

# Governing Board Meeting

## *Agenda and Meeting Information*

*November 17, 2020*

*9:00 a.m.*

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

Southwest Florida  
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



2379 Broad Street, Brooksville, Florida 34604  
(352) 796-7211 or 1-800-423-1476 (FL only)  
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## Final Agenda GOVERNING BOARD MEETING

**NOVEMBER 17, 2020  
9:00 AM**

**7601 US-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](http://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](http://WaterMatters.org).

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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 HEARING AND MEETING**

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

## **2. CONSENT AGENDA**

- 2.1 **Finance/Outreach and Planning Committee:** Resolution No. 20-16 Commending H. Paul Senft, Jr. for His Service as a Member of the Southwest Florida Water Management District Governing Board
- 2.2 **Finance/Outreach and Planning Committee:** Approval to Execute a Federally Funded Grant Agreement with the State of Florida, Division of Emergency Management
- 2.3 **Finance/Outreach and Planning Committee:** Annual Review of Board Policy, *District Investment Policy*
- 2.4 **Resource Management Committee:** Final Charlotte Harbor Surface Water Improvement and Management (SWIM) Plan (W501)
- 2.5 **Operations, Lands and Resource Monitoring Committee:** Amendment to the 2020 Florida Forever Work Plan
- 2.6 **Regulation Committee:** WUP No. 20006040.011 / City of Zephyrhills / City of Zephyrhills (Pasco County)
- 2.7 **Regulation Committee:** WUP No. 20020721.002 / South Sumter Utility Company / South Sumter Utility Company, LLC (Lake and Sumter Counties)
- 2.8 **Regulation Committee:** WUP No. 20004558.007 / Ben Hill Griffin, Inc. - Lake Streety and Little Cuba Groves / Ben Hill Griffin, Inc. (Polk County)
- 2.9 **Regulation Committee:** WUP No. 20007350.007 / Felton Walker Farms / Felton C Walker Jr (Manatee County)
- 2.10 **General Counsel's Report:** Authorization to Issue Administrative Complaint and Order - Well Construction Violations - Dustin Tyler - CT No. 409509 - Polk County
- 2.11 **General Counsel's Report:** Approval of Consent Order between SWFWMD and Philip VonKahle - Permit Condition Violations - Water Use Permit No. 10218.009 - CT Nos. 406254 and 408507 - Charlotte County
- 2.12 **General Counsel's Report:** Authorization to Issue Administrative Complaint and Order - Permit Condition Violations - La Forest at Green Springs the Gardens Homeowners' Association - Environmental Resource Permit No. 44005187.002 - CT No. 403833 - Pinellas County
- 2.13 **Executive Director's Report:** Approve Governing Board Minutes - October 20, 2020

## **3. FINANCE/OUTREACH & PLANNING COMMITTEE**

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

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

#### **4. RESOURCE MANAGEMENT COMMITTEE**

4.1 Consent Item(s) Moved for Discussion

4.2 **Discussion:** Action Item: 2020 Central Florida Water Initiative Regional Water Supply Plan

4.3 **Discussion:** Action Item: 2020 Regional Water Supply Plan

#### **5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**

5.1 Consent Item(s) Moved for Discussion

5.2 **Discussion:** Information Only: Land Resources Overview and Presentation

#### **6. REGULATION COMMITTEE**

6.1 Consent Item(s) Moved for Discussion

6.2 **Discussion:** Information Only: Denials Referred to the Governing Board

#### **7. GENERAL COUNSEL'S REPORT**

7.1 Consent Item(s) Moved for Discussion

#### **8. COMMITTEE/LIAISON REPORTS**

8.1 **Discussion:** Information Only: Environmental 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 October 28, 2020

OFFICERS	
Chair	Kelly 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

REGULATION COMMITTEE
Roger Germann
Joel Schleicher
Rebecca Smith

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

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

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Jack Bispham
Environmental Advisory Committee	John Mitten
Industrial Advisory Committee	James Murphy
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**

11/05/2020

**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  
February 23, 2021 – 10 a.m., TBD  
March 23, 2021 – 9:00 a.m., Brooksville Office  
April 27, 2021 – 10:00 a.m., Lake Eva Banquet Hall  
May 25, 2021 – 9:00 a.m., Tampa Office  
June 22, 2021 – 9:00 a.m., Brooksville Office  
July 27, 2021 – 9:00 a.m., Tampa 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**

2020 – October 21 (Audio Visual Communication), December 9

2021 – January 6, February 24, May 26, July 14

**Springs Coast Steering Committee – 2:00 p.m., Brooksville Office**

2020 – November 4 (Audio Visual Communication)

2021 – January 27, March 10, July 28

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

2020 – October 7 (canceled)

2021 – January 6, April 7, July 7

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

2021 – February 3 – Northern Region, Brooksville Office

2021 – February 4 – Southern Region, Manatee County Board of County Commission Chambers

2021 – February 10 – Heartland Region, Bartow City Hall

2021 – February 11 – Tampa Bay Region, Tampa Office

2021 – April 7 – Northern Region, Brooksville Office

2021 – April 8 – Southern Region, TBD

2021 – April 14 – Heartland Region, Bartow City Hall

2021 – April 15 – Tampa Bay Region, Tampa Office

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

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

2020 – November 18

2021 – March 31, July 28

**Meeting Locations**

Brooksville Office – 2379 Broad Street, Brooksville, FL 34604

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

Lake Eva Banquet Hall – 799 Johns Avenue, Haines City, FL 33844

Bartow City Hall – 450 N. Wilson Avenue, Bartow, FL 33830

## **1. Public Hearing and Meeting**

**Governing Board Meeting**  
**November 17, 2020**

**1. CONVENE PUBLIC HEARING AND MEETING**

1.1 Call to Order.....4

1.2 Invocation and Pledge of Allegiance .....5

1.3 Additions/Deletions to Agenda .....6

1.4 Public Input for Issues Not Listed on the Published Agenda .....7

**CONVENE PUBLIC HEARING AND MEETING**

**November 17, 2020**

**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 HEARING AND MEETING**

**November 17, 2020**

**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 HEARING AND MEETING**

**November 17, 2020**

**Additions/Deletions to Agenda**

Presenter:

Kelly S. Rice, Chair

**CONVENE PUBLIC HEARING AND MEETING**

**November 17, 2020**

**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

## 2. Consent Agenda

# Governing Board Meeting

November 17, 2020

## 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	<b>Finance/Outreach and Planning Committee:</b> Resolution No. 20-16 Commending H. Paul Senft, Jr. for His Service as a Member of the Southwest Florida Water Management District Governing Board .....	8
2.2	<b>Finance/Outreach and Planning Committee:</b> Approval to Execute a Federally Funded Grant Agreement with the State of Florida, Division of Emergency Management .....	10
2.3	<b>Finance/Outreach and Planning Committee:</b> Annual Review of Board Policy, <i>District Investment Policy</i> .....	12
2.4	<b>Resource Management Committee:</b> Final Charlotte Harbor Surface Water Improvement and Management (SWIM) Plan (W501) .....	47
2.5	<b>Operations, Lands and Resource Monitoring Committee:</b> Amendment to the 2020 Florida Forever Work Plan .....	49
2.6	<b>Regulation Committee:</b> WUP No. 20006040.011 / City of Zephyrhills / City of Zephyrhills (Pasco County) .....	51
2.7	<b>Regulation Committee:</b> WUP No. 20020721.002 / South Sumter Utility Company / South Sumter Utility Company, LLC (Lake and Sumter Counties) .....	69
2.8	<b>Regulation Committee:</b> WUP No. 20004558.007 / Ben Hill Griffin, Inc. - Lake Streety and Little Cuba Groves / Ben Hill Griffin, Inc. (Polk County) .....	84
2.9	<b>Regulation Committee:</b> WUP No. 20007350.007 / Felton Walker Farms / Felton C Walker Jr (Manatee County) .....	98
2.10	<b>General Counsel's Report:</b> Authorization to Issue Administrative Complaint and Order – Well Construction Violations - Dustin Tyler - CT No. 409509 - Polk County .....	110
2.11	<b>General Counsel's Report:</b> Approval of Consent Order between SWFWMD and Philip VonKahle - Permit Condition Violations - Water Use Permit No. 10218.009 - CT Nos. 406254 and 408507 – Charlotte County .....	111
2.12	<b>General Counsel's Report:</b> Authorization to Issue Administrative Complaint and Order - Permit Condition Violations - La Forest at Green Springs the Gardens Homeowners' Association - Environmental Resource Permit No. 44005187.002 - CT No. 403833 - Pinellas County .....	122
2.13	<b>Executive Director's Report:</b> Approve Governing Board Minutes - October 20, 2020 .....	124

**CONSENT AGENDA**

**November 17, 2020**

**Resolution No. 20-16 Commending H. Paul Senft, Jr. for His Service as a Member of the Southwest Florida Water Management District Governing Board**

To honor Mr. H. Paul Senft, Jr. for his term as a Governing Board member, District staff have prepared this resolution to commemorate his service. Mr. Senft was appointed by Governor Charlie Crist in March 2008 and served until August 2019.

**Staff Recommendation:**

Approve Resolution No. 20-16, Commending H. Paul Senft, Jr. for His Service as a Member of the Southwest Florida Water Management District Governing Board.

**Presenter:**

Virginia Singer, Board & Executive Services Manager

RESOLUTION NO. 20-16

COMMENDING  
**H. PAUL SENFT, JR.**  
FOR HIS SERVICE AS A MEMBER OF THE  
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT GOVERNING BOARD

WHEREAS, **H. PAUL SENFT, JR.** was appointed by Governor Charlie Crist to the Southwest Florida Water Management District Governing Board on March 7, 2008 and served through August 27, 2019; and

WHEREAS, **H. PAUL SENFT, JR.** was elected and served as the Governing Board's Secretary from June 2010 through June 2011, and the Board's Chair from June 2011 through June 2013; and

WHEREAS, **H. PAUL SENFT, JR.** provided leadership and guidance in the development of the Polk Regional Water Cooperative, Central Florida Water Initiative, including development of the Regional Water Supply Plan and Water Resources Protection and Water Supply Strategies Plan; and

WHEREAS, **H. PAUL SENFT, JR.** supported development of alternative water supplies and regional pipeline interconnections in partnership with water supply authorities, local governments and private utilities to help achieve reductions in groundwater pumping and supported regional cooperative projects, including the City of Winter Haven WWTP #3 Reclaimed Main Interconnect, Pumping and Storage project, the TECO Polk Power Station Reclaimed Water Interconnects to Lakeland/Polk County/Mulberry, and the Polk Regional Water Cooperative Southeast Wellfield and West Polk County Lower Floridan Aquifer Deep Well projects; and

WHEREAS, **H. PAUL SENFT, JR.** completed the implementation of the Southern Water Use Caution Area (SWUCA) recovery strategy projects including the Lake Hancock Lake Level Modification project; and

WHEREAS, **H. PAUL SENFT, JR.** continued to meet needs in the SWUCA, while reducing groundwater use, improving river flows and aquifer levels, and examining alternatives to restore lake levels in the Ridge Lakes area; and

WHEREAS, **H. PAUL SENFT, JR.** supported the acquisition of public lands to protect Florida's first- and second-magnitude springs, including Crooked Lake, Lake Hancock, Weeki Wachee, Kings Bay, Three Sisters, Boat and Rainbow springs; and

WHEREAS, **H. PAUL SENFT, JR.** supported a collaborative approach to develop joint SWIM Plans with key stakeholders for all five first-magnitude springs in the Springs Coast area, and began funding septic-to-sewer projects in these springsheds; and

WHEREAS, **H. PAUL SENFT, JR.** stressed the importance of flood protection and public safety by supporting technological upgrades and refurbishments to the District's complex flood and water control structures throughout the region as well as funding for the City of Haines City Lake Eva & Lake Henry Restoration project and the Polk County Watershed Management Plan; and

WHEREAS, **H. PAUL SENFT, JR.** championed the surplus lands program through the sale of less beneficial District parcels equaling 1,665 acres for a total of \$8.6 million. These funds were then available to make critical land purchases; and

WHEREAS, **H. PAUL SENFT, JR.** was a visionary leader in beneficial reuse of reclaimed water, setting a goal of 75 percent beneficial reuse, creating innovative approaches using reclaimed water to restore natural systems and help create a sustainable water supply; and

WHEREAS, **H. PAUL SENFT, JR.**, as a member and Chair of the Governing Board, demonstrated exceptional skill, leadership, and discipline in championing fiscal responsibility and efficient business processes thereby reducing tax millage rates by more than 52.2 percent and ensuring the District's operating budget was in line with ad valorem revenue levels since Fiscal Year 2008; and

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

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

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

PASSED and ADOPTED this seventeenth day of November 2020.

GOVERNING BOARD OF THE  
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BY \_\_\_\_\_  
Kelly Rice, Chair

ATTEST \_\_\_\_\_  
Rebecca Smith, Secretary

**CONSENT AGENDA**

**November 17, 2020**

**Approval to Execute a Federally Funded Grant Agreement with the State of Florida, Division of Emergency Management**

*Purpose*

Request approval to accept and execute the Grant Agreement to enable the District to request reimbursement for expenditures incurred due to COVID-19.

*Background*

On March 09, 2020, Governor Ron DeSantis issued an Executive Order to declare a state of emergency due to the coronavirus (COVID-19). The Governor issued a stay at home order effective April 03, 2020. Consistent with the direction provided by Governor DeSantis, the District implemented social distancing and sanitary precautions to deter the spread of the virus. The FDEM has made FEMA funding available to government agencies for reimbursement of expenses incurred due to COVID-19, and the District intends to seek reimbursement for such expenditures. The terms of the Grant Agreement require the Governing Board's authorization to accept and execute the Grant Agreement.

Staff Recommendation:

Approve the District to accept and enter into a grant agreement with the State of Florida, Division of Emergency Management (FDEM), the pass-through entity for Federal Emergency Management Agency (FEMA) funds, for reimbursement of certain expenditures related to COVID-19 (Grant Agreement); and delegate authority to the Executive Director, or designee, to execute the Grant Agreement.

Presenter:

Melisa J. Lowe, Bureau Chief, Finance



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# Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899

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1-800-320-3503 (FL only)

## **Tampa Office**

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

### **Kelly S. Rice**

Chair, Citrus, Lake, Levy, Sumter

### **Joel Schleicher**

Vice Chair, Charlotte, Sarasota

### **Rebecca Smith**

Secretary, Hillsborough, Pinellas

### **James G. Murphy**

Treasurer, Polk

### **Ed Armstrong**

Pinellas

### **Jack Blspham**

Manatee

### **Roger Germann**

Hillsborough

### **John Mitten**

Hernando, Marion

### **Seth Weightman**

Pasco

### **Brian J. Armstrong, P.G.**

Executive Director

November 17, 2020

Brian Armstrong, P.G.

Executive Director

Southwest Florida Water Management District

2379 Broad Street

Brooksville, FL 34604

Subject: Delegation of Authority to Executive Director

Dear Brian:

This letter serves to delegate authority to Brian Armstrong, Executive Director, to execute agreements between the District and the State of Florida, Division of Emergency Management (FDEM), who are the pass-through entity distributing Federal Emergency Management Agency (FEMA) funds for COVID-19.

Sincerely,

Kelly Rice

Chair of the Governing Board

Southwest Florida Water Management District

cc: John Campbell, Division Director, Management Services

Melisa Lowe, Bureau Chief, Finance

## CONSENT AGENDA

**November 17, 2020**

### **Annual Review of Board Policy, District Investment Policy**

#### *Purpose*

To approve the recommended updates to the District's Investment Policy. The Policy requires a review within sixty (60) days following the end of each fiscal year and approval by the Governing Board of any modifications made thereto.

#### *Background*

At the October 20, 2020 Governing Board meeting, a brief presentation was provided noting the recommended changes to the Policy. The Board members were encouraged to review the Policy and the recommended changes and contact District staff or the District's Investment Advisors with any questions or additional recommended changes that they may have, if any.

The policy has been reviewed by management and the District's investment advisory firm and the following four modifications have been incorporated:

1. Add language to include the ICE BofA 0-3 Year US Treasury & Agency Index and the ICE BofA 0-5 Year Treasury Index or other similar index of a nationally recognized benchmark. This will reflect the District's buy and hold style and will also give the District flexibility to change the benchmark back to an active strategy style without necessarily changing the benchmark language within the policy. Even though this would allow flexibility within the policy, any strategy changes would be discussed with the Board prior to any strategy changes being made.
2. Increase the allocation to Federal Instrumentality United States Government Sponsored Enterprises (GSE) debt to 75% and maintain the 40% per issuer. 75% would be inclusive of Mortgage Backed Securities. GSE debt issues offer a yield advantage to United States Treasuries in certain maturities along the yield curve and this would provide additional opportunity to utilize this sector.
3. Update the rating requirements to define that the Commercial Paper has a minimum rating of A-1 for S&P and P-1 for Moody's. This language provides a little more clarity for the ratings for Commercial Paper.
4. Reduce Commercial Paper exposure by issuer to 5%. This would result in further diversification of the overall investment program. By reviewing and updating the District's Investment Policy within sixty (60) days following the end of the fiscal year, the Governing Board and management will be in compliance with the Investment Policy.

#### Staff Recommendation:

Approve and accept the recommended updates to the District's Investment Policy.

#### Presenter:

John J. Campbell, Division Director, Management Services

## GOVERNING BOARD POLICY

Southwest Florida Water Management District

**Title: Investments**

**Document Owner:** Finance Bureau Chief

**Approved By:** Board Chair

**Effective Date:** 11/17/2020

**Supersedes:** 10/22/2019

### CONTENTS

PURPOSE .....	1
SCOPE .....	1
AUTHORITY .....	1
DEFINITIONS .....	1
STANDARDS .....	2
POLICY .....	3
DISTRIBUTION .....	10
REFERENCES .....	10
REVIEW PERIOD .....	10
DOCUMENT DETAILS .....	34
APPROVAL .....	34

### PURPOSE

The purpose of this Investment Policy (hereinafter "Policy") is to set forth the investment objectives and parameters for the management of the funds of the Southwest Florida Water Management District (hereinafter "District"). This Policy is designed to ensure the prudent management of public funds, the availability of operating and capital funds when needed, and an investment return competitive with comparable funds and financial market indices.

### SCOPE

This policy shall apply to all funds in excess of current operating expenses and shall be in compliance with Section 218.415, Florida Statutes, with the exception of funds related to the issuance of debt where there are other existing policies or indentures in effect for such funds.

### AUTHORITY

This policy is governed by the Governing Board and Sections 218.415, 280.02, 658.12, 11.45 Florida Statutes.

### DEFINITIONS

**Committee.** The Finance/Outreach and Planning Committee of the Governing Board or Board Chair appointed Ad Hoc Committee specifically authorized to act as the Committee for a quantified period of time.

**Designee.** The Finance Bureau Chief or the Accounting Manager provided they have sufficient investment management education and understanding.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 2 of 34

**District.** Southwest Florida Water Management District.

**Division Director.** The Management Services Division Director.

**Investment Manager.** A third-party person or entity having the responsibility for providing advice regarding the management of the Investment Portfolio and executing transactions in the Investment Portfolio. The District may have one or more Investment Managers.

**Investment Portfolio.** The portion of the District's Portfolio recommended by the Committee and approved by the Governing Board for investment pursuant to Section X of this Policy.

**Liquidity Portfolio.** The portion of the District's Portfolio managed internally by District staff. This portion of the portfolio is limited to the security types described in Section X (a), (b), (c), (d), (i), and (o) of this Policy. The requirements of Section X for each of these security types will apply with the further restriction that security maturities in this portfolio may not exceed twelve (12) months.

**Policy.** The District's Investment Policy.

**Portfolio.** The total cash, investments, and other funds held by the District under the District's control.

**Third-party Custodian.** Any bank depository chartered by the federal government, the State of Florida, or any other state or territory of the United States which has a branch or principal place of business in the State of Florida, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts, and which is doing business in the State of Florida.

**Attachments:** Please see attachment A for a glossary of cash and investment Management Terms.

## STANDARDS

The following standards shall apply:

1. **Ethical Standards.** Governing Board members and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Governing Board members and employees involved in the investment process shall disclose to the District any material financial interests in financial institutions that conduct business with the District, and any material personal financial/investment positions that could be related to the performance of the Portfolio.
2. **Standard of Prudence.** The standard of prudence to be used by investment officials, who are officers or employees of the District, shall be the "Prudent Person Rule" and shall be applied in the context of managing the Portfolio. Investment officers acting in accordance with written procedures and this Policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectation are reported to the Executive Director and the Committee in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this Policy. The "Prudent Person Rule" states the following:

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 3 of 34

Investments should be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.

While the standard of prudence to be used by investment officials who are officers or employees of the District is the "Prudent Person Rule," any person or firm hired or retained to invest, monitor, or advise concerning these assets shall be held to the higher standard of "Prudent Expert." The Prudent Expert Standard requires the advisor to act with the care, skill, prudence, and diligence, under the circumstances then prevailing, that a prudent investment expert acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims, provided, however that this standard of care shall in no case be, or be interpreted to be, less stringent or less restrictive than any investment standard or standards, now in effect or included by amendment effective in the future, prescribed for investments by Florida law.

3. **Fiduciary Standard.** The Southwest Florida Water Management District recognizes its fiduciary responsibility to manage and safeguard the assets of the District. An effective cash management program is essential to good fiscal management.

### POLICY

#### I. INVESTMENT OBJECTIVES:

The investment objectives of the District's Policy, in order of priority, are to provide safety of capital, liquidity of funds, and the optimal rate of return on investments at the time of investment.

1. **Safety of Capital** – The safety of capital is the foremost objective of the District's Policy. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital. The objective will be to mitigate credit risk and interest rate risk. Investment transactions shall seek to keep capital losses at a minimum, whether they are from securities defaults or erosion of market value. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
  - (a) **Credit Risk** – The District will minimize credit risk of loss due to the failure of the security by:
    - i. Limiting investments to the authorized investments in the Policy.
    - ii. Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the District will do business.
    - iii. Diversifying the Investment Portfolio to protect against losses on individual securities.
  - (b) **Interest Rate Risk** – The District will minimize the risk that the market value of securities in the Investment Portfolio will fall due to changes in general interest rates by:
    - i. Structuring the Investment Portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 4 of 34

- ii. Investing operating funds (non-short-term and long-term funds) primarily in shorter-term securities, Florida PRIME, money market mutual funds or interest-bearing time deposits, or savings accounts.
2. **Liquidity of Funds** – The Portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This will be accomplished by structuring the Portfolio so that securities mature concurrent with cash needs so as to meet anticipated demands. Furthermore, since all possible cash demands cannot be anticipated, the Investment Portfolio should consist largely of securities with active secondary markets. A portion of the Portfolio should be placed in investments that offer same-day liquidity for short-term funds, such as the Florida PRIME or money market mutual funds. Periodic cash-flow analyses will be completed in order to ensure that the portfolios are positioned to provide sufficient liquidity.
3. **Optimal Rate of Return** – The Investment Portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. Investment return is attempted through active management where the District utilizes a total return strategy, which includes both realized and unrealized gains and losses in the Portfolio. This total return strategy seeks to increase the value of the Investment Portfolio through reinvestment of income and capital gains. Return on investment for the portion of the District's Investment Portfolio that is passively managed is attempted by selecting an authorized investment that provides an optimal yield given the requirements within the Policy, while meeting the District's anticipated liquidity needs. Investments are limited to those relatively low-risk securities authorized in the anticipation of earning a fair return relative to the risk being assumed. Securities may be purchased at a premium or traded for other securities to improve yield, maturity, or credit risk. For these transactions, a loss may be incurred for accounting purposes to achieve relative value based on its potential to enhance the total return of the Investment Portfolio.

## II. DELEGATION OF AUTHORITY:

The District's Governing Board shall be responsible for approving changes to the District's Policy. The responsibility for providing guidance and approval of the District's investment strategy, within the parameters of the Policy, resides with the Committee. The management responsibility for all District funds in the Portfolio and investment transactions is delegated to the Division Director or, in the absence of the Division Director, to the Designee. The Division Director or the Designee will be responsible for managing the Liquidity Portfolio. The Investment Manager shall provide active management for the District's designated funds. The Investment Manager must be registered under the Investment Advisors Act of 1940. The Division Director shall establish written procedures for the operation of the Investment Portfolio and a system of internal accounting and administrative controls to regulate the activities of employees.

## **GOVERNING BOARD POLICY**

**Title: Investments**

**Effective Date: 11/17/2020**

**Page 5 of 34**

### **III. PERFORMANCE MEASUREMENT:**

In order to assist in the evaluation of the Portfolio's performance, the District will use performance benchmarks for the short-term and long-term portfolios. The use of benchmarks will allow the District to measure its returns against other investors in the same markets. Performance calculations will not include any balances invested in the overnight sweep accounts. A benchmark should not be chosen that will induce the individual making the investment to take on undue risk in order to outperform the benchmark.

- (a) A short-term index such as the 3, 6, or 12 Month U.S. Treasury Bill Index or S&P Rated GIP Index Government 30 Day Gross Yield will be used as a benchmark for comparison with the Portfolio's net book value rate of return for current operating funds (short-term portfolio). The duration of the index should be similar to that of the short-term portfolio for performance comparison.
- (b) Investment performance of funds designated as Core Funds and other non-operating funds that have a longer-term investment horizon (long-term portfolio) will be compared to a national recognized benchmark that may include the ICE Merrill Lynch 1-3 Year U.S. Treasury/Agency Note Index and ICE Merrill Lynch 1-5 Year U.S. Treasury/Agency Note Index, or the ICE BofA 0-3 Year US Treasury & Agency Index and ICE BofA 0-5 Year Treasury Index or similar index. The appropriate index will have a duration and asset mix that approximates that of the Investment Portfolio and will be utilized as a benchmark to be compared to the Investment Portfolio's total rate of return. The District can choose different performance benchmarks if the investment strategy for the Investment Portfolio changes.

### **IV. MATURITY AND LIQUIDITY:**

Investments shall be structured in such manner as to provide sufficient liquidity to pay obligations of the District in a timely manner. The Division Director, or Designee, shall sufficiently allocate resources to the short- and long-term investment portfolios. Maturity and average life are measured from settlement date. The final maturity date can be based on any mandatory call, put, pre-refunding date, or other mandatory redemption date.

- (a) **Operating Funds** (Short-Term Investment Portfolio). To the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash-flow requirements. Investments of current operating funds shall have maturities of no longer than thirty-six (36) months.
- (b) **Core Funds** (Long-Term Investment Portfolio). Investments of reserves, project funds, and other non-operating funds ("Core Funds") shall have a final maturity appropriate to the need for funds, but in no event shall exceed five (5) years. The average duration of the Core Funds as a whole shall not exceed three (3) years.

### **V. AUTHORIZED INVESTMENTS AND PORTFOLIO COMPOSITION:**

Investments should be made subject to the District's cash-flow needs. Such cash-flows are subject to revisions as market conditions and the District's needs change. However, when the

## GOVERNING BOARD POLICY

### Title: Investments

Effective Date: 11/17/2020

Page 6 of 34

invested funds are needed in whole or in part for the purpose originally intended or for more optimal investments, the Division Director may sell or request that the Investment Manager sell the investment at the then-prevailing market price and place the proceeds into the proper account at the District's custodian.

The following table contains the investment requirements and allocation limits on security types, issuers, and maturities, as established by the District. The Division Director shall have the option to further restrict investment percentages based on market conditions, risk, and diversification investment strategies. The percentage allocation requirements for investment types and issuers are calculated based on the market value of each investment at the time of purchase. Investments not listed in this Policy are prohibited. In the event of a ratings downgrade of a security, the Investment Manager shall notify the Division Director within five business days of such a decline in the required rating. The Investment Manager and the Division Director will review the individual facts and circumstances of the situation and determine an appropriate course of action.

Security Type		Minimum Rating Requirement	Maturity Limits	Maximum Allocation Limit	Maximum Issuer Limit
(a)	Florida PRIME	AAAm	N/A	50%	N/A
(b)	United States Government Securities	N/A	5 Years	100%	N/A
(c)	United States Government Agencies (full faith and credit of the United States Government)	N/A	5 Years	50%	25%
(d)	Federal Instrumentalities (United States Government Sponsored Enterprises ("GSE") which are non-full faith and credit).*	N/A	5 Years	75%	40%
(e)	Mortgage-Backed Securities (MBS) *	N/A	5 Years	30%	20%
(f)	Non-Negotiable Interest Bearing Time Deposits or Savings Accounts	N/A	1 Years	25%	15%
(g)	State and/or Local Government Taxable and/or Tax-Exempt Debt	Single "A" category by two NRSROs**	5 Years	25%	10%
(h)	Registered Investment Companies (Money Market Mutual Funds)	AAAm	N/A	50%	25%
(i)	Registered Investment Companies (Mutual Funds)	AAAf	N/A	25%	15%
(j)	Repurchase Agreements	N/A	90 Days	50%	25%
(k)	Bankers' Acceptances	Highest rating by two NRSROs**	180 Days	35%	10%
(l)	Commercial Paper***	A-1/Prime-1	270 Days	35%	5%
(m)	Corporate Notes***	Single "A" category by any two NRSROs**	5 Years	35%	5%
(n)	Intergovernmental Investment Pool	AAAm	N/A	25%	N/A

## **GOVERNING BOARD POLICY**

**Title: Investments**

**Effective Date: 11/17/2020**

**Page 7 of 34**

\*The combined maximum amount of available funds invested in Federal Instrumentalities and mortgage-backed securities will not exceed seventy-five percent (75%).

\*\*National Recognized Statistical Rating Organization (NRSRO).

\*\*\*The maximum amount of corporate investments will not exceed forty percent (40%). Therefore, the combination of Section (l) Commercial Paper and Section (m) Corporate Notes shall not exceed forty percent (40%). Corporate Notes are limited to 15% per industry.

Additional details about the requirements for each security type in the table above are provided in Attachment C: Security Type Purchase and Allocation Guidelines.

### **VI. RISK AND DIVERSIFICATION:**

Assets held shall be diversified to the extent practicable to control the risk of loss resulting from over-concentration of assets in a specific maturity, issuer, instrument, dealer, or bank through which financial instruments are bought and sold. Diversification strategies within the established guidelines shall be reviewed and revised periodically by the Committee.

### **VII. DERIVATIVES AND REVERSE REPURCHASE AGREEMENTS:**

Investment in any derivative products or the use of reverse repurchase agreements is prohibited. A "derivative" is defined as a financial instrument the value of which depends on, or is derived from, the value of one or more underlying assets, indices, or asset values.

### **VIII. AUTHORIZED INVESTMENT INSTITUTIONS AND DEALERS:**

The Division Director (or Designee) shall only purchase securities from financial institutions that are qualified as public depositories by the Chief Financial Officer of the State of Florida or from private securities brokers/dealers designated as "primary dealers" by the Federal Reserve Bank of New York. Qualified public depositories may provide the services of a securities dealer through a Section 20 subsidiary of the financial institution or from direct issuers of commercial paper and bankers' acceptances.

The Investment Manager shall utilize and maintain its own list of approved primary and non-primary dealers.

### **IX. THIRD-PARTY CUSTODIAL AGREEMENTS:**

The Division Director will execute a Third-Party Custodial Safekeeping Agreement with a commercial bank, which is separately chartered by the United States government or the State of Florida. All securities purchased and/or collateral obtained, with the exception of certificates of deposits, by the Division Director or Designee shall be properly designated as an asset of the District and held in safekeeping by the bank and no withdrawal of such securities, in whole or in part, shall be made from safekeeping, except by an authorized Finance Bureau staff member. The Third-Party Custodial Safekeeping Agreement shall include letters of authority from the Division Director, details as to responsibilities of each party, notification of security purchases, sales, delivery, wire transfers, safekeeping, and transaction costs, and procedures in case of wire failure or other unforeseen mishaps, including liability of each party.

The custodian shall accept transaction instructions only from those persons who have been duly authorized by the District and which authorization has been provided, in writing, to the custodian. No withdrawal of securities, in whole or in part, shall be made from safekeeping, unless by such a duly authorized person.

## **GOVERNING BOARD POLICY**

**Title: Investments**

**Effective Date: 11/17/2020**

**Page 8 of 34**

The custodian shall provide the Division Director or Designee with monthly statements that provide detail information on the securities held by the custodian. Security transactions between authorized investment institutions and dealers and the custodian involving the purchase or sale of securities by transfer of money or securities must be made on a "delivery versus payment" basis, if applicable, to ensure that the custodian will have the security or money, as appropriate, in hand at the conclusion of the transaction. Securities held as collateral shall be held free and clear of any liens. Certificates of deposits will be placed in the provider's safekeeping department for the term of the deposit.

### **X. MASTER REPURCHASE AGREEMENT:**

The District will require all approved institutions and dealers transacting repurchase agreements to execute and perform as stated in the Securities Industry and Financial Markets Association (SIFMA) Master Repurchase Agreement. All repurchase agreement transactions will adhere to requirements of the SIFMA Master Repurchase Agreement.

### **XI. COMPETITIVE SELECTION:**

After the Division Director, Designee, or Investment Manager, has determined the approximate maturity date based on cash-flow needs and market conditions and has analyzed and selected one or more optimal types of investments, a minimum of three (3) authorized investment institutions or dealers must be contacted and asked to provide bids/offers on securities in question. Bids will be held in confidence until the bid/offer deemed to best meet the investment objectives is determined and selected.

However, if obtaining bids/offers are not feasible and appropriate, securities may be purchased utilizing the comparison to current market price method on an exception basis. Acceptable current market price providers include, but are not limited to the following:

- 1) TradeWeb
- 2) Bloomberg Financial System
- 3) Wall Street Journal or a comparable recognized financial publication
- 4) Daily market pricing provided by the District's custodian bank or correspondent institutions

The Division Director or the Investment Manager shall utilize the competitive bid process to select the securities to be purchased or sold. Selection by comparison to a current market price, as indicated above, shall only be utilized when in judgment of the Division Director or the Investment Manager, competitive bidding would inhibit the selection process.

Examples of when this method may be used include:

- A. When time constraints due to unusual circumstances preclude the use of the competitive bidding process.
- B. When no active market exists for the issue being traded due to the age or depth of the issue.
- C. When a security is unique to a single dealer, for example, a private placement.

## **GOVERNING BOARD POLICY**

**Title: Investments**

**Effective Date: 11/17/2020**

**Page 9 of 34**

- D. When the transaction involves new issues or issues in the “when issued” market.

Overnight sweep investments or repurchase agreements will not be bid but may be placed with the District’s depository bank relating to the demand account for which the sweep investments or repurchase agreements were purchased.

### **XII. INTERNAL CONTROLS:**

The Division Director and/or Designee shall establish a system of internal controls and operational procedures. The internal control structure shall be designed to provide reasonable assurance that the assets of the District are protected from loss, theft or misuse that might arise from fraud, employee error, misrepresentation by third parties, or imprudent actions by District employees. The internal control structure will be reviewed during the annual financial audit conducted by independent auditors.

The Division Director will report any non-compliance with the District’s Policy or adopted investment strategy to the Inspector General, Executive Director, General Counsel, and Chair of the Committee immediately upon becoming aware of the situation.

### **XIII. CONTINUING EDUCATION:**

The Division Director and Designee shall complete eight (8) hours of continuing education annually in subjects or courses of study related to investment practices and products.

### **XIV. REPORTING:**

The Division Director shall report at least quarterly to the Executive Director and the Governing Board, and shall provide quarterly investment reports. Schedules in the quarterly report shall include, but not be limited to, the following:

1. A listing of individual securities by class and type held at the end of the reporting period
2. Percentage of available funds represented by each investment type
3. Coupon, discount, or earning rate
4. Average life or duration and final maturity of all investments
5. Par value and market value
6. In addition to the standard gross-of-fee-performance reporting that is presented, net-of-fee performance will be provided by the Investment Manager
7. A summary of District’s investment strategy
8. The year-end quarterly report ended September 30th will show performance on both a book value and total rate of return basis and will compare the results to the above-

## **GOVERNING BOARD POLICY**

**Title: Investments**

**Effective Date: 11/17/2020**

**Page 10 of 34**

stated performance benchmarks. All investments shall be reported at fair value per GASB standards. Investment reports shall be available to the public.

### **XV. SECURITIES DISPOSITION:**

Every security purchased on behalf of the District must be properly earmarked and, if in book entry form, must be held for the credit of the District by a depository chartered by the federal government, the state, or any other state or territory of the United States which has a branch or principal place of business in the State of Florida as defined in Section 658.12, Florida Statutes, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in the State of Florida, and must be kept by the depository in an account separate and apart from the assets of the financial institution.

### **XVI. PREEMPTION:**

Any provision of any special act, municipal charter, or other law which prohibits or restricts the District from complying with Section 218.415, Florida Statutes, or any rules adopted under Section 218.415, Florida Statutes, is void to the extent of the conflict.

### **XVII. AUDITS:**

Certified public accountants conducting audits of the District pursuant to Section 11.45, Florida Statutes, shall report, as part of the audit, whether or not the District has complied with Section 218.415, Florida Statutes.

### **XVIII. INVESTMENT POLICY ADOPTION:**

This Policy shall be adopted by the Governing Board.

### **DISTRIBUTION**

This procedure will be stored in the Governing Board's Procedure repository.

### **REFERENCES**

Sections 218.415, 280.02, 658.12, 11.45, Florida Statutes

Third-Party Custodial Safekeeping Agreement

Attachment A: Glossary of Cash and Investment Management Terms

Attachment B: Investment Pool/Fund Questionnaire

Attachment C: Security Type Purchase and Allocation Guidelines

### **REVIEW PERIOD**

The Division Director and the Committee shall review this Policy within sixty (60) days following the end of each fiscal year and the Governing Board shall approve any modification made thereto.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 11 of 34

### Attachment A

#### Glossary of Cash and Investment Management Terms

The following is a glossary of key investing terms, many of which appear in the Southwest Florida Water Management District's investment policy. This glossary clarifies the meaning of investment terms generally used in cash and investment management. This glossary has been adapted from the GFOA Sample Investment Policy and the Association of Public Treasurers of the United States and Canada's Model Investment Policy.

**Accrued Interest.** Interest earned but which has not yet been paid or received.

**Agency.** See "Federal Agency Securities."

**Ask Price.** Price at which a broker/dealer offers to sell a security to an investor. Also known as "offered price."

**Asset Backed Securities (ABS).** A fixed-income security backed by notes or receivables against assets other than real estate. Generally issued by special purpose companies that "own" the assets and issue the ABS. Examples include securities backed by auto loans, credit card receivables, home equity loans, manufactured housing loans, farm equipment loans, and aircraft leases.

**Average Life.** The average length of time that an issue of serial bonds and/or term bonds with a mandatory sinking fund feature is expected to be outstanding.

**Bankers' Acceptance (BA's).** A draft or bill of exchange drawn upon and accepted by a bank. Frequently used to finance shipping of international goods. Used as a short-term credit instrument, bankers' acceptances are traded at a discount from face value as a money market instrument in the secondary market on the basis of the credit quality of the guaranteeing bank.

**Basis Point.** One hundredth of one percent, or 0.01%. Thus 1% equals 100 basis points.

**Bearer Security.** A security whose ownership is determined by the holder of the physical security. Typically, there is no registration on the issuer's books. Title to bearer securities is transferred by delivery of the physical security or certificate. Also known as "physical securities."

**Benchmark Bills.** In November 1999, FNMA introduced its Benchmark Bills program, a short-term debt securities issuance program to supplement its existing discount note program. The program includes a schedule of larger, weekly issues in three- and six-month maturities and biweekly issues in one-year for Benchmark Bills. Each issue is brought to market via a Dutch (single price) auction. FNMA conducts a weekly auction for each Benchmark Bill maturity and accepts both competitive and non-competitive bids through a web-based auction system. This program is in addition to the variety of other discount note maturities, with rates posted on a daily basis, which FNMA offers. FNMA's Benchmark Bills are unsecured general obligations that are issued in book-entry form through the Federal Reserve Banks. There are no periodic payments of interest on Benchmark Bills, which are sold at a discount from the principal amount and payable at par at maturity. Issues under the Benchmark program constitute the same credit

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 12 of 34

standing as other FNMA discount notes; they simply add organization and liquidity to the short-term Agency discount note market.

**Benchmark Notes/Bonds.** Benchmark Notes and Bonds are a series of FNMA “bullet” maturities (non-callable) issued according to a pre-announced calendar. Under its Benchmark Notes/Bonds program, 2, 3, 5, 10, and 30-year maturities are issued each quarter. Each Benchmark Notes new issue has a minimum size of \$4 billion, 30-year new issues having a minimum size of \$1 billion, with re-openings based on investor demand to further enhance liquidity. The amount of non-callable issuance has allowed FNMA to build a yield curve in Benchmark Notes and Bonds in maturities ranging from 2 to 30 years. The liquidity emanating from these large size issues has facilitated favorable financing opportunities through the development of a liquid overnight and term repo market. Issues under the Benchmark program constitute the same credit standing as other FNMA issues; they simply add organization and liquidity to the intermediate- and long-term Agency market.

**Benchmark.** A market index used as a comparative basis for measuring the performance of an investment portfolio. A performance benchmark should represent a close correlation to investment guidelines, risk tolerance, and duration of the actual portfolio’s investments.

**Bid Price.** Price at which a broker/dealer offers to purchase a security from an investor.

**Bond.** Financial obligation for which the issuer promises to pay the bondholder (the purchaser or owner of the bond) a specified stream of future cash-flows, including periodic interest payments and a principal repayment.

**Book Entry Securities.** Securities that are recorded in a customer’s account electronically through one of the financial markets electronic delivery and custody systems, such as the Fed Securities wire, DTC, and PTC

(as opposed to bearer or physical securities). The trend is toward a certificate-free society in order to cut down on paperwork and to diminish investors’ concerns about the certificates themselves. The vast majority of securities are now book entry securities.

**Book Value.** The value at which a debt security is reflected on the holder’s records at any point in time. Book value is also called “amortized cost” as it represents the original cost of an investment adjusted for amortization of premium or accretion of discount. Also called “carrying value.” Book value can vary over time as an investment approaches maturity and differs from “market value” in that it is not affected by changes in market interest rates.

**Broker/Dealer.** A person or firm transacting securities business with customers. A “broker” acts as an agent between buyers and sellers and receives a commission for these services. A “dealer” buys and sells financial assets from its own portfolio. A dealer takes risk by owning inventory of securities, whereas a broker merely matches up buyers and sellers. See also “Primary Dealer.”

**Bullet Notes/Bonds.** Notes or bonds that have a single maturity date and are non-callable.

**Call Date.** Date at which a call option may be or is exercised.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 13 of 34

**Call Option.** The right, but not the obligation, of an issuer of a security to redeem a security at a specified value and at a specified date or dates prior to its stated maturity date. Most fixed-income calls are at par but can be at any previously established price. Securities issued with a call provision typically carry a higher yield than similar securities issued without a call feature. There are three primary types of call options (1) European – one-time calls, (2) Bermudan – periodically on a predetermined schedule (quarterly, semi-annual, annual), and (3) American – continuously callable at any time on or after the call date. There is usually a notice period of at least 5 business days prior to a call date.

**Callable Bonds/Notes.** Securities which contain an imbedded call option giving the issuer the right to redeem the securities prior to maturity at a predetermined price and time.

**Certificate of Deposit (CD).** Bank obligation issued by a financial institution generally offering a fixed rate of return (coupon) for a specified period of time (maturity). Can be as long as 10 years to maturity, but most CDs purchased by public agencies are one year and under.

**Collateral.** Investment securities or other property that a borrower pledges to secure repayment of a loan, secure deposits of public monies, or provide security for a repurchase agreement.

**Collateralization.** Process by which a borrower pledges securities, property, or other deposits for securing the repayment of a loan and/or security.

**Collateralized Mortgage Obligation (CMO).** A security that pools together mortgages and separates them into short, medium, and long-term positions (called tranches). Tranches are set up to pay different rates of interest depending upon their maturity. Interest payments are usually paid monthly. In “plain vanilla” CMOs, principal is not paid on a tranche until all shorter tranches have been paid off. This system provides interest and principal in a more predictable manner. A single pool of mortgages can be carved up into numerous tranches each with its own payment and risk characteristics.

**Commercial Paper.** Short term unsecured promissory note issued by a company or financial institution. Issued at a discount and matures for par or face value. Usually a maximum maturity of 270 days and given a short-term debt rating by one or more NRSROs.

**Convexity.** A measure of a bond's price sensitivity to changing interest rates. A high convexity indicates greater sensitivity of a bond's price to interest rate changes.

**Corporate Note.** A debt instrument issued by a corporation with a maturity of greater than one year and less than ten years.

**Counterparty.** The other party in a two-party financial transaction. “Counterparty risk” refers to the risk that the other party to a transaction will fail in its related obligations. For example, the bank or broker/dealer in a repurchase agreement.

**Coupon Rate.** Annual rate of interest on a debt security, expressed as a percentage of the bond's face value.

**Current Yield.** Annual rate of return on a bond based on its price. Calculated as (coupon rate / price) but does not accurately reflect a bond's true yield level.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 14 of 34

**Custody.** Safekeeping services offered by a bank, financial institution, or trust company, referred to as the “custodian.” Service normally includes the holding and reporting of the customer’s securities, the collection and disbursement of income, securities settlement, and market values.

**Dealer.** A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his/her own account.

**Delivery Versus Payment (DVP).** Settlement procedure in which securities are delivered versus payment of cash, but only after cash has been received. Most security transactions, including those through the Fed Securities Wire system and DTC, are done DVP as a protection for both the buyer and seller of securities.

**Depository Trust Company (DTC).** A firm through which members can use a computer to arrange for securities to be delivered to other members without physical delivery of certificates. A member of the Federal Reserve System and owned mostly by the New York Stock Exchange, the Depository Trust Company uses computerized debit and credit entries. Most corporate securities, commercial paper, CDs, and Bas clear through DTC.

**Derivatives.** (1) Financial instruments whose return profile is linked to, or derived from, the movement of one or more underlying index or security, and may include a leveraging factor, or (2) financial contracts based upon notional amounts whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities, or commodities). For hedging purposes, common derivatives are options, futures, interest rate swaps, and swaptions. All Collateralized Mortgage Obligations (CMOs) are derivatives.

**Derivative Security.** Financial instrument created from, or whose value depends upon, one or more underlying assets or indexes of asset values.

**Designated Bond.** FFCB’s regularly issued, liquid, non-callable securities that generally have a 2 or 3-year original maturity. New issues of Designated Bonds are \$1 billion or larger. Re-openings of existing Designated Bond issues are generally a minimum of \$100 million. Designated Bonds are offered through a syndicate of two to six dealers. Twice each month the Funding Corporation announces its intention to issue a new Designated Bond, reopen an existing issue, or to not issue or reopen a Designated Bond. Issues under the Designated Bond program constitute the same credit standing as other FFCB issues; they simply add organization and liquidity to the intermediate- and long-term Agency market.

**Discount Notes.** Unsecured general obligations issued by Federal Agencies at a discount. Discount notes mature at par and can range in maturity from overnight to one year. Very large primary (new issue) and secondary markets exist.

**Discount Rate.** Rate charged by the system of Federal Reserve Banks on overnight loans to member banks. Changes to this rate are administered by the Federal Reserve and closely mirror changes to the “fed funds rate.”

**Discount Securities.** Non-interest bearing money market instruments that are issued at discount and redeemed at maturity for full face value. Examples include: U.S. Treasury Bills, Federal Agency Discount Notes, Bankers’ Acceptances, and Commercial Paper.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 15 of 34

**Discount.** The amount by which a bond or other financial instrument sells below its face value. See also "Premium."

**Diversification.** Dividing investment funds among a variety of security types, maturities, industries, and issuers offering potentially independent returns.

**Dollar Price.** A bond's cost expressed as a percentage of its face value. For example, a bond quoted at a dollar price of 95  $\frac{1}{2}$ , would have a principal cost of \$955 per \$1,000 of face value.

**Duff & Phelps.** One of several NRSROs that provide credit ratings on corporate and bank debt issues.

**Duration.** The weighted average maturity of a security's or portfolio's cash-flows, where the present values of the cash-flows serve as the weights. The greater the duration of a security/portfolio, the greater its percentage price volatility with respect to changes in interest rates. Used as a measure of risk and a key tool for managing a portfolio versus a benchmark and for hedging risk. There are also different kinds of duration used for different purposes (e.g. MacAuley Duration, Modified Duration).

**Fannie Mae.** See "Federal National Mortgage Association."

**Fed Money Wire.** A computerized communications system that connects the Federal Reserve System with its member banks, certain U. S. Treasury offices, and the Washington D.C. office of the Commodity Credit Corporation. The Fed Money Wire is the book entry system used to transfer cash balances between banks for themselves and for customer accounts.

**Fed Securities Wire.** A computerized communications system that facilitates book entry transfer of securities between banks, brokers and customer accounts, used primarily for settlement of U.S. Treasury and Federal Agency securities.

**Fed.** See "Federal Reserve System."

**Federal Agency Security.** A debt instrument issued by one of the Federal Agencies. Federal Agencies are considered second in credit quality and liquidity only to U.S. Treasuries.

**Federal Agency.** Government sponsored/owned entity created by the U.S. Congress, generally for the purpose of acting as a financial intermediary by borrowing in the marketplace and directing proceeds to specific areas of the economy considered to otherwise have restricted access to credit markets. The largest Federal Agencies are GNMA, FNMA, FHLMC, FHLB, FFCB, SLMA, and TVA.

**Federal Deposit Insurance Corporation (FDIC).** Federal agency that insures deposits at commercial banks, currently to a limit of \$250,000 per depositor per bank.

**Federal Farm Credit Bank (FFCB).** One of the large Federal Agencies. A government sponsored enterprise (GSE) system that is a network of cooperatively-owned lending institutions that provides credit services to farmers, agricultural cooperatives and rural utilities. The FFCBs act as financial intermediaries that borrow money in the capital markets and use the proceeds to make loans and provide other assistance to farmers and farm-affiliated businesses. Consists of the consolidated operations of the Banks for Cooperatives, Federal Intermediate Credit Banks,

## **GOVERNING BOARD POLICY**

**Title: Investments**

**Effective Date: 11/17/2020**

**Page 16 of 34**

and Federal Land Banks. Frequent issuer of discount notes, agency notes and callable agency securities. FFCB debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and agricultural industry. Also, issues notes under its “designated note” program.

**Federal Funds (Fed Funds).** Funds placed in Federal Reserve Banks by depository institutions in excess of current reserve requirements, and frequently loaned or borrowed on an overnight basis between depository institutions.

**Federal Funds Rate (Fed Funds Rate).** The interest rate charged by a depository institution lending Federal Funds to another depository institution. The Federal Reserve influences this rate by establishing a “target” Fed Funds rate associated with the Fed’s management of monetary policy.

**Federal Home Loan Bank System (FHLB).** One of the large Federal Agencies. A government sponsored enterprise (GSE) system, consisting of wholesale banks (currently twelve district banks) owned by their member banks, which provides correspondent banking services and credit to various financial institutions, financed by the issuance of securities. The principal purpose of the FHLB is to add liquidity to the mortgage markets. Although FHLB does not directly fund mortgages, it provides a stable supply of credit to thrift institutions that make new mortgage loans. FHLB debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes and callable agency securities. Also, issues notes under its “global note” and “TAP” programs.

**Federal Home Loan Mortgage Corporation (FHLMC or “Freddie Mac”).** One of the large Federal Agencies. A government sponsored public corporation (GSE) that provides stability and assistance to the secondary market for home mortgages by purchasing first mortgages and participation interests financed by the sale of debt and guaranteed mortgage backed securities. FHLMC debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes, callable agency securities, and MBS. Also, issues notes under its “reference note” program.

**Federal National Mortgage Association (FNMA or “Fannie Mae”).** One of the large Federal Agencies. A government sponsored public corporation (GSE) that provides liquidity to the residential mortgage market by purchasing mortgage loans from lenders, financed by the issuance of debt securities and MBS (pools of mortgages packaged together as a security). FNMA debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes, callable agency securities and MBS. Also issues notes under its “benchmark note” program.

**Federal Reserve Bank.** One of the 12 distinct banks of the Federal Reserve System.

**Federal Reserve System (the Fed).** The independent central bank system of the United States that establishes and conducts the nation’s monetary policy. This is accomplished in three major ways: (1) raising or lowering bank reserve requirements, (2) raising or lowering the target Fed Funds Rate and Discount Rate, and (3) in open market operations by buying and selling

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 17 of 34

government securities. The Federal Reserve System is made up of twelve Federal Reserve District Banks, their branches, and many national and state banks throughout the nation. It is headed by the seven-member Board of Governors known as the “Federal Reserve Board” and headed by its Chairman.

**Financial Industry Regulatory Authority, Inc. (FINRA).** A private corporation that acts as a self-regulatory organization (SRO). FINRA is the successor to the National Association of Securities Dealers, Inc. (NASD). Though sometimes mistaken for a government agency, it is a non-governmental organization that performs financial regulation of member brokerage firms and exchange markets. The government also has a regulatory arm for investments, the Securities and Exchange Commission (SEC).

**Fiscal Agent/Paying Agent.** A bank or trust company that acts, under a trust agreement with a corporation or municipality, in the capacity of general treasurer. The agent performs such duties as making coupon payments, paying rents, redeeming bonds, and handling taxes relating to the issuance of bonds.

**Fitch Investors Service, Inc.** One of several NRSROs that provide credit ratings on corporate and municipal debt issues.

**Floating Rate Security (FRN or “floater”).** A bond with an interest rate that is adjusted according to changes in an interest rate or index. Differs from variable-rate debt in that the changes to the rate take place immediately when the index changes, rather than on a predetermined schedule. See also “Variable Rate Security.”

**Freddie Mac.** See “Federal Home Loan Mortgage Corporation.”

**Ginnie Mae.** See “Government National Mortgage Association.”

**Global Notes:** Notes designed to qualify for immediate trading in both the domestic U.S. capital market and in foreign markets around the globe. Usually large issues that are sold to investors worldwide and therefore have excellent liquidity. Despite their global sales, global notes sold in the U.S. are typically denominated in U.S. dollars.

**Government National Mortgage Association (GNMA or “Ginnie Mae”).** One of the large Federal Agencies. Government-owned Federal Agency that acquires, packages, and resells mortgages and mortgage purchase commitments in the form of mortgage-backed securities. Largest issuer of mortgage pass-through securities. GNMA debt is guaranteed by the full faith and credit of the U.S. government (one of the few agencies that are actually full faith and credit of the U.S. government).

**Government Securities.** An obligation of the U.S. government backed by the full faith and credit of the government. These securities are regarded as the highest quality of investment securities available in the U.S. securities market. See “Treasury Bills, Notes, Bonds, and SLGS.”

**Government Sponsored Enterprise (GSE).** Privately owned entity subject to federal regulation and supervision, created by the U.S. Congress to reduce the cost of capital for certain borrowing sectors of the economy such as students, farmers, and homeowners. GSEs carry the implicit backing of the U.S. government, but they are not direct obligations of the U.S.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 18 of 34

government. For this reason, these securities will offer a yield premium over U.S. Treasuries. Examples of GSEs include: FHLB, FHLMC, FNMA, and SLMA.

**Government Sponsored Enterprise Security.** A security issued by a Government Sponsored Enterprise. Considered Federal Agency Securities.

**Index.** A compilation of statistical data that tracks changes in the economy or in financial markets.

**Interest-Only (IO) STRIP.** A security based solely on the interest payments from the bond. After the principal has been repaid, interest payments stop and the value of the security falls to nothing. Therefore, ios are considered risky investments. Usually associated with mortgage-backed securities.

**Internal Controls.** An internal control structure ensures that the assets of the entity are protected from loss, theft, or misuse. The internal control structure is designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that 1) the cost of a control should not exceed the benefits likely to be derived and 2) the valuation of costs and benefits requires estimates and judgments by management. Internal controls should address the following points:

**Control of collusion.** Collusion is a situation where two or more employees are working in conjunction to defraud their employer.

**Separation of transaction authority from accounting and record keeping.** A separation of duties is achieved by separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction.

**Custodial safekeeping.** Securities purchased from any bank or dealer including appropriate collateral (as defined by state law) shall be placed with an independent third party for custodial safekeeping.

**Avoidance of physical delivery securities.** Book-entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.

**Clear delegation of authority to subordinate staff members.** Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.

**Written confirmation of transactions for investments and wire transfers.** Due to the potential for error and improprieties arising from telephone and electronic transactions, all transactions should be supported by written communications and approved by the appropriate person. Written communications may be via fax if on letterhead and if the safekeeping institution has a list of authorized signatures.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 19 of 34

### **Development of a wire transfer agreement with the lead bank and third-party custodian.**

The designated official should ensure that an agreement will be entered into and will address the following points: controls, security provisions, and responsibilities of each party making and receiving wire transfers.

**Inverse Floater.** A floating rate security structured in such a way that it reacts inversely to the direction of interest rates. Considered risky as their value moves in the opposite direction of normal fixed-income investments and whose interest rate can fall to zero.

**Investment Advisor.** A company that provides professional advice managing portfolios, investment recommendations, and/or research in exchange for a management fee.

**Investment Adviser Act of 1940.** Federal legislation that sets the standards by which investment companies, such as mutual funds, are regulated in the areas of advertising, promotion, performance reporting requirements, and securities valuations.

**Investment Grade.** Bonds considered suitable for preservation of invested capital, including bonds rated a minimum of Baa3 by Moody's, BBB- by Standard & Poor's, or BBB- by Fitch. Although "BBB" rated bonds are considered investment grade, most public agencies cannot invest in securities rated below "A."

**Liquidity.** Relative ease of converting an asset into cash without significant loss of value. Also, a relative measure of cash and near-cash items in a portfolio of assets. Additionally, it is a term describing the marketability of a money market security correlating to the narrowness of the spread between the bid and ask prices.

**Local Government Investment Pool (LGIP).** An investment by local governments in which their money is pooled as a method for managing local funds, (e.g., Florida State Board of Administration's Florida Prime Fund).

**Long-Term Core Investment Program.** Funds that are not needed within a one-year period.

**Market Value.** The fair market value of a security or commodity. The price at which a willing buyer and seller would pay for a security.

**Mark-to-market.** Adjusting the value of an asset to its market value, reflecting in the process unrealized gains or losses.

**Master Repurchase Agreement.** A widely accepted standard agreement form published by the Securities Industry and Financial Markets Association (SIFMA) that is used to govern and document Repurchase Agreements and protect the interest of parties in a repo transaction.

**Maturity Date.** Date on which principal payment of a financial obligation is to be paid.

**Medium Term Notes (MTN's).** Used frequently to refer to corporate notes of medium maturity (5-years and under). Technically, any debt security issued by a corporate or depository institution with a maturity from 1 to 10 years and issued under an MTN shelf registration. Usually issued in smaller issues with varying coupons and maturities and underwritten by a variety of broker/dealers (as opposed to large corporate deals issued and underwritten all at once in large size and with a fixed coupon and maturity).

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 20 of 34

**Money Market.** The market in which short-term debt instruments (bills, commercial paper, bankers' acceptance, etc.) are issued and traded.

**Money Market Mutual Fund (MMF).** A type of mutual fund that invests solely in money market instruments, such as: U.S. Treasury bills, commercial paper, bankers' acceptances, and repurchase agreements. Money market mutual funds are registered with the SEC under the Investment Company Act of 1940 and are subject to "rule 2a-7" which significantly limits average maturity and credit quality of holdings. MMF's are managed to maintain a stable net asset value (NAV) of \$1.00. Many MMFs carry ratings by a NRSRO.

**Moody's Investors Service.** One of several NRSROs that provide credit ratings on corporate and municipal debt issues.

**Mortgage Backed Securities (MBS).** Mortgage-backed securities represent an ownership interest in a pool of mortgage loans made by financial institutions, such as savings and loans, commercial banks, or mortgage companies, to finance the borrower's purchase of a home or other real estate. The majority of MBS are issued and/or guaranteed by GNMA, FNMA, and FHLMC. There are a variety of MBS structures with varying levels of risk and complexity. All MBS have reinvestment risk as actual principal and interest payments are dependent on the payment of the underlying mortgages which can be prepaid by mortgage holders to refinance and lower rates or simply because the underlying property was sold.

**Mortgage Pass-Through Securities.** A pool of residential mortgage loans with the monthly interest and principal distributed to investors on a pro-rata basis. The largest issuer is GNMA.

**Municipal Note/Bond.** A debt instrument issued by a state or local government unit or public agency. The vast majority of municipals are exempt from state and federal income tax, although some non-qualified issues are taxable.

**Mutual Fund.** Portfolio of securities professionally managed by a registered investment company that issues shares to investors. Many different types of mutual funds exist (e.g., bond, equity, and money market funds); all except money market funds operate on a variable net asset value (NAV).

**Negotiable Certificate of Deposit (Negotiable CD).** Large denomination CDs (\$100,000 and larger) that are issued in bearer form and can be traded in the secondary market.

**Net Asset Value.** The market value of one share of an investment company, such as a mutual fund. This figure is calculated by totaling a fund's assets including securities, cash, and any accrued earnings, then subtracting the total assets from the fund's liabilities, and dividing this total by the number of shares outstanding. This is calculated once a day based on the closing price for each security in the fund's portfolio. (See below.)

$$[(\text{Total assets}) - (\text{Liabilities})] / (\text{Number of shares outstanding})$$

**NRSRO.** A "Nationally Recognized Statistical Rating Organization" (NRSRO) is a designated rating organization that the SEC has deemed a strong national presence in the U.S. NRSROs provide credit ratings on corporate and bank debt issues. Only ratings of a NRSRO may be used for the regulatory purposes of rating. Includes Moody's, S&P, Fitch, and Duff & Phelps.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 21 of 34

**Offered Price.** See also “Ask Price.”

**Open Market Operations.** A Federal Reserve monetary policy tactic entailing the purchase or sale of government securities in the open market by the Federal Reserve System from and to primary dealers in order to influence the money supply, credit conditions, and interest rates.

**Par Value.** The face value, stated value, or maturity value of a security.

**Physical Delivery.** Delivery of readily available underlying assets at contract maturity.

**Portfolio.** Collection of securities and investments held by an investor.

**Premium.** The amount by which a bond or other financial instrument sells above its face value. See also “Discount.”

**Primary Dealer.** A designation given to certain government securities dealer by the Federal Reserve Bank of New York. Primary dealers can buy and sell government securities directly with the Fed. Primary dealers also submit daily reports of market activity and security positions held to the Fed and are subject to its informal oversight. Primary dealers are the largest buyers and sellers by volume in the U.S. Treasury securities market.

**Prime Paper.** Commercial paper of high quality. Highest rated paper is A-1+/A-1 by S&P and P-1 by Moody's.

**Principal.** Face value of a financial instrument on which interest accrues. May be less than par value if some principal has been repaid or retired. For a transaction, principal is par value times price and includes any premium or discount.

**Prudent Expert Rule.** Standard that requires that a fiduciary manage a portfolio with the care, skill, prudence, and diligence, under the circumstances then prevailing, that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. This statement differs from the “prudent person” rule in that familiarity with such matters suggests a higher standard than simple prudence.

**Prudent Investor Standard.** Standard that requires that when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. More stringent than the “prudent person” standard as it implies a level of knowledge commensurate with the responsibility at hand.

**Qualified Public Depository.** Per Subsection 280.02(26), F.S., “qualified public depository” means any bank, savings bank, or savings association that:

1. Is organized and exists under the laws of the United States, the laws of this state or any other state or territory of the United States.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 22 of 34

2. Has its principal place of business in this state or has a branch office in this state which is authorized under the laws of this state or of the United States to receive deposits in this state.
3. Has deposit insurance under the provision of the Federal Deposit Insurance Act, as amended, 12 U.S.C. ss.1811 et seq.
4. Has procedures and practices for accurate identification, classification, reporting, and collateralization of public deposits.
5. Meets all requirements of Chapter 280, F.S.
6. Has been designated by the Chief Financial Officer as a qualified public depository.

**Range Note.** A type of structured note that accrues interest daily at a set coupon rate that is tied to an index. Most range notes have two coupon levels; a higher accrual rate for the period the index is within a designated range, the lower accrual rate for the period that the index falls outside the designated range. This lower rate may be zero and may result in zero earnings.

**Rate of Return.** Amount of income received from an investment, expressed as a percentage of the amount invested.

**Realized Gains (Losses).** The difference between the sale price of an investment and its book value. Gains/losses are “realized” when the security is actually sold, as compared to “unrealized” gains/losses which are based on current market value. See “Unrealized Gains (Losses).”

**Reference Bills.** FHLMC’s short-term debt program created to supplement its existing discount note program by offering issues from one month through one year, auctioned on a weekly or on an alternating four-week basis (depending upon maturity) offered in sizeable volumes (\$1 billion and up) on a cycle of regular, standardized issuance. Globally sponsored and distributed, Reference Bill issues are intended to encourage active trading and market-making and facilitate the development of a term repo market. The program was designed to offer predictable supply, pricing transparency, and liquidity, thereby providing alternatives to U.S. Treasury bills. FHLMC’s Reference Bills are unsecured general corporate obligations. This program supplements the corporation’s existing discount note program. Issues under the Reference program constitute the same credit standing as other FHLMC discount notes; they simply add organization and liquidity to the short-term Agency discount note market.

**Reference Notes.** FHLMC’s intermediate-term debt program with issuances of 2, 3, 5, 10, and 30-year maturities. Initial issuances range from \$2 - \$6 billion with re-openings ranging \$1 - \$4 billion.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 23 of 34

The notes are high-quality bullet structures securities that pay interest semiannually. Issues under the Reference program constitute the same credit standing as other FHLMC notes; they simply add organization and liquidity to the intermediate- and long-term Agency market.

**Repurchase Agreement (Repo).** A short-term investment vehicle where an investor agrees to buy securities from a counterparty and simultaneously agrees to resell the securities back to the counterparty at an agreed upon time and for an agreed upon price. The difference between the purchase price and the sale price represents interest earned on the agreement. In effect, it represents a collateralized loan to the investor, where the securities are the collateral. Can be DVP, where securities are delivered to the investor's custodial bank, or "tri-party" where the securities are delivered to a third-party intermediary. Any type of security can be used as "collateral," but only some types provide the investor with special bankruptcy protection under the law. Repos should be undertaken only when an appropriate Securities Industry and Financial Markets Association (SIFMA) approved master repurchase agreement is in place.

**Reverse Repurchase Agreement (Reverse Repo).** A repo from the point of view of the original seller of securities. Used by dealers to finance their inventory of securities by essentially borrowing at short-term rates. Can also be used to leverage a portfolio and in this sense, can be considered risky if used improperly.

**Safekeeping.** Service offered for a fee, usually by financial institutions, for the holding of securities and other valuables. Safekeeping is a component of custody services.

**Secondary Market.** Markets for the purchase and sale of any previously issued financial instrument.

**Securities Industry and Financial Markets Association (SIFMA).** The bond market trade association representing the largest securities markets in the world. In addition to publishing a Master Repurchase Agreement, widely accepted as the industry standard document for Repurchase Agreements, the SIFMA also recommends bond market closures and early closes due to holidays.

**Securities Lending.** An arrangement between an investor and a custody bank that allows the custody bank to "loan" the investor's investment holdings, reinvest the proceeds in permitted investments, and shares any profits with the investor. Should be governed by a securities lending agreement. Can increase the risk of a portfolio in that the investor takes on the default risk on the reinvestment at the discretion of the custodian.

**Sinking Fund.** A separate accumulation of cash or investments (including earnings on investments) in a fund in accordance with the terms of a trust agreement or indenture, funded by periodic deposits by the issuer (or other entity responsible for debt service), for the purpose of assuring timely availability of moneys for payment of debt service. Usually used in connection with term bonds.

**Spread.** The difference between the price of a security and similar maturity U.S. Treasury investments, expressed in percentage terms or basis points. A spread can also be the absolute difference in yield between two securities. The securities can be in different markets or within the same securities market between different credits, sectors, or other relevant factors.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 24 of 34

**Standard & Poor's.** One of several NRSROs that provide credit ratings on corporate and municipal debt issues.

**STRIPS (Separate Trading of Registered Interest and Principal of Securities).** Acronym applied to U.S. Treasury securities that have had their coupons and principal repayments separated into individual zero-coupon Treasury securities. The same technique and "strips" description can be applied to non-Treasury securities (e.g., FNMA strips).

**Structured Notes.** Notes that have imbedded into their structure options such as step-up coupons or derivative-based returns.

**Swap.** Trading one asset for another.

**TAP Notes.** Federal Agency notes issued under the FHLB TAP program. Launched in 6/99 as a refinement to the FHLB bullet bond auction process. In a break from the FHLB's traditional practice of bringing numerous small issues to market with similar maturities, the TAP Issue Program uses the four most common maturities and reopens them up regularly through a competitive auction. These maturities (2, 3, 5, and 10 year) will remain open for the calendar quarter, after which they will be closed, and a new series of TAP issues will be opened to replace them. This reduces the number of separate bullet bonds issued but generates enhanced awareness and liquidity in the marketplace through increased issue size and secondary market volume.

**Tennessee Valley Authority (TVA).** One of the large Federal Agencies. A wholly owned corporation of the United States government that was established in 1933 to develop the resources of the Tennessee Valley region in order to strengthen the regional and national economy and the national defense. Power operations are separated from non-power operations. TVA securities represent obligations of TVA, payable solely from TVA's net power proceeds, and are neither obligations of nor guaranteed by the United States. TVA is currently authorized to issue debt up to \$30 billion. Under this authorization, TVA may also obtain advances from the U.S. Treasury of up to \$150 million. Frequent issuer of discount notes, agency notes, and callable agency securities.

**Total Return.** Investment performance measured over a period of time that includes coupon interest, interest on interest, and both realized and unrealized gains or losses. Total return includes, therefore, any market value appreciation/depreciation on investments held at period end.

**Treasuries.** Collective term used to describe debt instruments backed by the U.S. government and issued through the U.S. Department of the Treasury. Includes Treasury bills, Treasury notes, and Treasury bonds. Also, a benchmark term used as a basis by which the yields of non-Treasury securities are compared (e.g., "trading at 50 basis points over Treasuries").

**Treasury Bills (T-Bills).** Short-term direct obligations of the United States government issued with an original term of one year or less. Treasury bills are sold at a discount from face value and do not pay interest before maturity. The difference between the purchase price of the bill and the maturity value is the interest earned on the bill. Currently, the U.S. Treasury issues 4-week, 13-week, and 26-week T-Bills.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 25 of 34

**Treasury Bonds.** Long-term interest-bearing debt securities backed by the U.S. government and issued with maturities of ten years and longer by the U.S. Department of the Treasury.

**Treasury Notes.** Intermediate interest-bearing debt securities backed by the U.S. government and issued with maturities ranging from one to ten years by the U.S. Department of the Treasury. The Treasury currently issues 2-year, 3-year, 5-year, and 10-year Treasury Notes.

**Trustee.** A bank designated by an issuer of securities as the custodian of funds and official representative of bondholders. Trustees are appointed to insure compliance with the bond documents and to represent bondholders in enforcing their contract with the issuer.

**Uniform Net Capital Rule.** SEC Rule 15c3-1 that outlines the minimum net capital ratio (ratio of indebtedness to net liquid capital) of member firms and non-member broker/dealers.

**Unrealized Gains (Losses).** The difference between the market value of an investment and its book value. Gains/losses are “realized” when the security is actually sold, as compared to “unrealized” gains/losses which are based on current market value. See also “Realized Gains (Losses).”

**Variable-Rate Security.** A bond that bears interest at a rate that varies over time based on a specified schedule of adjustment (e.g., daily, weekly, monthly, semi-annually, or annually). See also “Floating Rate Note.”

**Weighted Average Maturity (or just “Average Maturity”).** The average maturity of all securities and investments of a portfolio, determined by multiplying the par or principal value of each security or investment by its maturity (days or years), summing the products, and dividing the sum by the total principal value of the portfolio. A simple measure of risk of a fixed-income portfolio.

**Weighted Average Maturity to Call.** The average maturity of all securities and investments of a portfolio, adjusted to substitute the first call date per security for maturity date for those securities with call provisions.

**Yield Curve.** A graphic depiction of yields on like securities in relation to remaining maturities spread over a time line. The traditional yield curve depicts yields on U.S. Treasuries, although yield curves exist for Federal Agencies and various credit quality corporates as well. Yield curves can be positively sloped (normal) where longer-term investments have higher yields, or “inverted” (uncommon) where longer-term investments have lower yields than shorter ones.

**Yield to Call (YTC).** Same as “Yield to Maturity,” except the return is measured to the first call date rather than the maturity date. Yield to call can be significantly higher or lower than a security’s yield to maturity.

**Yield to Maturity (YTM).** Calculated return on an investment, assuming all cash-flows from the security are reinvested at the same original yield. Can be higher or lower than the coupon rate depending on market rates and whether the security was purchased at a premium or discount. There are different conventions for calculating YTM for various types of securities.

**Yield.** There are numerous methods of yield determination. In this glossary, see also “Current Yield,” “Yield Curve,” “Yield to Call,” and “Yield to Maturity.”

**GOVERNING BOARD POLICY**

**Title: Investments**

**Effective Date: 11/17/2020**

**Page 26 of 34**

**Attachment B**

**Investment Pool/Fund Questionnaire**

1. A description of eligible investment securities, and a written statement of investment policy and objectives.
2. A description of interest calculations and how it is distributed, and how gains and losses are treated.
3. A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced, and the program audited.
4. A description of who may invest in the program, how often, what size deposit, and withdrawal are allowed.
5. A schedule for receiving statements and portfolio listings.
6. Are reserves, retained earnings, etc. utilized by the pool/fund?
7. A fee schedule, and when and how is it assessed.
8. Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 27 of 34

### Attachment C

#### Security Type Purchase and Allocation Guidelines

##### I. Florida PRIME

1. **Purchase Authorization.** The Florida PRIME Fund, as administered by the Florida State Board of Administration (SBA).
2. **Portfolio Composition.** A maximum of 50% of available funds may be invested in the Florida PRIME.
3. **Rating Requirements.** Rating shall be “AAAm” by Standard & Poor’s, or the equivalent by another Nationally Recognized Statistical Rating Organization (NRSRO).
4. **Due Diligence Requirements.** A thorough investigation of the Florida PRIME is required prior to investing and on a continual basis. A current prospectus or equivalent documentation, including an investment policy, financial statements, and portfolio holdings must be obtained. Attachment B is a questionnaire that contains a list of questions, to be answered prior to investing, that cover the major aspects of any investment pool/fund.

##### II. United States Government Securities

1. **Purchase Authorization.** Invest in negotiable direct obligations, or obligations, the principal and interest of which are unconditionally guaranteed by the United States government. Such securities will include, but not be limited to the following:  
  
Cash Management Bills  
Treasury Securities – State and Local Government Series (SLGS)  
Treasury Bills  
Treasury Notes  
Treasury Bonds  
Treasury Strips
2. **Portfolio Composition.** A maximum of 100% of available funds may be invested in the United States Government Securities.
3. **Maturity Limitations.** The maximum length to maturity of any direct investment in the United States Government Securities is five (5) years from the date of settlement.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 28 of 34

### III. United States Government Agencies (full faith and credit of the United States government)

1. **Purchase Authorization.** Invest in bonds, debentures, or notes that may be subject to call, issued, or guaranteed as to principal and interest by United States government agencies provided such obligations are backed by the full faith and credit of the United States government. Such securities will include, but are not be limited to the following:

United States Export – Import Bank

- Direct obligations or fully guaranteed certificates of beneficial ownership

Farmer Home Administration

- Certificates of beneficial ownership

Federal Financing Bank

- Discount notes, notes and bonds

Federal Housing Administration Debentures

General Services Administration

United States Maritime Administration Guaranteed

- Title XI Financing

New Communities Debentures

- United States government guaranteed debentures

United States Public Housing Notes and Bonds

- United States government guaranteed public housing notes and bonds

United States Department of Housing and Urban Development

- Project notes and local authority bonds

2. **Portfolio Composition.** A maximum of 50% of available funds may be invested in United States government agencies.
3. **Limits on Individual Issuers.** A maximum of 25% of available funds may be invested in individual United States government agencies.
4. **Maturity Limitations.** The maximum length to maturity for an investment in any United States government agency security is five (5) years from the date of settlement.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 29 of 34

### IV. Federal Instrumentalities (United States Government Sponsored Enterprises (GSE))

1. **Purchase Authorization.** Invest in bonds, mortgage-backed securities, debentures, or notes that may be subject to call, issued, or guaranteed as to principal and interest by United States Government Sponsored Enterprises (Federal Instrumentalities) that are non-full faith and credit agencies, limited to the following:

Federal Farm Credit Bank (FFCB)

Federal Home Loan Bank or its district banks (FHLB)  
Federal National Mortgage Association (FNMA)

Federal Home Loan Mortgage Corporation (Freddie-Mac), including Federal Home Loan Mortgage Corporation participation certificates

2. **Portfolio Composition.** A maximum of 75% of available funds may be invested in Federal Instrumentalities. The combined total of available funds invested in Federal Instrumentalities and agency mortgage-backed securities cannot be more than 50%.
3. **Limits on Individual Issuers.** A maximum of 40% of available funds may be invested in individual Federal Instrumentalities.
4. **Maturity Limitations.** The maximum length to maturity for an investment in any Federal Instrumentality security is five (5) years from the date of settlement.

### V. Agency Mortgage-Backed Securities (MBS)

1. **Purchase Authorization.** Investment in agency mortgage-backed securities (MBS) which are based on mortgages that are guaranteed by a government agency or Federal Instrumentality for payment of principal and a guarantee of timely payment.
2. **Portfolio Composition.** A maximum of 30% of available funds may be invested in MBS. The combined total of available funds invested in Federal Instrumentalities and MBS cannot be more than 50%.

3. **Limits of Individual Issuers.** A maximum of 20% of available funds may be invested with any one issuer.

The maximum percentage invested in securities of any one issuer is inclusive of MBS of the same issuer.

4. **Maturity Limitations.** The maximum length to maturity for an investment in any MBS is five (5) years from the date of settlement.

The maturity of MBS shall be considered the date corresponding to its average life. This date reflects the point at which an investor will have received back half of the original principal (face) amount. The average life may be different from the stated legal maturity included in a security's description.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 30 of 34

### VI. Non-Negotiable Interest-Bearing Time Deposit or Saving Accounts

1. **Purchase Authorization.** Invest in non-negotiable interest-bearing time certificates of deposit or savings accounts in banks organized under the laws of this state and/or in national banks organized under the laws of the United States and doing business and situated in the State of Florida, provided that any such deposits are secured by the Florida Security for Public Deposits Act, Chapter 280, Florida Statutes.
2. **Portfolio Composition.** A maximum of 25% of available funds may be invested in non-negotiable interest-bearing time certificates of deposit.
3. **Limits on Individual Issuers.** A maximum of 15% of available funds may be deposited with any one issuer.
4. **Maturity Limitations.** The maximum maturity on any certificate shall be no greater than one (1) year from the date of settlement.

### VII. Municipal Obligations

1. **Purchase Authorization.** Invest in municipal obligations.
2. **Portfolio Composition.** A maximum of 25% of available funds may be invested in municipal obligations.
3. **Limits on Individual Issuers.** A maximum of 10% of available funds may be invested with any one issuer.
4. **Ratings Requirements.** Municipal obligations purchased must be rated at the time of purchase at a minimum single "A" category by any two NRSROs or rated at least "MIG-2" by Moody's or "SP-2" by Standard & Poor's for short-term debt.
5. **Maturity Limitations.** A maximum length to maturity for an investment in any municipal obligation is five (5) years from the date of settlement.

### VIII. Registered Investment Companies (Money Market Mutual Funds)

1. **Purchase Authorization.** Invest in shares in open-end or no-load money market mutual funds, provided such funds are registered under the Investment Company Act of 1940 and operate in accordance with 17 C.F.R. § 270.2a-7.
2. **Portfolio Composition.** A maximum of 50% of available funds may be invested in money market mutual funds.
3. **Limits of Individual Issuers.** A maximum of 25% of available funds may be invested with any one money market mutual fund.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 31 of 34

4. **Rating Requirements.** Money market mutual funds shall be rated “AAAm” by Standard & Poor’s or the equivalent by another NRSRO.
5. **Due Diligence Requirements.** A thorough investigation of any money market mutual fund is required prior to investing and on a continual basis. Attachment B is a questionnaire that contains a list of questions, to be answered prior to investing, that cover the major aspects of any investment pool/fund. A current prospectus must be obtained.

### IX. Registered Investment Companies (“Mutual Funds”)

1. **Purchase Authorization.** Shares of open-end, no-load, institutional class mutual funds with fluctuating net asset values (NAV) provided that such funds are registered under the Investment Company Act of 1940. The prospectus must indicate that the funds average duration is maintained at 3 years or less and the fund invests exclusively in investment instruments as authorized by this policy.
2. **Portfolio Composition.** A maximum of 25% of available funds may be invested in mutual funds.
3. **Limits of Individual Issuers.** A maximum of 15% of available funds may be invested with any one mutual fund.
4. **Rating Requirements.** The mutual funds shall be rated “AAAF” by Standard & Poor’s or the equivalent by another NRSRO.
5. **Due Diligence Requirements.** A thorough investigation of any mutual fund is required prior to investing, and on a continual basis. Attachment B is a questionnaire that contains a list of questions, to be answered prior to investing, that cover the major aspects of any investment pool/fund. A current prospectus must be obtained.

### X. Repurchase Agreements

1. **Purchase Authorization.**
  - a. Invest in repurchase agreements composed of only those investments based on the requirements set forth by the District’s Master Repurchase Agreement. All firms are required to sign the Master Repurchase Agreement prior to the execution of a repurchase agreement transaction.
  - b. A third-party custodian with whom the District has a current custodial agreement shall hold the collateral for all repurchase agreements with a term longer than one (1) business day. A clearly marked receipt that shows evidence of ownership must be supplied to the Division Director and retained.
  - c. Securities authorized for collateral are negotiable direct obligations of the United States government, government agencies, and Federal Instrumentalities with maturities under five (5) years and must have a market value for the principal and accrued interest of 102 percent of the value and for the term of the repurchase

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 32 of 34

agreement. Immaterial short-term deviations from the 102 percent requirement are permissible only upon the approval of the Division Director.

2. **Portfolio Composition.** A maximum of 50% of available funds may be invested in repurchase agreements, excluding one (1) business day agreements and overnight sweep agreements.
3. **Limits on Individual Issuers.** A maximum of 25% of available funds may be invested with any one institution.
4. **Limits on Maturities.** The maximum length to maturity of any repurchase agreement is 90 days from the date of settlement.

### XI. Bankers' Acceptances

1. **Purchase Authorization.** Invest in bankers' acceptances which are issued by a domestic bank.
2. **Portfolio Composition.** A maximum of 35% of available funds may be directly invested in bankers' acceptances.
3. **Limits on Individual Issuers.** A maximum of 10% of available funds may be invested with any one issuer.
4. **Ratings Requirements.** Bankers' acceptances that are rated at the time of purchase in the highest category by at least two NRSROs.
5. **Maturity Limitations.** The maximum length to maturity for bankers' acceptances shall be 180 days from the date of settlement.

### XII. Commercial Paper

1. **Purchase Authorization.** Invest in commercial paper of any United States company.
2. **Portfolio Composition.** A maximum of 35% of available funds may be directly invested in prime commercial paper. The maximum amount of corporate investments will not exceed forty percent (40%). Therefore, the combination of Section (l) Commercial Paper and Section (m) Corporate Notes shall not exceed forty percent (40%).
3. **Limits on Individual Issuers.** A maximum of 5% of available funds may be invested with any one issuer.
4. **Ratings Requirements.** Commercial paper that has a minimum S&P rating of A-1 and minimum Moody's rating of Prime-1 at the time of purchase.. If the commercial paper is backed by a letter of credit (LOC), the long-term debt of the LOC provider must be rated single "A" category or better by at least two NRSROs.

## GOVERNING BOARD POLICY

Title: Investments

Effective Date: 11/17/2020

Page 33 of 34

5. **Maturity Limitations.** The maximum length to maturity for prime commercial paper shall be 270 days from the date of settlement.

### XIII. Corporate Notes

1. **Purchase Authorization.** Invest in corporate notes issued by corporations organized and operating within the United States or by depository institutions licensed by the United States. Investment in any Scrutinized Company as defined by Section 218.415 Florida Statutes is prohibited.
2. **Portfolio Composition.** A maximum of 35% of available funds may be directly invested in corporate notes. The maximum amount of corporate investments will not exceed forty percent (40%). Therefore, the combination of Section (l) Commercial Paper and Section (m) Corporate Notes shall not exceed forty percent (40%).
3. **Limits on Individual Industry.** A maximum of 15% of available funds may be directly invested in any one industry. Security industry classification will be determined using the Bloomberg Industry Classification Standards (BICS).
4. **Limits on Individual Issuers.** A maximum of 5% of available funds may be invested with any one issuer.
5. **Ratings Requirements.** Corporate notes that have a long-term debt rating, at the time of purchase, at a minimum of a single "A" category by any two NRSROs.
6. **Maturity Limitations.** The maximum length to maturity for corporate notes shall be five (5) years from the date of settlement.

### XIV. Intergovernmental Investment Pool

1. **Purchase Authorization.** Invest in intergovernmental investment pools that are authorized pursuant to the Florida Interlocal Cooperation Act of 1969, as provided in s. 163.01, F.S.
2. **Portfolio Composition.** A maximum of 25% of available funds may be invested in intergovernmental investment pools.
3. **Rating Requirements.** The intergovernmental investment pool shall be rated "AAA" by Standard & Poor's or the equivalent by another NRSRO.
5. **Due Diligence Requirements.** A thorough review of any investment pool/fund is required prior to investing and on a continual basis. Attachment B is a questionnaire that contains a list of questions, to be answered prior to investing, that cover the major aspects of any investment pool/fund.

**GOVERNING BOARD POLICY****Title: Investments****Effective Date: 11/17/2020****Page 34 of 34****DOCUMENT DETAILS**

Document Name	Investments
Formerly Known As	N/A
Document Type	Policy
Author(s)	Accounting Manager and Finance Bureau Chief
Reviewing Stakeholder(s)	Public Trust Advisors, General Counsel, and Senior Staff
Document Owner Name	Melisa Lowe
Document Owner Title	Finance Bureau Chief
Review Period (in days)	365
Span of Control	Governing Board
Supersedes Date	10/22/2019
Effective Date	11/17/2020

**APPROVAL**

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Kelly Rice  
Chair

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Date

## CONSENT AGENDA

**November 17, 2020**

### **Final Charlotte Harbor Surface Water Improvement and Management (SWIM) Plan (W501)**

#### *Purpose*

The purpose of this item is to request approval of the Charlotte Harbor SWIM Plan in accordance with Section 373.453, Florida Statutes (F.S.).

#### *Background/History*

In 1987, the Florida Legislature established the Surface Water Improvement and Management (SWIM) Act in response to the increasing occurrence of surface waterbodies that were either determined to be degraded or were trending towards degradation. The Act requires the five water management districts to maintain and update a priority list of water bodies of regional or statewide significance within their boundaries and develop plans and programs for the improvement of those water bodies.

Charlotte Harbor was added to the District SWIM Priority Waterbody List during the first update in 1988.

In 1993, in accordance with Section 373.453, Florida Statutes (F.S.), the Governing Board adopted the first Charlotte Harbor SWIM Plan. The original plan outlined issues and management actions associated with the three focus areas of water quality, hydrology, and natural systems. In 2000, the District completed the first update of the Charlotte Harbor SWIM Plan and expanded the Charlotte Harbor SWIM plan boundary to include Lemon Bay, and Dona and Roberts Bay matching the geographic boundary of the Coastal and Heartland National Estuary Partnership (CHNEP), formerly the Charlotte Harbor National Estuary Program.

The District worked closely with the CHNEP and its partners to ensure that this Charlotte Harbor SWIM Plan is complementary to CHNEP's Comprehensive Conservation and Management Plan 2019 update. During development of the plan, presentations were made to the CHNEP Technical Advisory Committee (TAC) and the District's Environmental Advisory Committee (EAC). The CHNEP TAC includes representatives from the Florida Department of Environmental Protection (FDEP), Florida Department of Agriculture and Consumer Services (FDACS), Florida Fish and Wildlife Conservation Commission (FFWCC), regional planning councils, and local governments within the District's Charlotte Harbor SWIM Plan boundary.

In May 2020, the final draft was presented at a virtual public workshop and made available on the District's website for review and comment. The CHNEP TAC, EAC, public workshop, and Governing Board meetings satisfy the public input requirements of 373.453 (3).

At its meeting on June 23, 2020, the Governing Board authorized staff to submit the final draft Charlotte Harbor SWIM Plan to the FDEP, FDACS, FFWCC, and appropriate local governments for their official review and comment. Several comments were received and minor changes were incorporated as appropriate into the final Charlotte Harbor SWIM Plan. A link to the electronic version of the District's Charlotte Harbor SWIM Plan final draft is provided below.

<https://www.swfwmd.state.fl.us/projects/swim/charlotte-harbor>

Staff Recommendation:

Approve the Charlotte Harbor SWIM Plan in accordance with Section 373.453, F.S.

Presenter:

Lizanne Garcia, Lead Project Manager SWIM Section

**CONSENT AGENDA**

**November 17, 2020**

**Amendment to the 2020 Florida Forever Work Plan**

*Purpose*

The purpose of this item is to request the Governing Board amend the 2020 Florida Forever Work Plan to include approximately 3,896 acres within the RV Griffin Reserve Project area. The addition to the Project area is displayed in Exhibit 1.

*Background*

On occasion the District is presented with land acquisition/land protection opportunities that meet the District's objectives but are not included in the Florida Forever Work Plan. To further evaluate these opportunities, begin negotiations, and potentially receive funding, these lands are requested to be included in the Florida Forever Work Plan by the Governing Board.

Recently, the District has been evaluating an opportunity to purchase a fee interest in approximately 3,896 acres within the RV Griffin Reserve Project area. The addition would provide a linkage between the District and other conservation lands in the area, provide preservation of natural areas, and provide additional nature-based recreational opportunities. Protection of this area would support all four of the District's Areas of Responsibility.

In accordance with Governing Board Land Acquisition Policy, the Governing Board must approve all proposed acquisitions prior to the initiation of the acquisition process through the Florida Forever Work Plan. If approved by the Governing Board, negotiations can occur; potentially resulting in a purchase and sale agreement presented for Governing Board consideration at a later date.

Staff Recommendation:

Amend the 2020 Florida Forever Work Plan to include approximately 3,896 acres within the RV Griffin Reserve Project area for protection via fee simple acquisition.

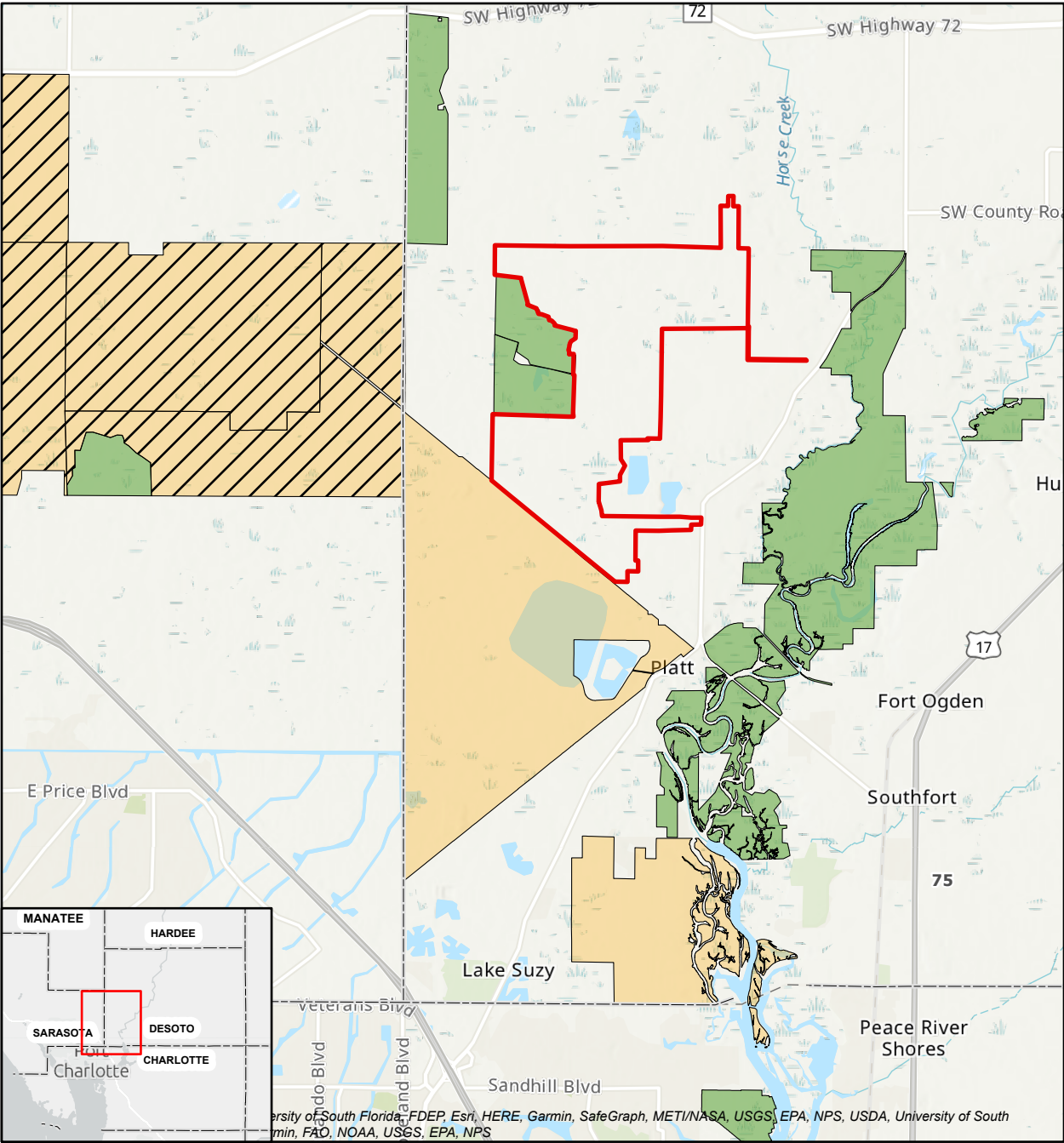
Presenter:





Ellen Morrison, Operations and Land Management Assistant Bureau Chief

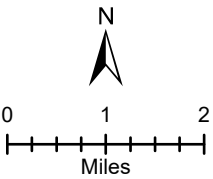
Exhibit 1

Amendment to the Florida Forever Work Plan

RV Griffin Reserve Project Area



-  Addition to the Florida Forever Workplan
-  District Fee Simple Ownership
-  District Conservation Easement
-  Other Conservation Lands



Southwest Florida  
Water Management District

**CONSENT AGENDA**

**November 17, 2020**

**WUP No. 20006040.011 / City of Zephyrhills / City of Zephyrhills (Pasco County)**

This is a renewal of an existing Water Use Permit (WUP) for public supply use. The authorized quantities have changed from the previous permit. This Permit authorizes an increase in the annual average quantity from 2,900,000 gallons per day (gpd) to 3,308,400 gpd and a decrease in the peak month quantity from 3,750,000 gpd to 3,672,300 gpd. The increase in the annual average quantity is due to an increase in the projected population for the City of Zephyrhills from 27,917 persons to 37,027 persons through 2040. There is no change in use type from the previous permit. Quantities are based on a calculated per capita rate of 87 gallons per capita daily (gpcd). This permit is located in the Northern Tampa Bay Water Use Caution Area (NTBWUCA).

Special Conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, continue to record and report water quality data from all production wells on a quarterly basis, continue to record and report water levels from all monitoring wells on a quarterly basis, continue to record and report surface water levels from staff gauges on a quarterly basis, submit an environmental assessment report on an annual basis, submit the public supply report on an annual basis, maintain the compliance per capita rate, construct the proposed wells per the conditions in this Permit, submit well completion reports within 90 days of each well construction, submit specific capacity test information within 90 days of each constructed well, submit meter accuracy tests every five years for each withdrawal, and submit an overpumpage report upon District request.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

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

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
WATER USE PERMIT  
Individual  
PERMIT NO. 20 006040.011**

**PERMIT ISSUE DATE:** November 17, 2020

**EXPIRATION DATE:** November 17, 2040

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

**TYPE OF APPLICATION:** Renewal

**GRANTED TO:** City Of Zephyrhills  
5335 8Th St.  
Zephyrhills, FL 33542

**PROJECT NAME:** City of Zephyrhills

**WATER USE CAUTION AREA(S):** Northern Tampa Bay

**COUNTY:** Pasco

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

ANNUAL AVERAGE	3,308,400 gpd
PEAK MONTH <sup>1</sup>	3,672,300 gpd

<sup>1</sup> Peak Month: Average daily use during the highest water use month.

**ABSTRACT:**

This is a renewal of an existing water use permit for public supply use. The authorized quantities have changed from the previous permit. This permit authorizes an increase in the annual average quantity from 2,900,000 gallons per day (gpd) to 3,308,400 gpd and a decrease in the peak month quantity from 3,750,000 gpd to 3,672,300 gpd. The increase in the annual average quantity is due to an increase in the projected population for the City of Zephyrhills from 27,917 persons to 37,027 persons through 2040. There is no change in use type from the previous revision. Quantities are based on a calculated per capita rate of 87 gallons per capita daily (gpcd). This permit is located in the Northern Tampa Bay Water Use Caution Area (NTBWUCA).

Special Conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, continue to record and report water quality data from all production wells on a quarterly basis, continue to record and report water levels from all monitoring wells on a quarterly basis, continue to record and report surface water levels from staff gauges on a quarterly basis, submit an environmental assessment report on an annual basis, submit the public supply report on an annual basis, maintain the compliance per capita rate, construct the proposed wells per the conditions in this permit, submit well completion reports within 90 days of each well construction, submit specific capacity test information within 90 days of each constructed well, submit meter accuracy tests every five years for each withdrawal, and submit an overpumpage report upon District request.

**WATER USE TABLE (in gpd)**

<b><u>USE</u></b>	<b><u>ANNUAL AVERAGE</u></b>	<b><u>PEAK MONTH</u></b>
Public Supply	3,308,400	3,672,300

**USE TYPE**

Residential Single Family

**PUBLIC SUPPLY:**

Population Served: 37,027  
 Per Capita Rate: 87 gpd/person

**WITHDRAWAL POINT QUANTITY TABLE**

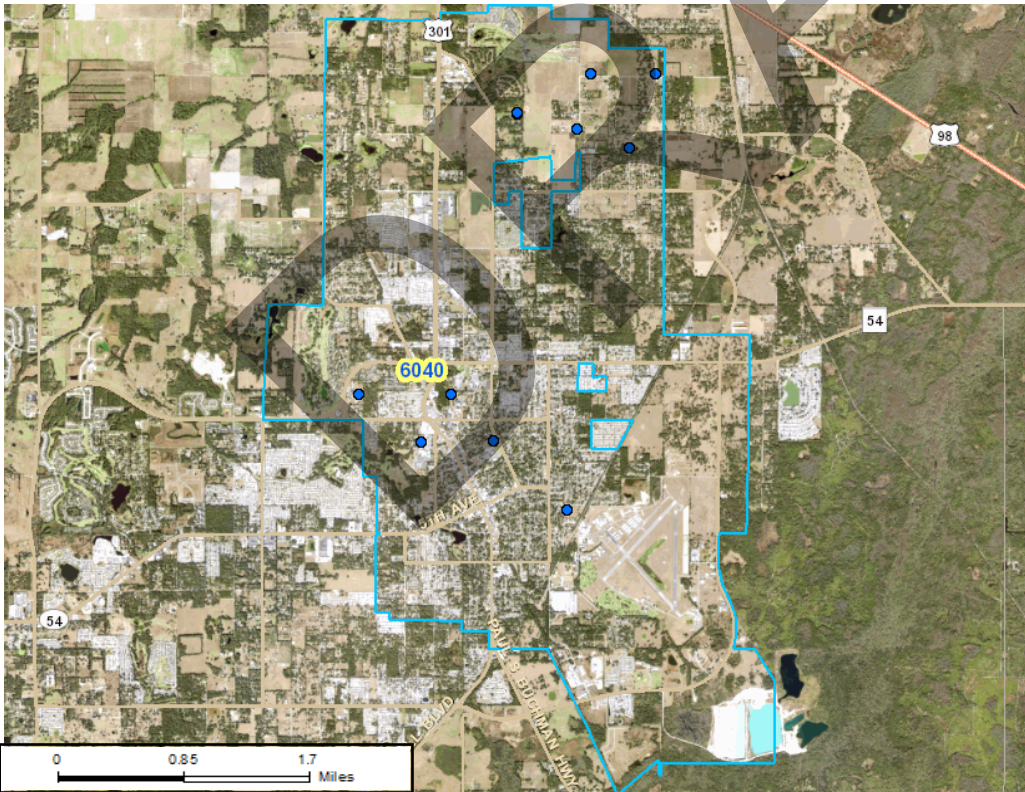
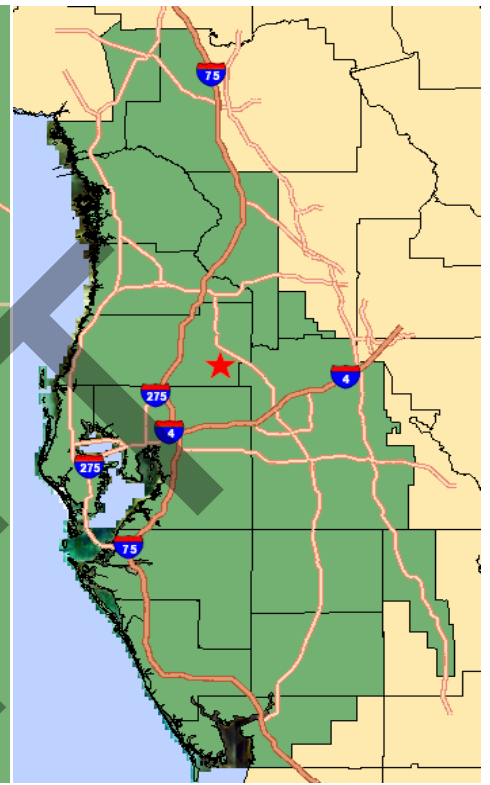
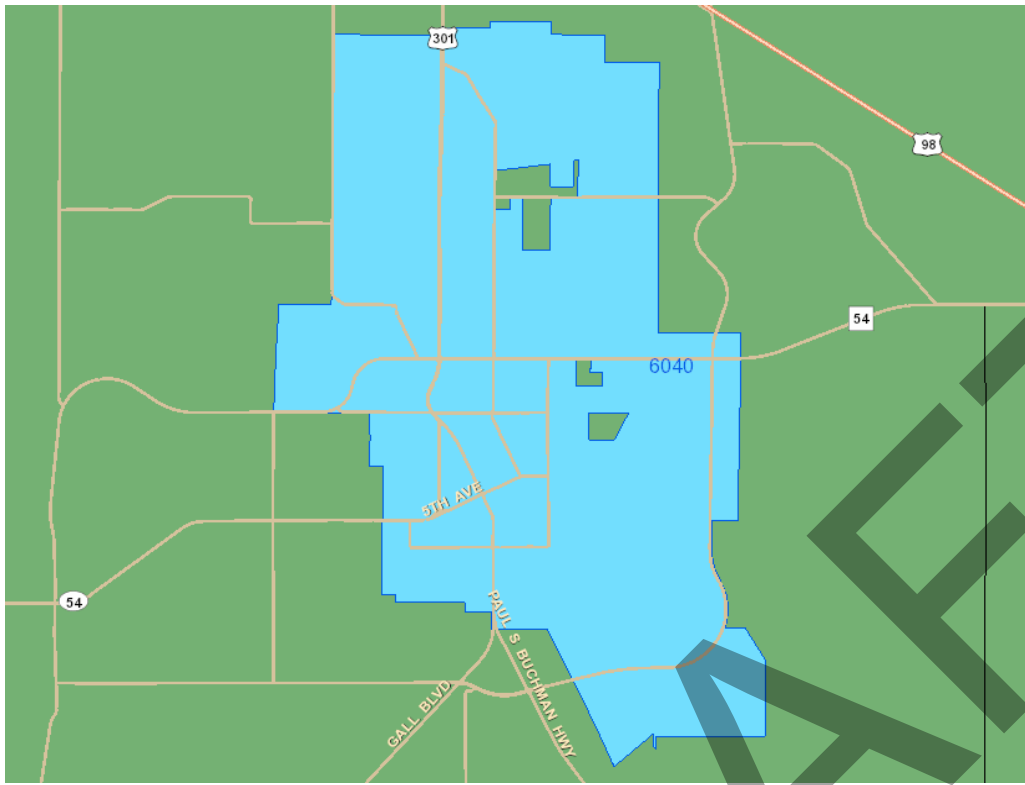
Water use from these withdrawal points are restricted to the quantities given below :

<b><u>I.D. NO.</u></b> <b><u>PERMITTEE/</u></b> <b><u>DISTRICT</u></b>	<b><u>DIAM</u></b> <b><u>(in.)</u></b>	<b><u>DEPTH</u></b> <b><u>TTL./CSD.FT.</u></b> <b><u>(feet bls)</u></b>	<b><u>USE DESCRIPTION</u></b>	<b><u>AVERAGE</u></b> <b><u>(gpd)</u></b>	<b><u>PEAK</u></b> <b><u>MONTH</u></b> <b><u>(gpd)</u></b>
2 / 2	12	960 / 125	Public Supply	203,700	226,100
3 / 3	16	840 / 125	Public Supply	442,400	491,000
4 / 4	16	460 / 125	Public Supply	378,200	419,800
5 / 5	16	885 / 125	Public Supply	504,000	559,500
10 / 10	16	305 / 158	Public Supply	450,300	499,800
11 / 11	16	660 / 142	Public Supply	579,700	643,500
12 / 12	12	585 / 143	Public Supply	504,000	559,400
13 / 18	16	800 / 150	Public Supply	246,100	273,200

**WITHDRAWAL POINT LOCATION TABLE**

<b><u>DISTRICT I.D. NO.</u></b>	<b><u>LATITUDE/LONGITUDE</u></b>
2	28° 14' 30.72"/82° 10' 47.08"
3	28° 13' 59.10"/82° 10' 08.80"
4	28° 14' 30.40"/82° 11' 25.10"
5	28° 14' 52.40"/82° 11' 09.30"
10	28° 16' 54.00"/82° 10' 03.80"
11	28° 17' 19.60"/82° 09' 56.50"
12	28° 17' 19.50"/82° 09' 22.90"
18	28° 14' 52.15"/82° 11' 57.65"

Location Map  
City Of Zephyrhills  
WUP No. 20 006040.011



**Legend**

- DIDs
- WUP Boundary

2017 Natural Color Imagery

**PASCO COUNTY**

**Southwest Florida**  
*Water Management District*

**STANDARD CONDITIONS:**

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

**SPECIAL CONDITIONS:**

1. All reports and data required by condition(s) of the permit shall be submitted to the District according to the due date(s) contained in the specific condition. If the condition specifies that a District-supplied form is to be used, the Permittee should use that form in order for their submission to be acknowledged in a timely manner. The only alternative to this requirement is to use the District Permit Information Center ([www.swfwmd.state.fl.us/permits/epermitting/](http://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. This permit shall be modified if an additional source of water is provided for public supply use from a separate entity. This includes additional Alternative Water Supply quantities and irrigation water for lawn/landscape and common areas. The Permittee shall notify the District of the additional water source and submit an application to modify the permit to acknowledge receipt.(68)
3. The annual average daily, peak month, and crop protection/maximum, if applicable, quantities for District ID Nos. 2, 3, 4, 5, 10, 11, 12, and 18, Permittee ID Nos. 2, 3, 4, 5, 10, 11, 12, and 13, shown in the withdrawal point quantity table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary up to 3,308,400 gallons per day on an annual average basis and up to 3,672,300 gallons per day on a peak month basis for the individual wells, so long as adverse environmental impacts do not result and the Permittee complies with all other conditions of this Permit. In all cases, the total annual average daily withdrawal, the total peak month daily withdrawal, and the total crop protection withdrawal are limited to the quantities set forth above.(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.

depth of 150 feet.  
(240)

5. The Permittee shall implement the Environmental Management Plan (EMP) uploaded to the file of record on November 20, 2015. The Permittee shall submit an Environmental Assessment Report by September 30th of each year for the preceding water year (August 1st -July 31st). The Environmental Assessment Report shall be prepared based on the following general guidelines:

- A. Essential graphs, tables, and text shall be presented, as well as monitoring progress at each site.
- B. Interpretive sections of wetland environmental conditions shall incorporate relations between water level fluctuations, well pumpage, atmospheric conditions, and drainage factors related to the environmental condition of the wetlands and lakes in the vicinity of the permit area.
- C. Pumpage data, wetland, water-level data collected from each aquifer and for the region, and environmental parameters collected at the wellfield and in the region shall be used for the interpretive report results.
- D. Appropriate statistical trends shall be performed to analyze the interactions of rainfall and pumpage on surficial aquifer water levels, potentiometric levels in the semi-confined aquifers, lake and wetland water levels. Evidence of abnormal plant succession will be evaluated qualitatively.
- E. Data shall be obtained through field measurements, aerial photo interpretation, and other appropriate methods.
- F. A brief summary of any recommended changes to the monitoring requirements shall be provided.

If the Permittee is unable to obtain or maintain legal access to any of the proposed monitoring sites, the Permittee must notify the District in writing within 15 days of concluding that access to any specific site is not possible. Within 30 days of such notification, the Permittee must identify alternative sites where legal access can be obtained and submit a written request to the Bureau Chief, Water Use Permit Bureau, to modify the EMP. Within 90 days of District approval of the EMP modification, the Permittee must implement the approved change(s).

(287)

6. For the purpose of determining site-specific transmissivity of the Upper Floridan aquifer, a step drawdown and constant rate specific capacity test shall be performed on District ID No. 18, Permittee ID No(s). 13, after the well has been fully developed. The test shall be performed in accordance with the specifications set forth in Part C - Water Use Design Aids, Design Aid 3, Section B, "Single Well Aquifer Test" on the District website, [www.watermatters.org/permits/wup](http://www.watermatters.org/permits/wup). A copy of the testing methodology, recorded raw data, and the results of the test shall be submitted to the Water Use Permit Bureau within thirty days of completion of the well.(530)
7. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
8. The Permittee shall submit a copy of the well completion reports to the District's Water Use Permit Bureau, within 30 days of each well completion.(583)
9. Beginning January 1, 2012, the Permittee shall comply with the following requirements:
  - A. Customer billing period usage shall be placed on each utility-metered, customer's bill.
  - B. Meters shall be read and customers shall be billed no less frequently than bi-monthly.
  - C. The following information, as applicable to the customer, shall be provided at least once each calendar year and a summary of the provisions shall be provided to the District annually as described in Section D, below. The information shall be provided by postal mailings, bill inserts, online notices, on the bill or by other means. If billing units are not in gallons, a means to convert the units to gallons must be provided.
    1. To each utility-metered customer in each customer class - Information describing the rate structure and shall include any applicable:
      - a. Fixed and variable charges,
      - b. Minimum charges and the quantity of water covered by such charges,
      - c. Price block quantity thresholds and prices,
      - d. Seasonal rate information and the months to which they apply, and
      - e. Usage surcharges
    2. To each utility-metered single-family residential customer - Information that the customer can use to compare its water use relative to other single-family customers or to estimate an efficient use and that shall include one or more of the following:

a. The average or median single-family residential customer billing period water use calculated over the most recent three year period, or the most recent two year period if a three year period is not available to the utility. Data by billing period is preferred but not required.

b. A means to calculate an efficient billing period use based on the customer's characteristics, or

c. A means to calculate an efficient billing period use based on the service area's characteristics.

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

1. Description of the current water rate structure (rate ordinance or tariff sheet) for potable and non-potable water.

2. Description of the current customer billing and meter reading practices and any proposed changes to these practices (including a copy of a bill per A above).

3. Description of the means the permittee uses to make their metered customers aware of rate structures, and how the permittee provides information their metered single-family residential customers can use to compare their water use relative to other single-family customers or estimate an efficient use (see C 1 & 2 above).

(592)

10. The Permittee shall comply with allocated quantities. 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)
11. This renewal includes an increase in the authorized allocation, supported in part by numerical simulation of aquifer recharge at a rapid infiltration basin which is predicted to mitigate the effects of increased groundwater withdrawals. The Permittee shall cease or reduce withdrawals on an annual average basis when the mitigation activity that provided for the authorized increase is determined by the District to not provide the anticipated benefit, or if the mechanism or activity by which that benefit was provided is no longer in effect. The Permittee shall include the discharge quantities at the rapid infiltration basin in the annual report.(658)
12. The Permittee shall maintain a water conserving rate structure for the duration of the permit term. Any changes to the water conserving rate structure described in the application shall be described in detail as a component of the next Annual Report on Water Rate, Billing and Meter Reading Practices of the year following the change.(659)
13. The Permittee shall submit a "Public Supply Annual Report" to the District by April 1 of each year on their water use during the preceding calendar year using the form, "Public Supply Water Use Annual Report Form" (Form No. LEG-R.103.00 (05/14)), referred to in this condition as "the Form," and all required attachments and documentation. The Permittee shall adhere to the "Annual Report Submittal Instructions" attached to and made part of this condition in Exhibit B. The Form addresses the following components in separate sections.

#### **Per Capita Use Rate**

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

#### **Residential Use**

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

**Non-Residential Use**

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

**Water Conservation**

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

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

**Water Audit**

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

**Alternative Water Supplied Other Than Reclaimed Water**

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

**Suppliers of Reclaimed Water**

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

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

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

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

**Updated Service Area Map**

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

14. Permittees having their own wastewater treatment plant that generate at least advanced-secondary treated effluent (high-level disinfection, as described in Rule 62-600.440(5), F.A.C.) to the minimum FDEP requirements for public access reuse shall respond in a timely manner to inquiries about availability from water use permit applicants for water uses where such reclaimed water is appropriate. If reclaimed water is or will be available to that permit applicant within the next six years, the Permittees shall provide a cost estimate for connection to the applicant.(674)
15. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID No(s). 18, Permittee ID No(s). 13. 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)

16. 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 No(s). 2, 3, 4, 5, 10, 11, and 12, Permittee ID No(s). 2, 3, 4, 5, 10, 11, and 12. 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)
17. 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.

Existing District ID No. 2, 3, 4, 5, 10, 11, and 12 / Permittee ID No. 2, 3, 4, 5, 10, 11, and 12 for chlorides, sulfates, and total dissolved solids (TDS), after a minimum pumping time of 15 minutes, on a quarterly basis.

Proposed District ID No. 18 / Permittee ID No. 13, for chlorides, sulfates, and total dissolved solids (TDS), after a minimum pumping time of 15 minutes, on a quarterly basis, with first analyzed sample due within 90 days of completion of the withdrawal point or per the first reporting period as given in Exhibit B after completion of the monitor site.  
(752)

18. The Permittee shall continue to maintain the monitor well(s) or piezometer(s) listed below. The Permittee shall record water levels to North American Vertical Datum 1988 (NAVD88) and report them to the District at the frequency listed for the interval, aquifer system listed. To the maximum extent possible, water levels shall be recorded on a regular schedule: same time each day, same day each week, same week each month as appropriate for the frequency noted. If a monitoring well reading is reported dry for more than six readings in a given year, a new monitoring well may have to be constructed to a deeper depth. The readings shall be reported online via the Permit Information Center at the District website ([www.watermatters.org/permits/epermitting/](http://www.watermatters.org/permits/epermitting/)), or mailed in hardcopy on District-provided forms to the address given in this permit for mailing data and reports on or before the tenth day of the following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.

The following existing monitoring wells will continue to be monitored every other week or twice monthly: District ID No(s). 13, 14, and 16; Permittee ID No(s). PZ-1, PZ-2, and PZ-3.  
(756)

19. The Permittee shall continue to maintain the District-approved staff gauge in the water bodies at the location(s) specified by latitude and longitude below and report measurements of water levels referenced to North American Vertical Datum 1988 at the frequency indicated.

District ID No. 15 Permittee ID No. SG-1 on EMP-1 record on an every other week or twice monthly basis.

To the maximum extent possible, water levels shall be recorded on the same day of each week and reported to the Water Use Permit Bureau, online via the WUP Portal on the District website, or in hardcopy on District-provided forms on or before the tenth day of the following month. The frequency of recording may be modified by the Water Use Permit Bureau Chief, as necessary to ensure the protection of the resource.  
(762)

20. The compliance per capita daily water use rate shall be no greater than 87 gallons per capita per day (gpcd). The Permittee shall calculate the compliance per capita rate as described in the Annual Report Condition on this permit and shall submit the calculations with the Annual Report by April 1 of each

year.

If the compliance per capita rate is greater than 87 gpcd, the Permittee shall submit a report that documents why this rate was exceeded, measures previously or currently taken to reduce their compliance per capita rate, and a plan that describes additional measures and implementation dates for those measures to bring their compliance per capita rate to or below 87 gpcd. This report shall be submitted with the Annual Report by April 1 for each year the compliance per capita rate exceeds 87 gpcd gpd. This report is subject to District approval. Justification for exceeding the adjusted gross per capita rate does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit.

(767)

DRAFT

40D-2  
Exhibit A

**WATER USE PERMIT STANDARD CONDITIONS**

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

11. A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that section 373.239, F.S., and Rule 40D-2.331, F.A.C., are applicable to permit modifications.
12. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.
13. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
14. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
15. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that a statement in the application and in the supporting data are found to be untrue and inaccurate, the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing, pursuant to sections 373.136 or 373.243, F.S. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
16. 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/](http://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](http://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.

ANNUAL REPORT SUBMITTAL INSTRUCTIONS

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

1. **Per Capita Use Rate** - A per capita rate for the previous calendar year will be progressively calculated until a rate of 150 gpd per person or less is determined whether it is the unadjusted per capita, adjusted per capita, or compliance per capita. The calculations shall be performed as shown in Part A of the Form. The Permittee shall refer to and use the definitions and instructions for all components as provided on the Form and in the Water Use Permit Applicant's Handbook Part B. Permittees that have interconnected service areas and receive an annual average quantity of 100,000 gpd or more from another permittee are to include these quantities as imported quantities. Permittees in the Southern Water Use Caution Area (SWUCA) or the Northern Tampa Bay Water Use Caution Area (NTBWUCA), as it existed prior to October 1, 2007, shall achieve a per capita of 150 gpd or less, and those in these areas that cannot achieve a compliance per capita rate of 150 gpd or less shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance. Permittees not in a Water Use Caution Area that cannot achieve a compliance per capita rate of 150 gpd or less by December 31, 2019 shall submit this same report in the Annual Report due April 1, 2020.
2. **Residential Use** - Residential water use consists of the indoor and outdoor water uses associated with each category of residential customer (single family units, multi-family units, and mobile homes), including irrigation uses, whether separately metered or not. The Permittee shall document the methodology used to determine the number of dwelling units by type and the quantities used. Estimates of water use based upon meter size will not be accepted. If mobile homes are included in the Permittees multi-family unit category, the information for them does not have to be separated. The information for each category shall include:
  - A. Number of dwelling units per category,
  - B. Number of domestic metered connections per category,
  - C. Number of metered irrigation connections,
  - D. Annual average quantities in gallons per day provided to each category, and
  - E. Percentage of the total residential water use provided apportioned to each category.
3. **Non-Residential Use** - Non-residential use consists of all quantities provided for use in a community not directly associated with places of residence. For each category below, the Permittee shall include annual average gpd provided and percent of total non-residential use quantities provided. For each category 1 through 6 below, the number of metered connections shall be provided. These non-residential use categories are:
  - A. Industrial/commercial uses, including associated lawn and landscape irrigation use,

- B. Agricultural uses (e.g., irrigation of a nursery),
  - C. Recreation/Aesthetic, for example irrigation (excluding golf courses) of Common Areas, stadiums and school yards,
  - D. Golf course irrigation,
  - E. Fire fighting, system testing and other accounted uses,-
  - F. K-through-12 schools that do not serve any of the service area population, and
  - G. Water Loss as defined as the difference between the output from the treatment plant and accounted residential water use (B above) and the listed non-residential uses in this section.
4. **Water Audit** - The water audit report that is done because water losses are greater than 10% of the total distribution quantities shall include the following items:
- A. Evaluation of:
    - 1) leakage associated with transmission and distribution mains,
    - 2) overflow and leakage from storage tanks,
    - 3) leakage near service connections,
    - 4) illegal connections,
    - 5) description and explanations for excessive distribution line flushing (greater than 1% of the treated water volume delivered to the distribution system) for potability,
    - 6) fire suppression,
    - 7) un-metered system testing,
    - 8) under-registration of meters, and
    - 9) other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts used for residential and non-residential uses specified in Parts B and C above, and
  - B. A schedule for a remedial action-plan to reduce the water losses to below 10%.
5. **Alternative Water Supplied other than Reclaimed Water** - Permittees that provide Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) shall include the following on Part D of the Form:
- A. Description of the type of Alternative Water Supply provided,
  - B. County where service is provided,
  - C. Customer name and contact information,
  - D. Customer's Water Use Permit number (if any),
  - E. Customer's meter location latitude and longitude,
  - F. Meter ownership information,
  - G. General customer use category,
  - H. Proposed and actual flows in annual average gallons per day (gpd) per customer,
  - I. Customer cost per 1,000 gallons or flat rate information,
  - J. Delivery mode (e.g., pressurized or non-pressurized),
  - K. Interruptible Service Agreement (Y/N),
  - L. Month/year service began, and
  - M. Totals of monthly quantities supplied.
6. **Suppliers of Reclaimed Water** - Depending upon the treatment capacity of the Permittees wastewater treatment plant, the Permittee shall submit information on reclaimed water supplied as follows:
- A. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd shall utilize the "SWFWMD Annual Reclaimed Water Supplier Report" in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09). The "SWFWMD Annual Reclaimed Water Supplier Report" is described in Section 3.1 of Chapter 3, under the subheading "Reclaimed Water Supplier Report" and is described in detail in the Water Use Permit Applicant's Handbook Part B.
  - B. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd can either utilize the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above or provide the following information on Part E of the Form:
    - 1) Bulk customer information:
      - a) Name, address, telephone number,

- b) WUP number (if any),
  - c) General use category (residential, commercial, recreational, agricultural irrigation, mining),
  - d) Month/year first served,
  - e) Line size,
  - f) Meter information, including the ownership and latitude and longitude location,
  - g) Delivery mode (pressurized, non-pressurized).
- 2) Monthly flow in gallons per bulk customer.
  - 3) Total gallons per day (gpd) provided for metered residential irrigation.
  - 4) Disposal information:
    - a) Site name and location (latitude and longitude or as a reference to the service area map),
    - b) Contact name and telephone,
    - c) Disposal method, and
    - d) Annual average gpd disposed.

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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**

**November 17, 2020**

**WUP No. 20020721.002 / South Sumter Utility Company / South Sumter Utility Company, LLC  
(Lake and Sumter Counties)**

This is a modification of an existing water use permit (WUP) for public supply use. There is a change in authorized groundwater withdrawals as a result of this permit modification. The authorized quantities increase from 2,100,000 gallons per day (gpd) to 2,600,000 gpd on an annual average basis and increase from 3,000,000 gpd to 3,800,000 gpd on a peak month basis for potable water supply. The increase in quantities is due to an expanded service area and an increase in the projected population. Quantities are based on a projected 2038 population of 36,191 and a per capita water use rate of 72 gallons per day per person. There is no change in use from the previous permit. This permit authorizes indoor water use only. Outdoor water demands within the service area are met through a separate permit (WUP No. 20020687.004). This permit is not located in a water use caution area.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, submit annual Public Supply Reports adhere to the per-capita requirements of this permit, and implement the conservation plan that was submitted with the application.

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

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

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
WATER USE PERMIT  
Individual  
PERMIT NO. 20 020721.002**

**PERMIT ISSUE DATE:** November 17, 2020

**EXPIRATION DATE:** February 02, 2038

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:** South Sumter Utility Company, LLC  
3601 Kiessel Road  
The Villages, FL 32163

**PROJECT NAME:** South Sumter Utility Company

**WATER USE CAUTION AREA(S):** Not in a WUCA

**COUNTY:** Lake, Sumter

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

ANNUAL AVERAGE	2,600,000 gpd
PEAK MONTH <sup>1</sup>	3,800,000 gpd

<sup>1</sup> Peak Month: Average daily use during the highest water use month.

**ABSTRACT:**

This is a modification of an existing water use permit (WUP) for public supply use. There is a change in authorized groundwater withdrawals as a result of this permit modification. The authorized quantities increase from 2,100,000 gallons per day (gpd) to 2,600,000 gpd on an annual average basis and increase from 3,000,000 gpd to 3,800,000 gpd on a peak month basis for potable water supply. The increase in quantities is due to an expanded service area and an increase in the projected population. Quantities are based on a projected 2038 population of 36,191 and a per capita water use rate of 72 gallons per day per person. There is no change in use from the previous permit. This permit authorizes indoor water use only. This permit is not located in a water use caution area.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, submit annual Public Supply Reports and updates to Environmental Resource Permits applied for and issued, adhere to the per-capita requirements of this permit, and implement the conservation plan that was submitted with the application.

**WATER USE TABLE (in gpd)**

<b><u>USE</u></b>	<b><u>ANNUAL AVERAGE</u></b>	<b><u>PEAK MONTH</u></b>
Public Supply	2,600,000	3,800,000

**USE TYPE**

Residential Single Family

**PUBLIC SUPPLY:**

Population Served: 36,191  
 Per Capita Rate: 72 gpd/person

**WITHDRAWAL POINT QUANTITY TABLE**

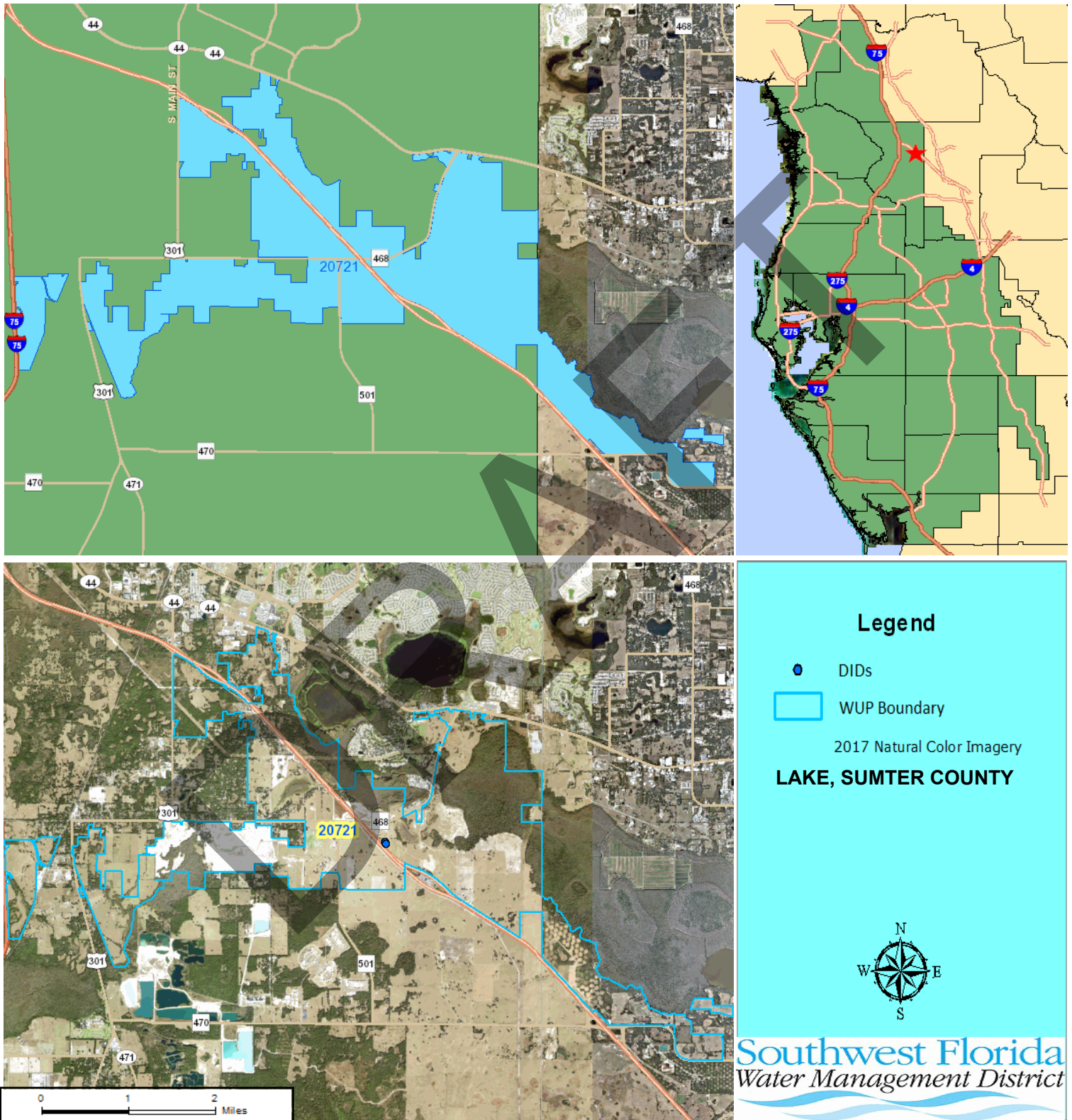
Water use from these withdrawal points are restricted to the quantities given below :

<b><u>I.D. NO.</u></b> <b><u>PERMITTEE/</u></b> <b><u>DISTRICT</u></b>	<b><u>DIAM</u></b> <b><u>(in.)</u></b>	<b><u>DEPTH</u></b> <b><u>TTL./CSD.FT.</u></b> <b><u>(feet bls)</u></b>	<b><u>USE DESCRIPTION</u></b>	<b><u>AVERAGE</u></b> <b><u>(gpd)</u></b>	<b><u>PEAK</u></b> <b><u>MONTH</u></b> <b><u>(gpd)</u></b>
SO-101 / 61	16	990 / 599	Public Supply	1,300,000	1,900,000
SO-102 / 62	16	990 / 596	Public Supply	1,300,000	1,900,000

**WITHDRAWAL POINT LOCATION TABLE**

<b><u>DISTRICT I.D. NO.</u></b>	<b><u>LATITUDE/LONGITUDE</u></b>
61	28° 47' 42.56"/81° 59' 33.91"
62	28° 47' 41.61"/81° 59' 32.92"

**Location Map**  
**South Sumter Utility Company, LLC**  
**WUP No. 20 020721.002**



**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/](http://www.swfwmd.state.fl.us/permits/epermitting/)) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

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

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

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

2. The quantities included in the permit are based on an average per capita rate of 72. By rule, the per capita rate in any given year shall not exceed 150 gpd. However, failure to maintain, on average, the per capita rate on which the permitted quantity is based could result in noncompliance with the terms of the permit. The per capita rate will be monitored via the Annual Report and the Reclaimed Water Supplier Report that are required to be submitted by April 1 of each year for the term of the permit.(67)
3. This permit shall be modified if an additional source of water is provided for public supply use from a separate entity. The Permittee shall notify the District of the additional water source and submit an application to modify the permit to acknowledge receipt.(68)
4. The annual average daily, peak month, and crop protection/maximum, if applicable, quantities for District ID Nos.61 and 62, Permittee ID Nos. SO-101 and SO-102 shown in the withdrawal point quantity table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary up to 2,600,000 gallons per day on an annual average basis and up to 3,800,000 gallons per day on a peak month basis for the individual wells, so long as adverse environmental impacts do not result and the Permittee complies with all other conditions of this Permit. In all cases, the total annual average daily withdrawal, the total peak month daily withdrawal, and the total crop protection withdrawal are limited to the quantities set forth above.  
(221)
5. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
6. The Permittee shall immediately implement the District-approved water conservation plan dated May 19, 2020 that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. Progress reports on the implementation of water conservation

practices indicated as proposed in the plan as well as achievements in water savings that have been realized from each water conservation practice shall be submitted October 1, 2030.(449)

7. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
  8. The Permittee shall acquire an Environmental Resource Permit (ERP) for construction in each neighborhood area prior to commencement of the increased incremental groundwater withdrawal. The permittee shall submit an annual report detailing all submitted, completed, or issued ERPs. This report shall include details of the ERP application or permits such as ERP number, proposed changes, expected water use increase, and estimated construction schedule. This report shall be due April 1 of each year.(571)
  9. The Permittee shall comply with the following requirements:
    - A. Customer billing period usage shall be placed on each utility-metered, customer's bill.
    - B. Meters shall be read and customers shall be billed no less frequently than bi-monthly.
    - C. The following information, as applicable to the customer, shall be provided at least once each calendar year and a summary of the provisions shall be provided to the District annually as described in Section D, below. The information shall be provided by postal mailings, bill inserts, online notices, on the bill or by other means. If billing units are not in gallons, a means to convert the units to gallons must be provided.
      1. To each utility-metered customer in each customer class - Information describing the rate structure and shall include any applicable:
        - a. Fixed and variable charges,
        - b. Minimum charges and the quantity of water covered by such charges,
        - c. Price block quantity thresholds and prices,
        - d. Seasonal rate information and the months to which they apply, and
        - e. Usage surcharges
      2. To each utility-metered single-family residential customer - Information that the customer can use to compare its water use relative to other single-family customers or to estimate an efficient use and that shall include one or more of the following:
        - a. The average or median single-family residential customer billing period water use calculated over the most recent three year period, or the most recent two year period if a three year period is not available to the utility. Data by billing period is preferred but not required.
        - b. A means to calculate an efficient billing period use based on the customer's characteristics, or
        - c. A means to calculate an efficient billing period use based on the service area's characteristics.
    - D. Annual Report: The following information shall be submitted to the District annually by October 1 of each year of the permit term to demonstrate compliance with the requirements above. The information shall be current as of the October 1 submittal date.
      1. Description of the current water rate structure (rate ordinance or tariff sheet) for potable and non-potable water.
      2. Description of the current customer billing and meter reading practices and any proposed changes to these practices (including a copy of a bill per A above).
      3. Description of the means the permittee uses to make their metered customers aware of rate structures, and how the permittee provides information their metered single-family residential customers can use to compare their water use relative to other single-family customers or estimate an efficient use (see C 1 & 2 above).
- (592)
10. The Permittee shall maintain a water conserving rate structure for the duration of the permit term. Any changes to the water conserving rate structure described in the application shall be described in detail as a component of the next Annual Report on Water Rate, Billing and Meter Reading Practices of the year following the change.(659)
11. The Permittee shall submit a "Public Supply Annual Report" to the District by April 1 of each year on their water use during the preceding calendar year using the form, "Public Supply Water Use Annual Report Form" (Form No. LEG-R.103.00 (05/14)), referred to in this condition as "the Form," and all required attachments and documentation. The Permittee shall adhere to the "Annual Report Submittal Instructions" attached to and made part of this condition in Exhibit B. The Form addresses the following components in separate sections.

**Per Capita Use Rate**

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

**Residential Use**

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

**Non-Residential Use**

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

**Water Conservation**

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

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

**Water Audit**

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

**Alternative Water Supplied Other Than Reclaimed Water**

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

**Suppliers of Reclaimed Water**

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

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

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

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

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

**Updated Service Area Map**

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

12. The Permittee shall catalog development of sinkholes or changes to existing sinkholes which occur within 500 feet of any of the Permittee's production wells included in this permit. The report shall include descriptions of the investigation and any mitigation actions undertaken by the permittee or a note that the county conducted the sinkhole investigation. The report shall be sent to the District within 30 days of the Permittee's discovery of the sinkhole.(677)
13. 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 No(s). 61 and 62, Permittee ID No(s). SO-101 and SO-102. 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)

DRAFT

40D-2  
Exhibit A

**WATER USE PERMIT STANDARD CONDITIONS**

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

11. A Permittee may seek modification of any term of an unexpired permit. The Permittee is advised that section 373.239, F.S., and Rule 40D-2.331, F.A.C., are applicable to permit modifications.
12. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.
13. The District may establish special regulations for Water-Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
14. Nothing in this permit should be construed to limit the authority of the District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the Permittee must adhere to the water shortage restrictions, as specified by the District. The Permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.
15. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that a statement in the application and in the supporting data are found to be untrue and inaccurate, the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing, pursuant to sections 373.136 or 373.243, F.S. The Permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
16. 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/](http://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](http://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.

#### ANNUAL REPORT SUBMITTAL INSTRUCTIONS

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

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

- F. K-through-12 schools that do not serve any of the service area population, and
  - G. Water Loss as defined as the difference between the output from the treatment plant and accounted residential water use (B above) and the listed non-residential uses in this section.
4. **Water Audit** - The water audit report that is done because water losses are greater than 10% of the total distribution quantities shall include the following items:
- A. Evaluation of:
    - 1) leakage associated with transmission and distribution mains,
    - 2) overflow and leakage from storage tanks,
    - 3) leakage near service connections,
    - 4) illegal connections,
    - 5) description and explanations for excessive distribution line flushing (greater than 1% of the treated water volume delivered to the distribution system) for potability,
    - 6) fire suppression,
    - 7) un-metered system testing,
    - 8) under-registration of meters, and
    - 9) other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts used for residential and non-residential uses specified in Parts B and C above, and
  - B. A schedule for a remedial action-plan to reduce the water losses to below 10%.
5. **Alternative Water Supplied other than Reclaimed Water** - Permittees that provide Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) shall include the following on Part D of the Form:
- A. Description of the type of Alternative Water Supply provided,
  - B. County where service is provided,
  - C. Customer name and contact information,
  - D. Customer's Water Use Permit number (if any),
  - E. Customer's meter location latitude and longitude,
  - F. Meter ownership information,
  - G. General customer use category,
  - H. Proposed and actual flows in annual average gallons per day (gpd) per customer,
  - I. Customer cost per 1,000 gallons or flat rate information,
  - J. Delivery mode (e.g., pressurized or non-pressurized),
  - K. Interruptible Service Agreement (Y/N),
  - L. Month/year service began, and
  - M. Totals of monthly quantities supplied.
6. **Suppliers of Reclaimed Water** - Depending upon the treatment capacity of the Permittees wastewater treatment plant, the Permittee shall submit information on reclaimed water supplied as follows:
- A. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd shall utilize the "SWFWMD Annual Reclaimed Water Supplier Report" in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09). The "SWFWMD Annual Reclaimed Water Supplier Report" is described in Section 3.1 of Chapter 3, under the subheading "Reclaimed Water Supplier Report" and is described in detail in the Water Use Permit Applicant's Handbook Part B.
  - B. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd can either utilize the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above or provide the following information on Part E of the Form:
    - 1) Bulk customer information:
      - a) Name, address, telephone number,
      - b) WUP number (if any),
      - c) General use category (residential, commercial, recreational, agricultural irrigation, mining),
      - d) Month/year first served,
      - e) Line size,
      - f) Meter information, including the ownership and latitude and longitude location,

- g) Delivery mode (pressurized, non-pressurized).
- 2) Monthly flow in gallons per bulk customer.
- 3) Total gallons per day (gpd) provided for metered residential irrigation.
- 4) Disposal information:
  - a) Site name and location (latitude and longitude or as a reference to the service area map),
  - b) Contact name and telephone,
  - c) Disposal method, and
  - d) Annual average gpd disposed.

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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**

**November 17, 2020**

**WUP No. 20004558.007 / Ben Hill Griffin, Inc. - Lake Streety and Little Cuba Groves / Ben Hill Griffin, Inc. (Polk County)**

This is a renewal with modification of an existing Water Use Permit (WUP) for agricultural use. There is no change in use type from the previous permit. The modification combines WUP No. 20003734.006 into this Permit. The Permit authorizes increases in the combined annual average quantity from 524,300 gallons per day (gpd) to 594,400 gpd, the drought annual average quantity from 690,400 gpd to 789,400 gpd, and the peak month quantity from 2,879,400 gpd to 3,414,100 gpd. The crop protection quantity remains 16,593,100 gpd as it is limited by system capacity. The changes from the previous Permit are due to an additional 20 acres of citrus and a revised accounting of historically irrigated acres. The incorporation of 169,900 gpd from surface water sources reduces the total groundwater quantities from 524,300 gpd to 424,500 gpd. This permit is in Polk County, within the Southern Water Use Caution Area (SWUCA) and the Central Florida Water Initiative (CFWI).

This application satisfies existing conditions for permit issuance because reasonable assurance has been provided that demonstrates that water resources, existing legal users, offsite land uses, and surface water and groundwater quality will not be adversely impacted by the proposed withdrawals. Additionally, documentation has been provided that demonstrates the request is necessary to fulfill a reasonable demand, conservation measures will be incorporated, and an evaluation of alternative water has been provided. The recommended permit duration is commensurate with the applicant's ability to satisfy conditions of permit issuance.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings, perform and submit meter accuracy tests every 5 years, modify the permit to reflect incorporation of any new alternative sources of water, implement water conservation and best management practices, and comply with the SWUCA recovery strategy and CFWI regulatory requirements.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

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

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
WATER USE PERMIT  
Individual  
PERMIT NO. 20 004558.007**

**PERMIT ISSUE DATE:** November 17, 2020

**EXPIRATION DATE:** November 17, 2040

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

**TYPE OF APPLICATION:** Renewal

**GRANTED TO:** Ben Hill Griffin, Inc.  
Attn: Will Brown  
P.O. Box 127  
Frostproof, FL 33843-0127

**PROJECT NAME:** Ben Hill Griffin, Inc. - Lake Streety and Little Cuba Groves

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

**COUNTY:** Polk

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

ANNUAL AVERAGE	594,400 gpd
PEAK MONTH <sup>1</sup>	3,414,100 gpd
DROUGHT ANNUAL AVERAGE <sup>2</sup>	789,400 gpd
CROP PROTECTION/MAXIMUM <sup>3</sup>	16,593,100 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 renewal with modification of an existing Water Use Permit for agricultural use. There is no change in use type from the previous permit. The modification combines WUP No. 20003734.006 into this Water Use Permit. The permit authorizes an increase in the combined annual average quantity from 524,300 gallons per day (gpd) to 594,400 gpd, of which 169,900 gpd are from surface water, an increase in the drought annual average quantity from 690,400 gpd to 789,400 gpd, and an increase in the peak month quantity from 2,879,400 gpd to 3,414,100 gpd. The crop protection quantity remains 16,593,100 gpd as it is limited by system capacity. The authorized quantities have changed from the previous permit due to an additional 20 acres of citrus and a revised accounting of historically irrigated acres. The incorporation of surface water reduces the total groundwater quantities authorized from 524,300 gpd to 424,500 gpd. This permit is in Polk County, within the Southern Water Use Caution Area (SWUCA) and the Central Florida Water Initiative (CFWI).

This application satisfies existing conditions for permit issuance because reasonable assurances have been provided that demonstrate that water resources, existing legal users, off-site land uses, and surface water and groundwater quality will not be adversely impacted. Additionally, documentation has been provided that demonstrates the request is necessary to fulfill a reasonable demand, conservation measures will be incorporated, and an evaluation of alternative water has been provided. The recommended permit duration is commensurate with the applicant's ability to satisfy conditions of permit issuance.

The CFWI is a collaborative regional water supply endeavor to protect, conserve, and restore water resources in the area by working to accomplish the goals presented in the Central Florida Water Initiative Guidance Document. These goals include crafting long-term water supply solutions for the Central Florida region. The CFWI effort may also result in specific regulatory requirements. While the scope and content of these regulatory requirements are unknown at this time, it is possible they may include requirements that are related to the Permittee's relative contribution to the water resource impact being addressed, the timing of permit issuance compared to other existing legal users, and/or include other considerations identified by the CFWI Solutions Planning and Regulatory Teams. Therefore, this permit includes Special Conditions that provide specific notification that the permit may be modified during the term of the permit to address unanticipated harm or impacts to existing legal users that is occurring or is projected to occur from the Permittee's authorized withdrawal over the permit duration. Since this application is located within the CFWI area, it is necessary for the applicant to consider implementing the heightened water conservation requirements defined in the Special Conditions. The applicant is advised to carefully consider its infrastructure investment in light of the on-going Central Florida Water Initiative.

Special conditions include those that require the Permittee to continue to record and report monthly meter readings, perform and submit meter accuracy tests every 5 years, modify the permit to reflect incorporation of any new alternative sources of water, implement water conservation and best management practices, and comply with the SWUCA recovery.

#### 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	594,400	3,414,100	789,400	16,593,100

#### USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>	<u>DROUGHT IRRIGATION RATE</u>
Citrus	150.00	Low Volume Spray	15.40"/yr.	23.40"/yr.
Citrus	333.00	Low Volume Spray	17.00"/yr.	25.10"/yr.

#### WITHDRAWAL POINT QUANTITY TABLE

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

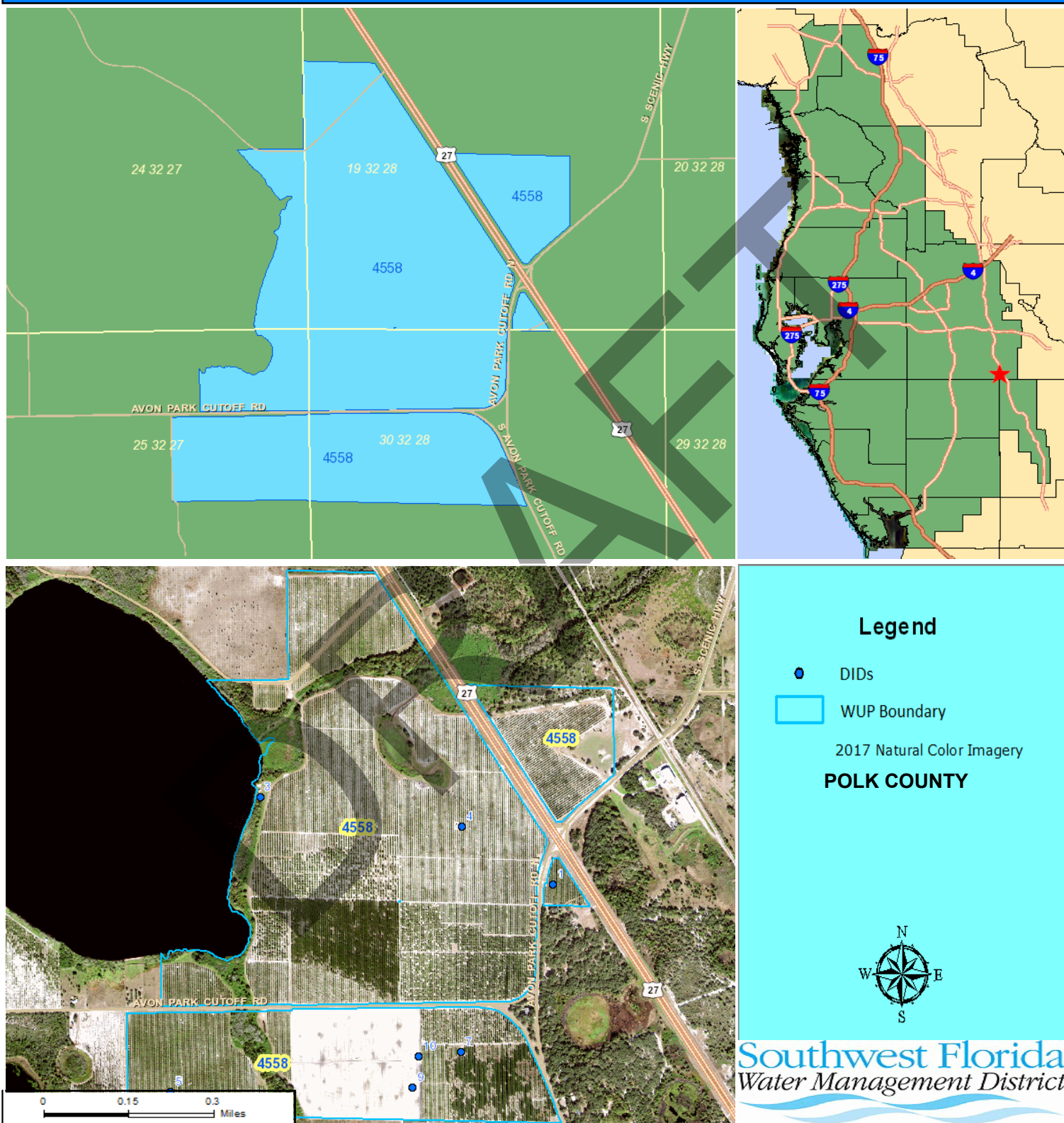
<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>	<u>CROP PROTECTION (gpd)</u>
G-1 / 1	6	835 / 189	Irrigation	6,300	35,300	517,000
S-2 / 3	10	N/A / N/A	Irrigation	169,900	947,200	2,880,000
G-4 / 4	16	1,110 / 252	Irrigation	173,800	968,400	4,148,600
G-5 / 5	12	1,000 / 312	Irrigation	72,300	402,900	3,001,000
East / 7	16	1,040 / 360	Irrigation	172,100	1,060,300	4,148,600
10 / 10	10	900 / 290	Irrigation	N/A	N/A	1,897,900

**WITHDRAWAL POINT LOCATION TABLE**

<b><u>DISTRICT I.D. NO.</u></b>	<b><u>LATITUDE/LONGITUDE</u></b>
1	27° 40' 34.83"/81° 33' 13.85"
3	27° 40' 45.40"/81° 33' 53.53"
4	27° 40' 41.76"/81° 33' 26.22"
5	27° 40' 10.19"/81° 34' 05.78"
7	27° 40' 14.83"/81° 33' 26.44"
10	27° 40' 14.32"/81° 33' 32.18"

DRAFT

**Location Map**  
**Ben Hill Griffin, Inc.**  
**WUP No. 20 004558.007**



**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/](http://www.swfwmd.state.fl.us/permits/epermitting/)) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

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

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

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

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

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

District ID No. 10, Permittee ID No. 10, having a surface diameter of 10 inches, with a minimum casing depth of 290 feet, drilled to an estimated total depth of 900 feet  
(240)

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

5. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
6. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)
7. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices. (331)
8. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)
9. The Permittee shall geophysically (caliper) or video log District ID Nos. 1 and 5, Permittee ID Nos. G-1 and G-5, 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)

10. 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)

11. The Permittee shall immediately implement the District-approved water conservation plan that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. Progress reports on the implementation of water conservation practices indicated as proposed in the plan as well as achievements in water savings that have been realized

from each water conservation practice shall be submitted by September 1, 2030.(449)

12. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water. (458)
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. 1, 3, 4, 5, and 7, Permittee ID No. G-1, S-3, G-4, G-5, and East:
  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. 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)
15. The Permittee shall submit a copy of the well completion reports to the District's Water Use Permit Bureau, within 30 days of each well completion.(583)
16. 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)
17. 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)
18. Within 3 years from notification by the District that the lake from which the Permittee is withdrawing is stressed, all surface water withdrawals from this lake shall be abandoned or replaced with a ground-water, or reuse source. Prior to replacement the Permittee shall modify or renew the permit to include the replacement withdrawal point.(669)
19. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID No. 10, Permittee ID No. 10. 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)
20. 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, 3, 4, 5, and 7, Permittee ID Nos. G-1, S-3, G-4, G-5, and East. 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)

21. Lake Streety is a guidance lake in accordance with 40D-8.624, F.AC., and has established guidance water levels. If the District determines Lake Streety is to be designated as a stressed or MFL lake in the future, the Permittee will be notified of this designation and shall be restricted to the rules in place at the time of notification.(991)
22. This project is located in the Central Florida Water Initiative (CFWI) area, an area with on-going impacts to water resources which are being addressed by the CFWI. If the District determines that adverse impacts to water resources or existing legal users are occurring or are projected to occur because of the Permittee's authorized withdrawals over the permit duration, the District, upon reasonable notice to the Permittee and including a statement of facts upon which the District based its determination, may modify quantities permitted or other conditions of the permit, as appropriate, to address the impact, but only after an opportunity for the Permittee to resolve or mitigate the impact or to request a hearing. Such modification, if any, will consider such factors as the Permittee's relative contribution to the water resource impact being addressed due to groundwater withdrawals, the timing of this permit issuance compared to presently existing legal use of water, and other considerations identified by the CFWI Solutions Planning and Regulatory Teams. Modifications may include mitigation of impacts and / or reconsideration of allocations or requirements to timely implement required actions that are consistent with the long-term, regional water supply solutions as implemented by rules. Such actions may include the development of alternative water supplies, the implementation of water resource and / or water supply development projects, the application of impact offsets or substitution credits, operating plans, heightened water conservation or other appropriate actions. Nothing in this condition is intended to abrogate the rights of the Governing Board or of any other person under Section 373.233, Florida Statute.(1025)
23. The Central Florida Water Initiative documented existing water resource environmental impacts within its boundaries. This Initiative remains underway and is, in part, crafting long-term water supply solutions for the region. As a component of immediate, interim measures the Permittee is encouraged to participate in the District's on-going, heightened water conservation public education program. Given the Permittee's use class, opportunities may include such activities as participation in water conservation public service announcements, demonstrations of irrigation efficiency at community gardens, posting water conservation information or links on the Permittee's website. Please contact the Water Use Permit Bureau Chief at 813 985-7481, to discuss opportunities for participation in this important District effort.(1026)
24. The permittee is eligible for water conserving credits on October 1, 2030, through the submittal of a Letter Modification Application." The Permittee must be in compliance with all permit conditions and have submitted all appropriate seasonal and annual crop reporting forms to be eligible for the additional water conserving credits. The available water conserving credit quantity will be equal to twice the difference between the 5-in-10 and 2-in-10 irrigation requirements as determined by AGMOD. (1027)

40D-2  
Exhibit A

**WATER USE PERMIT STANDARD CONDITIONS**

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

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

Exhibit B  
Instructions

METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month for monthly reporting frequencies. For bi-annual reporting, the data shall be recorded on a monthly basis and reported on or before the tenth day of the month following the sixth month of recorded data. The Permittee shall submit meter readings online using the Permit Information Center at [www.swfwmd.state.fl.us/permits/epermitting/](http://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](http://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.

#### 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.

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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**

**November 17, 2020**

**WUP No. 20007350.007 / Felton Walker Farms / Felton C Walker Jr (Manatee County)**

This is a modification of an existing Water Use Permit (WUP) for Agricultural Use. There is a change in authorized groundwater withdrawals as a result of this permit modification. The authorized quantities increase from 1,383,200 gallons per day (gpd) to 1,692,900 gpd on an annual average basis and from 3,869,100 gpd to 4,429,900 gpd on a peak month basis. The increases are due to the addition of 82 acres of spring tomatoes and 82 acres of fall tomatoes associated with previously unfarmed acreage. There is no change in use type from the previous permit. Quantities are based on the District's irrigation allotment calculation program, AGMOD. This Permit is located within the Most Impacted Area (MIA) of the Southern Water Use Caution Area. The increase is authorized based on the self-relocation of quantities from WUP No. 20006007.006, which is provided for by District rules as long as all conditions for issuance are met. The Permittee is not currently using alternative water sources (AWS) because none are available at this time.

Special Conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, submit meter accuracy test reports for each withdrawal every five years, submit seasonal crop reports, modify the Permit to reflect incorporation of any new alternative sources of water, adhere to specific well construction stipulations for the proposed well, implement water conservation and best management practices, and submit a water conservation progress report by April 01, 2027.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

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

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
WATER USE PERMIT  
Individual  
PERMIT NO. 20 007350.007**

**PERMIT ISSUE DATE:** November 17, 2020

**EXPIRATION DATE:** April 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:** Felton C Walker Jr  
Post Office Box 1132  
Ruskin, FL 33575-1132

**PROJECT NAME:** Felton Walker Farms  
**WATER USE CAUTION AREA(S):** SOUTHERN WATER USE CAUTION AREA, Most Impacted Area  
**COUNTY:** Manatee

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

ANNUAL AVERAGE	1,692,900 gpd
PEAK MONTH <sup>1</sup>	4,429,900 gpd
DROUGHT ANNUAL AVERAGE <sup>2</sup>	1,692,900 gpd

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

**ABSTRACT:**

This is a modification of an existing water use permit for Agricultural Use. The authorized quantities have increased from those previously permitted. The Annual Average quantity increases from 1,383,200 gallons per day (gpd) to 1,692,900 gpd and the Peak Month quantity increases from 3,869,100 gpd to 4,429,900 gpd. The increases are due to the addition of 82 acres of spring tomatoes and 82 acres of fall tomatoes associated with previously unfarmed acreage. There are no changes in Use Type from the previous permit. Quantities are based on the District's irrigation allotment calculation program, AGMOD. This permit is located within the Most Impacted Area (MIA) of the Southern Water Use Caution Area. The increase is authorized based on the Self-Relocation of quantities from Water Use Permit No. 20006007.006. The Permittee is not currently using alternative water sources (AWS) because none are available at this time.

Special Conditions include those that require the Permittee to continue to record and report monthly meter readings from all withdrawal points, submit meter accuracy test reports for each withdrawal every five years, submit seasonal crop reports, modify the permit to reflect incorporation of any new alternative sources of water, adhere to specific well construction stipulations for the proposed well, implement water conservation and best management practices, and submit a water conservation progress report by April 01, 2027.

**WATER USE TABLE (in gpd)**

<b><u>USE</u></b>	<b><u>ANNUAL AVERAGE</u></b>	<b><u>PEAK MONTH</u></b>	<b><u>DROUGHT ANNUAL AVERAGE</u></b>
Agricultural	1,692,900	4,429,900	1,692,900

**USES AND IRRIGATION ALLOCATION RATE TABLE**

<b><u>CROP/USE TYPE</u></b>	<b><u>IRRIGATED ACRES</u></b>	<b><u>IRRIGATION METHOD</u></b>	<b><u>STANDARD IRRIGATION RATE</u></b>	<b><u>DROUGHT IRRIGATION RATE</u></b>
Melons	95.00	Seepage With Plastic	34.40"/yr.	34.38"/yr.
Tomatoes (Fall)	150.00	Seepage With Plastic	20.10"/yr.	20.07"/yr.
Tomatoes (Fall)	82.00	Seepage With Plastic	24.80"/yr.	24.79"/yr.
Tomatoes (Spring)	144.00	Seepage With Plastic	34.30"/yr.	34.33"/yr.
Tomatoes (Spring)	216.00	Seepage With Plastic	34.10"/yr.	34.13"/yr.
Tomatoes (Spring)	82.00	Seepage With Plastic	26.00"/yr.	25.98"/yr.

**WITHDRAWAL POINT QUANTITY TABLE**

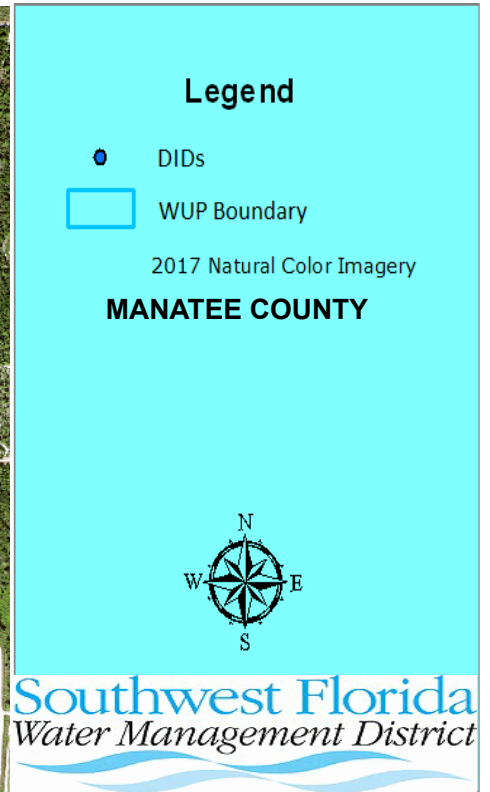
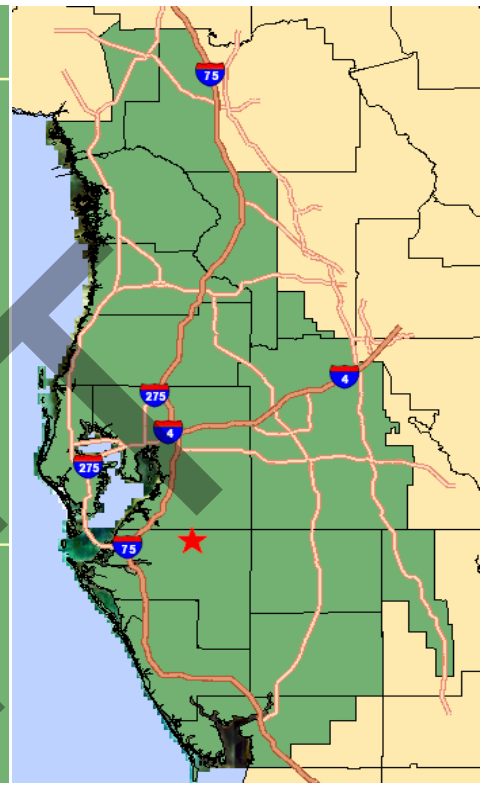
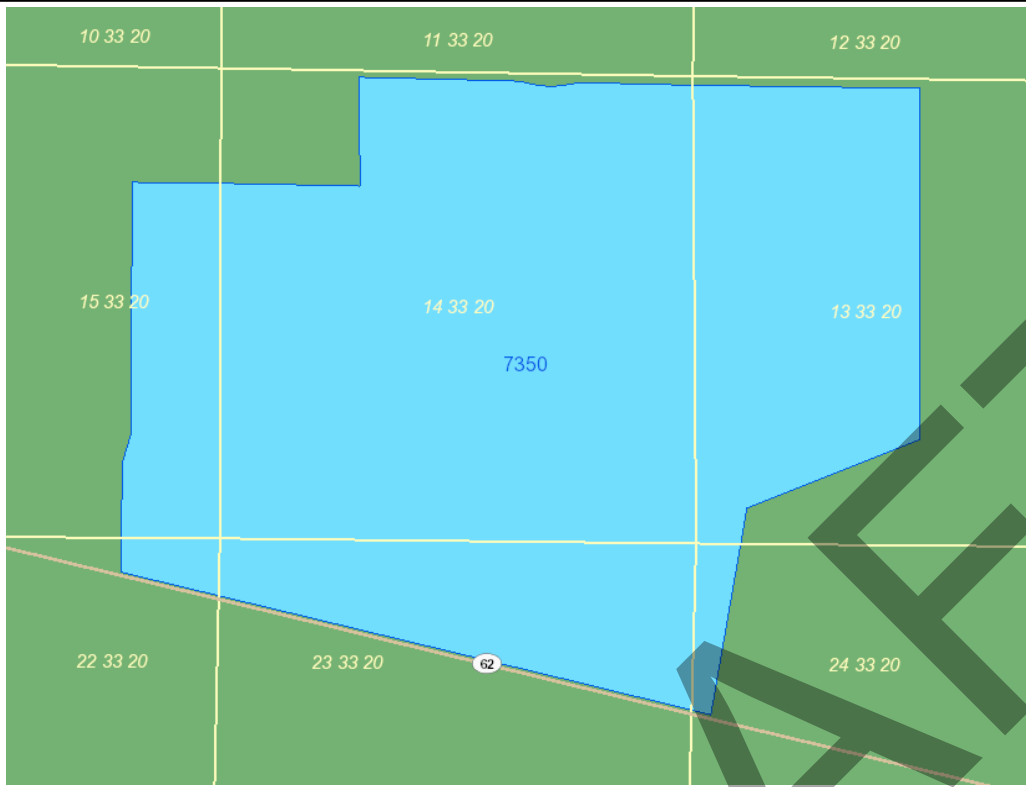
Water use from these withdrawal points are restricted to the quantities given below :

<b><u>I.D. NO. PERMITTEE/ DISTRICT</u></b>	<b><u>DIAM (in.)</u></b>	<b><u>DEPTH TTL./CSD.FT. (feet bls)</u></b>	<b><u>USE DESCRIPTION</u></b>	<b><u>AVERAGE (gpd)</u></b>	<b><u>PEAK MONTH (gpd)</u></b>
1A / 1	8	1,034 / 266	Irrigation	304,300	997,900
2A / 2	10	1,022 / 236	Irrigation	294,800	624,400
2 / 3	10	1,061 / 273	Irrigation	304,300	997,900
1 / 4	10	1,025 / 322	Irrigation	295,900	624,500
5 / 5	12	1,000 / 400	Irrigation	493,600	1,185,200

**WITHDRAWAL POINT LOCATION TABLE**

<b><u>DISTRICT I.D. NO.</u></b>	<b><u>LATITUDE/LONGITUDE</u></b>
1	27° 36' 39.32"/82° 16' 39.03"
2	27° 36' 16.64"/82° 15' 53.68"
3	27° 36' 25.00"/82° 16' 40.09"
4	27° 36' 35.77"/82° 16' 37.35"
5	27° 36' 30.27"/82° 16' 10.95"

Location Map  
Felton C Walker Jr  
WUP No. 20 007350.007



**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/](http://www.swfwmd.state.fl.us/permits/epermitting/)) to submit data, plans or reports online. There are instructions at the District website on how to register to set up an account to do so. If the report or data is received on or before the tenth day of the month following data collection, it shall be deemed as a timely submittal.

All mailed reports and data are to be sent to:

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

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

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

2. The annual average daily, peak month, and crop protection/maximum, if applicable, quantities for District ID Nos. 1, 2, 3, and 4, Permittee ID Nos. 1A, 2A, 2, and 1, shown in the withdrawal point quantity table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary up to 304,300 gallons per day on an annual average basis, and up to 997,900 gallons per day on a peak month basis, so long as adverse environmental impacts do not result and the Permittee complies with all other conditions of this Permit. In all cases, the total annual average daily withdrawal, the total peak month daily withdrawal, and the total crop protection withdrawal are limited to the quantities set forth above.(221)
3. The Permittee shall construct the proposed wells according to the surface diameter and casing depth specifications below. The casing shall be continuous from land surface to the minimum depth stated and is specified to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth at which high producing zones are encountered. However, it is the Permittee's responsibility to have the water in the well sampled during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by the Permittee, and to ensure that withdrawals from the well will not cause salt-water intrusion. All depths given are in feet below land surface. For Well Construction requirements see Exhibit B, Well Construction Instructions, attached to and made part to this permit.  
  
District ID No. 5, Permittee ID No. 5 having a surface diameter of 12 inches, with a minimum casing depth of 400 feet.  
(240)
4. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)

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

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

10. The Permittee shall immediately implement the District-approved water conservation plan dated April 06, 2017 that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. Progress reports on the implementation of water conservation practices indicated as proposed in the plan as well as achievements in water savings that have been realized from each water conservation practice shall be submitted by April 01, 2027.(449)
11. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water. (458)
12. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for seasonal crops for each permitted irrigation withdrawal point, District ID. Nos. 1, 2, 3, 4, 5; Permittee ID Nos. 1A, 2A, 2, 1, 5:
  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)

13. The Permittee shall submit a copy of all well completion reports as filed with the Environmental Action Commission of Manatee County to the Water Use Permit Bureau within 30 days of each well completion.(508)
14. 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)
15. 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)
16. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.(652)
17. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID No. 5, Permittee ID No. 5. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(718)
18. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID Nos. 1, 2, 3, 4; Permittee ID Nos. 1A, 2A, 2, 1. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(719)

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/](http://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](http://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.

#### 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.

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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**

**November 17, 2020**

**Authorization to Issue Administrative Complaint and Order - Well Construction Violations -  
Dustin Tyler - CT No. 409509 - Polk County**

On April 27, 2020, the District received a complaint about the construction of a water well at 3650 Lake Ellen Drive, Haines City, Florida. On April 28, 2020, District staff conducted a site inspection and observed a water well had indeed been constructed at that address. Staff obtained a bill of sale from the owner of the property identifying Dustin Tyler and Davenport Well and Pump Service as the driller of the well. District staff determined that no well construction permit had been issued for the construction of a water well at that address, and that Mr. Tyler is not a licensed water well contractor.

The Water Well Construction Disciplinary Guidelines and Citations Dictionary, June 22, 2014, provides for the following penalties for the above-described violations:

- \$5,000 for practicing water well contracting without a license.
- \$1,500 for failing to obtain a permit prior to constructing a water well.

District staff is requesting authorization to issue an Administrative Complaint and Order pursuant to Section 373.119 and 373.333, F.S., to address the violations listed above, including penalties. It should be noted that Mr. Tyler is also the subject of two other existing compliance matters involving nearly identical violations being handled by the Office of General Counsel, and this matter will be pursued along with those.

**Staff Recommendation:**

- 1) Authorize District staff to issue an Administrative Complaint and Order to the Well Contractor to obtain compliance with District rules, and seek assessment of civil penalties, including applicable fines, including the full amount of the penalty described above, as well as taxable costs and attorneys' fees.
- 2) Authorize District staff to initiate litigation against the Well Contractor to enforce the terms of the Administrative Complaint and Order, if necessary.

**Presenter:**

Michael R. Bray, Assistant General Counsel

**CONSENT AGENDA****November 17, 2020****Approval of Consent Order between SWFWMD and Philip VonKahle - Permit Condition Violations  
- Water Use Permit No. 10218.009 - CT Nos. 406254 and 408507 - Charlotte County**

This matter involves Water Use Permit 10218.009 ("Permit") authorizing dewatering on a mining project in Charlotte County known as the Hall Bermont Mine ("Hall Bermont"). The District identified several permit condition violations at the site, including the failure to adhere to the Permit's monitoring conditions and failure to construct hydraulic recharge ditches as required to ensure protection of wetlands and water tables in the area around the mining operation. To remedy the violations of the Permit conditions, District staff seek approval of a Consent Order requiring the parties to comply with corrective construction and maintenance, as well as requiring a payment of penalties and costs for the investigation.

On January 12, 2011, the District issued a water use permit to M. Lewis Hall Protective Trust ("Trust"), modifying an existing water use permit for mining and dewatering at Hall Bermont. On March 8, 2019, the water use permit was transferred from the Trust to Mr. Philip VonKahle (Permittee), who is identified as the curator for the Trust. The Permit required recharge ditches to be constructed around mining cells prior to the start of excavation to maintain the water table in the area. The Permit also required submission of water level data for on-site wetlands, recharge ditches, and other areas to ensure the mining activities did not cause adverse impacts. The Permittee has failed to meet the requirements in the Permit by failing to install required monitoring devices, failing to collect and submit the required reports for monitoring devices, failing to construct recharge ditches prior to excavation, and failing to maintain recharge ditches with the appropriate water levels.

On September 17, 2020, District staff sent the Permittee a Notice of Violation and a proposed Consent Order, which contained terms for the payment of penalties in addition to completion of corrective actions. The Permittee has agreed to complete the necessary corrective actions to bring Hall Bermont into compliance with the Permit and District rules and regulations for water use permitting. Further, the Permittee agreed that Hall Bermont has incurred \$6,850.00 in penalties and \$3,250.00 in costs for a total of \$10,100.00. The Consent Order requires an initial payment covering the District costs in the amount of \$3,250.00 as well as a payment of \$3,425.00 in penalties. The remaining \$3,425.00 in penalties incurred by the Permittee will become due upon demand if the Permittee fails to timely complete the necessary corrective actions.

**Staff Recommendation:**

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

**Presenter:**

Elizabeth Fernandez, Staff Attorney

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 20 -

IN RE: Hall Bermont Pit  
WUP NO. 10218.007; .008; .009  
CT NO. 406254 & 408507  
CHARLOTTE COUNTY, FLORIDA

**CONSENT ORDER**

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

**FINDINGS OF FACT**

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries, and to administer and enforce Chapter 373, F.S., and the rules promulgated thereunder as Chapter 40D-2, Florida Administrative Code (F.A.C.).

2. The District is responsible for the administration of the water use, or consumptive use, permitting program in its jurisdiction pursuant to its authority granted under Chapter 373 and consistent with delegated authority from the Florida Department of Environmental Protection.

3. When applying to the District for a Water Use Permit ("WUP"), an applicant is required to demonstrate the conditions of issuance in 40D-2.301, Florida Administrative Code. This includes demonstration that the proposed water use is a reasonable-beneficial use and will not interfere with any existing legal use of water.

4. The applications submitted to the District for a WUP servicing a mine site with associated dewatering activities may require water modeling, construction plans, mining plans, environmental assessments, monitoring requirements, or other documentation which must demonstrate by reasonable assurance that the proposed mining/dewatering activities would not cause harm to the water resources of the area.

5. In accordance with 40D-2.381, F.A.C., when issuing a WUP the District must include standard and special conditions to ensure that the permit continues to meet the conditions for issuance throughout the duration of the issued Water Use Permit. These standard and special conditions are typically, but not exclusively, based upon the documentation submitted by the permittee in conjunction with the application for a WUP.

6. On January 12, 2011, the District issued WUP No. 10218.007 ("Permit") to M. Lewis Hall Protective Trust, modifying an existing WUP servicing a mining project of approximately 76 acres in Charlotte County for mining and associated dewatering.

7. The mining plans submitted in the application demonstrated the conditions of issuance for the Permit. The documents submitted in the application included water modeling, proposed construction plans, and proposed monitoring requirements.

8. The Permit requires the Permittee to comply with the proposed construction plans and monitoring requirements the Permittee submitted to the District. These construction plans and monitoring requirements, in conjunction with modeling and environmental assessments, establish by reasonable assurances that - if the plans are adhered to - the permitted activities would not cause harm to the water resources of the area.

9. WUP, No. 10218.007 was modified on December 22, 2015, resulting in WUP 10218.008 which changed permitted water withdrawal quantities and added additional conditions to the permitted activities.

10. On March 8, 2019, the Permit was transferred from the Trust to Mr. Philip VonKahle (Permittee), resulting in WUP 10218.009.

11. The Permit establishes requirements for monitoring and maintaining water levels in wetlands and recharge ditches on site.

12. On July 17, 2020 the District sent a Notice of Violation to the Permittee informing the Permittee that he violated the Permit by failing to install required monitoring devices in accordance with the monitoring plans, by failing to collect and submit the required reports for monitoring devices in accordance with the monitoring plans, by failing to construct recharge ditches prior to excavation in accordance with the construction plans, and failing to maintain recharge ditches with the appropriate water levels in accordance with the construction plans and monitoring plans.

13. The Permittee has failed to comply with Special Condition No. 2 and 3, which requires a recharge ditch to be constructed prior the start of excavation, and further requires the designated water levels in the ditches to be maintained. The District observed excavation of Cell A3 prior to the installation of the recharge ditch, and after the installation of the recharge ditch it was observed that the ditch was dry and did not meet the required water levels.

14. The Permittee failed to comply with Special Condition 9 which requires updated Hydrobiological Monitoring Plans to be submitted annually. The District has no updated Hydrobiological Monitoring Plans for years 2017, 2018, and 2019. Further, of the

Hydrobiological Monitoring Plans the District does have, a staff gauge is required in the western recharge ditch and a monitoring well must be installed near wetland 4. The Permittee violated the Permit by failing to adequately install the requisite staff gauge and monitoring well. The staff gauge and monitoring well was properly installed and surveyed on October 6, 2020 after the first Notice of Violation was sent to the Permittee.

15. Finally, the Permittee is in violation of standard condition 12 which states that the Permittee shall not deviate from the Permit without written approval of the District.

16. District staff has regularly observed that the mining operation does not conform to the plans submitted to the District, but the Permittee has not reported inconsistencies to the District prior to the District's in-person observation of the violations.

17. In addition to the aforementioned historical violations, as of the date of this Consent Order, the Permittee continues to be in non-compliance with the Permit because data has not been reported for all monitoring devices as required, water levels in the recharge ditches are not reporting at the appropriate levels, and the District is not receiving regular reports on water levels as required.

18. The Parties herein have agreed to resolve all disputed issues regarding the violations set forth above, as described in this Consent Order.

#### CONCLUSIONS OF LAW

19. The District has jurisdiction over this matter pursuant to Chapter 373 Part II of the Florida Statutes (F.S.), and 40D-2, F.A.C.

20. The District may seek a penalty of up to \$10,000.00 for each of the violations listed above for each date of the violation, and is further authorized to recover its investigative costs, court costs, and reasonable attorney fees.

21. The actions and omissions in paragraph 12 - 17 above constitute violations of the Permit for failure to comply with the Permits conditions.

#### CORRECTIVE ACTIONS

22. In settlement of the matters described in this Consent Order, the Parties agree to the following corrective actions:

- a. Immediately upon of approval of this Consent Order, the Permittee shall begin to collect monitoring data on all monitoring devices every two weeks, and shall submit monitoring data reports to the District monthly before the 10th day of each month.
- b. Immediately upon of approval of this Consent Order, the Permittee shall establish water levels in the recharge ditches that meet with the design water levels, and shall give the District notice that those levels have been met. Permittee shall maintain the design water levels thereafter.
- c. The Permittee shall construct the recharge ditches and the berm in accordance with the currently permitted plans on or before January 4, 2021.
- d. The Permittee shall submit to the District a WUP application for renewal and modification that complies with District Rules and Florida Statutes within thirty (30) days of approval of this Consent Order by the District's Governing Board. Permittee shall comply with any District requests for additional information or clarification within the time frame specified in the requests. Permittee shall obtain an WUP renewal and 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 WUP permit.

23. Further, the Permittee shall owe the District penalties totaling \$6,850.00, District investigative enforcement costs of \$2,500.00, and District attorney's fees totaling \$750.00 for a total of \$10,100.00. Permittees shall pay half of the incurred penalties, \$3,425.00, in addition to the investigative enforcement costs \$2,500.00 and attorney fees of \$750.00 for a total of \$6,675.00 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, FL 34604-6899

24. The remaining \$3,425.00 in assessed penalties shall be waived upon the timely completion of the Corrective Actions and compliance with the obligations under this Consent Order. If Permittees fail to meet the deadlines established for the corrective actions, or is found to have any new violations of the Permit, the remaining \$3,425.00, in addition to any other penalties, shall become due immediately upon the District's written demand for such. Permittees 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.

25. For each day of delay beyond any due date specified in this Consent Order, the Permittees shall pay to the District an additional sum of Two-Hundred and Fifty dollars (\$250.00) per day. This additional sum shall be paid by the Permittee upon the District's

mailing to the Permittee a demand letter for payment. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.

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

27. 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.

28. The Permittee hereby waives any right to an administrative hearing or judicial review of the terms of this Consent Order.

29. The District hereby expressly reserves and retains the right to initiate appropriate legal action against the Permittee to prevent or prohibit the future violation of any applicable statutes, rules, or orders, except as specifically addressed in this Consent Order.

30. For and in consideration of the complete and timely performance by the Permittee of the 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 that the Permittee fails to completely and timely perform the obligations under this Consent Order, the District retains the right to pursue civil or administrative action for any violations described herein.

31. The Permittee agrees to henceforth fully comply with all the terms and conditions of the WUP, including any modifications or renewals thereof. The Permittee acknowledges by the execution of this Consent Order that any future violation of Chapter

373, F.S., District rules, or the terms of the WUP, including any modifications or renewals thereof, may necessitate administrative action or civil suit in which civil penalties of up to Fifteen Thousand Dollars (\$15,000.00) per day, per offense, may be imposed.

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

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

34. Any person, who is not a party to this Consent Order, whose substantial interests are affected by the District's action in this Consent Order may request an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Rule 28-106.201(2), F.A.C., including but not limited to: (1) an explanation of how the substantial interests of each person requesting the hearing will be affected by the District's action; (2) a statement of all disputed issues of material fact; (3) the Consent Order number; (4) the name, address and telephone number of the person requesting the hearing and, if applicable, of the person's representative; (5) a statement of when and how the person requesting the hearing received notice of the District's action; (6) a concise statement of the ultimate facts alleged, including the specific facts warranting reversal or modification of the District's action; and (8) the relief sought, including precisely what action the requester wishes the agency to take. A request for hearing that does not dispute the material facts on which the District's action is based shall state that no material facts are in dispute,

contain the same information set forth above (with the exception of item (2)), and otherwise comply with Rule 28-106.301(2), F.A.C. A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776 or (813) 367-9778, 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.

  
\_\_\_\_\_  
Witness

By:   
\_\_\_\_\_  
Philip VonKahle, Permittee

10.30.20  
\_\_\_\_\_  
Date

Approved by the Governing Board of the Southwest Florida Water Management District  
this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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  
\_\_\_\_\_ 2020.

(Seal)

\_\_\_\_\_  
Deputy Agency Clerk

*HALL BERMONT PIT*  
*PHILIP VONKAHLE*  
WUP NO. 20 010218.007  
CT NO. 406254; 408507  
CHARLOTTE COUNTY, FLORIDA

**CONSENT AGENDA****November 17, 2020****Authorization to Issue Administrative Complaint and Order - Permit Condition Violations - La Forest at Green Springs the Gardens Homeowners' Association - Environmental Resource Permit No. 44005187.002 - CT No. 403833 - Pinellas County**

On June 29, 1989, the District issued Environmental Resource Permit (ERP) Number 40517 to Belpark Holdings Development, Inc., for the construction of a surface water management system to serve a 30.67-acre residential subdivision, known at that time as "Harbor Run Subdivision," located in Safety Harbor. On August 17, 2011, the District issued ERP Number 4405187.002 (Permit) to Belpark Homes, Inc. (Permittee), authorizing minor modifications and repairs to the original surface water management system. On March 30, 2012, the District received a "Statement of Completion and Request to Transfer to Operation Entity" from the Permittee certifying the modifications and repairs were constructed in accordance with the Permit and designating La Forest at Green Springs the Gardens Homeowners' Association (La Forest HOA) as the legal entity responsible for the operation and maintenance of the surface water management system serving the subdivision, now called "La Forest at Green Springs the Gardens" (Subdivision).

On April 17, 2019, the District received a flooding complaint from the owner of residential property located adjacent to the Subdivision. In response to the complaint, District staff conducted a site inspection and confirmed that the drainage swale along the eastern side of the Subdivision had been altered and that underdrains had been installed beneath the property line fence, allowing surface water to drain from 1212 Woodcrest Avenue directly into the backyard of 2125 Bow Lane. Additionally, District staff determined that the alteration of the drainage swale and the installation of the underdrains had not been authorized by the District.

On June 17, 2019, and November 4, 2019, the District notified La Forest HOA of the flooding complaint and advised that alteration of the surface water management system without prior approval from the District is a violation of the Permit and District rules. On January 19, 2020, in response to the District, La Forest HOA stated it would not retain an engineer to address the flooding complaint nor would it enforce any violation of District rules against individual homeowners within the Subdivision. On August 11, 2020, District staff conducted another site inspection and confirmed that the drainage swale on Block A, Lots 11, 12, and 13, has been altered and that at least two (2) underdrains have been installed.

On October 5, 2020, the District issued a Notice of Violation to La Forest HOA concerning the alterations to the surface water management system, and advised that any regulated activity undertaken within the Subdivision without prior approval from the District could result in monetary penalties and further enforcement action if not corrected within a timely manner. To date, La Forest HOA has not contacted the District regarding the violations, and the Subdivision remains in noncompliance.

Staff Recommendation:

1. Authorize District staff to issue an Administrative Complaint and Order to La Forest HOA to obtain compliance with District rules.
2. Authorize District staff to initiate an action in Circuit Court against La Forest HOA 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**

**November 17, 2020**

**Approve Governing Board Minutes - October 20, 2020**

Staff Recommendation:

Approve minutes as presented

Presenter:

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

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

OCTOBER 20, 2020

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

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 8:00 a.m., on October 20, 2020, at its Brooksville Office, 2379 Broad Street, Brooksville, Florida. The following persons were in attendance either in person or via electronic media:

#### Board Members Present

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

\*Attended via electronic media

#### Staff Members

Brian J. Armstrong, Executive Director  
Amanda Rice, Assistant Executive Director  
Karen E. West, General Counsel  
John J. Campbell, Division Director  
Brian Starford, Division Director  
Michael Molligan, Division Director  
Jennette Seachrist, Division Director  
Michelle Hopkins, Division Director

#### Board Administrative Support

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

Approved minutes from previous meetings can be found on the District's website ([www.WaterMatters.org](http://www.WaterMatters.org)).

### CONVENE PUBLIC HEARING AND MEETING

#### 1.1 Call to Order

Chair Rice called the meeting to order and opened the public hearing.

Chair Rice 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.

#### 1.1a Oath of Office for Board Members

Ms. Virginia Singer, Board and Executive Services manager, administered the Oath of Office for reappointed Board Member Ed Armstrong and newly appointed Board Member John Mitten.

#### 1.2 Invocation and Pledge of Allegiance

Board Member John Mitten 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 at the dais. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input was only taken during the meeting via telephone communication.

### **1.3 Additions/Deletions to Agenda**

Mr. Brian Armstrong, executive director, stated there was an addition to the Consent Agenda:

#### **General Counsel's Report**

##### **2.7a Initiation of Rulemaking to Amend Chapter 40D-9, Florida Administrative Code**

Chair Rice stated there was good cause to amend the agenda as allowed by Section 120.525, Florida Statutes.

### **1.4 Public Input for Issues Not Listed on the Published Agenda**

Mr. David Ballard Geddes spoke regarding COVID-19.

#### **Consent**

##### **Finance/Outreach and Planning Committee**

#### **2.1 Resolution No. 20-15, Commending Jeffrey M. Adams for His Service as a Member of the Southwest Florida Water Management District Governing Board**

Staff recommended the Board approve Resolution No. 20-15, Commending Jeffrey M. Adams for his service as a member of the Southwest Florida Water Management District Governing Board.

#### **2.2 Office of Inspector General Performance Measures**

Staff recommended the Board approve the OIG performance measures.

#### **2.3 Budget Transfer Report**

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for September 2020.

##### **Resource Management Committee**

#### **2.4 Minimum Flows and Minimum Water Levels Priority List and Schedule Update**

Staff recommended approval of the District's Minimum Flows and Minimum Water Levels 2020 Priority List and Schedule for submission to DEP for review and approval as required by Chapter 373, F.S.

##### **Operations, Lands & Resource Monitoring Committee**

#### **2.5 Management Agreement with Hernando County for the Management and Use of the Bayport Tract – Weekiwachee Preserve Project - SWF Parcel No. 15-773-160X**

Staff recommended the Board approve the management agreement between the District and Hernando County for the management and use of the Bayport Tract SWF Parcel No. 15-773-160X

##### **Regulation Committee**

#### **2.6 WUP No. 20005750.010 / City of Davenport / City of Davenport (Polk County)**

Staff recommended approval of the proposed permit.

#### **General Counsel's Report**

#### **2.7 Authorization to Issue Administrative Complaint and Order – Well Construction Violations – St. Pete Complete Environmental, Inc. - Unlicensed - CT Number 409223 – Pinellas County**

Staff recommended the Board:

- 1) Authorize District staff to issue an Administrative Complaint and Order to St. Pete

- Complete Environmental, Inc. to obtain compliance, recover an administrative fine/civil penalty, and recover any District cost 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.

**2.7a Initiation of Rulemaking to Amend Chapter 40D-9, Florida Administrative Code**

Staff recommended the Board authorize the initiation of rulemaking to amend Chapter 40D- 9, Florida Administrative Code, to modify the District's land use rules.

**Executive Director's Report**

**2.8 Executive Director's Report: Approve Governing Board Minutes - September 22, 2020**

Staff requested the Board approve the minutes as presented.

**2.9 Executive Director's Report: Approve Fiscal Year 2020 Final Budget Hearing Minutes - September 22, 2020**

Staff requested the Board approve the minutes as presented.

**A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously.** (Audio - 00:13:15)

**Chair Rice relinquished the gavel to the Finance Committee Chair James Murphy, who called the meeting to order.** (Audio – 00:14:25)

**Finance/Outreach & Planning Committee**

**3.1 Moved for Discussion - None**

**3.2 Investment Strategy Quarterly Update**

Mr. John Grady, Public Trust Advisors, presented the investment review and the quarterly investment report for the quarter ending September 30, 2020.

Staff requested the Board accept and place on file the District's Quarterly Investment Reports for the quarter ended September 30, 2020.

**A motion was made and seconded to approve the staff's recommendation. The motion carried unanimously.** (Audio - 00:42:35)

**3.3 Annual Review of Board Policy, District Investment Policy**

Mr. John Campbell, Management Services director, provided an overview of the District investment policy. He outlined the proposed modifications to the policy.

This item was presented for the Board's information, and no action was requested. A copy of the current Investment Policy with the recommended changes redlined throughout the document is attached. Also attached is a "clean draft copy" of the revised Investment Policy that will be included as a consent item in the November 2020 Board packet and approval will be requested at that time.

**3.4 Development of Preliminary Budget for Fiscal Year (FY)2022**

Mr. John Campbell, Management Services director, stated that pursuant to Section 373.535, Florida Statutes, the water management districts are required to submit a preliminary budget to the Florida Legislature for review. Mr. Campbell provided a schedule for the FY2022 budget development, budget metrics, preliminary operating budget assumptions and revenue budget assumptions.

Staff requested the Board approve the general budget assumptions as outlined in the October 20, 2020 budget presentation for the development of the preliminary budget for FY2022.

**A motion was made and seconded to approve the staff's recommendation. The motion carried unanimously.** (Audio – 01:08:05)

#### **Submit & File Reports**

##### **3.5 Office of Inspector General Quarterly Update - July 1, 2020 to September 30, 2020**

This item was for the Board's information; no action was needed.

**Committee Chair Murphy relinquished the gavel to the Resource Management Committee Chair Seth Weightman, who called the Committee to order.** (Audio – 01:09:16)

#### **Resource Management Committee**

##### **4.1 Consent Item(s) Moved for Discussion - None**

**Committee Chair Weightman relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair Jack Bispham, who called the Committee to order.** (Audio – 01:10:15)

#### **Operations, Lands & Resource Monitoring Committee**

##### **5.1 Consent Item(s) Moved for Discussion - None**

##### **5.2 Hydrologic Conditions Report**

Mr. Granville Kinsman, P.G., Hydrologic Data manager, provided a presentation regarding hydrologic conditions. Mr. Kinsman stated the September rainfall was slightly above the long-term mean. However, as of October 20, there is still a four-inch deficit for district-wide rainfall. Mr. Kinsman stated that groundwater levels in the northern, central, and southern counties remain in the normal range but are showing normal seasonal declines. The northern, Lake Wales and Tampa Bay lakes remain in the normal range, and the Polk Upland lakes were in the above normal range. The Hillsborough, Peace and Alafia Rivers were in the above normal range. The Withlacoochee River remained in the normal range. Mr. Kinsman stated the City of Tampa and Bill Young reservoirs are considered full and the Peace River reservoir system has a healthy supply. The climate forecast anticipates below-normal rainfall for the upcoming winter and spring because of La Niña conditions.

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

**Committee Chair Bispham relinquished the gavel to the Regulation Committee Chair Roger Germann, who called the Committee to order.** (Audio – 01:19:54)

#### **Regulation Committee**

##### **6.1 Consent Item(s) Moved for Discussion - None**

##### **6.2 Denials Referred to the Governing Board**

None were presented

**Committee Chair Germann relinquished the gavel to Chair Rice.** (Audio – 01:20:30)

#### **General Counsel's Report**

##### **7.1 Consent Item(s) Moved for Discussion - None**

##### **7.2 2020 Sunshine Law Presentation**

Ms. Megan Albrecht, staff attorney, provided a presentation outlining the Sunshine Law. She explained the Sunshine Law is a right of access to governmental proceedings of public boards. Ms. Albrecht stated that Board members are subject to sunshine law.

Ms. Albrecht outlined the requirements that Board members must adhere to in order to maintain compliance with the Sunshine Law. She stated that meetings must be open to the public and reasonably noticed. Ms. Albrecht stated that minutes of meetings must be taken and promptly recorded. She provided hypothetical examples of violations and penalties associated. Ms. Albrecht explained the process of curing violations.

Ms. Albrecht addressed violations of the Sunshine Law as related to social media. She provided hypothetical examples.

This item was for the Board's information; no action was needed.

### **Committee/Liaison Reports**

#### **8.1 Agricultural and Green Industry Advisory Committee**

Mr. Michael Molligan, Employee and External Relations director, provided information regarding the September 15 meeting. He highlighted recognition that was received regarding the Citrus County Task Force soliciting feedback from the citrus industry. The committee provided a letter to the Governing Board expressing its support and appreciation for the work of the task force and the collaborative manner, the effort was conducted. A written summary of the meeting was provided.

### **Executive Director's Report**

#### **9.1 Executive Director's Report**

Mr. Brian Armstrong, executive director, provided the Board with an overview of his goals for FY2021. A written copy was provided for the Board's review.

### **Chair's Report**

#### **10.1 2020 Employee Evaluation and 2021 Performance Goals for the Executive Director and Inspector General**

Chair Rice stated that the Board Members were provided with the 2020 employee evaluation and FY2021 goals for the executive director and the inspector general. He stated that final recommended scores were provided based upon the individual scores received from Board.

**A motion was made to approve the recommended evaluations for the Executive Director and the Inspector General, and an amendment to the executive director's contract to provide for a salary increase for him. The motion was seconded and carried unanimously. (01:34:10)**

#### **10.2 Chair's Report**

Chair Rice welcomed the new and re-appointed Board Members.

Chair Rice reminded the Board Members of the workshop scheduled for December.

The next Board meeting is scheduled for November 17 at 9:00 a.m., in the Tampa Office.

#### **10.3 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 were recognized: Ronnie Crosby and Yolanda Velasquez.

**Adjournment**

The meeting adjourned at 9:45 a.m.

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Chair

Attest:

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Secretary

*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 Donna Eisenbeis, Sr. Performance Management Professional, at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only), ext. 4706; or email [ADACoordinator@WaterMatters.org](mailto:ADACoordinator@WaterMatters.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice). If requested, appropriate auxiliary aids and services will be provided at any public meeting, forum, or event of the District. In the event of a complaint, please follow the grievance procedure located at [WaterMatters.org/ADA](http://WaterMatters.org/ADA).*

### 3. Finance/Outreach & Planning

**Governing Board Meeting**  
**November 17, 2020**

**3. FINANCE/OUTREACH & PLANNING COMMITTEE**

- 3.1 **Discussion:** Information Only: Consent Item(s) Moved to Discussion ..... 131
- 3.2 **Submit & File:** Information Only: Budget Transfer Report ..... 132

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**November 17, 2020**

**Information Only**

**Consent Item(s) Moved to Discussion**

Presenter:

Michael Molligan, Division Director, Employee and External Relations

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**November 17, 2020**

**Submit and File**

**Budget Transfer Report**

*Purpose*

Provide the Budget Transfer Report covering all budget transfers made during the month of October 2020.

*Background*

In accordance with Board Policy, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are 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 October 2020.

Staff Recommendation:

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

Presenter:

Melisa J. Lowe, Bureau Chief, Finance

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**  
**Budget Transfer Report**  
**October 2020**

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---			
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category	Reason For Transfer		Transfer Amount
<b><u>Change from Original Budget Intent - FY2020</u></b>					
1	Communications and Board Services Travel - Staff Duties Travel - Training	Communications and Board Services Advertising and Public Notices	Transfer of funds originally budgeted for staff travel and training within the Communications section. Expenditures were less than anticipated due to travel restrictions as a result of COVID-19. The funds are needed for additional noticing requirements in newspapers due to changes in Governing Board meeting location during fiscal year 2020 as a result of COVID-19.	\$	6,350.00
2	Project Management Office Consultant Services	Project Management Office Capitalized - Consultant Services	Transfer of funds originally budgeted for the development of a component inventory for the District's major water control structures. Expenditures will be less than anticipated based on negotiated task work assignments. The funds are needed for additional consultant services to develop a standard set of specifications to replace existing hydraulic lift systems with rotating drum lift systems for positioning control of vertical lift gates on District flood control structures. This will improve the reliability and repeatability of gate operations and reduce maintenance.		6,588.04
<b><u>Change from Original Budget Intent - FY2021</u></b>					
3	Communications and Board Services Salaries	Communications and Board Services Temp Contracted Services	Transfer of funds originally budgeted for regular salaries and wages for Board and Executive Services staff. Expenditures will be less than anticipated due to an unanticipated vacancy. The funds are needed to hire a contingent worker until the vacancy is filled.		9,500.00
4	Water Resources Grant - Financial Assistance	Data Collection Other Contractual Services	Transfer of funds originally budgeted for the Culbreath Road Area Flood Relief Cooperative Funding Initiative project with Hernando County. A contract amendment due to a scope reduction approved by the Governing Board on August 25, 2020 has released previously budgeted funds. The funds are required for delegated well abandonment oversight in Manatee and Sarasota counties.		25,000.00
<b>Total Change from Original Budget Intent</b>				<b>\$</b>	<b>47,438.04</b>
<b><u>Consistent with Original Budget Intent - FY2020</u></b>					
1	Information Technology General Services Lease Capital Leased Outside Equipment	Information Technology General Services Financed Equipment - Computer Financed Equipment - Vehicles Leased Inside Equipment	Funds are needed for the original purpose budgeted for equipment leased by the Information Technology Services, Fleet Services, and Document Services sections. The funds are being transferred to appropriate expenditure categories for accounting purposes based on recent guidance from Governmental Accounting Standards Board. The leased equipment includes network infrastructure equipment, data storage equipment, heavy equipment transport trucks, print shop equipment, and Districtwide multi-functional device printers.	\$	515,363.00
<b><u>Consistent with Original Budget Intent - FY2021</u></b>					
2	Communications and Board Services Consultant Services	Communications and Board Services Equipment - Outside	Funds are needed for the original purpose budgeted for signage associated with the Rainfall Signage to Reduce Residential Irrigation project. The funds are being transferred to the appropriate expenditure category for the purchase of digital signage that will inform residents of weekly rainfall. The cost of the signage exceeds the \$5,000 capital threshold and will become a District asset.		25,000.00

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**  
**Budget Transfer Report**  
**October 2020**

Item No.	--- TRANSFERRED FROM ---	--- TRANSFERRED TO ---	Reason For Transfer	Transfer Amount
	Bureau / Expenditure Category	Bureau / Expenditure Category		
3	Information Technology Data Collection Equipment - Computer Equipment - Outside	Information Technology Data Collection Equipment - Non-Capital Outlay	Funds are needed for the original purpose budgeted for equipment purchased by the Information Technology Services, Hydrologic Data, and Water Quality Monitoring Program sections. The funds are being transferred to the appropriate expenditure category for accounting purposes based on the capital threshold increasing from \$1,000 to \$5,000 per item effective October 1, 2020. These funds were budgeted prior to the change.	78,526.41
4	General Services Maintenance/Repair of Equipment	General Services Leased Inside Equipment	Transfer of funds originally budgeted for the cost of maintenance for the leased Print Shop equipment. The funds are being transferred to the appropriate expenditure category for the fixed monthly fees associated with the lease. Previous lease agreement separated the monthly cost of maintenance from the rest of the fixed monthly fees; whereas, the new lease does not.	25,000.00
<b>Total Consistent with Original Budget Intent</b>				<b>\$ 643,889.41</b>
<b>Total Transfers for Governing Board Ratification</b>				<b>\$ 691,327.45</b>

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.

## 4. Resource Management

# Governing Board Meeting

## November 17, 2020

### 4. RESOURCE MANAGEMENT COMMITTEE

4.1	Consent Item(s) Moved for Discussion .....	135
4.2	<b>Discussion:</b> Action Item: 2020 Central Florida Water Initiative Regional Water Supply Plan .....	136
4.3	<b>Discussion:</b> Action Item: 2020 Regional Water Supply Plan .....	142

**RESOURCE MANAGEMENT COMMITTEE**

**November 17, 2020**

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

Presenter:

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

**RESOURCE MANAGEMENT COMMITTEE****November 17, 2020****Action Item****2020 Central Florida Water Initiative Regional Water Supply Plan***Purpose*

The purpose of this item is to request Governing Board approval of the 2020 Central Florida Water Initiative (CFWI) Regional Water Supply Plan (RWSP) final draft.

*Background/History*

The CFWI is a collaborative water supply planning effort among the state's three largest water management districts (St. Johns River, South Florida and Southwest Florida), the Florida Department of Environmental Protection (FDEP), the Florida Department of Agriculture and Consumer Services (FDACS), regional utilities, business organizations, environmental groups, agricultural interests and other stakeholders. The CFWI Planning Area includes all of Orange, Osceola, Polk and Seminole counties and southern Lake County. Each of the three water management districts share common boundaries within the Planning Area.

The CFWI mission is to help protect, develop, conserve, and restore central Florida's water resources by collaborating to develop a unified process to address central Florida's current and long-term water supply needs. The CFWI is led by a Steering Committee that includes a public water supply utility representative, a Governing Board member from each water management district, and representatives from FDEP and FDACS. The Steering Committee has guided the technical and planning teams on development of the 2020 CFWI RWSP final draft, which ensures the protection of water resources and related natural systems and identifies sustainable water supplies for all water uses within the CFWI Planning Area through 2040.

The 2020 CFWI RWSP public draft was presented to the Governing Board at the February 25, 2020, Board meeting. Presentations were also made to the other two water management district governing boards, and the 2020 CFWI RWSP public draft was made available for stakeholder and public comment from March 13 to May 15, 2020. Two public workshops were held to solicit input. Comments received were evaluated and incorporated into the final draft where appropriate. The 2020 CFWI RWSP final draft was presented to and reviewed by the Steering Committee at its meeting on October 28, 2020. The Steering Committee recommended that the final draft be presented to the three water management district Governing Boards for approval and use in meeting their respective water supply planning responsibilities. A draft order approving the 2020 CFWI RWSP, which adopts and incorporates the findings and conclusions contained therein is included as an Exhibit to this item. An electronic version of the 2020 CFWI RWSP final draft is available on the CFWI website, and a link to that final draft is provided below.

<https://cfwiwater.com/planning.html>

Staff Recommendation:

Approve the 2020 Central Florida Water Initiative Regional Water Supply Plan final draft.

Presenter:

Joseph Quinn, AICP, Senior Project Manager, Water Resources Bureau

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ORDER NO. SWF 20 – 042

IN RE: 2020 CENTRAL FLORIDA WATER  
INITIATIVE REGIONAL WATER  
SUPPLY PLAN

**ORDER APPROVING THE  
2020 CENTRAL FLORIDA WATER INITIATIVE  
REGIONAL WATER SUPPLY PLAN**

THIS MATTER came before the Governing Board of the Southwest Florida Water Management District (District) on November 17, 2020. The Governing Board, having been fully advised of the matter, hereby approves the 2020 Central Florida Water Initiative Regional Water Supply Plan (2020 CFWI RWSP), which includes the following documents:

1. 2020 CFWI RWSP.
2. Appendices to 2020 CFWI RWSP.

The Governing Board hereby adopts and incorporates the findings and conclusions contained in these documents as approved on November 17, 2020, recognizing the District's authority for water supply planning extends to water supply planning regions within its boundaries as established in Section 373.069, Florida Statutes (F.S.).

**DONE AND ORDERED** by the Governing Board of the Southwest Florida Water Management District on November 17, 2020, in Brooksville, Hernando County, Florida.

**SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT**

Approved as to legal form and content

Chris Tumminia, Deputy General Counsel

By: \_\_\_\_\_  
Kelly S. Rice, Chair

Attest: \_\_\_\_\_

Filed this \_\_\_\_ day of  
November, 2020.

(SEAL)

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Deputy Agency Clerk

### **NOTICE OF RIGHTS**

As required by Chapter 120, F.S., the following provides notice of the opportunities that may be available for administrative hearing pursuant to Sections 120.569 and 120.57, F.S., or judicial review pursuant to Section 120.68, F.S., when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for each situation. Any substantially affected party may wish to consult an attorney regarding the applicable legal rights.

#### **Right to Request Administrative Hearing**

A person whose substantial interests are or may be affected by District's action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, F.S. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, F.S.; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), F.S. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has

taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

### **Filing Instructions**

A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776 or (813) 367-9778. The District's hours of operation at all of its offices are 8 a.m. to 5 p.m., Monday through Friday, except for District holidays and emergency closings. Legal documents to be filed with the District will be accepted during these hours.

Any legal document required to be filed with the District may be filed by hand delivery, U.S. Mail, or other delivery service addressed and sent or delivered to the District Agency Clerk. The District does not accept legal filings by electronic mail. Any document received by the Agency Clerk after 5 p.m. shall be filed as of 8 a.m. on the next regular business day. If transmission of a facsimile-transmitted document is begun prior to 5 p.m. but not complete until after 5 p.m., the document shall be considered as received after 5 p.m.

### **Initiation of Administrative Hearings**

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), F.S., and Rules 28-106.201 and 28-106.301, Florida Administrative Code (F.A.C.), initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11-inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney, or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

### **Mediation**

The procedures for pursuing mediation are set forth in Section 120.573, F.S., and Rules 28-106.111 and 28-106.401–.405, F.A.C. Mediation is not available for this action.

### **Judicial Review**

In accordance with Section 120.569(1), F.S., a party who is adversely affected by final agency action may seek judicial review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, within thirty (30) days after the rendering of the final action by the District.

**RESOURCE MANAGEMENT COMMITTEE****November 17, 2020****Action Item****2020 Regional Water Supply Plan***Purpose*

The purpose of this item is to request Governing Board approval of the Southwest Florida Water Management District (District) 2020 Regional Water Supply Plan final draft.

*Background*

The Regional Water Supply Plan (RWSP) is an assessment of projected water demands for all use sectors and potential sources of water to meet those demands over a 20-year planning period. Legislation passed in 1997 requires the Water Management Districts (Districts) to complete a RWSP and update it every five years. The District's first RWSP was completed in 2001 and subsequently updated in 2006, 2010 and 2015. The 2020 RWSP public draft was presented to the Governing Board in April for release, with subsequent online workshops held to solicit input from stakeholders and the public. The 2020 RWSP final draft is now ready for Governing Board approval.

The RWSP has been completed for the 16-county area that extends from Levy and Marion counties in the north to Charlotte County in the south. The 2020 update to the RWSP shows that sufficient water sources exist to meet future demands. Sources include fresh groundwater, aquifer storage and recovery, surface and stormwater, reclaimed water, water conservation, brackish groundwater desalination, seawater desalination and the Lower Floridan aquifer. Water users can select a water supply option as presented in the RWSP or combine elements of different options that better suit their water supply needs. Information to assist water users in developing funding strategies to construct water supply options is also provided.

Several regional water supply planning efforts have also been undertaken that compliment and support the District's RWSP. These efforts and their related plans include those completed by the Central Florida Water Initiative (2020), Peace River/Manasota Regional Water Supply Authority (2020), Withlacoochee Regional Water Supply Authority (2019) and Tampa Bay Water (2018). The District coordinated closely with these efforts and, in some cases, provided cooperative funding assistance. Information developed from these plans was incorporated into the District's 2020 RWSP final draft.

District staff have conducted numerous presentations and briefings to provide updates and obtain input from various stakeholders including advisory committees, local governments, other Districts and public agencies, and the agricultural, industrial, business and environmental communities. The public comment period began on May 22, 2020 and closed on July 15, 2020. Comments were evaluated and incorporated into the 2020 RWSP final draft where appropriate. Completed materials include an Executive Summary, four Regional Water Supply Plan volumes (Heartland, Northern, Southern and Tampa Bay) and a Comments and Responses document. The 2020 RWSP final draft documents were posted to the District's Regional Water Supply Plan webpage. A draft order approving the 2020 RWSP, which adopts and incorporates the findings and conclusions contained therein is included as an Exhibit to this item. A link to the electronic version of the District's 2020 RWSP final draft is provided below.

<https://www.swfwmd.state.fl.us/resources/plans-reports/rwsp>

Staff Recommendation:

Approve the 2020 Regional Water Supply Plan final draft.

Presenter:

Joseph Quinn, AICP, Senior Project Manager, Water Resources Bureau

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ORDER NO. SWF 20 – 043

IN RE: 2020 REGIONAL WATER  
SUPPLY PLAN

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**ORDER APPROVING THE**  
**2020 REGIONAL WATER SUPPLY PLAN**

THIS MATTER came before the Governing Board of the Southwest Florida Water Management District (District) on November 17, 2020. The Governing Board, having been fully advised of the matter, hereby approves the 2020 Regional Water Supply Plan (2020 RWSP), which includes the following documents:

1. Executive Summary.
2. Northern Planning Region.
3. Tampa Bay Planning Region.
4. Heartland Planning Region.
5. Southern Planning Region.
6. Appendix 2-1 – Southwest Florida Water Management District (SWFWMD) Governing Board Approved 2019 Minimum Flows (MFLs) and Levels Priority List and Schedule and Reservations List and Schedule (October 22, 2019).
7. Appendix 2-2 – Minimum Flows and Water Levels (MFLs) Methodology.
8. Appendix 3-1 – Agricultural Acreage and Water Demand Projections.
9. Appendix 3-2 – Industrial/Commercial, Power Generation, and Mining/Dewatering Demand Projections.
10. Appendix 3-3 – Public Water Supply Demand Projections.
11. Appendix 3-4 – Landscape/Recreation Demand Projections.
12. Appendix 4-1 – Reclaimed Water 2020-2040.
13. Appendix 4-2 – Criteria for Determining Potential Water Availability for Rivers.

The Governing Board hereby adopts and incorporates the findings and conclusions contained in these documents as approved on November 17, 2020, recognizing the District's authority for water supply planning extends to water supply planning regions within its boundaries as established in Section 373.069, Florida Statutes (F.S.).

**DONE AND ORDERED** by the Governing Board of the Southwest Florida Water Management District on November 17, 2020, in Brooksville, Hernando County, Florida.

**SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT**

Approved as to legal form and content _____ Chris Tumminia, Deputy General Counsel
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By: \_\_\_\_\_  
Kelly S. Rice, Chair

Attest: \_\_\_\_\_

Filed this \_\_\_\_ day of  
November, 2020.

(SEAL)

\_\_\_\_\_  
Deputy Agency Clerk

## **NOTICE OF RIGHTS**

As required by Chapter 120, F.S., the following provides notice of the opportunities that may be available for administrative hearing pursuant to Sections 120.569 and 120.57, F.S., or judicial review pursuant to Section 120.68, F.S., when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for each situation. Any substantially affected party may wish to consult an attorney regarding the applicable legal rights.

### **Right to Request Administrative Hearing**

A person whose substantial interests are or may be affected by District's action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, F.S. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, F.S.; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), F.S. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

## **Filing Instructions**

A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776 or (813) 367-9778. The District's hours of operation at all of its offices are 8 a.m. to 5 p.m., Monday through Friday, except for District holidays and emergency closings. Legal documents to be filed with the District will be accepted during these hours.

Any legal document required to be filed with the District may be filed by hand delivery, U.S. Mail, or other delivery service addressed and sent or delivered to the District Agency Clerk. The District does not accept legal filings by electronic mail. Any document received by the Agency Clerk after 5 p.m. shall be filed as of 8 a.m. on the next regular business day. If transmission of a facsimile-transmitted document is begun prior to 5 p.m. but not complete until after 5 p.m., the document shall be considered as received after 5 p.m.

## **Initiation of Administrative Hearings**

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), F.S., and Rules 28-106.201 and 28-106.301, Florida Administrative Code (F.A.C.), initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11-inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney, or qualified representative, if any.

3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

### **Mediation**

The procedures for pursuing mediation are set forth in Section 120.573, F.S., and Rules 28-106.111 and 28-106.401–.405, F.A.C. Mediation is not available for this action.

### **Judicial Review**

In accordance with Section 120.569(1), F.S., a party who is adversely affected by final agency action may seek judicial review of the action in the appropriate District Court of Appeal pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, within thirty (30) days after the rendering of the final action by the District.



**Governing Board Meeting**  
**November 17, 2020**

**5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**

5.1	Consent Item(s) Moved for Discussion .....	149
5.2	<b>Discussion:</b> Information Only: Land Resources Overview and Presentation .....	150

**OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**

**November 17, 2020**

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

Presenter:

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

**OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE**

**November 17, 2020**

**Information Only**

**Land Resources Overview and Presentation**

*Purpose*

To provide an overview of the District's Land Resources program, including an overview of the services that the Land Resources Section provides through their Land Use and Real Estate programs. The discussion will include the standards used for land acquisitions and sales, land use request evaluations, recreation services, and management of existing District land holdings.

*Background/History*

Land has been an integral part of the District's history since its inception in 1961. The District's acquisition of land is vital to the District's mission of protecting water resources, minimizing flood risks, and ensuring the public's water needs are met.

The Land Resources section oversees the acquisition of land that meets the District's four areas of responsibility: water supply, water quality, flood control, natural systems. It also oversees the sale of surplus lands, which are lands that are no longer necessary for the District's purposes. The section is responsible for evaluating land use requests either from the public or from our cooperators, including local, state and federal agencies. The District's maintains a robust recreation program and ensures implementation of our cooperator agreements.

Staff Recommendation:

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

Presenter:

Ellen Morrison, Operations and Land Management Assistant Bureau Chief

## 6. Regulation

## **Governing Board Meeting**

### **November 17, 2020**

#### **6. REGULATION COMMITTEE**

- 6.1 Consent Item(s) Moved for Discussion ..... 151
- 6.2 **Discussion:** Information Only: Denials Referred to the Governing Board ..... 152

**REGULATION COMMITTEE**

**November 17, 2020**

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

Presenter:

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

**REGULATION COMMITTEE**

**November 17, 2020**

**Information Only**

**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

## **7. General Counsel's Report**

**GENERAL COUNSEL'S REPORT**

**November 17, 2020**

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

Presenter:

Karen West, General Counsel

## 8. Committees/Liaison Reports

**COMMITTEE/LIAISON REPORTS**

**November 17, 2020**

**Information Only**

**Environmental Advisory Committee**

Presenter:

Rebecca Smith, Board Member

## **9. Executive Director's Report**

**EXECUTIVE DIRECTOR'S REPORT**

**November 17, 2020**

**Information Only**

**Executive Director's Report**

Presenter:

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



**CHAIR'S REPORT**  
**November 17, 2020**  
**Information Only**  
**Chair's Report**

Presenter:

Kelly S. Rice, Chair

**CHAIR'S REPORT**  
**November 17, 2020**  
**Information Only**  
**Employee Milestones**

Presenter:

Kelly S. Rice, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	11/02/2015	Erica Van Horn	Field Technician	Tampa	Data Collection	2020	11/02/2020
5	11/02/2015	Vivianna Bendixson	SWIM Supervisor	Tampa	Natural Systems & Restoration	2020	11/02/2020
5	11/16/2015	Ann Wolfgang	Engineer	Brooksville	Water Resources	2020	11/16/2020
5	11/30/2015	Aaron Cronk	Staff Hydrologic Data Collection Field Technician	Tampa	Data Collection	2020	11/30/2020
5	11/30/2015	Taylor Lankford	Staff Engineer	Brooksville	Water Resources	2020	11/30/2020
10	11/08/2010	Paul Geiger	Fleet Maintenance Technician 3	Brooksville	General Services	2020	11/08/2020
10	11/15/2010	Tonya Svoboda	Application Systems Manager	Brooksville	Information Technology	2020	11/15/2020
25	11/08/1995	Ross Morton	Ombudsman	Sarasota	Office of Ombudsman	2020	11/08/2020
35	11/12/1985	Cheryl Glenn	Senior GIS Analyst	Brooksville	Data Collection	2020	11/12/2020