,800	582,400	N/A
96 / 96	12	N/A / N/A	Re-Pump	223,300	451,700	N/A
97 / 97	12	N/A / N/A	Irrigation	223,300	455,000	N/A
98 / 98	10	N/A / N/A	Irrigation	500,000	1,000,000	N/A
Standby						
99 / 99	10	N/A / N/A	Irrigation	500,000	1,000,000	N/A
Standby						
100 / 100	16	1,110 / 575	Irrigation	530,100	2,808,000	N/A
101 / 101	12	1,270 / 520	Irrigation	224,800	454,700	N/A
102 / 102	16	1,200 / 500	Irrigation	393,900	2,808,000	N/A
103 / 103	16	1,200 / 500	Irrigation	88,600	4,320,000	N/A
105 / 105	16	1,200 / 500	Irrigation	174,800	2,163,800	N/A
106 / 106	16	N/A / N/A	Re-Use	670,000	1,353,400	N/A
107 / 107	12	N/A / N/A	Re-Use	1,250,000	2,525,000	N/A


108 / 108	12	N/A / N/A	Re-Use	1,250,000	2,525,000	N/A
109 / 109	12	N/A / N/A	Irrigation	91,500	194,100	N/A
110 / 110	12	N/A / N/A	Irrigation	893,300	1,895,200	N/A
111 / 111	16	1,200 / 500	Irrigation	9,800	529,400	2,722,100
112 / 112	16	1,200 / 500	Irrigation	1,024,000	4,320,000	N/A
Standby						
113 / 113	16	1,200 / 450	Irrigation	150,000	389,300	N/A
Standby						
114 / 114	12	N/A / N/A	Irrigation	118,600	251,600	N/A
115 / 115	12	N/A / N/A	Irrigation	190,900	404,800	N/A
116 / 116	12	N/A / N/A	Irrigation	247,700	525,400	N/A
117 / 117	12	N/A / N/A	Re-Pump	123,500	249,700	N/A
118 / 118	12	N/A / N/A	Irrigation	401,900	852,500	N/A
119 / 119	12	N/A / N/A	Re-Use	670,000	1,353,400	N/A
120 / 120	12	1,200 / 500	Augmentation	277,400	719,800	N/A
Standby						
121 / 121	12	N/A / N/A	Irrigation	107,900	228,900	N/A
122 / 122	12	N/A / N/A	Irrigation	449,600	916,100	N/A
123 / 123	12	N/A / N/A	Irrigation	118,600	251,600	N/A
124 / 124	16	N/A / N/A	Re-Pump	224,800	454,700	N/A
125 / 125	12	N/A / N/A	Irrigation	224,800	458,100	N/A
126 / 126	12	N/A / N/A	Irrigation	266,500	565,100	N/A
127 / 127	12	N/A / N/A	Irrigation	118,600	251,600	N/A
128 / 128	12	N/A / N/A	Irrigation	118,600	251,600	N/A
129 / 129	12	N/A / N/A	Re-Use	670,000	1,353,400	N/A
130 / 130	12	N/A / N/A	Re-Use	670,000	1,353,400	N/A
131 / 131	12	N/A / N/A	Re-Use	670,000	1,353,400	N/A
132 / 132	12	N/A / N/A	Irrigation	118,600	251,600	N/A
133 / 133	12	N/A / N/A	Irrigation	118,600	251,600	N/A
134 / 134	12	N/A / N/A	Re-Use	123,500	249,700	N/A
135 / 135	12	N/A / N/A	Re-Use	1,250,000	2,525,000	N/A
136 / 136	12	N/A / N/A	Re-Use	1,250,000	2,525,000	N/A
137 / 137	12	N/A / N/A	Irrigation	75,100	159,300	N/A
138 / 138	12	N/A / N/A	Irrigation	104,700	222,000	N/A
139 / 139	12	N/A / N/A	Re-Use	670,000	1,353,400	N/A
140 / 140	12	N/A / N/A	Irrigation	139,400	295,700	N/A
141 / 141	12	N/A / N/A	Re-Use	3,000,000	6,060,000	N/A
142 / 142	12	N/A / N/A	Re-Use	500,000	1,010,000	N/A
143 / 143	12	N/A / N/A	Re-Use	375,000	757,500	N/A
144 / 144	12	1,200 / 500	Augmentation	198,700	515,600	N/A
Standby						
145 / 145	12	1,200 / 500	Augmentation	257,900	669,200	N/A
Standby						
146 / 146	12	1,200 / 500	Augmentation	418,400	1,085,800	N/A
Standby						
147 / 147	12	1,200 / 500	Augmentation	145,100	376,600	N/A
Standby						
148 / 148	12	1,200 / 500	Augmentation	187,100	485,600	N/A
Standby						
149 / 149	12	N/A / N/A	Re-Pump	198,700	401,900	N/A
150 / 150	12	N/A / N/A	Re-Pump	257,900	521,600	N/A
151 / 151	12	N/A / N/A	Re-Pump	112,400	227,300	N/A
152 / 152	12	N/A / N/A	Re-Pump	95,300	192,700	N/A
153 / 153	12	N/A / N/A	Re-Pump	67,900	137,400	N/A
154 / 154	12	N/A / N/A	Re-Pump	418,400	846,300	N/A
155 / 155	12	1,200 / 450	Augmentation	130,000	337,400	N/A
Standby						
156 / 156	12	N/A / N/A	Re-Use	375,000	757,500	N/A

157 / 157	12	N/A / N/A	Irrigation	120,300	264,900	N/A
158 / 158	12	N/A / N/A	Irrigation	120,300	264,900	N/A
159 / 159	12	N/A / N/A	Irrigation	120,300	264,900	N/A
160 / 160	12	N/A / N/A	Re-Use	250,000	505,000	N/A
161 / 161	12	N/A / N/A	Irrigation	120,300	264,900	N/A
162 / 162	12	N/A / N/A	Irrigation	120,300	264,900	N/A
163 / 163	12	N/A / N/A	Re-Pump	500,000	1,000,000	N/A
164 / 164	12	N/A / N/A	Re-Pump	500,000	1,000,000	N/A
165 / 165	12	N/A / N/A	Re-Pump	250,000	500,000	N/A
166 / 166		N/A / N/A	Augmentation	500,000	1,000,000	N/A
167 / 167	12	N/A / N/A	Re-Pump	250,000	500,000	N/A
168 / 168	12	N/A / N/A	Re-Pump	500,000	1,000,000	N/A
169 / 169	12	N/A / N/A	Re-Pump	250,000	500,000	N/A
170 / 170		N/A / N/A	Augmentation	500,000	1,000,000	N/A
171 / 171	12	N/A / N/A	Re-Pump	250,000	500,000	N/A
172 / 172		N/A / N/A	Augmentation	500,000	1,000,000	N/A
173 / 173	12	N/A / N/A	Re-Pump	250,000	500,000	N/A
174 / 174		N/A / N/A	Augmentation	500,000	1,000,000	N/A
175 / 175	12	N/A / N/A	Re-Pump	250,000	500,000	N/A
176 / 176	12	N/A / N/A	Re-Pump	250,000	500,000	N/A
177 / 177	12	N/A / N/A	Re-Pump	250,000	500,000	N/A
178 / 178		N/A / N/A	Augmentation	500,000	1,000,000	N/A
179 / 179		N/A / N/A	Augmentation	500,000	1,000,000	N/A
180 / 180	12	N/A / N/A	Re-Pump	250,000	500,000	N/A
181 / 181	12	N/A / N/A	Re-Pump	250,000	500,000	N/A
182 / 182		N/A / N/A	Augmentation	500,000	1,000,000	N/A
183 / 183	12	N/A / N/A	Re-Pump	250,000	500,000	N/A
184 / 184		N/A / N/A	Augmentation	500,000	1,000,000	N/A
185 / 185	12	N/A / N/A	Re-Pump	250,000	500,000	N/A
186 / 186	16	1,200 / 500	Augmentation	130,000	337,400	N/A
Standby						

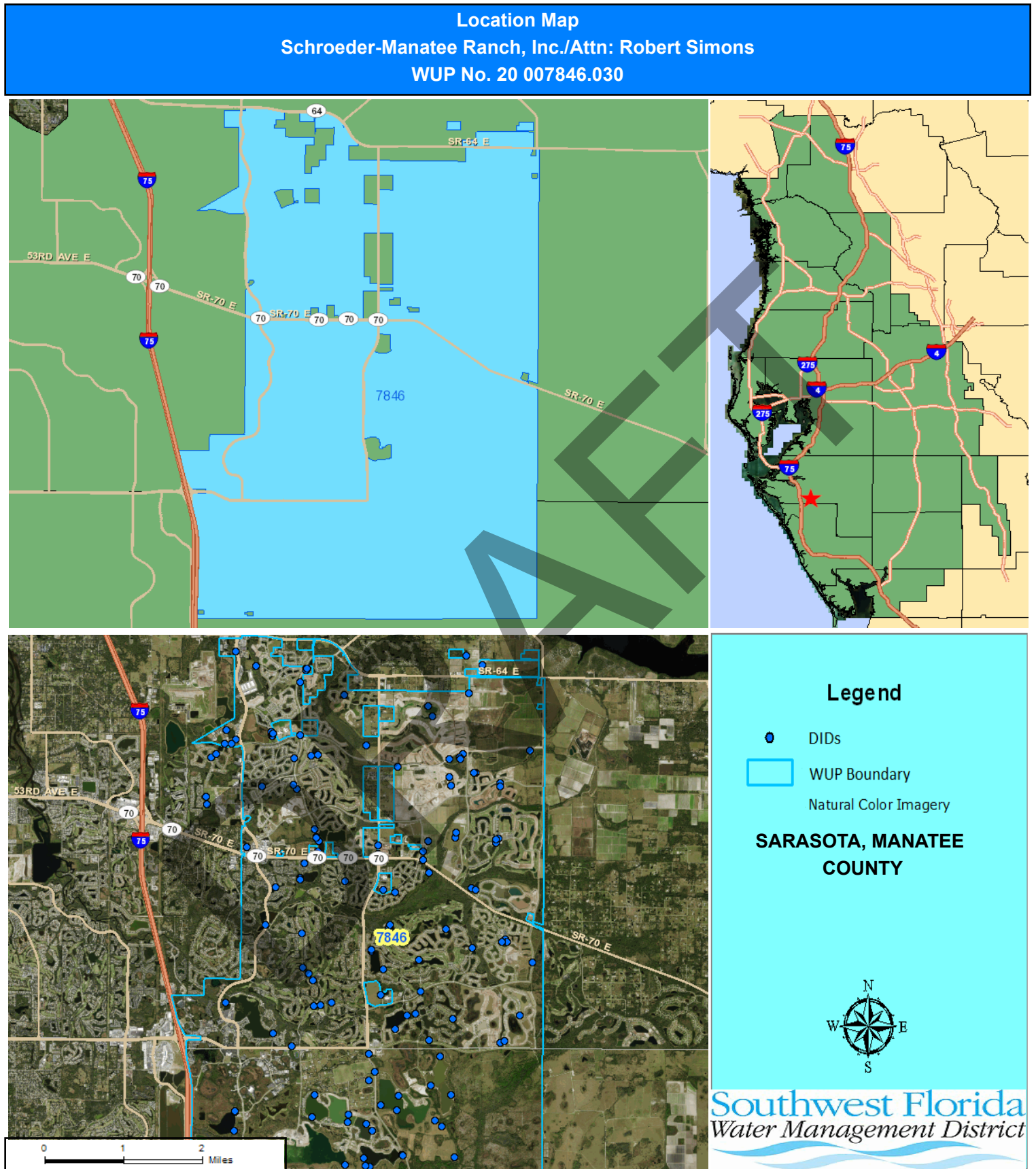
WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	27° 28' 41.45"/82° 22' 02.75"
4	27° 28' 16.90"/82° 22' 16.45"
15	27° 27' 13.32"/82° 23' 25.49"
24	27° 25' 35.00"/82° 24' 15.79"
26	27° 25' 25.56"/82° 23' 27.54"
34	27° 24' 27.52"/82° 23' 03.68"
39	27° 22' 51.09"/82° 23' 46.90"
40	27° 22' 43.80"/82° 23' 52.17"
50	27° 23' 47.71"/82° 24' 45.97"
51	27° 23' 23.68"/82° 25' 25.97"
52	27° 26' 09.65"/82° 22' 55.04"
53	27° 22' 16.11"/82° 26' 02.24"
54	27° 24' 09.68"/82° 24' 46.89"
56	27° 28' 52.27"/82° 26' 03.51"
57	27° 26' 00.26"/82° 24' 42.30"
58	27° 21' 47.81"/82° 25' 47.86"
59	27° 21' 39.20"/82° 23' 19.34"
61	27° 23' 12.97"/82° 25' 07.71"
62	27° 26' 04.27"/82° 25' 52.07"
63	27° 25' 58.56"/82° 23' 44.21"
64	27° 26' 05.92"/82° 23' 44.15"
65	27° 24' 56.90"/82° 25' 33.06"
66	27° 25' 42.78"/82° 22' 54.07"
67	27° 23' 41.39"/82° 23' 06.89"
69	27° 28' 39.92"/82° 25' 43.70"
70	27° 26' 19.91"/82° 24' 45.58"
73	27° 22' 31.09"/82° 24' 44.89"
91	27° 28' 49.82"/82° 22' 18.81"
92	27° 23' 48.34"/82° 24' 39.67"
93	27° 24' 20.15"/82° 24' 56.75"
94	27° 24' 15.51"/82° 24' 51.53"
95	27° 24' 19.56"/82° 23' 38.26"
96	27° 24' 55.99"/82° 23' 32.93"
97	27° 24' 57.18"/82° 23' 31.82"
98	27° 22' 00.04"/82° 26' 02.95"
99	27° 21' 29.34"/82° 23' 50.92"
100	27° 26' 56.30"/82° 25' 36.88"
101	27° 26' 11.84"/82° 21' 46.91"
102	27° 25' 36.06"/82° 24' 59.99"
103	27° 27' 28.37"/82° 21' 16.99"
105	27° 24' 37.99"/82° 22' 11.83"

106	27° 21' 36.17"/82° 25' 53.49"
107	27° 26' 13.02"/82° 24' 44.27"
108	27° 26' 09.60"/82° 24' 41.53"
109	27° 22' 13.81"/82° 24' 11.72"
110	27° 23' 49.82"/82° 26' 11.90"
111	27° 27' 32.05"/82° 23' 56.17"
112	27° 27' 24.98"/82° 22' 22.00"
113	27° 28' 26.59"/82° 25' 00.26"
114	27° 26' 12.54"/82° 24' 44.57"
115	27° 22' 39.36"/82° 22' 52.42"
116	27° 22' 04.12"/82° 22' 40.98"
117	27° 23' 27.76"/82° 23' 26.61"
118	27° 22' 18.21"/82° 23' 25.02"
119	27° 21' 30.66"/82° 24' 14.98"
120	27° 21' 32.75"/82° 25' 22.14"
121	27° 22' 05.70"/82° 23' 54.79"
122	27° 26' 11.68"/82° 21' 49.19"
123	27° 26' 58.13"/82° 25' 06.39"
124	27° 27' 23.05"/82° 24' 49.49"
125	27° 27' 23.95"/82° 24' 43.14"
126	27° 21' 42.49"/82° 25' 19.81"
127	27° 27' 24.00"/82° 24' 43.11"
128	27° 24' 36.09"/82° 23' 50.37"
129	27° 21' 59.74"/82° 26' 03.32"
130	27° 21' 29.79"/82° 23' 55.31"
131	27° 21' 41.67"/82° 25' 53.56"
132	27° 23' 39.38"/82° 23' 15.32"
133	27° 24' 43.47"/82° 21' 38.39"
134	27° 24' 43.42"/82° 21' 43.48"
135	27° 26' 54.44"/82° 25' 03.12"
136	27° 26' 08.38"/82° 21' 49.15"
137	27° 21' 31.93"/82° 26' 13.18"
138	27° 21' 35.51"/82° 25' 35.31"
139	27° 27' 23.08"/82° 24' 49.49"
140	27° 21' 36.77"/82° 23' 57.16"
141	27° 21' 36.93"/82° 25' 57.25"
142	27° 27' 40.67"/82° 24' 59.95"
143	27° 27' 33.10"/82° 26' 13.38"
144	27° 22' 31.24"/82° 22' 32.30"
145	27° 21' 37.41"/82° 22' 29.10"
146	27° 22' 30.32"/82° 23' 23.37"
147	27° 21' 39.47"/82° 23' 19.84"
148	27° 21' 42.75"/82° 25' 57.39"



149	27° 23' 04.29"/82° 22' 42.89"
150	27° 22' 09.43"/82° 22' 47.87"
151	27° 22' 00.40"/82° 23' 49.16"
152	27° 22' 07.38"/82° 24' 12.67"
153	27° 22' 11.73"/82° 24' 47.78"
154	27° 22' 22.33"/82° 23' 40.79"
155	27° 22' 16.45"/82° 26' 02.44"
156	27° 27' 39.65"/82° 25' 27.63"
157	27° 27' 42.23"/82° 25' 28.16"
158	27° 27' 43.72"/82° 25' 28.03"
159	27° 27' 41.97"/82° 25' 26.60"
160	27° 28' 36.82"/82° 24' 54.46"
161	27° 28' 38.08"/82° 24' 54.15"
162	27° 28' 38.07"/82° 24' 54.78"
163	27° 24' 34.77"/82° 23' 50.15"
164	27° 23' 18.11"/82° 22' 54.28"
165	27° 23' 36.74"/82° 22' 30.75"
166	27° 25' 29.35"/82° 22' 12.93"
167	27° 25' 28.13"/82° 22' 08.96"
168	27° 23' 16.41"/82° 21' 44.32"
169	27° 23' 17.92"/82° 21' 40.55"
170	27° 25' 53.74"/82° 23' 00.52"
171	27° 26' 00.60"/82° 23' 00.46"
172	27° 26' 59.98"/82° 21' 45.19"
173	27° 26' 56.88"/82° 21' 45.39"
174	27° 27' 08.78"/82° 22' 08.99"
175	27° 27' 08.46"/82° 22' 11.30"
176	27° 27' 21.43"/82° 22' 24.53"
177	27° 27' 22.12"/82° 22' 24.70"
178	27° 27' 20.27"/82° 22' 35.01"
179	27° 27' 57.18"/82° 22' 51.71"
180	27° 28' 06.12"/82° 22' 55.62"
181	27° 27' 20.71"/82° 22' 24.46"
182	27° 26' 57.36"/82° 22' 32.83"
183	27° 27' 05.05"/82° 22' 35.03"
184	27° 26' 12.74"/82° 22' 29.03"
185	27° 26' 17.41"/82° 22' 28.32"
186	27° 23' 50.06"/82° 26' 12.13"



STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

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

All mailed reports and data are to be sent to:

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

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

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

2. The Permittee shall document and report on District forms, the beginning and ending hours and dates of operation of each withdrawal point used for the protection of crops from frost, freeze or heat damage. The report shall include the gallons per day pumped from each withdrawal point based on irrigation system capacity, or if available, totalizing flow meter readings. This report shall be submitted by the 10th day of the month following irrigation for crop protection. The crop protection daily quantities specified in this permit are solely for the purpose of crop protection, and do not apply to routine irrigation practices. Irrigation for crop protection shall not exceed the crop protection daily quantity listed on the permit and shall not cause water to go to waste.
(1)
3. The annual average, peak month and crop protection/maximum day quantities for the individual withdrawals, as shown in the withdrawal point quantity table, are estimates based on projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary so long as adverse impacts to the resource and to existing legal users do not result, and the Permittee complies with all other conditions of this Permit. In all cases, the total annual average, peak month and crop protection withdrawals from all sources combined are limited to 18.2379 MGD, 55.7315 MGD and 8.4821 MGD, respectively.
(221)
4. The Permittee shall construct the proposed wells according to the surface diameter and casing depth specifications below. The casing shall be continuous from land surface to the minimum depth stated and is specified to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth at which high producing zones are encountered. However, it is the Permittee's responsibility to have the water in the well sampled during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by the Permittee, and to ensure that withdrawals from the well will not cause salt-water

intrusion. All depths given are in feet below land surface. For Well Construction requirements see Exhibit B, Well Construction Instructions, attached to and made part to this permit.

District ID Nos. 111, 112, 113, 120, 144, 145, 146, 148 and 186, Permittee ID Nos. 111, 112, 113, 120, 144, 145, 146, 148 and 186, having a surface diameter of 16 inches, with a minimum casing depth of 500 feet drilled to an estimated total depth of 1200 feet.

(240)

5. 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)
6. 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)
7. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)
8. 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)
9. 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)
10. The Permittee shall geophysically (caliper) or video log District ID Nos. 15, 35, 41, 42 and 64, Permittee ID Nos. M15, M35, M41, M42 and M64, 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)

11. 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)

12. The Permittee shall immediately implement the District-approved water conservation plans for agriculture [SMR Farms, LLC - Agricultural Water Conservation and AWS Plan] and for residential irrigation [Braden River Utilities (BRU) - Water Conservation and AWS Plan] which were submitted on January 8, 2016 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 described in the Operations Summary Report each five years.(449)
13. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for annual crops for each permitted irrigation withdrawal point, District ID. Nos. 15 111, Permittee ID Nos. M15 and 111:
 1. Crop type,
 2. Irrigated acres,
 3. Irrigation method (NTBWUCA only),
 4. Dominant soil type per crop or the number of acres per crop on that dominant soil type, and
 5. If used, quantities used for crop protection.This information shall be submitted by March 1 of each year documenting irrigation for the previous calendar year.
(474)
14. The permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for recreation/aesthetic/golf irrigation use for each permitted irrigation withdrawal point, District ID. Nos. 4, 24, 26, 34, 39-40, 50-54, 56-59, 61-70, 73, 94-95, 97, 100-103, 105, 109- 110, 112-116, 118, 120-123, 125-128, 132-133, 137-138, 140, 144-148, 155, 157-159 and 161-162, Permittee ID Nos. M4, M24, M26, M34, M39-M40, M50-M54, M56-59, M61-M70, 73, 94-95, 97, 100-103, 105, 109- 110, 112-116, 118, 120-123, 125-128, 132-133, 137-138, 140, 144-148, 155, 157-159 and 161-162:
 1. Irrigated plant type,
 2. Total Acres per plant type,
 3. Acres shrubs and/or trees,
 4. Number of acres of tees and greens, and
 5. Dominant soil type or acres by dominant soil type.This information shall be submitted by March 1 of each year documenting irrigation for the previous calendar year.
(475)
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. No. 1, Permittee ID No. M1:
 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. The Permittee shall submit a copy of all well completion reports as filed with the Environmental Action Commission of Manatee County or Sarasota County Health Department to the Water Use Permit Bureau within 30 days of each well completion.(508)

17. The Permittee shall submit an Operations Summary Report for the preceding 5 years by April 1, 2022 (January 2017 thru December 2021); April 1, 2027 (January 2022 thru December 2026); and April 1, 2032 (January 2027 thru December 2031). Should District staff's review of a report determine that permit modification is necessary in order to ensure that the authorized water use continues to meet the Conditions for Issuance established in Chapter 40D-2.301, FAC, upon proper notice and hearing the District Governing Board may seek to modify this permit accordingly. The report shall include the following:
- A. An analysis of the total water use from each source (groundwater, surface water, and reclaimed water) on an annual average basis, in table and graphic format, for both the 5-year reporting period and since issuance of WUP 20007846.028. The report should summarize all water conservation measures employed during the reporting period, and estimate the annual average quantity of groundwater that was offset by these activities including the use of AWS. The report should also provide a description of conservation measures to be implemented over the next reporting period, including ongoing efforts to maximize the use of AWS. All raw data should be provided in electronic format.
- B. An analysis of projected demand during the next reporting period for both agricultural and recreational/aesthetic Use Types, on an annual average basis and with each source quantified (groundwater, surface water, and reclaimed water). Aerial photos or scaled maps depicting both the current and projected extent of each Use Type at the end of the next reporting period should also be provided. Within each Use Type category, identifiable water uses such as golf course, residential lawn/landscape, and agricultural crop type should be depicted. A map and table documenting Environmental Resource Permits received during the reporting period should also be provided.
- C. An analysis of groundwater quality sampling results, in table and graphic format, for both the 5-year reporting period and since issuance of WUP 20007846.028. The report shall include a discussion of water quality trends; any apparent relationship to groundwater withdrawals; and efforts by SMR to manage the resource in this context.
- D. The report shall document the Permittee's ongoing commitment to expand the use of Alternative Water Supply (AWS) sources (reclaimed water and stormwater) to reduce groundwater withdrawals in this area of resource concern. The report will provide an update regarding the Permittee's efforts and progress towards expanding the use of reclaimed water and any associated challenges experienced in expanding reclaimed water use. The report will document the reliability of reclaimed water supplies and will include documentation and discussion of delivery quantities provided by suppliers, expansion of surface and subsurface storage infrastructure (e.g., Aquifer Storage and Recovery), expansion of delivery infrastructure, and any effects of the Evers Watershed Overlay on the Permittee's ability to optimize the use of reclaimed water over the preceding 5-year reporting period. The report shall provide an evaluation of the technical, economic and environmental feasibility of placing additional groundwater quantities on standby. Infeasibility shall be supported with a detailed explanation. If placement of additional groundwater quantities on standby is deemed feasible, the Permittee shall identify the quantity to be placed on standby and provide a schedule for doing so. The report should identify existing and projected sources and quantities of reclaimed water; and quantify the annual average quantity groundwater offsets thereby achieved. Achievement of these goals shall not preclude the Permittee from participating in the authorization of a "Groundwater Replacement Credit" when demonstrated to be consistent with the District's SWUCA rules. Meanwhile, as new sources of AWS become operational which are not currently authorized by the permit, the Permittee shall submit a Letter Modification within 90 days of each activation to add these to the permit as metered withdrawals.
- E. The Permittee shall immediately notify the District should it become necessary to activate groundwater standby quantities for more than 120 days due to the loss of AWS. The notification shall describe the reasons for the cessation and identify the standby withdrawals being activated. The Permittee may access standby quantities for up to one year from the date of first loss. At no time will the Permittee utilize standby quantities to exceed the authorized quantities or irrigation allocation rates. If instead the loss of AWS is expected to be permanent, the Permittee shall submit an application to modify the water use permit to permanently reinstate those quantities. Such application shall include groundwater flow modeling demonstrating that the reinstatement and associated redistribution of groundwater withdrawals will not increase impacts to the resource or to existing legal users (e.g., the Verna Wellfield) beyond those withdrawals which were authorized under the prior revision (027) of this water use permit.
- (524)
18. The Permittee shall use Alternative Water Supplies in lieu of non-Alternative Water Supplies to the greatest extent practical, based on economic, environmental and technical feasibility.(551)

19. 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)
20. The Permittee shall not irrigate golf course roughs with non-alternative water supplies unless such water supplies are derived from a portion of the quantities permitted for the tees, greens, and fairways. The amount of permitted ground or surface water plus alternative water supply applied to the entire golf course shall not exceed reasonable-beneficial quantities for tees, greens and fairways alone. Further, during any single month, alternative water supply sources shall not be used to irrigated the roughs if any non-alternative water supplies are withdrawn for the purpose of irrigation during the same month. However, with prior District approval, during wet weather, the permittee may use roughs as reclaimed water disposal sites. (594)
21. The Permittee shall maximize the use of surface waters before utilizing ground water for augmentation of the lake. Augmentation for aesthetic purposes only is strictly prohibited.(648)
22. 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)
23. 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)
24. The following proposed reclaimed water inflow lines shall be metered within 90 days of completion of construction of the reclaimed water delivery system: District ID Nos. 166, 170, 172, 174, 178, 179, 182 and 184, Permittee ID Nos. 166, 170, 172, 174, 178, 179, 182 and 184. 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.(700)
25. The following existing, reclaimed water inflow lines shall continue to be maintained and operated with non-resettable, totalizing flow meter(s) or other flow measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 106-108, 119, 129-131, 135-136, 139, 141-143, 156 and 160, Permittee ID Nos. 106-108, 119, 129-131, 135-136, 139, 141-143, 156 and 160. 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. (701)
26. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID Nos. 73, 109, 111-112, 114-116, 121, 123, 132, 137, 138 and 140, Permittee ID Nos. 73, 109, 111-112, 114-116, 121, 123, 132, 137, 138 and 140. 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)
27. 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, 4, 15, 26, 34, 50-54, 57-59, 61-65, 67, 69-70, 91, 94-95, 97, 100-103, 105, 110, 118, 122, 125-128, 133, 157-159 and 161-162, Permittee ID Nos. M1, M4, M15, M26, M43, M50-54, M57-M59, M61-M65, M67, M69-M70, 94-95, 97, 100-103, 105, 110, 118, 122, 125-128, 133, 157-159 and 161-162. 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)
28. The following proposed Standby withdrawal facilities (those that provide back-up water for another

withdrawal point in the event the other withdrawal point becomes unusable) shall be metered within 90 days of construction: District ID Nos. 98-99, 113, 120, 144-146, 148 and 186, Permittee ID Nos. 98-99, 113, 120, 144-146, 148 and 186. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(721)

29. The following existing standby withdrawal facilities (those that provide back-up water for another withdrawal point in the event the other withdrawal point becomes unusable) shall continue to be metered: District ID Nos. 24, 39-41, 56, 66 and 155, Permittee ID Nos. M24, M39-M41, M56, M66 and 155. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.
(722)

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

District ID No. 54, Permittee ID No. M54, for chloride, sulfate and TDS, after a minimum pumping time of 30 minutes, on a quarterly basis (February, May, August, November).
(752)

31. By July 1 of each year, the Permittee shall submit an annual report to the Water Use Permit Bureau Chief that provides an update on all Environmental Resource Permits (ERP) issued by the District during the previous calendar year. The information to be provided should include a detailed description of the land and water use changes associated with the ERPs including:
1. The name and number of the ERP associated with the area subject to the land and water use changes.
 2. A map and description of the land and water use change, including the number of acres, crop type, and quantities of the existing agricultural lands (if any) versus the crop type and estimated acreage and demand quantities for the land and water use associated with the ERP. The methodology to be used to estimate acreage and demand quantities should be generally consistent with that used in the WUP renewal application.
 3. Documentation that supports the Annual Average and Peak Month water use demands and the supply sources associated with the new land use versus the agricultural land use being replaced (if applicable).
 4. The proposed disposition of any permitted quantities in excess of the demand quantity required for the new land use if different than that evaluated as part of this permit.
 5. The proposed quantities for each withdrawal affected on an Annual Average Quantity and Peak Month Quantity basis.

If the land use change results in a substantial change in the total anticipated lawn / landscape / recreational acres or the redistribution of groundwater quantities to withdrawals not evaluated as part of this permit, then a permit application for either a letter modification or full modification will be required.

(765)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

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

Exhibit B
Instructions

METERING INSTRUCTIONS

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

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

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

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

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

FLOW METER ACCURACY TEST INSTRUCTIONS

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

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

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

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

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

WATER QUALITY INSTRUCTIONS

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

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

Frequency

Weekly
Quarterly
Semi-annually
Monthly

Timetable

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

WELL 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.

CONSENT AGENDA**May 25, 2021****General Counsel's Report: Approval of Consent Order between SWFWMD and UP LA Leesburg, LLC - Violation of Permit Conditions for Construction - Environmental Resource Permit Nos. 44026730.005 & 43026730.008 - CT No. 407344 - Sumter County**

This enforcement matter involves Environmental Resource Permit (ERP) No. 44026730.005 authorizing construction of a stormwater management system designed to serve a 40.79-acre single-family residential subdivision and commercial development (Project). After ERP No. 44026730.005 was issued, the original Permittee, Steinmetz Construction & Development, Inc., was divested of its interest in the 40.79-acre Project area and the site was subdivided and sold to several new property owners. Several of the new parcel owners began construction, separately, of features of the stormwater management system without compliance with the permitted plans as required in ERP No. 44026730.005. On March 3, 2020, in an attempt to remedy the deviations, District staff issued ERP No. 43026730.008 (Permit) to each of the new property owners to extend the duration of ERP No. 44026730.005. No changes were made to the permitted construction plans for the Project, however, in addition to extending the duration of the permitted plans, the new Permit required all of the new property owners to submit an application to modify the pre-existing plans permitted under ERP No. 44026730.005 and to address certain deviations and compliance issues, including the ownership changes to the Project area and unpermitted construction.

On November 13, 2020, when the new owners failed to submit their applications according to the Permit, the District issued a Notice of Violation, and it identified several violations, including the failure to comply with permit conditions, failure to transfer the Permit to the new owners of the Project area, and unauthorized construction. The Notice of Violation identified several deadlines the new owners were required to meet to avoid incurring penalties. Several of the new owners complied with the deadlines established in the Notice of Violation when they applied, separately, for a permit to modify the pre-existing plans. However, UP LA Leesburg, LLC has ongoing violations for failing to meet the established deadline to submit a complete and sufficient application for modification of the plans permitted under ERP No. 44026730.005. Additionally, at a site visit conducted on February 11, 2021, and again on March 22, 2021 District staff observed that unauthorized construction was still occurring in UP LA Leesburg LLC's portion of the project area.

On April 5, 2021 the District sent a Notice of Violation and Proposed Consent Order to UP LA Leesburg and The Villages of Lake Sumter, Inc., notifying them that they failed to comply with the deadlines in the Notice of Violation sent November 13, 2020. UP LA Leesburg, LLC has agreed to the terms of a Consent Order which requires UP LA Leesburg, LLC to request a modification of the pre-existing permitted plans within 30 days of entry of the Consent Order, and to comply with all deadlines related to the application. Further UP LA Leesburg, LLC must comply with any required corrective construction within the deadlines established in the new permit. Finally, UP LA Leesburg, LLC must pay penalties in the amount of \$15,000.00, District investigative costs of \$2,800.00, and District attorneys' fees of \$2,250.00, for a total of \$20,050.00 within 10 days of approval of the Consent Order by the governing board.

Staff Recommendation:

- Approve the Consent Order.
- Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Consent Order, if necessary.

Presenter:

Elizabeth M. Fernandez, Senior Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 21-

IN RE: VILLAGE PARK CENTER DOWNTOWN & RESIDENTIAL
UP LA LEESBURG, LLC
PERMIT NO. 44026730.005 & 43026730.008
SUMTER COUNTY
CT NO. 407344

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 UP LA Leesburg, LLC, ("Permittees"). 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, F.S., and the rules promulgated thereunder in Chapter 62-330, Florida Administrative Code ("F.A.C.").
2. On July 3, 2007, Environmental Resource Permit ("ERP") 44026730.005 was issued to Steinmetz Construction & Development, Inc., for construction of a 40.79-acre single family residential subdivision and commercial development ("Project").
3. The Project was located two and one-quarter miles east of US Highway 301 on County Road C-466, and one-quarter mile east of County Road 113, in Sumter County.
4. The permitted plans associated with ERP No. 44026730.005 include a stormwater management system designed to collectively serve the entire 40.79 acre Project site.
5. After ERP No. 44026730.005 was issued, Steinmentz Construction & Development was divested of its interest in the 40.79-acre Project area and the site was subdivided and sold to several new property owners.

6. At various times since then, the separate parcel owners have initiated construction or altered the stormwater management system on the sub-divided parcels, often without complying with the permitted plans.

7. As of the date of this Consent Order, the Project site is owned in part by Orange Blossom Utilities, Inc.; UP LA Leesburg, LLC; The Villages of Lake Sumter, Inc.; L&N Land Investments, Inc.; Pebble Springs Retirement Community, LLC; VIPACE, LLC; and Village Park Center Property Owners Association, Inc.

8. The Permittee, UP LA Leesburg, LLC, is not in compliance with the terms of the permitted plans.

9. On March 3, 2020, ERP No. 44026730.008 ("Permit") was issued to extend the duration of ERP No. 44026730.005. No changes were made to the permitted construction plans for the Project.

10. In accordance with the Permit, the new owners were required to apply for a permit modification to address outstanding compliance issues.

11. Permittee, UP LA Leesburg, LLC, has deviated from the currently permitted plans by relocating pond WRA E, removing or impacting pond WRA D, and impacting ponds WRA F and WRA C 1- 3. Further, the Permittee has implemented and maintaining deviations from the planned impervious/semi-impervious surface area without appropriate treatment and attenuation. Permittee has constructed homes on the property that do not comply with the currently permitted plans, and has beneficial occupancy of the homes without complete construction of the stormwater management system in violation of General Condition 9 of the Permit.

12. Permittee has additionally failed to submit an application for modification as required by the Permit.

13. As of the date of this Consent Order, the only applicable permitted plans for the Permittee are those permitted originally under ERP No. 44026730.005, no modifications of those plans have been approved for the Permittee, the Project is not in compliance with the Permit and

the Permittee has failed to submit the modification in conjunction with the other owners of the Project to remedy the non-compliance.

CONCLUSIONS OF LAW

14. The District has jurisdiction over this matter pursuant to Chapter 373, Part IV, Florida Statutes (F.S.), and 62-330, Florida Administrative Code ("F.A.C.")

15. The activities described herein in paragraph 2 - 13 constitute a violation of Section 373.430(1)(b), F.S., as well as 62-330, F.A.C., for the failure to comply with the Permit's conditions, including General Condition 9, and for deviations in construction from the permitted plans.

CORRECTIVE ACTIONS

16. In resolution of all disputed issues regarding the activities described herein, the Parties agree to the following corrective actions:

17. Permittee shall submit a request for a modification of the currently permitted plans within thirty (30) days of approval of this Consent Order by the District's Governing Board. If possible, UP LA Leesburg, LLC; The Villages of Lake Sumter, Inc.; L&N Land Investments, Inc.; Pebble Springs Retirement Community, LLC; VIPACE, LLC; and Village Park Center Property Owners Association, Inc., may jointly submit an application for a master stormwater management system, including one or more proposed operation and maintenance entities that each fully comply with Section 12.3 of the ERP Applicant's Handbook Volume 1, within thirty (30) days of approval of this Consent Order by the District's Governing Board. No application for modification will be permitted if it alters the currently permitted conditions of any other parcel without the consent of the owners of the other parcels.

18. Permittee shall comply with any District requests for additional information or clarification within the time frame specified in the requests. Permittee shall obtain an ERP modification as expeditiously as possible and, in any event no later than one hundred eighty (180)

days after submittal of the application. Further, Permittee shall timely complete any corrective construction required by the new ERP conditions.

19. No additional construction shall occur unless consistent with the District approved and permitted plans.

20. Permittee shall owe the District a penalty in the amount of \$15,000.00, District investigative enforcement costs of \$2,800.00, and District attorney fees of \$2,250.00, for a total amount of \$20,050.00. Permittee shall pay the total amount owed by certified check or money order within ten (10) days of approval of this Consent Order by the District's Governing Board. If mailed, the address for payment is:

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

21. Permittee 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.

22. For each day of delay beyond any due date specified in this Consent Order, Permittee 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 Permittee upon the District's mailing of a demand letter to Permittee 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.

23. This Consent Order is not a license or a permit. Permittee shall not undertake any further construction activities without the necessary District and/or State authorizations.

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

25. Permittee 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.

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

27. For and in consideration of the complete and timely performance by Permittee 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 Permittee fail 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.

28. The District expressly reserves and retains the right to initiate appropriate legal action against Permittee to prevent or prohibit the future violation of any applicable statutes, rules, orders or permit conditions, except as specifically addressed in this Consent Order. Permittee acknowledge by the execution of this Consent Order that any future violation of Chapter 373, F.S., District rules, or the terms of any permit (including such as may be modified) may subject Permittee to administrative or civil suit in which penalties of up to Fifteen Thousand and 00/100 Dollars (\$15,000.00) per day per offense may be imposed, as provided in Section 373.129(5), F.S.

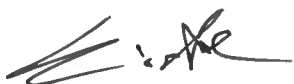
29. Permittee hereby waive any right to an administrative hearing or judicial review of the terms of this Consent Order. Permittee reserve the right to dispute any allegation of noncompliance with the Consent Order, or any permit or approval issued hereunder.

30. 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

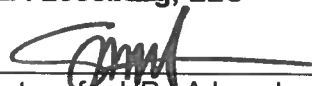
of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address, any e-mail address and telephone number of the person requesting the hearing 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.

31. 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.

32. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by all Parties.



 Witness

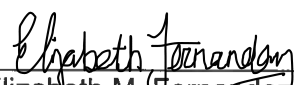
UP LA Leesburg, LLC


 Signature for UP LA Leesburg, LLC
 Date: 4/26/2021

Approved by the Governing Board of the Southwest Florida Water Management District this _____ day of _____ 2021.

By: _____
 Kelly S. Rice, Chair

Attest: _____
 Rebecca Smith, Secretary

Approved as to Legal Form and Content


 Elizabeth M. Fernandez, Esq.
 Office of General Counsel

Filed this _____ day of _____ (Seal)
 _____ 2021.

 Deputy Agency Clerk

CONSENT ORDER
 VILLAGE PARK CENTER
 DOWNTOWN & RESIDENTIAL
 SUMTER COUNTY
 CT NO. 407344

CONSENT AGENDA**May 25, 2021****General Counsel's Report: Approval of Consent Order between SWFWMD and The Villages of Lake Sumter, Inc.– Violation of Permit Conditions for Construction – Environmental Resource Permit Nos. 44026730.005 & 43026730.008 – CT No. 407344 – Sumter County**

This enforcement matter involves Environmental Resource Permit (ERP) No. 44026730.005 authorizing construction of a stormwater management system designed to serve a 40.79-acre single-family residential subdivision and commercial development (Project). After ERP No. 44026730.005 was issued, the original Permittee, Steinmetz Construction & Development, Inc., was divested of its interest in the 40.79-acre Project area and the site was subdivided and sold to several new property owners. Several of the new parcel owners began construction, separately, of features of the stormwater management system without complying with the permitted plans as required in ERP No. 44026730.005. On March 3, 2020, in an attempt to remedy the deviations, District staff issued ERP No. 43026730.008 (Permit) to each of the new property owners to extend the duration of ERP No. 44026730.005. No changes were made to the permitted construction plans for the Project. In addition to extending the duration of the permitted plans, the new Permit required all of the new property owners to submit an application to modify the pre-existing plans permitted under ERP No. 44026730.005 and to address certain deviations and compliance issues, including the ownership changes to the Project area and unpermitted construction.

On November 13, 2020, when the new owners failed to submit their applications according to the Permit, the District issued a Notice of Violation, and it identified several violations, including the failure to comply with permit conditions, failure to transfer the Permit to the new owners of the Project area, and unauthorized construction. The Notice of Violation identified several deadlines the new owners were required to meet to avoid incurring penalties. Several of the new owners complied with the deadlines established in the Notice of Violation when they applied, separately, for a permit to modify the pre-existing plans. However, The Villages of Lake Sumter, Inc., has ongoing violations for failing to meet the established deadline to submit a complete and sufficient application for modification of the plans permitted under ERP No. 44026730.005.

On April 5, 2021 the District sent a Notice of Violation and Proposed Consent Order to UP LA Leesburg and The Villages of Lake Sumter, Inc., notifying them that they failed to comply with the deadlines in the Notice of Violation sent November 13, 2020. The Villages of Lake Sumter, Inc. has agreed to the terms of a Consent Order which requires it to either request a modification of the pre-existing permitted plans within 30 days of entry of the Consent Order, or to formally withdraw from the Permit and resubmit an application for an ERP if it chooses to construct on its parcels at some point in the future. Further, The Villages of Lake Sumter, Inc. must pay penalties in the amount of \$250.00, District investigative costs of \$600.00, and District attorneys' fees of \$750.00, for a total of \$1,600.00 within 10 days of approval of the Consent Order.

Staff Recommendation:

1. Approve the Consent Order.
2. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Consent Order, if necessary.

Presenter:

Elizabeth M. Fernandez, Senior Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 21-

IN RE: VILLAGE PARK CENTER DOWNTOWN & RESIDENTIAL
THE VILLAGES OF LAKE SUMTER, INC.
PERMIT NO. 44026730.005 & 43026730.008
SUMTER COUNTY
CT NO. 407344

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 The Villages of Lake Sumter, Inc., ("Permittees"). 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, F.S., and the rules promulgated thereunder in Chapter 62-330, Florida Administrative Code ("F.A.C.").
2. On July 3, 2007, Environmental Resource Permit ("ERP") 44026730.005 was issued to Steinmetz Construction & Development, Inc., for construction of a 40.79-acre single family residential subdivision and commercial development ("Project").
3. The Project was located two and one-quarter miles east of US Highway 301 on County Road C-466, and one-quarter mile east of County Road 113, in Sumter County.
4. The permitted plans associated with ERP No. 44026730.005 include a stormwater management system designed to collectively serve the entire 40.79 acre Project site.
5. After ERP No. 44026730.005 was issued, Steinmetz Construction & Development was divested of its interest in the 40.79-acre Project area and the site was subdivided and sold to several new property owners.

6. At various times since then, the separate parcel owners have initiated construction or altered the stormwater management system on the sub-divided parcels, often without complying with the permitted plans.

7. As of the date of this Consent Order, the Project site is owned in part by Orange Blossom Utilities, Inc.; UP LA Leesburg, LLC; The Villages of Lake Sumter, Inc.; L&N Land Investments, Inc.; Pebble Springs Retirement Community, LLC; VIPACE, LLC; and Village Park Center Property Owners Association, Inc.

8. On March 3, 2020, ERP No. 44026730.008 ("Permit") was issued to extend the duration of ERP No. 44026730.005. No changes were made to the permitted construction plans for the Project.

9. In accordance with the Permit, the new owners, including Permittee, The Villages of Lake Sumter, Inc., were required to apply for a permit modification to address outstanding compliance issues.

10. Permittee has not initiated construction at this time.

11. Permittee failed to submit a modification as required by the Permit.

12. As of the date of this Consent Order, the only applicable permitted plans for the Permittee are those permitted originally under ERP No. 44026730.005, no modifications of those plans have been approved for the Permittee, and the Permittee has failed to submit the modification in conjunction with the other owners of the Project to remedy the non-compliance.

CONCLUSIONS OF LAW

13. The District has jurisdiction over this matter pursuant to Chapter 373, Part IV, Florida Statutes (F.S.), and 62-330, Florida Administrative Code ("F.A.C.")

14. The activities described herein in paragraph 2 - 12 constitute a violation of Section 373.430(1)(b), F.S., as well as 62-330, F.A.C., for the failure to comply with the Permit's conditions.

CORRECTIVE ACTIONS

15. In resolution of all disputed issues regarding the activities described herein, the Parties agree to the following corrective actions:

16. Permittee shall submit a request for a modification of the currently permitted plans within thirty (30) days of approval of this Consent Order by the District's Governing Board. If possible, UP LA Leesburg, LLC; The Villages of Lake Sumter, Inc.; L&N Land Investments, Inc.; Pebble Springs Retirement Community, LLC; VIPACE, LLC; and Village Park Center Property Owners Association, Inc., may jointly submit an application for a master stormwater management system, including one or more proposed operation and maintenance entities that each fully comply with Section 12.3 of the ERP Applicant's Handbook Volume 1, within thirty (30) days of approval of this Consent Order by the District's Governing Board. No application for modification will be permitted if it alters the currently permitted conditions of any other parcel without the consent of the owners of the other parcels.

17. Permittee shall comply with any District requests for additional information or clarification within the time frame specified in the requests. Permittee shall obtain an ERP modification as expeditiously as possible and, in any event no later than one hundred eighty (180) days after submittal of the application. Further, Permittee shall timely complete any corrective construction required by the new ERP conditions.

18. In the alternative to paragraphs 16 and 17, the Permittee may formally withdraw from the Permit and any applications for modification to the Permit will not include the parcels owned by The Villages of Lake Sumter, Inc., which will then not have any District authorized permits for construction or alteration.

19. No additional construction shall occur unless consistent with the District approved and permitted plans.

20. Permittee shall owe the District a penalty in the amount of \$250.00, District investigative enforcement costs of \$600.00, and District attorney fees of \$750, for a total amount of \$1,600.00. Permittee shall pay the total amount owed by certified check or money order within

ten (10) days of approval of this Consent Order by the District's Governing Board. If mailed, the address for payment is:

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

21. Permittee 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.

22. For each day of delay beyond any due date specified in this Consent Order, Permittee 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 Permittee upon the District's mailing of a demand letter to Permittee 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.

23. This Consent Order is not a license or a permit. Permittee shall not undertake any further construction activities without the necessary District and/or State authorizations.

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

25. Permittee 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.

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

27. For and in consideration of the complete and timely performance by Permittee 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 Permittee

fail 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.

28. The District expressly reserves and retains the right to initiate appropriate legal action against Permittee to prevent or prohibit the future violation of any applicable statutes, rules, orders or permit conditions, except as specifically addressed in this Consent Order. Permittee acknowledge by the execution of this Consent Order that any future violation of Chapter 373, F.S., District rules, or the terms of any permit (including such as may be modified) may subject Permittee 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.

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


30. 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.

31. 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.

32. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by all Parties.

33.



Witness

The Villages of Lake Sumter, Inc.



Signature for The Villages of Lake Sumter, Inc.
Date: 4/19/21

Approved by the Governing Board of the Southwest Florida Water Management District this
_____ day of _____ 2021.

Approved as to Legal Form and
Content


Elizabeth M. Fernandez, Esq.
Office of General Counsel

By: _____
Kelly S. Rice, Chair

Attest: _____
Rebecca Smith, Secretary

Filed this _____ day of
_____ 2021.

(Seal)

Deputy Agency Clerk

CONSENT ORDER
VILLAGE PARK CENTER
DOWNTOWN & RESIDENTIAL
SUMTER COUNTY
CT NO. 407344

CONSENT AGENDA

May 25, 2021

General Counsel's Report: Authorization to Issue Administrative Complaint and Order – Permit Condition Violations – Christ Church of Longboat Key, Inc. – Environmental Resource Permit No. 43007606.002 – CT No. 413561 – Manatee County

On December 23, 2009, the District issued Environmental Resource Permit (ERP) Number 43007606.001 to Christ Church of Longboat Key, Inc. (Permittee) authorizing the construction of a stormwater management system to serve a church project located at 6400 Gulf of Mexico Drive in Longboat Key, Florida (Property). On September 11, 2020, the District issued ERP Number 43007606.002 (Permit) authorizing improvements to the stormwater management system. Specific Condition 4 of the Permit required construction of the authorized work to be completed within 120 days of permit issuance, and required an “As-Built Certification and Request for Conversion to Operation Phase” form, along with as-built drawings, be submitted to the District within 30 days of the completion of construction.

On October 13, 2020, and November 23, 2020, District staff conducted site inspections at the Property and observed that the improvements to the stormwater management system had not been constructed. On January 27, 2021, approximately two weeks after construction was to have been completed, the District issued a Notice of Permit Condition Violation letter to the Permittee advising that it had until February 26, 2021, to bring the Property into compliance. On March 2, 2021, District staff conducted another site inspection at the Property and observed that construction had not started.

On April 1, 2021, District staff issued the Permittee a Notice of Violation and proposed Consent Order which included penalties and required construction of the improvements to the stormwater management system be completed within sixty (60) days of approval of the Consent Order by the District’s Governing Board. On April 19, 2021, the Permittee declined to enter into a Consent Order with the District.

Staff Recommendation:

1. Authorize District staff to issue an Administrative Complaint and Order to the Permittee to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against the Permittee to recover a civil penalty/administrative fine, enforcement costs, litigation costs, and attorneys’ fees, if appropriate.
3. Authorize District staff to initiate an action in Circuit Court to enforce the terms of the Administrative Complaint and Order, if necessary.

Presenter:

Megan Albrecht, Staff Attorney

CONSENT AGENDA

May 25, 2021

General Counsel's Report: Approval of Well Construction Permitting Delegation Agreement between the Southwest Florida Water Management District and Sarasota County, Florida, and Initiation and Approval of Rulemaking to Incorporate the Agreement by Reference

The District has a long-standing relationship with Sarasota County concerning the regulation of water well construction in the County. Since 1978, the District has delegated its authority to Sarasota County to administer the District's well construction permitting program. The program is administered by Sarasota County's Health Department. The current well construction permitting agreement between the District and Sarasota County expires on June 1, 2021. The County and District staff desire to continue the delegation of water well construction permitting.

The delegation agreements are adopted by reference in Rule 40D-1.002, F.A.C. That rule provision must be updated to reference the latest agreements. As a result, District staff is also requesting approval to initiate rulemaking to effectuate the rule amendment. A copy of the proposed amendments to Rule 40D-1.002, to incorporate the agreements by reference, is also included for consideration and approval as an exhibit to this agenda item. A Statement of Estimated Regulatory Costs is not required, as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

On April 15, 2021, a new well construction permitting agreement was presented to Sarasota County for final approval, incorporating updates such as adding language related to Payment Card Industry compliance and removing language concerning monthly submittals of paper documents to the District. The new well construction permitting agreement will be effective for five years, until May 31, 2026.

Staff Recommendation:

1. Approve the Well Construction Permitting Agreement between the District and Sarasota County, Florida, which shall be in effect from June 1, 2021 until May 31, 2026.
2. Initiate and approve rulemaking to amend Rule 40D-1.002, Florida Administrative Code, to incorporate the Agreement by reference, and authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process.

Presenter:

Jennifer Soberal, Staff Attorney

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

THIS AGREEMENT is made by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, hereinafter referred to as the "DISTRICT," and SARASOTA COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter referred to as the "COUNTY," effective June 1, 2021.

INTRODUCTION AND INTENT

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

WHEREAS, the COUNTY has the authority and responsibility, within its jurisdiction, to protect public health and prevent disease caused by natural and manmade factors in the environment, as set forth in Chapter 381, F.S.; and

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

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

WHEREAS, the DISTRICT and the COUNTY have entered into agreements, effective since April 5, 1978, which have delegated to the COUNTY the authority to administer and enforce rules and regulations governing water wells and water well contractors as set forth in Part III, Chapter 373, F.S., and applicable portions of Chapters 40D-3, 62-524, 62-528, 62-531, 62-532 and 62-555, F.A.C.; and

WHEREAS, the parties desire to continue the regulation of water wells and water well contractors in Sarasota County through delegation to the COUNTY of the DISTRICT's authority to implement Part III of Chapter 373, F.S., and applicable portions of Chapters 40D-3, 62-524, 62-528, 62-531, 62-532, and 62-555, F.A.C., in a manner that ensures regulatory consistency throughout Sarasota County and protects public health, safety and welfare; and

WHEREAS, the COUNTY has and desires to continue to designate the Florida Department of Health in Sarasota County (FDOH-S) as the department within the county to perform the functions delegated to the COUNTY under this Agreement;

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

1. This Agreement shall take effect on June 1, 2021. The COUNTY will continue to review and evaluate well construction permit applications and issue or deny permits for the construction, repair, modification, or abandonment of water wells in Sarasota County, with the following exceptions:

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

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

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

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

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

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

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

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

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

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

9. The COUNTY will require permit applicants to submit the permit application form described in Paragraph 6 herein, or use the on-line WMIS or subsequent permitting application process. For applications submitted on the permit application form, the COUNTY will enter the data into WMIS, or subsequent permitting program, on a daily basis and scan the application and any related permit documents into WMIS, or

subsequent permitting program, on a daily basis. All document scanning required pursuant to this Agreement will be in accordance with Paragraph 16 of this Agreement and will comply with the document standards established by the DISTRICT.

10. The COUNTY will require the submittal of Well Completion Reports as described in Paragraph 6 herein no later than thirty (30) days of completion of well construction. For Well Completion Reports submitted on paper, the COUNTY will enter the data on a daily basis and scan the document into WMIS, or subsequent permitting program, on a daily basis.

11. The COUNTY will witness the grouting operations on all wells that are abandoned in accordance with Section 40D-3.531, F.A.C. The COUNTY may grant a variance to this requirement if the conditions of subsection 40D-3.531(4), F.A.C., have been satisfied. The COUNTY will fully complete for each such well a Well Grouting/Abandonment Form (see Paragraph 6 herein). The COUNTY will scan the completed forms into WMIS, or subsequent permitting program, on a daily basis.

12. In accordance with Chapters 40D-3, 62-555, and 64E-8, F.A.C., the COUNTY will issue permits, conduct well site inspections and witness the grouting operations for public supply wells. The COUNTY may grant a variance to this witnessing requirement if the conditions specified in subsection 40D-3.461(6), F.A.C., are met. The COUNTY will fully complete for each such well a Well Grouting/Abandonment Form (see Paragraph 6 herein). The COUNTY will scan the forms into WMIS, or subsequent permitting program, on a daily basis.

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

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

- a. The COUNTY will carry out an inspection program, as described in more detail in Paragraphs 11, 12, and 13 herein;
- b. The COUNTY will report all unlicensed activities to the DISTRICT and will take appropriate enforcement action against the unlicensed individual;
- c. The COUNTY will take enforcement action against licensed water well

contractors as set forth in Chapter 62-531, F.A.C, and implemented by the Water Well Construction Disciplinary Guidelines and Citations Dictionary, July 2014 (or later version adopted by the District). Where appropriate, as described in the guidance documents, the COUNTY will comply with the due process requirements of Chapter 120, F.S.;

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

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

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

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

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

- a. Well Completion Reports;
- b. Well Construction, Repair, Modification or Abandonment Permit applications, permits issued and any permit applications that are denied;
- c. Well Grouting/Abandonment forms;
- d. Public Supply Well Information and Classification forms;
- e. Well Construction Inspection Checklist forms; and
- f. Documents Relevant to the Review of Well Construction Permit Applications.

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

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

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

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

21. The COUNTY will submit to the DISTRICT an Annual Report summarizing

activities occurring in conjunction with this Agreement, to include the following at a minimum:

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

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

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

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

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

25. The DISTRICT will provide the COUNTY with information concerning proposed changes to relevant rules, and current technical and administrative procedures.

26. The COUNTY may not further delegate its authority under this Agreement.

27. Unless terminated by either the DISTRICT or the COUNTY upon ninety (90) days prior written notice, this Agreement will continue in effect until May 31, 2026, and may be extended upon terms mutually acceptable to both parties.

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

Approved as to Legal Form and
Content

Attorney

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: _____
Kelly S. Rice, Chair

Attest: _____
Rebecca Smith, Secretary

Filed this _____ of
_____, 2021.

Deputy Agency Clerk

(Seal)

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY

By: _____
Alan Maio, Chairman

Date: _____

ATTEST:
KAREN E. RUSHING,
Clerk of Circuit Court & Ex-Officio Clerk
Of Sarasota County, Florida


By: _____
Deputy Clerk

(Seal)

Approved as to form and correctness:

By: _____
County Attorney

Appendix 1

District Procedure		
Southwest Florida Water Management District		
Title: Payment Card Industry (PCI) Compliance		
Document Owner:	Finance Bureau Chief	Effective Date: 10/22/2018
Approved By:	Brian Armstrong, P.G., Executive Director 	Last Review: See Metadata

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PURPOSE

This procedure outlines the requirements for compliance to the Payment Card Industry Data Security Standards (PCI-DSS). It is designed to protect cardholder information of patrons that utilize a *Payment Card* to transact business with the Southwest Florida Water Management District's (District) or its delegated partners. Compliance with this procedure is a condition of the District, or its delegated partners, acceptance of *Payment Cards* from citizens and businesses in exchange for District Services.

The contents of this procedure are derived from the standards in the *PCI-DSS*, as established and revised by the *PCI Security Standards Council*. When appropriate, this procedure will be updated to reflect any changes in the *PCI-DSS* standards, as defined by the *PCI Security Standards Council*.

SCOPE

This procedure applies to all District employees, contractors, vendors, and other individuals that accept or have access to *Payment Card* transactions while performing District business.

This procedure also applies to all credit card data created, owned, stored, managed or under the control of the District, regardless of the media which contains the information, including but not limited to paper, microfilm, microfiche or any analog or digital format.

AUTHORITY

The promulgation of this procedure is authorized by Governing Board Policy 190-2, Technology Assets and Executive Director Procedure 19-4, Data Security and Privacy.

DEFINITIONS

District's IT Service Provider(s). The individuals/organizations that are responsible for providing, operating and maintaining the District's primary computer systems, email systems, network services and internet connectivity, and business applications.

Merchant Account. A type of bank account that accepts payments by *Payment Cards*. A *Merchant Account* is coordinated through and established by the Finance Bureau in consultation with the District's bank.

Payment Card. A debit or credit card that is accepted as payment for goods, services, or other obligations owed.

Payment Card Data. Full magnetic strip or the *PAN*, Chip and/or Pin, including any of the following: (1) Cardholder Name, (2) Expiration Date, (3) card verification value (CVV) and (4) Service Code.

Payment Card Industry (PCI) Compliance. Adherence to a set of security and reporting standards developed to protect cardholder information during and after the processing of a *Payment Card* transaction.

Payment Card Industry Data Security Standard (PCI-DSS). A set of twelve (12) broad security requirements established by the PCI Security Standards Council. The District Bureaus that accept *Payment Card* transactions are required to meet *PCI-DSS* standards or risk losing the capability to accept *Payment Cards* for services.

Payment Card Industry (PCI) Security Standards Council. A consortium of major *Payment Card* providers that have established data security standards for merchants. The *PCI Security Standards Council* also defines credentials and qualifications for assessors.

The PCI requirements set by the *PCI Security Standards Council* do not allow for exceptions. Questions about *PCI Compliance* implementation, should be forwarded to the Finance Bureau.

Primary Account Number (PAN) or Account Number. The *Payment Card* number (credit or debit) that identifies the issuer and individual cardholder account.

Self-Assessment Questionnaire (SAQ). The *PCI Self-Assessment Questionnaire* is a validation tool primarily used by merchants to demonstrate compliance with the *PCI-DSS*.

Payment Service Provider. A PCI compliant third party that is used to process all *Payment Card* and E-Check payments on behalf of the District.

Delegated County. A political subdivision, agency, municipality, or other local government of the State of Florida, to whom the District has delegated specific authorities outlined in its respective delegation agreements.

STANDARDS

Payment Card Industry Data Security Standard (PCI-DSS). A set of twelve (12) broad security requirements established by the *PCI Security Standards Council*.

Control Objectives	PCI-DSS Requirements
Build and Maintain a Secure Network	1. Install and maintain a <u>firewall</u> configuration to protect cardholder data
	2. Do not use vendor-supplied defaults for system <u>passwords</u> and other security parameters
Protect Cardholder Data	3. Protect stored cardholder data
	4. Encrypt transmission of cardholder data across open, public networks
Maintain a Vulnerability Management Program	5. Protect all systems against malware and regularly update anti-virus software or programs
	6. Develop and maintain secure systems and applications
Implement Strong Access Control Measures	7. Restrict access to cardholder data by business need-to-know
	8. Identify and authenticate access to system components
	9. Restrict physical access to cardholder data
Regularly Monitor and Test Networks	10. Track and monitor all access to network resources and cardholder data
	11. Regularly test security systems and processes
Maintain an Information Security Policy	12. Maintain a policy that addresses information security

PROCEDURE

1. Responsibilities.

a. Global District Responsibilities.

- i. The District will use *Payment Service Providers* to encrypt, process and store *Payment Card Data*.
- ii. The District Bureaus are prohibited from storing any *Payment Card Data* in an electronic format on any District computer, server, or database and further are prohibited from electronically transmitting *Payment Card Data*. In addition, any *Payment Card Data* that is written down must be shredded immediately upon transaction completion.

- iii. Any *Payment Service Provider* working with the District to process *Payment Card Data* is subject this procedure.
- iv. Contractors, vendors, and *Delegated Counties* processing *Payment Card* transactions on behalf of the District are required to follow this procedure. The *District's IT Service Providers*, contractors, vendors, and *Delegated Counties* involved in the payment process must provide certification of their continued compliance with *PCI-DSS* annually to the District's Finance Bureau.
- v. The District Bureaus must request and obtain authorization to process *Payment Card* transactions from the Finance Bureau and Information Technology Bureau.
- vi. Each District Bureau Chief is responsible for ensuring its Bureau's compliance with this procedure.
- vii. The Finance and Information Technology Bureaus will be responsible for completing the required annual *Self-Assessment Questionnaire* (SAQ). Any recommended actions identified in this assessment or by the Information Technology Bureau must be implemented immediately by the Bureaus to ensure continued *PCI Compliance*.
- viii. Each District Bureau is responsible for ensuring its employees who process *Payment Card* transactions receive annual *PCI-DSS* compliance training provided by the Finance or Information Technology Bureau. The level and content of training will be appropriate to the job functions of the employee.
 - 1. Existing employees whose position is authorized to process *Payment Card* transactions, that are not current with this training and don't have a Payment Card Industry (PCI) Compliance Authorization Acknowledgement Form on file, shall not be allowed to process *Payment Card* transactions.
 - 2. New employees whose position is authorized to process *Payment Card* transactions must receive PCI compliance training and sign the Payment Card Industry (PCI) Compliance Authorization Acknowledgement Form prior to processing any *Payment Card* transactions.
- ix. Each District Bureau will provide its employees access to equipment and systems for processing *Payment Card* transactions based on job duties and not linked directly to the individual employee.
 - 1. When an authorized employee's job duties no longer require access to equipment or systems that process *Payment Card* transactions, access must be removed by the Finance and the Information Technology Bureau staff from the respective Microsoft Active Directory (AD) groups.
 - 2. The District Bureau Chiefs or their designee must, at a minimum, annually review their list of employees, contractors, or vendors that process *Payment Card*

transactions to ensure continued authorization is warranted and to update (add, delete or modify) the authorization list.

b. District Employee, Contractor, and Vendor Responsibilities.

- i. All employees, contractors, or vendors who process *Payment Card* transactions must comply with this procedure.
- ii. All employees, contractors, or vendors must only use District provided *Payment Card* equipment, systems and information. *Payment Card* equipment systems will only be used to take *Payment Card* information while physically connected to the District's secured internal Local Area Network (LAN).
- iii. Any individual authorized to process *Payment Card* transactions must complete the Payment Card Industry (PCI) Compliance Authorization Acknowledgement Form.
- iv. Violation of this procedure either by any employees, contractors, or vendors accessing or using *Payment Card Data* for reasons other than the intended purpose (identified herein) or beyond the scope of the individual's duties, may result in disciplinary action, up to and including termination of employment.
- v. In the case of contractors or vendors, violation of this procedure may be considered a breach of contract and may be referred to the appropriate agency for civil and/or criminal action, as applicable.
- vi. In the case of Delegated Counties, violation of this procedure may be considered a violation of the agreement, and may result in the termination of such agreement. The District will work with the Delegated County to attempt to remediate the violation(s), prior to the termination of the agreement.

c. Information Technology Bureau Responsibilities.

- i. Oversee enforcement, in partnership with the Finance Bureau, of this procedure and investigate any reported or potential violations of this procedure.
- ii. Lead investigations pertaining to suspected or actual *Payment Card* security breaches.
- iii. Control access, in partnership with the Finance Bureau, to protected information if employee fails to comply with this procedure.
- iv. Work in partnership with the Finance Bureau to create and maintain standard contract language specific to *PCI Compliance* requirements.
- v. Review the contract language annually to ensure it remains current.
- vi. Maintain daily operational security procedures consistent with the latest *PCI-DSS* standards, including administrative and technical procedures for each of the *PCI-DSS* standards.
- vii. Provide results of all required network scans with the appropriate remediation steps for any identified noncompliant results to the Finance Bureau.

- viii. Coordinate the annual review of this procedure in partnership with the Finance Bureau.
- ix. Work with the District Bureaus, in partnership with the Finance Bureau, to provide annual *PCI Compliance* training to employees and the *Payment Service Providers*.

d. Finance Bureau Responsibilities.

- i. Oversee enforcement, in partnership with the Information Technology Bureau, of this procedure and investigate any reported violations of the procedure.
- ii. Work in partnership with the Information Technology Bureau to create and maintain standard contract language specific to *PCI Compliance* requirements.
- iii. Review the contract language annually to ensure it remains current.
- iv. Keep a current list of *Payment Service Providers* utilized by the District for *Payment Card* processing.
- v. On an annual basis, work in partnership with the Information Technology Bureau, to collect documentation from *Payment Service Providers* that certifies that they are PCI compliant.
- vi. Work with the District's Bureaus to replace vendors that are not PCI compliant.
- vii. Serve as the primary contact for the District Bureaus with business operations questions about this procedure.
- viii. Working in partnership with the Information Technology Bureau, ensure that all solicitations involving services or hardware used to process *Payment Card* transactions include the requirement for the *Payment Service Provider* to maintain *PCI Compliance* while performing services for the District.
- ix. Work with Information Technology Bureau to verify all awarded solicitations include documentation acknowledging that the proposed service or hardware/software is PCI compliant.
- x. Ensure that standard *PCI Compliance* language is included in contracts and agreements with vendors and contractors that provide *Payment Card* services for the District.

- 2. Security of Payment Device Hardware.** The purpose of applying security to payment device hardware is to protect the District's inventory of *Payment Card* device hardware and to provide procedures to ensure compliance with *PCI-DSS* requirements to restrict physical access to hardware that processes *Payment Card Data*. The *PCI-DSS* requirements are to maintain an inventory of and periodically inspect *Payment Card* devices to guard against tampering and/or unauthorized device substitution.

This section pertains to all *Payment Card* device hardware in use throughout the District, regardless of the procurement method. This includes, but is not limited to, workstations/laptops and associated keyboard.

a. Inventory of Payment Card Devices

- i. The Information Technology Bureau is responsible for tracking *Payment Card* devices.
- ii. The Information Technology Bureau will maintain a current inventory of all hardware used to process payments. Inventory should track the equipment type and model number (e.g., Ingenico ICT250), S/N# which is a unique alphanumeric identifier on the bottom of the device), connectivity method (e.g. wireless, dial-up, IP/Ethernet), assigned District Bureau and user, District Office, and workstation.
- iii. Inventory logs are kept in the Information Technology Bureau.
- iv. Inventory logs are reviewed as part of the District's annual PCI audit.

b. Security of Payment Card Devices

- i. Each District Bureau will ensure none of its wireless *Payment Card* device (also covers mobile devices i.e. iPads, iPhones) is left unattended while performing District business. When the device is not in use, it must be stored in a secure location. USB devices such as magstripe readers shall be tethered to the assigned workstation and tagged by the Information Technology Bureau with tamper evident seals. Store all spare hardware in a secure location. The District Bureaus that use the *Payment Card* devices to conduct District business are responsible for providing the necessary secure storage locations.
- ii. Contact the Information Technology Bureau to have devices repaired, replaced, and/or securely disposed of.

c. Inspection of Payment Card Devices

- i. *Payment Card* device inspections will be completed by the District Bureau that has been issued the device to conduct District business. The Information Technology Bureau is responsible for addressing malfunctioning equipment, as well as investigating suspected equipment alterations. The District Bureaus must inform the Information Technology Bureau of any such instances.
- ii. The Bureau that has been issued the device to conduct District business will inspect all devices quarterly and track each device's inspection date, passed/failed inspection result, and resolution for failed devices.
- iii. Each District Bureau will validate electronic serial numbers with the serial number (S/N) printed on the terminal.
- iv. Each District Bureau will inspect devices for tampering:
 1. Damaged or altered tamper seals, wiring, or labels.
 2. Mismatched keypad keys.
 3. False keypad overlay.
 4. External wires, other than the USB/power cable installed into the device.

5. Missing screws or visible scratching around the screws that hold the pin pad case.
 6. Tinfoil or other metallic material or electronic device placed in the cards scanning area.
 7. Holes in the terminal or anything else unusual.
- v. If a device fails inspection, the Bureau immediately stop using it and notify the Information Technology Bureau.
 - vi. Each District Bureau will report devices that consistently do not work properly.
 - vii. Inspection logs are reviewed quarterly by the Information Technology Bureau, as part of the District's annual PCI audit.

DISTRIBUTION

This procedure will be posted in the District's document management system and the link emailed to Finance Bureau Staff, Information Technology Bureau Staff, specifically identified Regulation Staff (that will handle Payment Card Transactions).

REFERENCES

PCI Security Standards Council

PnP Certification

Governing Board Policy *Technology Assets*

Executive Director Procedure *Data Security and Privacy*

Technical Memorandum *PCI Authorization Acknowledgement Form*

PERIODIC REVIEW

This procedure will be reviewed annually by the Information Technology Bureau Chief and the Finance Bureau Chief or their designee(s).

Appendix 2: Fee Schedule*

	Effective
Permit Fees	
Augmentation Well	\$300.00
Public Supply Well (WUP Required)	\$500.00
Public Supply	\$300.00
Commercial Irrigation Well (WUP)	\$300.00
Commercial Irrigation Well	\$200.00
Other Irrigation Well (excluding	\$115.00
Private Well (New)	\$140.00
Redrill	\$125.00
Repair	\$150.00
Sandpoint Well (up to 3	\$150.00
Elevator Shaft	\$500.00
Monitor Wells (per well)	\$75.00
Plugging (6" diameter or greater)	\$100.00
Plugging (less than 6")	\$50.00
Heat Exchange (Geothermal) Well (commercial)	\$300.00
Heat Exchange (Geothermal) Well (residential)	\$150.00
Air Sparging Well (up to 8	\$75.00
Demolition Permit Processing	\$75.00
Setback Variance Permit Processing	\$75.00
Late fee for Limited Use Public Water System	
Permit renewal after October	\$100.00
Change of permitted well use	\$75.00
Water Sample / Analysis Fees	
Sample Collection Fee	\$40.00
Bacteriological (Bact)	\$20.00
Partial Chemical Testing	\$50.00
Single Chemical Analysis	\$10.00
Monthly Public Bact (includes collection	\$60.00
Public Supply Well Clearance (20 samples)	\$250.00
Public Supply Well Retest (per sample)	\$20.00
Late fee for Public Water Systems monthly, quarterly	
annual chemical and bacteriological analysis results after	
the 15th of the following month they are due	\$100.00

*Appendix 2 – from Sarasota County Health Department, Well Drilling Policy and Procedures Manual, October 14, 2008.

40D-1.002 Delegation of Authority.

(1) The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Rule 18-21.0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action on certain applications to use state-owned lands. Rule 18-21.0051, F.A.C., also provides that the Governing Board may delegate review and decision making authority to District staff. Therefore, the Governing Board further delegates this authority to the Executive Director, the Assistant Executive Director, the Division Director for Regulation, and the Environmental Resource Permit Bureau Chief, or the Regulation Managers, when an application to use state-owned lands involves an activity which is reviewed pursuant to individual and the general permit procedures of Chapter 62-330, F.A.C., and Chapters 40D-4 and 40D-40 for environmental resource permits grandfathered pursuant to Sections 373.4131(4), 373.414(11), (12)(a), (13), (14), (15), or (16), F.S.

(2) The Governing Board delegates to the Executive Director, the Assistant Executive Director, the Division Director for Regulation, the Water Use Permit Bureau Chief, and the Demand Management Program Manager the authority to take final agency action on petitions for variances and waivers pursuant to Rule 40D-22.303, F.A.C.

(3) The Governing Board hereby incorporates by reference the following documents:

(a) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Manatee County, effective June 1, ~~2016~~2021, available at (<https://www.flrules.org/Gateway/reference.asp?No=Ref-07262>).

(b) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County, effective June 1, ~~2016~~2021, available at (<https://www.flrules.org/Gateway/reference.asp?No=Ref-07263>).

(c) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Florida Department of Health, effective June 1, ~~2016~~2021, available at (<https://www.flrules.org/Gateway/reference.asp?No=Ref-07264>).

Rulemaking Authority 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS. Law Implemented 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07, 5-12-08, 12-7-09, 7-22-10, 12-7-10, 12-4-11, 6-29-14, 2-18-15, 9-20-16, ____.

CONSENT AGENDA

May 25, 2021

General Counsel's Report: Approval of Well Construction Permitting Delegation Agreement between the Southwest Florida Water Management District and the Florida Department of Health (Marion County, Florida), and Initiation and Approval of Rulemaking to Incorporate the Agreement by Reference

The District has a long-standing relationship with Marion County concerning the regulation of water well construction in the County. Since 2007, the District has delegated its authority to Marion County to administer the District's well construction permitting program. The program is administered by the Florida Department of Health's Marion County office. The current well construction permitting agreement between the District and the Florida Department of Health for Marion County expires on June 1, 2021. The County and District staff desire to continue the delegation of water well construction permitting.

The delegation agreements are adopted by reference in Rule 40D-1.002, F.A.C. That rule provision must be updated to reference the latest agreements. As a result, District staff is also requesting approval to initiate rulemaking to effectuate the rule amendment. A copy of the proposed amendments to Rule 40D-1.002, to incorporate the agreements by reference, is also included for consideration and approval as an exhibit to this agenda item. A Statement of Estimated Regulatory Costs is not required, as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

On April 15, 2021, a new well construction permitting agreement was presented to Marion County for final approval, incorporating updates such as adding language related to Payment Card Industry compliance and removing language concerning monthly submittals of paper documents to the District. The new well construction permitting agreement will be effective for five years, until May 31, 2026.

Staff Recommendation:

1. Approve the Well Construction Permitting Agreement between the District and the Florida Department of Health for Marion County, Florida, which shall be in effect from June 1, 2021 until May 31, 2026.
2. Initiate and approve rulemaking to amend Rule 40D-1.002, Florida Administrative Code, to incorporate the Agreement by reference, and authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process.

Presenter:

Jennifer Soberal, Staff Attorney

WELL CONSTRUCTION PERMITTING AGREEMENT
BETWEEN THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
AND
THE FLORIDA DEPARTMENT OF HEALTH

THIS AGREEMENT is made by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, hereinafter referred to as the "DISTRICT," and THE FLORIDA DEPARTMENT OF HEALTH, with offices located in Marion County, hereinafter referred to as the "DEPARTMENT," effective June 1, 2021.

INTRODUCTION AND INTENT

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

WHEREAS, the DEPARTMENT has the authority and responsibility, within its jurisdiction, to protect public health and prevent disease caused by natural and manmade factors in the environment, as set forth in Chapter 381, F.S.; and

WHEREAS, a portion of the lands within the boundaries of Marion County are within the geographical jurisdiction of the DISTRICT, as described in Section 373.069, F.S., and are therefore subject to the rules, regulations, authority, and orders of the DISTRICT, pursuant to Part III, Chapter 373, F.S.; and

WHEREAS, another portion of the lands within the boundaries of Marion County are within the geographical jurisdiction of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD), as described in Section 373.069, F.S., and is therefore subject to the rules, regulations, authority, and orders of the SJRWMD, pursuant to Part III, Chapter 373, F.S.; and

WHEREAS, pursuant to Sections 373.308 and 373.309, F.S., the District is authorized to delegate to the DEPARTMENT by interagency agreement the authority to regulate the permitting and construction of water wells within that portion of Marion County that is situated within the geographical jurisdiction of the DISTRICT; and

WHEREAS, the DISTRICT and the DEPARTMENT entered into Well Construction Permitting Agreements, effective October 1, 2005 and June 1, 2016, which delegated to the DEPARTMENT the authority to administer and enforce rules and regulations governing water wells and water well contractors as set forth in Part III, Chapter 373, F.S., and applicable portions of Chapters 40D-3, 62-524, 62-528, 62-531, 62-532, and 62-555, F.A.C.;

WHEREAS, the parties desire to continue the regulation of water wells and water well contractors in Marion County through delegation to the DEPARTMENT of the DISTRICT'S authority to implement Part III of Chapter 373, F.S., and applicable portions of Chapters 40D-3, 62-524, 62-528, 62-531, 62-532, and 62-555, F.A.C., in a manner that ensures regulatory consistency throughout the portion of lands in Marion County that are within the jurisdiction of the DISTRICT and protects public health, safety and welfare;

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

1. This Agreement shall take effect on June 1, 2021. The DEPARTMENT will continue to review and evaluate well construction permit applications and issue or deny permits for the construction, repair, modification, or abandonment of water wells within the DISTRICT's geographical jurisdiction that are within the boundaries of Marion County, with the following exceptions:

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

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

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

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

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

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

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

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

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

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

computer database containing contractor licensing information.

9. The DEPARTMENT will require permit applicants to submit the permit application form described in Paragraph 6 herein, or use the on-line WMIS or subsequent permitting application process. For applications submitted on the permit application form, the DEPARTMENT will enter the data into WMIS, or subsequent permitting program, on a daily basis and scan the application and any related permit documents into WMIS, or subsequent permitting program, on a daily basis. All document scanning required pursuant to this Agreement will be in accordance with Paragraph 16 of this Agreement and will comply with the document standards established by the DISTRICT.

10. The DEPARTMENT will require the submittal of Well Completion Reports as described in Paragraph 6 herein no later than thirty (30) days of completion of well construction. For Well Completion Reports submitted on paper, the DEPARTMENT will enter the data on a daily basis and scan the document into WMIS, or subsequent permitting program, on a daily basis.

11. The DEPARTMENT will witness the grouting operations on all wells that are abandoned in accordance with Section 40D-3.531, F.A.C. The DEPARTMENT may grant a variance to this requirement if the conditions of subsection 40D-3.531(4), F.A.C., have been satisfied. The DEPARTMENT will fully complete for each such well a Well Grouting/Abandonment Form (see Paragraph 6 herein). The DEPARTMENT will scan the completed forms into WMIS, or subsequent permitting program, on a daily basis.

12. In accordance with Chapters 40D-3, 62-555, and 64E-8, F.A.C., the DEPARTMENT will issue permits, conduct well site inspections and witness the grouting operations for public supply wells. The DEPARTMENT may grant a variance to this witnessing requirement if the conditions specified in subsection 40D-3.461(6), F.A.C., are met. The DEPARTMENT will fully complete for each such well a Well Grouting/Abandonment Form (see Paragraph 6 herein). The DEPARTMENT will scan the forms into WMIS, or subsequent permitting program, on a daily basis.

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

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

- a. The DEPARTMENT will carry out an inspection program, as described in

more detail in Paragraphs 11, 12, and 13 herein;

- b. The DEPARTMENT will report all unlicensed activities to the DISTRICT and will take appropriate enforcement action against the unlicensed individual;
- c. The DEPARTMENT will take enforcement action against licensed water well contractors as set forth in Chapter 62-531, F.A.C, and implemented by the Water Well Construction Disciplinary Guidelines and Citations Dictionary, July 2014 (or later version adopted by the District). Where appropriate, as described in the guidance documents, the DEPARTMENT will comply with the due process requirements of Chapter 120, F.S.;
- d. The DEPARTMENT will report enforcement actions to the DISTRICT within thirty (30) days of commencement of an enforcement action. The DISTRICT will report the appropriate information to the Statewide Clearinghouse, if applicable;
- e. The DISTRICT may conduct audits of the DEPARTMENT's compliance and enforcement programs, as the DISTRICT deems appropriate. The DISTRICT may direct the DEPARTMENT to take specified enforcement actions if the DISTRICT finds the DEPARTMENT has failed to do so where appropriate; and
- f. The DISTRICT will, upon request, provide technical support and assist with the resolution of significant technical and policy disputes that cannot otherwise be resolved despite good faith efforts by the DEPARTMENT and the contractor.

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

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

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

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

- a. Well Completion Reports;
- b. Well Construction, Repair, Modification or Abandonment Permit applications, permits issued and any permit applications that are denied;
- c. Well Grouting/Abandonment forms;
- d. Public Supply Well Information and Classification forms;
- e. Well Construction Inspection Checklist forms; and
- f. Documents Relevant to the Review of Well Construction Permit Applications.

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

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

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

20. The DEPARTMENT will permit the DISTRICT, upon request, to examine all project records relating to the subject matter of this Agreement, including the right to audit such related books, documents and papers during the Agreement period or following termination of this Agreement. The DEPARTMENT will maintain public records

associated with this Agreement for at least three years from their receipt or creation. This period will continue after the termination of this Agreement. The DEPARTMENT recognizes and agrees that it is subject to the Public Records provisions of Chapter 119, F.S., and that all public records, as defined by Chapter 119, F.S., made or received by the DEPARTMENT in conjunction with this Agreement are subject to said provisions.

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

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

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

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

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

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

25. The DISTRICT will provide the DEPARTMENT with information concerning proposed changes to relevant rules, and current technical and administrative procedures.

26. The DEPARTMENT may not further delegate its authority under this Agreement.

27. Unless terminated by either the DISTRICT or the DEPARTMENT upon ninety (90) days prior written notice, this Agreement will continue in effect until May 31, 2026, and may be extended upon terms mutually acceptable to both parties.

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

Approved as to Legal Form and Content

Attorney

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: _____
Kelly S. Rice, Chair

Attest: _____
Rebecca Smith, Secretary

Filed this _____ of
_____, 2021.

Deputy Agency Clerk

(Seal)

THE FLORIDA DEPARTMENT OF HEALTH -
MARION COUNTY


By: _____
Mark Lander
Administrator

Date: _____

ATTEST:

(Seal)

Appendix 1

District Procedure		
Southwest Florida Water Management District		
Title: Payment Card Industry (PCI) Compliance		
Document Owner:	Finance Bureau Chief	Effective Date: 10/22/2018
Approved By:	Brian Armstrong, P.G., Executive Director 	Last Review: See Metadata

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PURPOSE

This procedure outlines the requirements for compliance to the Payment Card Industry Data Security Standards (PCI-DSS). It is designed to protect cardholder information of patrons that utilize a *Payment Card* to transact business with the Southwest Florida Water Management District's (District) or its delegated partners. Compliance with this procedure is a condition of the District, or its delegated partners, acceptance of *Payment Cards* from citizens and businesses in exchange for District Services.

The contents of this procedure are derived from the standards in the *PCI-DSS*, as established and revised by the *PCI Security Standards Council*. When appropriate, this procedure will be updated to reflect any changes in the *PCI-DSS* standards, as defined by the *PCI Security Standards Council*.

SCOPE

This procedure applies to all District employees, contractors, vendors, and other individuals that accept or have access to *Payment Card* transactions while performing District business.

This procedure also applies to all credit card data created, owned, stored, managed or under the control of the District, regardless of the media which contains the information, including but not limited to paper, microfilm, microfiche or any analog or digital format.

AUTHORITY

The promulgation of this procedure is authorized by Governing Board Policy 190-2, Technology Assets and Executive Director Procedure 19-4, Data Security and Privacy.

DEFINITIONS

District's IT Service Provider(s). The individuals/organizations that are responsible for providing, operating and maintaining the District's primary computer systems, email systems, network services and internet connectivity, and business applications.

Merchant Account. A type of bank account that accepts payments by *Payment Cards*. A *Merchant Account* is coordinated through and established by the Finance Bureau in consultation with the District's bank.

Payment Card. A debit or credit card that is accepted as payment for goods, services, or other obligations owed.

Payment Card Data. Full magnetic strip or the *PAN*, Chip and/or Pin, including any of the following: (1) Cardholder Name, (2) Expiration Date, (3) card verification value (CVV) and (4) Service Code.

Payment Card Industry (PCI) Compliance. Adherence to a set of security and reporting standards developed to protect cardholder information during and after the processing of a *Payment Card* transaction.

Payment Card Industry Data Security Standard (PCI-DSS). A set of twelve (12) broad security requirements established by the PCI Security Standards Council. The District Bureaus that accept *Payment Card* transactions are required to meet *PCI-DSS* standards or risk losing the capability to accept *Payment Cards* for services.

Payment Card Industry (PCI) Security Standards Council. A consortium of major *Payment Card* providers that have established data security standards for merchants. The *PCI Security Standards Council* also defines credentials and qualifications for assessors.

The PCI requirements set by the *PCI Security Standards Council* do not allow for exceptions. Questions about *PCI Compliance* implementation, should be forwarded to the Finance Bureau.

Primary Account Number (PAN) or Account Number. The *Payment Card* number (credit or debit) that identifies the issuer and individual cardholder account.

Self-Assessment Questionnaire (SAQ). The *PCI Self-Assessment Questionnaire* is a validation tool primarily used by merchants to demonstrate compliance with the *PCI-DSS*.

Payment Service Provider. A PCI compliant third party that is used to process all *Payment Card* and E-Check payments on behalf of the District.

Delegated County. A political subdivision, agency, municipality, or other local government of the State of Florida, to whom the District has delegated specific authorities outlined in its respective delegation agreements.

STANDARDS

Payment Card Industry Data Security Standard (PCI-DSS). A set of twelve (12) broad security requirements established by the *PCI Security Standards Council*.

Control Objectives	PCI-DSS Requirements
Build and Maintain a Secure Network	1. Install and maintain a <u>firewall</u> configuration to protect cardholder data
	2. Do not use vendor-supplied defaults for system <u>passwords</u> and other security parameters
Protect Cardholder Data	3. Protect stored cardholder data
	4. Encrypt transmission of cardholder data across open, public networks
Maintain a Vulnerability Management Program	5. Protect all systems against malware and regularly update anti-virus software or programs
	6. Develop and maintain secure systems and applications
Implement Strong Access Control Measures	7. Restrict access to cardholder data by business need-to-know
	8. Identify and authenticate access to system components
	9. Restrict physical access to cardholder data
Regularly Monitor and Test Networks	10. Track and monitor all access to network resources and cardholder data
	11. Regularly test security systems and processes
Maintain an Information Security Policy	12. Maintain a policy that addresses information security

PROCEDURE

1. Responsibilities.

a. Global District Responsibilities.

- i. The District will use *Payment Service Providers* to encrypt, process and store *Payment Card Data*.
- ii. The District Bureaus are prohibited from storing any *Payment Card Data* in an electronic format on any District computer, server, or database and further are prohibited from electronically transmitting *Payment Card Data*. In addition, any *Payment Card Data* that is written down must be shredded immediately upon transaction completion.

- iii. Any *Payment Service Provider* working with the District to process *Payment Card Data* is subject this procedure.
- iv. Contractors, vendors, and *Delegated Counties* processing *Payment Card* transactions on behalf of the District are required to follow this procedure. The *District's IT Service Providers*, contractors, vendors, and *Delegated Counties* involved in the payment process must provide certification of their continued compliance with *PCI-DSS* annually to the District's Finance Bureau.
- v. The District Bureaus must request and obtain authorization to process *Payment Card* transactions from the Finance Bureau and Information Technology Bureau.
- vi. Each District Bureau Chief is responsible for ensuring its Bureau's compliance with this procedure.
- vii. The Finance and Information Technology Bureaus will be responsible for completing the required annual *Self-Assessment Questionnaire* (SAQ). Any recommended actions identified in this assessment or by the Information Technology Bureau must be implemented immediately by the Bureaus to ensure continued *PCI Compliance*.
- viii. Each District Bureau is responsible for ensuring its employees who process *Payment Card* transactions receive annual *PCI-DSS* compliance training provided by the Finance or Information Technology Bureau. The level and content of training will be appropriate to the job functions of the employee.
 - 1. Existing employees whose position is authorized to process *Payment Card* transactions, that are not current with this training and don't have a Payment Card Industry (PCI) Compliance Authorization Acknowledgement Form on file, shall not be allowed to process *Payment Card* transactions.
 - 2. New employees whose position is authorized to process *Payment Card* transactions must receive PCI compliance training and sign the Payment Card Industry (PCI) Compliance Authorization Acknowledgement Form prior to processing any *Payment Card* transactions.
- ix. Each District Bureau will provide its employees access to equipment and systems for processing *Payment Card* transactions based on job duties and not linked directly to the individual employee.
 - 1. When an authorized employee's job duties no longer require access to equipment or systems that process *Payment Card* transactions, access must be removed by the Finance and the Information Technology Bureau staff from the respective Microsoft Active Directory (AD) groups.
 - 2. The District Bureau Chiefs or their designee must, at a minimum, annually review their list of employees, contractors, or vendors that process *Payment Card*

transactions to ensure continued authorization is warranted and to update (add, delete or modify) the authorization list.

b. District Employee, Contractor, and Vendor Responsibilities.

- i. All employees, contractors, or vendors who process *Payment Card* transactions must comply with this procedure.
- ii. All employees, contractors, or vendors must only use District provided *Payment Card* equipment, systems and information. *Payment Card* equipment systems will only be used to take *Payment Card* information while physically connected to the District's secured internal Local Area Network (LAN).
- iii. Any individual authorized to process *Payment Card* transactions must complete the Payment Card Industry (PCI) Compliance Authorization Acknowledgement Form.
- iv. Violation of this procedure either by any employees, contractors, or vendors accessing or using *Payment Card Data* for reasons other than the intended purpose (identified herein) or beyond the scope of the individual's duties, may result in disciplinary action, up to and including termination of employment.
- v. In the case of contractors or vendors, violation of this procedure may be considered a breach of contract and may be referred to the appropriate agency for civil and/or criminal action, as applicable.
- vi. In the case of Delegated Counties, violation of this procedure may be considered a violation of the agreement, and may result in the termination of such agreement. The District will work with the Delegated County to attempt to remediate the violation(s), prior to the termination of the agreement.

c. Information Technology Bureau Responsibilities.

- i. Oversee enforcement, in partnership with the Finance Bureau, of this procedure and investigate any reported or potential violations of this procedure.
- ii. Lead investigations pertaining to suspected or actual *Payment Card* security breaches.
- iii. Control access, in partnership with the Finance Bureau, to protected information if employee fails to comply with this procedure.
- iv. Work in partnership with the Finance Bureau to create and maintain standard contract language specific to *PCI Compliance* requirements.
- v. Review the contract language annually to ensure it remains current.
- vi. Maintain daily operational security procedures consistent with the latest *PCI-DSS* standards, including administrative and technical procedures for each of the *PCI-DSS* standards.
- vii. Provide results of all required network scans with the appropriate remediation steps for any identified noncompliant results to the Finance Bureau.

- viii. Coordinate the annual review of this procedure in partnership with the Finance Bureau.
- ix. Work with the District Bureaus, in partnership with the Finance Bureau, to provide annual *PCI Compliance* training to employees and the *Payment Service Providers*.

d. Finance Bureau Responsibilities.

- i. Oversee enforcement, in partnership with the Information Technology Bureau, of this procedure and investigate any reported violations of the procedure.
- ii. Work in partnership with the Information Technology Bureau to create and maintain standard contract language specific to *PCI Compliance* requirements.
- iii. Review the contract language annually to ensure it remains current.
- iv. Keep a current list of *Payment Service Providers* utilized by the District for *Payment Card* processing.
- v. On an annual basis, work in partnership with the Information Technology Bureau, to collect documentation from *Payment Service Providers* that certifies that they are PCI compliant.
- vi. Work with the District's Bureaus to replace vendors that are not PCI compliant.
- vii. Serve as the primary contact for the District Bureaus with business operations questions about this procedure.
- viii. Working in partnership with the Information Technology Bureau, ensure that all solicitations involving services or hardware used to process *Payment Card* transactions include the requirement for the *Payment Service Provider* to maintain *PCI Compliance* while performing services for the District.
- ix. Work with Information Technology Bureau to verify all awarded solicitations include documentation acknowledging that the proposed service or hardware/software is PCI compliant.
- x. Ensure that standard *PCI Compliance* language is included in contracts and agreements with vendors and contractors that provide *Payment Card* services for the District.

- 2. Security of Payment Device Hardware.** The purpose of applying security to payment device hardware is to protect the District's inventory of *Payment Card* device hardware and to provide procedures to ensure compliance with *PCI-DSS* requirements to restrict physical access to hardware that processes *Payment Card Data*. The *PCI-DSS* requirements are to maintain an inventory of and periodically inspect *Payment Card* devices to guard against tampering and/or unauthorized device substitution.

This section pertains to all *Payment Card* device hardware in use throughout the District, regardless of the procurement method. This includes, but is not limited to, workstations/laptops and associated keyboard.

a. Inventory of Payment Card Devices

- i. The Information Technology Bureau is responsible for tracking *Payment Card* devices.
- ii. The Information Technology Bureau will maintain a current inventory of all hardware used to process payments. Inventory should track the equipment type and model number (e.g., Ingenico ICT250), S/N# which is a unique alphanumeric identifier on the bottom of the device), connectivity method (e.g. wireless, dial-up, IP/Ethernet), assigned District Bureau and user, District Office, and workstation.
- iii. Inventory logs are kept in the Information Technology Bureau.
- iv. Inventory logs are reviewed as part of the District's annual PCI audit.

b. Security of Payment Card Devices

- i. Each District Bureau will ensure none of its wireless *Payment Card* device (also covers mobile devices i.e. iPads, iPhones) is left unattended while performing District business. When the device is not in use, it must be stored in a secure location. USB devices such as magstripe readers shall be tethered to the assigned workstation and tagged by the Information Technology Bureau with tamper evident seals. Store all spare hardware in a secure location. The District Bureaus that use the *Payment Card* devices to conduct District business are responsible for providing the necessary secure storage locations.
- ii. Contact the Information Technology Bureau to have devices repaired, replaced, and/or securely disposed of.

c. Inspection of Payment Card Devices

- i. *Payment Card* device inspections will be completed by the District Bureau that has been issued the device to conduct District business. The Information Technology Bureau is responsible for addressing malfunctioning equipment, as well as investigating suspected equipment alterations. The District Bureaus must inform the Information Technology Bureau of any such instances.
- ii. The Bureau that has been issued the device to conduct District business will inspect all devices quarterly and track each device's inspection date, passed/failed inspection result, and resolution for failed devices.
- iii. Each District Bureau will validate electronic serial numbers with the serial number (S/N) printed on the terminal.
- iv. Each District Bureau will inspect devices for tampering:
 1. Damaged or altered tamper seals, wiring, or labels.
 2. Mismatched keypad keys.
 3. False keypad overlay.
 4. External wires, other than the USB/power cable installed into the device.

5. Missing screws or visible scratching around the screws that hold the pin pad case.
 6. Tinfoil or other metallic material or electronic device placed in the cards scanning area.
 7. Holes in the terminal or anything else unusual.
- v. If a device fails inspection, the Bureau immediately stop using it and notify the Information Technology Bureau.
 - vi. Each District Bureau will report devices that consistently do not work properly.
 - vii. Inspection logs are reviewed quarterly by the Information Technology Bureau, as part of the District's annual PCI audit.

DISTRIBUTION

This procedure will be posted in the District's document management system and the link emailed to Finance Bureau Staff, Information Technology Bureau Staff, specifically identified Regulation Staff (that will handle Payment Card Transactions).

REFERENCES

PCI Security Standards Council
PnP Certification
Governing Board Policy *Technology Assets*
Executive Director Procedure *Data Security and Privacy*
Technical Memorandum *PCI Authorization Acknowledgement Form*

PERIODIC REVIEW

This procedure will be reviewed annually by the Information Technology Bureau Chief and the Finance Bureau Chief or their designee(s).

Appendix 2: Fee Schedule*

Service Description	State Fee	County Fee	Total Fee
DRINKING WATER			
Limited Use Public Water System Construction Permit	\$90.00		\$90.00
Application for Limited Use Public Water System Operation	\$90.00		\$90.00
Multi-Family Water System Construction Permit	\$75.00		\$75.00
Microbiological Sample Collection (trip charge not incl. analysis)	\$50.00		\$50.00
Chemical Sample Collection (trip charge not incl. analysis)	\$60.00		\$60.00
Combined Microbiological and Chemical Collection (not Incl. analysis)	\$70.00		\$70.00
Laboratory Analysis Fee - Bacteriological		\$15.00	\$15.00
Laboratory Analysis Fee - Chemical each		\$22.00	\$22.00
Reinspection of Multi-family Water System	\$40.00	\$10.00	\$50.00
Reinspection of Limited Use Public Water System	\$40.00	\$10.00	\$50.00
Delineated Area Clearance Fee	\$50.00		\$50.00
Limited Use Commercial Public Water System registration	\$15.00		\$15.00
Family Day Care Establishment, Annual Permit Fee	\$30.00		\$30.00
- Penalty Fee for late/missed submission of quarterly water sample		\$50.00	\$50.00
Sewage Treatment Plant Certification Program			
Annual Certification Fee		\$150.00	\$150.00
Well Construction Program-Delegated from WMDs			
Public Wells		\$200.00	\$200.00
Private Wells		\$100.00	\$100.00
Irrigation / Monitoring Wells		\$75.00	\$75.00
Abandonment Permit		\$50.00	\$50.00
Group Care / Sanitation Inspection			
Inspection Fee		\$50.00	\$50.00
Late Permit fees			
All Permitted Facilities	varies	\$50.00	\$50.00 plus applicable state fee
Reinspection Fees			
All Permitted Facilities	varies	\$50.00	\$50.00 plus applicable state fee

40D-1.002 Delegation of Authority.

(1) The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Rule 18-21.0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action on certain applications to use state-owned lands. Rule 18-21.0051, F.A.C., also provides that the Governing Board may delegate review and decision making authority to District staff. Therefore, the Governing Board further delegates this authority to the Executive Director, the Assistant Executive Director, the Division Director for Regulation, and the Environmental Resource Permit Bureau Chief, or the Regulation Managers, when an application to use state-owned lands involves an activity which is reviewed pursuant to individual and the general permit procedures of Chapter 62-330, F.A.C., and Chapters 40D-4 and 40D-40 for environmental resource permits grandfathered pursuant to Sections 373.4131(4), 373.414(11), (12)(a), (13), (14), (15), or (16), F.S.

(2) The Governing Board delegates to the Executive Director, the Assistant Executive Director, the Division Director for Regulation, the Water Use Permit Bureau Chief, and the Demand Management Program Manager the authority to take final agency action on petitions for variances and waivers pursuant to Rule 40D-22.303, F.A.C.

(3) The Governing Board hereby incorporates by reference the following documents:

(a) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Manatee County, effective June 1, ~~2016~~2021, available at (<https://www.flrules.org/Gateway/reference.asp?No=Ref-07262>).

(b) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County, effective June 1, ~~2016~~2021, available at (<https://www.flrules.org/Gateway/reference.asp?No=Ref-07263>).

(c) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Florida Department of Health, effective June 1, ~~2016~~2021, available at (<https://www.flrules.org/Gateway/reference.asp?No=Ref-07264>).

Rulemaking Authority 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS. Law Implemented 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07, 5-12-08, 12-7-09, 7-22-10, 12-7-10, 12-4-11, 6-29-14, 2-18-15, 9-20-16, ____.

CONSENT AGENDA**May 25, 2021****General Counsel's Report: Approval of Well Construction Permitting Delegation Agreement between the Southwest Florida Water Management District and Manatee County, Florida, and Initiation and Approval of Rulemaking to Incorporate the Agreement by Reference**

The District has a long-standing relationship with Manatee County concerning the regulation of water well construction in the County. Since 1978, the District has delegated its authority to Manatee County to administer the District's well construction permitting program. The program is administered by Manatee County's Natural Resources Department. The current well construction permitting agreement between the District and Manatee County expires on June 1, 2021. The County and District staff desire to continue the delegation of water well construction permitting.

The delegation agreements are adopted by reference in Rule 40D-1.002, F.A.C. That rule provision must be updated to reference the latest agreements. As a result, District staff is also requesting approval to initiate rulemaking to effectuate the rule amendment. A copy of the proposed amendments to Rule 40D-1.002, to incorporate the agreements by reference, is also included for consideration and approval as an exhibit to this agenda item. A Statement of Estimated Regulatory Costs is not required, as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation.

On April 15, 2021, a new well construction permitting agreement was presented to Manatee County for final approval, incorporating updates such as adding language related to Payment Card Industry compliance and removing language concerning monthly submittals of paper documents to the District. The new well construction permitting agreement will be effective for five years, until May 31, 2026.

Staff Recommendation:

1. Approve the Well Construction Permitting Agreement between the District and Manatee County, Florida, which shall be in effect from June 1, 2021 until May 31, 2026.
2. Initiate and approve rulemaking to amend Rule 40D-1.002, Florida Administrative Code, to incorporate the Agreement by reference, and authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process.

Presenter:

Jennifer Soberal, Staff Attorney

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

THIS AGREEMENT is made by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, hereinafter referred to as the "DISTRICT," and MANATEE COUNTY, hereinafter referred to as "MANATEE," effective June 1, 2021.

INTRODUCTION AND INTENT

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

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

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

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

WHEREAS, the DISTRICT and MANATEE have entered into agreements, effective since April 5, 1978, which have delegated to MANATEE the authority to administer and enforce rules and regulations governing water wells and water well contractors as set forth in Part III, Chapter 373, F.S., and applicable portions of Chapters 40D-3, 62-524, 62-528, 62-531, 62-532 and 62-555, F.A.C.; and

WHEREAS, the parties desire to continue the regulation of water wells and water well contractors in Manatee County through delegation to MANATEE of the DISTRICT's authority to implement Part III of Chapter 373, F.S., and applicable portions of Chapters 40D-3, 62-524, 62-528, 62-531, 62-532, and 62-555, F.A.C., in a manner that ensures regulatory consistency throughout Manatee County and protects public health, safety and welfare.

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

1. This Agreement shall take effect on June 1, 2021. MANATEE will continue to review and evaluate well construction permit applications and issue or deny permits for the construction, repair, modification, or abandonment of water wells in Manatee County, with the following exceptions:

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

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

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

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

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

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

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

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

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

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

9. MANATEE will require permit applicants to submit the permit application form described in Paragraph 6 herein, or use the on-line WMIS or subsequent permitting application process. For applications submitted on the permit application form, MANATEE will enter the data into WMIS, or subsequent permitting program, on a daily basis and scan the application and any related permit documents into WMIS, or subsequent permitting program, on a daily basis. All document scanning required pursuant to this Agreement will be in accordance with Paragraph 16 of this Agreement and will comply with the document standards established by the DISTRICT.

10. MANATEE will require the submittal of Well Completion Reports as described in Paragraph 6 herein no later than thirty (30) days of completion of well construction. For Well Completion Reports submitted on paper, MANATEE will enter the data on a daily basis and scan the document into WMIS, or subsequent permitting

program, on a daily basis.

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

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

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

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

- a. MANATEE will carry out an inspection program, as described in more detail in Paragraphs 11, 12, and 13 herein;
- b. MANATEE will report all unlicensed activities to the DISTRICT and will take appropriate enforcement action against the unlicensed individual;
- c. MANATEE will take enforcement action against licensed water well contractors as set forth in Chapter 62-531, F.A.C, and implemented by the Water Well Construction Disciplinary Guidelines and Citations Dictionary, July 2014 (or later version adopted by the District). Where appropriate, as described in the guidance documents, MANATEE will comply with the due process requirements of Chapter 120, F.S.;
- d. MANATEE will report enforcement actions to the DISTRICT within thirty (30) days of commencement of an enforcement action. The DISTRICT will

report the appropriate information to the Statewide Clearinghouse, if applicable;

- e. The DISTRICT may conduct audits of MANATEE's compliance and enforcement programs, as the DISTRICT deems appropriate. The DISTRICT may direct MANATEE to take specified enforcement actions if the DISTRICT finds MANATEE has failed to do so where appropriate; and
- f. The DISTRICT will, upon request, provide technical support and assist with the resolution of significant technical and policy disputes that cannot otherwise be resolved despite good faith efforts by MANATEE and the contractor.

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

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

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

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

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

- e. Well Construction Inspection Checklist forms; and
- f. Documents Relevant to the Review of Well Construction Permit Applications.

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

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

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

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

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

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

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

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

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

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

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

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

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

27. Unless terminated by either the DISTRICT or MANATEE upon ninety (90) days prior written notice, this Agreement will continue in effect until May 31, 2026, and may be extended upon terms mutually acceptable to both parties.

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

[Signature page to follow.]

Approved as to Legal Form and
Content

Attorney

SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT

By: _____
Kelly S. Rice, Chair

Attest: _____
Rebecca Smith, Secretary

Filed this _____ of
_____, 2021.

Deputy Agency Clerk

(Seal)

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

By: _____
Vanessa Baugh, Chairperson

Date: _____

ATTEST:
ANGELINA "ANGEL" COLONNESO
Clerk of Circuit Court & Comptroller of
Manatee County, Florida

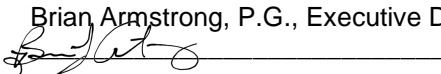
By: _____
Deputy Clerk

(Seal)

Approved as to form and correctness:

By: _____
County Attorney

Appendix 1

District Procedure		
Southwest Florida Water Management District		
Title: Payment Card Industry (PCI) Compliance		
Document Owner:	Finance Bureau Chief	
Approved By:	Brian Armstrong, P.G., Executive Director	Effective Date: 10/22/2018
		
		Last Review: See Metadata

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PURPOSE

This procedure outlines the requirements for compliance to the Payment Card Industry Data Security Standards (PCI-DSS). It is designed to protect cardholder information of patrons that utilize a *Payment Card* to transact business with the Southwest Florida Water Management District’s (District) or its delegated partners. Compliance with this procedure is a condition of the District, or its delegated partners, acceptance of *Payment Cards* from citizens and businesses in exchange for District Services.

The contents of this procedure are derived from the standards in the *PCI-DSS*, as established and revised by the *PCI Security Standards Council*. When appropriate, this procedure will be updated to reflect any changes in the *PCI-DSS* standards, as defined by the *PCI Security Standards Council*.

SCOPE

This procedure applies to all District employees, contractors, vendors, and other individuals that accept or have access to *Payment Card* transactions while performing District business.

This procedure also applies to all credit card data created, owned, stored, managed or under the control of the District, regardless of the media which contains the information, including but not limited to paper, microfilm, microfiche or any analog or digital format.

AUTHORITY

The promulgation of this procedure is authorized by Governing Board Policy 190-2, Technology Assets and Executive Director Procedure 19-4, Data Security and Privacy.

DEFINITIONS

District's IT Service Provider(s). The individuals/organizations that are responsible for providing, operating and maintaining the District's primary computer systems, email systems, network services and internet connectivity, and business applications.

Merchant Account. A type of bank account that accepts payments by *Payment Cards*. A *Merchant Account* is coordinated through and established by the Finance Bureau in consultation with the District's bank.

Payment Card. A debit or credit card that is accepted as payment for goods, services, or other obligations owed.

Payment Card Data. Full magnetic strip or the *PAN*, Chip and/or Pin, including any of the following: (1) Cardholder Name, (2) Expiration Date, (3) card verification value (CVV) and (4) Service Code.

Payment Card Industry (PCI) Compliance. Adherence to a set of security and reporting standards developed to protect cardholder information during and after the processing of a *Payment Card* transaction.

Payment Card Industry Data Security Standard (PCI-DSS). A set of twelve (12) broad security requirements established by the PCI Security Standards Council. The District Bureaus that accept *Payment Card* transactions are required to meet *PCI-DSS* standards or risk losing the capability to accept *Payment Cards* for services.

Payment Card Industry (PCI) Security Standards Council. A consortium of major *Payment Card* providers that have established data security standards for merchants. The *PCI Security Standards Council* also defines credentials and qualifications for assessors.

The PCI requirements set by the *PCI Security Standards Council* do not allow for exceptions. Questions about *PCI Compliance* implementation, should be forwarded to the Finance Bureau.

Primary Account Number (PAN) or Account Number. The *Payment Card* number (credit or debit) that identifies the issuer and individual cardholder account.

Self-Assessment Questionnaire (SAQ). The *PCI Self-Assessment Questionnaire* is a validation tool primarily used by merchants to demonstrate compliance with the *PCI-DSS*.

Payment Service Provider. A PCI compliant third party that is used to process all *Payment Card* and E-Check payments on behalf of the District.

Delegated County. A political subdivision, agency, municipality, or other local government of the State of Florida, to whom the District has delegated specific authorities outlined in its respective delegation agreements.

STANDARDS

Payment Card Industry Data Security Standard (PCI-DSS). A set of twelve (12) broad security requirements established by the *PCI Security Standards Council*.

Control Objectives	PCI-DSS Requirements
Build and Maintain a Secure Network	1. Install and maintain a <u>firewall</u> configuration to protect cardholder data
	2. Do not use vendor-supplied defaults for system <u>passwords</u> and other security parameters
Protect Cardholder Data	3. Protect stored cardholder data
	4. Encrypt transmission of cardholder data across open, public networks
Maintain a Vulnerability Management Program	5. Protect all systems against malware and regularly update anti-virus software or programs
	6. Develop and maintain secure systems and applications
Implement Strong Access Control Measures	7. Restrict access to cardholder data by business need-to-know
	8. Identify and authenticate access to system components
	9. Restrict physical access to cardholder data
Regularly Monitor and Test Networks	10. Track and monitor all access to network resources and cardholder data
	11. Regularly test security systems and processes
Maintain an Information Security Policy	12. Maintain a policy that addresses information security

PROCEDURE

1. Responsibilities.

a. Global District Responsibilities.

- i. The District will use *Payment Service Providers* to encrypt, process and store *Payment Card Data*.
- ii. The District Bureaus are prohibited from storing any *Payment Card Data* in an electronic format on any District computer, server, or database and further are prohibited from electronically transmitting *Payment Card Data*. In addition, any *Payment Card Data* that is written down must be shredded immediately upon transaction completion.

- iii. Any *Payment Service Provider* working with the District to process *Payment Card Data* is subject this procedure.
- iv. Contractors, vendors, and *Delegated Counties* processing *Payment Card* transactions on behalf of the District are required to follow this procedure. The *District's IT Service Providers*, contractors, vendors, and *Delegated Counties* involved in the payment process must provide certification of their continued compliance with *PCI-DSS* annually to the District's Finance Bureau.
- v. The District Bureaus must request and obtain authorization to process *Payment Card* transactions from the Finance Bureau and Information Technology Bureau.
- vi. Each District Bureau Chief is responsible for ensuring its Bureau's compliance with this procedure.
- vii. The Finance and Information Technology Bureaus will be responsible for completing the required annual *Self-Assessment Questionnaire* (SAQ). Any recommended actions identified in this assessment or by the Information Technology Bureau must be implemented immediately by the Bureaus to ensure continued *PCI Compliance*.
- viii. Each District Bureau is responsible for ensuring its employees who process *Payment Card* transactions receive annual *PCI-DSS* compliance training provided by the Finance or Information Technology Bureau. The level and content of training will be appropriate to the job functions of the employee.
 - 1. Existing employees whose position is authorized to process *Payment Card* transactions, that are not current with this training and don't have a Payment Card Industry (PCI) Compliance Authorization Acknowledgement Form on file, shall not be allowed to process *Payment Card* transactions.
 - 2. New employees whose position is authorized to process *Payment Card* transactions must receive PCI compliance training and sign the Payment Card Industry (PCI) Compliance Authorization Acknowledgement Form prior to processing any *Payment Card* transactions.
- ix. Each District Bureau will provide its employees access to equipment and systems for processing *Payment Card* transactions based on job duties and not linked directly to the individual employee.
 - 1. When an authorized employee's job duties no longer require access to equipment or systems that process *Payment Card* transactions, access must be removed by the Finance and the Information Technology Bureau staff from the respective Microsoft Active Directory (AD) groups.
 - 2. The District Bureau Chiefs or their designee must, at a minimum, annually review their list of employees, contractors, or vendors that process *Payment Card*

transactions to ensure continued authorization is warranted and to update (add, delete or modify) the authorization list.

b. District Employee, Contractor, and Vendor Responsibilities.

- i. All employees, contractors, or vendors who process *Payment Card* transactions must comply with this procedure.
- ii. All employees, contractors, or vendors must only use District provided *Payment Card* equipment, systems and information. *Payment Card* equipment systems will only be used to take *Payment Card* information while physically connected to the District's secured internal Local Area Network (LAN).
- iii. Any individual authorized to process *Payment Card* transactions must complete the Payment Card Industry (PCI) Compliance Authorization Acknowledgement Form.
- iv. Violation of this procedure either by any employees, contractors, or vendors accessing or using *Payment Card Data* for reasons other than the intended purpose (identified herein) or beyond the scope of the individual's duties, may result in disciplinary action, up to and including termination of employment.
- v. In the case of contractors or vendors, violation of this procedure may be considered a breach of contract and may be referred to the appropriate agency for civil and/or criminal action, as applicable.
- vi. In the case of Delegated Counties, violation of this procedure may be considered a violation of the agreement, and may result in the termination of such agreement. The District will work with the Delegated County to attempt to remediate the violation(s), prior to the termination of the agreement.

c. Information Technology Bureau Responsibilities.

- i. Oversee enforcement, in partnership with the Finance Bureau, of this procedure and investigate any reported or potential violations of this procedure.
- ii. Lead investigations pertaining to suspected or actual *Payment Card* security breaches.
- iii. Control access, in partnership with the Finance Bureau, to protected information if employee fails to comply with this procedure.
- iv. Work in partnership with the Finance Bureau to create and maintain standard contract language specific to *PCI Compliance* requirements.
- v. Review the contract language annually to ensure it remains current.
- vi. Maintain daily operational security procedures consistent with the latest *PCI-DSS* standards, including administrative and technical procedures for each of the *PCI-DSS* standards.
- vii. Provide results of all required network scans with the appropriate remediation steps for any identified noncompliant results to the Finance Bureau.

- viii. Coordinate the annual review of this procedure in partnership with the Finance Bureau.
- ix. Work with the District Bureaus, in partnership with the Finance Bureau, to provide annual *PCI Compliance* training to employees and the *Payment Service Providers*.

d. Finance Bureau Responsibilities.

- i. Oversee enforcement, in partnership with the Information Technology Bureau, of this procedure and investigate any reported violations of the procedure.
- ii. Work in partnership with the Information Technology Bureau to create and maintain standard contract language specific to *PCI Compliance* requirements.
- iii. Review the contract language annually to ensure it remains current.
- iv. Keep a current list of *Payment Service Providers* utilized by the District for *Payment Card* processing.
- v. On an annual basis, work in partnership with the Information Technology Bureau, to collect documentation from *Payment Service Providers* that certifies that they are PCI compliant.
- vi. Work with the District's Bureaus to replace vendors that are not PCI compliant.
- vii. Serve as the primary contact for the District Bureaus with business operations questions about this procedure.
- viii. Working in partnership with the Information Technology Bureau, ensure that all solicitations involving services or hardware used to process *Payment Card* transactions include the requirement for the *Payment Service Provider* to maintain *PCI Compliance* while performing services for the District.
- ix. Work with Information Technology Bureau to verify all awarded solicitations include documentation acknowledging that the proposed service or hardware/software is PCI compliant.
- x. Ensure that standard *PCI Compliance* language is included in contracts and agreements with vendors and contractors that provide *Payment Card* services for the District.

- 2. Security of Payment Device Hardware.** The purpose of applying security to payment device hardware is to protect the District's inventory of *Payment Card* device hardware and to provide procedures to ensure compliance with *PCI-DSS* requirements to restrict physical access to hardware that processes *Payment Card Data*. The *PCI-DSS* requirements are to maintain an inventory of and periodically inspect *Payment Card* devices to guard against tampering and/or unauthorized device substitution.

This section pertains to all *Payment Card* device hardware in use throughout the District, regardless of the procurement method. This includes, but is not limited to, workstations/laptops and associated keyboard.

a. Inventory of Payment Card Devices

- i. The Information Technology Bureau is responsible for tracking *Payment Card* devices.
- ii. The Information Technology Bureau will maintain a current inventory of all hardware used to process payments. Inventory should track the equipment type and model number (e.g., Ingenico ICT250), S/N# which is a unique alphanumeric identifier on the bottom of the device), connectivity method (e.g. wireless, dial-up, IP/Ethernet), assigned District Bureau and user, District Office, and workstation.
- iii. Inventory logs are kept in the Information Technology Bureau.
- iv. Inventory logs are reviewed as part of the District's annual PCI audit.

b. Security of Payment Card Devices

- i. Each District Bureau will ensure none of its wireless *Payment Card* device (also covers mobile devices i.e. iPads, iPhones) is left unattended while performing District business. When the device is not in use, it must be stored in a secure location. USB devices such as magstripe readers shall be tethered to the assigned workstation and tagged by the Information Technology Bureau with tamper evident seals. Store all spare hardware in a secure location. The District Bureaus that use the *Payment Card* devices to conduct District business are responsible for providing the necessary secure storage locations.
- ii. Contact the Information Technology Bureau to have devices repaired, replaced, and/or securely disposed of.

c. Inspection of Payment Card Devices

- i. *Payment Card* device inspections will be completed by the District Bureau that has been issued the device to conduct District business. The Information Technology Bureau is responsible for addressing malfunctioning equipment, as well as investigating suspected equipment alterations. The District Bureaus must inform the Information Technology Bureau of any such instances.
- ii. The Bureau that has been issued the device to conduct District business will inspect all devices quarterly and track each device's inspection date, passed/failed inspection result, and resolution for failed devices.
- iii. Each District Bureau will validate electronic serial numbers with the serial number (S/N) printed on the terminal.
- iv. Each District Bureau will inspect devices for tampering:
 1. Damaged or altered tamper seals, wiring, or labels.
 2. Mismatched keypad keys.
 3. False keypad overlay.
 4. External wires, other than the USB/power cable installed into the device.

5. Missing screws or visible scratching around the screws that hold the pin pad case.
 6. Tinfoil or other metallic material or electronic device placed in the cards scanning area.
 7. Holes in the terminal or anything else unusual.
- v. If a device fails inspection, the Bureau immediately stop using it and notify the Information Technology Bureau.
 - vi. Each District Bureau will report devices that consistently do not work properly.
 - vii. Inspection logs are reviewed quarterly by the Information Technology Bureau, as part of the District's annual PCI audit.

DISTRIBUTION

This procedure will be posted in the District's document management system and the link emailed to Finance Bureau Staff, Information Technology Bureau Staff, specifically identified Regulation Staff (that will handle Payment Card Transactions).

REFERENCES

PCI Security Standards Council
PnP Certification
Governing Board Policy *Technology Assets*
Executive Director Procedure *Data Security and Privacy*
Technical Memorandum *PCI Authorization Acknowledgement Form*

PERIODIC REVIEW

This procedure will be reviewed annually by the Information Technology Bureau Chief and the Finance Bureau Chief or their designee(s).

Appendix 2

MANATEE COUNTY GOVERNMENT
PARKS & NATURAL RESOURCES DEPARTMENT

WATER WELL PERMITTING PROGRAM PERMIT FEES

ACTIVITY	FEE
ABANDONMENTS	\$0
PUBLIC SUPPLY	\$300
OTHER WELLS	\$145

40D-1.002 Delegation of Authority.

(1) The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Rule 18-21.0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action on certain applications to use state-owned lands. Rule 18-21.0051, F.A.C., also provides that the Governing Board may delegate review and decision making authority to District staff. Therefore, the Governing Board further delegates this authority to the Executive Director, the Assistant Executive Director, the Division Director for Regulation, and the Environmental Resource Permit Bureau Chief, or the Regulation Managers, when an application to use state-owned lands involves an activity which is reviewed pursuant to individual and the general permit procedures of Chapter 62-330, F.A.C., and Chapters 40D-4 and 40D-40 for environmental resource permits grandfathered pursuant to Sections 373.4131(4), 373.414(11), (12)(a), (13), (14), (15), or (16), F.S.

(2) The Governing Board delegates to the Executive Director, the Assistant Executive Director, the Division Director for Regulation, the Water Use Permit Bureau Chief, and the Demand Management Program Manager the authority to take final agency action on petitions for variances and waivers pursuant to Rule 40D-22.303, F.A.C.

(3) The Governing Board hereby incorporates by reference the following documents:

(a) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Manatee County, effective June 1, ~~2016~~2021, available at (<https://www.flrules.org/Gateway/reference.asp?No=Ref-07262>).

(b) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County, effective June 1, ~~2016~~2021, available at (<https://www.flrules.org/Gateway/reference.asp?No=Ref-07263>).

(c) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Florida Department of Health, effective June 1, ~~2016~~2021, available at (<https://www.flrules.org/Gateway/reference.asp?No=Ref-07264>).

Rulemaking Authority 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS. Law Implemented 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07, 5-12-08, 12-7-09, 7-22-10, 12-7-10, 12-4-11, 6-29-14, 2-18-15, 9-20-16, ____.

CONSENT AGENDA

May 25, 2021

General Counsel's Report: Governing Board Concurrence – SWFWMD Emergency Order – Emergency Measures Made Necessary by COVID-19

On March 1, 2021, the District's Executive Director issued the Seventh Amended and Restated Emergency Order No. SWF 21-007 in accordance with the Governor's Executive Order No. 20-52 (and subsequent amendments) declaring a state of emergency throughout Florida due to the Novel Coronavirus Disease 2019 (COVID-19). The Seventh Amended and Restated Emergency Order extended the duration of Emergency Order No. SWF 20-054 through April 27, 2021, and provided for the following narrowly tailored measures to assist the immediate need for action:

- Extension of permitting deadlines.
- Provision for conducting safe public meetings.

The Governor's Executive Orders and Section 373.119, Florida Statutes, authorize local agencies and governments to take actions necessary to meet a public health emergency. Such actions may include, among others, waiving the procedures and formalities otherwise required to perform public work as necessary to ensure the health, safety, and welfare of the community. On March 23, 2021, the District's Governing Board concurred with the Executive Director's findings and approved the Seventh Amended and Restated Emergency Order.

On April 27, 2021, the Governor issued Executive Order No. 21-94 to extend the declaration of emergency due to COVID-19 through June 26, 2021. The District's Executive Director and staff have similarly found that an extension of the District's Emergency Order is necessary to meet the ongoing public health emergency. As a result, the Executive Director issued the Eighth Amended and Restated Emergency Order No. SWF 21-020 on May 3, 2021 to extend the duration of the District's Emergency Order through June 26, 2021. The expiration date is consistent with the expiration date of both the Governor's Executive Orders and the Department of Environmental Protection's Eighth Amended and Restated Emergency Order No. 20-0239. Furthermore, Emergency Order 21-020 provides that the District may conduct in-person public meetings or hearings in accordance with CDC guidelines during the term of the Order to encourage public engagement while protecting public health. If approved, Emergency Order 21-020 would remain in effect until June 26, 2021, unless terminated or extended by further order.

Staff Recommendation:

Approve the Eighth Amended and Restated Emergency Order No. SWF 21-020 and concur with the Executive Director's determinations regarding the state of emergency and the actions necessary to meet the emergency.

Presenter:

Christopher A. Tumminia, Deputy General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE:

EMERGENCY ORDER DUE TO
THE EFFECTS OF COVID-19

EIGHTH AMENDED AND RESTATED EMERGENCY ORDER NO. SWF 21-020

Under the authority of Sections 120.569(2)(n), 252.36, 252.46, and 373.119(2), Florida Statutes (F.S.), and upon consideration of State of Florida Executive Order Nos. 20-52, 20-114, 20-166, 20-213, 20-276, 20-316, 21-45, and 21-94, the Florida Department of Environmental Protection's Eighth Amended and Restated Emergency Final Order No. 20-0239, and the following findings of fact, the Southwest Florida Water Management District (District) enters this Eighth Amended and Restated Emergency Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent or immediate danger to the public health, safety, and welfare of the citizens residing within the District caused by the Novel Coronavirus Disease 2019 (COVID-19). This Eighth Amended and Restated Emergency Order amends and extends the provisions of the Seventh Amended and Restated Emergency Order No. SWF 21-007, entered on March 1, 2021:

FINDINGS OF FACT

1. The District is a public corporation charged with the responsibility to conserve, protect, manage, and control the water resources within the 16 counties designated within its geographic boundaries (Emergency Area), and to administer and enforce Chapter 373, F.S. The District issues authorizations for use of sovereign submerged lands pursuant to Chapters 253 and 373, F.S., and permits in accordance with the various procedures and deadlines set forth in Chapters 120, 373, and 403, F.S.,

and rules promulgated thereunder in Chapters 18-20, 18-21, 28, 40D, and 62-330, Florida Administrative Code.

2. COVID-19 is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza.

3. In late 2019, a new and significant outbreak of COVID-19 emerged in China. Since the initial outbreak, COVID-19 has now been detected in more than 100 locations internationally, including the United States. As a result, the World Health Organization has declared COVID-19 a pandemic.

4. Positive cases of COVID-19 have been detected in the state of Florida. On March 1, 2020, pursuant to the Governor's Executive Order No. 20-51, the State of Florida's Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19. The Governor also directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 1 to provide a coordinated response to the COVID-19 emergency.

5. By State of Florida Executive Order Nos. 20-52, 20-114, 20-166, 20-213, 20-276, 20-316, 21-45, and 21-94 (Executive Orders), the Governor declared that a state of emergency exists throughout the state of Florida. Subsequently, the Florida Department of Environmental Protection issued and extended Emergency Final Order No. 20-0239 providing certain measures to be taken to implement the Governor's Executive Order and meet the exigencies of the public health emergency.

6. The District's Executive Director finds that the effects of COVID-19 create an ongoing state of emergency threatening the public health, safety, welfare, and property throughout the Emergency Area. As a result of the emergency, immediate action is necessary.

7. In accordance with recommendations from the Centers for Disease Control and Prevention (CDC) and other health organizations, many employees of companies and government entities are working remotely to minimize the risk of spreading COVID-19. On March 16, 2020, President Trump and the CDC issued the 15 days to Slow the Spread guidance advising individuals to adopt far reaching social distancing measures such as working from home and avoiding gatherings of more than 10 people.

8. COVID-19 may cause disruption in supply chains and the labor force, thereby impacting the ability of many regulated entities to meet certain regulatory deadlines. Therefore, the District's Executive Director finds that it is appropriate to extend certain regulatory deadlines by 30 days to accommodate disruptions. This Order does not provide relief from any other regulatory requirements, including those of other federal, state, or local agencies. This Order likewise does not provide relief from the District's compliance and enforcement activities. The District will continue to carry out all inspections, testing, data and file reviews, and other compliance verification activities to ensure full compliance with regulatory requirements. In the event of noncompliance with any such requirements, the District will continue to fully execute its compliance and enforcement duties to the extent required by law.

9. The District's Executive Director finds that in-person public meetings and hearings pose a potential risk to the health and safety of employees and the public unless

appropriate safety protocols are implemented. Accordingly, public meetings and hearings may be held in-person in accordance with CDC guidelines to minimize the risk of spreading COVID-19. The District will continue to provide access to public meetings and hearings by electronic means to encourage public engagement while protecting public health.

10. Section 373.119(2), F.S., provides that whenever the executive director, with the concurrence and advice of the governing board, finds that an emergency exists requiring immediate action to protect the public health, safety, or welfare of the citizens of the state of Florida, the executive director may, without prior notice, issue an order reciting the existence of such an emergency and require that such action be taken as the executive director deems necessary to meet the emergency.

11. The District's Executive Director finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay necessary action in coping with the emergency, and that the actions authorized under this Order are narrowly tailored to address the immediate need for action and are procedurally appropriate under the circumstances.

CONCLUSIONS OF LAW

12. Based on the findings recited above, it is hereby concluded that the emergency caused by COVID-19 poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the District.

13. This Order is issued to carry out the directives in the Executive Orders, which were issued under the authority of article IV, section 1(a) of the Florida Constitution, and in concert with the Florida Department of Environmental Protection's Eighth

Amended and Restated Emergency Final Order No. 20-0239. Additionally, under the Executive Orders and Sections 120.569(2)(n), 252.36, 252.46, and 373.119(2), F.S., the District's Executive Director is authorized to issue this Order.

14. Suspension of statutes and rules as noted within this Order is required so as not to prevent, hinder, or delay necessary action in coping with the emergency. However, this Order is limited to the items specified below and does not provide relief from the District's compliance and enforcement activities. The District will continue to carry out all inspections, testing, data and file reviews, and other compliance verification activities to ensure full compliance with regulatory requirements. In the event of noncompliance with any such requirements, the District will continue to fully execute its compliance and enforcement duties.

THEREFORE, it is hereby ORDERED:

Within the Emergency Area, the requirements and effects of statutes, rules, agreements, or District orders which conflict with the provisions of this Order are suspended to the extent necessary to implement this Order.

15. **Extension of Time to Comply with Specified Deadlines.** For facilities and activities regulated by the District within the Emergency Area, this Order extends by 30 days the time to comply with the following specified deadlines that occur between the date of issuance of this Order and the expiration of this Order (a.-e. below). However, as specified above, this Order does not provide relief from any other regulatory requirements including those of other federal, state, or local agencies. This Order likewise does not provide relief from the District's compliance and enforcement activities. The District will continue to carry out all inspections, testing, data and file reviews, and other compliance

verification activities to ensure full compliance with regulatory requirements. In the event of noncompliance with any such requirements, the District will continue to fully execute its compliance and enforcement duties to the extent required by law.

a. The time deadlines to conduct or report periodic monitoring or any other similar monitoring that is required by a permit, lease, easement, consent of use, letter of consent, consent order, consent agreement, administrative order, or other authorization under Chapters 161, 253, 258, 373, 376, or 403, F.S., and rules adopted thereunder.

b. The time deadlines to file an application for an extension of permit duration or renewal of an existing permit, lease, easement, consent of use, letter of consent, or other authorization under Chapters 161, 253, 258, 373, 376, or 403, F.S., and rules adopted thereunder.

c. The time deadlines to file an application for an operation permit under Chapters 161, 253, 258, 373, 376 or 403, F.S., and rules adopted thereunder.

d. The expiration date for an existing permit, lease, consent of use, or other authorization under Chapters 161, 253, 258, 373, 376 or 403, F.S., and rules adopted thereunder.

e. The time deadlines to obtain a permit for and commence construction of the initial phase of a system for which a conceptual permit was issued pursuant to Part IV of Chapter 373, F.S., and rules adopted thereunder.

16. **Public Meetings and Hearings.** The District may conduct in-person public meetings or hearings in accordance with CDC guidelines and the District's Personal Hygiene and Contact Tracing Guideline, dated January 26, 2021, during the term of this

Order to minimize the risk of spreading COVID-19. The District will continue to provide access to public meetings and hearings by electronic means, including, without limitation, the use of webinar or telephone to encourage public engagement while protecting public health.

17. **Expiration Date.** This Order shall take effect immediately upon execution by the Executive Director or his designee, and shall expire on June 26, 2021, unless modified or extended by further order.

DONE AND ORDERED in Hillsborough County, Florida, on this 3rd day of May, 2021.

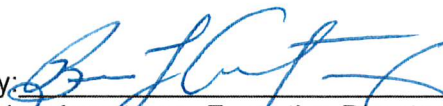
Approved as to legal form and content



Chris Tumminia, Deputy General Counsel

**SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT**

By:

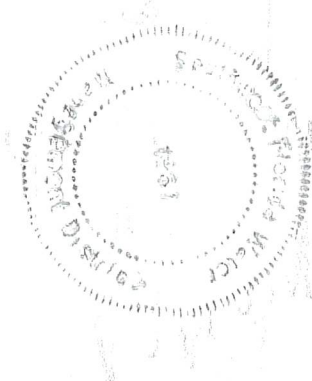

Brian Armstrong, Executive Director

Filed this 4th day of

May, 2021.


Deputy Agency Clerk

[SEAL]



NOTICE OF RIGHTS

Pursuant to Section 120.569(2)(n), Florida Statutes, any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review under Section 120.68, Florida Statutes. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the District at 7601 U.S. Highway 301 North, Tampa, Florida 33637-6759, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the District.

CONSENT AGENDA

May 25, 2021

Executive Director's Report: Approve CFI Northern Region Meeting Minutes - April 7, 2021

Staff Recommendation:

Approve minutes as presented.

Presenter:

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

NORTHERN REGION COOPERATIVE FUNDING INITIATIVE MEETING SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

APRIL 7, 2021

Due to the COVID-19 virus, this meeting was held through a combination of in-person attendance and 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 convened at 10:00 a.m., on Wednesday, April 7, 2021 at the Brooksville Office, 2379 Broad Street, Brooksville, Florida 34604.

Governing Board Members Present

Kelly Rice, Chair
Seth Weightman*
John Mitten

Recording Secretary

Lori Manuel

Staff Members Present

Amanda Rice
Jennette Seachrist
John Campbell
Kevin Wills
Vivianna Bendixson
Virginia Singer
Jay Hoecker
Terese Power

*Attended via Zoom

A list of others who attended via Zoom is filed in the permanent records of the District. Approved minutes can be found on the District's website at WaterMatters.org.

The numbers preceding the items below correspond with the published agenda.

1. **Call to Order, Invocation and Pledge of Allegiance**

Chair Rice called the meeting to order. Board Member Mitten led the invocation and the pledge of allegiance.

2. **Introductions**

Chair Rice introduced the other members of the committee.

3. **Action Item: Approval of February 3 Meeting Minutes**

A motion was made to approve the minutes from the February 3 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) 2018 to present.

The presentation outlined the Northern Region project funding requests for FY2022 by ranking. 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 3 meeting. He addressed the 1A ranked project Q197. He also addressed high ranked project Q043.

a. **Project Presentations**

Ms. Vivianne Bendixson, Surface Water Improvement Management Program Manager, provided a presentation that included an overview of the FY2022 funding process, a summary of previous-year funding requests, a summary of applications received for FY2022, and a detailed timeline. She stated that six projects were submitted for springs funding. Ms. Bendixson stated that two of the projects, WW10 and Q043 were also submitted for cooperative funding.

Ms. Bendixson addressed three requested springs projects located within the Rainbow Basin Management Action Plan (BMAP). These included two high ranked projects APP01 and APP02, and one medium ranked project Q043.

Ms. Bendixson addressed medium ranked project WW10 which is located within the Weeki Wachee BMAP.

Ms. Bendixson addressed medium ranked project APP05 and low ranked project APP06, both located within the Chassahowitzka/Homosassa BMAP.

Ms. Bendixson responded to questions.

Mr. Jay Hoecker, Water Supply Manager, provided a presentation regarding high ranked project Q043. He stated this project was initially ranked low and provided an explanation of the change in ranking. Mr. Hoecker outlined the description, staff evaluation and strategic goal of the project.

Ms. Terese Power, Engineering and Watershed Management Manager, provided a presentation regarding 1A ranked project Q197. She provided information regarding flooding issues and outlined proposed improvements.

5. **Receive Additional Public Comments**

No Request to Speak cards were received.

6. **Action Item: Approve Project Rankings and Recommendations**

Staff recommended the Board 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 2021-22; 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.

Mr. Wills reminded the Board that these projects will be presented at the May 24 Governing board meeting for approval.

7. **Adjournment**

There being no further discussion, Chair Rice thanked everyone who attended and adjourned the meeting at 10:45 a.m.

CONSENT AGENDA

May 25, 2021

Executive Director's Report: Approve CFI Southern Region Meeting Minutes - April 8, 2021

Staff Recommendation:

Approve minutes as presented.

Presenter:

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

SOUTHERN REGION COOPERATIVE FUNDING INITIATIVE MEETING SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

APRIL 8, 2021

Due to the COVID-19 virus, this meeting was held through a combination of in-person attendance and electronic media to reduce public gatherings and practice social distancing.

The Southern Region Cooperative Funding Initiative (CFI) Public Meeting hosted by the Southwest Florida Water Management District convened at 10:00 a.m., on Thursday, April 8, 2021 at the Tampa Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

Governing Board Members Present

Joel Schleicher, Chair
James Murphy*
Jack Bispham*

Recording Secretary

Lori Manuel

Staff Members Present

Amanda Rice
Jennette Seachrist
JP Marchand
Kevin Wills
Vivianna Bendixson
Randy Smith
Jay Hoecker
Nicole Mytyk

*Attended via Zoom

A list of others who attended via Zoom is filed in the permanent records of the District. Approved minutes can be found on the District's website at [WaterMatters.org](https://www.watermatters.org).

The numbers preceding the items below correspond with the published agenda.

1. **Call to Order, Invocation and Pledge of Allegiance**

Chair Schleicher called the meeting to order. Board Member Murphy led the invocation and the pledge of allegiance.

2. **Introductions**

Chair Schleicher introduced the other members of the committee.

3. **Action Item: Approval of February 4 Meeting Minutes**

A motion was made to approve the minutes from the February 4 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 that included a comparison of applications and requests funded for all four regions from Fiscal Year (FY) 2018 to present.

This presentation outlined the project funding requests for FY2022 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 4 meeting. He stated there was an increase of \$3.5 million dollars. Mr. Wills explained this is due to the change in ranking from low to a high for project Q272. He addressed the 1A

due to the change in ranking from low to a high for project Q272. He addressed the 1A ranked project Q141. He addressed high ranked projects Q217, Q234, Q272 and W646. Mr. Wills stated that projects Q160, Q242 and Q260 were withdrawn by the cooperator.

a. Project Presentations

Mr. Jay Hoecker, Water Supply Manager, provided a presentation regarding high ranked project Q272. Mr. Hoecker explained the reason for the change in ranking from low to high. He outlined the description, information regarding regional demands versus capacity, project timeline, and project costs.

Chair Schleicher asked about a population estimate from 2031 to 2040 associated with this project. Mr. Hoecker agreed to provide additional information at the May Governing Board meeting.

Chair Schleicher asked if the conceptual costs addressed inflation, construction costs, etc., over a ten-year period. Mr. Hoecker responded that the costs are associated with current values. Ms. Seachrist explained the process associated with determining future cost estimates.

Mr. Hoecker responded provided clarification regarding potential project costs.

Chair Schleicher requested information be presented at the May Governing Board meeting addressing the timeline for the number three reservoir connectivity and cyber/physical security associated with this project. Mr. Hoecker responded in the affirmative.

Board Member Bispham requested that information be presented at the May Governing Board meeting addressing the mitigation requirements associated with this project.

Ms. Vivianna Bendixson, Surface Water Improvement Management Manager, provided a presentation regarding high ranked project W646. She provided a project description, outlined potential benefits, and explained the funding request.

Board Member Bispham asked if there was excavation associated with project W646. Ms. Bendixson responded in the affirmative. Mr. Marlon Brown, City of Sarasota Manager, and Mr. Chris Cianfaglione, representing Kimley Horn, provided information, and responded to questions.

Ms. Nicole Mytyk, P.E., Water Resources Engineering Supervisor, provided a presentation regarding 1A ranked project Q141 and high ranked project Q234. This presentation was requested at the February 4 Southern CFI meeting. Ms. Mytyk explained why the projects are submitted separately for Bowlees Creek. She explained these projects are considered individually because they occur in two different areas of the watershed, create independent effects, individual costs, and provide separate benefits. Ms. Mytyk provided descriptions, benefits, and funding information for both projects.

Chair Schleicher asked about the floodplain reduction benefits associated with project Q141. Mr. JP Marchand, Water Resource Bureau Chief, explained the use of the cost analysis in assessing the benefits of avoiding damage associated with this project. He responded to questions and provided additional information.

Chair Schleicher asked if the Sara Bay Country Club owners have authorized the installation of the proposed control gates and the reclaimed water connection associated

with project Q141. Mr. Kenneth Kohn, representing Manatee County, responded that negotiations are ongoing, and the County is confident an agreement will be authorized.

Board Member Bispham asked about the possibility of modifying the project to provide the County with an opportunity to qualify for federal infrastructure funds that may become available. Mr. Kohn responded this was something the County may consider.

Mr. JP Marchand provided a presentation regarding low ranked project Q237. He explained this is the third phase of Dona Bay projects. Mr. Marchand provided an overview of phases one and two. He explained the evaluation process that assigned the low ranking for project Q237.

Mr. Michael Mylett, representing Sarasota County, spoke in favor of project Q237. He explained the delay in construction associated with phase two and the request for additional funds.

5. Receive Additional Public Comments

Mr. Michael Mylett, representing Sarasota County, spoke in favor of project Q237.

6. Action Item: Approve Project Rankings and Recommendations

A motion was made to 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 FY2021-22; and drop from consideration those projects ranked Low or Not Recommended. The following projects were excluded from this motion: Q141, Q234, Q272, and W646. This motion was seconded and passed unanimously.

A motion was made to approve the project rankings for 1A project Q141 and high ranked project Q234 and recommend them for funding. This motion was seconded and passed unanimously.

A motion was made to approve the project ranking for high ranked project Q272 and recommend it for funding. This motion was seconded and passed unanimously.

A motion was made to approve recommending project W646 for funding. The motion failed with one in favor and two opposed.

7. Adjournment

There being no further discussion, Chair Schleicher thanked everyone who attended and adjourned the meeting at 11:30 a.m.

CONSENT AGENDA

May 25, 2021

Executive Director's Report: Approve CFI Heartland Region Meeting Minutes - April 14, 2021

Staff Recommendation:

Approve minutes as presented.

Presenter:

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

HEARTLAND REGION COOPERATIVE FUNDING INITIATIVE MEETING SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ZOOM

APRIL 14, 2021

Due to the COVID-19 virus, this meeting was held via electronic media to reduce public gatherings and practice social distancing.

The Heartland Region Cooperative Funding Initiative (CFI) Public Meeting hosted by the Southwest Florida Water Management District convened at 10:00 a.m., on Wednesday, April 14, 2021 via Zoom.

Governing Board Members Present

James Murphy, Chair
Rebecca Smith
Ashley Bell Barnett

Recording Secretary

Lori Manuel

Staff Members Present

Amanda Rice
Jennette Seachrist
Eric DeHaven
JP Marchand
Kevin Wills
Vivianna Bendixson
Randy Smith
Jay Hoecker
Scott Letasi
Terese Power
Virginia Singer
Cindy Rodriguez

A list of others who attended via Zoom is filed in the permanent records of the District. Approved minutes can be found on the District's Web site at WaterMatters.org

The numbers preceding the items below correspond with the published agenda.

1. Call to Order, Invocation and Pledge of Allegiance

Chair Murphy called the meeting to order. Ms. Barnett gave the invocation and led the pledge of allegiance.

2. Introductions

Chair Murphy introduced the other members of the committee.

3. Action Item: Approval of February 10 Meeting Minutes

A motion was made to approve the minutes from the February 10 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) 2018 to present.

The presentation outlined the Heartland Region project funding requests for FY2022 by ranking. A map was included that depicted the location of the projects throughout the Heartland region.

Mr. Wills updated the Committee regarding changes that had occurred since the February 10 meeting.

Mr. Wills updated the Committee regarding changes that had occurred since the February 10 meeting.

Mr. Wills stated that the ranking for project Q267 was revised from high to low and a revised evaluation was provided to the Committee. He reminded the Board the ranking was revised as a result of the Board's action at the March 23, 2021 Governing Board meeting. Mr. Wills stated an improved ranking is pending the completion of action items that were established at that meeting and that an update for all three Polk Regional Water Cooperative (PRWC) projects would be presented to the Governing Board in May

a. Project Presentations

Ms. Vivianna Bendixson, Surface Water Management Improvement Manager, provided a presentation for medium ranked projects W520 and W564. She explained that consideration was given to combine these projects to provide additional benefits and cost savings. However, after further evaluation it was determined that maintaining separate projects provided more quantified benefits and no additional savings in project costs.

Ms. Bendixson provided an overview for projects W520 and W565. She provided project descriptions, costs and benefits associated with each.

5. Receive Additional Public Comment

No Request to Speak cards were received.

6. Action Item: Approve Project Rankings and Recommendations

Staff recommended the Board 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 2021-22; and drop from consideration those projects ranked Low or Not Recommended.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.

Ms. Jennette Seachrist, Resource Management Division Director, clarified that an update on the PRWC and the three PRWC projects currently ranked low would be provided at the Governing Board in May for additional funding consideration. Chair Murphy confirmed.

7. Adjournment

There being no further discussion, Chair Murphy thanked everyone who attended and adjourned the meeting at 10:22 a.m.

CONSENT AGENDA

May 25, 2021

Executive Director's Report: Approve CFI Tampa Bay Region Meeting Minutes - April 15, 2021

Staff Recommendation:

Approve minutes as presented.

Presenter:

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

MINUTES OF THE MEETING

COOPERATIVE FUNDING PUBLIC MEETING

TAMPA BAY REGION COOPERATIVE FUNDING INITIATIVE MEETING SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ZOOM

APRIL 15, 2021

Due to the COVID-19 virus, this meeting was held via electronic media to reduce public gatherings and practice social distancing.

The Tampa Bay Region Cooperative Funding Initiative (CFI) Public Meeting hosted by the Southwest Florida Water Management District Governing Board convened at 10:00 a.m., via Zoom on Thursday, April 15, 2021.

Governing Board Members Present

Rebecca Smith, Chair
Ed Armstrong
Roger Germann
Seth Weightman
Michelle Williamson

Staff Members Present

Amanda Rice
Jennette Seachrist
Michelle Hopkins
Michael Molligan
Eric DeHaven
JP Marchand
Randy Smith
Scott Letasi
Terese Power
Vivianna Bendixson
Kevin Wills
Virginia Singer
Joel Brown

Recording Secretary

Lori Manuel

A list of others who attended via Zoom is filed in the permanent records of the District. Approved minutes can be found on the District's website at WaterMatters.org.

The numbers preceding the items below correspond with the published agenda.

1. Call to Order, Invocation and Pledge of Allegiance

Chair Smith called the meeting to order, Board Member Williamson gave the invocation and led the pledge of allegiance.

2. Introductions

Chair Smith introduced the other members of the committee.

3. Action Item: Approval of February 11 Meeting Minutes

A motion was made to approve the minutes from the February 11 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) 2018 to present.

The presentation outlined the Tampa Bay Region project funding requests for FY2022 by ranking. 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 11 meeting.

Mr. Wills addressed 1A ranked project Q163. He stated this project was inadvertently excluded from the February CFI books.

Mr. Wills addressed high ranked projects Q190, Q220, Q225, Q236, Q241, Q245 and Q246.

Mr. Willis addressed low ranked project Q235.

a. Project Presentations

Mr. Jay Hoecker, Water Supply Manager, provided a presentation regarding high ranked project Q241. He reminded the Board this project was part of the long-term funding discussion that occurred at the December 2020 Governing Board workshop.

Mr. Ken Herd, representing Tampa Bay Water (TBW), provided a presentation for high ranked project Q241. He provided an overview of this project. Mr. Herd stated that TBW is currently developing its next five-year update to their master water plan. He identified three new alternative water supplies that were being reviewed. Mr. Herd explained that these new supplies are necessary for growth in the TBW service area. He provided a map outlining the location of the project. Mr. Herd provided a comparison for the current and planned water supply capacity. He outlined the regional benefits associated with the proposed project. Mr. Herd outlined current and proposed pipeline capacity. He explained the necessity for emergency backup and redundancy in case of line outages.

Mr. Herd responded to questions from the committee.

Board Member Williamson asked that project Q241 be presented at the May Governing Board meeting. Ms. Seachrist responded in the affirmative.

Mr. Eric DeHaven, Resource Management Assistant Director, provided a presentation for high ranked projects Q236 and Q246. He stated that Q246 was initially ranked low. He explained the improved ranking for Q246 was due to potential resource benefits associated with the project. A revised evaluation form was provided. Mr. DeHaven outlined the resource concerns, project benefits, approximate costs, and funding for both projects.

Ms. Terese Power, Engineering and Watershed Management Manager, provided a presentation regarding high ranked project Q190. She provided an overview, proposed improvements, and evaluation associated with the project.

Ms. Power provided a presentation for high ranked project Q225. She stated this project was initially ranked low. Ms. Power explained the reason for the improved ranking. She provided an overview, benefits, evaluation results and funding associated with the project. Discussion ensued regarding the initial low ranking and evaluation criteria. It was agreed that consideration to update evaluation criteria when a project ranking changes be addressed prior to the FY2023 CFI meetings.

Ms. Power provided a presentation for low ranked project Q235. She provided an overview of the project and explained the criteria associated with the low ranking. Ms. Power stated that staff is continuing to communicate with Pasco County regarding this project.

5. Receive Additional Public Comment

Mr. Donald Carey, representing Pasco County, spoke in favor of low ranked project Q235 and provided information.

Mr. Dikran Kalaydjian, representing Land and Water Engineering, spoke in favor of low ranked project Q235 and provided information.

6. Action Item: Approve Project Rankings and Recommendations

Staff recommended the Board 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 2021-22; and drop from consideration those projects ranked Low or Not Recommended.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously.

7. Adjournment

There being no further discussion, Chair Smith thanked everyone who attended and adjourned the meeting at 11:42 a.m.

DRAFT

CONSENT AGENDA

May 25, 2021

Executive Director's Report: Approve Governing Board Minutes - April 27, 2021

Staff Recommendation:

Approve minutes as presented.

Presenter:

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



**GOVERNING BOARD MEETING
TUESDAY, APRIL 27, 2021 – 9:00 AM
BROOKSVILLE OFFICE
2379 BROAD STREET, BROOKSVILLE, FL 34604
(352) 796-7211**

MINUTES

Board Members Present

Kelly Rice, Chair
Joel Schleicher, Vice Chair
Rebecca Smith, Ph.D., Secretary
James G. Murphy, Treasurer
Michelle Williamson, Member
Ed Armstrong, Member*
Roger Germann, Member*
Jack Bispham, Member
Seth Weightman, Member*
John Mitten, Member
Ashley Bell Barnett, Member

*Attended Via Electronic Media

Staff Members

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

Board Administrative Support

Virginia Singer, Board & Executive Services Manager
Lori Manuel, Administrative Coordinator

1. CONVENE PUBLIC MEETING

Due to the COVID-19 virus, this meeting was held through a combination of in-person attendance and electronic media, via Zoom, 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 9:00 a.m., on April 27, 2021, at the Brooksville Office, 2379 Broad Street, Brooksville, Florida 34604.

Approved minutes from previous meetings can be found on the District's website at WaterMatters.org.

1.1 Call to Order

Chair Rice called the meeting to order. He 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 Rice stated that comments would be limited to three minutes per speaker, and when appropriate, exceptions to the three-minute

limit may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

1.2 Invocation and Pledge of Allegiance

Board Member Murphy offered the invocation and led the Pledge of Allegiance.

Chair Rice introduced each member of the Governing Board (this served as roll call), and staff. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input was taken during the meeting via electronic media or in person.

1.3 Additions/Deletions to Agenda

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

1.4 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddis spoke against Senate Bill 1058.

2. CONSENT AGENDA

FINANCE, OUTREACH & PLANNING COMMITTEE

2.1 Resolution No. 21-01 Commending Mark Taylor for His Service as a Member of the Southwest Florida Water Management District Governing Board

Staff recommended the Board approve Resolution No. 21-01, Commending Mark Taylor for his Service as a Member of the Southwest Florida Water Management District Governing Board.

2.2 Water Reuse Week Resolution

Staff recommended the Board approve and execute Resolution No. 21-06 declaring May 16 - 22, 2021 as "Water Reuse Week."

2.3 Authorization to Dispose of Equipment

Staff recommended the Board approve the disposition of the Prentice forestry mulching machine (unit 2103) and Interstate trailer (unit 2056) through the auction process.

RESOUCE MANAGEMENT COMMITTEE

2.4 Approve Use of the Mill Creek Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Manatee County (N619)

Staff recommended the Board approve use of the Mill Creek Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Manatee County.

2.5 FARMS – Turner Groves Citrus, LP, Phase 2, (H789), Highlands County

Staff recommended the Board:

1. Approve the Turner Groves Citrus, LP, project for a not-to-exceed project reimbursement of \$181,000 with \$181,000 provided by the Governing Board.
2. Authorize the transfer of \$181,000 from fund 010 H017 Governing Board FARMS Fund to the H789 Turner Groves Citrus, LP, project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

2.6 FARMS – Wauchula Road Duette, LLC, Phase 2, (H791), Manatee County

Staff recommended the Board:

1. Approve the Wauchula Road Duette, LLC Phase 2 project for a not-to-exceed project reimbursement of \$62,713 with \$62,713 provided by the Governing Board.
2. Authorize the transfer of \$62,713 from fund 010 H017 Governing Board FARMS fund to the H791 Wauchula Road Duette, LLC Phase 2 project fund.
3. Authorize the Division Director to sign the agreement.

2.7 Recommend FY2022 Springs Projects for FDEP Funding Consideration

Staff recommended the Board approve the list of six springs projects for submittal to the Florida Department of Environmental Protection.

OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE

2.8 Acceptance of a Sovereignty Submerged Lands Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida required for Road and Culvert Repair at the Deer Prairie Creek, SWF Parcel No. 21-708-136X

Staff recommended the Board:

1. Approve and accept the Sovereignty Submerged Lands Easement from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; and
2. Authorize the Governing Board Chair to execute the Easement on behalf of the District.

2.9 Cypress Creek Cattle Lease, SWF Parcel No. 13-500-402X, Request for Offers (RFO) 21-04

Staff recommended the Board approve the award of the Cypress Creek Cattle Lease to Karli Properties LLC., and execute the lease on behalf of the District.

2.10 Request from Hillsborough County to Rename Ekker Preserve to Jeanie and Pete Johnson Preserve

Staff recommended the Board approve renaming the Ekker Preserve to the Jeanie and Pete Johnson Preserve in support of Hillsborough County's request.

2.11 First Amendment to Cooperative Agreement between Department of Agriculture and Consumer Services Florida Forest Service and the Southwest Florida Water Management District

Staff recommended the Board:

1. Approve the First Amendment to Cooperative Agreement between the Department of Agriculture and Consumer Services Florida Forest Service and the Southwest Florida Water Management District; and
2. Authorize the Governing Board Chair to execute the amendment retroactive to April 26, 2021.

REGULATION COMMITTEE

2.12 Water Use Permit No. 20011125.005, Swift Ranch Cattle Company / Maggard Manatee County, LLC (Manatee County)

Staff recommended the Board approve the proposed permit.

2.13 Authorization to Issue Administrative Complaint and Order - Operation of a Surface Water Management System Without a Permit and Unauthorized Construction - South Florida Barbeque of Brandon, Inc. - Environmental Resource Permit No. 48012733.000 - CT Number 410967 - Hillsborough County

Staff recommended the Board:

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

2.14 Approve Governing Board Minutes - March 23, 2021

Staff recommended the Board approve the minutes as submitted.

A motion was made and seconded to approve the Consent Agenda. The motion passed unanimously. (Audio - 00:08:30)

3. RECOGNITION OF FORMER GOVERNING BOARD MEMBERS

3.1 Recognition of Former Governing Board Members H. Paul Senft, Jr., and Mark Taylor

Mr. H. Paul Senft was recognized for his term as a Governing Board member. District staff presented Resolution No. 20-16 and a plaque to commemorate his service. Mr. Senft was appointed by Governor Charlie Crist in March 2008 and served until August 2019.

Mr. Mark Taylor was recognized for his term as a Governing Board Member. District staff presented Resolution No. 21-01 and a plaque to commemorate his service. Mr. Taylor was appointed by Governing Rick Scott in August 2016 and served until August 2019.

4. FINANCE, OUTREACH AND PLANNING COMMITTEE

Treasurer Murphy called the Finance/Outreach & Planning Committee to order. (Audio-0:35:36)

4.1 Consent Item(s) Moved to Discussion - None

4.2 Fiscal Year 2019-20 Comprehensive Annual Financial Report

Mr. James Halleran, CPA, representing James Moore & Company, provided a presentation that outlined the results from an Independent Auditor's Report. He stated the District received an unmodified opinion which provides high assurance from a Certified Public Accountant. Mr. Halleran outlined changes that occurred in the general fund, the Florida Forever Capital Project Fund, and other capital project funds. He provided an overview of the balances in the General Fund. He presented information regarding the pension accounts and Other Post-Employment Benefits (OPEB).

Staff recommended the Board accept and place on file the District's Comprehensive Annual Financial Report, including a single audit pursuant to Chapter 10.550, Rules of the Auditor General, the Management Letter and the Independent Accountants' Report for fiscal year ended September 30, 2020.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 00:47:21)

4.3 Investment Strategy Quarterly Update

Mr. John Grady, representing Public Trust Advisors, provided a presentation that outlined an economic update which included information regarding the stimulus plans, vaccine distribution, Gross Domestic Product (GDP) update, Bloomberg economic forecast survey,

labor market information, manufacturing and service information, inflation impacts, economic expectations and portfolio strategy updates. Mr. Grady provided an overview of the District's assets and portfolio holdings. Discussion ensued that involved examining long-term investment options for the District.

Staff recommended the Board accept and place on file the District's Quarterly Investment Reports for the quarter ending March 31, 2021.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:25:52)

4.4 FY2021 Budget Amendment – Additional 2020 State Appropriations for Water Supply & Water Resource Development and Springs Coast Watershed - Water Quality Improvement Projects

Ms. Jennette Seachrist, Resource Management Director, provided a presentation that outlined an out-of-cycle Cooperative Funding Initiative (CFI) request. Ms. Seachrist stated this was the Hernando County District A, Phase 1a septic to sewer project WW09. She explained that Hernando County requested CFI funding for a larger version of this project which was appropriately submitted for Fiscal Year (FY) 2021 funding and recommended by staff. However, it was not selected by the Florida Department of Environmental Protection (FDEP) for the State Springs appropriations and was not included in the FY2021 budget. The FDEP informed the District there was \$3.5 million available in state funds from the River and Coastal Springshed appropriations for this project. Ms. Seachrist outlined the costs and benefits associated with this project.

Mr. John Campbell, Management Services Director, provided a presentation that outlined the proposed changes to the FY2021 budget for funds received from state appropriations. He stated \$15.8 million in state funding was received and provided an overview of the five projects that will receive this funding.

Staff recommended the Board:

- a. Approve to apply 2020 state appropriations for WSWRD and Springs Coast Watershed WQ Improvements to projects selected by DEP.
- b. Approve the FY2021 out-of-cycle CFI request for the Hernando County District A, Phase 1a Septic to Sewer project (WW09).
- c. Approve Resolution No. 21-03 First Amendment of the Fiscal Year 2021 Annual Service Budget for the inclusion of 2020 state appropriations, as well as District fund balance, for the selected projects in the amount of \$16,200,000.
- d. Approve Resolution No. 21-04 Request to the Florida Department of Environmental Protection for Disbursement of Funds from the General Revenue Fund for Water Supply and Water Resource Development Project(s).
- e. Approve the transfer of \$3,375,000 from the PRWC Southeast Wellfield Implementation project (Q184) and \$2,475,000 from the PRWC Regional Transmission Southeast, Phase 1 project (Q216) to board-committed Polk Partnership Reserves (H094), as a result of receiving 2020 state appropriations. The execution of this transfer contingent upon the PRWC meeting the requirements approved by the Governing Board on March 23, 2021.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:37:07)

4.5 Water Conservation Month: District FY20 Conservation Efforts

Ms. Robyn Felix, Communications and Board Services Bureau Chief, provided a presentation that outlined the District's water conservation efforts. She provided an overview of information in the FY20 Water Conservation Summary Report. Ms. Felix presented information that included the four District cost-share programs and water savings associated with them. She provided an overview of the education and outreach programs the District offers. Ms. Felix explained the regulatory programs utilized by the District. Ms. Felix provided an overview of the research funding provided to the University of Florida/Institute of Food and Agricultural Sciences. This funding is utilized primarily for agricultural best management practices, which includes water conservation.

Staff recommended the Board approve and execute Resolution No. 21-05 declaring April 2021 as "Water Conservation Month.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:53:04)

4.6 Budget Transfer Report

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

4.7 Office of Inspector General Quarterly Update January 1 to March 31, 2021

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

5. RESOURCE MANAGEMENT COMMITTEE

Board Member Weightman called the Resource Management Committee to Order. (Audio – 01:54:05)

5.1 Consent Item(s) Moved to Discussion - None

5.2 FARMS – Budget Transfer for the Mini-FARMS Program

Ms. Carole Estes, P.G., Facilitating Agricultural Resource Management Systems (FARMS) Program Manager, provided a presentation that outlined the Mini-FARMS Program. She explained this is a cost-share reimbursement program that provides up to 75 percent of total project costs. Ms. Estes stated the program is limited to farms less than 100 acres that have been in operation for at least two years. She outlined the requirements for applicants and the associated best management practices. Ms. Estes presented information from 2005 to 2020 that included the number of projects, reimbursement information, and groundwater savings. She outlined information for FY2021 which included the amount of budgeted funds, number of projects approved, amount of estimated groundwater reduction, amount of cost per gallons saved, amount of District funding committed, and the number of applications received.

Staff recommended the Board authorize the transfer of \$150,000 from fund 010 H017 Governing Board FARMS Fund to the H529 Mini-FARMS Program fund.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 02:18:35)

5.3 Alternative Water Supply Sources: Sea Water Desalination, Potable Reuse and Brackish Groundwater

Ms. Amanda Rice, Assistant Executive Director, provided a list of future large-scale alternative water supply projects as presented at the December 2020 Board workshop. This information included costs, projected gallons per day and a development timeline for each category. She introduced for expert speakers.

Mr. Joe Elarde, P.E., representing Jacobs Engineering Group, provided a presentation on the treatment of brackish water. He defined brackish water, the location of treatment plants in Florida, the process, constraints of treating it, expected costs, and challenges associated. Mr. Elarde responded to questions.

Mr. Troy Walker, representing Hazen, provided a presentation that outlined the types of potable reuse, location of plants, safety components, comparative costs, regulatory processes, and examples. Mr. Walker defined indirect and direct potable reuse methods. He provided a map of current and proposed reuse locations globally and in the United States. Mr. Walker explained the multiple steps used to provide safety and assurance and the two main treatment processes. He presented a comparison of the energy requirements associated with reuse methods. A graph was provided that outlined the recovery associated with the treatment systems. An overview was provided of the status of national potable reuse regulations. Mr. Walker presented examples of reuse in California, Virginia, and Florida.

Mr. Neil Callahan, representing WSP Global, provided a presentation concerning global use of seawater desalination (desal). He presented an overview of worldwide plants, the types of plants, plant capacities, cost factors, and constraints. He described desal in the middle east and outlined mega and large plants that are currently operating. Mr. Callahan provided an overview of the Israeli water supply and use of desal. He provided a chart outlining the number of desal plants in the United States and provided an overview of existing plants and proposed plants. Mr. Callahan outlined information used when considering desal as an option. Mr. Callahan responded to questions.

Mr. Ken Herd, P.E., representing Tampa Bay Water, provided a presentation regarding the Tampa Bay Water seawater desal plant. He provided a history of the desal plant, a diagram of the process, a historical timeline of plant production, and costs associated. Mr. Herd explained that although the plant is capable of 25 million gallons per day, 16 million gallons per day is a sustainable annual average. Mr. Herd presented a diagram with actual costs for water supply types operated by Tampa Bay Water. He provided a summary of the pros and cons of desal.

Mr. Herd responded to questions.

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

6. OPERATIONS, LANDS AND RESOURCE MONITORING

Board Member Bispham called the Operations, Lands and Resource Monitoring Committee to order. (Audio – 04:39:23)

6.1 Consent Item(s) Moved to Discussion - None

6.2 Hydrologic Conditions Report

Mr. Granville Kinsman, P.G., Hydrologic Data Manager, provided a presentation regarding hydrologic conditions. Mr. Kinsman stated that above-average rainfall in April stabilized the sharp declines from a very dry March. Overall, the dry season has been normal except for drier than normal conditions in the northern part of the District. Groundwater levels in the northern and central counties were in the normal range, while groundwater levels in the southern counties were in the above normal range. Northern lakes were in the below normal range, and Tampa Bay, Lake Wales and Polk Upland lakes remain in the normal range. The Hillsborough, Withlacoochee, Peace and Alafia Rivers were all in the normal range. Mr. Kinsman stated the City of Tampa, Bill Young and Peace River reservoirs are considered at healthy supply levels. The climate forecast anticipates an active hurricane season. La Niña conditions are diminishing, and rainfall is expected to be more abundant for the summer and fall months.

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

7. REGULATION COMMITTEE

Vice Chair Schleicher called the Regulation Committee to order. (Audio – 04:45:11)

7.1 Consent Item(s) Moved to Discussion - None

7.2 Denials Referred to the Governing Board

None were presented.

8. GENERAL COUNSEL'S REPORT

8.1 Consent Item(s) Moved to Discussion - None

Mr. Chris Tumminia, Deputy General Counsel, provided an update of an Administrative Hearing regarding a well driller violation. He stated that the Administrative Law Judge ruled in favor of the District in a case involving licensed well driller, William Going.

9. Committee/Liaison Reports

9.1 Agricultural and Green Industry Advisory Committee

A written summary of the March 9 meeting was provided.

10. EXECUTIVE DIRECTOR'S REPORT

10.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, provided an update regarding the Polk Regional Water Cooperative (PRWC). He stated a settlement was negotiated and executed and the project scope is pending. Mr. Armstrong stated the PRWC has been coordinating with Polk County local governments for approval of the implementation agreement.

Mr. Armstrong informed the Board that a story regarding the Northern Tampa Bay Recovery was aired on CBS and its national affiliates, reaching over a million people.

11. CHAIR'S REPORT

11.1 Chair's Report

Chair Rice stated the next meeting is scheduled for Tuesday, May 25 at 9:00 a.m., at the Tampa Office.

11.2 Employee Milestones

Chair Rice recognized staff who reached at least 20 years of service with the District and thanked them for their service. The following staff was recognized: Jim Desruisseaux.

Adjournment

The meeting was adjourned at 1:52 p.m.

Governing Board Meeting

May 25, 2021

3. FINANCE/OUTREACH & PLANNING COMMITTEE

3.1	Discussion: Information Only: Consent Item(s) Moved to Discussion	145
3.2	Discussion: Information Only: 2021 Legislative Session Update.....	146
3.3	Submit & File: Information Only: Budget Transfer Report.....	147

FINANCE/OUTREACH & PLANNING COMMITTEE

May 25, 2021

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

Presenter:

Michael Molligan, Division Director, Employee and External Relations

FINANCE/OUTREACH & PLANNING COMMITTEE

May 25, 2021

Discussion: Information Only: 2021 Legislative Session Update

On April 30, the 2021 Legislative Session concluded, and the Senate and the House passed a \$101.5 billion budget to be sent to Governor Ron DeSantis.

The presentation will highlight environmental funding for alternative water supplies, springs and wastewater projects, including any dollars the District receives from the state and how that impacts the District's Fiscal Year 2021-2022 budget.

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

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

Staff Recommendation:

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

Presenter:

Cara Martin, Office Chief, Government and Community Affairs

FINANCE/OUTREACH & PLANNING COMMITTEE

May 25, 2021

Submit & File: Information Only: Budget Transfer Report

Purpose

Provide the Budget Transfer Report covering all budget transfers made during the month of April 2021.

Background

In accordance with Board Policy, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are presented to the Finance/Outreach & Planning Committee of the Governing Board as a Submit and File Report at the next regular scheduled meeting. The exhibit for this item reflects all such transfers executed during the month of April 2021.

Staff Recommendation:

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

Presenter:

Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
April 2021

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category	Reason For Transfer	Transfer Amount
<u>Change from Original Budget Intent</u>				
1	Communications and Board Services Education Support	Communications and Board Services Other Contractual Services	Transfer of funds originally budgeted for educational materials to be distributed at community events. Expenditures for these materials have been less than anticipated due to fewer community event opportunities than anticipated. The funds are needed for additional social research to further evaluate results from on-going projects.	\$ 1,455.46
Total Change from Original Budget Intent				\$ 1,455.46
<u>Consistent with Original Budget Intent</u>				
1	Communications and Board Services Education Services	General Services Postage and Courier Services	Funds are needed for the original purpose budgeted for implementing the fiscal year 2021 Conservation Education Program with participating utilities. The funds are being transferred from the Communications section to the Document Services section for the postage costs associated with mailouts to Haines City Utilities customers.	\$ 5,460.00
2	Operations Maint/Repair of Buildings/Structures	Operations Consultant Services	Funds are needed for the original purpose budgeted for the repair and maintenance of District flood control and water conservation structures. The funds are being transferred to the appropriate expenditure category for accurate accounting of a geotechnical assessment required to properly remediate the toe drain at the Medard structure.	90,000.00
Total Consistent with Original Budget Intent				\$ 95,460.00
Total Transfers for Governing Board Ratification				\$ 96,915.46

.....

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

Governing Board Meeting

May 25, 2021

4. RESOURCE MANAGEMENT COMMITTEE

- 4.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion..... 149
- 4.2 **Discussion:** Action Item: Fiscal Year 2022 Cooperative Funding Update..... 150

RESOURCE MANAGEMENT COMMITTEE

May 25, 2021

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

Presenter:

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

RESOURCE MANAGEMENT COMMITTEE**May 25, 2021****Discussion: Action Item: Fiscal Year 2022 Cooperative Funding Update***Purpose*

To provide the Board an update on fiscal year (FY) 2021-22 Cooperative Funding projects that have been recommended by all four Regional Subcommittees, provide presentations requested by the Regional Subcommittees, review any revised project evaluations, and review the remaining Cooperative Funding process and timeline.

Background

The Cooperative Funding Initiative application deadline was Friday, October 2, 2020 and 101 applications were initially received. Staff evaluated all 101 applications totaling \$139 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 project evaluations for each of the 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 FY2022 Recommended Annual Service Budget (RASB) in June.

At the March Governing Board meeting, the Board postponed authorizing any current or future funding for the Polk Regional Cooperative (PRWC) until the following occurs: the settlement agreement regarding the CFWI rule challenge is executed; final project definition and scopes of work are provided for the proposed projects; and an implementation agreement is executed that establishes a funding commitment from the municipalities for the proposed projects. Staff will be providing an update regarding the PRWC's status towards meeting these three items and the status of the three PRWC project (Q184, Q216, Q267) funding requests.

Additionally, the Southern Subcommittee requested a full board presentation of the Q272 – AWS – PRMRWSA Reservoir No. 3 project. The Tampa Bay Subcommittee requested a full board presentation of Q241 Interconnects – TBW Southern Hillsborough County Transmission Expansion project. The Governing Board Chair requested a presentation of W646 - SW IMP – Water Quality – City of Sarasota Created Wetlands System. Staff will provide an overview of these projects as a part of this presentation. A summary of Subcommittee final project recommendations is listed below.

PLANNING REGION	RECOMMENDED FOR DISTRICT FUNDING	NOT RECOMMENDED
Northern	\$2.7M (14)	\$0.2M (2)
Tampa Bay	\$26.5M (35)	\$0.6M (2)
Heartland	\$2.2M (15)	\$74.4M (3)
Southern	\$9.2 M (18)	\$4.2M (4)
Total District Share	\$40.5M (82)	\$79.3M (11)

Within the recommended projects are three Springs Initiative projects pending Florida Department of Environmental Protection (FDEP) approval. These projects, WR11 – Springs – Marion County State Road 200 Septic to Sewer Project, WW10 – Springs – Hernando County Septic to Sewer District A, Phase 1b, and WH06 – Springs – Citrus County Old Homosassa Downtown North Septic to Sewer are in the Northern Region and account for \$678,232 of the District's share in the table above. Since FDEP approval is not expected before the June 22 Governing Board meeting, the projects will be excluded from the RASB.

Finally, the recommended projects where the District serves as the lead party will include an additional \$2,242,300 in the RASB as outside revenue. Therefore, the total Subcommittee recommendation to be included in the RASB is \$42,034,058.

Staff Recommendation:

Consider the regional subcommittee funding recommendations for inclusion into the FY2022 RASB.

Presenters:

Kevin Wills, Cooperative Funding Initiative Lead, Project Management Office, and
Jay Hoecker, Manager, Water Supply Section

EXHIBIT 1: FY2022 CFI Regional Subcommittee Recommendations

Project	Project Name	Subcommittee	Final Staff Ranking	FY2022 District Funding
Projects Recommended by Regional Subcommittees				
Q067	Reclaimed – Polk County NERUSA Southeast Reuse Loop Project	Heartland	Fund as 1A Priority	\$110,000
Q176	WMP – Winter Haven/Upper Peace Creek Watershed Optimization Model	Heartland	Fund as 1A Priority	\$150,000
Q181	WMP – Highlands Hammock State Park/Little Charlie Bowlegs WMP	Heartland	Fund as 1A Priority	\$97,500
Q223	Study – Lake Lowery Outfall Evaluation	Heartland	Fund as a High Priority	\$50,000
Q252	Study – Ft. Meade Reclaimed Water Feasibility Study	Heartland	Fund as a High Priority	\$168,750
Q266	Conservation – Polk County Florida Water Star Builder Reimbursement Program	Heartland	Fund as a High Priority	\$20,000
Q271	Reclaimed – Winter Haven Preserve at Lake Ashton Reclaimed Water Transmission	Heartland	Fund as a High Priority	\$500,000
Q284	SW IMP – Water Quality – Wall Street BMPs	Heartland	Fund as a High Priority	\$112,500
Q285	SW IMP – Water Quality – Park Avenue Streetscape Improvements	Heartland	Fund as a High Priority	\$110,000
Q298	SW IMP – Water Quality – Lake June-in-Winter Catfish Creek BMPs	Heartland	Fund as a High Priority	\$116,250
Q303	Reclaimed – Haines City Lake Eva Aquifer Recharge and MFL Recovery	Heartland	Fund as a High Priority	\$253,500
Q286	Study – Lake Parker Restoration	Heartland	Fund as a Medium Priority	\$80,000
W518	Restoration – Lake Hancock Natural Systems Enhancements	Heartland	Fund as a Medium Priority	\$210,000
W520	Study – Upper Peace River Feasibility	Heartland	Fund as a Medium Priority	\$60,000
W564	Study – Ridge to Rivers Feasibility	Heartland	Fund as a Medium Priority	\$160,000
Q075	Restoration – Pasture Reserve	Northern	Fund as 1A Priority	\$300,000
Q082	WMP - Wildwood Watershed Management Plan	Northern	Fund as 1A Priority	\$15,000

Project	Project Name	Subcommittee	Final Staff Ranking	FY2022 District Funding
Q086	WMP – Dunnellon Watershed Management Plan	Northern	Fund as 1A Priority	\$47,500
Q167	WMP – Red Level Watershed Management Plan	Northern	Fund as 1A Priority	\$75,000
Q197	SW IMP – Flood Protection – John Henry Celebration Park Stormwater Improvements	Northern	Fund as 1A Priority	\$422,250
Q231	WMP – Rainbow River Watershed Management Plan Update	Northern	Fund as a High Priority	\$153,800
Q254	Conservation – Citrus County Water Conservation Program	Northern	Fund as a High Priority	\$46,600
Q255	Conservation – Bay Laurel CCD Water Conservation Program	Northern	Fund as a High Priority	\$164,750
WR10	SW IMP – Water Quality – Rainbow Springs 5th Replat Stormwater Retrofit	Northern	Fund as a High Priority	\$424,047
WR11	Springs – Marion County State Road 200 Septic to Sewer Project	Northern	Fund as a High Priority	\$178,232
WW10	Springs – Hernando County Septic to Sewer District A, Phase 1b	Northern	Fund as a High Priority	\$250,000
Q207	WMP – West Ocala WMP Update	Northern	Fund as a Medium Priority	\$111,000
Q230	WMP – Gum Swamp & Big Jones Creek Watershed Management Plan Update	Northern	Fund as a Medium Priority	\$126,875
WH06	Springs – Citrus County Old Homosassa Downtown North Septic to Sewer	Northern	Fund as a Medium Priority	\$250,000
Q011	WMP – Pithlachascotee/Bear Creek WMP	Tampa Bay	Fund as 1A Priority	\$300,000
Q013	WMP – Hammock Creek WMP	Tampa Bay	Fund as 1A Priority	\$300,000
Q130	Study – Nutrient Source Tracking	Tampa Bay	Fund as 1A Priority	\$15,000
Q149	WMP – Coastal Zone 5 Watershed Management Plan	Tampa Bay	Fund as 1A Priority	\$112,500
Q163	WMP – Seminole Stormwater Master Plan Update and Infrastructure Assessment	Tampa Bay	Fund as 1A Priority	\$125,000
Q171	Study – McKay Creek Model Update, Alternatives Analysis and Feasibility Study	Tampa Bay	Fund as 1A Priority	\$130,000

Project	Project Name	Subcommittee	Final Staff Ranking	FY2022 District Funding
Q196	Study – Joe's Creek Model Update, Alternatives Analysis and Feasibility Study	Tampa Bay	Fund as 1A Priority	\$90,000
Q199	WMP – Starkey Road WMP Update	Tampa Bay	Fund as 1A Priority	\$100,000
Q210	SW IMP – Flood Protection – Griffin Park Flood Abatement Project	Tampa Bay	Fund as 1A Priority	\$705,000
Q213	Hillsborough County SCADA System	Tampa Bay	Fund as 1A Priority	\$700,000
W211	Restoration – Weedon Island Tidal Marsh	Tampa Bay	Fund as 1A Priority	\$123,790
N949	SW IMP – Flood Protection – Southeast Seminole Heights Flood Relief	Tampa Bay	Fund as a High Priority	\$7,500,000
Q146	Interconnects – Tampa Bay Water Southern Hillsborough Co. Booster Pump Station	Tampa Bay	Fund as a High Priority	\$500,000
Q190	SW IMP – Flood Protection – Lower Peninsula Stormwater Improvements - Southeast Region	Tampa Bay	Fund as a High Priority	\$6,000,000
Q220	SW IMP – Flood Protection – 7th Street North, 50th Avenue North Vicinity Storm Drainage Improvements	Tampa Bay	Fund as a High Priority	\$1,500,000
Q225	SW IMP – Flood Protection – Lafitte Drive	Tampa Bay	Fund as a High Priority	\$250,000
Q236	Study – Sulphur Springs Flow Feasibility Study	Tampa Bay	Fund as a High Priority	\$125,000
Q241	Interconnects – TBW Southern Hillsborough County Transmission Expansion	Tampa Bay	Fund as a High Priority	\$4,459,207
Q245	Conservation – Pinellas County AMI Metering Analytics Project	Tampa Bay	Fund as a High Priority	\$139,414
Q246	Reclaimed – Tampa Hillsborough River MFL "PURE" Project	Tampa Bay	Fund as a High Priority	\$60,280
Q256	Conservation – St. Petersburg Sensible Sprinkling Program - Phase 10	Tampa Bay	Fund as a High Priority	\$50,000
Q259	Conservation – Tarpon Springs Water Conservation Program Phase III	Tampa Bay	Fund as a High Priority	\$15,000
W024	FY2022 Tampa Bay Environmental Restoration Fund	Tampa Bay	Fund as a High Priority	\$350,000
W103	Restoration – Roosevelt Creek Channel 5 Improvements	Tampa Bay	Fund as a High Priority	\$350,000

Project	Project Name	Subcommittee	Final Staff Ranking	FY2022 District Funding
W106	SW IMP – Water Quality – Starkey M10 Stormwater Facility Quality Improvements	Tampa Bay	Fund as a High Priority	\$324,000
W298	SW IMP – Water Quality – Philippe Bay Stormwater Quality Upgrades	Tampa Bay	Fund as a High Priority	\$60,000
N865	SW IMP – Flood Protection – Magnolia Valley Storage and Wetland Enhancement Project	Tampa Bay	Fund as a Medium Priority	\$250,000
Q219	WMP – Sutherland Bayou Watershed Management Plan	Tampa Bay	Fund as a Medium Priority	\$50,000
Q221	Study – Curlew Creek & Smith Bayou Feasibility Study	Tampa Bay	Fund as a Medium Priority	\$180,500
Q226	WMP – Hillsborough County Countywide Watershed Model Migration and Integration	Tampa Bay	Fund as a Medium Priority	\$500,000
Q227	Study – 76th Street West Bypass Feasibility Study	Tampa Bay	Fund as a Medium Priority	\$50,000
Q228	WMP – City of Madeira Beach Watershed Management Plan	Tampa Bay	Fund as a Medium Priority	\$74,246
Q233	Study – Clearwater Harbor/St Joseph Sound Nitrogen Source Identification	Tampa Bay	Fund as a Medium Priority	\$50,000
Q274	Reclaimed – Zephyrhills to Pasco County Reclaimed Water Interconnect	Tampa Bay	Fund as a Medium Priority	\$880,000
W102	SW IMP – Water Quality – Town of Redington Beach Stormwater Retrofits Phase II	Tampa Bay	Fund as a Medium Priority	\$75,000
Q141	SW IMP - Flood Protection - Bowlees Creek Flood Mitigation	Southern	Fund as 1A Priority	\$139,853
Q148	WMP - Cow Pen Slough Watershed	Southern	Fund as 1A Priority	\$135,000
Q151	WMP - South Manatee County Watersheds	Southern	Fund as 1A Priority	\$372,000
Q157	SW IMP – Flood Protection – City of Bradenton Village of the Arts South Drainage Improvements	Southern	Fund as 1A Priority	\$297,441
Q191	WMP – North Manatee County Watersheds	Southern	Fund as 1A Priority	\$383,625
Q202	Study – PRMRWSA Southern Regional Loop Phase 2B & 2C Feasibility and Routing	Southern	Fund as 1A Priority	\$50,000
Q205	Study – PRMRWSA Phase 3C Integrated Loop Routing and Feasibility	Southern	Fund as 1A Priority	\$100,000

Project	Project Name	Subcommittee	Final Staff Ranking	FY2022 District Funding
Q050	ASR – City of Venice Reclaimed Water ASR	Southern	Fund as a High Priority	\$1,100,000
Q217	Study – Arcadia Stormwater Evaluation and Feasibility Study	Southern	Fund as a High Priority	\$112,500
Q234	SW IMP – Flood Protection – Bowlees Creek Pennsylvania Avenue Flow Diversion System	Southern	Fund as a High Priority	\$250,000
Q248	AWS – PRMRWSA Regional Acquisition of the Project Prairie Pumping and Storage Facilities	Southern	Fund as a High Priority	\$637,500
Q268	Reclaimed – BRU Taylor Road Area Transmission	Southern	Fund as a High Priority	\$1,050,000
Q272	AWS – PRMRWSA Reservoir No. 3	Southern	Fund as a High Priority	\$3,625,000
W105	SW IMP – Water Quality – Central Holmes Beach BMPs - Phases F, G, and H	Southern	Fund as a High Priority	\$256,250
W219	SW IMP – Water Quality – Anna Maria BMPs Phase L	Southern	Fund as a High Priority	\$254,380
W647	Restoration – Phillippi Creek Stream Restoration	Southern	Fund as a High Priority	\$200,000
Q257	Study – Sarasota County System-Wide Wellfield Improvements	Southern	Fund as a Medium Priority	\$75,000
Q265	Conservation – North Port Water Distribution Ridgewood/Lamplighter Area Looping Project	Southern	Fund as a Medium Priority	\$173,950
Total Recommended by Regional Subcommittees				\$40,469,990
Projects Not Recommended by Regional Subcommittees				
Q184	Brackish – Polk Regional Water Cooperative Southeast Wellfield Implementation	Heartland	*Low Priority Not Recommended for Funding	\$42,772,000
Q216	Interconnects – Polk Regional Water Cooperative Regional Transmission Southeast Phase 1	Heartland	*Low Priority Not Recommended for Funding	\$31,542,000
Q267	Conservation – PRWC Demand Management Implementation	Heartland	*Low Priority Not Recommended for Funding	\$102,679
Q224	WMP – East Citrus/Withlacoochee Watershed Management Plan	Northern	Low Priority Not Recommended for Funding	\$100,000
Q264	Conservation – Bay Laurel Turf Grass Reduction Project	Northern	Low Priority Not Recommended for Funding	\$75,000

Project	Project Name	Subcommittee	Final Staff Ranking	FY2022 District Funding
Q222	SW IMP – Flood Protection – Buzzard Lake	Tampa Bay	Low Priority Not Recommended for Funding	\$151,000
Q235	SW IMP – Flood Protection – Quail Hollow Blvd	Tampa Bay	Low Priority Not Recommended for Funding	\$400,000
Q237	DAR – Sarasota County Dona Bay Phase 3 Aquifer Recharge	Southern	Low Priority Not Recommended for Funding	\$45,000
Q276	AWS – Venice RO Water Treatment Plant Efficiency Expansion	Southern	Not Recommended	\$150,000
Q277	Study – Sarasota Bay Septic to Sewer Water Quality Study	Southern	Not Recommended	\$2,500,000
W646	SW IMP – Water Quality – City of Sarasota Created Wetlands System	Southern	Fund as a High Priority	\$1,511,535
Total Not Recommended by Regional Subcommittees				\$79,349,214

* Final staff rankings for Polk Regional Water Cooperative projects Q184, Q216, and Q267 will be discussed as part of this presentation.

Governing Board Meeting

May 25, 2021

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

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5.2	Discussion: Action Item: Surplus Lands 5.0 Biennial Assessment.....	159
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OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 25, 2021

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

Presenter:

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

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**May 25, 2021****Discussion: Action Item: Surplus Lands 5.0 Biennial Assessment***Purpose*

To request Governing Board approval of a surplus designation of certain District lands identified as no longer needed for conservation purposes. Such approval must be by two-thirds majority vote. Staff recommends that two (2) parcels totaling approximately 64 acres be designated surplus by the Governing Board and disposed of accordingly. Exhibit 1 includes a summary of the assessment process, details for each parcel recommended for surplus, Subject Matter Expert evaluation forms for each parcel recommended for surplus, maps of each parcel, and staff recommendations as to specific sale terms.

Background

Governing Board Policy regarding the Sale, Exchange or Conveyance of Interest in Land by the District states that the Governing Board will review the District's landholdings on a biennial basis to identify lands appropriate to surplus. To date, staff have undertaken five (5) assessments of District landholdings either independently, as directed by the Florida Legislature, or most recently, pursuant to Governing Board Policy. The first assessment was conducted in 2011, and to date the Governing Board has declared approximately 5,000 acres as surplus.

In addition to landholdings being assessed for potential surplus on a biennial basis, assessments as to surplus opportunities are also conducted during the acquisition process. If an acquisition includes land that does not meet conservation or other needs of the District, staff will recommend it be declared surplus at the time of acquisition. In general, staff work to ensure that the District's landholdings are limited to lands that significantly meet at least two (2) of the District's four (4) Areas of Responsibility (AORs): water supply, water quality, flood protection, and natural systems.

Accordingly, in January 2021, staff began the scheduled biennial review of all District fee landholdings to identify lands that no longer meet the original acquisition purposes or do not provide substantive water resource benefits. Per Florida Statutes and District Policy, use of the proceeds from the sale of surplus lands is restricted to certain purposes, such as purchase of lands or interests in land for flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes, or payment of debt service on revenue bonds or notes issued under Section 373.584, Florida Statutes.

Assessment Process

In order to identify District fee landholdings that could potentially be declared surplus, Land Resources staff follow a specific internal process designed to thoroughly review existing landholdings. First, an assessment is conducted using an environmentally sensitive lands tool for an initial review of how existing landholdings relate to the District's four (4) AORs. Landholdings are then further evaluated to determine if they could be sold and protected with a less-than-fee interest such as a conservation easement.

Candidate parcels identified through the above-referenced review are then reviewed by District Subject Matter Experts (SMEs) across different Bureaus. These SMEs perform a detailed evaluation to

determine certain criteria, including but not limited to whether candidate parcels provide substantial water resource benefits (water supply, water quality, natural systems or flood protection), are a cultural resource, are a conservation corridor, provide significant recreational opportunities, and if they are marketable. Candidate parcels and the SME reviews of each candidate parcel are then presented to the District's Environmental Advisory Committee at their regular quarterly public meeting for input.

The process set forth above along with the candidate parcels are also posted to the District's website to inform the public and receive questions, comments and/or concerns. In order to further include the public in the evaluation process, a public workshop is held, and any public comments received either through the online posting or at the workshop are then presented to the Governing Board along with the parcels under consideration for a surplus declaration.

Land Resources staff have concluded the above process and determined two (2) candidate parcels as appropriate for a surplus declaration as set forth in Exhibit 1. Any public commentary as to the candidate parcels is provided in Exhibit 1 herein as well.

Benefits/Costs

Periodic evaluation of the District's fee landholdings for potential surplus opportunities is fiscally responsible and provides a method for funding additional land purchases that better meet the District's mission and AORs.

Staff Recommendation:

- Accept the District's 2021 Surplus Lands 5.0 Biennial Assessment conducted in accordance with Governing Board Policy.
- Approve, by a two-thirds majority vote, the surplus of properties identified through the assessment process that are no longer needed for conservation purposes. Such properties are identified in Exhibit 1 and may continue to be conserved through less-than-fee ownership or sold for the highest price obtainable.

Presenter:

Ellen Morrison, Land Resources Bureau Chief

May 25, 2021

Surplus Lands

5.0 BIENNIAL ASSESSMENT



Surplus Lands 5.0 Biennial Assessment Summary

In 2011, at the direction of the Governing Board, the District began a regular assessment of its landholdings to determine surplus opportunities. In 2015, the Governing Board amended the Sale, Exchange, or Conveyance of Interest in Lands by the District Policy to require this assessment occur on a biennial basis. Through the last four surplus lands assessments, the Governing Board has declared approximately 5,000 acres for surplus or transfer/exchange to another governmental entity.

This fifth assessment has been completed. District staff have conducted a coarse review of properties that do not provide significant benefit to the District's areas of responsibility, and those parcels identified were provided to the District's Subject Matter Experts (SMEs). The SMEs performed a detailed evaluation to thoroughly evaluate whether the parcels provided substantial water resource benefits, were a cultural resource, were a conservation corridor, provided significant recreational opportunities, and if they were marketable.

The identified parcels, maps, SME forms, and proposed sale conditions were then presented to the District's Environmental Advisory Committee (EAC) on April 13th, and the parcels were made available for public comment via the District's Land for Sale webpage. The public has had the opportunity to comment on the potential surplus parcels at the EAC meeting, on the webpage, and during a public meeting on May 11th. To date no public comments have been received.

The following documents provides details of the parcels currently being recommended for surplus.

Surplus Lands 5.0 Biennial Assessment Results

Property	Surplus ID	Acres	County	Original Funding Source	Recommended Actions
Lake Panasoffkee	LP-2	63	Sumter	*WMLTF	Determine that the property is no longer needed for conservation or District purposes; surplus with a conservation easement, two entitlements and no subdivision. Reserve access easement to remainder of property.
Tampa Bypass Canal	TBC-21	1	Hillsborough	Ad Valorem	Determine that the property is no longer needed for conservation or District purposes; surplus fee simple, as-is, no restrictions.

***Water Management Lands Trust Fund**

2021 - 5.0 Potential Surplus Parcel Review

PARCEL INFORMATION			
SWF Surplus Parcel ID:	LP-2	SWF Parent Parcel(s):	19-528-123, 19-528-124
Acres:	149 reviewed reduced to 63	Funding Source(s):	Water Management Lands Trust Fund
County:	Sumter	Date(s) Acquired:	11/25/1996

PLEASE ONLY ANSWER THOSE AREAS RELATED TO YOUR SPECIFIC AREA OF EXPERTISE. FOR WATER SUPPLY, FLOOD PROTECTION, WATER QUALITY AND NATURAL SYSTEMS PUT YOUR ANSWER IN A FORM AS IF YOU WERE ANSWERING THESE QUESTIONS: "IF THE DISTRICT WERE OFFERED TO PURCHASE THIS PARCEL AND YOU WERE GIVING A PROFESSIONAL OPINION TO THE GOVERNING BOARD RELATED TO YOUR AREA OF EXPERTISE REGARDING THE PURCHASE OF THIS PARCEL, WHAT WOULD IT BE?" "WOULD YOU RECOMMEND THAT THE PARCEL BE PURCHASED TO SUPPORT THAT OPINION?"

Water Supply (Joe Quinn, Robert Peterson)	Parcel LP-2 is located adjacent to I-75, is bisected by the CSX rail line, and serves to provide minor buffering and recharge to Lake Panasoffkee, a tributary to the Withlacoochee River. The lower reaches of the Withlacoochee River are identified as a potential future surface water supply source within both the District and WRWSA regional water supply plans. However, given the size, location, and limited water supply related uses and/or benefits to be derived from the subject parcel, it would not be recommended for purchase.
Flood Protection (Jamison Janke, Mark Fulkerson)	Less than 3% of the parcel is considered floodplain based on the effective FEMA information. This parcel is connected to the floodplain swamp of Shady Brook, a 2 nd magnitude spring run that also provides floodplain storage during large storm events and is a main tributary to Lake Panasoffkee and ultimately the Withlacoochee River (both Outstanding Florida Waters). The headwaters of Fenney Spring and its adjacent lands are privately owned and in an area of high future growth and development. Conserving this section of land would help attenuate and filter runoff into Shady Brook. It would also help buffer the critical floodplain wetlands that connect to Lake Panasoffkee. In 2005, the State invested \$30 million to help restore the health of Lake Panasoffkee which depends on non-impaired inflows from Shady Brook. Based on all these considerations, it would be recommended to purchase this parcel.
Water Quality (Janie Hagberg, Chris Anastasiou)	Water quality core criteria for four categories are represented for this parcel, therefore the parcel would be recommended for purchase in consideration of the water quality benefits. Should this parcel be surplus, recommend the inclusion of conservation easements.
Natural Systems (Chris Reed, Will VanGelder)	Property consists of natural hardwood/conifer uplands and forested freshwater wetlands. If this parcel was offered to the District for purchase, the Natural Systems Team would support the acquisition. Should this parcel be surplus, recommend the inclusion of a conservation easement.
Describe any of the parcel's current management issues (Surplus 5.0 Core Team, Jeff Hagberg, Garrett Snider)	Management issues on the LP-2 parcel would include I-75 to the west and sparse development surrounding the parcel. Much of the Lake Panasoffkee property east of I-75 would be floodplain swamp. This subject parcel being considered for surplus does contain some uplands that buffer the swamp from impacts due to more intensive uses but has not received active management due to the limited amount of uplands and accessibility. Field Operations has no management issues and maintains a boundary fence, one gate entrance, and annual fire line. Invasive plants have not yet been assessed or managed on this parcel.
Describe any of the parcel's current access issues and/or issues created if the parcel is surplus (Surplus 5.0 Core team, Jeff Hagberg)	The parcel being considered for surplus contains the only access to the entire land holdings east of the interstate highway. An access easement would need to be retained should the parcel be surplus. None for Field Operations.

Describe the parcel's significance to linkage of conservation corridors (Ann Blanchard)	An analysis was performed using data from the Critical Lands and Waters Identification Project. This parcel is not a significant hub or corridor for completing a functionally connected statewide ecological network. This parcel has "moderate ecological integrity".
Identify any current agreements that would be impacted if this parcel were surplus (Carmen Sanders)	There are no current agreements that impact the boundaries of the parcel.
Describe the parcel's significance to cultural resources (Ann Blanchard)	There are no culturally significant sites that are known to the Florida Department of State within the boundaries of this parcel.
Identify any data collection sites on the parcel, or any issues that would be created if surplus (Margit Crowell)	No active District or USGS data collection assets on parcel. NGS survey control points/benchmarks on lower part of parcel and on/near upper part of parcel along east side of I-75.
Describe the parcel's marketability if surplus (Steve Blaschka)	The location and topography of this tract is support that it is marketable. It has access via NE 12th Avenue at the northeast corner of the property and it is paved. The surrounding properties are predominantly rural residential with agricultural uses. The marketability will depend on the allowable uses, agricultural restrictions, such as cattle and the ability to clear/convert portions of this property. The property provides both a legal and practicable route of access to the District property being retained and retaining an access easement for that purpose should be considered.
Identify the parcel's current zoning & Future Land Use designation (Allison McMichael)	Future Land Use identified by Sumter County appears to be for conservation. The Sumter County Zoning is A10C – General Agricultural with conventional housing. Sale of property is subject to Sumter County permitting.

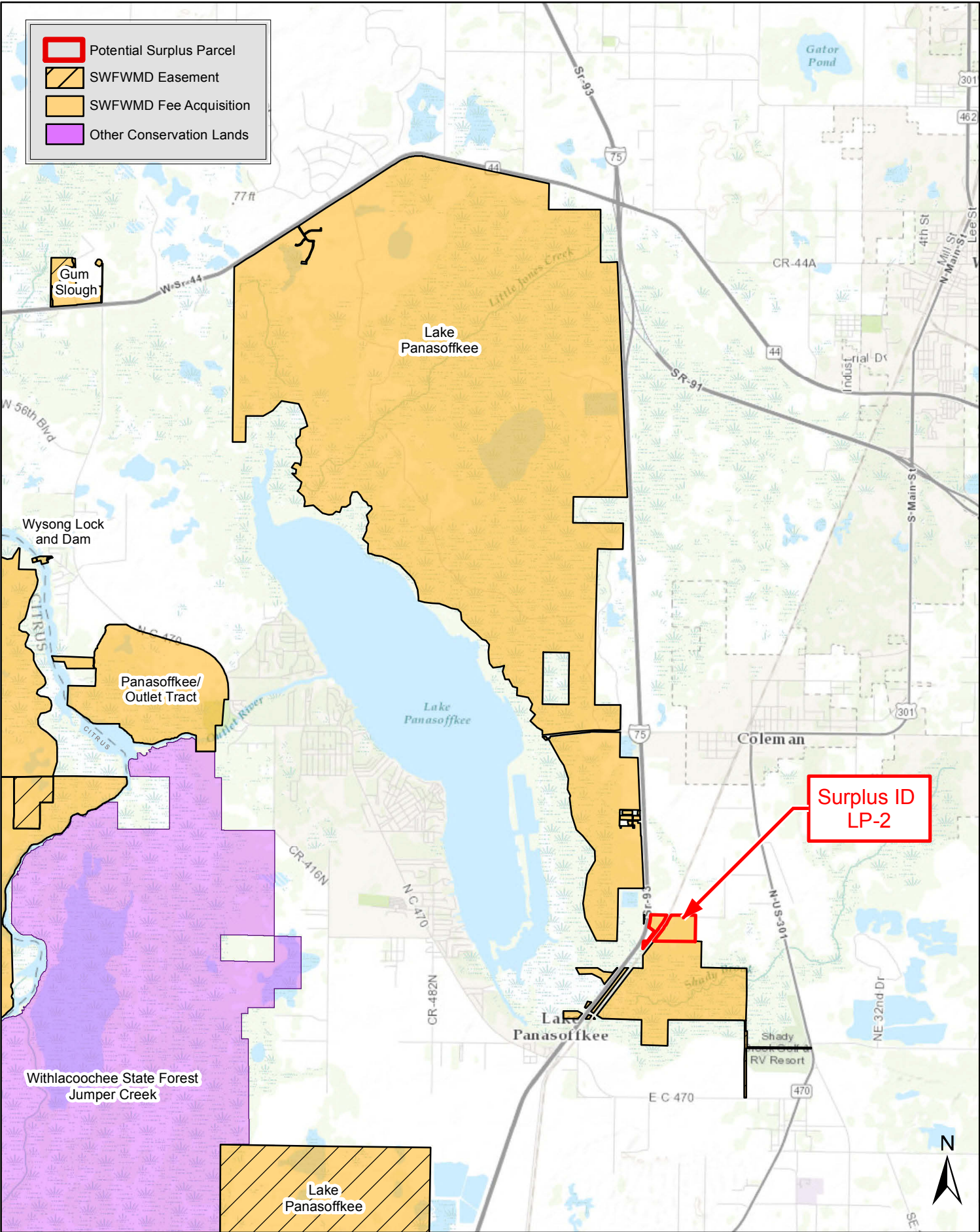
THE QUESTIONS BELOW WILL BE ANSWERED BY THE SURPLUS 5.0 CORE TEAM

Is it recommended to present the parcel to the Governing Board for surplus?	Yes
If parcel recommended for surplus, list conditions such as retaining conservation or access easements; list any conditions specific to this parcel.	Surplus with a conservation easement, two entitlements and no subdivision. Reserve access easement to remainder of property.

THE BLOCKS BELOW WILL BE FILLED IN BEFORE PRESENTATION TO THE GOVERNING BOARD

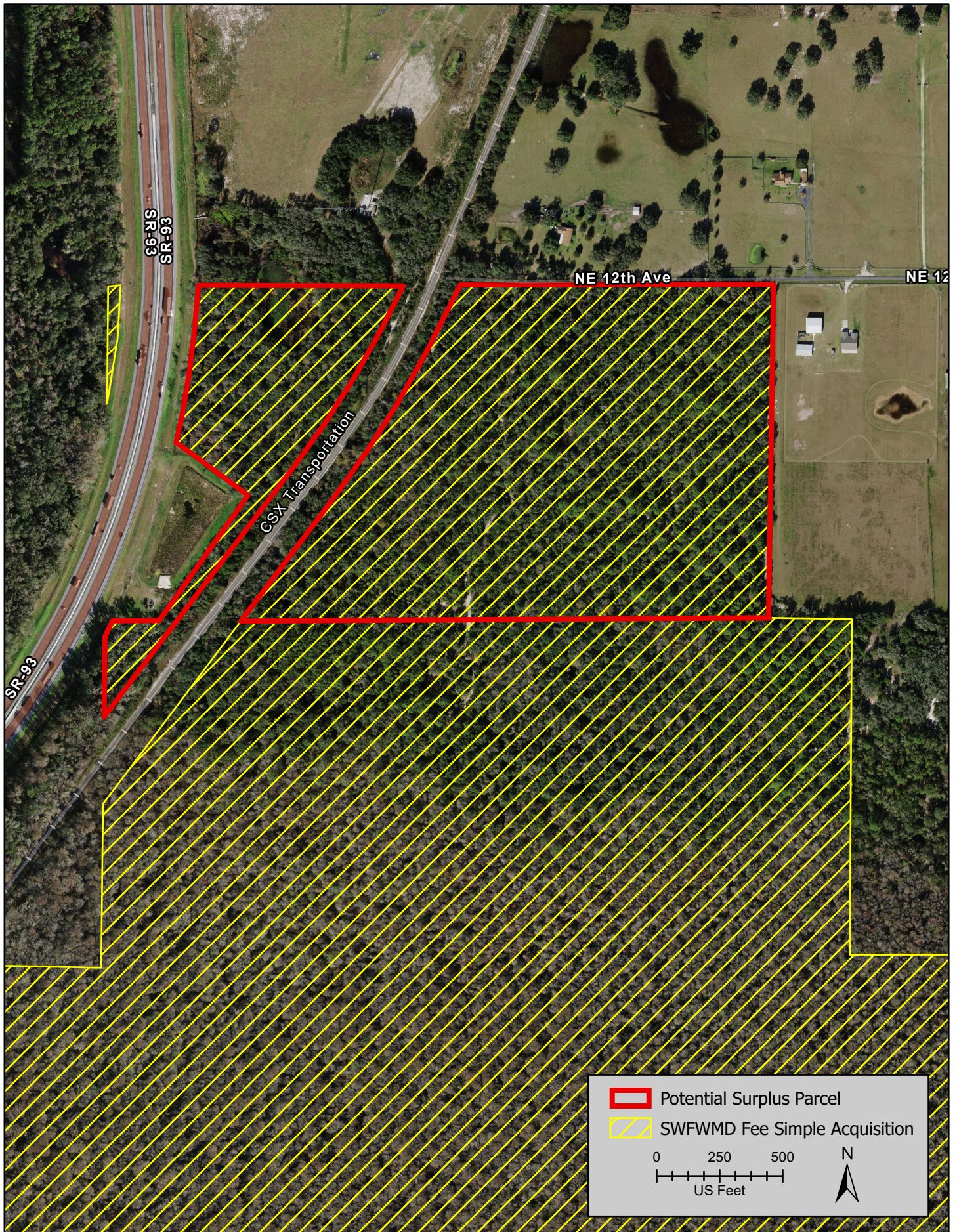
Environmental Advisory Committee comments from April 13, 2021 meeting	None
Public comments	None to date

Lake Panasoffkee (Surplus ID LP-2)
63 Acres



Lake Panasoffkee (Surplus ID LP-2)

63 Acres



Southwest Florida Water Management District, Esri Community Maps Contributors, FDEP, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

2021 - 5.0 Potential Surplus Parcel Review

PARCEL INFORMATION			
SWF Surplus Parcel ID:	TBC-21	SWF Parent Parcel(s):	13-004-131
Acres:	1	Funding Source(s):	Ad Valorem
County:	Hillsborough	Date(s) Acquired:	TBD

PLEASE ONLY ANSWER THOSE AREAS RELATED TO YOUR SPECIFIC AREA OF EXPERTISE. FOR WATER SUPPLY, FLOOD PROTECTION, WATER QUALITY AND NATURAL SYSTEMS PUT YOUR ANSWER IN A FORM AS IF YOU WERE ANSWERING THESE QUESTIONS: "IF THE DISTRICT WERE OFFERED TO PURCHASE THIS PARCEL AND YOU WERE GIVING A PROFESSIONAL OPINION TO THE GOVERNING BOARD RELATED TO YOUR AREA OF EXPERTISE REGARDING THE PURCHASE OF THIS PARCEL, WHAT WOULD IT BE?" "WOULD YOU RECOMMEND THAT THE PARCEL BE PURCHASED TO SUPPORT THAT OPINION?"

Water Supply (Joe Quinn, Robert Peterson)	Parcel TBC-21 has limited water supply resource benefits (i.e., recharge, buffer, etc.), but may hold potential for future water supply development, transmission or reuse projects, such as the accommodation of pipelines, pumps or discharge structures along the Tampa Bypass Canal. For the above given reasons, we would recommend purchase of the subject parcel.
Flood Protection (Jamison Janke, Mark Fulkerson)	Approximately 85% of parcel is within the 100-yr floodplain based on Hillsborough River / TBC watershed study completed by Hillsborough County. Would recommend purchasing based on connection to Tampa Bypass Canal and inclusion of low areas that would store floodwaters.
Water Quality (Janie Hagberg, Chris Anastasiou)	Water quality core criteria for three categories are represented for this parcel. It is questionable if this parcel could be recommended for stand-alone purchase given the small size of the parcel.
Natural Systems (Chris Reed, Will VanGelder)	The purchase of this parcel by the District would not be supported based on natural systems.
Describe any of the parcel's current management issues (Surplus 5.0 Core Team, Jeff Hagberg, Garrett Snider)	Not managed by Land Management. No issues for Field Operations. No issues for Vegetation Management Section.
Describe any of the parcel's current access issues and/or issues created if the parcel is surplus (Surplus 5.0 Core team, Jeff Hagberg)	Property access would not be compromised if subject parcel is surplus. No issues if surplus.
Describe the parcel's significance to linkage of conservation corridors (Ann Blanchard)	This parcel is small and in a highly urbanized setting, adjacent to major roads. This suggests that it is not a significant conservation corridor for wildlife moving through the area. An analysis was performed using data from the Critical Lands and Waters Identification Project. The parcel is not a significant hub or corridor. This parcel has "moderate ecological integrity".
Identify any current agreements that would be impacted if this parcel were surplus (Carmen Sanders)	There is a license agreement with FGT for a 40-inch natural gas pipeline that runs along the western boundary of the parcel.
Describe the parcel's significance to cultural resources (Ann Blanchard)	There are no culturally significant sites that are known to the Florida Department of State within the boundaries of this parcel.

Identify any data collection sites on the parcel, or any issues that would be created if surplus (Margit Crowell)	No District or USGS data collection assets on parcel. No survey control points/benchmarks on parcel.
Describe the parcel's marketability if surplus (Steve Blaschka)	This is a marketable property located east of the Tampa Bypass Canal. The property has frontage on the west side of Jefferson Road, which is paved and provides access. The property appears suitable for residential uses like similar parcels along Jefferson Road to the south. The surrounding properties are predominantly residential, and the neighborhood appeared to be generally in fair condition. The marketability will depend on the allowable uses, agricultural restrictions, and the ability to clear/convert portions of this property
Identify the parcel's current zoning & Future Land Use designation (Allison McMichael)	Public/Quasi Public – Governmental Land. The surrounding properties are zoned PD – Planned Development. The site will need Land Use and Zoning changes to sell and/or develop.

THE QUESTIONS BELOW WILL BE ANSWERED BY THE SURPLUS 5.0 CORE TEAM

Is it recommended to present the parcel to the Governing Board for surplus?	Yes
If parcel recommended for surplus, list conditions such as retaining conservation or access easements; list any conditions specific to this parcel	None, surplus fee simple, as-is, no restrictions

THE BLOCKS BELOW WILL BE FILLED IN BEFORE PRESENTATION TO THE GOVERNING BOARD

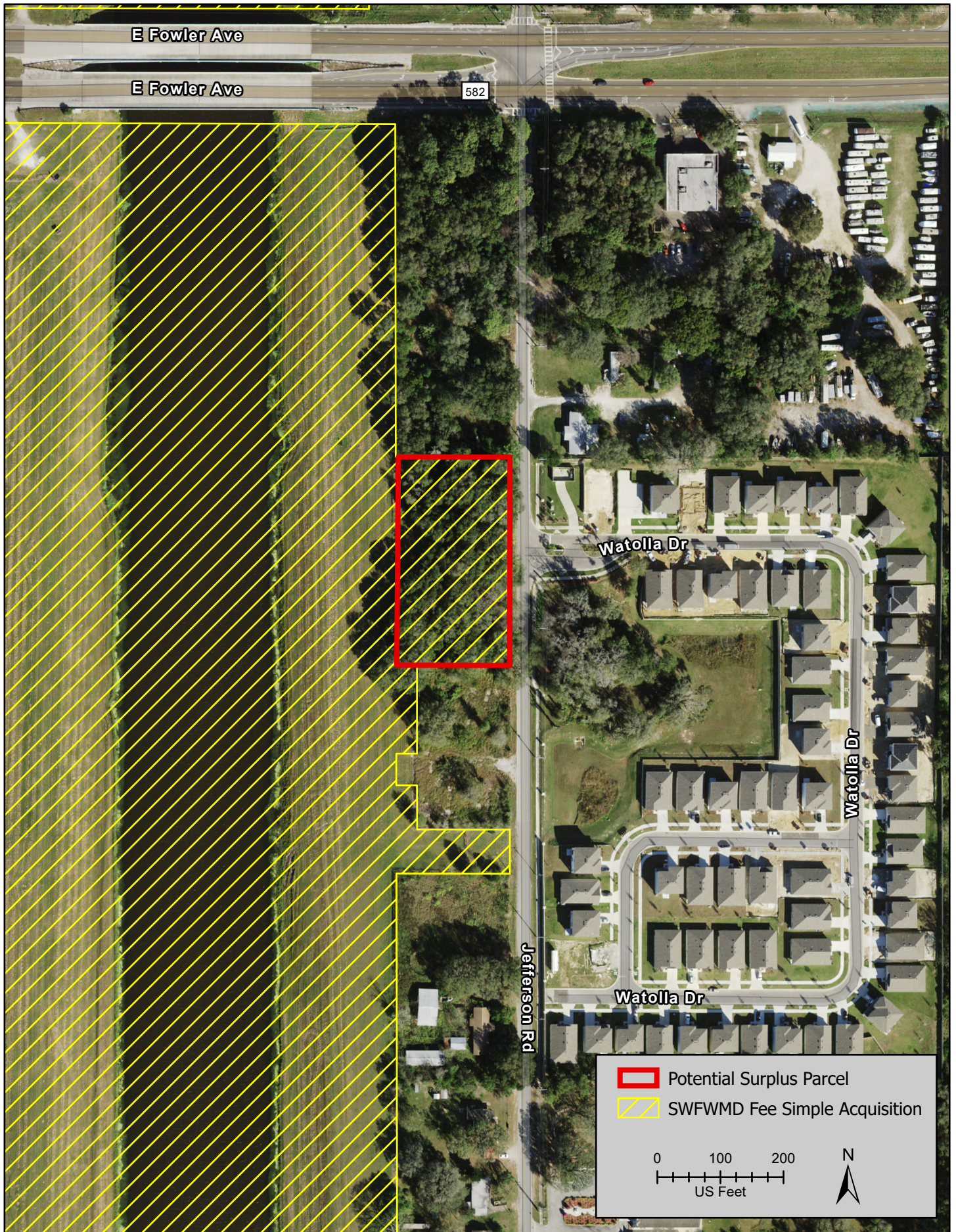
Environmental Advisory Committee comments from April 13, 2021 meeting	None
Public comments	None to date

1 Acre



Tampa Bypass Canal (Surplus ID TBC-21)

1 Acre



Southwest Florida Water Management District, 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, Esri Community Maps Contributors, University of South Florida, City of Tampa, FDEP, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

May 25, 2021

Discussion: Information Only: 2021 Hurricane Preparedness

Purpose

Provide an overview of the District's emergency preparedness for the 2021 hurricane season. Discussion will include actions to prepare District infrastructure and staff for the upcoming hurricane season and detail the District's responsibilities as a member of the State's Emergency Response Team (SERT).

Background/History

Water Management Districts are members of the SERT and serve as support agencies to the Department of Transportation and the Department of Environmental Protection during statewide emergency activations. Statewide communication and coordination is achieved through the State Emergency Operations Center. The District is a party to the Statewide Mutual Aid Agreement and the Florida Water Management Districts Mutual Aid Agreement for Catastrophic Emergency Response/Recovery. These agreements provide reciprocal emergency aid and assistance during an emergency.

The District has a Comprehensive Emergency Management Plan (CEMP), in line with Florida Statute, Chapter 252, Emergency Management. The CEMP outlines a comprehensive and effective program to ensure an effective response to a full range of potential emergencies, including major weather-based events such as hurricanes. In the event of a hurricane, or any other emergency that could potentially impact the District's 16-county area, the District's Emergency Operations Center is prepared for activation to monitor and respond.

Staff Recommendation:

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

Presenter:

Kawika Bailey, Land Manager/Emergency Coordinating Officer

Governing Board Meeting

May 25, 2021

6. REGULATION COMMITTEE

- 6.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion..... 172
- 6.2 **Discussion:** Action Item: Denials Referred to the Governing Board..... 173

REGULATION COMMITTEE

May 25, 2021

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

Presenter:

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

REGULATION COMMITTEE

May 25, 2021

Discussion: Action Item: Denials Referred to the Governing Board

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

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

Staff Recommendation:

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

Presenter:

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

Governing Board Meeting
May 25, 2021

7. GENERAL COUNSEL'S REPORT

- 7.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion..... 174
- 7.2 **Discussion:** Information Only: Central Florida Water Initiative Rulemaking Update 175

GENERAL COUNSEL'S REPORT

May 25, 2021

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

Presenter:

Karen West, General Counsel

GENERAL COUNSEL'S REPORT

May 25, 2021

Discussion: Information Only: Central Florida Water Initiative Rulemaking Update

The Florida Department of Environmental Protection (DEP) has recently completed developing uniform rules for consumptive water use permitting in the Central Florida Water Initiative (CFWI) area. As part of the rule development process, staff from the South Florida, St. Johns River, and Southwest Florida Water Management Districts (Districts) provided DEP with significant technical and legal assistance to support the proposed rules. On March 1, 2021, several water supply utilities located in Polk, Osceola, Orange, and Seminole counties filed petitions for an administrative hearing challenging the legal validity of the proposed CFWI rules.

Prior to the final administrative hearing, the parties negotiated a resolution of the legal challenges. The resolution included changes to the proposed rules to provide flexibility to the regulated community while still protecting the water resources in this critical area. This informational item will provide an overview of the changes made to the uniform rules and an update on the status of the rulemaking process.

Staff Recommendation:

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

Presenter:

Christopher A. Tumminia, Deputy General Counsel

COMMITTEE/LIAISON REPORTS

May 25, 2021

Discussion: Information Only: Environmental Advisory Committee

Presenter:

John Mitten, Board Member

COMMITTEE/LIAISON REPORTS

May 25, 2021

Discussion: Information Only: Well Drillers Advisory Committee

Presenter:

Seth Weightman, Board Member

EXECUTIVE DIRECTOR'S REPORT

May 25, 2021

Discussion: Information Only: Executive Director's Report

Presenter:

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

CHAIR'S REPORT

May 25, 2021

Discussion: Information Only: Chair's Report

Presenter:

Kelly S. Rice, Chair

CHAIR'S REPORT

May 25, 2021

Discussion: Information Only: Employee Milestones

Staff Recommendation:

Information Only

Presenter:

Kelly S. Rice, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	05/02/2016	Chris Tatum	Compliance Inspector 3	Bartow	Regulatory Support	2021	05/02/2021
5	05/09/2016	Lance Calaverne	Field Supervisor	Brooksville	Operations	2021	05/09/2021
5	05/16/2016	Lauren Greenawalt	Lead Environmental Scientist	Tampa	Environmental Resource	2021	05/16/2021
5	05/31/2016	Leonard Rodriguez	Well Driller Assistant II	Brooksville	Data Collection	2021	05/31/2021
15	05/15/2006	Chris Reed	Land Management Manager	Brooksville	Land Resources	2021	05/15/2021
15	05/15/2006	Laura Casino	Staff Chemist	Brooksville	Data Collection	2021	05/15/2021
20	05/07/2001	Teresa McDonald	Land Data Analyst	Brooksville	Land Resources	2021	05/07/2021