

# Governing Board Meeting

## *Agenda and Meeting Information*

*September 22, 2020*

*3:00 p.m.*

### *District Headquarters*

2379 Broad Street • Brooksville, Florida  
(352) 796-7211 • 1-800-423-1476

Southwest Florida  
Water Management District

WATERMATTERS.ORG • 1-800-423-1476





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

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Employer

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs, services and activities. Anyone requiring reasonable accommodation, or would like information as to the existence and location of accessible services, activities, and facilities, as provided for in the Americans with Disabilities Act, should contact Donna 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).

## Final Agenda GOVERNING BOARD MEETING

SEPTEMBER 22, 2020  
3:00 PM

2379 Broad Street, Brooksville, FL 34604  
(352) 796-7211

*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).

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

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

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

MEETING NOTICE





## **1. CONVENE PUBLIC 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:** Budget Transfer Report
- 2.2 **Finance/Outreach and Planning Committee:** Board Encumbrance of the Sarasota Office Renovations
- 2.3 **Finance/Outreach and Planning Committee:** Board Encumbrance of the Capital Field Equipment Fund
- 2.4 **Resource Management Committee:** Approve Use of the Updated Alafia River Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Hillsborough County (N588)
- 2.5 **Resource Management Committee:** Five-Year Water Resource Development Work Program
- 2.6 **Resource Management Committee:** FARMS – North Joshua Grove, LLC – Hog Island Grove (H788), DeSoto County
- 2.7 **Operations, Lands and Resource Monitoring Committee:** FY2020 Board Designated Encumbrance for S-353 Spillway Repairs (B882)
- 2.8 **General Counsel's Report:** Governing Board Concurrence - Emergency Order No. SWF 20-034 - Emergency Measures Made Necessary by COVID-19
- 2.9 **General Counsel's Report:** Approval of Consent Order Between SWFWMD and DGNL, LLC - Permit Condition Violations - Environmental Resource Permit No. 43028559.003 - CT No. 407350 - Sarasota County
- 2.10 **General Counsel's Report:** Approval of Interagency Agreement between SJRWMD and SWFWMD - Designation of Regulatory Responsibility - Village Center Community Development District - Sumter County
- 2.11 **General Counsel's Report:** Authorization to Issue Administrative Complaint and Order - Well Construction Violations - William D. Going - License Number 1564 - CT No. 409525 - Pinellas County
- 2.12 **Executive Director's Report:** Approve Governing Board Minutes - August 25, 2020

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

- 3.1 Consent Item(s) Moved for Discussion

3.2 **Discussion:** Information Only: Fiscal Year 2022 Business Plan Update

3.3 **Discussion:** Information Only: Office of Inspector General 2020 Annual Report

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

4.1 Consent Item(s) Moved for Discussion

4.2 **Discussion:** Action Item: FARMS – Luna Berry Farms, LLC – Amendment (H671), Polk County

4.3 **Discussion:** Action Item: FARMS – Schwartz Farms, Inc. – Amendment (H672), Sarasota County

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

5.1 Consent Item(s) Moved for Discussion

5.2 **Discussion:** Action Item: Accept offer from the Florida Department of Transportation (FDOT) to purchase the District's Old Florida Plantation (OFP) property, Lake Hancock Project SWF Parcel No. 21-502-109S

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

6.1 Consent Item(s) Moved for Discussion

6.2 **Discussion:** Action Item: Consider Water Shortage Order(s) as Necessary

6.3 **Discussion:** Action Item: 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: Industrial Advisory Committee

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

#### **9. EXECUTIVE DIRECTOR'S REPORT**

9.1 Executive Director's Report

#### **10. CHAIR'S REPORT**

10.1 Chair's Report

10.2 **Discussion:** Information Only: Executive Director's and Inspector General's Annual Accomplishments and Evaluations

10.3 **Discussion:** Information Only: Employee Milestones

#### **ADJOURNMENT**

# GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective August 25, 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

RESOURCE MANAGEMENT COMMITTEE
Seth Weightman
Jack Bispham

REGULATION COMMITTEE
Roger Germann
Joel Schleicher

FINANCE/OUTREACH AND PLANNING COMMITTEE
James Murphy
Rebecca Smith

*\* 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	Rebecca Smith
Industrial Advisory Committee	James Murphy
Public Supply Advisory Committee	Roger Germann
Well Drillers Advisory Committee	Seth Weightman

OTHER LIAISONS	
Central Florida Water Initiative	James Murphy
Spring Coast Steering Committee	Kelly S. Rice
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 2020**

Updated 8/13/2020

**Governing Board Meeting**

October 22, 2019 – 9:00 a.m., Brooksville Office  
November 19, 2019 – 9:00 a.m., Tampa Office  
December 10, 2019 – 11:00 a.m., Brooksville Office  
January 28, 2020 – 9:00 a.m., Tampa Office  
February 25, 2020 – 9:00 a.m., Brooksville Office  
March 24, 2020 – 10:00 a.m., Brooksville Office (Audio Visual Communication)  
April 28, 2020 – 10:00 a.m., Brooksville Office (Audio Visual Communication)  
May 19, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)  
June 23, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)  
July 28, 2020 – 9:00 a.m., Tampa Office (Audio Visual Communication)  
August 25, 2020 – 9:00 a.m., Brooksville Office (Audio Visual Communication)  
September 22, 2020 – 3:00 p.m., Tampa Office (Audio Visual Communication)

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

2020 – September 8 & 22 (Audio Visual Communication)

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

2019 – December 3

2020 – March 10 and June 9 (canceled), September 15 (Audio Visual Communication)

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

2019 – October 8

2020 – January 14, April 14 (canceled), July 14 (Audio Visual Communication)

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

2019 – November 5

2020 – February 11, May 12 (canceled), August 11 (Audio Visual Communication)

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

2019 – November 5

2020 – February 11, May 12 (canceled), August 11 (Audio Visual Communication)

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

2019 – October 9

2020 – January 8, April 8 (canceled), July 8 (canceled)

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

2020 – February 5 – Northern Region, Brooksville Office

2020 – February 6 – Southern Region, Sarasota County Commission Chamber

2020 – February 12 – Heartland Region, Bartow City Hall

2020 – February 13 – Tampa Bay Region, Tampa Office

2020 – April 1 – Northern Region, Brooksville Office (Audio Visual Communication)

2020 – April 2 – Southern Region, Brooksville Office (Audio Visual Communication)

2020 – April 8 – Tampa Bay Region, Brooksville Office (Audio Visual Communication)

2020 – April 9 – Heartland Region, Brooksville Office (Audio Visual Communication)

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

2019 – October 2, November 6, December 4

2020 – January 8, February 5, March 4, April 1 (canceled), May 6 (canceled), June 3 (canceled), July 1 (canceled), August 5 (canceled), September 2 (canceled)

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

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

2019 – October 30

2020 – April 29 (canceled), July 22 (canceled)

**Meeting Locations**

Brooksville Office – 2379 Broad Street, Brooksville, FL 34604

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

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

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

Sarasota County Commission Chamber – 1660 Ringling Blvd. Sarasota, FL 34236

Sarasota County Operations Center – 1001 Sarasota Center Blvd. Sarasota, FL 34240

## 1. Public Hearing and Meeting

Governing Board Meeting

September 22, 2020

CONVENE MEETING OF THE GOVERNING BOARD

PUBLIC 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**

**September 22, 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**

**September 22, 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**

**September 22, 2020**

**Additions/Deletions to Agenda**

Presenter:

Kelly S. Rice, Chair

**CONVENE PUBLIC HEARING AND MEETING**

**September 22, 2020**

**Public Input for Issues Not Listed on the 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 September 22, 2020

## CONSENT AGENDA

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

### ***Finance/Outreach & Planning Committee***

- 2.1 Budget Transfer Report..... 8
- 2.2 Board Encumbrance of the Sarasota Office Renovations.....10
- 2.3 Board Encumbrance of the Capital Field Equipment Fund .....11

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

- 2.4 Approve Use of the Updated Alafia River Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Hillsborough County (N588)..... 12
- 2.5 Five-Year Water Resource Development Work Program ..... 14
- 2.6 FARMS – North Joshua Grove, LLC – Hog Island Grove (H788), DeSoto County ..... 38

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

- 2.7 FY2020 Board Designated Encumbrance for S-353 Spillway Repairs (B882)..... 40

### ***Regulation Committee – None***

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

- 2.8 Governing Board Concurrence - Emergency Order No. SWF 20-034 - Emergency Measures Made Necessary by COVID-19..... 42
- 2.9 Approval of Consent Order Between SWFWMD and DGNL, LLC - Permit Condition Violations Environmental Resource Permit NO. 43028559.003 - CT No. 407350 - County..... 50
- 2.10 Approval of Interagency Agreement between SJRWMD and SWFWMD - Designation of Regulatory Responsibility - Village Center Community Development District - Sumter County.. 61
- 2.11 Authorization to Issue Administrative Complaint and Order - Well Construction Violations William D. Going - License Number 1564 - CT No. 409525 - Pinellas County..... 65

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

- 2.12 Approve Governing Board Minutes – August 25, 2020..... 66



**CONSENT AGENDA**

**September 22, 2020**

**Budget Transfer Report**

*Purpose*

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

*Background*

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

Staff Recommendation:

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

Presenter:

Melisa J. Lowe, Bureau Chief, Finance

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

Item No.	--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Transfer Amount
	Bureau /	Expenditure Category	Bureau /	Expenditure Category	
<b>Change from Original Budget Intent</b>					
1	Water Resources Grant - Financial Assistance Data Collection Contracted Construction Capitalized - Contracted Construction		Data Collection Maint/Repair of Buildings/Structures	Transfer of funds originally budgeted by the Water Resources Bureau for the Zephyr Creek Drainage Improvements: Units 1 and 2 Cooperative Funding Initiative (CFI) project, and funds originally budgeted by the Data Collection Bureau for the replacement of five monitoring docks at District data collection sites. The CFI project has been cancelled by the cooperator due to it no longer meeting the benefits originally intended in the approved CFI application, and the monitoring docks were deemed more appropriate to repair than replace. The funds are needed for the repair of nine monitoring docks at data collection sites within canals and lakes on District property. This includes the five originally planned for replacement.	\$ 50,000.00
2	Water Resources Grant - Financial Assistance		Communications and Board Services Advertising and Public Notices	Transfer of funds originally budgeted for the Zephyr Creek Drainage Improvements: Units 1 and 2 CFI project. The project has been cancelled by the cooperator due to it no longer meeting the benefits originally intended in the approved CFI application. The funds are needed to fulfill noticing of public meetings for Board and Executive Services for the remainder of the fiscal year. Expenditures will exceed original budget due to additional noticing requirements for changes in meeting location in response to COVID-19.	17,600.00
<b>Consistent with Original Budget Intent</b>					<b>Total Change from Original Budget Intent</b>
1	Information Technology Other Contractual Services Contractual Services for Training Cloud Software Usage Fees Equipment - Computer		Information Technology Other Contractual Services	Funds are needed for the original purpose budgeted for commercial off the shelf (COTS) software and services as needed. The funds were allocated to the Assetworks Key Valet System until the General Services Bureau determined another solution would suit their needs. The funds will be used for a replacement COTS Enterprise Security System. The District's current Enterprise Security System is dated and no longer supported by the manufacturer, making it susceptible to computer viruses and other malicious software attacks.	\$ 68,800.00
<b>Total Consistent with Original Budget Intent</b>					<b>\$ 68,800.00</b>
<b>Total Transfers for Governing Board Ratification</b>					<b>\$ 136,400.00</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 for Governing Board ratification on the Consent Agenda. This Board Policy limits transfers made for a purpose other than the original budget intent to \$50,000. However, transfers made for accounting reallocation purposes consistent with original budget intent are not limited.



**CONSENT AGENDA**

**September 22, 2020**

**Board Encumbrance of the Sarasota Office Renovations**

*Purpose*

The purpose of this item is to request the encumbrance of budgeted funds from the Capital Improvements Plan to complete renovations at the Sarasota service office.

*Background/History*

In January 2020, the District purchased 78 and 88 Sarasota Center Boulevard in Sarasota. The building was co-occupied by the District and a tenant until July 31, 2020. Renovations began when the tenant vacated according to its lease terms. The renovation started on schedule and the District has been able to secure services or contractors for several major milestones including window, roof, and air conditioning unit replacements. However, due to the construction start date this project was slated to transition between fiscal years.

*Benefits/Costs*

Completion of the Sarasota service office renovation will conclude the District's efforts to right-size the southern region's service office to meet the needs for public interaction. This will enable the District to enhance response for both external and internal stakeholders.

Staff Recommendation:

Staff recommends the Governing Board approve the encumbrance of \$422,690.28 budgeted in FY2020 to carry forward into FY2021 to complete the renovations at the Sarasota service office via the Capital Improvements Plan.

Presenter:

Michelle Weaver, General Services Bureau Chief

**CONSENT AGENDA**

**September 22, 2020**

**Board Encumbrance of the Capital Field Equipment Fund**

*Purpose*

The purpose of this item is to request the encumbrance of remaining fiscal year (FY) 2020 funds within the Capital Field Equipment Fund (CFEF) to carry forward into FY2021.

*Background/History*

The CFEF was developed to establish a systematic funding plan to address the acquisition, replacement, enhancement or reconditioning of the District's capital field equipment within the upcoming five-year period. To qualify as a CFEF expenditure the equipment must be rolling stock, excluding vehicles less than 1.5 ton, have a total estimated cost of at least \$5,000 including delivery, and have an anticipated useful life of at least five years. The five-year plan is managed by the Fleet Section Manager, developed in collaboration with the other Bureaus that are users of capital field equipment, and approved by the Governing Board through the District's annual budget process.

*Benefits/Costs*

The benefit of the CFEF is to allow the District to efficiently and effectively manage capital equipment expenditures while maintaining a consistent funding profile from year to year. In addition, the fund provides the flexibility to replace assets as close to the end of the useful life as possible, with some instances going beyond normal replacement times dependent upon individual unit condition. Timely replacement avoids high repair costs and repetitive downtime.

The encumbrance and carry forward of remaining FY2020 funds for future years planned expenditures was included in the General Services Bureau considerations when developing its FY2021 recommended budget. The remaining funds available to carry forward total \$544,810.

Staff Recommendation:

Staff recommends the Governing Board approve the encumbrance up to \$544,810, plus any additional savings achieved on purchases completed before September 30, 2020, in remaining FY2020 funds within the Capital Field Equipment Fund to carry forward into FY2021 for future years planned expenditures.

Presenters:

Michelle Weaver, General Services Bureau Chief and Sean Fitzgerald, Fleet Services Manager

**CONSENT AGENDA****September 22, 2020****Approve Use of the Updated Alafia River Watershed Management Plan Floodplain Information to Update Flood Insurance Rate Maps in Hillsborough County (N588)***Purpose*

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

*Background/History*

Flood protection and floodplain information have been a priority at the District since the inception of the organization. To improve the floodplain information, the District has partnered with local governments for the past two decades to develop regional scale flood routing models to identify flood prone areas, improve local government's understanding of their flood protection level of service, and plan for implementation projects to reduce flood risk. Since November 2008, District staff have obtained Governing Board approval to use WMP floodplain information for updating FIRMs for nineteen watersheds in Hernando County, eleven watersheds in Pasco County, six watersheds in Citrus County, four watersheds in Manatee County, six watersheds in Sarasota County, five watersheds in Polk County, two watersheds in DeSoto County, five watersheds in Hardee County, three watersheds in Highlands County, two watersheds in Pinellas County, four watersheds in Sumter County, fifteen watersheds in Marion County and three watersheds in Hillsborough County. Implementing the Environmental Resource Permitting (ERP) program using WMP floodplain information to maintain current levels of flood protection is identified as a strategic initiative in the District's Strategic Plan 2020-2024. Upon the Governing Board's approval, WMP floodplain information for these watersheds is typically used as best information available by the ERP program.

Floodplain information for the Alafia River watershed was prepared by a County hired consultant, Atkins North America, Inc., Engineering Firm of Record, reviewed by District and County staff, and then reviewed by District's independent peer review consultant, DRMP, Inc. Floodplain information for the watershed was presented for review and comment during three community outreach meetings held by the County between April 8-10, 2019 as well as a public workshop held on January 28, 2020. Affected property owners were notified of the workshop by print advertisement and media release with approximately 10 people in attendance at each of community outreach meetings and 40 people in attendance at the public workshop. The watershed model and preliminary floodplain data reasonably reflect recent significant storm events and currently represent most accurate floodplain information available for the watershed.

Staff Recommendation:

Approve use of the updated Alafia River Watershed Management Plan floodplain information to update Flood Insurance Rate Maps in Hillsborough County.

Presenter:

Terese Power, P.E., CFM, Engineering and Watershed Management Section Manager

**CONSENT AGENDA**

**September 22, 2020**

**Five-Year Water Resource Development Work Program**

*Purpose*

Authorize staff to submit the proposed Five-Year Water Resource Development Work Program (Work Program) to the Florida Department of Environmental Protection (DEP) as required by Florida Statutes (F.S.).

*Background/History*

The District is required by Subsection 373.536(6), F.S., to annually prepare a Work Program that describes the District's implementation strategy for the water resource development component of the approved Regional Water Supply Plan (RWSP). The proposed Work Program must be submitted to DEP, and specified state and local government officials, within 30 days after the adoption of the District's final budget. The proposed Work Program will be due to DEP by October 25, 2020.

The fiscal year (FY) 2021 Work Program covers the period from FY2021 through FY2025 and describes the District's implementation strategy relating to water resource development and water supply development components over the next five years. These efforts include data collection and analyses activities along with water resource and water supply development projects that are undertaken and/or funded by the District. The inclusion of water resource and water supply projects funded in the upcoming fiscal year, but not specifically mentioned in the RWSP, allows DEP to approve the projects as consistent with the RWSP and eligible for state funding.

Last year, the DEP provided a Work Program guidance template for the water management districts to improve statewide reporting consistency. The proposed Work Program utilizes this template. The DEP also provided a spreadsheet template for reporting additional project details, which will be submitted with information consistent with the FY2021 annual budget.

Within 30 days after the proposed Work Program submittal, DEP must review and submit its findings, questions, and comments to the District. The review must include a written evaluation of the program's consistency with promoting the goals of the RWSP and the adequacy of proposed expenditures. Within 45 days after receiving comments from DEP, the District must state in writing to DEP which of the recommended changes will be incorporated into the Work Program or specify the reasons for not incorporating the changes. The results of DEP's review and District responses will be brought to the Governing Board in early 2021. DEP must then prepare a final evaluation report, including the District's responses, and submit this report to the Governor, President of the Senate, and Speaker of the House of Representatives. The District will publish the final Work Program within the District's Consolidated Annual Report.

Staff Recommendation:

Authorize staff to submit the proposed Five-Year Water Resource Development Work Program to the Florida Department of Environmental Protection for review.

Presenter:

JP Marchand, P.E., Water Resource Bureau Chief

# Introduction/Purpose

The Water Management Districts are required to prepare a Five-Year Water Resource Development Work Program (Work Program) as a part of their annual budget reporting process. The Work Program describes the District's implementation strategy relating to water resource development (WRD) and water supply development (including alternative water supply development) components over the next five years. The Work Program must be submitted annually to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over the Districts, the Secretary of the Department of Environmental Protection (DEP), and the governing board of each county. Pursuant to Subsection 373.536(6)(a)4, Florida Statutes (F.S.), the Work Program must:

- Address all the elements of the WRD component in the District's approved Regional Water Supply Plans (RWSPs), as well as the water supply projects proposed for District funding and assistance;
- Identify both anticipated available District funding and additional funding needs for the second through fifth years of the funding plan;
- Identify projects in the Work Program which will provide water;
- Explain how each water resource and water supply project will produce additional water available for consumptive uses;
- Estimate the quantity of water to be produced by each project;
- Provide an assessment of the contribution of the District's RWSPs in supporting the implementation of minimum flows and minimum water levels (MFLs) and water reservations; and
- Ensure sufficient water is available to timely meet the water supply needs of existing and future reasonable-beneficial uses for a 1-in-10-year drought event and to avoid the adverse effects of competition for water supplies.

This report represents the District's 20<sup>th</sup> Work Program and covers the period from fiscal year (FY) 2021 through FY2025. In the summer of 2018, the DEP provided a guidance document and template spreadsheets to improve the consistency among the Water Management Districts' Work Program submittals. This Work Program utilizes the DEP guidance; therefore, several changes from prior year Work Programs will be apparent. This Work Program is consistent with the planning strategies of the District's 2020 Regional Water Supply Plan (RWSP) and the Central Florida Water Initiative 2020 Regional Water Supply Plan (CFWI RWSP).

The water resource and water supply development components of the District's Work Program are presented in three sections:

- WRD Data Collection and Analysis Activities that include routinely funded programmatic efforts by the District to monitor and support the health of natural systems, evaluate and establish MFLs, conduct watershed management planning, and improve water quality and stormwater storage and conveyance.
- WRD Projects that are undertaken by the District and/or partnering entities for the research of alternative water supplies, the Facilitating Agricultural Resource Management Systems (FARMS) projects to conserve and improve agricultural resources, and environmental restoration efforts including MFL recovery projects.
- Water Supply Development Projects, which are usually led by other entities with District funding assistance, to develop and deliver new alternative potable water supplies, reclaimed water and reuse, aquifer storage and recovery (ASR) and aquifer recharge systems, and numerous conservation projects to help manage water needs.

Also included is an overview of funding mechanisms, a summary of the adequacy of District expenditures to ensure the availability of water for reasonable-beneficial uses and natural systems, and an appendix listing projects funded by the District to implement projects identified in the Basin Management Action Plans (BMAPs).

# Water Resource Development

Water resource development is defined in Section 373.019(24), F.S., as “the formulation and implementation of regional water resource management strategies, including the collection and evaluation of surface water and groundwater data; structural and nonstructural programs to protect and manage water resources; the development of regional water resource implementation programs; the construction, operation, and maintenance of major public works facilities to provide for flood control, surface and underground water storage, and groundwater recharge augmentation; and related technical assistance to local governments, government-owned and privately owned water utilities, and self-suppliers to the extent assistance to self-suppliers promotes the policies as set forth in s. 373.016.”

The intent of WRD activities and WRD projects is to enhance the amount of water available for reasonable-beneficial uses and for natural systems. The District is primarily responsible for implementing WRD activities and projects; however, additional funding and technical support may come from state, federal, and local entities.

## WRD Data Collection and Analysis Activities

Data collection and analysis activities are a critical part of the water resource development component implemented by the District. The District has budgeted approximately \$43.2 million in FY2021 to implement and continue activities to collect scientific data necessary to manage water resources and evaluate new water supplies, support the evaluation and establishment of MFLs, conduct watershed management plans, improve groundwater quality, and implement best management practices (BMPs) for stormwater storage and conveyance. These activities are summarized in Table 1. Because budgets for the years beyond FY2021 have not yet been developed, future funding estimates for activities continuing through FY2025 are set equal to FY2021 funding.

Funding for these activities is primarily from the District's Governing Board; in some cases, additional funding is provided by water supply authorities, local governments, the Florida Fish and Wildlife Conservation Commission (FWC), and the United States Geological Survey (USGS). Each item was included in the District's Tentative Budget Submission Appendix C and can be referenced by the sub-activity code. Each activity is further described below.

### Hydrologic Data Collection

The District has a comprehensive monitoring program for hydrologic conditions that includes the assembly of information on key indicators such as rainfall, surface water and groundwater levels, water quality, and stream flows. The program includes data collected by District staff and permittees as well as data collected as part of the District's cooperative funding program with the USGS. Data collected allows the District to gage changes in the health of water resources, monitor trends in conditions, identify and analyze existing or potential resource problems, and develop programs to correct existing problems and prevent future problems from occurring. The data collection activities support District flood control structure operations, water use and environmental resource permitting and compliance, MFLs evaluation and compliance, the Surface Water Improvement and Management (SWIM) program, the Southern Water Use Caution Area (SWUCA), the Northern Tampa Bay Water Use Caution Area (NTBWUCA), the Dover/Plant City Water Use Caution Area (DPCWUCA) recovery strategies, water supply planning in the District and CFWI regions, modeling of surface water and groundwater systems, and many resource evaluations and reports.

The categories of hydrologic data that are collected and monitored by District staff are discussed below. The District also evaluates the hydrologic data submitted by Water Use Permit (WUP) holders to ensure compliance with permit conditions and to assist with monitoring and documenting hydrologic conditions.

- a) Surface Water Flows and Levels. Funding supports data collection at the District's 796 surface water level gauging sites, and cooperative funding with the USGS for discharge and water-level data collection at 129 river, stream, and canal sites. The USGS data are available to District staff and the public through the District's Water Management Information System (WMIS) and through the USGS Florida Water Science Center Web Portal.

**Table 1. FY2021 - FY2025 Water Resource Development Data Collection and Analysis Activities**

<b>WRD Data Collection and Analysis Activities</b>	<b>Budget Reference<sup>1</sup></b>	<b>FY2021 Costs (\$)</b>	<b>FY2022 Costs (\$)</b>	<b>FY2023 Costs (\$)</b>	<b>FY2024 Costs (\$)</b>	<b>FY2025 Costs (\$)</b>	<b>Total Costs (\$)</b>	<b>Funding Source<sup>2</sup></b>
1) Hydrologic Data Collection	1.2.1, p.66							
a) Surface Water Flows & Levels		\$3,791,646	\$3,791,646	\$3,791,646	\$3,791,646	\$3,791,646	\$18,958,230	District, other
b) Geologic (includes ROMP)		\$2,928,384	\$2,928,384	\$2,928,384	\$2,928,384	\$2,928,384	\$14,641,920	WMDs, USGS, DEP, FWC
c) Meteorologic Data		\$259,850	\$259,850	\$259,850	\$259,850	\$259,850	\$1,299,250	
d) Water Quality		\$862,854	\$862,854	\$862,854	\$862,854	\$862,854	\$4,314,270	
e) Groundwater Levels		\$1,082,121	\$1,082,121	\$1,082,121	\$1,082,121	\$1,082,121	\$5,410,605	
f) Biologic Data		\$762,991	\$762,991	\$762,991	\$762,991	\$762,991	\$3,814,955	
g) Data Support		\$4,056,069	\$4,056,069	\$4,056,069	\$4,056,069	\$4,056,069	\$20,280,345	
2) Minimum Flows and Levels Program	1.1.2, p.62							District
a) Technical Support		\$1,635,712	\$1,635,712	\$1,635,712	\$1,635,712	\$1,635,712	\$8,178,560	
b) MFL Establishment/Evaluation		\$841,077	\$841,077	\$841,077	\$841,077	\$841,077	\$4,205,385	
3) Watershed Management Planning	1.1.3, p.64							District, Local Cooperators
		\$8,296,622	\$8,296,622	\$8,296,622	\$8,296,622	\$8,296,622	\$41,483,110	
4) Quality of Water Improvement Program	2.2.3, p.90							District
		\$723,220	\$723,220	\$723,220	\$723,220	\$723,220	\$3,616,100	
5) Stormwater Improvements- Implementation of Storage and Conveyance BMPs	2.3.1, p.91							District, Local Cooperators
		\$17,975,059	\$17,975,059	\$17,975,059	\$17,975,059	\$17,975,059	\$89,875,295	
<b>Totals</b>		<b>\$43,215,605</b>	<b>\$43,215,605</b>	<b>\$43,215,605</b>	<b>\$43,215,605</b>	<b>\$43,215,605</b>	<b>\$216,078,025</b>	

Source: SWFWMD FY2021 Tentative Budget Submission.

<sup>1</sup>. The Program Activity/Sub-Activity and page number in the Tentative Budget Submission is where the WRD Data Collection and Analysis Activities reside. The funding amount within this table are subsets of the referenced Program Activity/Sub-Activity.

<sup>2</sup>. Acronyms: WMDs - Water Management Districts, USGS - United States Geological Survey, DEP - Florida Department of Environmental Protection, FWC - Florida Fish and Wildlife Conservation Commission, ROMP - District Regional Observation and Monitor-well Program, BMPs - Best Management Practices.



- b) Geohydrologic Data. The Geohydrologic Data Section (GEO) collects hydrogeologic data and oversees monitor well construction activities for the District. The GEO manages several groundwater monitor well networks that supports various projects throughout the District. The projects include the CFWI, Water Resource Assessment Projects, MFLs, sea level rise, and development of alternative water supplies. The monitoring well networks include the Regional Observation and Monitor-well Program (ROMP), Coastal Groundwater Quality Monitoring Network (CGWQMN), Inland Groundwater Quality Monitoring Network (IGWQMN), and the Upper Floridan Aquifer Nutrient Monitoring Network (UFANMN). The ROMP has been the District's primary source of hydrogeologic data since the program was established in 1974. Lithologic, hydraulic, and water quality data are collected during exploratory coring and testing and during the construction of monitor wells. Data from monitor well sites are used to evaluate seasonal and long-term changes in groundwater levels and quality, as well as the interaction and connectivity between groundwater and surface water bodies.
- c) Meteorologic Data. The meteorologic data monitoring program consists of measuring rainfall totals at 170 rain gauges, most of which provide near real-time data. The funding is for costs associated with measurement of rainfall including sensors, maintenance, repair and replacement of equipment. Funding allows for the operation of one District evapotranspiration (ET) station for reference near Lake Hancock, and for District participation in a cooperative effort between the USGS and all five Florida water management districts to map statewide potential and reference ET using data measured from the Geostationary Operational Environmental Satellites (GOES). Funding also includes a collaborative effort between the five districts to provide high-resolution RADAR rainfall data for modeling purposes.
- d) Water Quality Data. The District's Water Quality Monitoring Program (WQMP) collects data from water quality monitoring networks for springs, streams, lakes, and coastal and inland rivers. The Coastal Groundwater Quality Monitoring and Inland Groundwater Monitoring networks, which involve sample collection and analysis from approximately 400 wells across the District, are used to monitor the saltwater intrusion and/or the upwelling of mineralized waters into potable aquifers.
- e) Groundwater Levels. The funding provides for the maintenance and support of 1,622 monitor wells in the data collection network, including 854 wells that are instrumented with data loggers that record water levels once per hour, and 768 that are measured manually by field technicians once or twice per month.
- f) Biologic Data. The District monitors ecological conditions as they relate to both potential water use impacts and changes in hydrologic conditions. Funding for biologic data collection includes support for routine monitoring of approximately 150 wetlands and a five-year assessment of over 400 wetlands to document changes in wetland health and assess level of recovery in impacted wetlands. Funding also supports SWIM Program efforts for mapping of seagrasses every two years along the Suncoast (Tampa Bay south to Charlotte Harbor), and every four years along the Springs Coast (Anclote Key to Waccasassa Bay).
- g) Data Support. This item provides administrative and management support for the WQMP, hydrologic and geohydrologic staff support, support for the chemistry laboratory, and support for the District's LoggerNet data acquisition system.

### Minimum Flows and Levels Program (MFLs)

Minimum flows and water levels are ecologically based, hydrologic standards that are used for permitting and planning decisions concerning how much water may be withdrawn from or near a water body without causing significant harm to water resources or ecology of the area. Section 373.042, F.S., requires the state water management districts or the DEP to establish MFLs for aquifers, surface watercourses, and other surface water bodies to identify the limit or level at which further withdrawals would be significantly harmful. Rivers, streams, estuaries, and springs require minimum flows; while minimum levels are developed for lakes, wetlands, and aquifers. MFLs are adopted into District rules, Chapter 40D-8, Florida Administrative Code (F.A.C.), and are used in the District's WUP and water supply planning programs.

Reservations are rules that reserve water from use by permit applications, as necessary for the protection of fish and wildlife or public health and safety. Reservations are adopted into District rules, Chapter 40D-2, F.A.C., pursuant to Section 272.223, F.S., and are also used for water use permitting and water supply planning.

The District's processes for establishing MFLs and reservations include opportunities for interested stakeholders to review and comment on proposed MFLs or reservations and participate in public meetings. A publicly-noticed independent scientific peer review process is used for establishing MFLs for flowing systems, for establishing MFLs for other system types that are based on methods that have not previously been subjected to peer review, and for establishing reservations. Stakeholder input and peer review findings are considered by the Governing Board when deciding whether to adopt proposed MFLs and reservations. District monitoring programs provide data for evaluating compliance with the adopted MFLs and reservations, determining the need for MFLs recovery or prevention strategies and assessing the recovery of water bodies where significant harm has occurred.

As of August 2020, the District has preliminarily planned to monitor and assess the status of 205 adopted MFLs, including MFLs for 23 river segments, 10 springs or spring groups, 127 lakes, 36 wetlands, 7 Upper Florida Aquifer (UFA) wells in the NTBWUCA, and the UFA in the Most Impacted Area (MIA) of the SWUCA and in the DPCWUCA. The District also plans to monitor and assess the status of 2 adopted reservations, including a reservation for water stored in Lake Hancock and released to Lower Saddle Creek for recovery of MFLs adopted for the Upper Peace River, and a reservation for water from Morris Bridge Sink for recovery of MFLs adopted for the Lower Hillsborough River. In addition, the District is scheduling the establishment or reevaluation of 19 MFLs and one reservation through FY2023.

The District's annual MFLs Priority List and Schedule and Reservations List and Schedule is approved by the Governing Board in October, submitted to DEP for review in November, and subsequently published in the Consolidated Annual Report. The approved and proposed priority lists and schedules are also posted on the District's Minimum Flows and Levels Documents and Reports webpage at: <https://www.swfwmd.state.fl.us/projects/mfl/documents-and-reports>.

## Watershed Management Planning

The District addresses flooding problems in existing areas by preparing and implementing Watershed Management Plans (WMPs) in cooperation with local governments. The WMPs define flood conditions, identify flood level of service deficiencies, and evaluate BMPs to address those deficiencies. The WMPs include consideration of the capacity of a watershed to protect, enhance, and restore water quality and natural systems while achieving flood protection. The plans identify effective watershed management strategies and culminate in defining floodplain delineations and constructing selected BMPs.

Local governments and the District combine their resources and exchange watershed data to implement the WMPs. Funding for local elements of the WMPs is provided through local governments' capital improvement plans and the District's Cooperative Funding Initiative. Additionally, flood hazard information generated by the WMPs is used by the Federal Emergency Management Agency (FEMA) to revise Flood Insurance Rate Maps. This helps to better define flood risk and is used extensively for land use planning by local governments and property owners. Since the WMPs may change based on growth and shifting priorities, the District also cooperates with local governments to update the WMPs when necessary, giving decision-makers opportunities throughout the program to determine when and where funds are needed.

## Quality of Water Improvement Program (QWIP)

The QWIP was established in 1974 through Chapter 373, F.S., to restore groundwater conditions altered by well drilling activities for domestic supply, agriculture, and other uses. The program's primary goal is to preserve groundwater and surface water resources through proper well abandonment. Plugging abandoned artesian wells eliminates the waste of water at the surface and prevents mineralized groundwater from contaminating surface water bodies. Thousands of wells constructed prior to current well construction standards were often deficient in casing, which interconnected aquifer zones and enabled poor-quality mineralized water to migrate into zones containing potable-quality water.

Plugging wells involves filling the abandoned well with cement or bentonite. Isolation of the aquifers is reestablished, and the mixing of varying water qualities and free flow is stopped. Prior to plugging an abandoned well, geophysical logging is performed to determine the reimbursement amount, the proper plugging method, and to collect groundwater quality and geologic data for inclusion in the District's database. The emphasis of the QWIP is primarily in the SWUCA where the Upper Floridan aquifer is confined. Historically, the QWIP has proven to be a cost-effective method to prevent waste and contamination of potable ground and surface waters.

## Stormwater Improvements - Implementation of Storage and Conveyance BMPs

The District's WMPs and SWIM programs implement stormwater and conveyance BMPs for preventative flood protection to improve surface water quality, particularly in urban areas, and enhance surface and groundwater resources. The BMPs involve construction of improvements identified and prioritized in the development of watershed management plans. Most of the activities are developed through cooperative funding with a local government entity, DEP, or other state funding. As stormwater is a primary contributor of water quality degradation in older urban areas, the District seeks opportunities to retrofit or improve these systems to reduce impacts to receiving waters. FY2021 funding includes new storage and conveyance projects in the Tampa Bay area, particularly in Hillsborough and Pasco County, as well as several continuing Tampa Bay projects.

## WRD Projects

The District has budgeted for 32 WRD projects that have particular goals and schedules. At the start of FY2021 (October 1, 2020), the District has allocated approximately \$11.2 million in the budget for 10 of these projects. If a project received funding in prior years and is still ongoing it remains in the Work Program until completion. District funding for a number of the projects is matched to varying degrees by local cooperators including municipalities, state agencies, private agricultural operations, and others. The total cost of these projects, including the cooperator shares, is approximately \$152 million. It's estimated that approximately 83.4 million gallons per day (mgd) of additional water supply will be produced or conserved. The projects are listed in Table 2 and are consistent with Programmatic Code 2.2.1 in the District's FY2021 budget. The WRD projects are organized into three groups:

### Alternative Water Supply Feasibility Research and Pilot Projects

These projects are research and/or pilot projects designed to further the development of the innovative alternative water sources described in the RWSP. The projects for investigation of the Lower Floridan aquifer are primarily District-led initiatives. The ASR and Aquifer Recharge projects may involve both technical and financial assistance from the District.

### Facilitating Agricultural Resource Management Systems (FARMS)

The FARMS Program is an agricultural BMP cost-share reimbursement program. The program is a public/private partnership developed by the District and the Florida Department of Agriculture and Consumer Services (FDACS). The program provides incentives to the agricultural community within the District to implement agricultural BMPs that will provide resource benefits including the reduction of groundwater withdrawals from the Upper Floridan aquifer, improvement of ground and surface water quality impacted by groundwater withdrawals, and improvement of natural-system functions within wetlands and watersheds.

The FARMS Program operates under District Governing Board Policy to fund projects that provide these benefits while assisting in the implementation of the District's RWSP. This plan identifies strategic initiatives and regional priorities to meet the District's water management goals. These goals are based on improving and/or maintaining the water resource conditions of several regions within the District. Five primary goals for the FARMS Program are to:

1. Improve surface water quality in the Shell, Prairie, and Joshua Creek watersheds;
2. Improve natural systems in Upper Myakka River Watershed and restore hydro-periods to Flatford Swamp;
3. Reduce groundwater use by 40 million gallons per day (mgd) in the SWUCA;

4. Reduce groundwater use for Frost/Freeze Protection within the DPCWUCA by 20 percent per freeze event;
5. Reduce Upper Floridan aquifer groundwater use and nutrient loading impacts.

The FARMS projects implement FDACS-approved BMPs that offset groundwater use with surface water and/or increase the overall efficiency of irrigation water use. Many projects have the added benefit of reducing agricultural impacts to surface water features. Properly implemented BMPs protect and conserve water resources and may increase crop production.

### Environmental Restoration and MFL Recovery Projects

These projects include MFL recovery projects for the upper Peace River, the lower Hillsborough River, and the Salt Water Intrusion Minimum Aquifer Level (SWIMAL) for the SWUCA Recovery Strategy. The SWIMAL Recovery project has the additional benefit of utilizing excess runoff that has adversely impacted the Flatford Swamp in the upper Myakka River watershed.

At the DEP's guidance, additional project details are available in spreadsheet format. The DEP will present Work Program project data from each of the water management districts on their website for public review, in accordance with Section 373.536(6)(b), F.S. The detailed spreadsheet includes project descriptions, schedules, cooperator and state funding levels, and the water bodies and planning regions supported. The District's proposed Work Program spreadsheet is available online at:

<https://www.swfwmd.state.fl.us/resources/plans-reports/water-resource-development-work-program>

Table 2. FY2021 - FY2025 District Funding and Total Project Cost for Water Resource Development Projects

WRD Projects (WUCA, Project Number) <sup>1</sup>	Total Prior District Funding	FY2021 District Cost	FY2022 District Cost	FY2023 District Cost	FY2024 District Cost	FY2025 District Cost	Total Cost District + Cooperator	Funding Source <sup>1,2</sup>	Quantity developed/ conserved <sup>1</sup>
<b>1) Alternative Water Supply Feasibility Research and Pilot Projects (Programmatic Code 2.2.1.1)</b>									
a) South Hillsborough Aquifer Recharge Program (SHARP) (N287)	\$1,382,500	\$0	\$0	\$0	\$0	\$0	\$2,765,000	District, Hillsborough County	2 mgd
b) Bradenton Aquifer Protection Recharge Well (N842)	\$2,400,000	\$0	\$0	\$125,000	\$0	\$0	\$5,050,000	District, City of Bradenton	5 mgd
c) PRMRWSA Partially Treated Water ASR (N854)	\$495,500	\$0	\$2,769,500	\$0	\$0	\$0	\$7,755,000	District, PRMRWSA	3 mgd
d) Southern Hillsborough Aquifer Recharge Program (SHARP) Phase 2 (N855)	\$4,850,000	\$0	\$0	\$0	\$0	\$0	\$9,700,000	District, Hillsborough County	4 mgd
e) Braden River Utilities ASR Feasibility (N912)	\$2,736,250	\$0	\$0	\$0	\$0	\$0	\$5,995,000	District, Braden River Utilities	TBD
f) Hydrogeologic Investigation of LFA in Polk County (P280)	\$8,818,131	\$3,181,869	\$0	\$0	\$0	\$0	\$12,000,000	District	NA
g) Optical Borehole Imaging Data Collection from LFA Wells (P925)	\$100,200	\$0	\$0	\$0	\$0	\$0	\$167,000	District, USGS	NA
h) Sources/Ages of Groundwater in LFA Wells in Polk County (P926)	\$368,300	\$0	\$0	\$0	\$0	\$0	\$736,600	District, USGS	NA
i) City of Venice Reclaimed Water Aquifer Storage Recovery (Q050)	\$82,500	\$150,000	\$2,200,000	\$50,000	\$50,000	\$0	\$5,065,000	District, City of Venice	Storage
j) Direct Aquifer Recharge - North Hillsborough Aquifer Recharge Program Phase 2 (Q064)	\$750,000	\$0	\$0	\$0	\$0	\$0	\$1,500,000	District, Hillsborough County	Study
k) Direct Aquifer Recharge-South Hillsborough Aquifer Recharge Program (SHARP)	\$3,250,000	\$0	\$812,500	\$812,500	\$812,500	\$812,500	\$13,000,000	District, Hillsborough County	6 mgd



b)	Mini-FARMS Program (H529) <sup>3</sup>	Annual Request	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$750,000	District	2 mgd
c)	FARMS Well Back-Plugging Program (H015) <sup>3</sup>	Annual Request	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$150,000	District	NA
d)	FARMS Meter Accuracy Support (P429) <sup>3</sup>	Annual Request	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000	\$125,000	District	NA
<b>3) Minimum Flows and Levels Recovery (Programmatic Code 2.2.1.3)</b>												
a)	MFL Recovery Lake Hancock Design, Permit, Mitigation to Raise Lake (H008)	\$6,882,240	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,882,240	District	2.7 mgd
b)	MIA Recharge SWIMAL Recovery at Flatford Swamp (H089)	\$6,578,452	\$57,250	\$0	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$31,000,000	District	6.0 mgd
c)	Lower Hillsborough River Recovery Strategy (H400)	\$5,564,712	\$325,000	\$0	\$0	\$0	\$0	\$0	\$0	\$10,857,462	District, City of Tampa	3.1 mgd
d)	Pump Stations on Tampa Bypass Canal, Morris Bridge Sink (H404) <sup>3</sup>	Annual Request	\$100,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$700,000	District	3.9 mgd
e)	Haines City Reclaimed Water MFL Recharge & Advanced Treatment Feasibility Study (N888)	\$268,282	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$357,710	District, Haines City	0.7 mgd
<b>WRD Project Totals</b>		<b>\$48,140,411</b>	<b>\$11,169,781</b>	<b>\$12,137,000</b>	<b>\$10,342,500</b>	<b>\$10,217,500</b>	<b>\$10,017,500</b>	<b>\$152,218,498</b>	<b>83.4 mgd</b>			

<sup>1</sup> Acronyms: TBD - to be determined, NA - not applicable, mgd - million gallons per day, FDACS - Florida Department of Agriculture and Consumer Services, IFAS - University of Florida Institute of Agricultural Sciences, MIA - Most Impacted Area of the SWUCA, SWIMAL - Salt Water Intrusion Minimum Aquifer Level, USGS - United States Geological Survey, PRMRWSA – Peace River Manasota River Water Supply Authority, ASR – Aquifer Storage Recovery, LFA – Lower Floridan Aquifer.

<sup>2</sup> Funding identified as the State of Florida is described in the *Funding Sources* section of this report.

<sup>3</sup> Future funding budget estimates for which specific time frames are not yet determined are distributed evenly over future years.

<sup>4</sup> The FARMS lead program (H017) and the subprojects are collectively counted as 40 mgd.

# Water Supply Development Assistance

Water supply development is defined as the planning, design, construction, operation, and maintenance of public or private facilities for water collection, production, treatment, transmission, or distribution for sale, resale, or end use (Section 373.019(26), F.S.). Regional water supply authorities, local governments, and public and privately-owned water utilities typically have the lead role in implementing water supply development projects (Section 373.705, F.S.). The District provides funding assistance to these entities for projects that are consistent with the District's Strategic Plan, Water Management Plans, Surface Water Improvement and Management Plans, and the District and CFWI RWSPs. Final decisions regarding the funding of projects are the exclusive responsibility of the District's Governing Board. The District's primary funding mechanism for water supply development assistance is the Cooperative Funding Initiative (CFI) Program, which is described in the Funding Sources section of this Work Program.

The District has 94 budgeted or ongoing water supply development projects in FY2021, including 2 water supply planning projects that support water supply development. As shown in Table 3-h, the District is funding approximately \$41.6 million in FY2021 for 38 projects that achieve water supply development assistance. The project budgets shown are consistent with the District's Programmatic Budget under activity codes 2.2.2 (water supply development) and 1.1.1 (water supply planning). The water supply projects are listed in Table 3-a to 3-g, grouped by the following budget sub-categories and sorted by project code number:

- Surface Water Projects
- Regional Potable Water Interconnect Projects
- Reclaimed Water Projects
- Brackish Groundwater Development Projects
- ASR and Aquifer Recharge Projects (note: some have reclaimed water components)
- Conservation Projects
- Water Supply Planning Projects

Most water supply development projects are funded within one year, but large projects may have construction budgets over multiple years to coincide with each year's predicted expenses. Since the District budget is adopted on an annual basis, the future funding for ongoing projects is estimated based on projected costs and schedules. Additional future funding will be needed for new projects that aren't yet proposed through the CFI Program. The District anticipates new reclaimed water and conservation projects will require funding levels similar to FY2021. The amount needed for new regional interconnects and water treatment facilities can vary greatly from year to year, peaking as large infrastructure projects move from design to construction phases. Significant new funding may be proposed in the FY2022-26 timeframe for expansions of the PRMRWSA Regional Loop System, next phases of the PRWC Southeast Wellfield, Tampa Bay Water's System Configuration 3 Projects, West Polk Lower Floridan Aquifer Wellfield, projects for septic to sewer conversion, and multiple new aquifer recharge projects.

The listed projects that have no FY2021 or future funding are ongoing with prior year funding. Projects are omitted from the Work Program when they are completed.

At the DEP's guidance, additional project details are available in spreadsheet format. The DEP will present Work Program project data from each of the water management districts on their website for public review, in accordance with Section 373.536(6)(b), F.S. The detailed spreadsheet includes project descriptions, schedules, cooperator and state funding levels, and the waterbodies and planning regions supported. The District's proposed Work Program project spreadsheet is available online at: <https://www.swfwmd.state.fl.us/resources/plans-reports/water-resource-development-work-program>



**Table 3-a. Surface Water Projects**

Project Number	Water Supply Development Assistance - Surface Water Projects (Programmatic Budget 2.2.2.1)	Prior District Funding	FY2021 Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	Total Project Cost	Supply (mgd)
Q061	Tampa Bay Water Regional Surface Treatment Plant Expansion Feasibility Study	\$225,000	\$50,000	\$0	\$0	\$0	\$0	\$550,000	Study
Q063	Tampa Bay Water Desalination Facility Expansion Feasibility Study	\$550,000	\$950,000	\$0	\$0	\$0	\$0	\$3,000,000	Study
Q133	PRWC - Peace River Study <sup>1</sup>	\$480,550	\$0	\$0	\$0	\$0	\$0	\$961,100	Study
Q212	PRMRWSA - Reservoir No. 3 Feasibility and Siting	\$0	\$625,000	\$0	\$0	\$0	\$0	\$1,250,000	Study
<b>Total Surface Water Projects</b>		<b>\$1,255,550</b>	<b>\$1,625,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,761,100</b>	<b>0.000</b>

**Table 3-b. Regional Potable Water Interconnect Projects**

Project Number	Water Supply Development Assistance - Regional Potable Water Interconnects (Programmatic Budget 2.2.2.2)	Prior District Funding	FY2021 Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	Total Project Cost	Supply (mgd)
H094	PRWC - Polk County Partnership <sup>2</sup>	\$38,500,000	\$5,000,000	\$5,000,000	\$5,000,000	\$0	\$0	\$41,800,000	NA
N416	PRMRWSA Regional Loop System Phase 1 DeSoto to Punta Gorda	\$6,000,000	\$0	\$0	\$0	\$0	\$0	\$12,000,000	NA
N823	PRMRWSA Regional Integrated Loop System Phase 3B	\$8,100,000	\$0	\$0	\$0	\$0	\$0	\$16,700,000	NA
N965	TBW Tampa Bypass Canal Gates Automation	\$427,500	\$88,500	\$0	\$0	\$0	\$0	\$1,032,000	NA
N998	TBW Regional Facility Site Pump Station Expansion	\$1,122,500	\$77,500	\$0	\$0	\$0	\$0	\$2,400,000	NA
Q146	Tampa Bay Water Southern Hillsborough County Booster Pump Station	\$0	\$500,000	\$1,525,000	\$1,525,000	\$0	\$0	\$7,100,000	NA
Q202	PRMRWSA - Southern Regional Loop Phase 2B and 2C Feasibility and Routing	\$0	\$150,000	\$50,000	\$0	\$0	\$0	\$400,000	Study
Q205	PRMRWSA Phase 3C Integrated Loop and Routing and Feasibility	\$0	\$200,000	\$100,000	\$0	\$0	\$0	\$600,000	Study
<b>Total Regional Potable Water Interconnect Projects</b>		<b>\$54,150,000</b>	<b>\$6,016,000</b>	<b>\$6,675,000</b>	<b>\$6,525,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$82,032,000</b>	<b>0.000</b>

**Table 3-c. Reclaimed Water Projects**

Project Number	Water Supply Development Assistance - Reclaimed Water Projects (Programmatic Budget 2.2.2.3)	Prior District Funding	FY2021 Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	Total Project Cost	Benefit (mgd)
N339	Winter Haven #3 Reclaimed Interconnect, Storage, and Pumping	\$2,750,000	\$0	\$0	\$0	\$0	\$0	\$9,466,000	0.300
N536	Auburndale Polytechnic Reclaimed Water Storage and Transmission	\$1,500,000	\$0	\$0	\$0	\$0	\$0	\$3,000,000	1.500
N556	Charlotte County - Regional Reclaimed Water Expansion Phase 3	\$4,715,000	\$0	\$0	\$0	\$0	\$0	\$9,430,000	2.230
N696	Hernando County US-19 Reclaimed Water Transmission Phase 1	\$3,000,000	\$0	\$0	\$0	\$0	\$0	\$12,000,000	1.700
N711	Bradley River Utilities Reclaimed Water Transmission Line	\$2,300,000	\$0	\$0	\$0	\$0	\$0	\$4,600,000	1.000

**Table 3-c. Reclaimed Water Projects (continued)**

Project Number	Water Supply Development Assistance - Reclaimed Water Projects (Programmatic Budget 2.2.2.3)	Prior District Funding	FY2021 Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	Total Project Cost	Benefit (mgd)
N743	Pasco County Starkey Ranch Reclaimed Water Transmission Phase B	\$955,000	\$0	\$0	\$0	\$0	\$0	\$1,910,000	0.410
N772	Polk County NERUSA Loughman/Ridgewood Reclaimed Water Transmission	\$1,252,500	\$0	\$0	\$0	\$0	\$0	\$2,505,000	0.345
N791	Pasco County Starkey Ranch Reclaimed Water Transmission Phase C	\$456,800	\$0	\$0	\$0	\$0	\$0	\$913,600	0.290
N796	City of Winter Haven Reuse Interconnect and Aquifer Recharge	\$150,000	\$0	\$0	\$0	\$0	\$0	\$300,000	Study
N805	Tarpon Springs - Westwinds/Grassy Pointe Residential Reclaimed Water	\$297,708	\$0	\$0	\$0	\$0	\$0	\$595,417	0.070
N862	Polk County Utilities NERUSA CR 547 Reclaimed Water Transmission Phase 1	\$434,750	\$0	\$0	\$0	\$0	\$0	\$869,500	0.377
N863	Hillsborough County Summerfield Sports Complex	\$77,500	\$0	\$0	\$0	\$0	\$0	\$155,000	0.065
N868	Polk County Utilities NERUSA Ernie Caldwell Blvd Reclaimed Water Transmission	\$1,056,500	\$0	\$0	\$0	\$0	\$0	\$2,113,000	0.414
N881	Arcadia Golf Course Reclaimed Water Storage Reservoir	\$225,000	\$0	\$0	\$0	\$0	\$0	\$300,000	0.100
N898	Haines City Reclaimed Water Tank and Pump Stations Project	\$2,985,000	\$1,635,000	\$0	\$0	\$0	\$0	\$6,800,000	Storage
N918	Polk County Utilities NERUSA FDC Grove Road Reclaimed Water Transmission	\$848,000	\$0	\$0	\$0	\$0	\$0	\$1,696,000	0.142
Q021	Pasco Co Cypress Preserve Reclaimed Water Transmission Main - Grand Live Oak Blvd	\$1,145,500	\$0	\$0	\$0	\$0	\$0	\$2,291,000	TBD
Q022	Bowling Green RW Transmission Line	\$200,000	\$0	\$0	\$0	\$0	\$0	\$400,000	0.200
Q028	Tampa Augmentation Project Feasibility/Testing Phase II	\$710,650	\$0	\$0	\$0	\$0	\$0	\$1,421,300	0.330
Q047	Hernando County Anderson Snow Park Reuse	\$2,985,000	\$1,635,000	\$0	\$0	\$0	\$0	\$6,800,000	Storage
Q057	Zephyrhills - Zephyr Lakes & Hospital Reuse	\$848,000	\$0	\$0	\$0	\$0	\$0	\$1,696,000	0.142
Q066	Polk County Utilities- NERUSA Lake Wilson Road Reuse	\$262,750	\$0	\$0	\$0	\$0	\$0	\$525,500	0.180
Q067	Polk County Utilities-NERUSA Southeast Reuse Loop	\$1,093,375	\$983,375	\$110,000	\$0	\$0	\$0	\$4,373,500	0.522
Q098	Pasco County Cypress Preserve Reuse Phase 3	\$239,000	\$0	\$0	\$0	\$0	\$0	\$478,000	0.230
Q105	Citrus County Sugarmill Woods Golf Course Reuse	\$459,000	\$1,375,000	\$0	\$0	\$0	\$0	\$3,918,000	0.500
Q113	City of Plant City McIntosh Park Indirect Potable Reuse Feasibility Study	\$300,000	\$0	\$0	\$0	\$0	\$0	\$600,000	Study
Q139	North Port Direct Potable Reuse Feasibility	\$0	\$125,000	\$0	\$0	\$0	\$0	\$250,000	Study
Q158	Pasco County River Landing Reclaimed Water Transmission	\$0	\$1,693,300	\$0	\$0	\$0	\$0	\$3,386,600	0.465
Q160	Sarasota County Honore Avenue Reclaimed Water Transmission	\$0	\$500,000	\$1,000,000	\$0	\$0	\$0	\$3,000,000	0.533
Q200	Winter Haven Direct Potable Reuse Feasibility Study	\$0	\$100,000	\$0	\$0	\$0	\$0	\$200,000	Study
Q209	Polk County Direct Potable Reuse Feasibility and Pilot Demo	\$0	\$795,000	\$0	\$0	\$0	\$0	\$1,590,000	Study

Total Reclaimed Water Projects									
		\$28,453,783	\$7,206,675	\$1,110,000	\$0	\$0	\$0	\$80,611,417	12.043
Table 3-d. Brackish Groundwater Development Projects									
Project Number	Water Supply Development Assistance - Brackish Groundwater Development Projects (Programmatic Budget 2.2.2.4)	Prior District Funding	FY2021 Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	Total Project Cost	Supply (mgd)
N600	Punta Gorda Reverse Osmosis Project - Brackish Wellfield Investigation	\$1,500,000	\$0	\$0	\$0	\$0	\$0	\$3,000,000	Study
N780	Punta Gorda Reverse Osmosis Project - Facility Construction	\$16,350,000	\$0	\$0	\$0	\$0	\$0	\$33,600,000	4,000
N882	PRWC West Polk County Lower Floridan Aquifer Deep Wells <sup>3</sup>	\$4,470,367	\$0	\$0	\$0	\$0	\$0	\$8,940,734	5,000
N905	PRWC Southeast Wellfield Lower Floridan <sup>4</sup>	\$5,558,958	\$0	\$0	\$0	\$0	\$0	\$11,117,916	Design
Q090	Belleair Brackish Feasibility Study & Testing	\$705,340	\$176,335	\$0	\$0	\$0		\$1,763,350	Study
Q184	PRWC Southeast Wellfield Implementation	\$0	\$6,750,000	\$21,386,000	\$11,226,500	\$446,250	\$446,250	\$83,496,500	12,500
Q216	PRWC Regional Transmission Southeast Phase 1	\$0	\$15,771,000	\$8,276,150	\$0	\$0	\$0	\$48,094,150	NA
	<b>Total Brackish Groundwater Development Projects</b>	<b>\$28,584,665</b>	<b>\$22,697,335</b>	<b>\$29,662,150</b>	<b>\$11,226,500</b>	<b>\$446,250</b>	<b>\$446,250</b>	<b>\$190,012,650</b>	<b>21,500</b>

**Table 3-e. Aquifer Storage and Recovery (ASR) and Aquifer Recharge Projects**

Project Number	Water Supply Development Assistance - Aquifer Recharge & ASR Construction Projects (Programmatic Budget 2.2.2.5)	Prior District Funding	FY2021 Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	Total Project Cost	Benefit (mgd)
N435	City of Bradenton Surface Water Aquifer Storage Recovery <sup>2</sup>	\$2,350,000	\$0	\$0	\$0	\$0	\$0	\$4,700,000	Storage
N665	City of Clearwater Groundwater Replenishment Project Phase 3	\$1,494,909	\$0	\$0	\$0	\$0	\$0	\$32,716,000	TBD
Q142	Pinellas County Chestnut Park Aquifer Storage, Recovery & Recharge	\$0	\$893,500	\$926,625	\$926,625	\$926,625	\$926,625	\$9,200,000	Storage
Q177	Winter Haven - Southern Basin Aquifer Recharge	\$0	\$250,000	\$437,500	\$437,500	\$437,500	\$437,500	\$4,000,000	0.400
	<b>Total ASR and Aquifer Recharge Projects</b>	<b>\$3,844,909</b>	<b>\$1,143,500</b>	<b>\$1,364,125</b>	<b>\$1,364,125</b>	<b>\$1,364,125</b>	<b>\$1,364,125</b>	<b>\$50,616,000</b>	<b>0.400</b>

**Table 3-f. Conservation Projects**

Project Number	Water Supply Development Assistance - Conservation Rebates and Retrofits Projects (Programmatic Budget 2.2.2.7)	Prior District Funding	FY2021 Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	Total Project Cost	Benefit (mgd)
B015	Water Incentives Supporting Efficiencies (WISE) Program	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	Annual Request	0.007
N948	PRWC Indoor Water Conservation Incentives	\$78,000	\$0	\$0	\$0	\$0	\$0	\$156,000	0.092
N958	Citrus County Water Sense Labeled Irrigation Controller Installation Phase 2	\$60,000	\$0	\$0	\$0	\$0	\$0	\$120,000	0.110
N961	St. Petersburg Satellite Based Potable Water Leak Detection	\$96,250	\$0	\$0	\$0	\$0	\$0	\$192,500	0.113
N971	PRWC Outdoor Best Management Practices	\$60,000	\$0	\$0	\$0	\$0	\$0	\$120,000	0.016
N973	Winter Haven Consumption/Conservation Programs Data Management Software	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	Annual Request	0.007
N988	Hillsborough County Soil Moisture Sensor Rain Shutoff Device Study and Education	\$60,000	\$0	\$0	\$0	\$0	\$0	\$120,000	0.110

**Table 3-f. Conservation Projects (continued)**

Project Number	Water Supply Development Assistance - Conservation Rebates and Retrofits Projects (Programmatic Budget 2.2.2.7)	Prior District Funding	FY2021 Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	Total Project Cost	Benefit (mgd)
N996	Lake Hamilton Distribution System Looping	\$124,610	\$0	\$0	\$0	\$0	\$0	\$521,000	0.020
N999	Marion County Toilet Rebate Program Phase 6	\$32,000	\$0	\$0	\$0	\$0	\$0	\$64,000	0.010
P920	PRWC Outdoor BMPs	\$166,075	\$0	\$0	\$0	\$0	\$0	\$332,150	0.053
P921	PRWC Indoor Conservation Incentives	\$121,275	\$0	\$0	\$0	\$0	\$0	\$242,550	0.087
P922	PRWC Florida Water Star Builder Rebate Program	\$350,000	\$0	\$0	\$0	\$0	\$0	\$700,000	0.066
Q018	NSCUDD Rain Sensor Inspection/Replacement Program	\$20,000	\$0	\$0	\$0	\$0	\$0	\$40,000	0.010
Q020	Braden River Util. Soil Moisture Sensor Rebate Program Phase 2	\$154,000	\$0	\$0	\$0	\$0	\$0	\$308,000	0.055
Q040	WRWSA Regional Irrigation System Audit Program Phase 5	\$72,500	\$0	\$0	\$0	\$0	\$0	\$145,000	0.039
Q068	Tarpon Springs Toilet Rebate Phase 1	\$10,000	\$0	\$0	\$0	\$0	\$0	\$20,000	0.003
Q070	Citrus County Water Sense Irrigation Controller Phase 3	\$45,000	\$0	\$0	\$0	\$0	\$0	\$90,000	0.026
Q073	City of Palmetto Toilet Rebate	\$20,000	\$0	\$0	\$0	\$0	\$0	\$40,000	0.042
Q074	Temple Terrace GCC Advanced Irrigation System	\$255,000	\$0	\$0	\$0	\$0	\$0	\$510,000	0.048
Q078	Pasco County Toilet Rebate Phase 13	\$50,000	\$0	\$0	\$0	\$0	\$0	\$100,000	0.014
Q087	Tampa Bay Water Demand Management	\$549,775	\$0	\$0	\$0	\$0	\$0	\$1,099,550	0.280
Q089	St. Petersburg Sensible Sprinkling Phase 3	\$50,000	\$0	\$0	\$0	\$0	\$0	\$100,000	0.056
Q109	Pasco County Satellite Potable Leak Detection Study	\$30,000	\$0	\$0	\$0	\$0	\$0	\$60,000	0.100
Q111	Manatee County Toilet Rebate Phase 13	\$75,500	\$0	\$0	\$0	\$0	\$0	\$151,000	0.026
Q126	Venice Toilet Rebate and Retrofit Phase 7	\$29,450	\$0	\$0	\$0	\$0	\$0	\$58,900	0.005
Q137	Citrus County - Water Sense Irrigation Controller Phase 4	\$0	\$30,000	\$0	\$0	\$0	\$0	\$60,000	0.017
Q138	WRWSA-Regional Irrigation System Audit Program Phase 6	\$0	\$60,600	\$0	\$0	\$0	\$0	\$121,200	0.032
Q140	Tarpon Springs - Toilet Rebate Phase 2	\$0	\$10,000	\$0	\$0	\$0	\$0	\$20,000	0.003
Q145	Longboat Key Club - Advanced Irrigation System	\$0	\$508,516	\$0	\$0	\$0	\$0	\$1,115,000	0.095
Q166	Bartow - Golf Course Advanced Irrigation System	\$0	\$250,000	\$0	\$0	\$0	\$0	\$500,000	0.051
Q168	Manatee County - Toilet Retrofit Phase 14	\$0	\$82,500	\$0	\$0	\$0	\$0	\$165,000	0.026
Q179	Venice - Toilet Rebate and Retrofit Phase 8	\$0	\$23,900	\$0	\$0	\$0	\$0	\$47,800	0.005
Q185	North Port - Water Distribution Hartsdale/Aldonin/Totem Area Looping	\$0	\$207,500	\$0	\$0	\$0	\$0	\$415,000	0.017
Q187	PRWC - Demand Management Implementation	\$0	\$42,178	\$0	\$0	\$0	\$0	\$168,710	0.023
Q193	Crystal River - Conservation Phase 1	\$0	\$9,090	\$0	\$0	\$0	\$0	\$18,180	0.005

**Table 3-f. Conservation Projects (continued)**

Project Number	Water Supply Development Assistance - Conservation Rebates and Retrofits Projects (Programmatic Budget 2.2.2.7)	Prior District Funding	FY2021 Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	Total Project Cost	Benefit (mgd)
Q211	Bay Laurel CCDD -2021 Irrigation Controller & ET Sensor	\$0	\$48,750	\$0	\$0	\$0	\$0	\$97,500	0.022
Q214	Palmetto Toilet Rebate Phase 2	\$0	\$13,250	\$0	\$0	\$0	\$0	\$26,500	0.011
Q215	TBW - Demand Management Program Phase 2	\$0	\$1,432,238	\$0	\$0	\$0	\$0	\$2,864,476	0.680
<b>Total Conservation Projects</b>		<b>\$2,641,310</b>	<b>\$2,868,522</b>	<b>\$150,000</b>	<b>\$150,000</b>	<b>\$150,000</b>	<b>\$150,000</b>	<b>\$10,873,766</b>	<b>2.289</b>

**Table 3-g. Water Supply Planning Projects**

Project Number	Water Supply Development Assistance - Water Supply Planning (Programmatic Budget 1.1.1)	Prior District Funding	FY2021 Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	Total Project Cost	Supply (mgd)
N928	PRWC Peace Creek Integrated Water Supply Plan <sup>5</sup>	\$990,125	\$0	\$0	\$0	\$0	\$0	\$1,980,250	TBD
Q023	PRWC Water Demand Management Plan	\$170,000	\$0	\$0	\$0	\$0	\$0	\$340,000	NA
<b>Total Water Supply Planning Projects</b>		<b>\$1,160,125</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,320,250</b>	<b>0.000</b>

**Table 3-h. Summary of Funding for Water Supply Development Projects**

Water Supply Development Assistance Project Totals (Programmatic Budget 2.2.2 and 1.1.1)	Prior District Funding	FY2021 Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	Total Project Cost	Supply (mgd)
Surface Water Projects	\$1,255,550	\$1,625,000	\$0	\$0	\$0	\$0	\$5,761,100	0.000
Regional Potable Water Interconnect Projects	\$54,150,000	\$6,016,000	\$6,675,000	\$6,525,000	\$0	\$0	\$82,032,000	0.000
Reclaimed Water Projects	\$28,453,783	\$7,206,675	\$1,110,000	\$0	\$0	\$0	\$80,611,417	12.043
Brackish Groundwater Development Projects	\$28,584,665	\$22,697,335	\$29,662,150	\$11,226,500	\$446,250	\$446,250	\$190,012,650	21.500
ASR and Aquifer Recharge Projects	\$3,844,909	\$1,143,500	\$1,364,125	\$1,364,125	\$1,364,125	\$1,364,125	\$50,616,000	0.400
Conservation Projects	\$2,641,310	\$2,868,522	\$150,000	\$150,000	\$150,000	\$150,000	\$10,873,766	2.289
Water Supply Planning Projects	\$1,160,125	\$0	\$0	\$0	\$0	\$0	\$2,320,250	0.000
<b>Total Funding for Water Supply Development Projects</b>	<b>\$120,090,342</b>	<b>\$41,557,032</b>	<b>\$38,961,275</b>	<b>\$19,265,625</b>	<b>\$1,960,375</b>	<b>\$1,960,375</b>	<b>\$422,227,183</b>	<b>36.232</b>

Acronyms: ASR - aquifer storage and recovery, BMPs - best management practices, ET - Evapotranspiration, mgd - million gallons per day, NERUSA/NWRUSA - The Northeast/Northwest Regional Utility Service Areas of Polk County Utilities, PRMRWSA - Peace River Manasota Regional Water Supply Authority, PRWC - Polk Regional Water Cooperative, TECO - Tampa Electric Company, WRWSA - Withlacoochee Regional Water Supply Authority, FDC - Florida Development Corporation, NSCUDD - North Sumter County Utility Dependent District.

<sup>1</sup> Project Q133's current CFI agreement cost is shown in "Total Project Cost" but the cost of future options is estimated at approximately \$221 million (M).

<sup>2</sup> The H094 Polk County Partnership provides \$65M in reserves for PRWC Projects. \$11.5M has been transferred to projects N882, N905, N928, and Q133 and \$11.7 M was transferred to Q184 and Q216; the balance was deducted from "Total Project Cost" to avoid double-counting.

<sup>3</sup> Project N882's current CFI agreement cost is shown in "Total Project Cost" but the total cost is estimated at approximately \$157M with future phases. The initial phase of construction will develop an estimated 5 mgd of alternative water supplies with future phases expanding to 15 mgd.

<sup>4</sup> Project N905's current CFI agreement cost is shown in "Total Project Cost" but the total cost is estimated at approximately \$446M with future phases. The initial phase of construction will develop an estimated 7.5 mgd of alternative water supplies with future phases expanding to 30 mgd.

<sup>5</sup> Project N928's current CFI agreement cost is shown in "Total Project Cost" but the cost of future options is estimated at approximately \$119M.

# Funding Sources

The District provides significant financial assistance for water resource development and water supply development projects through the District's Cooperative Funding Initiative (CFI), and District Initiatives. The financial assistance is provided primarily to governmental entities, but private entities may also participate in these programs. Portions of state funding are allocated to the District through the DEP and legislative appropriations for the Springs Initiative, the Florida Forever Program, the Water Protection and Sustainability Program, and the District's FARMS Program. These sources are described below.

## District Funding

**Cooperative Funding Initiative** - The District's primary funding mechanism is the CFI, which includes funding for major regional water supply and water resource development projects and localized projects throughout the District's 16-county jurisdiction. The CFI is a matching grant program that enables the Governing Board, through its regional sub-committees, to jointly participate with local governments and other entities to incentivize proper development, use, and protection of the regional water resources of the District. Projects of mutual benefit are generally funded 50 percent by the District and 50 percent by the public or private cooperators. Communities or counties qualifying under the Rural Economic Development Initiative (Section 288.0656, F.S.) may be eligible for greater matching shares. Projects with construction costs exceeding \$5 million will undergo a third-party review at the 30 percent design stage to confirm costs, schedules, and ability to meet its resource benefits. Results of the third-party review are presented to the Governing Board before the project can proceed. Any state and federal funds received for the projects are applied directly against the project costs, with both parties benefitting equally. The District is committed to solving the region's water resource issues through cooperative program, primarily the CFI which has been in place since 1988. These efforts have been highly successful resulting in a combined investment (District and its cooperators) of more than \$3 billion in incentive-based funding assistance for a variety of water projects addressing its four areas of responsibility: water supply, natural systems, flood protection, and water quality.

**District Initiatives** – Projects implemented through the District Initiatives program are of great importance or a regional priority and, in most cases, are fully funded by the District. Examples of these initiatives include Water Resource Development projects such as: (1) the Quality of Water Improvement Program (QWIP) to plug deteriorated, free-flowing wells that waste water and cause inter-aquifer contamination; (2) the Utilities Services Group to conserve water by assisting utilities in controlling their water loss; (3) data collection and analysis to support major District Initiatives such as the MFL program; (4) the FARMS program and other various agricultural research projects designed to increase the water-use efficiency of agricultural operations; (5) water resource development investigations and MFL recovery projects which may not have local cooperators; and (6) the WISE (Water Incentives Supporting Efficiency) program launched in 2019 offers cost-share funding to non-agricultural entities.

## State Funding

**DEP Springs Initiative**- The DEP Springs Initiative is a special legislative appropriation that has provided revenue for protection and restoration of major springs systems. The District has allocated Springs Initiative funding to implement projects to restore aquatic habitats and reduce groundwater withdrawals and nutrient loading within the first-magnitude springsheds, and improve the water quality and quantity of spring discharges. Projects include the reestablishment of aquatic and shoreline vegetation near spring vents, construction of infrastructure necessary to convey wastewater, currently treated in septic systems or package plants, for homes in a priority focus area to a centralized wastewater treatment facility which will also aid in reclaimed water production, and implementation of other BMPs within springshed basins. Since FY2014, the District has appropriated over \$55.2 million from the DEP for springs restoration which includes \$7 million in FY2021. These projects are listed in the Work Program Appendix A - Projects for Implementing BMAs.

**The Florida Forever Program**- The Florida Forever Act, as originally passed by the Florida Legislature in 1999, established the 10-year \$3 billion statewide Florida Forever Program. The Program was extended by the Legislature in 2008 allowing the Program to continue for 10 more years at \$300 million



annually. The appropriations were limited during the economic recession, and the District hasn't received any new Florida Forever funding since FY2011. Since 1999, the District has allocated \$95 million (\$81.6 million for land acquisition and \$13.4 million for water body restoration) of Florida Forever funding Districtwide in support of water resource development. A "water resource development project" eligible for funding under the Florida Forever program is defined in Section 259.105, F.S. , as a project that increases the amount of water available to meet the needs of natural systems and the citizens of the state by enhancing or restoring aquifer recharge, facilitating the capture and storage of excess flows in surface waters, or promoting reuse. Implementation of eligible projects under the Program includes land acquisition, land and water body restoration, aquifer storage and recovery (ASR) facilities, surface water reservoirs, and other capital improvements. Numerous tracts have been acquired in the northern region including Potts and Flying Eagle preserves, Three Sisters Springs, and coastal preserves at Weeki Wachee and Chassahowitzka Rivers. A primary example of how the funds were used by the District for water resource development was the purchase of lands around Lake Hancock within the Peace River watershed, as the first step in restoring minimum flows to the Upper Peace River. In addition, the District Governing Board has expended \$35.7 million in ad valorem-based funding to complete the acquisition of lands associated with the Lake Hancock project which were acquired on a voluntary basis and through eminent domain proceedings. The state's Florida Forever Trust Fund (FFTF) holds prior-year funds for this District and other water management districts that are available for release subject to approval by the DEP. The funds are available for potential land acquisitions consistent with the guidance provided by the DEP. The District's FY2021 budget includes \$575,000 of prior-year funds held in the FFTF.

**Facilitating Agricultural Resource Management Systems (FARMS) Program** - The FARMS Program is an agricultural best management practice (BMP) cost-share reimbursement program that involves both water quantity and water quality. This public/private partnership program was developed by the District and the Florida Department of Agriculture and Consumer Services (FDACS) in 2003. The purpose of the FARMS Program is to implement production-scale agricultural BMP projects that will provide water resource benefits including water quality improvement, reduction of Upper Floridan withdrawals, conservation, and restoration or augmentation of the area's water resources and ecology. Since 2003 the District has co-funded \$43.3 million dollars towards \$76.6 million dollars in total project costs for 216 FARMS projects resulting in 29.6 million gallons per day (mgd) of water resource benefits. Operating under District Governing Board Policy, the FARMS Program, through the District, utilizes additional state funding when available. Since inception of the program, the District has utilized \$7.3 million in state appropriations and \$1.2 million from the FDACS. No funding has been provided by state appropriations since FY2009.

**NRCS Environmental Quality Incentive Program (EQIP)** - The EQIP provides technical, educational, and financial assistance to eligible farmers and ranchers to address soil, water, and related natural resource concerns on their lands. The program assists farmers and ranchers in compliance with federal, state of Florida, and tribal environmental laws that encourage environmental enhancement. In addition to the EQIP, the FARMS Program has partnered with NRCS through the Agriculture Water Enhancement Program and the Florida West Coast Resource Conservation and Development Council to bring additional NRCS cost-share funding to the SWUCA. The District's FARMS Program works cooperatively with these programs on both financial and technical levels and has coordinated dual cost-share projects whenever possible. The maximum funding for using both FARMS and EQIP is 75 percent of the total project cost.

**Water Protection and Sustainability Program** - Large areas of Florida do not have sufficient traditional water resources to meet the future needs of the state's growing population and the needs of the environment, agriculture, and industry. The state's Water Protection and Sustainability Program Trust Fund was created in the 2005 legislative session through Senate Bill 444 to accelerate the development of alternative water sources and later recreated in Chapter 373, F.S., as part of the 2009 legislative session. Legislation focused on encouraging cooperation in the development of alternative water supplies and improving the linkage between local governments' land use plans and water management districts' regional water supply plans. The Program provides matching funds to the District for alternative water supply development assistance. From FY2006 through FY2009, the District was appropriated a total of \$53.75 million by the Legislature through the Program for water supply development projects. Annual WPSPTF appropriations resumed in FY2020 with \$250,000 and another \$450,000 in FY2021 allocated to the District.



Program funds are applied toward a maximum of 20 percent of eligible project construction costs. In addition, the Legislature established a goal for each water management district to annually contribute funding equal to 100 percent of the state funding for alternative water supply development assistance, which the District has exceeded annually. The legislation also requires that a minimum of 80 percent of the WPSPTF funding must be related to projects identified in a district water supply plan. The District's Regional Water Supply Plan (RWSP) is utilized in the identification of the majority of WPSPTF-eligible projects. Projects are evaluated for funding based on consideration of the 14 factors described in Subsections 373.707(8)(f) and (g), F.S., and additional District evaluation factors as appropriate.

# Summary/Conclusions

The Work Program presented herein is adequate to ensure water is available to timely meet the water supply needs of existing and future reasonable-beneficial uses for a 1-in-10-year drought event and to avoid the adverse effects of competition for water supplies. Over the next five years, this Work Program outlines the District's commitment to ensure the availability of adequate water supplies for all reasonable-beneficial uses and to maintain the function of natural systems. It additionally illustrates the contributions of the District in support of MFLs and water reservations.

This Work Program outlines activities and projects that will make available 119.6 mgd of water upon completion, including reuse water and new potable supply. These benefits are associated with approximately \$95.9 million budgeted for FY2021. The proposed funding for the 5-year Work Program is approximately \$373.7 million through FY 2021-25. Table 4 below summarizes the funding categorized in the Work Program as WRD data collection and analysis activities, WRD Projects, and Water Supply Development Projects.

**Table 4. Work Program Summary**

<b>WRD Data Collection and Analysis Activities</b>	<b>Sum of Current Year District Funding (FY2021)</b>	<b>Sum of Five-Year District Funding (F2021-25)</b>	<b>Sum of Water Made Available (mgd)</b>
Water Resource Development - Data Collection and Analysis Activities (Table 1)	\$43,215,605	\$216,078,025	NA
Water Resource Development - Projects (Table 2)	\$11,169,781	\$53,884,281	83.4
Water Supply Development - Projects (Table 3-h)	\$41,557,032	\$103,704,682	36.2
<b>Totals</b>	<b>\$95,942,418</b>	<b>\$373,666,988</b>	<b>119.6</b>

At the DEP's guidance, specific project details are provided in spreadsheet format. The DEP will present Work Program project data from each of the water management districts on their website for public review, in accordance with Section 373.536(6)(b), F.S. The detailed spreadsheet includes project schedules, cooperator and state funding levels, and the waterbodies and planning regions supported. The District's proposed Work Program projects spreadsheet is available online at:

<https://www.swfwmd.state.fl.us/resources/plans-reports/water-resource-development-work-program>

The WRD and water supply projects set forth a commitment to develop projects associated with the implementation MFLs, recovery/prevention strategies, and water reservations. The majority of projects are located within the SWUCA or NTBWUCA and support their recovery strategies by reducing impacts to the Upper Floridan aquifer. The remaining projects are located in the District's Northern Planning Region, where a proactive, preventative approach is taken to optimize available water resources.

The data collection and analysis activities are a critical part of the WRD component implemented by the District. These activities support the District's MFLs programs. At the beginning of FY2021, the District has established and continues to monitor 205 adopted MFLs and has scheduled the establishment or revaluation of 19 MFLs and one reservation through FY20232. The District's annual MFLs Priority List and Schedule and Reservations List and Schedule is published in the Consolidated Annual Report, and can also be found on the District's webpage at: <https://www.swfwmd.state.fl.us/projects/mfl/documents-and-reports>

Other data collection and analysis activities include conducting watershed management planning, the QWIP program to preserve water resources through proper well abandonment, and the Implementation of stormwater storage and conveyance BMPs.

# Appendix A

## District Projects for Implementing Basin Management Action Plans

Basin Management Action Plans (BMAPs) provide technical direction for restoring impaired waters by reducing pollutant loadings to meet the allowable loadings established in a Total Maximum Daily Load (TMDL). In 2016, the Florida Legislature amended Section 373.036, F.S., to require the identification of all specific projects that implement a BMAP or a recovery or prevention strategy in the Work Program. The Work Programs have historically identified water resource development projects that support MFL recovery and prevention but haven't included projects primarily intended to implement BMAPs. Consistent with section 373.036, F.S., and in a manner coordinated with DEP and the five water management Districts, this Appendix A of the Work Program provides a five-year funding outlook for projects specifically identified in an adopted BMAP.

The District budgeted for six BMAP projects, each benefitting the water quality of first-magnitude springs priority focus areas (PFAs) in the District's northern planning region.

### Kings Bay/Crystal River Priority Focus Area

- Crystal River Indian Water Septic to Sewer Phase II (W430)
- Citrus County Cambridge Greens Septic to Sewer (W432)
- Crystal River Southern Septic to Sewer Project (W434)
- Crystal River Hunter Springs Stormwater Modification (W433)

### Chassahowitzka, Homosassa Springs Priority Focus Area

- Citrus County Old Homosassa West Septic to Sewer Project (WH04)
- Citrus County Old Homosassa East Septic to Sewer project (Q134)

The projects are categorized under the District's Programmatic Budget activity code 2.3.1 - Surface Water Management. District funding shares are presented in Table A-1. Additional funding is anticipated from the DEP and local cooperator shares, including state appropriations. Consistent with the District's CFI policy, projects with construction costs exceeding \$5 million will undergo a third-party review at the 30 percent design stage to confirm costs, schedules, and resource benefits. Project details are available in the Work Program BMAP spreadsheet available online at:

<https://www.swfwmd.state.fl.us/resources/plans-reports/water-resource-development-work-program>

**Table A-1. Projects for Implementing BMAPs.**

BMAPs Projects	Prior District Funding	FY2021 Funding	FY2022 Funding	FY2023 Funding	FY2024 Funding	FY2025 Funding	Total Project Cost	Funding Sources
Crystal River Indian Water Septic to Sewer Phase II (W430)	\$3,375,000	\$0	\$0	\$0	\$0	\$0	\$4,500,000	District, DEP, City of Crystal River
Crystal River Southern Septic to Sewer Project (W434)	\$3,632,812.50	\$0	\$0	\$0	\$0	\$0	\$6,500,000	District, DEP, City of Crystal River
Crystal River Hunter Springs Stormwater Modification	\$100,000	\$0	\$0	\$0	\$0	\$0	\$200,000	District, City of Crystal River
Citrus County Cambridge Greens Septic to Sewer (W432)	\$4,700,500	\$0	\$0	\$0	\$0	\$0	\$6,500,000	District, DEP, Citrus County, State

Citrus County Old Homosassa West Septic to Sewer Project (WH04)	\$4,382,200	\$0	\$0	\$0	\$0	\$0	\$6,000,000	District, DEP, Citrus County, State
Citrus County Old Homosassa East Septic to Sewer Project (Q134)	\$750,000	\$10,500,000	\$0	\$0	\$0	\$0	\$15,000,000	District, DEP, Citrus County, State
<b>Totals</b>	<b>\$16,940,513</b>	<b>\$10,500,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$38,700,000</b>	

**CONSENT AGENDA****September 22, 2020****FARMS – North Joshua Grove, LLC – Hog Island Grove (H788), DeSoto County***Purpose*

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with North Joshua Grove, LLC and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$186,000 (74 percent of total project costs). Of this amount, \$186,000 is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$250,000.

*Project Proposal*

The District received a project proposal from North Joshua Grove, LLC for their 1,497-acre Hog Island Grove citrus property located 15 miles northeast of Arcadia, in northeastern DeSoto County, within the Southern Water Use Caution Area (SWUCA) and Shell, Prairie, and Joshua Creek watersheds (SPJC). This project will involve utilization of an existing 27-acre surface water reservoir to collect tailwater and surface water from the farm property and surrounding watershed to offset Upper Floridan aquifer groundwater used in supplemental irrigation of 180 acres of citrus that is currently being planted. The Water Use Permit (WUP) authorizes an annual average withdrawal of 861,400 gallons per day (gpd) to irrigate 955 acres of citrus. FARMS project components consist of one throw-in surface water pump station to transfer water from the tailwater collection ditch to the reservoir, one surface water pump station to deliver water from the reservoir to the irrigation system, filtration system, valves, tailwater culverts and the piping necessary to connect the existing irrigation system.

*Benefits/Costs*

The proposed project involves water quantity and water quality best management practices for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. Using an estimated 18 percent savings of permitted quantities for daily irrigation, or 158,000 gpd, yields a daily cost of \$0.94 per thousand gallons of groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies and improved irrigation techniques for citrus grove operations. Reimbursement will be from the Governing Board FARMS Fund. Upon approval of this project, the Governing Board will have \$3,515,353 remaining in its FARMS Program budget.

Staff Recommendation:

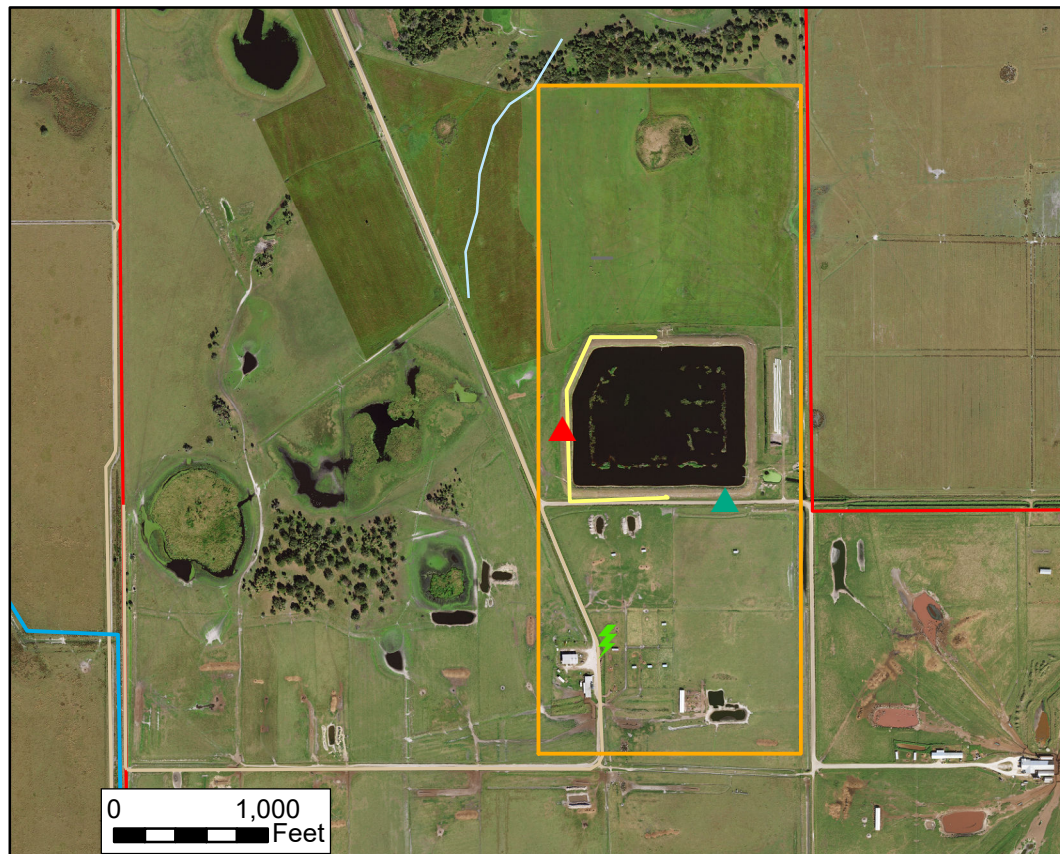
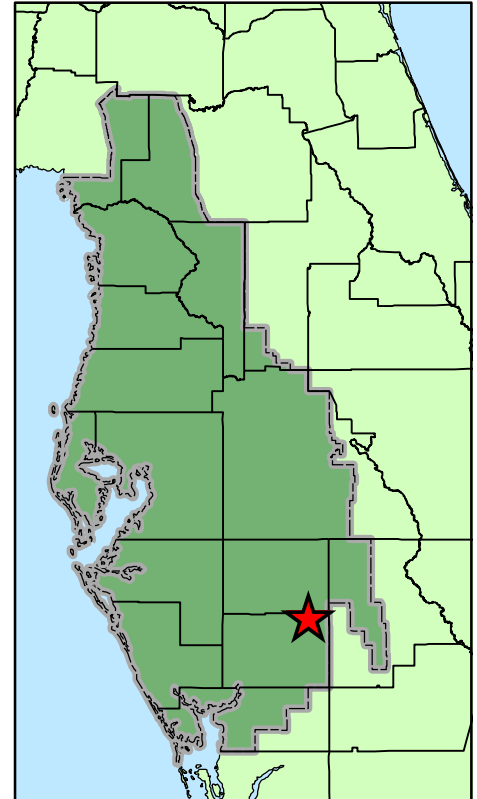
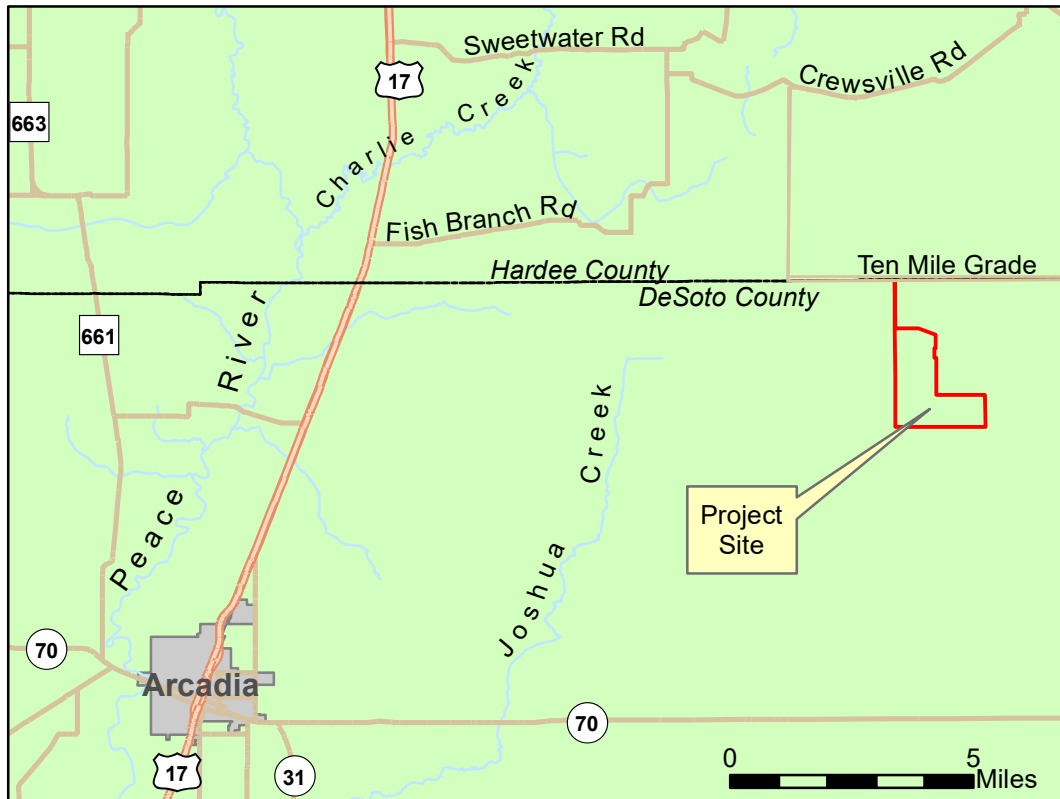
1. Approve the North Joshua Grove, LLC project for a not-to-exceed project reimbursement of \$186,000 with \$186,000 provided by the Governing Board;
2. Authorize the transfer of \$186,000 from fund 010 H017 Governing Board FARMS Fund to the H788 North Joshua Grove, LLC project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

Presenter:

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

# Location Map

## North Joshua Grove, LLC - Hog Island Grove FARMS Project H788



### Legend

- District Boundary
- Boundary WUP 20664
- H788 Project Boundary
- Proposed Surface Water Pump Station and Mainline Irrigation Pipe
- Proposed Tailwater Pump Station
- Proposed Weather Station

### DeSoto County



Southwest Florida  
Water Management District

**CONSENT AGENDA****September 22, 2020****FY2020 Board Designated Encumbrance for S-353 Spillway Repairs (B882)***Purpose*

Request approval to encumber current year (FY2020) funds budgeted for design, permitting and construction to repair the toe drains and spillway at Structure S-353 based on recommendations of engineering inspections. The repairs include reconstruction of the spillway toe underdrain, reconstruction of sill underdrain, pier wall extension, grout filling of voids, and concrete surface and joint repair. These funds requested to carry forward into FY2021 will be used for the same purpose as originally budgeted.

*Background*

Structure S-353 is located on Lake Tsala Apopka Outfall Canal (C-331) between the Withlacoochee River and the Hernando Pool. The purposes of the structure are three-fold: 1) discharge excess water from the Hernando Pool in order to maintain water levels that align with the District's goals for management of the pool; 2) control discharges during flood events in order to avoid exceeding desirable stages in Lake Tsala Apopka; and 3) manage discharge during flood events to prevent damaging velocities downstream.

The current structure was a replacement of the original "Robinson Structure" which included two bays. Construction on S-353 began in 1967 and was completed in 1968. The completed structure consists of four spillway bays each with a 14-foot wide opening. All four bays are equipped with 4-foot high vertical lift gates. The replacement also included the construction of a concrete spillway and an uplift pressure relief system.

In 2017, a leak along a concrete joint on the concrete spillway was identified. A consulting engineer evaluated the spillway in April 2017. This evaluation included structural and geotechnical investigations including visual inspection, concrete coring and ground penetrating radar (GPR). These investigations identified several deficiencies with the spillway toe underdrains, sill underdrains, void beneath the spillway and failing concrete joints. As part of the initial investigation, 40 percent design plans were prepared for the repair of the structure deficiencies.

Staff procured, through the General Engineering Services Agreement (GES), engineering services to complete the design, bidding and permitting for the repairs of Structure S-353. The selected engineering firm requested to conduct additional data collection, including GPR, to evaluate the current condition of the structure before completing the design. The additional data collection efforts and delays resulting from the Covid health crisis prevented the bidding of the construction in FY2020.

*Benefits/Costs*

The approved FY2020 budget included \$800,000 for the design, permitting, and construction to repair the spillway toe underdrain, reconstruction of sill underdrain, pier wall extension, grout filling of voids, and concrete surface and joint repairs. The data collection, design and permitting activities utilized \$65,000 of the current budget. The design will be completed in December of 2020, followed by the construction bidding process which will be completed during the second quarter of FY2021. The spillway repair work will commence at the end of the second quarter, weather permitting.

Staff Recommendation:

Approve the encumbrance of \$735,000 from FY2020 to carry forward into FY2021 for the spillway repair of the S-353 structure.

Presenter:

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



**CONSENT AGENDA**

**September 22, 2020**

**Governing Board Concurrence - Emergency Order No. SWF 20-034 - Emergency Measures Made Necessary by COVID-19**

On July 7, 2020, the District's Executive Director issued the Third Amended and Restated Emergency Order No. SWF 20-027 (Third Amended and Restated Emergency Order) in accordance with the Governor's Executive Order Nos. 20-52, 20-114, and 20-166 declaring a state of emergency throughout Florida due to the Novel Coronavirus Disease 2019 (COVID-19). The Third Amended and Restated Emergency Order extended the duration of Emergency Order No. SWF 20-023 through September 5, 2020, and provided for the following narrowly tailored measures to assist the immediate need for action:

- Extension of permitting deadlines.
- Temporary closure of public buildings and facilities.
- Provision for conducting public meetings exclusively through audio/visual technology.

The Governor's Executive Orders and Section 373.119, Florida Statutes, authorize local agencies and governments to take actions necessary to meet the emergency. Such actions may include, among others, waiving the procedures and formalities otherwise required to perform public work as necessary to ensure the health, safety, and welfare of the community. On June 23, 2020, the District's Governing Board concurred with the Executive Director's findings and approved the Second Amended and Restated Emergency Order.

On September 4, 2020, the Governor issued Executive Order No. 20-213 to extend the declaration of emergency due to COVID-19 through November 3, 2020. The District's Executive Director and staff have similarly found that an extension of the District's Third Amended and Restated Emergency Order is necessary to meet the ongoing public health emergency. As a result, the Executive Director issued the Fourth Amended and Restated Emergency Order No. SWF 20-034 (Emergency Order 20-034) on September 8, 2020 to extend the duration of the Third Amended and Restated Emergency Order through November 3, 2020. The November 3, 2020 expiration date is consistent with the expiration date of both the Governor's Executive Orders and the Department of Environmental Protection's Fourth Amended and Restated Emergency Order No. 20-0239.

Section 373.119 also requires the District's Governing Board to concur with the findings and conclusions in Emergency Order 20-034. If approved, Emergency Order 20-034 would remain in effect until November 3, 2020, unless terminated or extended by further order.

**Staff Recommendation:**

Approve the Fourth Amended and Reinstated Emergency Order No. SWF 20-034 and concur with the Executive Director's determinations regarding the state of emergency and the actions necessary to meet the emergency.

**Presenter:**

Christopher A. Tumminia, Deputy General Counsel

# SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE:

EMERGENCY ORDER DUE TO  
THE EFFECTS OF COVID-19

## **FOURTH AMENDED AND RESTATED EMERGENCY ORDER NO. SWF 20-034**

Under the authority of Sections 120.569(2)(n), 252.36, 252.46, and 373.119(2), Florida Statutes (F.S.), and upon consideration of State of Florida Executive Order Nos. 20-52, 20-114, 20-166, and 20-213, the Florida Department of Environmental Protection's Fourth Amended and Restated Emergency Final Order No. 20-0239, and the following findings of fact, the Southwest Florida Water Management District (District) enters this Fourth Amended and Restated Emergency Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent or immediate danger to the public health, safety, and welfare of the citizens residing within the District caused by the Novel Coronavirus Disease 2019 (COVID-19). This Fourth Amended and Restated Emergency Order amends and extends the provisions of the Third Amended and Restated Emergency Order No. SWF 20-027, entered on July 7, 2020:

### **FINDINGS OF FACT**

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

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

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

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

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

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

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

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

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

9. The District's Executive Director finds that in-person public meetings and hearings pose a potential risk and should not be held during the term of this Order.

Instead, public meetings and hearings held by electronic means is a safe method to encourage public engagement while protecting public health.

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

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

### **CONCLUSIONS OF LAW**

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

13. This Order is issued to carry out the directives in the Executive Orders, which were issued under the authority of article IV, section 1(a) of the Florida Constitution, and in concert with the Florida Department of Environmental Protection's Fourth Amended and Restated Emergency Final Order No. 20-0239. Additionally, under the Executive Orders and Sections 120.569(2)(n), 252.36, 252.46, and 373.119(2), F.S., the District's Executive Director is authorized to issue this Order.

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

**THEREFORE, it is hereby ORDERED:**

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

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

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

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

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

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

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

16. **Public Meetings and Hearings.** The District shall conduct all public meetings or hearings during the term of this Order only by electronic means, including, but not limited to, the use of webinar or telephone to encourage public engagement while protecting public health. The District shall not hold any in-person public meetings or hearings during the term of this Order. This Order waives the policy and procedural requirements in District Policy 110-5, entitled Conduct of Board Meetings, as necessary. The District will adopt interim

policies to continue to provide remote public access to meetings while continuing to fulfill the duties of the District.

17. **Expiration Date**. This Order shall take effect immediately upon execution by the Executive Director or his designee, and shall expire on November 3, 2020, unless modified or extended by further order.

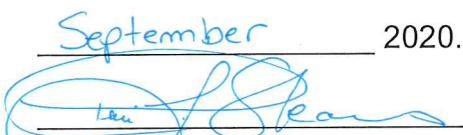
**DONE AND ORDERED** in Hillsborough County, Florida, on this 8<sup>th</sup> day of September, 2020.

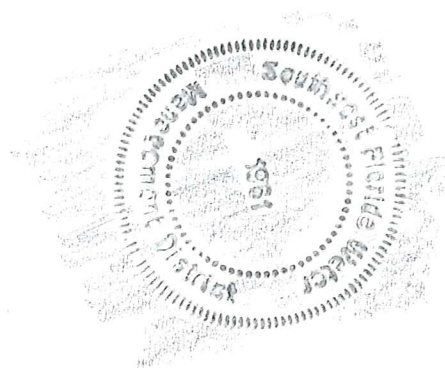
**SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT**

By:   
Brian Armstrong, Executive Director

Filed this 8<sup>th</sup> day of  
September, 2020.

[SEAL]

  
Deputy Agency Clerk



**NOTICE OF RIGHTS**

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



**CONSENT AGENDA**

**September 22, 2020**

**Administrative, Enforcement, and Litigation Activities that Require Governing Board Approval:**  
**Approval of Consent Order Between SWFWMD and DGNL, LLC - Permit Condition Violations -**  
**Environmental Resource Permit No. 43028559.003 - CT No. 407350 - Sarasota County**

On July 7, 2005, the District issued Environmental Resource Permit (ERP) No. 442028559.000 to M&W Supply, Inc., authorizing the construction of a surface water management system to serve a commercial project located at 7750 Fruitville Road in Sarasota, Florida (Property). On July 21, 2010, the District issued a minor modification to the permit authorizing a five-year extension to complete construction of the surface water management system. On May 3, 2016, M&W Supply, Inc., sold the Property to DGNL, LLC (Permittee).

On August 13, 2019, the District issued ERP No. 432028559.003 (Permit) to the Permittee authorizing design changes to the surface water management system, which had not yet been constructed. Specific Conditions of the Permit required construction of the surface water management system to be completed, and an "As-Built Certification and Request for Conversion to Operation Phase" form together with the as-built plans submitted to the District, within 90 days after issuance of the Permit.

On June 1, 2020, District staff conducted a site inspection at the Property and observed that the surface water management system had not been constructed. To bring the Property into compliance, District staff issued the Permittee a Notice of Violation and proposed Consent Order on June 30, 2020. The Permittee agreed to the District's proposed Consent Order, which assesses penalties totaling \$5,100.00 to be paid to the District and requires the Permittee to complete construction of the surface water management system within 120 days after the approval of the Consent Order by the District's Governing Board. The Consent Order also requires the Permittee to pay an additional \$5,100.00 to the District if construction is not completed within that timeframe.

**Staff Recommendation:**

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

**Presenter:**

Megan Albrecht, Staff Attorney

## BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 20 –

IN RE:        DGNL, LLC  
                  CT NO. 407350  
                  PERMIT NO. 43028559.003  
                  SARASOTA COUNTY, FLORIDA

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**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 DGNL, LLC (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 rules promulgated thereunder as Chapter 62-330, Florida Administrative Code (F.A.C.).

2.        Permittee owns approximately 7.56 acres of real property located within Section 21, Township 36S, Range 19E, at 7750 Fruitville Road in Sarasota, Florida, which is more specifically described as Parcel ID No. 0219013600 by the Sarasota County Property Appraiser (Property). Permittee’s mailing address is 7750 Fruitville Road, Sarasota, Florida 34240.

3.        On July 7, 2005, the District issued Environmental Resource Permit (ERP) Number 44028559.000 to M&W Supply, Inc., authorizing the construction of a surface

water management system to serve a 6.26-acre commercial project (Project) on the Property. The Project consisted of the construction of 3.58 acres of impervious area for use as a commercial landscaping and agricultural supply business.

4. On July 21, 2010, the District issued ERP Number 44028559.001 to M&W Supply, Inc., which modified the original permit to allow for a five-year extension to complete construction of the surface water management system, though construction of the impervious area had already been completed.

5. On May 3, 2016, Permittee purchased the Property from M&W Supply, Inc.

6. On May 26, 2017, the District issued ERP Number 43028559.002 to Permittee authorizing modifications to the original surface water management system designs approved under ERP Number 44028559.000. The modifications accounted for the new impervious area, increased the total size of the project to 7.59 acres, and included the construction of two detention with effluent filtration ponds and one storage and retention pond.

7. On August 13, 2019, the District issued ERP Number 43028559.003 (Permit) to Permittee authorizing further modifications to the surface water management system designs approved under ERP Number 44028559.002. Specifically, the Permit authorized the construction of a single wet detention pond to replace the three ponds that were previously permitted.

8. Specific Condition No. 5(a) of the Permit requires construction of the surface water management system to be completed, and an "As-built Certification and Request for Conversion to Operation Phase" form submitted to the District, within 90 days of the

date the Permit was issued. Specific Condition No. 5(b) provides that if the requirements of Specific Condition No. 5(a) are not satisfied, "it will be deemed a violation of the Permit."

9. On November 5, 2019, and November 18, 2019, District staff conducted site inspections at the Property and observed the beneficial occupation and use of the constructed impervious areas. District staff also observed that construction of the surface water management system had not been initiated.

10. On November 19, 2019, the District issued Permittee a Notice of Permit Condition Violation letter (First Notice) concerning Permittee's failure to timely construct a surface water management system as required by the Permit. The First Notice advised Permittee that its failure to comply with the terms of the Permit constitutes a violation of Chapter 373, F.S., and Chapter 62-330, F.A.C., and that Permittee had until December 19, 2019, to bring the matter into compliance.

11. On February 6, 2020, District staff conducted another site inspection at the Property and observed that the surface water management system, including the wet detention pond, had not been constructed.

12. On May 12, 2020, the District issued Permittee a second Notice of Permit Condition Violation letter (Second Notice) concerning Permittee's failure to timely construct a surface water management system. The Second Notice advised Permittee that it had until June 12, 2020, to comply with the terms of the Permit, and that the matter would be referred to the District's Office of General Counsel for further enforcement action if the Property was not brought into compliance in a timely manner.

13. On June 1, 2020, District staff conducted a final site inspection at the Property and observed that the surface water management system, including the wet detention pond, had not been constructed.

14. To date, Permittee has not built the surface water management system designed to serve the constructed and occupied commercial business on the Property.

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

#### CONCLUSIONS OF LAW

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

17. The activities described in Paragraphs 9 through 14 herein constitute violations of Specific Condition No. 5 of the Permit, Chapter 373, F.S., and Rule 62-330.350, F.A.C., in that Permittee has not constructed the surface water management system designed to serve the constructed commercial business on the Property.

#### CORRECTIVE ACTIONS

18. Within one-hundred twenty (120) days of approval of this Consent Order by the District's Governing Board, Permittee shall: (1) construct the entire surface water management system in accordance with the Permit; (2) submit as-built plans to the District upon completion of construction of the surface water management system; and (3) submit the required "As-built Certification and Request for Conversation to Operation Phase" form to the District.

19. For the violations described in this Consent Order, Permittee shall pay to the District a penalty and enforcement costs in the amount of \$5,100.00, to be paid as

provided herein. Within five (5) days of the approval of this Consent Order by the District's Governing Board, Permittee shall pay to the District \$1,500.00, and shall thereafter make payments to the District as follows: \$1,500.00 on October 1, 2020; \$1,500.00 on November 1, 2020; and \$600.00 on December 1, 2020. Permittee may pay the remaining balance in full at any time before December 1, 2020. All payments are to be made by certified check or money order. If mailed, the address for payment is:

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

20. Permittee's failure to comply with Paragraphs 18 and 19 herein shall result in an additional penalty of \$5,100.00 becoming immediately due upon the District's written demand and shall constitute a violation of this Consent Order.

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

22. For each day of delay beyond any due date specified in this Consent Order, Permittee shall pay to the District an additional sum of One Hundred Dollars (\$100.00) per day. This additional sum shall be paid by Permittee upon the District's mailing of a demand letter to Permittee for payment. This provision shall not be construed to preclude the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.

23. Permittee hereby waives any right to an administrative hearing or judicial review of the terms of this Consent Order. Permittee reserves the right to dispute any

allegation of noncompliance with the Consent Order, or any permit or approval issued hereunder.

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

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

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

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

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

29. 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.

30. Permittee acknowledges by the execution of this Consent Order that any future violation of Chapter 373, F.S., or District rules may result in any or all of the following: criminal prosecution, administrative action, or civil suit in which additional civil penalties and costs may be imposed.

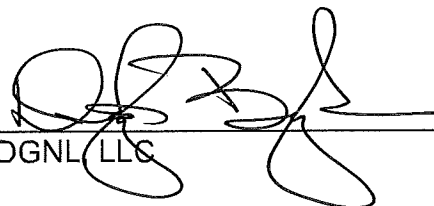
31. The effectiveness of this Consent Order is subject to review and approval by the District's Governing Board. In the event the District's Governing Board does not approve this Consent Order, this Consent Order shall be null, void, and of no legal effect.

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

33. 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) 367-9772, within twenty-one (21) days of receipt of this notice. If this Consent Order is mailed, receipt is deemed to be the fifth day after the date on which the Consent Order is deposited in the United States mail. Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. Any person who is not a party to this Consent Order whose substantial interests will be affected by any such final action of the District has the right to request a hearing in accordance with the requirements set forth above. Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing under Sections 120.569 and 120.57, F.S. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

By:   
 DGNL LLC

Name: Douglas Brugler  
Date: August 7<sup>th</sup>, 2020

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

By: \_\_\_\_\_  
Mark Taylor, Chair

Approved as to Legal Form and Content
_____ Attorney

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

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

CONSENT ORDER  
DGNL, LLC  
CT NO. 407350  
SARASOTA COUNTY, FLORIDA

**CONSENT AGENDA**

**September 22, 2020**

**Administrative, Enforcement, and Litigation Activities that Require Governing Board Approval:**

**Approval of Interagency Agreement between SJRWMD and SWFWMD - Designation of Regulatory Responsibility - Village Center Community Development District - Sumter County**

The Village Center Community Development District (CDD) is located in an area that crosses the jurisdictional boundaries of the Southwest Florida Water Management District (SWFWMD) and the St. John's River Water Management District (SJRWMD). In 2005, SJRWMD issued consumptive use permit (CUP) number 50279-6 to the CDD to provide water for public supply in Sumter and Lake Counties. Thus, while approximately one-third of the CDD's service area is within the jurisdictional boundaries of SWFWMD, all potable water use within the CDD service area has been supplied by wells located within SJRWMD. The CDD will soon be submitting an application for renewal of the above-referenced CUP. In the renewal, the CDD will be requesting the continued use of water from the wells located within SJRWMD. In addition, however, a well is now planned to be located within the jurisdictional boundaries of SWFWMD. The well is being installed for the purpose of enhancing system reliability. It is not anticipated that water from the well will cross into SJRWMD.

Section 373.046(6), Florida Statutes, authorizes water management districts to enter into interagency agreements to designate regulatory responsibility to another water management district for a project that crosses the jurisdictional boundaries of both districts. Water management districts typically consider regulatory efficiency and prior permitting history in determining which water management district is most appropriate to permit such projects. The interagency agreement designates the responsibility to receive, process, and take final agency action on all water use permit applications, and to take any compliance and enforcement action regarding a designated permit.

Both Districts agree that regulatory responsibility over the CDD's renewal application should be designated to SJRWMD. SJRWMD has previously processed multiple permits for the CDD in Sumter and Lake Counties and designating SJRWMD with regulatory responsibility for this project would allow for more efficient processing of the renewal application. Accordingly, an interagency agreement is attached hereto as Exhibit "A."

**Staff Recommendation:**

Approve the Interagency Agreement designating regulatory responsibility for Village Center Community Development District to the St. Johns River Water Management District.

**Presenter:**

Michael R. Bray, Assistant General Counsel

**INTERAGENCY AGREEMENT BETWEEN THE ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT AND THE SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT FOR THE DESIGNATION  
OF REGULATORY RESPONSIBILITY FOR  
VILLAGE CENTER COMMUNITY DEVELOPMENT DISTRICT**

THIS INTERAGENCY AGREEMENT (“Agreement”) is made and entered into by and between ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) and SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD).

WITNESSETH:

WHEREAS, in 2005, SJRWMD issued consumptive use permit (CUP) number 50279-6 to the Village Center Community Development District (the “CDD”) pursuant to Part II, Chapter 373, Florida Statutes (F.S.), to provide water for public supply in Sumter and Lake Counties;

WHEREAS, all potable water use within the CDD service area has been supplied by wells located within SJRWMD. However, approximately, one-third of the service area is within the jurisdictional boundaries of SWFWMD. Therefore, the 2005 application was processed as an interdistrict transfer of water pursuant section 373.2295, F.S. In addition, the water withdrawn in Lake County is utilized in Sumter County. Consequently, the 2005 application also addressed the additional criteria in subsection 373.223(3), F.S., known as the “Local Sourced First” evaluation; and

WHEREAS, the CDD will be submitting a renewal application to SJRWMD. In the renewal, the CDD will be requesting the continued use of water from the wells located within SJRWMD. In addition, a well is now planned to be located within the jurisdictional boundaries of SWFWMD. The well is being installed to enhance system reliability, and it is not anticipated that water from the well will cross into SJRWMD. The location of the well is shown in the attached Exhibit A; and

WHEREAS, Subsection 373.046(6), F.S., authorizes a water management district to designate, via an interagency agreement, regulatory responsibility to another water management district over a project that crosses the jurisdictional boundaries of both water management districts; and

WHEREAS, the designation of SJRWMD as the water management district with Part II, Chapter 373, F.S., regulatory responsibility for the project area known as the Village Center Community Development District would allow for more efficient processing of water use permit applications; and

WHEREAS, the SJRWMD and the SWFWMD now desire to designate SJRWMD as the water management district with Part II, Chapter 373, F.S., regulatory responsibility for the CDD’s renewal application, which includes both the wells in SJRWMD and the planned well in SWFWMD; and

NOW THEREFORE, the SJRWMD and the SWFWMD, under the authority of Subsection 373.046(6), F.S., hereby agrees as follows:

1. The SJRWMD is designated as the water management district that will have all regulatory responsibilities under Part II, Chapter 373, F.S., for the renewal application associated with CUP number 50279-10, including the existing wells within SJRWMD and the planned well within SWFWMD. Such regulatory responsibilities shall include receiving, processing, and taking final agency action on all consumptive use permit applications, or modifications thereof, and taking any compliance and all enforcement action with regard to those permits.
2. This agreement will commence upon execution by all parties and will remain in effect until either party terminates such agreement for its convenience upon ninety (90) days written notice to the other party.

IN WITNESS THEREOF, each party, or lawful representative, has executed this agreement on the date set forth next to their signature below.

**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**

By: \_\_\_\_\_  
Ann B. Shortelle, Ph.D.  
Executive Director

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

Date: \_\_\_\_\_

(Seal)

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

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

Date: \_\_\_\_\_

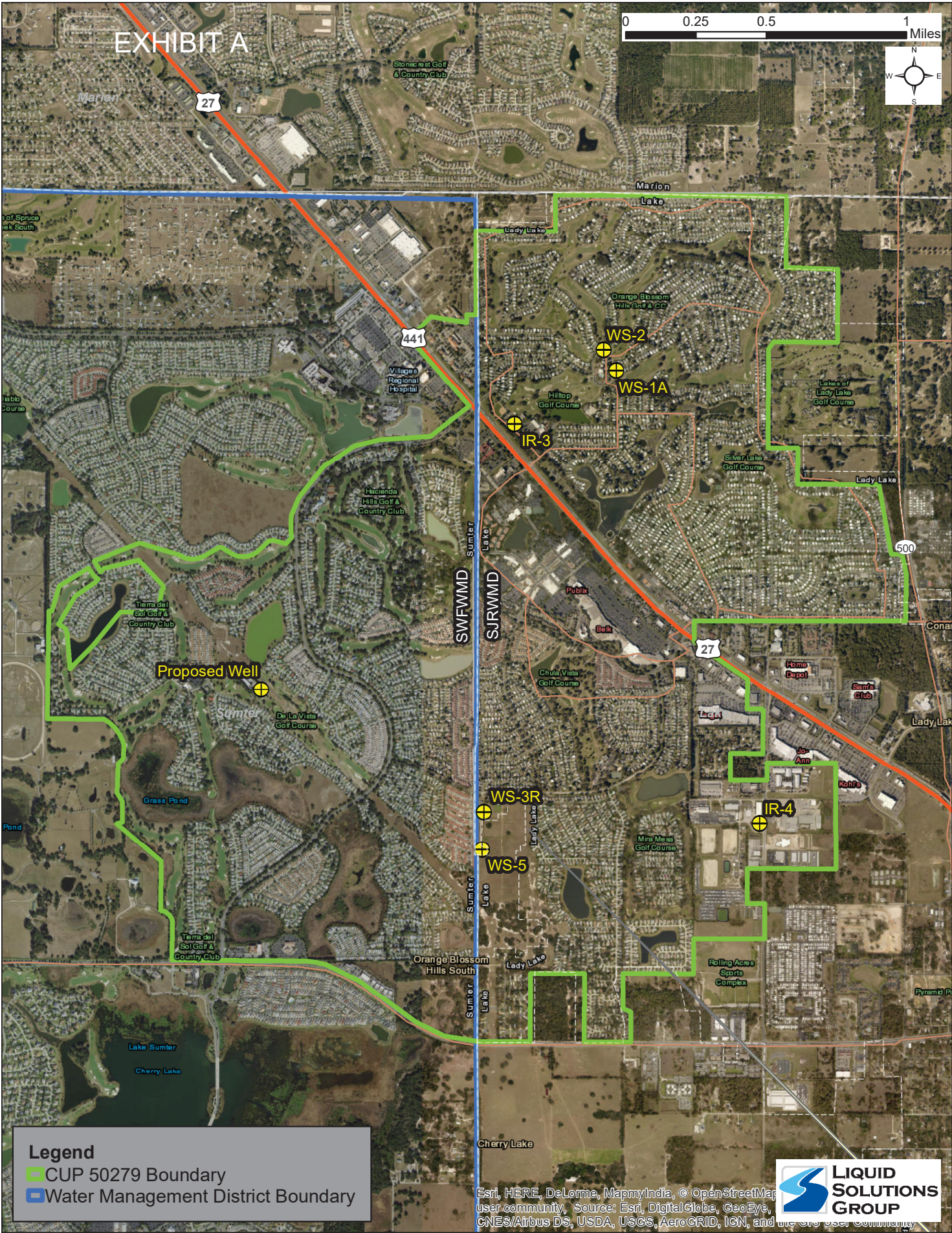
(Seal)

Approved as to Legal Form & Content

\_\_\_\_\_  
Attorney



# EXHIBIT A



## Legend

- CUP 50279 Boundary
- Water Management District Boundary



**CONSENT AGENDA**

**September 22, 2020**

**Administrative, Enforcement, and Litigation Activities that Require Governing Board Approval:**

**Authorization to Issue Administrative Complaint and Order - Well Construction Violations -**

**William D. Going - License Number 1564 - CT No. 409525 - Pinellas County**

William D. Going is a licensed water well contractor holding License No. 1564 (License), whose mailing address is 4645 86th Avenue North, Pinellas Park, Florida 33782. Mr. Going operates Going Irrigation, Inc., and conducts business under that name.

On April 28, 2020, District staff received an anonymous complaint regarding the construction of sand-point irrigation wells at a residential property located at 244 49th Street North in St. Petersburg (Property). In response to this complaint, District staff conducted a well investigation at the Property and observed four newly constructed sand-point irrigation wells. Further investigation by District staff revealed that a Well Construction Permit (WCP) had not been obtained from the District prior to the construction of the wells.

Approximately ten days later, on May 5, 2020, the District received WCP application number 889173 (Application) from Mr. Going for the construction of the same four sand-point irrigation wells at the Property. On June 11, 2020, Mr. Going submitted to the District four well completion reports for the aforementioned wells. According to each well completion report, construction of all four wells was completed on May 7, 2020. These facts demonstrate violations of Rules 40D-3.041(1) and 40D-3.411(1) (a), Florida Administrative Code, respectively, in that Mr. Going constructed the irrigation wells prior to obtaining a WCP from the District and did not submit the well completion reports to the District within 30 days of construction being completed.

The Office of General Counsel conducted additional investigations and confirmed the violations of the well construction regulations listed above. On July 20, 2020, the Office of General Counsel issued a Notice of Violation and proposed Consent Order to Mr. Going that provided for \$3,000.00 in penalties and the assessment of 9 points against his License as provided by the 2014 Water Well Contractor Disciplinary Guidelines and Citations Dictionary. Mr. Going has not agreed to the terms of the proposed Consent Order. Additionally, it should be noted that Mr. Going was the subject of prior enforcement action by the Office of General Counsel (see Order No. SWF 09-017) for similar well construction violations.

**Staff Recommendation:**

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

**Presenter:**

Megan Albrecht, Staff Attorney



**CONSENT AGENDA**

**September 22, 2020**

**Approve Governing Board Minutes - August 25, 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

AUGUST 25, 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 9:00 a.m., on August 25, 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

Mark Taylor, Chair  
Michelle Williamson, Vice Chair\*via Zoom  
Joel Schleicher, Secretary\*via Zoom  
Kelly S. Rice, Treasurer\*via Zoom  
Rebecca Smith, Ph.D., Member\*via Zoom  
James G. Murphy, Member\*via Zoom  
Roger Germann, Member\*via Zoom  
Jack Bispham, Member\*via Zoom  
Seth Weightman, Member\*via Zoom

#### 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)).

### **PUBLIC HEARING**

#### **1. Call to Order**

Chair Mark Taylor called the meeting to order and opened the public hearing.

Chair Taylor provided a telephone number to any member of the public wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda. Chair Taylor stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

At this time, the meeting was recessed to allow for communication with any members of the public who were providing input via telephone. (Audio – 00:04:30)

Chair Taylor reconvened the meeting. (Audio – 00:06:14)

#### **2. Invocation and Pledge of Allegiance**

Chair Taylor offered the invocation and led the Pledge of Allegiance.

Chair Taylor introduced each member of the Governing Board (this served as roll call), who attended remotely 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.

**3. Election of Governing Board Officers**

Ms. Karen West, General Counsel, provided an overview of the process for the election of officers.

**Board Member Weightman made a motion to nominate a slate of officers as followed: Chair, Kelly Rice; Vice Chair, Joel Schleicher; Secretary, Rebecca Smith; and Treasurer, James Murphy. The motion was seconded and carried unanimously. (00:12:10)**

**4. Additions/Deletions to Agenda**

Mr. Brian Armstrong, executive director, stated there were no additions or deletions.

**5. Public Input for Issues Not Listed on the Published Agenda**

Ms. Taren Wadley spoke regarding fish removal at Lake Hancock. Ms. Jennette Seachrist, Resource Management Division director, stated that staff has encouraged Ms. Wadley to work with potential funding cooperators that could submit a CFI funding request.

Ms. Becky Ayech, representing ECOSWF, spoke regarding information that was discussed at the Environmental Advisory Committee. Mr. Michael Molligan, Employee and External Relations Division director and Ms. Seachrist responded.

Mr. Gene Lollis completed a Request to Speak card but did not speak.

Mr. Michael Haymans submitted a Request to Speak card but declined to speak.

**Consent Agenda**

**Finance/Outreach & Planning Committee**

**6. Budget Transfer Report**

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

**7. Adopt Resolutions to Identify New Slate of Officers for Financial Documents**

Staff recommended the Board:

- 1) Authorize the new slate of officers to apply their signatures to the required financial documents and
- 2) Adopt Resolution No. 20-10 authorizing the signatures of the newly elected officers of the Governing Board of the District and the use of facsimile or manual signatures on all warrants or checks of the District.
- 3) Adopt the SunTrust Deposit Account Resolution and Authorization for Business Entities document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's deposit accounts.
- 4) Adopt the SunTrust Corporate Resolution document to identify the new slate of officers as authorized signers on existing accounts and give the officers the authority to give direction or confirmation to the Bank on all matters regarding the District's custody accounts

**8. Knowledge Management: Budget Authority Transfer of Funds Governing Board Policy**

Staff recommended the Board approve the Budget Authority Transfer of Funds Governing Board Policy as revised.

### **Resource Management Committee**

#### **9. FARMS – Symons Grove, LLC (H787), DeSoto County**

Staff recommended the Board:

- 1) Approve the Symons Grove, LLC project for a not-to-exceed project reimbursement of \$495,668 with \$495,668 provided by the Governing Board
- 2) Authorize the transfer of \$495,668 from fund 010 H017 Governing Board FARMS Fund to the H787 Symons Grove, LLC fund
- 3) Authorize the Assistant Executive Director to sign the agreement.

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

#### **10. Right of First Refusal to Acquire the Remainder Fee Interest in a Conservation Easement, Bright Hour Ranch, SWF Parcel No. 20-780-101**

Staff recommended the Board:

- Approve declining to exercise the right of first refusal to purchase the remainder fee simple interest over SWF Parcel No. 20-780-101C encumbered by a District conservation easement.
- Authorize the Executive Director to execute the necessary documents to exercise declining the right of first refusal on SWF Parcel 20-780-101C.

### **Regulation Committee**

#### **11. Individual Water Use Permits Referred to the Governing Board**

##### **a. WUP No. 20011982.004 / Bethel Farms / Bethel Farms LLLP (Charlotte County)**

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

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

#### **12. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval**

##### **a. Approval of Settlement Agreement Between SWFWMD and Kelly Family Holdings, LLC - Overpumpage - Water Use Permit No. 20002588.012 - CT No. 390610 - Charlotte County**

Staff recommended the Board:

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

#### **13. Rulemaking – None**

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

#### **14. Approve Governing Board Minutes – July 28, 2020**

Staff recommended the Board approve the minutes as presented.

#### **15. Approve Calendar for Fiscal Year 2020-2021 Meeting Dates**

Staff recommended the Board approve the dates as presented

**A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:18:10)**

**Chair Taylor relinquished the gavel to the Finance/Outreach and Planning Committee Chair Kelly Rice, who called the meeting to order. (00:19:35)**

## **Finance/Outreach & Planning Committee**

### **Discussion**

#### **16. Consent Item(s) Moved for Discussion – None**

#### **17. Fiscal Year (FY) 2020 Board Designated Encumbrance Request**

Mr. Molligan provided a presentation regarding the FY2020 Board designated encumbrance request. Mr. Molligan provided an overview of the FY2020 modified budget, projected expenditures, and the remaining salary budget. Mr. Molligan stated the District is requesting the utilization of \$1 million for staff performance-based increases. He provided an overview of this request and the evaluation process.

Staff recommended the Board approve the encumbrance of \$1.0 million from the FY2020 Salary appropriation to carry forward into FY2021 for staff performance-based salary increases.

**A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (00:25:15)**

#### **18. ePermitting Modernization Services Budget Transfer and Encumbrance**

Mr. Tom Hughes, Information Technology Bureau chief, provided a presentation that outlined the request for ePermitting modernization services budget request and encumbrance. He provided an overview of the Water Information Management System (WMIS). Mr. Hughes stated the original application of WMIS began in 2003 and cost approximately \$20 million. He stated the cost estimates for redevelopment before services were procured began at \$9.5 million. Mr. Hughes stated the estimate after procuring services is \$4.2 million. Mr. Hughes explained the current system is incompatible with new technologies and security requirements are an on-going concern.

Mr. Hughes provided an overview of the vendor and services selection process. He provided information regarding the project status, a timeline and impacts that have occurred to the project.

Chair Taylor commended staff for securing this project for \$5.3 million under budget.

Staff recommended the Board:

- 1) Approve the transfer of \$250,000 from the withdrawn Zephyr Creek Drainage Improvements: Units 3 and 4 CFI project (N990) to the ePermitting Modernization Project (P455) for the procurement of consulting services.
- 2) Approve the Board designated encumbrance and carry forward of funds remaining at the end of FY2020 into FY2021 to continue the implementation of the new ePermitting system.

**A motion was made and seconded to approve the staff's recommendation. The motion carried unanimously. (Audio – 00:33:49)**

#### **Submit and File Reports – None**

### **Routine Reports**

The following items were provided for the Committee's information, and no action was required

#### **19. Treasurer's Report and Payment Register**

#### **20. Monthly Financial Statement**

#### **21. Monthly Cash Balances by Fiscal Year**

#### **22. Comprehensive Plan Amendment and Related Reviews Report**

**Committee Chair Rice relinquished the gavel to the Resource Management Committee Chair Rebecca Smith who called the Committee to order. (Audio –00:37:15)**

## **Resource Management Committee**

### **Discussion**

**23. Consent Item(s) Moved for Discussion – None**

**24. Polk Regional Water Cooperative West Polk Wellfield Project - Third Party Review of Conceptual Design (N882)**

Mr. Jay Hoecker, Water Supply Section manager, presented an overview of the West Polk Lower Floridan Aquifer Wellfield which included a history, project description and third-party review information. He explained there are two major project elements associated with this project, the wellfield, and the water treatment facility. Mr. Hoecker provided information regarding the third-party review process and the project cost estimate.

Discussion ensued regarding population demand projections.

Secretary Schleicher asked how the District can guarantee the cooperator will have adequate funding to complete the projects. Mr. Brian Armstrong stated the cooperator requests a bond which is issued in advance to assist with the funding. Secretary Schleicher asked that the District confirm Polk County has been issued a bond to ensure their portion of the funding for this project before District funds are spent. Mr. Armstrong responded in the affirmative.

Staff recommended the Board authorize staff to continue with the project preliminary design phase and a second third-party review in accordance with the cooperative funding agreement.

**A motion was made and seconded to approve staff's recommendation. The motion carried unanimously. (Audio – 00:55:00)**

**25. Status of the Polk Regional Water Cooperative (PRWC) Projects and Schedule Adjustments to Governing Board Resolution 18-06 (Amended)**

Mr. Jay Hoecker, Water Supply Section manager, presented an overview of amended resolution 18-06. He provided background information on the original resolution and previous amendments.

Mr. Hoecker provided a status report on the four Polk Regional Water Cooperative (PRWC) alternative water supply projects. These projects included the Southeast wellfield, West Polk wellfield, Peace Creek Integrated Water supply and the Peace River/Land Use Transitions.

Mr. Hoecker explained the request to excuse six scheduled milestones for the Peace River/Land Use Transitions Water Supply and the Peace Creek Integrated Water Supply projects.

Staff recommended the Board:

- 1) Excuse the schedule delay in the cooperative funding agreement project plans to Tasks 4, 5 and 7 associated with the Peace Creek Integrated Water Supply Plan (N928) and to Tasks 3, 5 and 6 associated with the Peace River/Land Use Transition Treatment Facility and Reservoir project (Q133).
- 2) Reaffirm the excusal associated with the schedule delay for the completion of third-party Reviews associated with two surface water cooperative funding projects (N928, Q133).

**A motion was made and seconded to approve the staff's recommendation. The motion carried unanimously.** (Audio – 01:03:28)

**26. Hernando County Culbreath Road Area Flood Relief Project (N981) – Third-Party Review of 30 Percent Design and Associated Scope Change**

Ms. Terese Power, Engineering and Watershed Management Section manager, provided a presentation that outlined project N981 and the results of the third-party review. Ms. Power explained this was a Fiscal Year (FY) 2019 cooperative funding project that will reduce road flooding. She stated the estimated costs for this project are underbudget and remaining funds will be returned to the District's general fund.

Staff recommended the Board authorize continuation of the project and approve amending the CFA to include final design, permitting, and construction of the eligible project components with a total project budget of \$586,860 and the District share of \$293,430.

**A motion was made and seconded to approve the staff's recommendation. The motion carried unanimously.** (Audio – 01:15:18)

**27. Peace River Manasota Regional Water Supply (PRMRWSA) Authority Loop System Phase 1 Interconnect (N416) - Scope of Work Change**

Mr. J.P. Marchand, Water Resources Bureau chief, provided a presentation regarding the PRMRWSA request to amend an existing Cooperative Funding Agreement (CFA). He provided an overview of the Regional Loop system, information regarding the Phase 1 Interconnect project N416 and information regarding the Project Prairie Pump Station project. Mr. Marchand explained the benefits of the project. He stated there is a savings of \$1.2 million associated with this project. The PRMRWSA requested using these savings for the acquisition of the Project Prairie Pump Station.

Chair Taylor and Treasurer Rice expressed future support for the Project Prairie Pump Station acquisition, however, they requested the project be vetted through the cooperative funding process. Discussion ensued.

Staff recommended the Board authorize staff to amend the cooperative funding agreement with the Authority for the Regional Loop System Phase 1 Interconnect Project N416 to include the acquisition of the Project Prairie Pump Station project with no change in the \$12,000,000 agreement cost.

**A motion was made to approve staff's recommendation. No second was made to the motion. The motion failed.** (Audio - 01:41:58)

**A motion was made to oppose staff's recommendation and continue with the current contract. The motion was seconded. The motion passed with five in favor and four opposed.** (Audio – 01:42:13)

**28. FARMS – Creekside Nursery, Inc. (H780), Pasco County**

Mr. Randy Smith, Natural Systems and Restoration Bureau chief, provided a presentation for the Facilitating Agricultural Resource Management Systems (FARMS) Program project Creekside Nursery, Incorporated (Inc.). He explained the project will implement water conservation and nutrient reduction best management practices at an 85-acre sod operation located in the northern Pasco County. The project is in the Northern Tampa Bay Water Use Caution Area, Weeki Wachee springshed, and the Weeki Wachee Basin Management Action Plan boundary. Mr. Smith stated this project is consistent with the Governor's Executive Order 19-12 which directs the District to prioritize funding to focus on projects that maximize nutrient reductions. The project is also

consistent with the District's Weeki Wachee Surface Water Improvement Management (SWIM) Plan. Mr. Smith provided an overview of the project benefits and costs.

Staff recommended the Board:

- 1) Approve the Creekside Nursery, Inc. project for a not-to-exceed project reimbursement of \$161,500 with \$161,500 provided by the Governing Board.
- 2) Authorize the transfer of \$161,500 from fund 010 H017 Governing Board FARMS Fund to the H780 Creekside Nursery, Inc. project fund.
- 2) Authorize the Assistant Executive Director to sign the agreement.

**A motion was made and seconded to approve the staff's recommendation. The motion carried with eight in favor and one opposed. Secretary Schleicher stated his opposition was due to the reimbursement of the project at 75 percent cost share. (Audio – 01:53:10)**

## **29. Fiscal Year (FY) 2021 Project Funding Update**

Ms. Seachrist provided a FY2021 project funding update. Her presentation included an overview of the three main funding requests, which included: state appropriation from the Water Protection Sustainability Program Trust Fund (WPSPTF); the Florida Department of Environmental Protection (FDEP) grant that the District has applied; and a specific request from the FDEP to consider funding seven springs projects that are not part of the recommended cooperative funding for FY2021.

Ms. Seachrist stated the first funding request was for \$450,000 of state appropriation funds from the WPSPTF. These funds were requested to be allocated to a new project Q158, Pasco County River Landing reclaimed water transmission. She provided an overview of the project.  
Staff recommended the Board:

- a. Approve including \$450,000 of WPSPTF state appropriation in the FY2021 budget and applying those funds to the Pasco County River Landing Reclaimed Water Transmission CFI project (Q158) equally reducing the District's and cooperator's share of the total project cost.

**A motion was made and seconded to not consider the request from the FDEP. The motion carried unanimously. (Audio – 01:58:34)**

Ms. Seachrist stated the District submitted a grant application to the FDEP requesting \$4.195 million for construction of the Weeki Wachee River Channel restoration project and is recommending adding the grant funding to the FY2021 budget. She provided an overview of the project and detailed state funding previously provided.

Ms. Seachrist stated the Weeki Wachee River has been altered and channelized over the past 50 years, which has resulted in excess sedimentation in the river. She stated the ancillary benefits from removing the accumulated sediments include restoring the river bottom habitats, increasing submerged aquatic vegetation coverage, and ensuring adequate depth for manatee passage.

Staff recommended the Board:

- b. Approve including \$4,195,000 of grant funding for the Weeki Wachee River Restoration project in the FY2021 budget.

**A motion was made and seconded to approve the staff's recommendation. The motion carried unanimously. (Audio – 02:04:55)**



Ms. Seachrist stated the third request was from FDEP for consideration to use ad valorem funding for seven springs projects that were recommended by the Springs Coast Steering Committee. She explained these were not included in the Cooperative Funding Initiative (CFI) funding projects and do not meet current CFI guidelines. Ms. Seachrist provided an individual overview of each of the seven projects.

Staff recommended the Board:

- c. Consider the request by the FDEP to include additional ad valorem funding in the FY2021 budget for the seven springs projects as presented.

**A motion was made to oppose staff's recommendation to approve the funding request. The motion was seconded. The motion carried unanimously. (Audio – 02:21:31)**

### **Submit & File Reports**

**30. Lower Hillsborough River Recovery Strategy Implementation – Annual Update**

**31. Minimum Flows and Minimum Water Levels Priority List and Schedule Update**

### **Routine Reports**

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

**32. Minimum Flows and Levels and Reservations Status Report**

**33. Significant Water Resource and Development Projects**

**Committee Chair Smith relinquished the gavel to the Operations, Lands and Resource Monitoring Committee Chair James Murphy, who called the Committee to order. (Audio – 02:23:08)**

### **Operations, Lands and Resource Monitoring Committee Discussion**

**34. Consent Item(s) Moved for Discussion – None**

### **35. Hydrologic Conditions Report**

Mr. Granville Kinsman, P.G., Hydrologic Data manager, provided a presentation regarding the hydrologic conditions. Mr. Kinsman stated the anticipated summer rainfall has been inconsistent and has not produced the rainfall required to improve the deficit the District has been experiencing. The District-wide 12-month cumulative rainfall totals show widespread drying trend, and a growing rainfall deficit. Mr. Kinsman stated that because of the rainfall deficits groundwater levels declined in the northern, central, and southern counties but remained in the normal range. Lakes are rising slowly. The northern lakes remained below normal, Tampa Bay and Polk Upland Lakes remained in the normal range while the Lake Wales Ridge Lakes rose to the base of the normal range. The Withlacoochee, Hillsborough and Peace Rivers remained in the normal range but showed declines, while flow on the Alafia River was below normal. Mr. Kinsman stated the Bill Young and Peace River reservoir systems were now being filled, after delays from less than normal rainfall. The climate forecast shows above normal rainfall for the next three months with an active tropical storm season.

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

### **Submit and File Reports – None**

### **Routine Reports**

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

**36. Significant Activities**

### **37. Structure Operations**

**Committee Chair Murphy relinquished the gavel to the Regulation Committee Chair Joel Schleicher who called the Committee to order. (Audio – 02:33:00)**

#### **Regulation Committee Discussion**

**38. Consent Item(s) Moved for Discussion - None**

**39. Denials Referred to the Governing Board**

**Submit & File Reports – None**

#### **Routine Reports**

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

**40. Overpumpage Report**

**41. Individual Permits Issued by District Staff**

**Committee Chair Schleicher relinquished the gavel to Chair Taylor. (Audio – 02:33:41)**

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

**42. Consent Item(s) Moved for Discussion - None**

**43. Central Florida Water Initiative (CFWI) Rulemaking Update**

Mr. Chris Tumminia, Deputy General Counsel, provided an update on the CFWI rulemaking. This presentation included a historical overview of the CFWI area and a summary of guiding principles that were adopted in 2015. Mr. Tumminia provided information regarding the Florida Statute that regulates the CFWI Regional Water Supply Plan. Mr. Tumminia outlined resource concerns that charted water use and population projections through 2040. He also discussed potential environmental concerns regarding the inability to meet minimum flows and levels through 2040.

Mr. Tumminia stated the Florida Legislature directed the Florida Department of Environmental Protection (FDEP) to develop a cooperative process for developing uniform rules and provided an overview. He explained that the uniform rules involve two categories, permitting consistency and enhanced resource protection measures. Mr. Tumminia provided an overview of this information. He stated that the proposed rules encourage the use of alternative water supplies and conservation. Mr. Tumminia outlined permitting changes that will impact permit holders. He stated that staff will continue public outreach to ensure an easy transition.

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

**Submit & File Reports – None**

#### **Routine Reports**

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

**44. August 2020 Litigation Report**

**45. August 2020 Rulemaking Update**

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

**46. Executive Director's Report**

Mr. Brian Armstrong recognized employees who have reached at least 20 years of service with the District and thanked them. Ms. Tamara McBride was recognized.

Mr. Armstrong thanked the Board for recognizing staff's hard work and approving the performance-based salary increases.

Mr. Armstrong commended Chair Taylor and Vice Chair Williamson for their leadership and guidance during their tenure.

Mr. Armstrong addressed the FDEP request for funding related to Item 29a.

**Chair's Report**

**47. Chair's Report**

Vice Chair Williamson thanked the Board and staff during her tenure.

Chair Taylor thanked the Board and staff during his tenure. He addressed concerns regarding potential quorum issues. He cautioned the Board against delegation of authority and policy changes related to quorum requirements.

**48. Employee Milestones**

The meeting was adjourned at 12:20 p.m.

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Chair

Attest:

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Secretary



### **3. Finance/Outreach & Planning**

**Governing Board Meeting  
September 22, 2020**

<b>FINANCE/OUTREACH &amp; PLANNING COMMITTEE</b>
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***Discussion Items***

3.1. Consent Item(s) Moved for Discussion .....	77
3.2. Fiscal Year 2022 Business Plan Update .....	78
3.3. Office of Inspector General 2020 Annual Report .....	79

***Submit and File Reports – None***



**FINANCE/OUTREACH & PLANNING COMMITTEE**

**September 22, 2020**

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

Presenter:

Michael Molligan, Employee and External Relations Division Director



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

**September 22, 2020**

### **Information Only**

#### **Fiscal Year 2022 Business Plan Update**

##### *Purpose*

To provide the Board with an update on the Fiscal Year 2022 Business Plan.

##### *Background/History*

The Business Plan serves as a guide for business operations at the District. The plan provides direction and information to management, employees and stakeholders with respect to District priorities and performance measures. The plan ensures continued efficiency gains, effective organizational improvements, and alignment with the District's Strategic Plan.

The 2022 plan update focuses on resource requirements including personnel, equipment, and additional project needs, as well as the identification of actions taken to address needs identified in prior District Business Plans.

##### *Benefits/Costs*

Implementation of the District's Business Plan will enhance the ability to forecast future financial, operational and staffing resources necessary to meet the District's initiatives and goals as outlined in the Strategic Plan.

##### Staff Recommendation:

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

##### Presenter:

Kevin Wills, Cooperative Funding Initiative Lead

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

**September 22, 2020**

### **Information Only**

#### **Office of Inspector General 2020 Annual Report**

##### *Background/Purpose*

In accordance with the Office of Inspector General (OIG) Charter Governing Board Policy and Section 20.055, Florida Statutes, the Inspector General (IG) must submit an annual report to the District Governing Board that summarizes the activities of the Office during the immediately preceding fiscal year.

##### *Background*

This report provides relevant information regarding performance measures, a description of recommendations for corrective actions, a description of corrective actions from previous annual reports that have not been completed, a summary of audits, reviews, and investigations, and other accomplishments during the period.

During the fiscal year, the OIG completed the annual audit risk assessment, annual short and long-term audit plan, all quarterly updates to the Governing Board, 4 audits, all corrective actions from the previous annual report, all corrective actions recommended by the State of Florida's Auditor General (AG), all follow-up to the AG's findings, 2 investigations, and successfully passed the Association of Inspector Generals' peer review of the audit and investigative functions of the OIG in which they determined all applicable Generally Accepted Government Auditing Standards and Principles and Standards for Offices of Inspector General were fully met. In addition, the OIG began 99 review projects, received 13 complaints, of which 2 an investigation by the OIG was considered necessary, and completed the bi-annual requirement of 80 continuing education hours to successfully renew my CPA license.

##### Staff Recommendation:

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

##### Presenter:

Brian Werthmiller, Inspector General

OFFICE OF  
INSPECTOR  
GENERAL

# Annual Report

October 1, 2019 Through September 30, 2020



**Governing Board**  
**September 22, 2020**

## TABLE OF CONTENTS

	Page <u>No.</u>
LETTER TO THE BOARD .....	1
RESPONSIBILITIES.....	2
INTRODUCTION .....	2
MAJOR FUNCTIONS AND ACTIVITIES .....	3
PERFORMANCE MEASURES .....	9
CERTIFICATIONS .....	10
PROFESSIONAL AFFILIATIONS .....	10
CONTINUING PROFESSIONAL EDUCATION .....	10
CONTACT INFORMATION .....	10



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## Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
WaterMatters.org

**Bartow Office**  
170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1448 or  
1-800-492-7862 (FL only)

**Sarasota Office**  
78 Sarasota Center Boulevard  
Sarasota, Florida 34240-9770  
(941) 377-3722 or  
1-800-320-3503 (FL only)

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

**Kelly S. Rice**  
Chair, Citrus, Lake, Levy, Sumter

**Joel Schleicher**  
Vice Chair, Charlotte, Sarasota

**Rebecca Smith**  
Secretary, Hillsborough, Pinellas

**James G. Murphy**  
Treasurer, Polk

**Jack Blaphem**  
Manatee

**Roger German**  
Hillsborough

**Seth Weightsman**  
Pasco

**Brian J. Armstrong, P.E.**  
Executive Director

September 22, 2020

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

Dear Mr. Rice:

In accordance with F.S. 20.055 and the Office of Inspector General (OIG) Charter Governing Board Policy, I am pleased to submit the OIG's accomplishments during fiscal year 2020. I would like to highlight some of these accomplishments. During the fiscal year, the OIG completed the annual audit risk assessment, annual short and long-term audit plan, all quarterly updates to the Governing Board, 4 audits, all corrective actions from the previous annual report, all corrective actions recommended by the State of Florida's Auditor General (AG), all follow-up to the AG's findings, 2 investigations, and successfully passed the Association of Inspector Generals' peer review of the audit and investigative functions of the OIG in which they determined all applicable *Generally Accepted Government Auditing Standards* and *Principles and Standards for Offices of Inspector General* were fully met. In addition, the OIG saved the District \$50,225 with in-house programs for the annual risk assessment and audits, began 99 review projects, received 13 complaints, of which 2 an investigation by the OIG was considered necessary, and completed the bi-annual requirement of 80 continuing education hours to successfully renew my CPA license and meet the professional standards required to perform audits.

It has been an honor to serve this Governing Board and I look forward to continuing to serve you.

Sincerely,

Brian Werthmiller, CPA, CIG  
Inspector General

cc: Remaining Governing Board Members

## **IG RESPONSIBILITIES**

*IG Responsibilities* - In accordance with the OIG Charter Governing Board Policy and Section 20.055, Florida Statutes, the IG is responsible for the following activities:

- (a) Advise in the development of performance measures, standards, and procedures for the evaluation of the District.
- (b) Assess the reliability and validity of the information provided by the District on performance measures and standards, and make recommendations, if necessary.
- (c) Review the actions taken by the District to improve program performance and meet program standards and make recommendations for improvement, if necessary.
- (d) Provide direction for, supervise, and coordinate audits, investigations, and management reviews relating to the programs and operations of the District.
- (e) Conduct, supervise, or coordinate other activities carried out or financed by the District for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations.
- (f) Keep the Governing Board informed concerning fraud, abuses, and deficiencies relating to programs and operations administered or financed by the District, recommend corrective action concerning fraud, abuses, and deficiencies, and report on the progress made in implementing corrective action.
- (g) Ensure effective coordination and cooperation between the AG, federal auditors, and other governmental bodies with a view toward avoiding duplication.
- (h) Review, as appropriate, rules relating to the programs and operations of the District and make recommendations concerning their impact.
- (i) Ensure that an appropriate balance is maintained between audit, investigative, and other accountability activities.
- (j) Comply with the *Principles and Standards for Offices of Inspector General* as published and revised by the Association of Inspectors General.

## **INTRODUCTION**

The OIG serves as an essential element in promoting accountability, integrity, and efficiency in operations of the Southwest Florida Water Management District (District). This report highlights the fiscal year (FY) 2020 work product, other activities, and is produced in accordance with State law<sup>1</sup> and Governing Board Policy<sup>2</sup>. During FY 2020,

<sup>1</sup> Section 20.055(8), Florida Statutes.

<sup>2</sup> Office of Inspector General Charter.

the OIG had recommendations as noted below, did not report any significant abuses or deficiencies, and did not have any uncorrected OIG recommendations outstanding from the FY 2019 Annual Report. The OIG employs one full-time employee which consists solely of the IG. To promote independence, the IG reports to and is under the supervision of the Governing Board.

## MAJOR FUNCTIONS AND ACTIVITIES

### Audits

Pursuant to State Law<sup>3</sup> and Governing Board Policy<sup>4</sup>, the OIG provides independent, objective audits designed to add value and improve District operations. An audit involves establishing objectives, obtaining an understanding of the program and internal controls through inquiries, observations, and inspections, assessing risk, determining the nature, timing, and extent of audit work, other procedures, and communicating the results of the audit. Audits are conducted in accordance with the *Generally Accepted Government Auditing Standards*, issued by the Comptroller General of the United States. These professional standards provide a framework for performing high-quality audit work with independence, competence, and objectivity to provide accountability and help improve District operations. The results of completed OIG audit activity during the period October 1, 2019 through September 30, 2020, are summarized below.

- ◆ **Risk Assessment and Audit Plan.** State law<sup>5</sup> requires the IG to develop long-term and annual audit plans based upon the results of periodic risk assessments. The IG conducted a formal, District-wide risk assessment which included input from the Governing Board, senior staff, and executive management, review of the District's overall and regional goals and objectives, financial statements, budget information, and other procedures. In January 2020, the Board approved the OIG's short-term and long-term audit plan.
- ◆ **Competitive Procurement Follow-Up Audit.** This was a follow-up audit to the AG report released in July 2018. The AG had recommended the District should continue efforts to ensure that District records contain the manual signatures of who opened bids and the date and time the bids were opened.

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<sup>3</sup> Section 20.055(6), Florida Statutes.

<sup>4</sup> Office of Inspector General Charter.

<sup>5</sup> Section 20.055(6)(i), Florida Statutes.

The objectives of this audit were to: (1) Evaluate management's performance in establishing and maintaining internal controls in accordance with applicable statutes, laws, rules, regulations, contracts, grant agreements, and other guidelines. (2) Examine internal controls designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance, economic and efficient operations, reliability of records and reports, the safeguarding of assets, and identify weaknesses in those controls. (3) Determine whether management had taken corrective action for, or was in the process of correcting, the AG's competitive procurement finding from report No. 2019-001.

Based upon the results of the audit, the District had taken corrective actions for the competitive procurement finding as recommended by the AG.

- ◆ **Florida Department of Highway Safety and Motor Vehicles Audit.** This operational audit focused on selected District processes and administrative activities over Florida Highway Safety and Motor Vehicles (DHSMV) information. The District's memo of understanding with DHSMV requires an audit of the District's internal controls protecting the unauthorized access, distribution, use, modification, or disclosure of DHSMV information.

The objectives of this audit were to: (1) Evaluate management's performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities in accordance with applicable laws, rules, regulations, contracts, grant agreements, and other guidelines. (2) Examine internal controls designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance to protect the unauthorized access, distribution, use, modification, or disclosure of DHSMV information, economic and efficient operations, reliability of records and reports, and the safeguarding of assets, and identify weaknesses in those controls

The audit disclosed that controls over employee access privileges to DHSMV information need enhancement to ensure that assigned access privileges appropriately restrict employees to only those functions necessary for their assigned job responsibilities. Also, District records did not always evidence signed acknowledgements were maintained.

As a result, two recommendations were made: 1) The District should enhance procedures to ensure that assigned access privileges to DHSMV information is restricted to employees with only those functions necessary for their assigned job responsibilities. To help monitor assigned access privileges to DHSMV information,



the District should establish procedures to periodically review the appropriateness of such privileges to ensure that employees do not have access incompatible with their assigned job responsibilities. In addition, the District should monitor access to the DHSMV information on an ongoing basis. 2) The District should enhance procedures to ensure that signed acknowledgements are maintained for all individuals with access to DHSMV information and those acknowledgements are obtained timely.

- ◆ **Information Technology Access Privileges Follow-Up Audit.** This was a follow-up audit to the AG report released in July 2018. The AG had recommended the District should ensure that assigned access privileges restrict employees to only those functions necessary for their assigned job responsibilities and enforce an appropriate separation of incompatible duties. To help monitor assigned access privileges, the District should establish procedures to periodically review the appropriateness of such privileges to ensure that employees do not access IT resources and functions that are incompatible with their assigned job responsibilities. In addition, if an employee only requires occasional access to perform back-up duties, the access should be granted only for the time needed.

The objectives of this audit were to: (1) Evaluate management's performance in establishing and maintaining internal controls in accordance with applicable statutes, laws, rules, regulations, contracts, grant agreements, and other guidelines. (2) Examine internal controls designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance, economic and efficient operations, reliability of records and reports, the safeguarding of assets, and identify weaknesses in those controls. (3) Determine whether management had taken corrective action for, or was in the process of correcting, the AG's IT access privileges finding from report No. 2019-001.

Based upon the results of the audit, the District had taken corrective actions for the IT access privileges finding as recommended by the AG

- ◆ **Self-Insurance Programs Follow-Up Audit.** This was a follow-up audit to the AG report released in July 2018. The AG had recommended the District should enhance procedures to effectively monitor health and workers' compensation self-insurance claims payments. Such procedures could specify that: (1) To provide assurance as to the effectiveness of claims processing controls, the District's contract with the TPA require the TPA to annually obtain a SOC 1<sup>®</sup> Type 2 report on the TPA's controls and timely submit the report to the District for review. (2) If the service auditor's report discloses that the TPA's controls over claims processing are not suitably designed and operating effectively, the District should determine the risks associated with the

control deficiency and either require the TPA to implement appropriate controls or find a new service provider to suitably administer the District's health and workers' compensation self-insurance programs.

The objectives of this audit were to: (1) Evaluate management's performance in establishing and maintaining internal controls in accordance with applicable statutes, laws, rules, regulations, contracts, grant agreements, and other guidelines. (2) Examine internal controls designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance, economic and efficient operations, reliability of records and reports, the safeguarding of assets, and identify weaknesses in those controls. (3) Determine whether management had taken corrective action for, or was in the process of correcting, the AG's self-insurance programs finding from report No. 2019-001.

Based upon the results of the audit, the District had taken corrective actions for the self-insurance programs finding as recommended by the AG.

## **Reviews**

The OIG receives internal requests to review reports, contracts, policies, procedures, or to provide information for the District's consideration. The OIG will not make management decisions but rather provides recommendations for the requestor to consider. Reviews can also include external requests from another government agency such as the Office of the Chief Inspector General, coordinating external audits, or OIG projects that do not require a formal report to the Governing Board. During the fiscal year, the OIG had 99<sup>6</sup> review projects. Some of the notable projects were:

- ◆ Coordination of the Auditor General's operational audit.
- ◆ Presentation to the Finance Bureau regarding fraud and spoofing.
- ◆ Assist the District in the development of its annual fraud and ethics training.
- ◆ Presentation to the Regulation Division on what the OIG does and how it can be of assistance.
- ◆ Improvement of contract language involving audit rights in accordance with Florida law<sup>7</sup>.
- ◆ Recommendations to improve District governing documents which include Board Policies and Executive Director Procedures.

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<sup>6</sup> As of September 2, 2020.

<sup>7</sup> Section 20.055(5), Florida Statutes.

## Investigations

Pursuant to State Law<sup>8</sup> and Governing Board Policy<sup>9</sup>, the OIG carries out investigative duties. Complaints are received from many different sources including employees, former employees, and citizens through various means such as the Office of Chief Inspector General, the OIG fraud hotline, and e-mails. When receiving a complaint, the OIG evaluates it to determine the action to be taken. Complaints that do not fall into the categories of fraud, waste, or abuse are referred to the appropriate District staff. Investigations are conducted in accordance with the *Principles and Standards for Offices of Inspector General*, issued by the Association of Inspectors General. During FY 2020, the OIG received 13 complaints<sup>10</sup>. 11 were closed because no investigation by the OIG was considered necessary. The following summarizes the complaints that resulted in reporting to the Governing Board.

- ◆ **Whistle-Blower Request.** A whistle-blower request was received for a potentially fraudulent claim of Families First Coronavirus Relief Act (FFCRA) leave involving another District employee. The OIG determined the complaint was not the type of information that met whistle-blower requirements (i.e. gross malfeasance), but, further investigative activity was warranted, absent the whistle-blower designation. The OIG found no evidence of fraudulent FFCRA leave involving the employee. However, the OIG did recommend the District should enhance procedures to ensure FFCRA leave is in accordance with District procedures; including requests and approvals are processed through the leave request system, the approved request is for an eligible use of FFCRA leave, and documentation is obtained for each reason(s) FFCRA leave is approved.
- ◆ **Outside Business on District Time.** An allegation was received alleging a District employee performed outside business services on District time. An investigation was performed and concluded that the evidence obtained was insufficient to reasonably conclude that the employee performed outside business services on District time. While the employee stated it was on the way home from the Tampa Office, the investigation did find a District vehicle was used for outside employment after-hours and a District vehicle was taken to the employee's personal residence without an overnight request and approval. A recommendation was made for the District to enhance procedures regarding monitoring of District vehicles to ensure use is in compliance with Governing Documents.

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<sup>8</sup> Section 20.055(7), Florida Statutes.

<sup>9</sup> Office of Inspector General Charter.

<sup>10</sup> As of September 2, 2020.

- ◆ **Return of District Property Follow-Up.** As noted by an investigation in the previous OIG Annual Report, a recommendation was made for the District to enhance procedures to ensure the return of District property is documented as part of the exit process. The District has developed a checklist for separations and transfers which includes the employee's supervisor to sign off that applicable District property was received back as part of the exit process. The District has taken corrective action as recommended.

### **Additional Achievements, Projects, and Reports**

- ◆ **Peer Review.** A peer review of the OIG's audit and investigative functions for FY 2019 was conducted by the Association of Inspectors General to ensure compliance with all applicable professional standards. On January 15, 2020, the OIG received the highest rating of pass and it was the unanimous conclusion of the peer review team that all applicable *Generally Accepted Government Auditing Standards* and *Principles and Standards for Offices of Inspector General* were fully met.
- ◆ **Cost Savings.** The IG saved the District \$27,145<sup>11</sup> with an in-house risk assessment program and \$23,080<sup>12</sup> with an in-house audit program to conduct audits. These programs were part of the peer review process which found professional standards were fully met. Savings totaled \$50,225.
- ◆ **Monitoring.** In addition to the peer review performed by an external party, the OIG also monitors the quality of its audits and investigations in accordance with professional standards. The results of the OIG's monitoring found compliance with professional standards and the OIG's Audit and Investigation Quality Control Policies and Procedures.
- ◆ **District performance measures.** The OIG advised in the development of performance measures, standards, and procedures for the evaluation of District programs. A District performance measure was selected for each of the four general areas of responsibility in water supply, flood protection, water quality, and natural systems. The development included meeting with each board member individually prior to being submitted to the Governing Board February 2020.
- ◆ **OIG Quarterly Updates submitted to the Governing Board.** Provides an update to the Board on the OIG work product and other activities. These were submitted to the Board in October 2019, January 2020, April 2020, and July 2020.

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<sup>11</sup> Subscription to a cloud-based risk assessment program.

<sup>12</sup> Subscription to a professional audit program package.

- ◆ **AG OIG Finding from July 2018.** Corrective action was taken to prepare and maintain records to demonstrate effective utilization of the IG role; the OIG has successfully completed the peer review from the Association of Inspector Generals; audit plans submitted to the Board included a long-term component; the OIG Charter has been updated to require the audit plan to include a long-term component; the OIG has advised the Governing Board in the development of District-wide performance measures; and the OIG's performance measures are submitted to the Board for approval and updates are provided to the Board on the status of those measures quarterly.

## PERFORMANCE MEASURES

The OIG performance measure and status are as follows:

<i><b>Office of Inspector General</b></i>		
<i><b>Performance Measures</b></i>	<i><b>Goal</b></i>	<i><b>Status</b></i>
Audit Plan	Submit to the Board January 2020	Submitted January 2020
Appropriate Time Allocated to Board Reporting	75% of Chargeable Hours by September 2020	80% <sup>13</sup>
OIG Annual Report	Submit to the Board September 2020	Submitted September 2020
Advise Board of District Performance Measures	Submit to the Board February 2020	Submitted February 2020
Updates to the Finance/Outreach & Planning Committee including IG Performance Measures	All quarters in FY	100% Complete
Meet with the Executive Director	Every month in FY	100% Complete
External Peer Review	September 2020	Completed January 2020
Continuing Professional Education for CPA license and professional standards	Completion of 80 hours by June 30, 2020	80 Hours completed by June 30, 2020
Attain Certified Fraud Examiner (CFE) or Certified Inspector General <u>Investigator</u> (CIGI)	September 2020	See Note <sup>14</sup>
Review OIG Charter Governing Board Policy	August 2020	Completed July 2020

<sup>13</sup> As of September 2, 2020.

<sup>14</sup> As of September 2, 2020, pending. CIGI offered once per year in Florida in March 2020 and only in-person. Due to pandemic, did not attend.

## CERTIFICATIONS

The IG is currently certified in the following areas:

Certified Public Accountant.

Certified Inspector General.

## PROFESSIONAL AFFILIATIONS

To maintain professional proficiency and to establish and advance professional networks, the IG belongs to the following professional affiliations:

Association of Inspectors General.

Association of Certified Fraud Examiners.

Florida Government Finance Officers Association.

Florida Institute of Certified Public Accountants.

## CONTINUING PROFESSIONAL EDUCATION

Continuing professional education (CPE) is essential to the OIG to maintain active licenses, professional proficiency, and remain updated on changes in the industry in order to ensure the highest quality of services. As of June 30, 2020, the IG completed the bi-annual requirement of 80 CPE hours for performing audits in accordance with professional standards of the *Generally Accepted Government Auditing Standards* and the requirement by the State of Florida to maintain an active CPA license. CPE included courses from the Association of Inspectors General, the Florida Institute of Certified Public Accountants, the Governmental Accounting Standards Board, and the Florida Government Finance Officers Association.

## CONTACT INFORMATION

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

2379 Broad Street Brooksville, Florida 34604-6899

Phone: (352) 796-7211 X4100 ♦ Fraud Hotline (352) 754-3482







**Governing Board Meeting  
September 22, 2020**

<b>RESOURCE MANAGEMENT COMMITTEE</b>
--------------------------------------

***Discussion Items***

4.1. Consent Item(s) Moved for Discussion .....	92
4.2. FARMS – Luna Berry Farms, LLC – Amendment (H671), Polk County .....	93
4.3. FARMS – Schwartz Farms, Inc. – Amendment (H672), Sarasota County.....	96

***Submit & File Reports – None***



**RESOURCE MANAGEMENT COMMITTEE**

**September 22, 2020**

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

Presenter:

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

**RESOURCE MANAGEMENT COMMITTEE****September 22, 2020****Action Item****FARMS – Luna Berry Farms, LLC – Amendment (H671), Polk County***Purpose*

To request approval for an amendment to an existing Facilitating Agricultural Resource Management Systems (FARMS) project with Luna Berry Farms, LLC to change the scope of work and decrease the reimbursable FARMS eligible costs from a not-to-exceed limit of \$266,980 to \$88,844.21 (75 percent of total project costs). Total project costs have decreased from \$376,460 to \$118,458.95.

*Project Proposal*

In May 2012, the Governing Board approved a FARMS project (H671) with Luna Berry Farms, LLC for their 118- acre property located six miles east of Lakeland, in central Polk County, within the Southern Water Use Caution Area (SWUCA) and Central Florida Water Initiative (CFWI). The Water Use Permit (WUP) authorizes an annual average groundwater withdrawal of 176,000 gallons per day (gpd) for 80 acres of blueberries. This was a conservation project with a weather station, radio relay equipment, and soil moisture sensors. In June 2012, the Governing Board approved a revised FARMS project (H671) that increased the scope of work and project costs to include the use of surface water from an existing on-site 32-acre surface water reservoir to offset Upper Floridan aquifer groundwater used for supplemental irrigation over 80-acres of blueberries irrigated with drip irrigation. The project revision added the installation of three surface water pump stations, chlorination system and the mainline piping necessary to connect the surface water to the irrigation system. The total cost for the revised project was \$376,460 with FARMS eligible costs not-to-exceed \$266,980 (75 percent of total project cost). Using an estimated 57 percent savings of permitted quantities for daily irrigation, or 112,340 gpd for all project components, yields a daily cost of \$2.11 per thousand gallons of groundwater reduced over the proposed five-year contract term.

The District recently received an amended project proposal from Luna Berry Farms, LLC. The amended proposal limits the project to one surface water pump station, chlorination system and the mainline piping necessary to connect the surface water to the existing irrigation system. The grower has chosen to only plant 25 acres of blueberries and no longer needs the additional two pump stations at this time. The weather station, radio relay equipment, and soil moisture probes will also be eliminated from the project. To date one pump station, chlorination system and mainline piping has been constructed with a total project cost of \$118,458.95 with \$88,844.21 (75%) eligible for reimbursement. Of this, \$79,959.79 has been reimbursed to the grower with \$8,884.42 (10%) withheld as retainage. The existing surface water pump station has been operational since March 2013 and used for the daily irrigation of 25 acres of blueberries. The pump station has an offset 24,918 gpd or 58.9% of the total water use on the farm.

*Benefits/Costs*

The amended project involves water quantity best management practices for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program since it has offset the use of groundwater by more than 50 percent as originally approved under the FARMS rule. Using the actual offset of 24,918 gpd for daily irrigation, yields a daily cost of \$2.83 per thousand gallons of

groundwater reduced over the proposed five-year contract term. This value is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of alternative supplies for blueberry operations. Upon approval of this amendment the project will be deemed operational, retainage will be released, and the contract term will begin.

Staff Recommendation:

1. Approve the amendment to the Luna Berry Farms, LLC project for a reduction in the not-to-exceed project reimbursement to \$ 88,844.21.
2. Authorize the Division Director to sign the amendment.

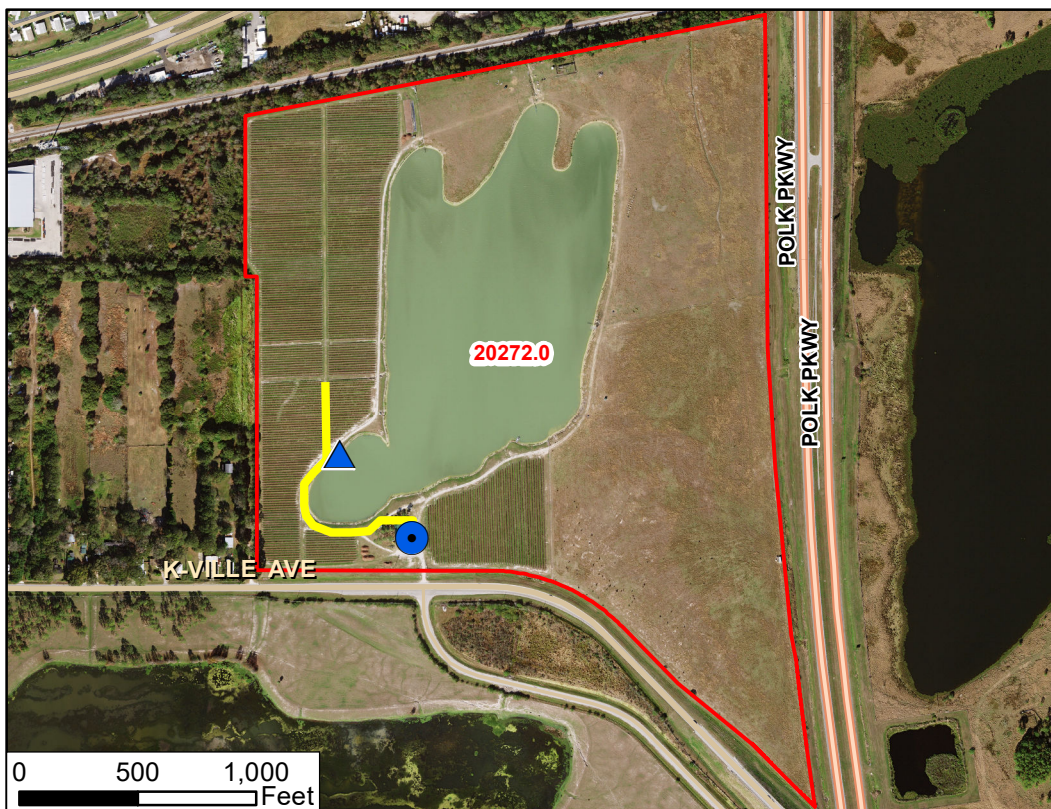
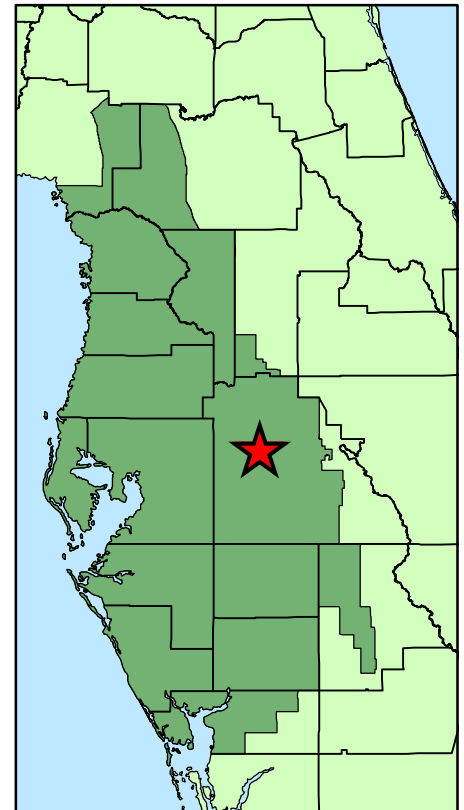
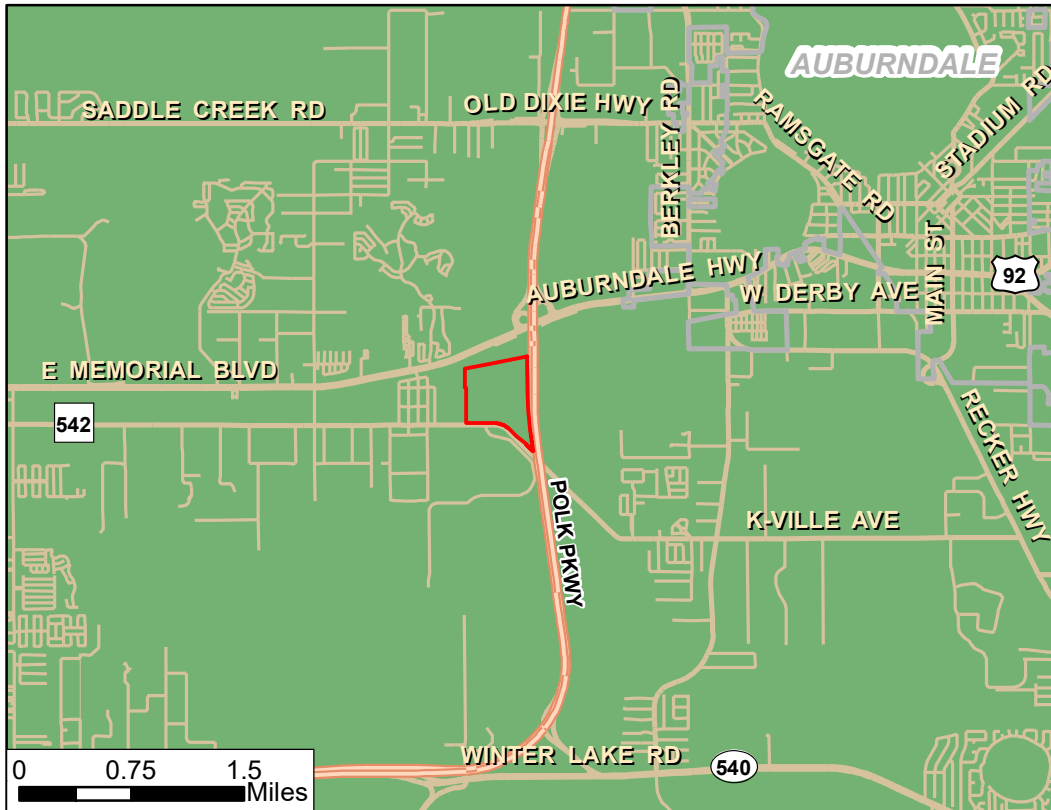
Presenter:

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

# Location Map

## Luna Berry Farms, LLC

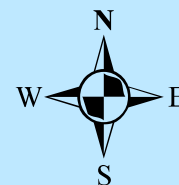
### FARMS Project H671



#### Legend

- Constructed Surface Water Pump Station
- Groundwater Pump Station
- Constructed Mainline Pipe
- WUP 20272

#### Polk County



Southwest Florida  
Water Management District

08.07.2020  
2017 Aerial  
2012 NAVTEC

**RESOURCE MANAGEMENT COMMITTEE****September 22, 2020****Action Item****FARMS – Schwartz Farms, Inc. – Amendment (H672), Sarasota County***Purpose*

To request approval for an amendment to an existing Facilitating Agricultural Resource Management Systems (FARMS) project with Schwartz Farms, Inc. to change the scope of work and decrease the reimbursable FARMS eligible costs from a not-to-exceed limit of \$76,376 to \$55,672.37 (75 percent of total project costs). Total project costs have decreased from \$101,385 to \$74,229.83.

*Project Proposal*

In July 2017, the Governing Board approved a FARMS project (H762) with Schwartz Farms, Inc. for their 630-acre property located ten miles east of Sarasota, in eastern Sarasota County, within the Southern Water Use Caution Area (SWUCA) and the Most Impacted Area (MIA). The Water Use Permit (WUP) authorizes an annual average groundwater withdrawal of 2,180,900 gallons per day (gpd) for 385 acres of various row crops with drip irrigation and 47 acres of hay. The proposed project was to modify one of the ground water pump stations to facilitate automated pump control and add automation to the valves to reduce groundwater use. FARMS project components for this project consisted of a variable frequency drive for the northern pump station, pump automation components, and automation controllers for 18 valves in the irrigation system. Using an estimated three percent savings of permitted quantities for daily irrigation, or 65,500 gpd, yields a daily cost of \$0.93 per thousand gallons of groundwater reduced over the proposed five-year contract term.

The District recently received an amended project proposal from Schwartz Farms, Inc. The amended proposal limits the project to the variable frequency drive and pump automation components. Because of financial pressures, the grower has chosen not to move forward with the expense of automating the 18 valves at this time. Construction of the variable rate drive and pump automation controllers were recently completed with a total project cost of \$74,229.83 and \$55,672.37 (75%) was reimbursed.

*Benefits/Costs*

The proposed amendment involves water quantity best management practices for supplemental irrigation within the MIA and qualified for a 75 percent cost-share reimbursement rate under the FARMS Program when the project was originally approved. The amended project has an estimated offset of two percent of permitted quantities, or 44,000 gpd. This yields a daily cost of \$1.01 per thousand gallons of groundwater reduced over the proposed five-year contract term which is within the guidelines for the generally accepted average cost savings per thousand gallons for the implementation of groundwater conservation through automated pump control on row crop operations. Upon approval the project will be deemed operational, and the contract term will begin.

Staff Recommendation:

1. Approve the amendment to the Schwartz Farms, Inc. H762 project for a reduction in the not-to-exceed project reimbursement to \$ 55,672.37.
2. Authorize the Division Director to sign the amendment.

Presenter:

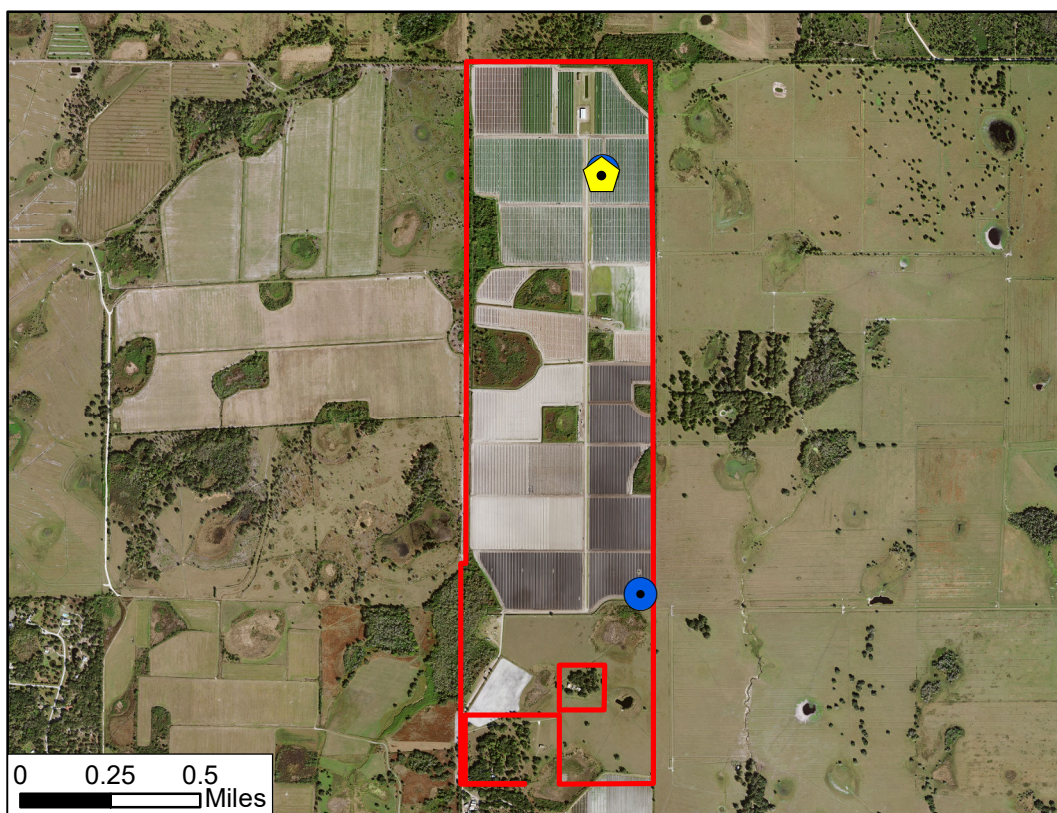
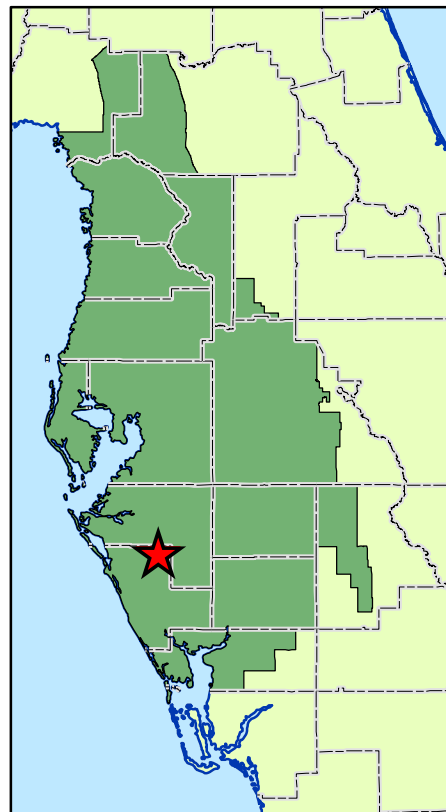
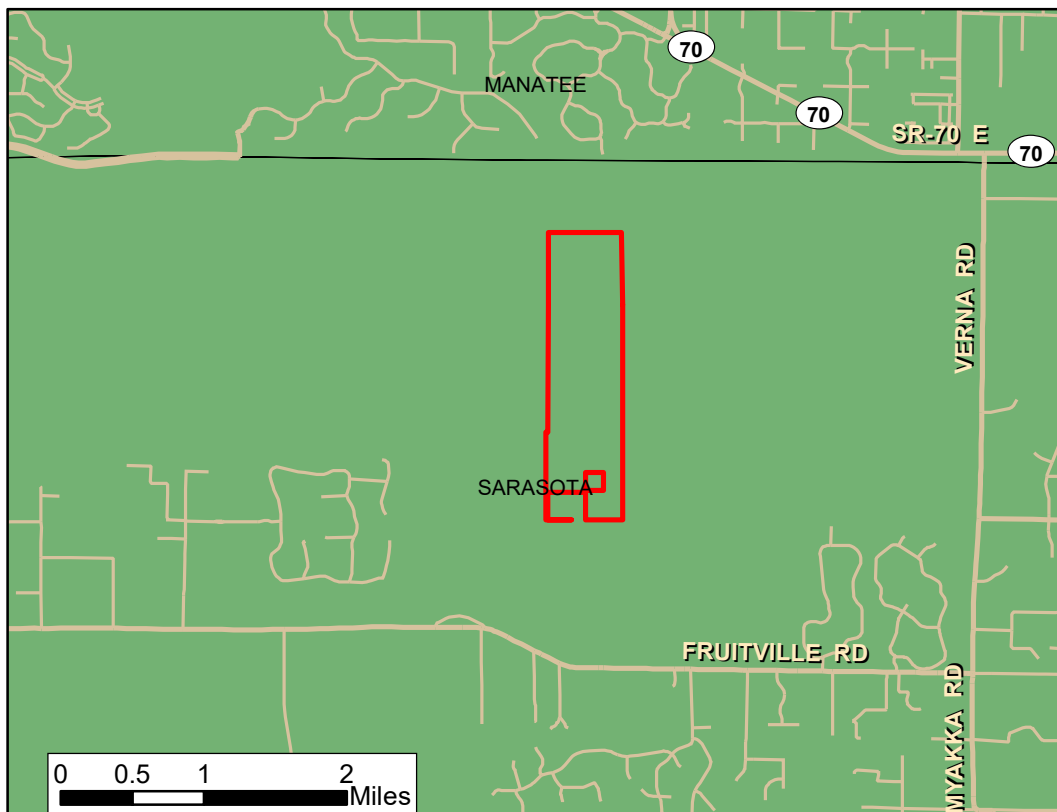
Randy Smith, PMP, Bureau Chief, Natural Systems and Restoration






# Location Map

## Schwartz Farms, Inc.

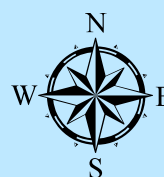
### FARMS Project H762



#### Legend

-  Groundwater Pump Automation
-  Groundwater Pump Station
-  WUP 20003873.009

#### Sarasota County



Southwest Florida  
Water Management District

CJE, 8/25/2020  
2017 Aerial  
2012 NAVTECH





**Governing Board Meeting  
September 22, 2020**

<b>OPERATIONS, LANDS &amp; RESOURCE MONITORING COMMITTEE</b>
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***Discussion Items***

5.1. Consent Item(s) Moved for Discussion .....	99
5.2. Accept offer from the Florida Department of Transportation (FDOT) to purchase the District's Old Florida Plantation (OFP) property, Lake Hancock Project SWF Parcel No. 21-502-109S .....	100

***Submit & File Reports – None***



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

**September 22, 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****September 22, 2020****Action Item**

**Accept offer from the Florida Department of Transportation (FDOT) to purchase the District's Old Florida Plantation (OFP) property, Lake Hancock Project SWF Parcel No. 21-502-109S**

*Purpose*

Recommend the Governing Board approve an offer by the FDOT to purchase a portion of OFP (OFP Sale Property) not necessary for the Lake Hancock Lake Level Modification and Outfall Treatment System projects (Lake Hancock Projects). The FDOT's offer (Exhibit 1) is based on the full appraised value of the OFP Sale Property and is being made in lieu of exercising its right to proceed with eminent domain to obtain the OFP Sale Property. The FDOT intends to use the OFP Sale Property as right of way and stormwater management for the construction of an extension that connects the Polk Parkway to State Road 60. A general location map and an aerial map are attached as Exhibits 2 and 3, respectively.

*Background*

The District acquired OFP in November 2003 for \$30.5 million dollars. The OFP acquisition consisted of approximately 3,347 acres and was acquired for the Lake Hancock Projects that were subsequently constructed and implemented by the District. The Lake Hancock Projects are necessary to enhance minimum flows established for the Upper Peace River, provide aquifer recharge, restore historic levels of Lake Hancock, enhance the floodplain and wetlands around Lake Hancock, and reduce nitrogen loading thereby improving water quality in the Peace River and Charlotte Harbor watershed. The District has utilized approximately 2,300 acres of OFP for the Lake Hancock Projects.

In the early 1990's, OFP was owned by a development group for the purpose of developing a residential, recreational and commercial enterprise. Because of the size of the proposed development, the development group was required to go through the application and approval process as a Development of Regional Impact (DRI). The Development Order (DO) for OFP was approved by Polk County in 1991, with the City of Bartow subsequently annexing the property and approving the DO in 2001. Recognizing the additional opportunities for water quality improvement, the District decided to purchase the OFP property using Florida Forever Funds. On October 28, 2003, the District's Governing Board approved the purchase of OFP, and at the same time approved the surplus sale of any portions of OFP that were not necessary to the completion and implementation of the Lake Hancock Projects.

The District's purchase of OFP included the conveyance of the DRI development rights, which are currently approved for the development of 3,167 residential units. Since the time of District's acquisition of OFP, the DRI has been maintained and modified to accommodate the Lake Hancock Projects. Based on the approved development plan and densities, the entire OFP Sale Property consisting of approximately 1,014 acres was determined to be suitable to support the DRI and is also not necessary for the implementation or operation of the District's Lake Hancock Projects. The OFP Sale Property is comprised of reclaimed lands mined for phosphate, and has frontage along Old Bartow Road, US 17 and Sheffield Road. As part of the purchase offer, the FDOT also identified approximately 25 additional acres needed for right of way located in the northeast corner of OFP that is also not necessary for the Lake

Hancock Projects, resulting in a total of approximately 1,039 acres identified by FDOT as necessary for the extension of the Polk Parkway.

#### *Summary of Value and Offer*

After considerable review and input by District staff, the FDOT decided to make an offer to purchase the entire OFP Sale Property, together with the additional approximately 25 acres as set forth above. As part of this review and input process, the FDOT submitted an appraisal prepared by Stephen Jamir, MAI, that has been reviewed by qualified District staff who is also Certified as a General Appraiser in Florida and who was previously determined to be an expert witness in Polk County Court for real property valuation and appraisal matters. Based on the foregoing, the appraisal submitted by FDOT is factually sound, meet District and industry standards, and the assumptions used to make the value determination are reasonable. The most recent appraisal conducted for the District was in June of 2017 with an estimated value of \$10,120,000 or \$10,000 per acre. Additionally, Section 373.056, Florida Statutes, (F.S.) authorizes the District to convey property not required for its purposes to other agencies based on terms and conditions acceptable to the Governing Board.

The FDOT has determined that all of the OFP Sale Property could be utilized for the Polk Parkway Extension project as road right of way or for utility corridors, drainage, retention and mitigation purposes. The recent appraisal received from the FDOT is dated May 2020 and is based on a value of \$12,000 per gross acre. The appraisal and subsequent offer to purchase were based on 1,012 acres with the estimated value and offer for the OFP Sale Property to be \$12,200,000 based on 100 percent of the appraised value. The purchase agreement has been subsequently revised to adjust the purchase price based the final acreage.

#### *Benefits/Costs*

The sale of this property will reduce the District's overall management responsibilities for the OFP Sale Property; however, it will also eliminate an existing cattle lease. Pursuant to Section 373.139, F.S., revenue derived from this sale may only be used for the purchase of other lands meeting the criteria specified in this Section or payment of debt on revenue bonds or notes issued under Section 373.584, F.S.

#### Staff Recommendation:

- Determine the property identified is no longer required for District purposes; and
- Approve the Purchase Agreement and authorize the Executive Director to sign on the behalf of the District; and
- Authorize the Chairman and Secretary of the Governing Board to execute the Quit Claim Deed;
- Authorize the conveyance of the District's interest in all phosphate, minerals, metals and petroleum in or on or under the land upon the request of the buyer; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

#### Presenter:

Ellen Morrison, Operations and Land Management Assistant Bureau Chief



# PURCHASE AGREEMENT

## RIGHT OF WAY

OGC – 10/16

Page 1 of 4

ITEM SEGMENT NO.: 4408972DISTRICT: 08

FEDERAL PROJECT NO.: N/A

STATE ROAD NO.: 570B

COUNTY: Polk

PARCEL NO.: 101

**Seller:** Southwest Florida Water Management District

**Buyer: State of Florida, Department of Transportation**

Buyer and Seller hereby agree that Seller shall sell and Buyer shall buy the following described property pursuant to the following terms and conditions:

**I. Description of Property:**

(a) **Estate Being Purchased:** ☒ Fee Simple ☐ Permanent Easement ☐ Temporary Easement ☐ Leasehold

(b) **Real Property Described As:** 4408972 Parcel 101. See attached legal description.

(c) **Personal Property:** N/A

(d) **Outdoor Advertising Structure(s) Permit Number(s):** N/A

**Buildings, Structures, Fixtures and Other Improvements Owned By Others:** N/A

These items are **NOT** included in this agreement. A separate offer is being, or has been, made for these items.

## II. PURCHASE PRICE

**(a) Real Property**

Land	1. \$ <u>12,200,000.00</u>
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Improvements	2.	\$ 0.00
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Real Estate Damages	3.	\$ 0.00
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(Severance/Cost-to-Cure)

**Total Real Property** 4. **\$ 12,200,000.00**

(b)	<b>Total Personal Property</b>	<b>5.</b>	<b>\$ 0.00</b>
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### (c) Fees and Costs

Attorney Fees	6.	\$ 0.00
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Appraiser Fees	7.	\$	<u>0.00</u>
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\_\_\_\_\_ Fee(s) 8. \$ 0.00

<b>Total Fees and Costs</b>	<b>9. \$ 0.00</b>
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(d)	<b>Total Business Damages</b>	<b>10. \$ 0.00</b>
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(e)	Total of Other Costs	11. \$ 0.00
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**List:**

<b>Total Purchase Price</b>	(Add Lines 4, 5, 9, 10 and 11)	<b>\$ 12,200,000.00</b>
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### Total Global Settlement Amount

(f)	Portion of Total Purchase Price or Global Settlement	\$ <u>0.00</u>
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Amount to be paid to Seller by Buyer at Closing

Portion of Total Purchase Price or Global Settlement	\$ <u>0.00</u>
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Amount to be paid to Seller by Buyer upon surrender

of possession or \_\_\_\_\_

### III. Conditions and Limitations

- (a) Seller is responsible for all taxes due on the property up to, but not including, the day of closing.
- (b) Seller is responsible for delivering marketable title to Buyer. Marketable title shall be determined according to applicable title standards adopted by the Florida Bar in accordance with Florida Law subject only to those exceptions that are acceptable to Buyer. Seller shall be liable for any encumbrances not disclosed in the public records or arising after closing as a result of actions of the Seller.
- (c) Seller shall maintain the property described in **Section I** of this agreement until the day of closing. The property shall be maintained in the same condition existing on the date of this agreement, except for reasonable wear and tear.
- (d) Any occupancy of the property described in **Section I** of this agreement by Seller extending beyond the day of closing must be pursuant to a lease from Buyer to Seller.
- (e) The property described in **Section I** of this agreement is being acquired by Buyer for transportation purposes under threat of condemnation pursuant to **Section 337.25 Florida Statutes**.
- (f) Pursuant to **Rule 14-10.004, Florida Administrative Code**, Seller shall deliver completed **Outdoor Advertising Permit Cancellation Form(s), Form Number 575-070-12**, executed by the outdoor advertising permit holder(s) for any outdoor advertising structure(s) described in **Section I** of this agreement and shall surrender, or account for, the outdoor advertising permit tag(s) at closing.
- (g) Seller agrees that the real property described in **Section I** of this agreement shall be conveyed to Buyer by conveyance instrument(s) acceptable to Buyer.
- (h) Seller and buyer agree that this agreement represents the full and final agreement for the herein described sale and purchase and no other agreements or representations, unless incorporated into this agreement, shall be binding on the parties.
- (i) Other: Buyer and Seller agree all fees, costs and business damage claims associated with this agreement are identified in section II of this agreement. If additional right of way is required from the DRI for the project, the final purchase price will be increased by the appraised value of \$12,000 per gross acre multiplied by the additional acres. The District, subject to a survey, will retain an easement or permit to access monitor its two existing Data Collection Sites.  

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- (j) Seller and Buyer agree that a real estate closing pursuant to the terms of this agreement shall be contingent on delivery by Seller of an executed Public Disclosure Affidavit in accordance with **Section 286.23, Florida Statutes**.

### IV. Closing Date

The closing will occur no later than 60 days after Final Agency Acceptance.

### V. Typewritten or Handwritten Provisions

Any typewritten or handwritten provisions inserted into or attached to this agreement as addenda must be initialed by both Seller and Buyer.

- ☐ There is an addendum to this agreement. Page \_\_\_\_\_ is made a part of this agreement.
- ☒ There is not an addendum to this agreement.

**VI.** Seller and Buyer hereby acknowledge and agree that their signatures as Seller and Buyer below constitute their acceptance of this agreement as a binding real estate contract.

It is mutually acknowledged that this Purchase Agreement is subject to Final Agency Acceptance by Buyer pursuant to **Section 119.0711, Florida Statutes**. A closing shall not be conducted prior to 30 days from the date this agreement is signed by Seller and Buyer to allow public review of the transaction. Final Agency Acceptance shall not be withheld by Buyer absent evidence of fraud, coercion, or undue influence involving this agreement. Final Agency Acceptance shall be evidenced by the signature of Buyer in **Section VII** of this agreement.

**Seller(s)**

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Type or Print Name

**Buyer**

State of Florida Department of Transportation

BY: \_\_\_\_\_  
Signature Date

Nicole Sorg, Deputy Right of Way Manager-Production  
Type or Print Name and Title

**VII. FINAL AGENCY ACCEPTANCE**

The Buyer has granted Final Agency Acceptance this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BY: \_\_\_\_\_  
Signature

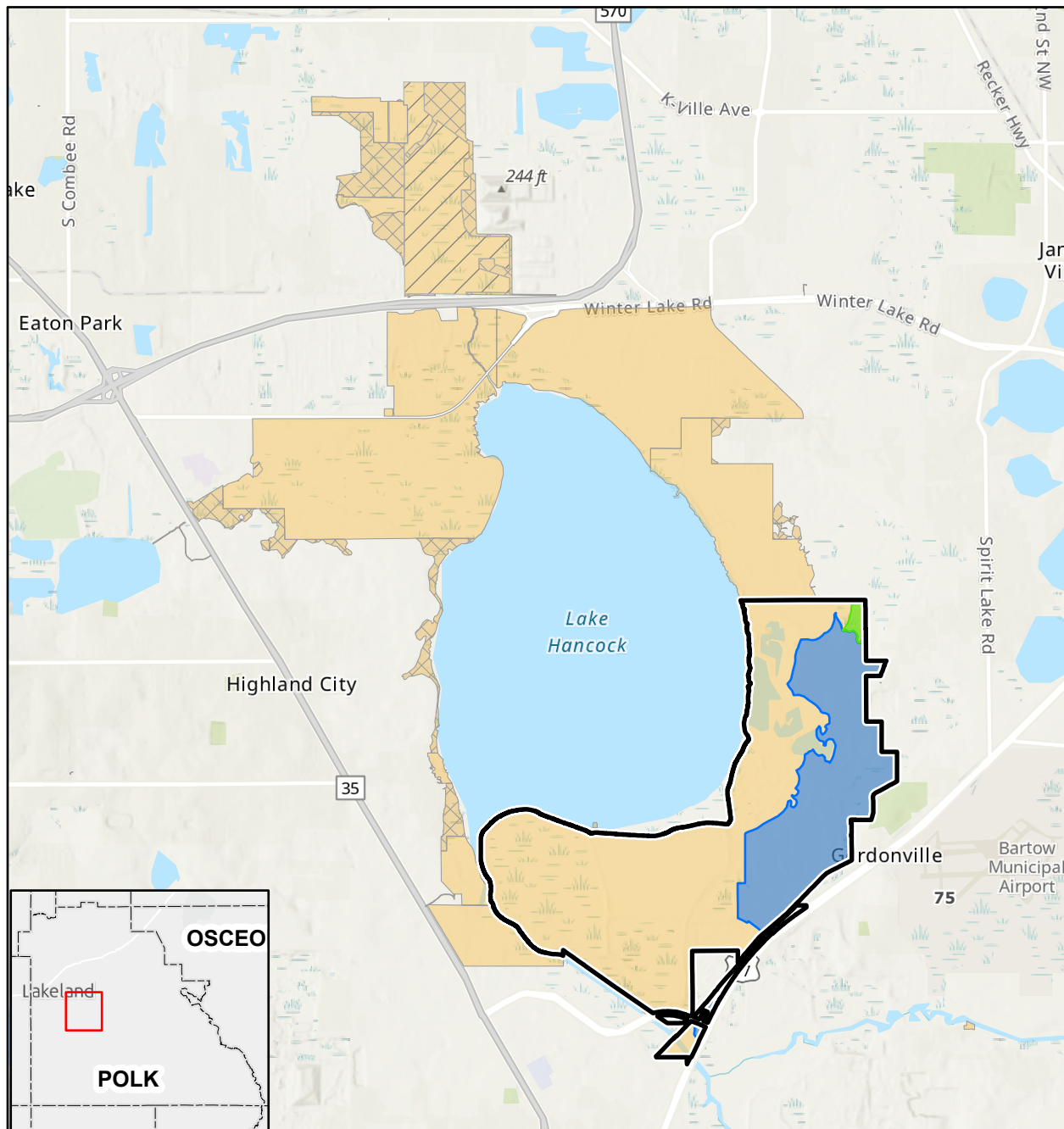
Joseph D. Jeffers, Right of Way Manager  
Type or Print Name and Title

Legal Review: \_\_\_\_\_ Date

George K. Gaskell Asst. General Counsel  
Type or Print Name and Title

## Exhibit 2

Accept Offer from the Florida Department of Transportation (FDOT) to Purchase the Districts Old Florida Plantation (OFP) Property, Lake Hancock Project SWF Parcel No. 21-502-109S Discussion recap.



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

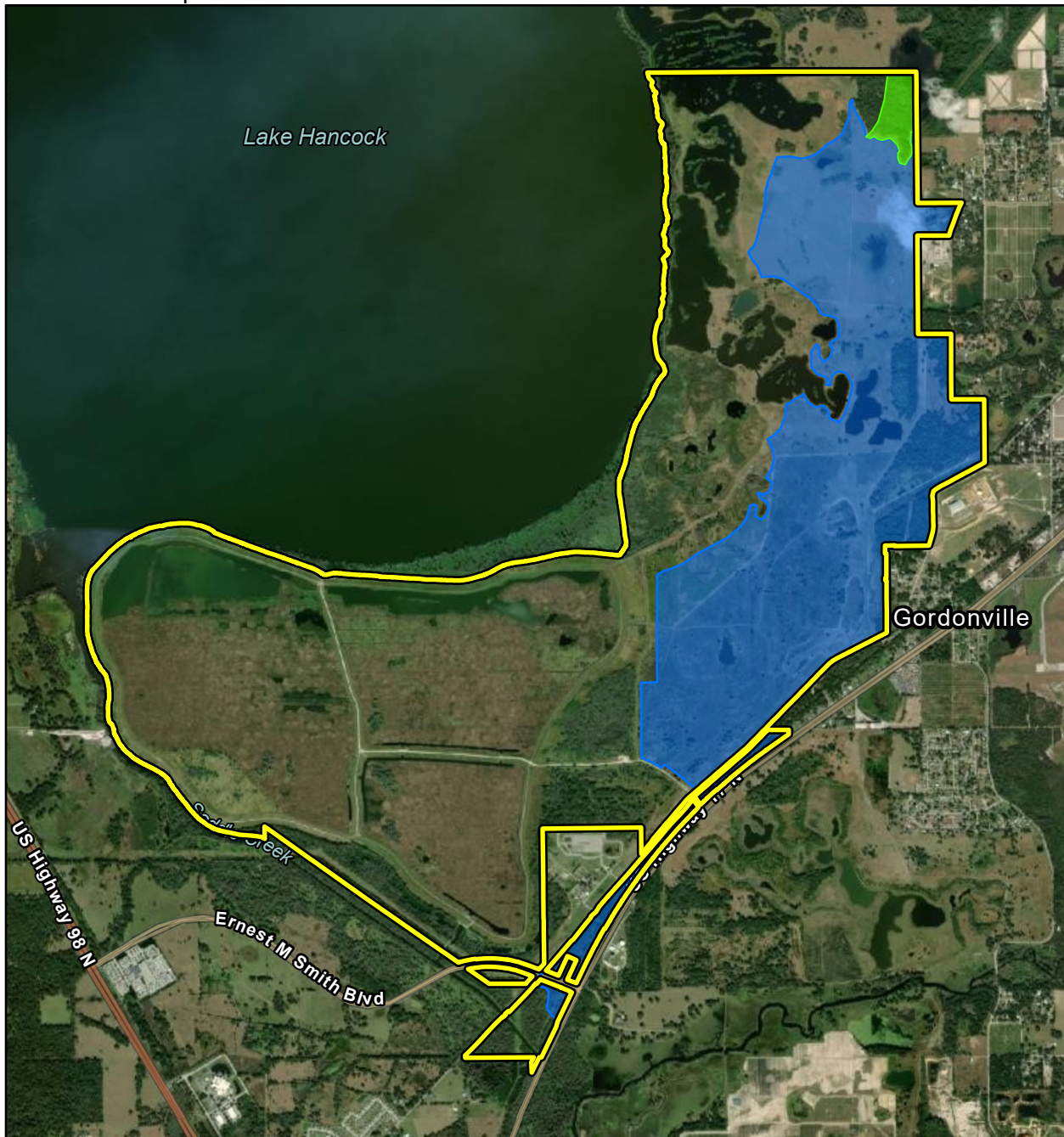
- OFP Property
- DRI Development Area - 1,014 acres
- OFP ROW Property - 25 acres
- Fee Simple
- Conservation Easement
- Perpetual Easement not CEs



**Southwest Florida**  
Water Management District

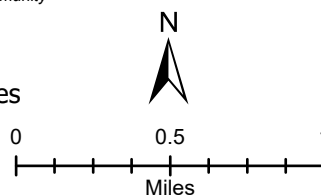
### Exhibit 3

Accept Offer from the Florida Department of Transportation (FDOT) to Purchase the Districts Old Florida Plantation (OFP) Property, Lake Hancock Project SWF Parcel No. 21-502-109S Discussion recap.



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

- OFP Property
- DRI Development Area - 1,014 acres
- OFP ROW Property - 25 acres



**Southwest Florida**  
Water Management District



**Governing Board Meeting  
September 22, 2020**

<b>REGULATION COMMITTEE</b>
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***Discussion Items***

6.1. Consent Item(s) Moved for Discussion.....	107
6.2. Consider Water Shortage Order(s) as Necessary .....	108
6.3. Denials Referred to the Governing Board .....	109

***Submit & File Reports – None***





**REGULATION COMMITTEE**

**September 22, 2020**

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

Presenter:

Michelle Hopkins, P.E., Regulation Division Director

**REGULATION COMMITTEE**

**September 22, 2020**

**Action Item**

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

Staff continues to monitor water resource and supply conditions to determine if any actions would be prudent. Since Board-issued water shortage orders must be discussed in a noticed public meeting prior to implementation, this agenda item is included as a contingency provision. It allows the Governing Board to immediately consider any action that staff may recommend based on regional data to be reviewed on September 15, 2020.

**Staff Recommendation:**

Recommendations, if any, will be presented at the Governing Board meeting September 22, 2020 based on then-current conditions and predictions.

**Presenter:**

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

**REGULATION COMMITTEE**

**September 22, 2020**

**Action Item**

**Denials Referred to the Governing Board**

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

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

**Staff Recommendation:**

If any denials are requested to be referred to the Governing Board, these will be presented at the meeting.

**Presenter:**

Michelle Hopkins, P.E., Regulation Division Director



**7. General  
Counsel's Report**

**Governing Board Meeting  
September 22, 2020**

<b>GENERAL COUNSEL’S REPORT</b>
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***Discussion Items***

7.1. Consent Item(s) Moved for Discussion .....110

***Submit & File Reports – None***



**GENERAL COUNSEL'S REPORT**

**September 22, 2020**

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

Presenter:

Karen West, General Counsel





## 8. Committees/Liaison Reports

**COMMITTEE/LIAISON REPORTS**

**September 22, 2020**

**Information Only**

**Industrial Advisory Committee**

Presenter:

James Murphy, Board Member

**COMMITTEE/LIAISON REPORTS**

**September 22, 2020**

**Information Only**

**Public Supply Advisory Committee**

Presenter:

Kelly S. Rice, Chair



**EXECUTIVE DIRECTOR'S REPORT**

**September 22, 2020**

**Executive Director's Report**

Presenter:

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







**CHAIR'S REPORT**  
**September 22, 2020**  
**Chair's Report**

Presenter:

Kelly S. Rice, Chair

## CHAIR'S REPORT

September 22, 2020

### Discussion: Information: Executive Director's and Inspector General's Annual Accomplishments and Evaluations

In accordance with Board Policy 710-2, the executive director and inspector general shall each present to the Governing Board a statement of accomplishments and each employee's goals for the current fiscal year. Through the statements, the employees summarize many of the District's achievements for the fiscal year and provide information on which the Governing Board can evaluate performance.

After the September Governing Board meeting, each board member will have an opportunity to complete a separate performance input form for the executive director and the inspector general reflecting that Governing Board member's assessment of the employee's performance for the year. Those forms should be provided to Human Resources Office Chief Teresa Jepma by October 6th. In accordance with Board Policy 710-2, the Human Resources Office shall compile and distribute a *Performance Evaluation Summary* from the forms submitted by the individual members.

Following distribution of the *Performance Evaluation Summary*, the Governing Board Chair shall draft the performance employee evaluation for the executive director and the Treasurer shall draft the employee evaluation for the inspector general. It is anticipated that the Governing Board will review, edit as appropriate, and approve the evaluations at the regularly scheduled October Board meeting.

#### Staff Recommendation:

This item is for information only and no action is required.

#### Presenter:

Kelly S. Rice, Chair

**CHAIR'S REPORT**  
**September 22, 2020**  
**Information Only**  
**Employee Milestones**

Presenter:

Kelly S. Rice, Chair

Years of Service	Seniority Date	Preferred Full Name	Compliance Inspector 1	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	09/21/2015	Austin Brooks	Compliance Inspector 1		Brooksville	Regulatory Support	2020	09/21/2020
5	09/21/2015	Meagan Finneran	Project Management Analyst		Brooksville	Project Management Office	2020	09/21/2020
20	09/18/2000	Bob Brady	Senior Field Technician		Sarasota	Data Collection	2020	09/18/2020
20	09/25/2000	Kim Schwartz	Senior Regulatory Support Technician		Brooksville	Regulatory Support	2020	09/25/2020
25	09/05/1995	Greg Johnston	Hydrologic Data Collection Field Technician		Brooksville	Data Collection	2020	09/05/2020