

# Governing Board Meeting

## *Agenda and Meeting Information*

*September 30, 2014*

*1:00 PM*

*Tampa Service Office*

7601 US Hwy. 301 (Fort King Hwy) • Tampa, Florida  
(813) 985-7481 • 1-800-836-0797

Southwest Florida  
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



An Equal  
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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)

TDD only 1-800-231-6103 (FL only)

On the World Wide Web at [WaterMatters.org](http://WaterMatters.org)

The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Director at 2379 Broad Street, Brooksville, FL 34604-6899; telephone (352) 796-7211, ext. 4703, or 1-800-423-1476 (FL only), ext. 4703; TDD (FL only) 1-800-231-6103; or email to [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.state.fl.us).

## Final Agenda

### GOVERNING BOARD MEETING

SEPTEMBER 30, 2014

1:00 PM

### Tampa Service Office

7601 US HWY. 301 (FORT KING HWY), TAMPA, FL 33637  
(813) 985-7481

☞ *All meetings are open to the public.* ☞

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

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

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

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

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

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

The current Governing Board agenda and minutes of previous meetings are on the District's web site: [www.WaterMatters.org](http://www.WaterMatters.org)

#### Bartow Service Office

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

#### Sarasota Service Office

6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or 1-800-320-3503 (FL only)

#### Tampa Service Office

7601 Hwy 301 N (Fort King Highway)  
Tampa, Florida 33637-6759  
(813) 985-7481 or 1-800-836-0797 (FL only)

MEETING NOTICE



**1:00 P.M. CONVENE PUBLIC HEARING AND MEETING (TAB A)**

1. *Call to Order*
2. *Pledge of Allegiance and Invocation*
3. *Ceremony to Honor Todd Pressman for His Service on the Governing Board*
4. *Additions/Deletions to Agenda*
5. *Public Input for Issues Not Listed on the Published Agenda*

**CONSENT AGENDA (TAB B)*****Regulation Committee***

6. Individual Water Use Permits Referred to the Governing Board
7. Executive Director Authority to Approve Specified District Initiated Variances within the Dover/Plant City Water Use Caution Area

***Operations & Land Management Committee***

8. Declare Lands Surplus and Approve Conveyance - Joe's Creek Project, SWF Parcel No. 16-040-123S

***Resource Management Committee***

9. City of North Port's Potable Water ASR System Change in Scope (K120)
10. Plant City Reclaimed Water Sydney and Park Road Transmission and Pumping Project Agreement Replacement (L816)
11. Florida Governmental Utility Authority Wet Weather Reclaimed Water Interconnect, Storage and Pumping Project First Amendment (N370)
12. Scope Change for the City of Bradenton's Potable Water ASR System (N435)
13. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Starvation Lake in Hillsborough County (P256)
14. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Lakes Hanna, Keene and Kell in Hillsborough County (P256)
15. City of St. Petersburg Beach Egan Park BMPs (W294)
16. Lake Seminole Watershed Stormwater Pollution Project (P902)
17. Five-Year Water Resource Development Work Program
18. Board Designated Encumbrance-Hydrogeological Investigation of the Lower Floridan Aquifer in Polk County (P280)

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

19. Budget Transfer Report
20. FY2013-14 Board Designated Encumbrance for Consultant Services for Inspector General Support
21. Fiscal Year (FY) 2013-14 Board Designated Encumbrance
22. Approval of Resolution No. 14-14 Requesting Encumbrance of Fiscal Year 2013-14 Budgeted Funds within the Water Management Lands Trust Fund

***General Counsel's Report***

23. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval
  - a. Approval of Revisions to District Policies – 110-3, Governing Board Committee Responsibilities; 110-3A, Governing Board Committee Responsibilities – Finance and Administration Committee; 110-3B, Governing Board Committee Responsibilities – Regulation Committee; 110-3C, Governing Board Committee Responsibilities – Resource Management and Development Committee; 110-3E, Governing Board Committee Responsibilities – Outreach and Planning Committee; and the Repeal of District Policy 110-3D, Governing Board Committee Responsibilities – Diversity Committee
  - b. Interagency Agreement Between the SWFWMD and the SFWMD -- Designation of Regulatory Responsibility – Kickin Tires Ranch – Polk County
  - c. Amendment to Perpetual Conservation Easement – Bronson Property – Lake County
  - d. Consent Order – Overpumpage Penalties – Water Use Permit No. 20012514.007 – Colding Loop Road Wimauma, LLC – CT No. 366376 – Hillsborough County

- e. Board Designated Encumbrance Legal Services, Expert Testimony/Analysis, and Administrative Law Judge
- 24. Rulemaking
  - a. Rulemaking – Initiation and Approval of Amendments to Chapter 40D-1, F.A.C., to Make District Procedural Rules Consistent with Statewide Environmental Resource Permitting Procedural Rules in Chapter 62-330, F.A.C.
  - b. Rulemaking – Initiation and Approval of Amendments to Chapter 40D-3, F.A.C. to Incorporate Changes in DEP Rules for Water Well Contractors and Construction of Water Wells
  - c. Approval of Final Rule Language and Authorization to Complete Rulemaking to Create Rule 40D-1.700, Florida Administrative Code (F.A.C.), to Establish Procedures and Adopt Forms for the Registration of Lobbyists that Lobby the District

***Executive Director's Report***

- 25. Approve Resolution No. 14-13, Commending Todd Pressman for His Service as a Member of the Southwest Florida Water Management District Governing Board
- 26. Approve Governing Board Minutes - August 26, 2014

**REGULATION COMMITTEE (TAB C)*****Discussion***

- 27. Consent Item(s) Moved for Discussion
- 28. Denials Referred to the Governing Board

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

- 29. Overpumpage Report - September 2014
- 30. Individual Permits Issued by District Staff - September 2014

**OPERATIONS & LAND MANAGEMENT COMMITTEE (TAB D)*****Discussion***

- 31. Consent Item(s) Moved for Discussion
- 32. Hydrologic Conditions Status Report
- 33. Accept Appraisals and Approve Purchase and Sale Agreement and Resolution Requesting Funds from the Florida Forever Trust Fund for the Acquisition of Weekiwachee Preserve, SWF Parcel No. 15-773-144

***Submit & File Reports***

- 34. Summary of FY 2014 Interagency Land Management Reviews

***Routine Reports***

- 35. Structure Operations
- 36. Significant Activities

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

- 37. Consent Item(s) Moved for Discussion
- 38. Tampa Bay Water Update
- 39. District Project Management Office

***Submit & File Reports***

- 40. Minimum Flows and Levels Priority List and Schedule Update

***Routine Reports***

- 41. Minimum Flows and Levels Status Report
- 42. Significant Water Resource and Development Projects

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

- 43. Consent Item(s) Moved for Discussion

***Submit & File Reports***

- 44. Office of Inspector General-Six Month Progress Report to Auditor General Report 2014-082



## 45. Strategic Plan 2014-2018 Update

**Routine Reports**

- 46. Treasurer's Report and Payment Register
- 47. Monthly Financial Statement
- 48. Monthly Cash Balances by Fiscal Year
- 49. Comprehensive Plan Amendment and Related Reviews Report
- 50. Development of Regional Impact Activity Report
- 51. Significant Activities

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

- 52. Consent Item(s) Moved for Discussion

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

- 53. Litigation Report
- 54. Rulemaking Update

**COMMITTEE/LIAISON REPORTS (TAB H)**

- 55. Agricultural and Green Industry Advisory Committee Report
- 56. Other Committee/Liaison Reports

**EXECUTIVE DIRECTOR'S REPORT (TAB I)**

- 57. Executive Director's Report

**CHAIR'S REPORT (TAB J)**

- 58. Executive Director's and Inspector General's Annual Reports
- 59. Employee Milestones
- 60. Other

**3:30 P.M. TIME CERTAIN CLOSED SESSION (TAB K)**

Closed-Door Attorney-Client Session Pursuant to Section 286.011(8), Florida Statutes, to Discuss Strategy Regarding Settlement Negotiations in SWFWMD V. Danny J. Suggs, Et Al. (5Th Judicial Circuit, Case No. 2003-CA-724), and in Re Danny J. Suggs (U.S. Bankruptcy Court, Case No. 3:12-Bk-6997-PMG and Adversary Proceeding No. 13-Ap-272)

– Sumter County

\*\*\* **RECESS PUBLIC HEARING** \*\*\*

**ANNOUNCEMENTS**

<http://www.swfwmd.state.fl.us/calendar>

- Governing Board Meetings Schedule:

Meeting - The Villages .....	October 28, 2014
Meeting - Tampa .....	November 18, 2014
Meeting - Tampa .....	December 16, 2014
Meeting - Tampa .....	January 27, 2015

- Governing Board Public Budget Hearings Schedule:

Tentative Budget - Tampa .....	September 15, 2015
Final Budget - Tampa .....	September 29, 2015

- Advisory Committee Meeting Schedule:

Well Drillers - Tampa .....	October 8, 2014
Environmental - Tampa .....	October 14, 2014
Industrial and Public Supply - Tampa .....	November 13, 2014
Agricultural and Green Industry - Tampa .....	December 4, 2014

**5:01 P.M. CONVENE TENTATIVE FY2014-15 BUDGET HEARING**

## ADJOURNMENT

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

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

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

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

# GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Effective June 23, 2014

OFFICERS	
Chair	Michael A. Babb
Vice Chair	Randall S. Maggard
Secretary	Jeffrey M. Adams
Treasurer	David W. Dunbar

OPERATIONS AND LAND MANAGEMENT COMMITTEE
Randall S. Maggard, Chair
George W. Mann, Vice Chair
Ed Armstrong
Thomas E. Bronson

RESOURCE MANAGEMENT COMMITTEE
H. Paul Senft, Jr., Chair
Bryan K. Beswick, Vice Chair
Carlos Beruff
Wendy Griffin

REGULATION COMMITTEE
Michael A. Moran, Chair
Carlos Beruff, Vice Chair
Wendy Griffin
George W. Mann

FINANCE/OUTREACH AND PLANNING COMMITTEE
David W. Dunbar, Chair *
Michael A. Moran, Vice Chair
Jeffrey M. Adams
Thomas E. Bronson

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

FLYING EAGLE EVALUATION
Randall S. Maggard, Chair
Bryan K. Beswick
Wendy Griffin
George W. Mann
Michael A. Moran

STANDING COMMITTEE LIAISONS	
Agricultural Advisory Committee	Bryan K. Beswick
Environmental Advisory Committee	Wendy Griffin
Green Industry Advisory Committee	George W. Mann
Industrial Advisory Committee	Randall S. Maggard
Public Supply Advisory Committee	H. Paul Senft, Jr.
Well Drillers Advisory Committee	Thomas E. Bronson

OTHER LIAISONS	
Central Florida Water Initiative	Michael A. Babb, primary H. Paul Senft, alternate
Springs Coast Steering Committee	Michael A. Babb
Charlotte Harbor National Estuary Program Policy Board	George W. Mann
Sarasota Bay Estuary Program Policy Board	Michael A. Moran
Tampa Bay Estuary Program Policy Board	Wendy Griffin
Tampa Bay Regional Planning Council	





# *Executive Summary*

## **GOVERNING BOARD MEETING**

**SEPTEMBER 30, 2014**

**1:00 p.m.**

*If viewing this document electronically, links are now available from the Executive Summary to the item's information page. To return to the Executive Summary, click on the item number in the upper right-hand corner of the page.*

### **CONVENE PUBLIC HEARING AND MEETING (TAB A)**

1. Call to Order
2. Invocation and Pledge of Allegiance
3. Ceremony to Honor Todd Pressman for His Service on the Governing Board
4. Additions/Deletions to Agenda
5. Public Input for Issues Not Listed on the Published Agenda

### **CONSENT AGENDA (TAB B)**

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

#### **Regulation Committee**

6. **Individual Water Use Permits (WUPs) Referred to the Governing**  
If any Individual WUPs are referred to the Board, these will be presented at the meeting under this agenda item. A summary and draft permit will be made available prior to the Board meeting, preferably in the Board Packet.
7. **Executive Director Authority to Approve Specified District Initiated Variances within the Dover/Plant City Water Use Caution Area**  
This request provides authority for the Executive Director to approve District Initiated Variances specifically related to Water Use Permit (WUP) expiration dates incorrectly revised by the Water Management Information System (WMIS). Due to computer coding issues, WMIS inadvertently changed WUP expiration dates in the database for some WUPs to a different date than the actual WUP. The Permittees unfortunately relied on the incorrect WMIS shown expiration date. This resulted in the receipt of some WUP applications after the date of the expiration dates referenced on the WUPs but timely in relation to the revised WMIS expiration dates. Variances are needed in order to issue renewal of frost/freeze quantities that would have been issued but for the WMIS revised expiration dates.

Staff recommends the Board approve request for Executive Director Authority to approve specified District initiated variances within the Dover/Plant City Water Use Caution Area.

## Operations & Land Management Committee

### 8. **Declare Lands Surplus and Approve Conveyance – Joe’s Creek Project, SWF Parcel No. 16-040-123S**

The District and Pinellas County executed a joint participation agreement for the implementation of the Stormwater Management Master Plan for Joe’s Creek Basin in 1981. This agreement required the District to acquire seven fee simple parcels and two easement parcels on which the County would construct, operate and maintain stormwater management improvement projects. The subject properties consist of two separate tracts; the first includes four of the fee owned parcels and the two easement parcels, the second includes the remaining three fee owned parcels. Pinellas County has requested that ownership of these parcels be transferred, at no cost, to the County in order to unify management decision-making, budgeting and security.

The surplus process was conducted in accordance with guidelines provided by the Florida Department of Environmental Protection. Information about the surplus of this property was presented and public input accepted at the District’s Governing Board meeting held on April 30, 2013. Upon the Governing Board’s declaration as surplus and authorization to execute the Quit Claim Deed, the property will be conveyed to Pinellas County. Upon direction of the Governing Board the Quit Claim Deed includes stipulations that provide for the property to revert to the District should it be used for any purposes other than stormwater management system improvements within the Joe’s Creek Basin.

The transfer of ownership will benefit the District, as it will eliminate District administrative costs related to responding to recurring complaints from the public and adjoining landowners regarding trespass, dumping, homeless squatting, safety issues and overgrown vegetation on this property.

#### Staff recommends the Board:

- Declare SWF Parcel No. 16-040-123S surplus.
- Authorize execution of the Quit Claim Deed to convey the property.

## Resource Management Committee

### 9. **City of North Port’s Potable Water ASR System Change in Scope (K120)**

The District and the City have been cooperatively funding the feasibility and development of an ASR facility since 1998 which resulted in an ASR system capable of supplying 1.5 million gallons per day of potable supply. However, water recovered from the ASR contained arsenic concentrations that exceeded the drinking water standard (DWS) which made this project non-feasible as originally designed.

To address arsenic issues the City and District cooperatively funded a feasibility project for \$737,640 that included construction of a degasification system to remove dissolved oxygen from the water prior to injection. The project is to perform annual monitoring; disinfect the ASR well; investigate, select and design a degasification system; construct a degasification system; and perform cycle testing. The City sterilized the ASR well, analyzed pre-treatment system methods and costs, performed required annual water quality monitoring, successfully ran a cycle test, and provided cycle test documentation. The project costs to date are approximately \$279,140 with \$458,500 remaining (District’s 50 percent share \$229,250). This project had been delayed to allow time to work with the Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (DEP), and obtain results from tests implementing degasification technology at the City of Bradenton.

In October 2013, the EPA issued new guidelines for the permitting of ASR facilities in Florida that would allow public water supply ASR systems to mobilize arsenic under very specific conditions. This was a major change in the program policy which opened up new strategies to increase the effectiveness of ASR projects. Under this new guidance, the City could mobilize arsenic in a controlled manner, eliminating the need to build a degasification system.



The City has proposed a scope change to evaluate the feasibility of utilizing their existing surface water treatment system to produce water that can be used in the ASR consistent with the new EPA guidelines instead of constructing a separate degasification system. The scope change would also include the design, permitting and construction of the necessary components to modify their existing treatment system. The cost of the remaining activities is estimated at \$526,000 which is \$67,500 more than the remaining funds; however, the City has agreed to cover the difference. The City will seek a construction and testing permit from DEP and develop an institutional control, if necessary, prior to commencing construction. One cycle test will be performed to determine if the arsenic concentration in the recovered water is low enough for the existing surface water treatment plant to remove.

The changes will extend the project completion date from June 30, 2013 to November 30, 2017; and extend the contract completion date from December 31, 2013 to January 31, 2018, and change the scope to take advantage of the regulatory guidance letter issued by DEP and EPA. The benefit of this project is the testing of an ASR project utilizing surface water taken from their existing plant. If successful, it will establish a more economically effective path for other facilities meeting the DEP permit requirements to follow.

Staff recommends the Board:

- (1) Approve the scope change to obtain the necessary permits, develop an institutional control, continue monitoring, design and construct the treatment plant modifications for ASR, and perform a cycle test.
- (2) Increase the project budget by increasing the City's share \$67,500 while maintaining the District's original share.
- (3) Authorize the executive director or designee to execute the agreement for the City of North Port ASR project.

**10. Plant City Reclaimed Water Sydney and Park Road Transmission and Pumping Project Agreement Replacement (L816)**

This is a multiyear cooperative funding project with the City. The Board approved \$3,192,730 (\$2,589,100 ad valorem and \$603,630 Water Protection and Sustainability Trust Funds) in fiscal years (FY) 2008, 2009, 2010, 2011, 2013, and 2014 budgets through the Cooperative Funding Initiative program for the design, permitting and construction of a reclaimed water booster pump station and transmission lines along Sydney Road and Park Road to supply reclaimed water for irrigation and industrial uses. The project includes approximately 24,000 feet of 18-inch and 24-inch diameter reclaimed water transmission lines and approximately 5,000 feet of 2-inch to 8-inch diameter distribution lines to provide 0.55 million gallons per day (mgd) of reclaimed water to an existing golf course (Walden Lake Golf Course), an industrial customer (South Florida Baptist Hospital), and commercial irrigation customers (Tomlin Middle School, Marshal Middle School, Byran Elementary School, Martin Luther King Jr. Ball Field, and Plant City Stadium) within the Dover/Plant City Water Use Caution Area. Construction of the Sydney Road portions of the project were completed and on-line in 2013.

In the summer of 2014, the City requested a cost reduction, scope modification and time extension to revise the scope of work to enable diversification of the project customer base to include future residential irrigation; to slightly re-route the Park Road portion; to refine pipeline sizing; to enable the City (no District funding) to utilize an existing 20-inch diameter pipeline segment along the Park Road route to reduce utility and CSX Railroad conflicts; and to reduce the District's share to reflect the City's use of an existing pipeline segment. The agreement replacement will reduce the District's share by \$40,000 to \$3,152,730 (\$2,549,100 ad valorem and \$603,630 Water Protection and Sustainability Trust Funds); extend construction commencement for the Park Road segment from May 30, 2013 to April 1, 2015; extend the project completion date of May 30, 2014 to October 1, 2016; and extend the contract termination date of December 31, 2014 to December 31, 2016. The total cost of the project remains unchanged at \$6,126,000. To date, the District has reimbursed \$2,115,915. The project cost effectiveness was calculated at \$3.69/1,000 gallons. The project's costs and benefits remain unchanged; however, the line items have been refined to reflect actual costs.

Staff recommends the Board approve the agreement replacement and change in scope to slightly modify project routing and sizing; enable the City to utilize an existing pipeline segment; reduce the District's share by \$40,000 to \$2,549,100 ad valorem and \$603,630 WPSTF; extend the termination date from December 31, 2014 to December 31, 2016; and authorize the executive director or designee to execute the agreement replacement for the City of Plant City Sydney and Park Road Transmission and Pumping Project.

**11. Florida Governmental Utility Authority Wet Weather Reclaimed Water Interconnect, Storage and Pumping Project First Amendment (N370)**

The Board approved \$1,200,000 in fiscal years (FY) 2012, 2013, and 2014 through the Cooperative Funding Initiative for a \$2,400,000 multiyear project with FGUA for the design, permitting and construction of a 3.0 million gallon (mg) reclaimed water storage tank, valving, controls, booster pump station, low-pressure transfer station, approximately 200 feet of 24-inch diameter reclaimed water transmission line to interconnect FGUA's Seven Springs system to Pasco County's reclaimed water system, and approximately 2,000 feet of 4-inch main to serve the Trinity Oaks subdivision common area irrigation in FGUA's service area. The project was originally anticipated to provide 0.45 mgd of reclaimed water.

During construction, FGUA's consultant did additional value engineering which identified potential cost savings and increased benefit to the project. In the summer of 2014, FGUA requested a cost reduction, scope modification and time extension first amendment to revise the scope of work to refine pipeline sizing, to remove the transfer and booster pumps that were determined to be unnecessary as existing pumping was adequate, to increase project supply, and to reduce the District's share. The amendment will eliminate the transfer and booster pumps; decrease the interconnect diameter size from 24-inches to 8-inches; reduce the overall project cost by \$52,808 and reduce the District's 50 percent share by \$26,404; increase the project supply from 0.45 mgd to 0.50 mgd; and extend the project completion date of June 30, 2014 to November 30, 2014. The original termination date of December 31, 2014 remains unchanged. The total cost of the amended project is \$2,347,192 with the District's share proportionately reduced to \$1,173,596. The District encumbered its entire share in prior fiscal years, of which to date the District has reimbursed \$1,043,402. The project cost effectiveness was originally calculated at \$2.57/1,000 gallons and the amendment will improve it to \$2.26/1,000 gallons.

Staff recommends the Board approve the first amendment change in scope to modify project components and pipeline sizing; reduce the District's share by \$26,404 to \$1,173,596; extend the construction completion date from June 30, 2014 to November 30, 2014; and authorize the executive director or designee to execute the first amendment to the Florida Governmental Utility Authority Wet Weather Reclaimed Water Interconnect, Storage and Pumping Project.

**12. Scope Change for the City of Bradenton's Potable Water ASR System (N435)**

The District has approved the City of Bradenton (City) for \$300,000 in funding in FY2014 to design, permit, construct and test an ASR system with a total project cost of \$5.5 million. The project consists of up to three ASR wells and a water treatment system to inject and recover 5 million gallons per day (mgd) to meet the City's future demand. Water demand growth projections recently conducted by the City and the District found a significant decrease in projected growth compared to the earlier estimates. This reduced demand could cause much of the ASR system to sit idle.

As a result, the revised project scope is to include 30 percent design for a single-well ASR system including a third party review of the total project costs as the FY2014 project. The revised scope will ensure the ASR system will meet, not exceed, the City's future demand. The single-well ASR system will be designed in a manner to allow additional ASR wells and water treatment capacity to be added in the future, as needed. The revised scope will also include a third party review of the total project costs to be executed by the District. This is consistent with the approach presented to the Governing Board in August 2014 related to complex projects.

Staff recommends the Board approve the reduced scope of the City's FY2014 CFI project to 30 percent design with a third party review of the total project costs.

**13. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Starvation Lake in Hillsborough County (P256)**

Minimum levels are water levels at which further withdrawals would be significantly harmful to the water resources of the area. Guidance levels are used to describe expected water level fluctuations and serve as advisory information for the District, lakeshore residents and local governments, or to aid in the management of water control structures. Proposed minimum and guidance levels for Starvation Lake have been developed using previously peer-reviewed, Governing Board adopted methods.

A technical report outlining the development of the proposed levels was posted on the District's website and distributed to interested parties on August 20, 2014, with written comments requested by September 22, 2014. In addition, a public workshop on the proposed lake levels was held on August 27, 2014, in Tampa within close proximity to the lake. Questions and concerns regarding the proposed levels were addressed at the meeting by both staff from the District and Hillsborough County. Topics of interest included: pre-development flow and current drainage within the lake basin, elevation of the control point, basin connectivity, and the minimum levels during droughts. District staff extended an invitation to the participants of the workshop to meet at a later date and discuss any further questions in detail.

Based on available water level records, the proposed minimum levels for Starvation Lake are being met. In the event that water levels in the lake basin are not fluctuating in compliance with the proposed minimum levels, the recovery strategies outlined in Rule 40D-80.074, F.A.C., will apply.

**Staff recommends the Board:**

- A. Accept the report entitled, "Proposed Minimum and Guidance Levels for Starvation Lake in Hillsborough County, Florida," dated August 4, 2014.
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to delete the previously adopted guidance levels and add minimum and guidance levels for Starvation Lake in Hillsborough County as shown in the Exhibit.

**14. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Lakes Hanna, Keene and Kell in Hillsborough County (P256)**

Minimum levels are water levels at which further withdrawals would be significantly harmful to the water resources of the area. Guidance levels are used to describe expected water level fluctuations and serve as advisory information for the District, lakeshore residents and local governments, or to aid in the management of water control structures. Proposed minimum and guidance levels for lakes Hanna, Keene and Kell have been developed using previously peer-reviewed, Governing Board adopted methods.

Technical reports outlining the development of the proposed levels were posted on the District's website and distributed to interested parties on August 8, 2014 with written comments requested by August 21, 2014. In addition, a public workshop on the proposed lake levels was held on August 13, 2014, in Tampa within close proximity to this group of lakes. Several residents expressed their concerns of the importance of maintaining and achieving the minimum levels over the long term. Other resident concerns discussed included the high water levels associated with above average rainfall occurring over the past three years during the wet season, and the maintenance of the drainage conveyance systems connected to their lakes. Questions and concerns were addressed at the meeting and through correspondence following the meeting.

Based on available water level records, the proposed minimum levels for each of the three lakes are being met. In the event that water levels in the lake basin are not fluctuating in compliance with the proposed minimum levels, the recovery strategies outlined in Rule 40D-80.074, F.A.C., will apply.



Staff recommends the Board:

- A. Accept the reports entitled, "Proposed Minimum and Guidance Levels for Lake Hanna in Hillsborough County, Florida," "Proposed Minimum and Guidance Levels for Lake Keene in Hillsborough County, Florida," and "Proposed Minimum and Guidance Levels for Lake Kell in Hillsborough County, Florida," dated July 29, 2014; July 28, 2014; and July 30, 2014, respectively.
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to delete the previously adopted guidance levels and add minimum and guidance levels for lakes Hanna, Keene, and Kell in Hillsborough County as shown in the Exhibit.

**15. City of St. Petersburg Beach Egan Park BMPs (W294)**

This is a fiscal year (FY) 2015 Cooperative Funding Initiative (CFI) project submitted by the City of St. Petersburg Beach (City) to construct a stormwater management system to collect and treat stormwater runoff from a baseball field and boat ramp area, replace the current impervious pavement with pervious pavement and create a vegetated native plant barrier. The Board approved the inclusion of funding for this project in the FY2014-15 Recommended Annual Service Budget at the June 24, 2014 meeting. The approved total project cost was \$487,500 with the District to provide \$243,750 for the project.

The original project, proposed by the City, was to treat a contributing drainage area of 6.6 acres, with a pollutant reduction of 1,116 lbs/yr of total suspended solids (TSS). The City has requested to reduce the project scope to treat 5.2 acres, with a pollutant reduction of 1,103 lbs/yr of TSS. The pollutant reduction only slightly decreased from the original proposed project due to the majority of the sediment source (baseball field) is on the 5.2-acre project footprint. The City intends to treat the remaining 1.4 acres as part of a compensatory system not funded by the District. In addition, the pervious pavement originally proposed will be constructed on the 1.4-acre parcel and is no longer part of the cooperative project. The City has also requested to reduce the project budget from \$487,500 to \$332,160.

Staff recommends the Board approve to reduce the project budget from \$487,500 to \$332,160, to reduce the measurable benefit treatment area from 6.6 acres to 5.2 acres, remove the pervious pavement from the scope, and reduce the resource benefit (TSS removal) from 1,116 lbs/yr to 1,103 lbs/yr.

**16. Lake Seminole Watershed Stormwater Pollution Project (P902)**

The District and the County entered into a cooperative funding agreement in fiscal year (FY) 2002 to design, permit, and construct alum stormwater treatment systems in each of the five sub-basins to reduce nutrients entering Lake Seminole. The County phased construction of the systems and has since completed alum treatment systems for sub-basins 1, 3, and 6. The designs for sub-basins 2 and 7 were delayed due to changes in FDEP stormwater guidance regarding alum discharge to the lake. Design is now complete for the sub-basin 2 treatment system, accounting for new FDEP criteria, and the County anticipates commencing construction by March 2015. The current agreement expires on December 31, 2014, and the County has requested to extend the contract to December 31, 2016. Additionally, the County recently completed soils testing that showed that the proposed location for sub-basin 7 treatment system was not viable. The County has requested that the sub-basin 7 treatment system be removed from the agreement. The County plans to apply for CFI funding in the future for the sub basin 7 treatment system, after a suitable construction location has been acquired.

Staff recommends the Board approve to reduce the scope of work, delete the sub basin 7 treatment system, and reduce the project budget from \$9,530,290 to \$7,876,108 for the Lake Seminole Watershed Stormwater Pollution Reduction Project.

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

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). A draft of the 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 draft Work Program will be due to DEP by October 30, 2013.

The fiscal year (FY) 2015 Work Program covers the period from FY2015 through FY2019 and includes a comprehensive discussion of the District's water resource development activities that assist in meeting water supply demands. These activities include data collection and analyses efforts and the water resource development projects in which the District participates technically or contributes funding. The Work Program also includes a detailed list of water supply projects 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.

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

**18. Board Designated Encumbrance-Hydrogeological Investigation of the Lower Floridan Aquifer in Polk County (P280)**

This project explores the Lower Floridan aquifer (LFA) in Polk County to assess its viability as an alternative water supply (AWS) source as well as to gain a better understanding of the LFA characteristics and groundwater quality. Available funding for the project will enable exploration at three sites. Due to a delay in finalizing agreements with the consultants and site selection the District-budgeted funds remain uncommitted. The District funds will be allocated, once the consultant agreements, contractor agreements, and site selections are finalized.

Staff recommends the Board approve to encumber \$2 million in current year funds, without a contract, to roll into FY2015 for the Hydrogeological Investigation of the Lower Floridan aquifer in Polk County.

**Finance/Outreach & Planning Committee****19. Budget Transfer Report**

Staff recommends the Board approve the Budget Transfer report covering all budget transfers for August 2014.

**20. FY2013-14 Board Designated Encumbrance for Consultant Services for Inspector General Support**

This request is to encumber unexpended FY2013-14 funds in the amount of \$15,000 for consultant services to be used in FY2014-15 as part of the Office of Inspector General (OIG) FY2014-15 Annual Audit Plan approved by the Governing Board. The OIG is staffed with one (1) FTE. This staffing level requires periodic skill augmentations to address and remediate District operational risks and implement the OIG's Audit Plan.

During the risk assessment process used to develop the FY2014-15 Audit Plan, the inspector general identified a need to update, revise, or rewrite procedures and guidelines over the District's budgetary and other administrative processes.

The OIG staff augmentation needed for these projects was not anticipated in the proposed FY2014-15 OIG budget proposal. The availability of unspent FY2013-14 funds will allow the District to complete the assignments. Further, hiring a consultant with specialized process facilitation / mapping experts can reduce overall District staff costs to document, improve, and publish changed procedures and guidelines.

Staff recommends the Board approve the encumbrance of FY2013-14 funds in the amount of \$15,000 for consultant services without a contract for use in FY2014-15 as part of the OIG FY2014-15 Audit Plan.

**21. Fiscal Year (FY) 2013-14 Board Designated Encumbrance**

The District implemented a new Employee Evaluation process for FY2012-13, which provides for assessment of employee performance against core District competencies and individual performance goals. District employees will receive their annual 2014 performance evaluations under this evaluation process in October 2014, reflecting performance for FY2013-14.

Ongoing efficiencies within the District's workforce have resulted in an estimated \$2.6 million salary and benefit savings through eliminated and vacant positions in FY2013-14. The District would like to offset this salary savings with a merit based increase for high performing staff who earn a solid, strong or top performance in their 2014 evaluation. Such an increase would appropriately reward annual performance and recognize the contributions District employees have made toward the overall budget reductions and operational efficiencies the District has achieved. Additionally, the highest performing 20 percent of employees will be eligible to receive a performance incentive that does not add to salary base, as authorized by the Governing Board through Board Policy 710-3, Performance Incentive Program.

Staff recommends the Board approve the encumbrance of \$1.3 million to roll into FY2014-15 for staff merit increases and performance incentives for Strong or Top Performers.

**22. Approval of Resolution No. 14-14 Requesting Encumbrance of Fiscal Year 2013-14 Budgeted Funds within the Water Management Lands Trust Fund**

The State Legislature did not appropriate new funds to the District within the WMLTF for FY2013-14; however, allocated unused prior year appropriations in the amount of \$125,927.19 remain in the District's account which can be utilized for FY2013-14 budget requirements.

Revenue derived from consent orders and through the use of District-owned lands such as timber sales, leases, hog hunt permit fees, etc. will also be used to offset the FY2013-14 land management, land maintenance and capital improvements budget requirements.

Staff Recommends the Board approve Resolution Number 14-14 requesting the encumbrance of \$125,927.19 of budgeted funds for land management, land maintenance and capital improvements within the WMLTF, and authorize staff to request reimbursements for FY2013-14 costs not to exceed the budgeted amounts.

**General Counsel's Report****23. Administrative, Enforcement and Litigation Activities that Require Governing Board Approval****a. Approval of Revisions to District Policies – 110-3, Governing Board Committee Responsibilities; 110-3A, Governing Board Committee Responsibilities – Finance and Administration Committee; 110-3B, Governing Board Committee Responsibilities – Regulation Committee; 110-3C, Governing Board Committee Responsibilities – Resource Management and Development Committee; 110-3E, Governing Board Committee Responsibilities – Outreach and Planning Committee; and the Repeal of District Policy 110-3D, Governing Board Committee Responsibilities – Diversity Committee**

District Policies 110-3 and 110-3A thru 110-3E relate to Governing Board Committee responsibilities. As part of a review of District Policies by the Office of General Counsel, revisions are proposed to ensure consistency both in form and language, reflect current District practices (such as each committee's membership consisting of the entire Governing Board) and ensure compliance with Florida Statutes. The revisions also make the committees' responsibilities consistent with current responsibilities and subject matter areas. Obsolete language is being removed. Finally, it is proposed to repeal District Policy 110-3D, Governing Board Committee Responsibilities - Diversity Committee, as the policy language is proposed to be included in District Policy 110-3A, Governing Board Committee Responsibilities - Finance and Administration Committee. Currently, the Diversity Committee is the only committee that is a



committee of the whole (the entire Governing Board). Due to the responsibilities of the Finance/Outreach & Planning Committee, as well as its membership consisting of the entire Governing Board, it is the appropriate committee to oversee diversity-related initiatives and activities.

Staff recommends the Board approve the proposed revisions to the following District Policies:

- 110-3, Governing Board Committee Responsibilities;
- 110-3A, Governing Board Committee Responsibilities - Finance and Administration Committee;
- 110-3B, Governing Board Committee Responsibilities - Regulation Committee;
- 110-3C, Governing Board Committee Responsibilities - Resource Management and Development Committee; and
- 110-3E, Governing Board Committee Responsibilities - Outreach and Planning Committee.
- Repeal District Policy 110-3D, Governing Board Committee Responsibilities – Diversity Committee.
- Allow staff to correct any scrivener's errors.

**b. Interagency Agreement Between the SWFWMD and the SFWMD – Designation of Regulatory Responsibility – Kickin Tires Ranch – Polk County**

On August 4, 2014, Kickin Tires Ranch, LLC submitted Water Use Permit (“WUP”) Application No. 140804-9 (“Application”) to the South Florida Water Management District (“SFWMD”) for a water use permit to serve Kickin Tires Ranch, located in Polk County, Florida (“Property”). The Application requests authorization to withdraw 452,986 gallons per day for the irrigation of improved pasture. The Property covers 247.87 acres, 141.73 of which lies within the jurisdictional boundaries of the SFWMD, and the remaining 106.14 acres lie within the jurisdictional boundaries of the Southwest Florida Water Management District (“SWFWMD”). The portion of the Property that lies within SWFWMD’s boundaries is located within the Southern Water Use Caution Area (“SWUCA”).

Section 373.046(6), Florida Statutes, authorizes a water management district to designate, through an interagency agreement, regulatory responsibility to another water management district over a project located within the jurisdictional boundaries of both districts. Because a significant portion of the Property boundary lies within the SWUCA, both Districts agree that responsibility should be assumed by the SWFWMD for review and issuance of the WUP for the entirety of the Project.

An interagency agreement approved by both district governing boards is necessary to authorize SWFWMD to issue a WUP to the applicant for the entire Project. The SFWMD Governing Board executed the interagency agreement on September 11, 2014.

Staff recommends the Board approve the Interagency Agreement between the Southwest Florida Water Management District and the South Florida Water Management District for Designation of Regulatory Responsibility for Kickin Tires Ranch in Polk County.

**c. Amendment to Perpetual Conservation Easement – Bronson Property – Lake County**

The District holds a conservation easement over property owned by Raymond W. Bronson and Minnie Audrey Bronson, Raymond W. Bronson as Trustee under the Raymond W. Bronson Trust, Marsha Bronson Purvis and Clifford L. Purvis, and Dennis Wayne Bronson and Valerie Austin Bronson (the “Bronson Family”). The conservation easement is located in Lake County and was purchased by the District in 1996.

The conservation easement includes approximately 910-acres and reserved unto the Bronson Family, the right to sell, rent or mortgage the property provided that the property is not divided and sold as more than two parcels. Subsequent to the execution of the conservation easement, the Bronson Family divided the property once creating a second parcel. For estate planning purposes, the Bronson Family has requested that the conservation easement be amended to

allow two additional divisions of the property. No additional residences or construction activities beyond those allowed by the original conservation easement would be allowed.

Staff recommends the Board approve and accept the Amendment to Perpetual Conservation Easement for the Bronson Property in Lake County.

**d. Consent Order – Overpumpage Penalties – Water Use Permit No. 20012514.007 – Colding Loop Road Wimauma, LLC – CT No. 366376 – Hillsborough County**

On February 25, 2013, the District issued the renewal of Water Use Permit No. 20012514.007 (Permit) to Colding Loop Road Wimauma, LLC (Permittee), authorizing total water withdrawals of 473,000 gallons per day (gpd) on an annual average basis. Permitted quantities include two uses which are served by two separate withdrawal sources: 393,400 gpd for 200.7 acres of agricultural use, primarily for strawberry crops, serviced by withdrawal points from the upper Floridan aquifer (the Agricultural Quantities); and 79,600 gpd for 13.9 acres of mining and dewatering use served by groundwater sources from the surficial aquifer. Permittee has not initiated water withdrawals for mining and dewatering use. The permitted property is located within the boundary of the Most Impacted Area of the Southern Water Use Caution Area.

On July 9, 2013, District staff issued a Notice of Non-Compliance to Permittee advising that the annual average quantity withdrawn for the 12-month period ending May 2013 was 531,860 gpd, or approximately 35.2% in excess of the Agricultural Quantities, as corrected for frost freeze protection. The notice advised Permittee to come into compliance with the Agricultural Quantities within the next two reporting cycles. From the issuance of the Notice of Non-Compliance to date, water withdrawals continued to exceed the Agricultural Quantities by an average of 35.1%.

Following referral of the compliance matter to the District's Office of General Counsel in November 2013, the parties entered into discussions in an effort to resolve the matter without litigation. On February 4, 2014, District staff issued a proposed Consent Order assessing a penalty of \$8,997.00 for six (6) months of exceeding the Agricultural Quantities for the 12-month periods ending May 2013 through November 2013, and \$250.00 in enforcement costs. The Permittee responded by requesting that the District consider its initiatives to correct the water use on the permitted property by changing the tenant farmer that leased the property; hiring an independent consultant to monitor and record water withdrawals, manage water allocation, and communicate directly with the tenant farmer on water management issues; and replacing the entire irrigation system on the property with an efficient, uniform distribution system that utilizes highly manageable controlled zones to accommodate various topographic features and soil profiles.

On March 11, 2014, District staff recommended reducing penalties and costs to \$1,250.00 upon a demonstration that Permittee's corrective actions would bring withdrawals into compliance with the Agricultural Quantities. However, the Permittee has not demonstrated a permanent resolution to the overpumpage of water. On April 23, 2014, the Permittee informed the District that the tenant farmer had planted a spring melon crop over the fall strawberry crop, and despite the initiatives noted above, the Permittee would not be able to achieve compliance with the Agricultural Quantities within the timeframe contemplated by the proposed Consent Order.

Accordingly, District staff issued a revised proposed Consent Order on September 8, 2014, with the following terms and conditions:

- Penalties will be assessed in the amount of \$25,768.00 for fifteen (15) months of exceeding the Agricultural Quantities for the 12-month periods ending May 2013 through July 2014 pursuant to the District's overpumpage formula, plus \$500.00 in District enforcement costs.
- Permittee shall submit a written Compliance Plan with specific corrective actions designed to bring withdrawals into compliance with state statutes, District rules and the terms of the Permit. Full compliance shall be achieved within 240 days from approval of the Consent Order by the Governing Board.

- District does not waive the right to pursue the full amount of penalties, enforcement costs, court costs and attorney's fees should the Permittee fail to comply with the Consent Order.
- District shall impose a penalty multiplier for future violations occurring within the Most Impacted Area of the Southern Water Use Caution Area.

The Permittee has indicated by phone to District staff that it intends to resolve the matter without litigation, but as of the date of preparation of this recap a signed Consent Order has not been received. District staff anticipates that a signed Consent Order will be received by the date of the Governing Board meeting.

Staff recommends the Board approve of the Consent Order and authorization to initiate litigation against Colding Loop Road Wimauma, LLC to enforce the terms of the Consent Order.

**e. Board Designated Encumbrance Legal Services, Expert Testimony/Analysis, and Administrative Law Judge**

The Office of General Counsel anticipates that it will handle an above-average litigation caseload during FY2014-15, including the civil litigation against Parsons Water & Infrastructure, Inc. and administrative law judge time to preside over cases pending before the Division of Administrative Hearings. These FY2013-14 funds will be added to previously encumbered funds in the amount of \$400,000, which will provide a total of \$618,400 designated for the anticipated increased litigation in FY2014-15.

The Office of General Counsel may need to utilize outside law firms with specialized knowledge or experience to assist the District with its litigation caseload in protecting the District's interests, defending the District's position in rulemaking and enforcement or to carry out the District's statutory responsibilities.

Staff recommends the Board approve the encumbrance of up to \$218,400 of FY2013-14 funds to be added to the prior year funds currently encumbered providing a total of up to \$618,400 for use in FY2014-15 for outside legal services, expert testimony/analysis and administrative law judge costs.

**24. Rulemaking**

**a. Rulemaking – Initiation and Approval of Amendments to Chapter 40D-1, F.A.C., to Make District Procedural Rules in Chapter 62-330, F. A. C.**

The Statewide Environmental Resource Permit (SWERP) rules in Chapter 62-330, Florida Administrative Code (F.A.C.), and in SWERP Applicant's Handbook Volume I set forth certain procedures for the processing of applications for permits, notices of intent to use general permits, requests for verification of qualification for exemption and petitions for formal wetland determinations. District Rule Chapter 40D-1, F.A.C., sets forth the District's procedural rules governing all permit applications, emergency authorizations, forms and administrative fees. Some of the District rules duplicate or are inconsistent with related SWERP processing rules, and now require either amendment or repeal to remain consistent with SWERP.

District staff seeks Governing Board authorization to initiate rulemaking to make Chapter 40D-1, F.A.C., consistent with the SWERP rules. Staff also seeks approval of the specific amendments and repeals necessary to accomplish this purpose, as set forth in Exhibit A for this item. Upon Board approval, District staff will notify the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with rulemaking without further Governing Board action. If substantive comments are received from the public or reviewing entities such as OFARR or JAPC, or if changes are needed to the proposed amendments, this matter will be brought back to the Governing Board for further consideration.

Staff recommends the Board authorize the initiation of rulemaking to amend Chapter 40D-1, F.A.C. to make the District's procedural rules relating to ERP matters consistent with the SWERP rules contained in Chapter 62-330, F.A.C., and in SWERP Applicant's Handbook Volume I, and approve the amendments to Chapter 40D-1, F.A.C., as set forth in Exhibit A.

**b. Rulemaking – Initiation and Approval of Amendments to Chapter 40D-3, F.A.C., to Incorporate Changes in DEP Rules for Water Well Contractors and Construction of Water Wells**

The Department of Environmental Protection (DEP) has recently amended its water well contractor licensing application requirements set forth in Chapter 62-531, Florida Administrative Code (F.A.C.), and has adopted a new Water Well Construction Disciplinary Guidelines and Citations Dictionary to replace the existing disciplinary guidelines and citations dictionary documents that were previously adopted in October 2002. These amendments became effective on June 22, 2014.

District Rule 40D-3.037, F.A.C., currently incorporates by reference related DEP rules, including the earlier version of Chapter 62-531, F.A.C. Amendments are necessary to incorporate the latest edition of Chapter 62-531, F.A.C., and the new Water Well Construction Disciplinary Guidelines and Citations Dictionary. In addition, earlier District rulemaking seeking to incorporate DEP's amendments to Chapters 62-528 and 62-532, F.A.C., and make other minor rule corrections had been initiated in 2012, but was withdrawn in response to comments from the Joint Administrative Procedures Committee (JAPC). This earlier proposed rulemaking package has since been revised and is also being pursued as part of this rulemaking effort. Accordingly, amendments are proposed to incorporate updated DEP rules and additional materials incorporated in DEP's well construction rules, to correct citations to DEP rules, and to adopt revised District forms to correlate with the changes made in DEP's rules. Some additional minor clarifying and correcting amendments are also being made. The proposed amendments are attached as Exhibit A for this agenda item and are included in the Governing Board packet.

District staff seek authorization to initiate rulemaking and Governing Board approval of the proposed amendments and forms set forth in Exhibit A. Upon Board approval, District staff will notify the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with rulemaking without further Governing Board action. If substantive comments are received from the public or reviewing entities such as OFARR or JAPC, or if changes are needed to the proposed amendments, this matter will be brought back to the Governing Board for further consideration.

Staff recommends the Board authorize the initiation of rulemaking to amend Chapter 40D-3, F.A.C. to incorporate changes in DEP rules for water well contractors and construction of water wells and approve the amendments to Chapter 40D-3, F.A.C., and forms as set forth in Exhibit A.

**c. Approval of Final Rule Language and Authorization to Complete Rulemaking to Create Rule 40D-1.700, Florida Administrative Code (F.A.C.), to Establish Procedures and Adopt Forms for the Registration of Lobbyists that Lobby the District**

During the 2014 Legislative Session, Section 112.3261, Florida Statutes, was created requiring a person wanting to lobby a water management district (district) to annually register with the district before lobbying the district. Since the legislation required lobbyist registration to start July 1, 2014, the Southwest Florida Water Management District (District) has been utilizing the Executive Branch Lobbyist Registration Form.

Prior to the law's enactment, a group of stakeholders comprised of the Department of Environmental Protection (DEP) and the other water management districts was created to ensure the new law was implemented consistently. The stakeholders' group agreed that

rulemaking was necessary to properly implement the new law. The Governing Board approved the initiation of rulemaking at its July 21, 2014 meeting.

Staff recommends the Board approve final rule language and authorize the completion of rulemaking to adopt Rule 40D-1.700, F.A.C., to provide definitions, procedure, and forms for the registration of lobbyists, and authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process.

### Executive Director's Report

25. **Approve Resolution No. 14-13, Commending Todd Pressman for His Service as a Member of the Southwest Florida Water Management District Governing Board**

Staff recommends the Board approve the resolution as presented.

26. **Approve Governing Board Meeting Minutes**

Staff recommends the Board approve the August 26, 2014 meeting minutes.

## REGULATION COMMITTEE (TAB C)

### Discussion Items

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

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

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

**Submit & File Reports** – None

### Routine Reports

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

29. **Overpumpage Report – September 2014**

30. **Individual Permits Issued by District Staff – September 2014**

## OPERATIONS & LAND MANAGEMENT COMMITTEE (TAB D)

### Discussion Items

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

32. **Hydrologic Conditions**

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the current month to comparable data from the historical record.

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

33. **Accept Appraisals and Approve Purchase and Sale Agreement and Resolution Requesting Funds from the Florida Forever Trust Fund for the Acquisition of Weekiwachee Preserve, SWF Parcel No. 15-773-144**

To date, approximately 11,730 acres have been acquired within the Weekiwachee Preserve. The subject property consists of six individual parcels located within the proposed acquisition boundary of the Weekiwachee Preserve and are bordered by District-owned lands to the east, south and northwest. Acquisition of this property is consistent with the District's Florida Forever Work Plan, which specifically identifies the Weekiwachee Preserve for acquisition.



Property Description

*Location and Access* - The subject property is located within the gulf coastal community of Aripeka, an area of low-intensity coastal salt marshes and spring-fed coastal creek systems. The property is located within both Hernando and Pasco counties and has frontage on Boat Spring, a 2nd magnitude spring, and its associated spring basin and run. In addition, almost the entire spring run for the adjacent Magnolia Spring traverses the property. Boat Spring is one of three springs, including Aripeka 1 and Aripeka 2, comprising the majority of freshwater flows into Hammock Creek. The subject property is uniquely situated and contains a relatively high developable coastal ridge overlooking the Boat Spring basin and Hammock Creek run out to the Gulf of Mexico. Overall the 84.52-acre property is comprised of 30.48 acres of uplands and 54.04 acres of wetlands. Access to the property is provided via Jebert Drive, a 60-foot wide private access easement which connects to county-maintained Aripeka Road. The Hernando and Pasco County Property Appraisers' assessed value of all the parcels which comprise this ownership amount to \$603,651.

*Utilities and/or Improvements* - Electric and telephone services are provided in the area and available to the property. Water and sewer are by provided by private well and septic.

*Zoning* - The subject parcels in Hernando County have an Agricultural District (AG) zoning and a Future Land Use designation that is a combination of Rural and Conservation; the subject parcels in Pasco County have a combination of Agricultural (AC), Agricultural-Residential (AR-5) and Low Density Residential (R-2) zoning and all are designated as Residential - 6 (RES-6) on the Pasco County Future Land Use Map.

Purchase Agreement:

- The seller has agreed to deliver marketable title free of all encumbrances objectionable to the District.
- An environmental site assessment will be completed prior to closing.
- A boundary survey will be completed prior to closing.
- The seller is responsible for all tax assessment prorated through the date of closing.

Summary of Appraisals and Value Comparisons

In accordance with District policy, two appraisals were obtained for the subject property, one from Frank A. Catlett, MAI, SRA, with Trigg, Catlett & Associates (\$1,520,000), and the other from Martin C. Engelmann, Jr. MAI, MRICS, with Tropical Realty Appraisal Services (\$1,525,000). The Engelmann report has an effective date of August 7, 2014; the Catlett report has an effective date of August 6, 2014. Both appraisals were reviewed by Kathy Evans, MAI. All of the appraisal reports meet the necessary legal and/or District requirements and contain the appraisers' factual data leading to the value conclusions.

*Highest and Best Use* - The highest and best use, as determined by the appraisers, based on the physically possible, legally permissible and financially feasible uses for this property, would be for either recreational use or residential development.

The appraisers applied the Sales Comparison Approach (Market Approach) to determine the value of these properties. The appraisers relied on recent sales of comparable property within the Tampa Bay region of west-central Florida. The sales were adjusted for differences that included date of sale, location/access and physical characteristics including size and topography.

The following is a comparison of the total negotiated purchase price to the appraised values:

	<b>Negotiated Amount</b>	<b>Appraised Value (Avg.)</b>	<b>Appraised Value Catlett</b>	<b>Appraised Value Englemann</b>
Total Price	\$1,370,000	\$1,522,500	\$1,520,000	\$1,525,000
Per Acre Price	\$16,209	\$18,013	\$17,984	\$18,043

The negotiations for acquisition occurred on a voluntary basis between the landowner and the District. The initial offer presented for the property was \$1,290,000. The property owner declined, but countered at \$1,450,000. The District's response was a final offer at \$1,370,000. The owner countered again and reduced his price to \$1,400,000, which was subsequently declined by the District. Upon further discussions and reconsideration the owner agreed to the District's final offer. The negotiated price of \$1,370,000 represents a purchase price that is approximately 90 percent of the average appraised value for the property.

Staff recommends the Board:

- Accept the appraisals;
- Approve the Purchase and Sale Agreement and authorize the Executive Director to sign on behalf of the District;
- Approve the resolution requesting funds in the amount of \$1,370,000; and
- Designate the parcel 15-773-144 as having been acquired for conservation purposes.

**Submit & File Reports**

34. **Summary of FY 2014 Interagency Land Management Reviews**

**Routine Reports**

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

35. **Structure Operations**

36. **Significant Activities**

**RESOURCE MANAGEMENT COMMITTEE (TAB E)**

**Discussion Items**

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

38. **Tampa Bay Water Update**

The renovation of Tampa Bay Water's C.W. Bill Young Regional Reservoir is nearing completion. On July 25, 2014, the Florida Department of Environmental Protection approved filling the reservoir to 110 feet, or halfway. While the facility was offline and under construction, Tampa Bay Water was able to meet the region's demands for water through a balanced mix of surface water, desalinated seawater and groundwater, and stay under the 90 million gallon per day annual average on the consolidated wellfields.

Tampa Bay Water's General Manager Matt Jordan will provide an update to the Board on the Reservoir Renovation Project and Tampa Bay Water's regional supply system.

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

39. **District Project Management Office**

The Project Management Office (PMO) has been in place since November 2012. A status update on the PMO was provided to the Governing Board at their January 2014 meeting. Since that time, the PMO has continued to identify and develop processes that enhance the efficiencies and effectiveness of project management at the District.

These enhancements include the continued refinement to the Cooperative Funding Initiative (CFI) application and evaluation process, quarterly project status (GYR) monitoring and reporting for CFI and District-led projects, and development of standardized bid specifications and constructability and biddability reviews for construction bids.

A major initiative of the PMO for the last several months has been the evaluation of a project management information system (PMIS) to monitor, report, and analyze project status/health. The PMIS will be a tool to more consistently and efficiently track projects through standardized reporting with the goal of enhancing project management at the District.

In addition, the PMO serves as the administrator of the General Engineering and Professional Services (GES) program. The role of the PMO for the GES includes assisting District staff with the identification and selection of the most qualified firm for a project, as well as monitoring and reporting of the selection process.

Finally, the PMO staff continues to provide project management mentoring to District staff and are currently developing a formalized training program to better develop project management at the District.

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

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

40. **Minimum Flows and Levels Priority List and Schedule Update**

#### ***Routine Reports***

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

41. **Minimum Flows and Levels Status Report**  
42. **Significant Water Resource and Development Projects**

### **FINANCE/OUTREACH & PLANNING COMMITTEE (TAB F)**

#### ***Discussion Items***

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

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

44. **Office of Inspector General – Six Month Progress Report to Auditor General Report 2014-082**  
45. **Strategic Plan 2014-2018 Update**

#### ***Routine Reports***

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

46. **Treasurer's Report and Payment Register**  
47. **Monthly Financial Statement**  
48. **Monthly Cash Balances by Fiscal Year**  
49. **Comprehensive Plan Amendment and Related Reviews Report**  
50. **Development of Regional Impact Activity Report**  
51. **Significant Activities**

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

52. Consent Item(s) Moved for Discussion

**Submit & File Reports** – None

**Routine Reports**

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

53. Litigation Report  
54. Rulemaking Update

**COMMITTEE/LIAISON REPORTS** (TAB H)

55. Agricultural and Green Industry Advisory Committee Report  
56. Other Committee/Liaison Reports

**EXECUTIVE DIRECTOR'S REPORT** (TAB I)

57. Executive Director's Report

**CHAIR'S REPORT** (TAB J)

58. Executive Director's and Inspector General's Annual Reports

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.

The executive director and inspector general have combined their statements of accomplishments into one document, with two separate sections, and submitted the information to the Governing Board in a separate addendum.

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. In accordance with Board Policy 710-2, the Human Resources and Risk Management Bureau 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 performance 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 Governing Board meeting.

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

59. Employee Service Milestones

*This item provides a list of employees who have reached five-year increments in service to the District, and no action is required.*

60. Other

**3:30 P.M. TIME CERTAIN CLOSED SESSION** (TAB K)

*Time Certain:* 3:30 - 4:30 p.m. (unless concluded earlier)

*Attendees*

*Governing Board Members:* Michael Babb, Randall Maggard, Jeffrey Adams, David Dunbar, Carlos Beruff, H. Paul Senft, Jr., Ed Armstrong, Bryan Beswick, Thomas Bronson, Wendy Griffin, George Mann, and Michael Moran. *Executive Director:* Robert Beltran. *General Counsel:* Laura Donaldson. *District Staff Attorney:* Kim Dionisio.

*Purpose*

The purpose of this item is discuss settlement negotiation strategy with the Governing Board in *SWFWMD v. Danny J. Suggs, et al.* (5th Judicial Circuit, Case No. 2003-CA-724) and *In re Danny J. Suggs* (U.S. Bankruptcy Court, Case No. 3:12-bk-6997-PMG and Adversary Proceeding No. 13-ap-272) pursuant to Section 286.011(8), Florida Statutes (Fla. Stat).

*Background/History*

The history of litigation between the District and Danny Suggs and eight associated defendants (the "Suggs Associated Defendants") includes two lawsuits before the Fifth Judicial Circuit Court for Sumter County, including the enforcement of a temporary injunction, supplementary proceedings to levy on real and personal property, and evidentiary hearings as to defendants' declarations of homestead; two proceedings before the Division of Administrative Hearings (DOAH); five appeals to the Fifth District Court of Appeals; one appeal to the Florida Supreme Court; litigation within the Chapter 7 bankruptcy case of Danny Suggs; and three unsuccessful attempts to settle the matter. A more detailed history may be found in the District's Litigation Report.

In December 2002, the District commenced formal enforcement proceedings against the Suggs Associated Defendants through the issuance of an Administrative Complaint and Order (the "ACO") alleging that the defendants committed significant violations of Chapter 373, Fla. Stat., consisting of unauthorized construction activities undertaken on defendants' 180-acre property located in Sumter County. The unauthorized construction activities ultimately included: construction of six large houses, each over 6,800 square feet, and associated impervious surfaces; dredging and filling of approximately 39 acres of forested wetlands; placing fill in the 100-year flood plain; and the recontouring of ponds, lakes and canals without the requisite environmental resource permit (ERP) from the District. The corrective actions prescribed by the ACO required the Suggs Associated Defendants to obtain an ERP and complete the corrective work therein.

In July 2003, the District filed a complaint in the Fifth Judicial Circuit Court for Sumter County (the "State Court Proceeding") against Danny Suggs and five defendants seeking to enforce the ACO (Final Order No. SWF 03-050). The complaint sought relief in the form of civil penalties, attorney's fees and costs, a prohibitory injunction to cease all construction activity on the subject property until the requisite ERP was obtained from the District, and a mandatory injunction to perform the corrective actions within the District's Final Order. The complaint was amended in July 2006 to add three more defendants and enforce an amended ACO (Final Order No. SWF 04-040).

During the course of litigation, the state court directed the Suggs Associated Defendants to submit an ERP application to the District. An ERP application was submitted in March 2008, within which the Suggs Associated Defendants claimed an entitlement to an agricultural exemption under Subsections 373.406(2) and (3), Fla. Stat. The District denied the application and the Suggs Associated Defendants filed a petition challenging the District's decision and seeking a formal administrative hearing. The District forwarded the matter to DOAH and a final administrative hearing was held in January 2009. The Administrative Law Judge's Recommended Order ruled in favor of the District, finding that the Suggs Associated Defendants were not entitled to an agricultural exemption or an agricultural closed system exemption under Subsections 373.406(2) and (3), Fla. Stat., respectively. Specifically, the



design of the agricultural activities was determined to be inappropriate and unreasonable to operate either a bona fide cattle ranch or pecan grove. Furthermore, the design of the agricultural closed system failed to accomplish closure and contemplated a discharge above the 100-year rainfall event. The Administrative Law Judge determined that the primary purpose of the Suggs Associated Defendants' construction activities was not for agricultural purposes, but rather, to impound and obstruct the flow of surface water to facilitate the construction of the residences on their property due to the six residences already built and the eight additional residences the Suggs Associated Defendants intended to build. The District adopted the Recommended Order in its entirety and entered Final Order No. SWF 09-013.

In May 2009, enforcement of the ACO continued in the State Court Proceeding on the issue of the Suggs Associated Defendants' liability for damages. In July 2009, the state court entered a final judgment against the Suggs Associated Defendants in the total amount of \$1,718,450, consisting of civil penalties and attorneys' fees and costs, in addition to a mandatory injunction to restore the subject property and its wetlands with estimated costs of \$3,371,986, in accordance with the ACO (the "Final Judgment").

In December 2009, the District commenced supplementary proceedings to force the sale of multiple homes owned by the Suggs Associated Defendants located on the Property. In May 2010, Danny Suggs, Amanda Suggs and Gary Suggs asserted homestead exemptions to the District's supplementary proceedings. In October 2010, the court ruled in favor of the District on all but one of the homes, limiting Danny Suggs' homestead exemption claim to 7269 NW 44th Boulevard, identified as parcel number E02=002.

Danny Suggs and Gary Suggs both appealed the rulings on their homestead exemption claims to the Fifth District Court of Appeal. In December 2011, the court dismissed the appeal of Gary Suggs, and in June 2012, affirmed *per curiam* the trial court's October 2010 order pertaining to Danny Suggs. Danny Suggs appealed to the Florida Supreme Court but the petition was dismissed in August 2012.

During supplementary proceedings to satisfy the Final Judgment, the District levied on a number of vehicles and personal property owned by the Suggs Associated Defendants, and subsequently sold the items via sheriff's auction. Between May 2011 and June 2012, the District received \$25,848.38 from the proceeds of the public auctions.

In October 2012, Danny Suggs filed a Chapter 7 bankruptcy petition. The District has been actively litigating contested matters and an adversary proceeding within the bankruptcy case in order to defend and enforce the Final Judgment. In March 2014, Danny Suggs contacted the District to initiate settlement negotiations as to a global resolution on all pending matters and enforcement of the Final Judgment.

No formal Governing Board action may be taken during the closed-door attorney-client session.

**★ ★ ★ RECESS PUBLIC HEARING ★ ★ ★**

**ANNOUNCEMENTS**<http://www.swfwmd.state.fl.us/calendar>

- Governing Board Meetings Schedule:

Meeting – The Villages.....	October 28, 2014
Meeting – Tampa .....	November 18, 2014
Meeting – Tampa .....	December 16, 2014
Meeting – Tampa .....	January 27, 2015

- Governing Board Public Budget Hearings Schedule:

Tentative Budget – Tampa .....	September 15, 2015
Final Budget – Tampa .....	September 29, 2015

- Advisory Committee Meeting Schedule:

Well Drillers – Tampa .....	October 8, 2014
Environmental – Tampa .....	October 14, 2014
Industrial/Public Supply – Tampa .....	November 13, 2014
Agricultural and Green Industry – Tampa .....	December 4, 2014

<b>5:01 P.M. CONVENE TENTATIVE FY 2014-15 BUDGET HEARING</b>
--

**ADJOURNMENT**

Days Without an At-Fault Accident **18**

# Monthly Dashboard

as of August 30, 2014

Days Without a Lost-Time Injury **123**

## Cash Balance: \$514 Million

Reserves	\$232M
Encumbrances	\$186M
Carry Forward FY14-15	\$29M
Remaining Cash for FY13-14 Budget	\$67M
<b>Total</b>	<b>\$514M</b>

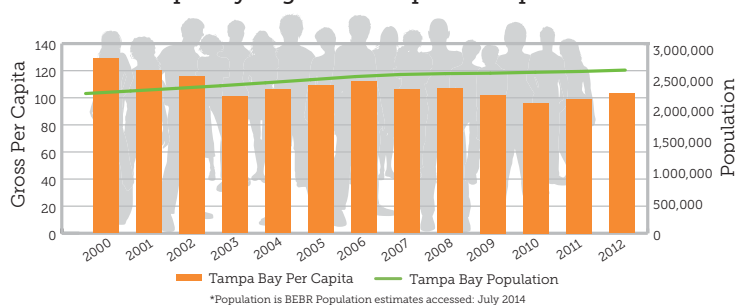


\$353.5 million (current budget)

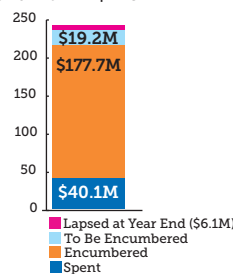
	FY13-14 Budget	Carry Forward Encumbrance	Total Current Budget
Regulation	\$11.6M	\$0.6M	\$12.2M
General Counsel	\$2.0M	\$0.5M	\$2.5M
Resource Mgmt.	\$100.0M	\$168.3M	\$268.3M
Chief of Staff	\$3.9M	\$0.7M	\$4.6M
Operations	\$23.3M	\$8.3M	\$31.6M
Mgmt. Services	\$28.5M	\$4.2M	\$32.7M
Executive	\$1.4M	\$0.1M	\$1.5M
<b>Total</b>	<b>\$170.8M</b>	<b>\$182.7M</b>	<b>\$353.5M</b>

## Resource Management

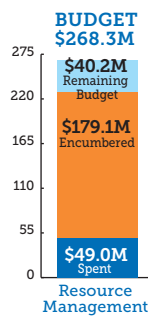
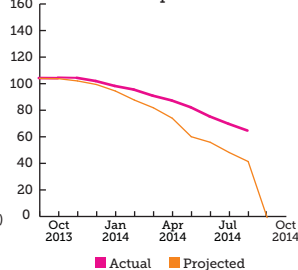
### Tampa Bay Region Per Capita vs Population



### Total Number of Projects: 396

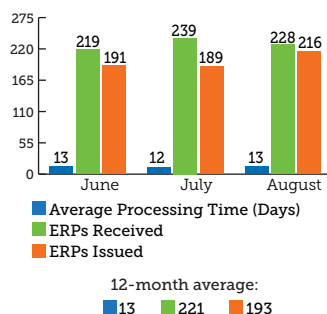
Long-Term Project Budget  
Spend Down: \$243.1M

### FY13-14 Spend Plan

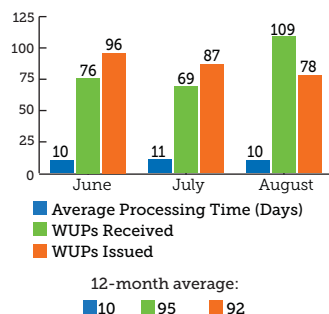


## Regulation

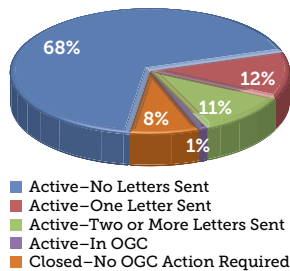
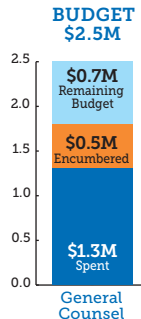
### Total ERP Applications In-house: 441



### Total WUP Applications In-house: 215



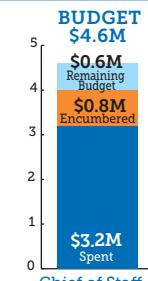
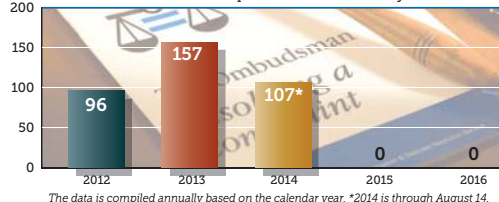
### Permit Compliance Status

Number Active in Office of General Counsel: 59  
Total Number of Compliance Activities: 6,273

## Chief of Staff

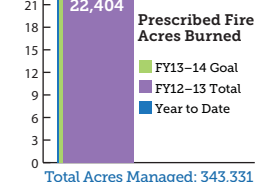
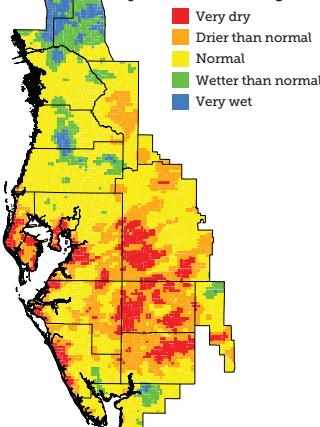
### Ombudsman

Number of Inquiries Received Annually

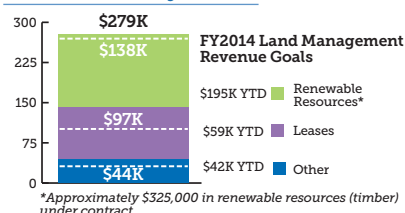


## Operations, Maintenance & Construction

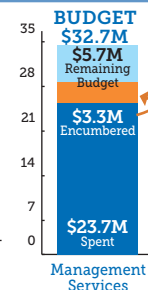
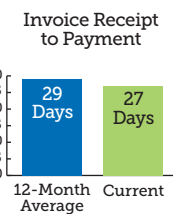
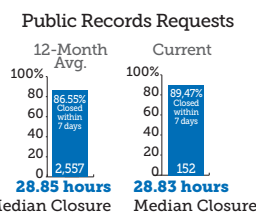
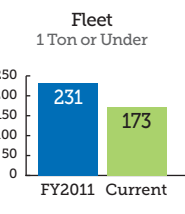
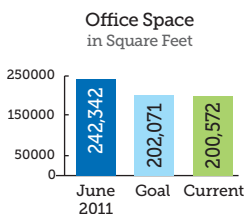
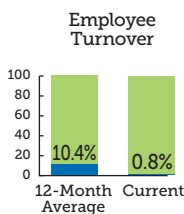
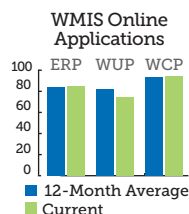
### Rainfall Distribution September 2013 - August 2014



Total Acres Managed: 343,331



## Management Services



## **A. Public Hearing & Meeting**

## **Governing Board Meeting**

**September 30, 2014**

**1:00 p.m.**

**★ ★ ★ CONVENE *MEETING OF THE GOVERNING BOARD* ★ ★ ★  
*AND PUBLIC HEARING***

<b>PUBLIC HEARING AND MEETING</b>
-----------------------------------

1. Call to Order
2. Pledge of Allegiance and Invocation
3. Ceremony to Honor Todd Pressman for His Service on the Governing Board
4. Additions/Deletions to Agenda
5. Public Input for Issues Not Listed on the Published Agenda



## Governing Board Meeting September 30, 2014

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

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

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

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

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

### 3. **Ceremony to Honor Todd Pressman for His Service on the Governing Board**

The Board will honor Mr. Pressman for service from April 2005 to June 2014.

### 4. **Additions/Deletions to Agenda**

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

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

#### **Staff Recommendation:**

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

**Presenter:** Robert R. Beltran, Executive Director

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

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

**Presenter:** Michael A. Babb, Chair

## **B. Consent Agenda**

# Governing Board Meeting September 30, 2014

## 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.

### Regulation Committee

6. Individual Water Use Permits (WUPs) Referred to the Governing Board..... 7
7. Executive Director Authority to Approve Specified District Initiated Variances within the Dover/Plant City Water Use Caution Area..... 8

### Operations & Land Management Committee

8. Declare Lands Surplus and Approve Conveyance – Joe’s Creek Project, SWF Parcel No. 16-040-123S ..... 9

### Resource Management Committee

9. City of North Port’s Potable Water ASR System Change in Scope (K120) ..... 21
10. Plant City Reclaimed Water Sydney and Park Road Transmission and Pumping Project Second Amendment (L816)..... 23
11. FGUA Wet Weather Reclaimed Water Interconnect, Storage and Pumping Project First Amendment (N370) ..... 25
12. Scope Change for the City of Bradenton’s Potable Water ASR System (N435)..... 27
13. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum Guidance Levels for Starvation Lake in Hillsborough County (P256) ..... 28
14. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum Guidance Levels for Lakes Hanna, Keene and Kell in Hillsborough County (P256) ..... 32
15. Egan Park BMPs (W294) ..... 36
16. Lake Seminole Watershed Stormwater Pollution Project (P902) ..... 37
17. Five-Year Water Resource Development Work Program..... 38
18. Board Designated Encumbrance-Hydrogeological Investigation of the Lower Floridan Aquifer in Polk County ..... 77

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

19.	Budget Transfer Report .....	78
20.	FY2013-14 Board Designated Encumbrance for Consultant Services for Inspector General Support .....	81
21.	Fiscal Year (FY) 2013-14 Board Designated Encumbrance .....	82
22.	Approval of Resolution No. 14-14 Requesting Encumbrance for Fiscal Year 2013-14 Budgeted Funds within the Water Management Lands Trust Fund .....	83

## **General Counsel's Report**

23.	<b>Administrative, Enforcement and Litigation Activities that Require Governing Board Approval</b>	
a.	Approval of Revisions to District Policies – 110-3, Governing Board Committee Responsibilities, 110-3A, Governing Board Committee Responsibilities – Finance and Administration Committee; 110-3B, Governing Board Committee Responsibilities – Regulation Committee, 110-3C, Governing Board Committee Responsibilities – Resource Management and Development Committee; 110-3E, Governing Board Committee Responsibilities – Outreach and Planning Committee; and the Repeal of District Policy 110-#D, Governing Board Committee Responsibilities– Diversity Committee .....	86
b.	Interagency Agreement Between the SWFWMD and the SFWMD – Designation of Regulatory Responsibility – Kickin Tires Ranch – Polk County .....	110
c.	Amendment to Perpetual Conservation Easement – Bronson Property – Lake County .....	113
d.	Consent Order – Overpumpage Penalties – Water Use Permit No. 20012514.007 – Colding Loop Road Wimauma, LLC – CT No. 366376 – Hillsborough County .....	122
e.	Board Designated Encumbrance Legal Services, Expert Testimony/Analysis, and Administrative Law Judge .....	134
24.	<b>Rulemaking</b>	
a.	Rulemaking – Initiation and Approval of Amendments to Chapter 40D-1, F.A.C., to Make District Procedural Rules Consistent with Statewide Environmental Resource Permitting Procedural Rules in Chapter 62-330, F.A.C. ....	135
b.	Rulemaking – Initiation and Approval of Amendments to Chapter 40D-3, F.A.C. to Incorporate Changes in DEP Rules for Water Well Contractors and Construction of Water Wells .....	141
c.	Approval of Final Rule Language and Authorization to Complete Rulemaking to Create Rule 40D-1.700, Florida Administrative Code (F.A.C.), to Establish Procedures and Adopt Forms for the Registration of Lobbyists that Lobby the District .....	151

## **Executive Director's Report**

25.	Approve Resolution No. 14-13, Commending Todd Pressman for His Service as a Member of the Southwest Florida Water Management District Governing Board .....	190
26.	Approve Governing Board Meeting Minutes – August 26, 2014.....	192

## REGULATION COMMITTEE

September 30, 2014

### *Consent Agenda*

#### Individual Water Use Permits Referred to the Governing Board

Recent legislation has made the delegation of all Individual Water Use Permit applications to staff for agency action optional for the District, while continuing the mandatory delegation to staff of Individual Environmental Resource Permit applications. Accordingly, in July 2010, the District Governing issued District Order No. SWF 2010-011 to continue delegation of all Individual WUPs to staff and to allow the Executive Director to refer applications to the Governing Board for agency action which, in his discretion would be appropriate for the Board's consideration. Staff has requested some parameters on what permitting matters would be of interest to the Governing Board and referable to the Board for final agency action. At the September 2010 Governing Board meeting, the Board approved the following parameters to guide what Individual WUP applications should be referred to the Board for action:

- All new Individual Water Use Permits
- Renewals and formal modifications of WUPs of 10 MGD or greater demand
- Renewals and modifications involving increases or use changes greater than 100,000 gpd or 10 percent, whichever is less
- Permits involving environmental augmentation

#### Staff Recommendation:

If any Individual WUPs are referred to the Board, these will be presented at the meeting under this agenda item. A summary and draft permit will be made available prior to the Board meeting, preferably in the Board Packet.

Presenter: Alba Más, P.E., Division Director, Regulation Division



## REGULATION COMMITTEE

September 30, 2014

### *Consent Agenda*

#### **Executive Director Authority to Approve Specified District Initiated Variances within the Dover/Plant City Water Use Caution Area**

This request provides authority for the Executive Director to approve District Initiated Variances specifically related to Water Use Permit (WUP) expiration dates incorrectly revised by the Water Management Information System (WMIS). Due to computer coding issues, WMIS inadvertently changed WUP expiration dates in the database for some WUPs to a different date than the actual WUP. The Permittees unfortunately relied on the incorrect WMIS shown expiration date. This resulted in the receipt of some WUP applications after the date of the expiration dates referenced on the WUPs but timely in relation to the revised WMIS expiration dates. Variances are needed in order to issue renewal of frost/freeze quantities that would have been issued but for the WMIS revised expiration dates.

#### **Staff Recommendation:**

Approve request for Executive Director Authority to approve specified District initiated variances within the Dover/Plant City Water Use Caution Area.

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

## OPERATIONS & LAND MANAGEMENT COMMITTEE

September 30, 2014

### *Consent Agenda*

#### **Declare Lands Surplus and Approve Conveyance - Joe's Creek Project, SWF Parcel No. 16-040-123S**

##### *Purpose*

The purpose of this item is to request the Governing Board to declare SWF Parcel No. 16-040-123S as surplus and approve the conveyance of the property to Pinellas County.

##### *Background/History*

The process to surplus District-owned real property involves several steps including, a presentation and opportunity for public comment, followed by the Governing Board's declaration of the property as surplus and authorization to execute the conveyance instruments required for disposition. Parcels determined to be surplus can be offered either to other governmental entities or for public sale. Section 373.056, Florida Statutes, allows the District to convey land directly to a governmental entity under terms and conditions as the Governing Board may determine. Pinellas County has requested surplus of the subject property for use as part of future stormwater management system improvements within the Joe's Creek Basin.

The District and Pinellas County executed a joint participation agreement for the implementation of the Stormwater Management Master Plan for Joe's Creek Basin in 1981. This agreement required the District to acquire seven fee simple parcels and two easement parcels on which the County would construct, operate and maintain stormwater management improvement projects. The subject properties consist of two separate tracts; the first includes four of the fee owned parcels and the two easement parcels, the second includes the remaining three fee owned parcels. Pinellas County has requested that ownership of these parcels be transferred, at no cost, to the County in order to unify management decision-making, budgeting and security.

The surplus process was conducted in accordance with guidelines provided by the Florida Department of Environmental Protection. Information about the surplus of this property was presented and public input accepted at the District's Governing Board meeting held on April 30, 2013. Upon the Governing Board's declaration as surplus and authorization to execute the Quit Claim Deed, the property will be conveyed to Pinellas County. Upon direction of the Governing Board the Quit Claim Deed includes stipulations that provide for the property to revert to the District should it be used for any purposes other than stormwater management system improvements within the Joe's Creek Basin.

##### *Benefits/Costs*

The transfer of ownership will benefit the District, as it will eliminate District administrative costs related to responding to recurring complaints from the public and adjoining landowners regarding trespass, dumping, homeless squatting, safety issues and overgrown vegetation on this property.

##### Staff Recommendation:

- Declare SWF Parcel No. 16-040-123S surplus.

## Item 8

- Authorize execution of the Quit Claim Deed to convey the property.

Presenter: Steven Blaschka, Real Estate Services Manager, Operations and Land Management Bureau

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

SWF Parcel No. 16-040-123S

### **QUIT CLAIM DEED**

This Indenture, made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899, hereinafter called "the Grantor" and Pinellas County, a political subdivision of the State of Florida, having an address of 315 Court Street, Clearwater, Florida 33756, hereinafter called "the Grantee".

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

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

As further consideration for this transaction, the parties intend that the Property continue to be used for stormwater management system improvements, as defined in Section 373.403(10), Florida Statutes. Only temporary storage which does not interfere with existing or future stormwater management system improvements may be permitted on the Property. Structures or improvements which become attached to the land shall not be placed or constructed on the Property. In the event the Property does not continue to be used for stormwater management system improvements as depicted on Exhibit "B", attached hereto and incorporated herein by this reference, all right, title, and interest in the Property shall revert to the Grantor without the need for Grantee or Grantor to execute or record any further document. The provisions of this paragraph and the possibility of reverter shall run with the Property and shall bind the Grantee, their successors, and their assigns.

[The remainder of this page intentionally left blank.]

In Witness Whereof, the Grantor has caused these presents to be executed the date and year first above written.

Attest:

Southwest Florida Water  
Management District

\_\_\_\_\_  
Jeffrey M. Adams, Secretary

\_\_\_\_\_  
Michael A. Babb, Chair

(Seal)

### ACKNOWLEDGMENT

STATE OF FLORIDA  
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by \_\_\_\_\_, of the Southwest Florida Water Management District. They are personally known to me.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Name of Notary typed, printed or stamped)

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

APPROVED BY:	INITIALS	DATE
Attorney	_____	_____
Real Estate Manager	_____	_____
OPS Bureau Chief	_____	_____
Division Director	_____	_____

## Exhibit A

### **Joe's Creek Project - Pinellas County Flood Abatement Parcel No. 16-040-123S (Surplus)**

#### **Parcel No. 16-040-101:**

From Order of Taking under Circuit Court Civil Division Case No. 83-010068-019 filed November 15, 1983 in O.R. Book 5643, Page 47 and Final Judgment Upon Joint Stipulation filed April 17, 1985 in O.R. Book 5974, Page 597, both of the Public Records of Pinellas County, Florida, the property is described as follows:

That portion of the North 1/2 of the NW 1/4 of the SE 1/4 of SECTION 2, TOWNSHIP 31 SOUTH, RANGE 16 EAST, Pinellas County, Florida, described as follows:

Commence at the Southwest corner of said North 1/2 of the NW 1/4 of the SE 1/4 of Section 2;

Thence on a grid bearing of S 89°52'45" E along the South boundary of said North 1/2 of the NW 1/4 of the SE 1/4, a distance of 40.00 feet to the POINT OF BEGINNING, said point being on the East right-of-way line of 28th Street North;

Thence on a grid bearing of N 00°30'09" E (N 00°30'26" E – Deed bearing) along said East right-of-way line, a distance of 131.43 feet;

Thence on a grid bearing of S 89°29'51" E (S 89°29'34" E – Deed bearing), a distance of 350.00 feet;

Thence on a grid bearing of N 00°30'09" E a distance of 168.909 feet (N 00°30'26" E, 169.08 feet – Deed bearing and distance), to the South right-of-way line of Joe's Creek;

Thence on a grid bearing of S 84°25'16" E along said South right-of-way line, a distance of 930.244 feet to the East boundary of said North 1/2 of the NW 1/4 of the SE 1/4;

Thence on a grid bearing of S 00°26'47" W along said East boundary, a distance of 209.52 feet to the Southeast corner of said North 1/2 of the NW 1/4 of the SE 1/4;

Thence on a grid bearing of N 89°52'45" W along the South boundary of said North 1/2 of the NW 1/4 of the SE 1/4, a distance of 1276.83 feet to the POINT OF BEGINNING.

#### **Parcel No. 16-040-102:**

From Order of Taking under Circuit Court Civil Division Case No. 83-010068-019 filed November 15, 1983 in O.R. Book 5643, Page 47 and Final Judgment Upon Joint Stipulation filed April 17, 1985 in O.R. Book 5974, Page 597, both of the Public Records of Pinellas County, Florida, the property is described as follows:

That portion of the West 3/4 of the South 352.00 feet of the SW 1/4 of the NW 1/4 of the SE 1/4 of SECTION 2, TOWNSHIP 31 SOUTH, RANGE 16 EAST, Pinellas County, Florida described as follows, using Florida State Grid Bearings, Mercator Projection, West Zone:



## Exhibit A

Commence at the Southwest corner of the NW 1/4 of the SE 1/4 of said Section 2;

Thence S 89°53'30" E along the South boundary of said NW 1/4 of the SE 1/4, a distance of 40.00 feet to the POINT OF BEGINNING, said point being on the East right-of-way line of 28th Street North;

Thence N 00°30'09" E along said East right-of-way line, a distance of 130.00 feet;

Thence S 89°53'30" E a distance of 265.00 feet;

Thence N 00°30'09" E a distance of 222.00 feet, to a point on the North line of the South 352.00 feet of the SW 1/4 of the NW 1/4 of the SE 1/4;

Thence S 89°53'30" E along said North line, a distance of 188.924 feet to the East line of the West 3/4 of said SW 1/4 of the NW 1/4 of the SE 1/4;

Thence S 00°28'54" W along said East line, a distance of 352.00 feet to the South line of said NW 1/4 of the SE 1/4;

Thence N 89°53'30" W along said South line, a distance of 454.054 feet to the POINT OF BEGINNING.

### **Parcel No. 16-040-103:**

From Order of Taking under Circuit Court Civil Division Case No. 83-010068-019 filed November 15, 1983 in O.R. Book 5643, Page 47 and Final Judgment Upon Joint Stipulation filed April 17, 1985 in O.R. Book 5974, Page 597, both of the Public Records of Pinellas County, Florida, the property is described as follows:

That portion of the East 1/4 of the SW 1/4 of the NW 1/4 of the SE 1/4 of SECTION 2, TOWNSHIP 31 SOUTH, RANGE 16 EAST, Pinellas County, Florida described as follows, using Florida State Grid Bearings, Mercator Projection, West Zone:

Commence at the Southwest corner of the NW 1/4 of the SE 1/4 of said Section 2;

Thence S 89°53'30" E along the South boundary of said NW 1/4 of the SE 1/4, a distance of 494.054 feet to the Southwest corner of the East 1/4 of the SW 1/4 of said NW 1/4 of the SE 1/4;

Thence N 00°28'54" E along the West line of said East 1/4, a distance of 153.00 feet to the POINT OF BEGINNING;

Thence continue N 00°28'54" E a distance of 510.362 feet, to the North line of the SW 1/4 of said NW 1/4 of the SE 1/4;

Thence S 89°52'45" E along said North line, a distance of 164.603 feet to the Northeast corner of said SW 1/4 of the NW 1/4 of the SE 1/4;

## Exhibit A

Thence S 00°28'28" W along the East line of said SW 1/4 of the NW 1/4 of the SE 1/4, a distance of 510.326 feet, to a point that is 153.00 feet from the South boundary of the NW 1/4 of the SE 1/4;

Thence N 89°53'30" W, a distance of 164.666 feet to the POINT OF BEGINNING.

### **Parcel No. 16-040-104:**

From Warranty Deed filed January 23, 1986 in O.R. Book 6156, Page 2005 of the Public Records of Pinellas County, Florida, the property is described as follows:

That part of the SE 1/4 of the NE 1/4 of SECTION 3, TOWNSHIP 31 SOUTH, RANGE 16 EAST, Pinellas County, Florida, described as follows:

Commence at the Southwest corner of said SE 1/4 of the NE 1/4 of Section 3;

Run thence N 00°25'47" E (grid) (N 00°25'27" E – deed) along the West line of said SE 1/4 of the NE 1/4 and the centerline of right-of-way of 37th Street North, a distance of 557.748 feet;

Thence S 89°34'18" E (N 89°34'33" E – deed) a distance of 29.96 feet, to the East right-of-way line of 37th Street North;

Thence continue S 89°34'18" E a distance of 260.00 feet to the POINT OF BEGINNING;

Thence continue S 89°34'18" E a distance of 199.03 feet to the Southwesterly right-of-way line of Joe's Creek, (a 100 foot right-of-way) as recorded in Deed Book 1338, Page 69;

Thence N 43°49'27" W along said Southwesterly right-of-way line, a distance of 218.07 feet (N 43°52'47" W – 218.08 feet – deed) to a point of curvature;

Thence along the arc of a curve to the left, having a central angle of 08°22'37.6", radius 428.34 feet, chord bearing and distance N 48°03'38" W – 62.571 feet, an arc distance of 62.63 feet, said curve also being the Southwesterly right-of-way line of Joe's Creek;

Thence S 00°25'42" W a distance of 197.67 feet, to the POINT OF BEGINNING.

### **Parcel No. 16-040-104PE (Easement):**

From Warranty Deed filed January 23, 1986 in O.R. Book 6156, Page 2008 of the Public Records of Pinellas County, Florida, the property is described as follows:

That part of the SE 1/4 of the NE 1/4 of SECTION 3, TOWNSHIP 31 SOUTH, RANGE 16 EAST, Pinellas County, Florida, described as follows:

Commence at the Southwest corner of said SE 1/4 of the NE 1/4 of Section 3;

## Exhibit A

Run thence N 00°25'47" E (grid) (N 00°25'27" E – deed) along the West line of said SE 1/4 of the NE 1/4 and the centerline of right-of-way of 37th Street North, a distance of 557.748 feet;

Thence S 89°34'18" E (N 89°34'33" E – deed) a distance of 29.96 feet, to the East right-of-way line of 37th Street North also being the POINT OF BEGINNING;

Thence continue S 89°34'18" E a distance of 260.00 feet;

Thence N 00°25'42" E a distance of 25.00 feet;

Thence N 89°34'18" W a distance of 260.00 feet, to the East right-of-way line of 37th Street North;

Thence S 00°26'06" W along said East right-of-way line, a distance of 25.00 feet to the POINT OF BEGINNING.

### **Parcel No. 16-040-106:**

From Final Judgment under Circuit Court Civil Case No. 88-16681-16 filed December 6, 1988 in O.R. Book 6891, Page 308, of the Public Records of Pinellas County, Florida, the property is described as follows:

That part of the SE 1/4 of the NE 1/4 of SECTION 3, TOWNSHIP 31 SOUTH, RANGE 16 EAST, Pinellas County, Florida, described as follows:

Commence at the Southwest corner of said SE 1/4 of the NE 1/4 of Section 3;

Run thence N 89°58'56" E (grid) along the South line of said NE 1/4, also being the centerline of 46th Avenue North (unimproved), a distance of 632.68 feet (N 89°58'12" E – 632.34 feet – deed) to an intersection with a Northerly extension of the Westerly right-of-way line of 36th Street North, as recorded in the revised plat of Norton's Subdivision No. 3, recorded in Plat Book 19, Page 57, Public Records of Pinellas County, and the POINT OF BEGINNING;

Thence continue N 89°58'56" E (N 89°58'12" E – deed) along the South line of the NE 1/4, a distance of 393.17 feet to the Southwesterly right-of-way line of Joe's Creek (a 100 foot right-of-way) as recorded in Deed Book 1338, Page 69);

Thence N 43°52'05" W along said Southwesterly right-of-way line, a distance of 563.96 feet (N 43°52'47" W – 552.20 feet – deed);

Thence S 00°19'13" W a distance of 406.71 feet (S 00°20'14" W – 406.60 feet – deed) to the POINT OF BEGINNING.

## Exhibit A

### **Parcel No. 16-040-107:**

From Warranty Deed filed May 1, 1987 in O.R. Book 6483, Page 942 of the Public Records of Pinellas County, Florida, the property is described as follows:

That part of the SE 1/4 of the NE 1/4 of SECTION 3, TOWNSHIP 31 SOUTH, RANGE 16 EAST, Pinellas County, Florida, described as follows:

Commence at the Southwest corner of said SE 1/4 of the NE 1/4 of Section 3;

Run thence N 89°58'56" E (grid) (N 89°58'12" E – deed) along the South line of said NE 1/4, a distance of 1025.85 feet to the Southwesterly right-of-way line of Joe's Creek (a 100 foot right-of-way) as recorded in Deed Book 1338, Page 69;

Thence N 89°53'21" E a distance of 138.40 feet to the Northeasterly right-of-way line of Joe's Creek;

Thence N 43°38'25" W along the Northeasterly right-of-way line of Joe's Creek, a distance of 41.52 feet;

Thence N 43°47'43" W along said Northeasterly right-of-way line, a distance of 156.58 feet;

Thence N 43°52'19" W along said Northeasterly right-of-way line, a distance of 344.41 feet (N 43°45'19" W – 341.59 feet – deed) to the POINT OF BEGINNING;

Thence continue N 43°52'19" W along said Northeasterly right-of-way line, a distance of 539.63 feet (N 43°45'07" W – 517.35 feet – deed) to a point of curvature to the left, said curve having a radius of 528.68 feet and a central angle of 12°01'35.4";

Thence along said curve and the Northeasterly right-of-way line of Joe's Creek, an arc distance of 110.97 feet, chord bearing and distance – N 49°53'07" W – 110.767 feet;

Thence N 55°25'22" E a distance of 32.47 feet;

Thence S 84°47'12" E a distance of 124.42 feet;

Thence S 68°14'40" E a distance of 102.88 feet;

Thence S 56°14'58" E a distance of 37.96 feet;

Thence S 48°56'34" E a distance of 146.13 feet;

Thence S 89°19'32" E a distance of 217.98 feet to a point on a curve to the right, having a radius of 600.00 feet and a central angle of 12°24'07.2";

## Exhibit A

Thence along said curve, an arc distance of 129.87 feet, chord bearing and distance – S 05°05'51" E, 129.62 feet, to a point of curvature to the left, having a radius of 30.00 feet and a central angle of 90°06'11.5";

Thence along said curve, an arc distance of 47.18 feet (47.90 feet – deed), chord bearing and distance S 44°54'39" E – 42.46 feet, (S 44°27'06" E – 42.75 feet – deed);

Thence S 00°13'51" W (S 00°15'01" W – deed) a distance of 59.88 feet (60.0 feet – deed) to a point of curvature to the right having a radius of 90.00 feet and a central angle of 46°09'53.7";

Thence along said curve an arc distance of 72.52 feet (72.50 feet – deed), chord bearing and distance N 66°50'31" W – 70.57 feet (S 68°28'58" E – 70.56 feet – deed);

Thence S 46°13'06" W a distance of 171.16 feet (S 46°24'19" W – 170.30 feet – deed) to the POINT OF BEGINNING.

### **Parcel No. 16-040-109:**

From Warranty Deed filed June 16, 1988 in O.R. Book 6768, Page 230 of the Public Records of Pinellas County, Florida, the property is described as follows:

That part of the SE 1/4 of the NE 1/4 of SECTION 3, TOWNSHIP 31 SOUTH, RANGE 16 EAST, Pinellas County, Florida, described as follows:

Commence at the Southwest corner of said SE 1/4 of the NE 1/4 of Section 3;

Run thence N 89°58'56" E (grid) (N 89°58'12" E – deed) along the South line of said NE 1/4, a distance of 1025.85 feet to the Southwesterly right-of-way line of Joe's Creek (a 100 foot right-of-way) as recorded in Deed Book 1338, Page 69;

Thence N 89°53'21" E a distance of 138.40 feet to the Northeasterly right-of-way line of Joe's Creek;

Thence N 43°38'25" W along the Northeasterly right-of-way line of Joe's Creek, a distance of 41.52 feet;

Thence N 43°47'43" W along said Northeasterly right-of-way line, a distance of 156.58 feet to the POINT OF BEGINNING;

Thence N 43°52'19" W along said Northeasterly right-of-way line, a distance of 344.41 feet (N 43°45'19" W – 341.59 feet – deed);

Thence N 46°13'06" E a distance of 171.16 feet (N 46°14'41" E – 170.31 feet – deed) to a point on a curve to the left, having a radius of 90.00 feet and a central angle of 12°47'10.6";

Thence along said curve, an arc distance of 20.09 feet (chord bearing and distance – S 50°09'09" E – 20.043 feet);

## Exhibit A

Thence S 06°37'59" W a distance of 32.24 feet;

Thence S 06°57'53" E a distance of 204.28 feet;

Thence S 33°27'23" E a distance of 142.73 feet, to the POINT OF BEGINNING.

### **Parcel 16-040-109A (Access Easement):**

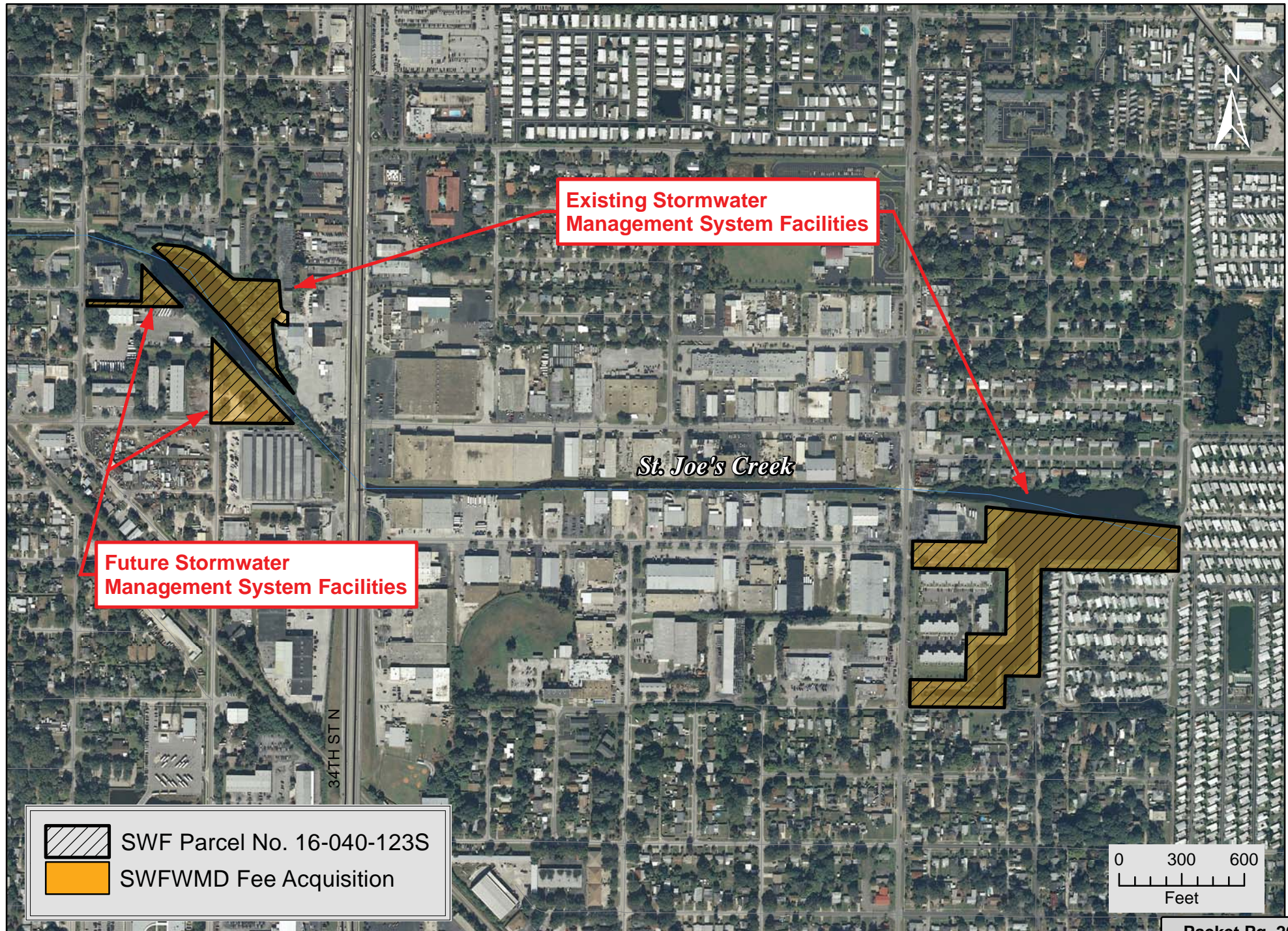
From Warranty Deed filed June 16, 1988 in O.R. Book 6768, Page 230 of the Public Records of Pinellas County, Florida, the property is described as follows:

The South 20 feet of the North 822 feet of the West 300 feet of the East 350 feet of the Southeast 1/4 of the Northeast 1/4 of SECTION 3, TOWNSHIP 31 SOUTH, RANGE 16 EAST, Pinellas County, Florida.

Approved for use by the Survey Section 12-09-2013, W.O. 14-029



# Exhibit "B"





**RESOURCE MANAGEMENT COMMITTEE****September 30, 2014*****Consent Agenda*****City of North Port's Potable Water ASR System Change in Scope (K120)*****Purpose***

Request the Board approve a change in scope to modify the City of North Port's (City) existing treatment system to provide water for their aquifer storage and recovery (ASR) system instead of constructing a separate degasification system. The total cost is increasing by \$67,500 from \$737,640 to \$805,140; however, the District's share is not increasing as the City has agreed to fund the cost increase.

***Background/History***

The District and the City have been cooperatively funding the feasibility and development of an ASR facility since 1998 which resulted in an ASR system capable of supplying 1.5 million gallons per day of potable supply. However, water recovered from the ASR contained arsenic concentrations that exceeded the drinking water standard (DWS) which made this project non-feasible as originally designed.

To address arsenic issues the City and District cooperatively funded a feasibility project for \$737,640 that included construction of a degasification system to remove dissolved oxygen from the water prior to injection. The project is to perform annual monitoring; disinfect the ASR well; investigate, select and design a degasification system; construct a degasification system; and perform cycle testing. The City sterilized the ASR well, analyzed pre-treatment system methods and costs, performed required annual water quality monitoring, successfully ran a cycle test, and provided cycle test documentation. The project costs to date are approximately \$279,140 with \$458,500 remaining (District's 50 percent share \$229,250). This project had been delayed to allow time to work with the Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (DEP), and obtain results from tests implementing degasification technology at the City of Bradenton.

In October 2013, the EPA issued new guidelines for the permitting of ASR facilities in Florida that would allow public water supply ASR systems to mobilize arsenic under very specific conditions. This was a major change in the program policy which opened up new strategies to increase the effectiveness of ASR projects. Under this new guidance, the City could mobilize arsenic in a controlled manner, eliminating the need to build a degasification system.

The City has proposed a scope change to evaluate the feasibility of utilizing their existing surface water treatment system to produce water that can be used in the ASR consistent with the new EPA guidelines instead of constructing a separate degasification system. The scope change would also include the design, permitting and construction of the necessary components to modify their existing treatment system. The cost of the remaining activities is estimated at \$526,000 which is \$67,500 more than the remaining funds; however, the City has agreed to cover the difference. The City will seek a construction and testing permit from DEP and develop an institutional control, if necessary, prior to commencing construction. One cycle test will be performed to determine if the arsenic concentration in the recovered water is low enough for the existing surface water treatment plant to remove.

The changes will extend the project completion date from June 30, 2013 to November 30, 2017; and extend the contract completion date from December 31, 2013 to January 31, 2018, and change the scope to take advantage of the regulatory guidance letter issued by DEP and EPA.

## Item 9

The benefit of this project is the testing of an ASR project utilizing surface water taken from their existing plant. If successful, it will establish a more economically effective path for other facilities meeting the DEP permit requirements to follow.

*Impact if not approved*

If the scope change is not approved, existing wells and surface facilities already built will not be utilized and a potentially cost-effective supply of potable water in the City will not be achieved. An opportunity will also be missed to implement an ASR project under the new EPA guidelines.

<u>Project Costs</u>			
Description	Total	District	City of North Port
Existing Budget	\$737,640	\$368,820	\$368,820
Amended Budget	\$805,140	\$368,820	\$436,320

the arsenic concentration in the recovered water is low enough for the existing surface water treatment plant to remove.

The changes will extend the project completion date from June 30, 2013 to November 30, 2017; and extend the contract completion date from December 31, 2013 to January 31, 2018, and change the scope to take advantage of the regulatory guidance letter issued by DEP and EPA. The benefit of this project is the testing of an ASR project utilizing surface water taken from their existing plant. If successful, it will establish a more economically effective path for other facilities meeting the DEP permit requirements to follow.

*Impact if not approved*

If the scope change is not approved, existing wells and surface facilities already built will not be utilized and a potentially cost-effective supply of potable water in the City will not be achieved. An opportunity will also be missed to implement an ASR project under the new EPA guidelines.

<u>Project Costs</u>			
Description	Total	District	City of North Port
Existing Budget	\$737,640	\$368,820	\$368,820
Amended Budget	\$805,140	\$368,820	\$436,320

Staff Recommendation:

- (1) Approve the scope change to obtain the necessary permits, develop an institutional control, continue monitoring, design and construct the treatment plant modifications for ASR, and perform a cycle test.
- (2) Increase the project budget by increasing the City's share \$67,500 while maintaining the District's original share.
- (3) Authorize the executive director or designee to execute the agreement for the City of North Port ASR project.

Presenter: Jerry Mallams, Resource Evaluations Manager, Water Resources Bureau

## RESOURCE MANAGEMENT COMMITTEE

September 30, 2014

### *Consent Agenda*

#### Plant City Reclaimed Water Sydney and Park Road Transmission and Pumping Project Agreement Replacement (L816)

##### *Purpose*

To request approval of an agreement replacement for a cost reduction, scope modification and time extension; and to update contract language applicable to the District's cooperatively funded projects and add new Articles incorporating applicable provisions of Florida Statutes.

##### *Background/History*

This is a multiyear cooperative funding project with the City. The Board approved \$3,192,730 (\$2,589,100 ad valorem and \$603,630 Water Protection and Sustainability Trust Funds) in fiscal years (FY) 2008, 2009, 2010, 2011, 2013, and 2014 budgets through the Cooperative Funding Initiative program for the design, permitting and construction of a reclaimed water booster pump station and transmission lines along Sydney Road and Park Road to supply reclaimed water for irrigation and industrial uses. The project includes approximately 24,000 feet of 18-inch and 24-inch diameter reclaimed water transmission lines and approximately 5,000 feet of 2-inch to 8-inch diameter distribution lines to provide 0.55 million gallons per day (mgd) of reclaimed water to an existing golf course (Walden Lake Golf Course), an industrial customer (South Florida Baptist Hospital), and commercial irrigation customers (Tomlin Middle School, Marshal Middle School, Byran Elementary School, Martin Luther King Jr. Ball Field, and Plant City Stadium) within the Dover/Plant City Water Use Caution Area. Construction of the Sydney Road portions of the project were completed and on-line in 2013.

In the summer of 2014, the City requested a cost reduction, scope modification and time extension to revise the scope of work to enable diversification of the project customer base to include future residential irrigation; to slightly re-route the Park Road portion; to refine pipeline sizing; to enable the City (no District funding) to utilize an existing 20-inch diameter pipeline segment along the Park Road route to reduce utility and CSX Railroad conflicts; and to reduce the District's share to reflect the City's use of an existing pipeline segment. The agreement replacement will reduce the District's share by \$40,000 to \$3,152,730 (\$2,549,100 ad valorem and \$603,630 Water Protection and Sustainability Trust Funds); extend construction commencement for the Park Road segment from May 30, 2013 to April 1, 2015; extend the project completion date of May 30, 2014 to October 1, 2016; and extend the contract termination date of December 31, 2014 to December 31, 2016. The total cost of the project remains unchanged at \$6,126,000. To date, the District has reimbursed \$2,115,915. The project cost effectiveness was calculated at \$3.69/1,000 gallons. The project's costs and benefits remain unchanged; however, the line items have been refined to reflect actual costs.

##### *Impact if not approved*

If the agreement replacement is not approved, then budgeted funds intended to increase the supply of reclaimed water and associated benefits in the Plant City area located in the Dover/Plant City Water Use Caution Area will not be maximized.

##### Project Costs

Description	Total	District	WPSTF	Plant City	FDEP
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## Item 10

Original Budget	\$3,568,200	\$1,382,285 <sup>1</sup>	\$603,630 <sup>4</sup>	\$1,482,285	\$200,000 <sup>4</sup>
1 <sup>st</sup> Amd Budget	\$6,126,000 <sup>4</sup>	\$2,589,100 <sup>2</sup>	\$603,630 <sup>4</sup>	\$2,733,270	\$200,000 <sup>4</sup>
New Budget	\$6,126,000 <sup>4</sup>	\$2,549,100 <sup>3</sup>	\$603,630 <sup>4</sup>	\$2,773,270	\$200,000 <sup>4</sup>

1. \$1,382,285 Budgeted towards Maximum District Ad Valorem \$1,638,500 per CFI 09CS0000018 (effective Oct. 1, 2008)
2. \$2,589,100 Budgeted towards Maximum District Ad Valorem \$2,990,915 per CFI 09CS0000018 (effective Sept. 30, 2011)
3. \$2,549,100 Budgeted towards Maximum District Ad Valorem \$2,549,100 per CFI agreement replacement (pending effective Oct. 1, 2014)
4. Total Project Costs (\$6,126,000), WPSTF funding (\$603,630) and FDEP funding (\$200,000) remain unchanged

Staff Recommendation:

Approve the agreement replacement and change in scope to slightly modify project routing and sizing; enable the City to utilize an existing pipeline segment; reduce the District's share by \$40,000 to \$2,549,100 ad valorem and \$603,630 WPSTF; extend the termination date from December 31, 2014 to December 31, 2016; and authorize the executive director or designee to execute the agreement replacement for the City of Plant City Sydney and Park Road Transmission and Pumping Project.

Presenter: Jason M. Mickel, Water Supply Manager, Water Resources Bureau

## RESOURCE MANAGEMENT COMMITTEE

September 30, 2014

### Consent Agenda

#### Florida Governmental Utility Authority Wet Weather Reclaimed Water Interconnect, Storage and Pumping Project First Amendment (N370)

##### *Purpose*

To request approval of a first amendment to revise the scope of work to the Agreement with the Florida Governmental Utility Authority (FGUA) for the Wet Weather Reclaimed Water Interconnect, Storage and Pumping project to take advantage of value engineering and reduce project costs by 2 percent, and increase project benefits by 10 percent.

##### *Background/History*

The Board approved \$1,200,000 in fiscal years (FY) 2012, 2013, and 2014 through the Cooperative Funding Initiative for a \$2,400,000 multiyear project with FGUA for the design, permitting and construction of a 3.0 million gallon (mg) reclaimed water storage tank, valving, controls, booster pump station, low-pressure transfer station, approximately 200 feet of 24-inch diameter reclaimed water transmission line to interconnect FGUA's Seven Springs system to Pasco County's reclaimed water system, and approximately 2,000 feet of 4-inch main to serve the Trinity Oaks subdivision common area irrigation in FGUA's service area. The project was originally anticipated to provide 0.45 mgd of reclaimed water.

During construction, FGUA's consultant did additional value engineering which identified potential cost savings and increased benefit to the project. In the summer of 2014, FGUA requested a cost reduction, scope modification and time extension first amendment to revise the scope of work to refine pipeline sizing, to remove the transfer and booster pumps that were determined to be unnecessary as existing pumping was adequate, to increase project supply, and to reduce the District's share. The amendment will eliminate the transfer and booster pumps; decrease the interconnect diameter size from 24-inches to 8-inches; reduce the overall project cost by \$52,808 and reduce the District's 50 percent share by \$26,404; increase the project supply from 0.45 mgd to 0.50 mgd; and extend the project completion date of June 30, 2014 to November 30, 2014. The original termination date of December 31, 2014 remains unchanged. The total cost of the amended project is \$2,347,192 with the District's share proportionately reduced to \$1,173,596. The District encumbered its entire share in prior fiscal years, of which to date the District has reimbursed \$1,043,402. The project cost effectiveness was originally calculated at \$2.57/1,000 gallons and the amendment will improve it to \$2.26/1,000 gallons.

##### *Impact if not approved*

If the first amendment is not approved, then budgeted funds intended to increase regionalization, the supply of reclaimed water and associated benefits in the Pasco portion of the Northern Tampa Bay Water Use Caution Area will not be maximized.

#### Project Costs

Description	Total	District	WPSTF	FGUA	FDEP
Original Budget	\$2,400,000	\$1,200,000 <sup>1</sup>	\$0	\$1,200,000	\$0



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1 <sup>st</sup> Amd Budget	\$2,347,192	\$1,173,596	\$0	\$1,173,596	\$0
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1. \$1,200,000 Budgeted towards Maximum District Ad Valorem \$1,200,000 per CFI 12C0000027 (effective Dec. 29, 2011)

Staff Recommendation:

Approve the first amendment change in scope to modify project components and pipeline sizing; reduce the District's share by \$26,404 to \$1,173,596; extend the construction completion date from June 30, 2014 to November 30, 2014; and authorize the executive director or designee to execute the first amendment to the Florida Governmental Utility Authority Wet Weather Reclaimed Water Interconnect, Storage and Pumping Project.

Presenter: Jason M. Mickel, Water Supply Manager, Water Resources Bureau

## RESOURCE MANAGEMENT COMMITTEE

September 30, 2014

### *Consent Agenda*

#### **Scope Change for the City of Bradenton's Potable Water ASR System (N435)**

##### *Purpose*

Request the Board approve a scope and budget reduction for the cooperative funding initiative (CFI) application for fiscal year (FY) 2014.

##### *Background/History*

The District has approved the City of Bradenton (City) for \$300,000 in funding in FY2014 to design, permit, construct and test an ASR system with a total project cost of \$5.5 million. The project consists of up to three ASR wells and a water treatment system to inject and recover 5 million gallons per day (mgd) to meet the City's future demand. Water demand growth projections recently conducted by the City and the District found a significant decrease in projected growth compared to the earlier estimates. This reduced demand could cause much of the ASR system to sit idle.

As a result, the revised project scope is to include 30 percent design for a single-well ASR system including a third party review of the total project costs as the FY2014 project. The revised scope will ensure the ASR system will meet, not exceed, the City's future demand. The single-well ASR system will be designed in a manner to allow additional ASR wells and water treatment capacity to be added in the future, as needed. The revised scope will also include a third party review of the total project costs to be executed by the District. This is consistent with the approach presented to the Governing Board in August 2014 related to complex projects.

##### *Benefits/Costs*

The total project cost is \$300,000, with the District and the City each contributing \$150,000. The 30 percent design will be completed along with a third party review of the total project costs. This revised scope will allow for a more accurate FY2016 budget proposal.

##### Staff Recommendation:

Approve the reduced scope of the City's FY2014 CFI project to 30 percent design with a third party review of the total project costs.

Presenter: Jerry Mallams, Resource Evaluation Manager, Water Resources Bureau

## RESOURCE MANAGEMENT COMMITTEE

September 30, 2014

### *Consent Agenda*

#### **Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Starvation Lake in Hillsborough County (P256)**

##### *Purpose*

To request the Board initiate and approve rulemaking to amend Rule 40D-8.624, Florida Administrative Code (F.A.C.), to adopt minimum and guidance levels for Starvation Lake in Hillsborough County, and accept the report entitled: "Proposed Minimum and Guidance Levels for Starvation Lake in Hillsborough County, Florida," dated August 4, 2014.

##### *Background/History*

Minimum levels are water levels at which further withdrawals would be significantly harmful to the water resources of the area. Guidance levels are used to describe expected water level fluctuations and serve as advisory information for the District, lakeshore residents and local governments, or to aid in the management of water control structures. Proposed minimum and guidance levels for Starvation Lake have been developed using previously peer-reviewed, Governing Board adopted methods.

A technical report outlining the development of the proposed levels was posted on the District's website and distributed to interested parties on August 20, 2014, with written comments requested by September 22, 2014. In addition, a public workshop on the proposed lake levels was held on August 27, 2014, in Tampa within close proximity to the lake. Questions and concerns regarding the proposed levels were addressed at the meeting by both staff from the District and Hillsborough County. Topics of interest included: pre-development flow and current drainage within the lake basin, elevation of the control point, basin connectivity, and the minimum levels during droughts. District staff extended an invitation to the participants of the workshop to meet at a later date and discuss any further questions in detail.

Based on available water level records, the proposed minimum levels for Starvation Lake are being met. In the event that water levels in the lake basin are not fluctuating in compliance with the proposed minimum levels, the recovery strategies outlined in Rule 40D-80.074, F.A.C., will apply.

Staff prepared rule amendments that incorporate the proposed minimum and guidance levels for Starvation Lake into Table 8-2 and delete the currently adopted guidance levels for the lake from Table 8-3 in Rule 40D-8.624, F.A.C. Staff is prepared to address any Board concerns regarding the proposed levels or the methods used for their development.

##### *Benefits/Costs*

Adoption of minimum levels for Starvation Lake will support the District's water supply planning, water use permitting, and environmental resource permitting programs. Adoption of the guidance levels will provide advisory information for the construction of lakeshore development, water dependent structures, and operation of water management structures. A Statement of Estimated Regulatory Costs is not required as this rulemaking is not expected to result in any

## Item 13

direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation. Ratification by the Legislature also is not necessary for this rulemaking as it is not expected to increase certain legislatively identified costs in excess of \$1 million in the aggregate within five years after the implementation of the rule.

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

Staff Recommendation:

- A. Accept the report entitled, "Proposed Minimum and Guidance Levels for Starvation Lake in Hillsborough County, Florida," dated August 4, 2014.
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to delete the previously adopted guidance levels and add minimum and guidance levels for Starvation Lake in Hillsborough County as shown in the Exhibit.

Presenter: Christina Uranowski, Senior Environmental Scientist, Water Resources Bureau

## EXHIBIT

### 40D-8.624 Guidance and Minimum Levels for Lakes.

(1)-(11) No change.

(12) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(13), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.					
Location by County and Basin	Name of Lake and Section, Township and Range Information	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) – (j) No change.					
(k) In Hillsborough County Within the Northwest Hillsborough River Basin	<u>Starvation, Lake S-21, T-27S, R-18E</u>	<u>53.5'</u>	<u>52.7'</u> (CAT 3)	<u>50.4'</u> (CAT 3)	<u>49.7'</u>
(l) – (cc) No change.					

(13) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a)-(j) No change.			
(k) In Hillsborough County Within the NW Hillsborough River Basin LAKES			
Alice, Lake	42.25'	40.25'	37.50'
Bay, Lake	46.75'	44.00'	42.50'
Brant, Lake	58.75'	56.50'	54.50'
Bird, Lake	50.50'	48.50'	46.50'
Calm, Lake	49.50'	47.50'	45.50'
Dan, Lake	32.00'	28.00'	25.00'
Echo, Lake	36.25'	34.00'	31.50'
Fairy, Lake	34.75'	32.00'	29.50'
Garden, Lake	32.00'	29.00'	26.50'
Halfmoon, Lake	45.00'	42.00'	39.00'
Hobbs, Lake	66.75'	63.25'	61.50'
Island Ford, Lake	41.50'	39.00'	37.00'
Jackson, Lake	33.50'	31.00'	29.00'
Le Clare, Lake	52.00'	49.50'	47.00'
Little, Lake	46.50'	43.50'	42.00'

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
Magdalene, Lake	50.00	47.50'	46.00'
Osceola, Lake	46.50'	44.50'	42.50'
Raleigh, Lake	42.50'	38.00'	35.00'
Starvation Lake	<del>53.00'</del>	<del>50.00'</del>	<del>48.00'</del>
Turkey Ford, Lake	53.50'	51.50'	50.00'
Velburton, Lake	40.00'	37.25'	35.00'
Virginia, Lake	62.50'	60.25'	58.00'
(l) – (cc) No change.			

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.086, 373.709 FS. History–New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-21-04 (13), 12-21-04 (13), 6-5-05, 5-2-06, 1-1-07, 2-12-07, 1-10-08, 2-18-08, 4-7-08, 5-20-08, 5-10-09, 4-13-11, 3-12-12, \_\_\_\_\_.*



## RESOURCE MANAGEMENT COMMITTEE

September 30, 2014

### *Consent Agenda*

#### **Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, Florida Administrative Code, to Adopt Minimum and Guidance Levels for Lakes Hanna, Keene and Kell in Hillsborough County (P256)**

##### *Purpose*

To request the Board initiate and approve rulemaking to amend Rule 40D-8.624, Florida Administrative Code (F.A.C.), to adopt minimum and guidance levels for lakes Hanna, Keene, and Kell in Hillsborough County, and accept the reports entitled: "Proposed Minimum and Guidance Levels for Lake Hanna in Hillsborough County, Florida," "Proposed Minimum and Guidance Levels for Lake Keene in Hillsborough County, Florida," and "Proposed Minimum and Guidance Levels for Lake Kell in Hillsborough County, Florida," dated July 29, 2014; July 28, 2014; and July 30, 2014, respectively.

##### *Background/History*

Minimum levels are water levels at which further withdrawals would be significantly harmful to the water resources of the area. Guidance levels are used to describe expected water level fluctuations and serve as advisory information for the District, lakeshore residents and local governments, or to aid in the management of water control structures. Proposed minimum and guidance levels for lakes Hanna, Keene and Kell have been developed using previously peer-reviewed, Governing Board adopted methods.

Technical reports outlining the development of the proposed levels were posted on the District's website and distributed to interested parties on August 8, 2014 with written comments requested by August 21, 2014. In addition, a public workshop on the proposed lake levels was held on August 13, 2014, in Tampa within close proximity to this group of lakes. Several residents expressed their concerns of the importance of maintaining and achieving the minimum levels over the long term. Other resident concerns discussed included the high water levels associated with above average rainfall occurring over the past three years during the wet season, and the maintenance of the drainage conveyance systems connected to their lakes. Questions and concerns were addressed at the meeting and through correspondence following the meeting.

Based on available water level records, the proposed minimum levels for each of the three lakes are being met. In the event that water levels in the lake basin are not fluctuating in compliance with the proposed minimum levels, the recovery strategies outlined in Rule 40D-80.074, F.A.C., will apply.

Staff prepared rule amendments that incorporate the proposed minimum and guidance levels for each of three lakes into Table 8-2 and delete the currently adopted guidance levels for these three lakes from Table 8-3 in Rule 40D-8.624, F.A.C. Staff is prepared to address any Board concerns regarding the proposed levels or the methods used for their development.

##### *Benefits/Costs*

Adoption of minimum levels for lakes Hanna, Keene and Kell will support the District's water supply planning, water use permitting, and environmental resource permitting programs. Adoption of the guidance levels will provide advisory information for the construction of lakeshore development, water dependent structures, and operation of water management structures. A Statement of Estimated Regulatory Costs is not required as this rulemaking is not expected to result in any direct or indirect cost increases for small businesses or increased regulatory costs in excess of \$200,000 within one year of implementation. Ratification by the Legislature also is not necessary for this rulemaking as it is not expected to increase certain legislatively identified costs in excess of \$1 million in the aggregate within five years after the implementation of the rule.

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

Staff Recommendation:

- A. Accept the reports entitled, "Proposed Minimum and Guidance Levels for Lake Hanna in Hillsborough County, Florida," "Proposed Minimum and Guidance Levels for Lake Keene in Hillsborough County, Florida," and "Proposed Minimum and Guidance Levels for Lake Kell in Hillsborough County, Florida," dated July 29, 2014; July 28, 2014; and July 30, 2014, respectively.
- B. Authorize staff to make any necessary minor clarifying edits that may result from the rulemaking process and to complete report finalization.
- C. Initiate and approve rulemaking to amend Rule 40D-8.624, F.A.C., to delete the previously adopted guidance levels and add minimum and guidance levels for lakes Hanna, Keene, and Kell in Hillsborough County as shown in the Exhibit.

Presenter: Keith Kolasa, Senior Environmental Scientist, Water Resources Bureau

## EXHIBIT

### 40D-8.624 Guidance and Minimum Levels for Lakes.

(1)-(11) No change.

(12) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(13), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.					
Location by County and Basin	Name of Lake and Section, Township and Range Information	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) – (j) No change.					
(k) In Hillsborough County Within the Hillsborough River Basin	<u>Hanna, Lake</u> <u>S-18, T-27S,</u> <u>R-19E</u>	<u>62.0</u>	<u>61.5</u> (CAT 1)	<u>60.0</u> (CAT 1)	<u>58.1</u>
	Hooker, Lake S-1, 12, T- 29S, R-20E	43.9'	43.7' (CAT 3)	42.1' (CAT 3)	40.8'
	<u>Keene, Lake</u> <u>S-7, T 27S, R-</u> <u>19E</u>	<u>62.8</u>	<u>61.5</u> (CAT 1)	<u>60.1</u> (CAT 1)	<u>59.9</u>
	<u>Kell, Lake</u> <u>S-13, 24, T-</u> <u>22S, R-17E</u>	<u>66.4</u>	<u>65.6</u> (CAT 1)	<u>64.2</u> (CAT 1)	<u>63.2</u>
	Stemper, Lake S-13, T-27S, R-18E (Levels in feet NGVD)	61.2'	60.8' (CAT 1)	59.4' (CAT 1)	59.1'
(l) – (cc) No change.					

(13) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a)-(j) No change.			
(k) In Hillsborough County Within the Hillsborough River Basin LAKES			
Bellows, Lake (East Lake)	23.75'	21.50'	19.00'
Burrell, Lake	50.00'	47.50'	45.00'
Commiston, Lake	63.00'	60.50'	59.00'

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
Eckles, Lake	32.50'	30.00'	28.00'
Egypt, Lake	37.50'	35.00'	32.50'
Gornto, Lake	38.50'	36.00'	34.00'
<del>Hanna, Lake</del>	<del>62.50'</del>	<del>59.50'</del>	<del>58.25'</del>
Hart, Lake	66.00'	64.00'	63.00'
Hog Island, Lake	66.00'	64.00'	61.00'
Kathy, Lake	43.50'	42.50'	42.00'
<del>Keene, Lake</del>	<del>63.00'</del>	<del>60.50'</del>	<del>59.00'</del>
<del>Kell, Lake</del>	<del>66.00'</del>	<del>63.50'</del>	<del>62.50'</del>
Long, Lake	50.25'	48.00'	46.00'
Long Pond	46.50'	44.00'	42.00'
Mud, Lake (Lake Walden)	115.00'	112.50'	110.50'
Thonotosassa, Lake	37.00'	34.50'	33.00'
Unnamed Lake	63.00'	60.50'	59.00'
Unnamed Lake	61.00'	58.50'	57.00'
Valrico, Lake	45.00'	42.50'	41.00'
Weeks, Lake	43.25'	41.00'	39.50'
(l) – (cc) No change.			

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.086, 373.709 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-21-04 (13), 12-21-04 (13), 6-5-05, 5-2-06, 1-1-07, 2-12-07, 1-10-08, 2-18-08, 4-7-08, 5-20-08, 5-10-09, 4-13-11, 3-12-12, 11-25-12, 2-21-13, 9- 3-2013,\_\_\_\_\_.*

**RESOURCE MANAGEMENT COMMITTEE****September 30, 2014*****Consent Agenda*****City of St. Petersburg Beach Egan Park BMPs (W294)*****Purpose***

To request approval to modify the project scope and project budget for the Egan Park BMPs project.

***Background/History***

This is a fiscal year (FY) 2015 Cooperative Funding Initiative (CFI) project submitted by the City of St. Petersburg Beach (City) to construct a stormwater management system to collect and treat stormwater runoff from a baseball field and boat ramp area, replace the current impervious pavement with pervious pavement and create a vegetated native plant barrier. The Board approved the inclusion of funding for this project in the FY2014-15 Recommended Annual Service Budget at the June 24, 2014 meeting. The approved total project cost was \$487,500 with the District to provide \$243,750 for the project.

The original project, proposed by the City, was to treat a contributing drainage area of 6.6 acres, with a pollutant reduction of 1,116 lbs/yr of total suspended solids (TSS). The City has requested to reduce the project scope to treat 5.2 acres, with a pollutant reduction of 1,103 lbs/yr of TSS. The pollutant reduction only slightly decreased from the original proposed project due to the majority of the sediment source (baseball field) is on the 5.2-acre project footprint. The City intends to treat the remaining 1.4 acres as part of a compensatory system not funded by the District. In addition, the pervious pavement originally proposed will be constructed on the 1.4-acre parcel and is no longer part of the cooperative project. The City has also requested to reduce the project budget from \$487,500 to \$332,160.

***Benefits/Costs***

The project objectives have not changed and the cost effectiveness has increased from a low to a medium ranking with the reduction in cost. The contributing drainage area and pollutant reduction is reduced, but the overall ranking of medium has not changed. The total revised project budget is \$332,160, with the City and District each providing \$166,080.

**Staff Recommendation:**

Staff recommends approval to reduce the project budget from \$487,500 to \$332,160, to reduce the measurable benefit treatment area from 6.6 acres to 5.2 acres, remove the pervious pavement from the scope, and reduce the resource benefit (TSS removal) from 1,116 lbs/yr to 1,103 lbs/yr.

**Presenter:** Jennette Seachrist, P.E., SWIM Program Manager

## RESOURCE MANAGEMENT COMMITTEE

September 30, 2014

### *Consent Agenda*

#### Lake Seminole Watershed Stormwater Pollution Project (P902)

##### *Purpose*

To request approval to reduce the project scope, reduce the project budget, and extend the expiration date for the Lake Seminole Watershed Stormwater Pollution Reduction Project.

##### *Background/History*

In 1993, the District and Pinellas County (County) entered into a Master Agreement to fund a management plan and restoration alternatives for Lake Seminole. The jointly funded Lake Seminole Watershed Management Plan was completed in 2001. This Plan details existing conditions in the lake and actions required to improve water quality. One of the structural components to achieve these goals is to construct enhanced regional storm water treatment systems in five priority sub-basins (sub-basins 1, 2, 3, 6, and 7).

The District and the County entered into a cooperative funding agreement in fiscal year (FY) 2002 to design, permit, and construct alum stormwater treatment systems in each of the five sub-basins to reduce nutrients entering Lake Seminole. The County phased construction of the systems and has since completed alum treatment systems for sub-basins 1, 3, and 6. The designs for sub-basins 2 and 7 were delayed due to changes in FDEP stormwater guidance regarding alum discharge to the lake. Design is now complete for the sub-basin 2 treatment system, accounting for new FDEP criteria, and the County anticipates commencing construction by March 2015. The current agreement expires on December 31, 2014, and the County has requested to extend the contract to December 31, 2016. Additionally, the County recently completed soils testing that showed that the proposed location for sub-basin 7 treatment system was not viable. The County has requested that the sub-basin 7 treatment system be removed from the agreement. The County plans to apply for CFI funding in the future for the sub basin 7 treatment system, after a suitable construction location has been acquired.

##### *Benefits/Costs*

The project will address nutrient removal in four of the five priority sub basins. The budget to design and construct sub-basins 2 and 7 was \$3,308,364. With the deletion of the sub-basin 7 system, the project budget is reduced by \$1,654,182, from \$9,530,290 to \$7,876,108.

##### Staff Recommendation:

Staff recommends approval to reduce the scope of work, delete the sub basin 7 treatment system, and reduce the project budget from \$9,530,290 to \$7,876,108 for the Lake Seminole Watershed Stormwater Pollution Reduction Project.

Presenter: Jennette Seachrist P.E., SWIM Program Manager

## RESOURCE MANAGEMENT COMMITTEE

September 30, 2014

### *Consent Agenda*

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

##### *Purpose*

Authorize staff to submit the draft 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). A draft of the 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 draft Work Program will be due to DEP by October 30, 2013.

The fiscal year (FY) 2015 Work Program covers the period from FY2015 through FY2019 and includes a comprehensive discussion of the District's water resource development activities that assist in meeting water supply demands. These activities include data collection and analyses efforts and the water resource development projects in which the District participates technically or contributes funding. The Work Program also includes a detailed list of water supply projects 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.

Within 30 days after the draft 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. 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: Mark A. Hammond, Director, Resource Management Division

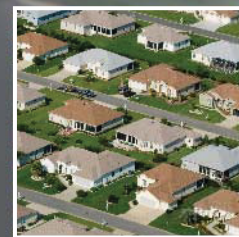


# 2015 Five-Year **Water Resource Development** Work Program

**DRAFT**

Southwest Florida  
*Water Management District*

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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 and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; 1-352-796-7211 or 1-800-423-1476 (Florida only), extension 4702; TDD (Florida only) 1-800-231-6103; or email to [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.state.fl.us).

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# Introduction/Purpose

The District is required to prepare a Five-Year Water Resource Development Work Program (Work Program) as a part of its annual budget reporting process, pursuant to Subsection 373.536(6), Florida Statutes (F.S.): *“The program must describe the district’s implementation strategy and funding plan for the water resource, water supply, and alternative water supply development components of each approved regional water supply plan developed or revised under s. 373.709. The work program must address all the elements of the water resource development component in the district’s approved regional water supply plans and must identify projects in the work program which will provide water; explain how each water resource, water supply, and alternative water supply development project will produce additional water available for consumptive uses; estimate the quantity of water to be produced by each project; and provide an assessment of the contribution of the district’s regional water supply plans in providing sufficient water needed to timely meet the water supply needs of existing and future reasonable-beneficial uses for a 1-in-10-year drought event.”* This report represents the District’s 14th Five-Year Water Resource Development Work Program and covers the period from fiscal year (FY) 2015 through FY2019. This Work Program is consistent with the planning strategies of the District’s 2010 Regional Water Supply Plan (RWSP) and the Central Florida Water Initiative 2014 Regional Water Supply Plan (CFWI Plan).

In 2013, the Florida Department of Environmental Protection (FDEP) requested that all funds presented in the Work Program be referenced to the District’s budget at the Program and Sub-Activity level. To comply with this request, the categorization and format of tables in the Work Program have been modified from prior year programs. The changes are intended to make the report’s fiscal presentation easier to trace to the annual budget presented to the FDEP.

## Water Resource Development

Section 373.019(24), F.S., defines **Water Resource Development** 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 and to government-owned and privately owned water utilities.”* The intent of Water Resource Development (WRD) activities and 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. The WRD component of the District’s RWSP identifies a series of data collection and analysis activities the District is undertaking which meet this statutory definition. The implementation strategy for this category is contained in the **WRD Data Collection and Analysis Activities** section of this report.

In addition, the District undertakes a variety of more narrowly defined WRD “Projects.” For purposes of annual budget reporting, these projects are categorized as regional projects designed to create an identifiable supply of water for existing and/or future reasonable-beneficial uses. The implementation strategy for this category is contained in the **WRD Projects** section of this report.

## Data Collection and Analysis Activities

The District has budgeted significant funds in FY2015 to implement and continue the WRD component of the RWSP. The activities summarized in Table 1 are mainly data collection and analysis activities that support the health of natural systems and the development of water supplies by local governments, utilities, regional water supply authorities, and others. The table indicates that approximately \$24.5 million will be allocated toward these activities in FY2015 and a total of approximately \$122 million will be allocated between FY2015 and FY2019. Because budgets for the years beyond FY2015 have not yet

**Table 1. FY2015 - FY2019 Water Resource Development Data Collection and Analysis Activities**

<b>WRD Data Collection and Analysis Activities</b>	<b>Budget Reference<sup>1</sup></b>	<b>FY2015 Costs (\$)</b>	<b>FY2016 Costs (\$)</b>	<b>FY2017 Costs (\$)</b>	<b>FY2018 Costs (\$)</b>	<b>FY2019 Costs (\$)</b>	<b>Total Costs (\$)</b>	<b>Funding Source</b>
1) Hydrologic Data Collection								SWFWMD, other WMDs, USGS, FDEP, FFWC,
a) Surface Water Flows & Levels	1.2.1, p.65	\$1,987,417	\$1,987,417	\$1,987,417	\$1,987,417	\$1,987,417	\$9,937,085	
b) Geologic (includes ROMP)	1.2.1, p.65	\$1,783,791	\$1,783,791	\$1,783,791	\$1,783,791	\$1,783,791	\$8,918,955	
c) Meteorologic Data	1.2.1, p.65	\$210,861	\$210,861	\$210,861	\$210,861	\$210,861	\$1,054,305	
d) Water Quality	1.2.1, p.65	\$671,138	\$671,138	\$671,138	\$671,138	\$671,138	\$3,355,690	
e) Groundwater Levels	1.2.1, p.65	\$567,438	\$567,438	\$567,438	\$567,438	\$567,438	\$2,837,190	
f) Biologic Data	1.2.1, p.65	\$852,693	\$852,693	\$852,693	\$852,693	\$852,693	\$4,263,465	
g) Data Support	1.2.1, p.65	\$2,247,794	\$2,247,794	\$2,247,794	\$2,247,794	\$2,247,794	\$11,238,970	
2) Minimum Flows and Levels Program								SWFWMD
a) Technical Support	1.1.2, p.61	\$1,528,773	\$1,528,773	\$1,528,773	\$1,528,773	\$1,528,773	\$7,643,865	
b) Establishment	1.1.2, p.61	\$445,260	\$445,260	\$445,260	\$445,260	\$445,260	\$2,226,300	
c) Research	1.1.2	\$48,313	\$48,313	\$48,313	\$48,313	\$48,313	\$241,565	
3) Watershed Management Planning	1.1.3, p.63	\$5,467,099	\$5,467,099	\$5,467,099	\$5,467,099	\$5,467,099	\$27,335,495	SWFWMD, Local Cooperators
4) Quality of Water Improvement Program	2.2.3, p.85	\$591,079	\$591,079	\$591,079	\$591,079	\$591,079	\$2,955,395	SWFWMD
5) Stormwater Improvement-Implementation of Storage and Conveyance BMPs	2.3.1, p.87	\$8,081,291	\$8,081,291	\$8,081,291	\$8,081,291	\$8,081,291	\$40,406,455	SWFWMD, USGS
<b>Totals</b>		<b>\$24,482,947</b>	<b>\$24,482,947</b>	<b>\$24,482,947</b>	<b>\$24,482,947</b>	<b>\$24,482,947</b>	<b>\$122,414,735</b>	

Source for FY2015: SWFWMD FY2015 Summarized Programmatic Activities Report.

<sup>1</sup>: Budget Reference contains the Budget Sub-Activity Code and the page number of the FY2015 Tentative Budget Submission where project is referenced as a major budget item

been developed, future funding estimates for activities continuing through FY2019 are set equal to FY2015 funding. Funding for these activities is from the District's Governing Board. In some cases, additional funding is provided by water supply authorities, local governments, and the United States Geological Survey (USGS). Many of the activities were highlighted as major budget items in the District's Tentative Budget Submission, and references to the sub-activity code and page number are provided. Each of the activities in Table 1 is further described below.

### ***Hydrologic Data Collection Activities***

The District has a comprehensive hydrologic conditions monitoring program that includes the assembly of information on key indicators as rainfall, surface and groundwater levels and 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 supports District flood control structure operations, water use and environmental resource permitting and compliance, Minimum Flows and Levels (MFLs) evaluation and compliance, the Surface Water Improvement and Management (SWIM) program, the Southern Water Use Caution Area (SWUCA) recovery strategy, 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 749 surface water level gauging sites, and cooperative funding with the United States Geological Survey (USGS) for discharge and water-level data collection at 164 river, stream and canal sites. The USGS data are available to District staff through the Water Management Information System (WMIS), and to the public through the USGS Florida Water Science Center Web Portal.
- b) Geohydrologic Data Well Network. The Geohydrologic Data Well Network is a monitor well network that supports various projects throughout the District including the Central Florida Water Initiative, Water Resource Assessment Projects (WRAPs), Water Use Caution Areas, the Northern Tampa Bay Phase III program, the Springs Team, sea level rise and other salt-water intrusion assessments, and development of alternative water supplies. The network includes the Regional Observation and Monitor-well Program (ROMP) which has been the District's primary means for hydrogeologic data collection since 1974. 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. During construction of new monitor well sites, valuable hydrogeologic information is collected including the lithology, aquifer hydraulic characteristics, water quality, and water levels.
- c) Meteorologic Data. The meteorologic data monitoring program consists of measuring rainfall totals every 15 minutes at 135 near real-time rain gauges and 41 recording rain gauges. Funding is for costs associated with measurement of rainfall including sensors, maintenance, repair and replacement of equipment. Funding allows for the operation of a mixed-forest wetland ET station by the USGS that directly measures actual ET. Funding provides for District participation in a cooperative effort between the USGS and all five Florida water management districts to map state-wide 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. Many monitoring sites are sampled on a routine basis, with data analysis and reporting are conducted on an



annual basis. The Coastal Groundwater Quality Monitoring network, which involves sample collection and analysis from approximately 370 wells across the District to monitor the saltwater intrusion and/or the upwelling of mineralized waters into potable aquifers.

- e) **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 190 wetlands to document changes in wetland health and assess level of recovery in impacted wetlands. Funding also supports SWIM Program efforts for mapping and monitoring of seagrasses in priority water bodies including Tampa Bay, Sarasota Bay, Charlotte Harbor, and the Springs Coast area. Funding also supports an effort to map the estuarine hard bottom of Tampa Bay.
- f) **Groundwater Levels.** Funding supports the maintenance and support of 1,558 monitor wells in the data collection network, including 803 wells that are instrumented with data loggers that record water levels once per hour, and 755 that are measured manually by field technicians once or twice per month.
- g) **Data Support.** This item provides administrative and management support for the WQMP, hydrologic and geohydrologic staff support, chemistry laboratory, and support for the District's Supervisory Control and Data Acquisition (SCADA) system.

### ***Minimum Flows and Levels Program (MFLs)***

MFLs are hydrologic and ecological standards that can be used for permitting and planning decisions concerning how much water may be safely withdrawn from or near a water body. Florida law (Chapter 373.042, F.S.) requires the state water management districts or the FDEP to establish MFLs for aquifers, surface watercourses, and other surface water bodies to identify the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. 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 water use permitting program to ensure that withdrawals do not cause significant harm to water resources or the environment.

The District's process for establishing MFLs includes an independent scientific peer review and an opportunity for interested stakeholders to participate in a public review, both of which are considered by the Governing Board when deciding whether to adopt a proposed MFL. District monitoring programs also provide data for evaluating compliance with the adopted MFLs, determining the need for recovery strategies and analyzing the recovery of water bodies where significant harm has been established.

### ***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 best management practices (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 the Flood Insurance Rate Maps (FIRMs). This helps 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, to collect groundwater quality and geologic data for inclusion in the District's database. The emphasis of the QWIP is primarily in the Southern Water Use Caution Area (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 best management practices (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, Florida Department of Transportation, or state funding. Examples of the nearly 40 ongoing BMPs include the City of Tampa's improvements to stormwater systems in the Manhattan and El Prado area and along Lois Avenue to relieve residential and street flooding, and Pasco County's installation of a stormwater storage pond and facilities to mitigate flooding near the Riverside Oaks subdivision.

## Water Resource Development Projects

The District currently has 13 projects that meet the definition of WRD “Projects.” As shown in Table 2, the total cost of these projects is approximately \$156 million and a minimum of 54 million gallons per day (mgd) of additional water supply will be produced or conserved. At the start of FY2015 (October 1, 2014), the District has allocated approximately \$7.5 million in the budget for these projects. This funding is consistent with the Programmatic Budget activity code 2.2.1. Beginning this year, additional projects that are related to water resource development and may require WRD Project funding within five years are itemized at the bottom of Table 2. The ongoing Upper Myakka/Flatford Swamp Hydrologic Restoration and Implementation Project is placed in this category and is budgeted as a surface water project (activity code 2.3.1).

District funding for a number of these projects is matched to varying degrees by local cooperators, including local governments, other water management districts and state agencies, and others. District funds for these projects are being generated through a number of different mechanisms described in the **Funding Sources** section of this report. Each of the projects in Table 2 is described in detail below.

**Table 2. FY2015 - FY2019 District Funding and Total Project Cost for Water Resource Development Projects**

<b>WRD Projects (Budget Code, Project Number)</b>	<b>Total Prior District Funding</b>	<b>FY2015 District Cost</b>	<b>FY2016 District Cost</b>	<b>FY2017 District Cost</b>	<b>FY2018 District Cost</b>	<b>FY2019 District Cost</b>	<b>Total Cost District + Cooperator</b>	<b>Funding Source<sup>1 2</sup></b>	<b>Quantity developed or conserved<sup>1</sup></b>
<b>1) Alternative Water Supply Feasibility Research and Pilot Projects (Programmatic Code 2.2.1.1)</b>									
a) Clearwater Groundwater Replenishment Project (N179)	\$1,603,868	\$9,112					\$3,149,230	SWFWMD, City of Clearwater	3 mgd
b) Hydrogeologic Investigation of Lower Floridan Aquifer in Polk County (P280) <sup>3</sup>	\$6,149,283	\$79,666	\$2,000,000	\$4,000,000			\$12,228,949	SWFWMD	TBD
c) South Hillsborough Aquifer Recharge Program (SHARP) (N287) <sup>3</sup>	\$1,232,699	\$12,767	\$12,000	\$50,000	\$134,927		\$2,829,893	SWFWMD, Hillsborough County	2 mgd
<b>2) Facilitating Agricultural Resource Management Systems (FARMS) (Programmatic Code 2.2.1.2)</b>									
a) FARMS Projects (H017) <sup>3</sup>	\$38,231,663	\$6,448,304	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000	\$97,300,000	FDACS, SWFWMD, State of FL, private farms	40 mgd
b) Mini-FARMS Program (H529) <sup>3</sup>	\$567,524	\$118,344	\$50,000	\$50,000	\$50,000	\$50,000	\$1,000,000	FDACS, SWFWMD	2 mgd
c) FARMS Irrigation Well Back-Plugging Program (H015)	\$1,581,783	\$60,547	\$60,547	\$60,547	\$60,547	\$60,547	\$1,884,518	SWFWMD	NA
d) IFAS BMP Implementation Team (H579) <sup>3</sup>	\$260,493	\$9,843	\$50,000	\$50,000	\$50,000	\$50,000	\$470,336	SWFWMD, IFAS	TBD
FARMS Program Support (PMO5, Z370)	\$945,580	\$147,283	\$147,283	\$147,283	\$147,283	\$147,283	\$1,681,995	SWFWMD	NA

**Table 2 (Continued) FY2015 - FY2019 District Funding and Total Project Cost for Water Resource Development Projects**

	Total Prior District Funding	FY2015 District Cost	FY2016 District Cost	FY2017 District Cost	FY2018 District Cost	FY2019 District Cost	Total Cost District + Cooperator	Funding Source <sup>1 2</sup>	Quantity developed or conserved <sup>1</sup>
<b>3) Environmental Restoration/Minimum Flows and Levels Recovery<sup>4</sup> (Programmatic Code 2.2.1.3)</b>									
a) Hillsborough River Groundwater Basin Evaluation (P286)	\$0	\$75,000	\$75,000				\$150,000	SWFWMD	NA
b) Lake Jackson Watershed Hydrology Investigation (N554)	\$65,977	\$78,278	\$85,631	\$92,663	\$78,957		\$443,768	SWFWMD, Highlands County, City of Sebring	NA
c) Lower Hillsborough River Recovery Strategy (H400)	\$8,144,877	\$109,265	\$75,000	\$75,000			\$16,432,407	SWFWMD, City of Tampa	TBD
d) Lower Hillsborough River Pumping Facilities (N492)	\$382,726	\$11,786	\$1,001,933	\$1,001,933			\$4,850,044	SWFWMD, City of Tampa	TBD
e) Pump Stations on Tampa Bypass Canal (H402)	\$3,381,024	\$287,016					\$3,381,024	SWFWMD, City of Tampa	7.1 mgd
f) Lake Hancock Lake Level Modification (H008)	\$9,897,140	\$92,026	\$109,831	\$109,831	\$109,831	\$109,831	\$10,428,490	SWFWMD, State of FL, Federal	TBD
<b>Water Resource Development Project Total (2.2.1)</b>	<b>\$72,444,637</b>	<b>\$7,539,237</b>	<b>\$9,667,225</b>	<b>\$11,637,257</b>	<b>\$6,631,545</b>	<b>\$6,417,661</b>	<b>\$156,490,729</b>		

<b>Other Projects Related to Water Resource Development</b>									
Upper Myakka /Flatford Swamp Hydrologic Restoration and Implementation (2.3.1, H089) <sup>3</sup>	\$3,984,198	\$171,277	\$9,220,500	\$9,220,500	\$9,220,500	\$9,220,500	\$41,091,198	SWFWMD, Mosaic Co.	TBD

1. 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.

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

3. Future funding budget estimates for which specific time frames are not yet determined are distributed evenly over four years.

**Changes from the 2015 Work Program Table 2.**

a) One new project is included this year: Hillsborough River Groundwater Basin Evaluation.

b) The ASR Pretreatment Investigation, Bradenton Surface Water ASR Feasibility Study, and the Lake Hancock Outfall Structure Replacement were removed due to completion.

c) The Upper Myakka/Flatford Swamp Hydrologic Restoration and Implementation is currently funded under Surface Water Improvements in the Programmatic Budget, and was separated here to simplify the correlation of WRD Project funding with the total shown in the Programmatic Budget.

## ***Alternative Water Supply Feasibility Research and Pilot Projects***

The following projects are research and/or pilot projects designed to further the development of the innovative alternative water sources described in the RWSP. Included in these projects are feasibility projects for recharging the Upper Floridan aquifer with excess reclaimed water and the exploration of Lower Floridan aquifer zones as a viable water source for inland utilities. These projects may lead to the development and protection of major sources of water supply in the future. Two projects, the long-running ASR Pretreatment Investigation and City of Bradenton Surface Water ASR Feasibility Study, have been removed for this year's Work Program due to their successful completion.

### **a. Clearwater Groundwater Replenishment Project (N179)**

***Background*** – This is a multiyear indirect potable reuse study to determine if purified water can be utilized to directly recharge the Upper Floridan aquifer at the City of Clearwater's Northeast Water Reclamation Facility to supplement potable water withdrawals. The project would potentially enable the City to utilize 100 percent of its reclaimed water, supplement water supplies within the aquifer, and possibly provide a seawater barrier to help prevent saltwater intrusion along the coast. Phase 1 was a one-year desktop feasibility study to assess water level improvements, regulatory requirements and water treatment, estimate construction costs and conduct preliminary public outreach activities. Phase 2 includes permitting and installing recharge and monitor wells, collecting lithologic cores, performing aquifer testing and groundwater modeling, conducting pilot treatment and aquifer recharge testing, and additional public outreach. This phase of the project is nearing completion. If successful, this project could provide the City with the information needed to construct a full-scale aquifer recharge facility and potentially obtain up to 3 mgd in additional potable water supplies.

***Linkage to the Regional Water Supply Plan*** – This project is listed as a WRD Project in the Tampa Bay regional volume of the 2010 RWSP, Chapter 7, Section 2.1, pages 140-141.

***Status*** – The project experienced some delays from issues with the execution of technical agreements and a system malfunction with the injection system, but the project has gained ground during pilot injection operations and will be complete in 2015. Preliminary results are positive. The District has scheduled funds for plant construction as a water supply project in FY2015.

### **b. Hydrogeologic Investigation of the Lower Floridan Aquifer in Polk County (P280)**

***Background*** – This project explores the Lower Floridan aquifer in Polk County to assess its viability as an alternative water supply source and to gain a better understanding of the Lower Floridan characteristics and groundwater quality. These data will enhance groundwater modeling of the Lower Floridan aquifer, and determine the practicality of developing the aquifer as an alternative supply in areas of Polk County facing future water supply deficits. The overall scope of the investigation is to drill exploratory wells at up to six key locations chosen for their locality to water demand centers and to improve data coverage for groundwater resource monitoring and the Districtwide Regulation Model. If the tests prove that the water quality and productivity are suitable, the water and facilities could be made available to utilities in Polk County. Regardless of the suitability of the Lower Floridan aquifer for water supply at each site, the exploration wells will be significant additions to the District's well monitoring network.

***Linkage to the Regional Water Supply Plan*** – The completion of a 2006 Lower Floridan aquifer investigation in Polk County is discussed in the Chapter 1, Part B, Section 1 in the Heartland regional volume of the 2010 RWSP. A description of the Districtwide Regulation Model is provided in Section 5.4, page 18. The potential use of the Lower Floridan aquifer as new supply for Polk County is discussed in Chapter 4, pages 57-62. Brackish groundwater desalination of water pumped from the Lower Floridan is discussed in Chapter 5, pages 89-92.

**Status** – The District and selected consultants are developing exploration drilling plans and acquiring easements for three municipal sites in Polk County. An initial exploration monitor well will be drilled on each site. If exploration phase shows positive results for treatable water quality and secure confinement from the Upper Floridan, a test/production well will be constructed to perform one or more aquifer performance tests to obtain productive capability and additional confinement information. The project is expected to run for approximately seven years.

### c. South Hillsborough Aquifer Recharge Program (SHARP) (N287)

**Background** – This is an aquifer recharge pilot testing project that will assess the effects of using up to 2 mgd of treated excess reclaimed water from the South-Central Hillsborough County reclaimed water system to directly recharge a non-potable zone of the Upper Floridan aquifer at the County's Big Bend ASR test well site. The project consists of the design, permitting, and construction of a reclaimed water recharge well system with associated wellhead and appurtenances, interconnects, and monitor wells. Project tasks include a multiyear aquifer recharge pilot study and groundwater modeling to evaluate water level improvements and water quality, including metals mobilization. The project may allow the County to utilize excess reclaimed water flows, improve water levels within the Most Impacted Area of the SWUCA, and potentially provide a salinity barrier against saltwater intrusion; as well as additional mitigation offsets for future groundwater supplies.

**Linkage to the Regional Water Supply Plan** – This project is not specifically covered in the 2010 RWSP, but is consistent with the other WRD recharge projects in Pinellas and Polk counties. Aquifer recharge is discussed in Chapter 4 of the 2010 RWSP, pages 73-74 in the Tampa Bay regional volume.

**Status** – The contractor has completed the injection and monitoring well construction, and is installing the equipment to operate wells during injection testing. The injection analysis is expected to run through 2016, and with positive results an operational permit may be obtained by 2017.

### ***Facilitating Agricultural Resource Management Systems (FARMS)***

The FARMS Program is an agricultural BMP cost-share reimbursement program consisting of many site-specific projects. The Program is a public/private partnership developed by the District and the Florida Department of Agriculture and Consumer Services (FDACS). The purpose of the FARMS initiative is to provide an incentive to the District's agricultural community to implement agricultural BMPs that will provide resource benefits including water quality improvement, reduced Upper Floridan aquifer withdrawals, and enhancements to the water resources and ecology.

The FARMS Program has five specific goals: (1) offset 40 mgd of groundwater within the SWUCA by 2025; (2) improve surface water quality impacted by mineralized groundwater within the Shell, Prairie, and Joshua Creek watersheds; (3) improve natural systems impacted by excess irrigation and surface water runoff within the Flatford Swamp region of the upper Myakka River watershed; (4) prevent groundwater impacts within the northern areas of the District; and (5) reduce frost-freeze pumpage by 20 percent within the Dover/Plant City WUCA. These goals are critical in the District's overall strategy to manage water resources.

### a. FARMS Projects (H017)

**Background** – FARMS projects employ many of the agricultural water conservation strategies described in the RWSP to reduce groundwater withdrawals by increasing the water use efficiency of agricultural operations. The projects have the added benefit of reducing agricultural impacts to surface water features. The projects are public/private partnerships where the District provides financial incentives to farmers to increase the water use efficiency of their operations. Each project's performance is tracked to determine its effectiveness toward program goals. Since actual use of permitted quantities is dependent on hydrologic conditions, one of the objectives of FARMS projects



is to reduce groundwater use regardless of hydrologic conditions. FARMS projects not only offset groundwater use with surface water, but increase the overall efficiency of irrigation water use.

***Linkage to the Regional Water Supply Plan*** – The FARMS Program is discussed in Chapter 7, Section 2.2 of each regional volume of the 2010 RWSP, and includes a list of active FARMS projects within the respective region.

***Status*** – As of August 2014, there are 164 approved FARMS projects including 123 in the SWUCA and 21 frost-freeze protection projects in the Dover/Plant City WUCA. The projects are projected to have a cumulative groundwater offset of 25.5 mgd Districtwide and 23.7 mgd for the 123 Governing Board approved projects within the SWUCA. The projected offset for the frost-freeze protection projects (post-January 2010) within the Dover/Plant City WUCA is 43 mgd per freeze event. District staff continue to work with growers during the operational phase of projects to document the net improvement of water resources and develop continued and new partnerships to implement additional projects.

## **b. Mini-FARMS Program (H529)**

***Background*** – Mini-FARMS (Mini-Facilitating Agricultural Resource Management Systems) is a scaled down version of the District's FARMS cost-share reimbursement program to implement agricultural BMPs on agricultural operations of 100 irrigated acres or less to conserve water and protect water quality within the District. Mini-FARMS is intended to assist in the implementation of the District's Regional Water Supply Plan, SWUCA Recovery Strategy, Dover Plant City Water Use Caution Area Recovery Strategy, the Shell and Prairie Creek Watershed Management Plan, and the District's Strategic Plan. Much like the FARMS projects, the Mini-FARMS Program implements BMPs on agricultural operations to reduce Upper Floridan aquifer groundwater use and/or improve water quality conditions throughout the District. The maximum cost-share amount available from Mini-FARMS projects is \$5,000 per agricultural operation per year, and maximum cost-share rate is 75 percent of project costs.

***Linkage to the Regional Water Supply Plan*** – The Mini-FARMS Program is discussed as WRD in Chapter 7, Section 2.2 of each regional volume of the 2010 RWSP.

***Status*** – As of September 2014, the District's portion of the Mini-FARMS Program has reimbursed 83 water conservation BMP projects since FY2006. The total cost of the Mini-FARMS projects was \$506,200 and the District's reimbursement was \$345,178. A total of 27 projects were approved during the FY2014 and 23 projects were completed for total of \$112,569, with a reimbursed share from the District of \$74,492. There are four remaining Mini-FARMS projects which are pending reimbursement for a total of \$31,917 and District share of \$16,871. The Mini-FARMS Program continues to receive a strong demand from growers within the District. The District has budgeted \$100,000 for cost share grants in FY2015.

## **c. FARMS Irrigation Well Back-Plugging Program (H015)**

***Background*** – This is an ongoing program for financial and technical assistance to well owners within the SWUCA to back-plug irrigation wells that produce highly mineralized groundwater. Back-plugging is a recommended practice to rehabilitate irrigation wells by identifying and restricting the intrusion of highly mineralized groundwater that often occurs from deeper aquifer zones in certain areas of the District. This program is separate from the QWIP, which focuses on proper well abandonment. The Back-Plugging Program was initiated in 2002 to improve water quality in watershed systems of the SWUCA, and later became an addition to the FARMS Program in 2005. Field investigations indicated that highly mineralized groundwater produced from older or deeper irrigation wells was the most likely source adversely impacting water quality downstream in Punta Gorda's public supply reservoir. Growers experience several advantages from well back-plugging

including elevated crop yields from reduced salts in irrigation groundwater, decreases in soil-water requirements and pumping costs, and reduced corrosion and fouling of irrigation equipment.

***Linkage to the Regional Water Supply Plan*** – The FARMS Irrigation Well Back-Plugging Program is discussed in Chapter 5, Section 6, Subsection 2.5 of the Heartland regional volume of the RWSP, and in Subsection 2.2 of the Northern, Tampa Bay, and Southern volumes. WRD funding for the program is identified in Chapter 7, Table 7-2 of the Southern, Tampa Bay, and Heartland volumes.

***Status*** – A total of 74 wells have been back-plugged in the SWUCA overall to date, with 55 of these wells located in the Shell, Prairie and Joshua Creek (SPJC) priority watersheds. Analytical results for samples collected from the 55 back-plugged wells in the SPJC area indicated averages of conductivity, total dissolved solids (TDS), and chloride were decreased by 41 percent, 43 percent, and 59 percent, respectively, with well yields retained at an average of 78 percent. For the 19 wells in the SWUCA (outside of the SPJC area), eight wells were back-plugged in the Peace River watershed, six in the Alafia River watershed, four in the Manatee River watershed and one in the Myakka River watershed. Analytical results for all back-plugged wells combined in the SWUCA indicated conductivity, TDS, and chloride were decreased by 42 percent, 42 percent, and 58 percent, respectively, with well volume yields retained at an average of 77 percent. Routine water quality monitoring of select back-plugged wells assures that these improvements are sustained long-term.

#### **d. University of Florida's Institute of Food and Agricultural Services (IFAS) BMP Implementation Project (H579)**

***Background*** – The primary goal of this project is to assist the IFAS in promoting statewide FDACS adopted agricultural BMPs, typical FARMS projects, and other practices and preparation. District participation in this project promotes the establishment of additional FARMS projects, which provides water resource benefits throughout the District. Assistance is provided to growers in conducting site assessments, selecting applicable FDACS BMPs, and filing notices of intent (NOIs) to implement the practices. Staff will follow up with growers to determine whether they need help understanding or implementing the BMPs. Technical assistance may be provided directly or by coordinating with the appropriate FDACS staff or IFAS extension agents. Growers are informed of available BMP-related programs offered by FDACS, the water management districts, and other entities. Field demonstrations, workshops, and other educational opportunities will be provided to growers and their employees. Technical assistance will also identify areas of future educational needs.

***Linkage to the Regional Water Supply Plan*** – This project assists the FARMS Program in reaching its agricultural water conservation goals, which are critical to the District's strategy to manage water resources. The FARMS Program is discussed in Chapter 7, Section 2.2 of each regional volume of the 2010 RWSP.

***Status*** – As of June 2014, FDACS has developed and adopted seven BMP manuals covering cow/calf operations, citrus, vegetable and agronomic crops, nurseries, equine operations, specialty fruit and nut crops, and sod operations. Other rules and documents related to IFAS BMPs include: Best Management Practices for Agriculture in the Lake Okeechobee Watershed, Tri-County Agricultural Area Potato Farms, Conservation Plans for Specific Agricultural Operations, Florida Forest Service Silviculture Best Management Practices, and Aquaculture Best Management Practices. Below is a list of the statewide and districtwide BMP enrollment to date, which includes the number of NOIs submitted and the associated acres enrolled as of June 2014.

Summary of groves, farms and nurseries enrolled statewide as of June 30, 2014 in Ag BMP Programs by the BMP Implementation Teams.				
Usage	Statewide		Districtwide	
	Acres	# of NOIs	Acres	# of NOIs
Citrus	581,612	3,381	234,170	2,498
Cow/Calf	2,318,977	1,048	720,444	333
Dairies	47,811	26	1,240	2
Equine	1,970	49	918	23
Fruit/Nuts	8,298	205	5,328	105
Mixed use	101,324	4	1,410	1
Nursery	29,760	1,203	5,986	146
Row Crops	1,044,345	1,307	94,947	292
Sod Farms	34,596	61	9,519	21
Forestry	5,305,121	419		
<b>Total</b>	<b>9,473,815</b>	<b>7,703</b>	<b>1,073,963</b>	<b>3,421</b>

Source: Office of Agricultural Water Policy - FDACS - Report from June 30, 2014.

## ***Environmental Restoration and MFL Recovery Projects***

Included in this section are six environmental restoration and MFL recovery projects that will benefit water resources. Chapter 2, Part B of the 2010 RWSP (each regional volume) outlines the District's strategy for establishing MFLs for surface waters, aquifers, and surface watercourses.

Three of the projects are key portions of the recovery strategy to restore minimum flows to the Lower Hillsborough River (LHR). Flows in the LHR have been reduced by a variety of factors including increased use of the Hillsborough River Reservoir, surface water drainage alterations, reduction in surface storage, long-term rainfall patterns, and induced recharge due to groundwater withdrawals. The District set minimum flows for the LHR, Sulphur Springs, and the Tampa Bypass Canal in 2007. These MFLs have been incorporated as amendments to Rule 40D-8.041, F.A.C. The LHR's flows have been below the adopted minimum flows in recent years, and the development of a recovery strategy was required by Florida Statutes. The recovery strategy will ensure that natural resources associated with the LHR are protected from significant harm by increasing freshwater flows during the months of April, May, and June to support the estuarine nursery habitat.

One project, the Lake Hancock Lake Level Modification, is an ongoing component of the recovery strategy to restore minimum flows to the upper segment of the Peace River. Another component, the Lake Hancock P-11 Outfall Structure Replacement project, has been removed for this year's Work Program due to its successful completion. The flows of upper Peace River have been below the adopted minimum flows, and a recovery strategy was required by Florida Statutes. The goal of the Lake Hancock projects is to store water by raising the lake's controlled water elevation and to slowly release the water into the upper Peace River during the dry season to help meet the minimum flow requirements.

### **a. Hillsborough River Groundwater Basin Evaluation (P286)**

**Background** – This project is a study to determine the zone of influence for groundwater withdrawals from the Upper Floridan aquifer which impact the flow in the Hillsborough River. The study will utilize a new, fully integrated surface water/ground-water flow model called the Integrated Northern Tampa Bay model (INTBM) that covers a 4,000 square mile region surrounding Tampa Bay. The model was developed by the District and Tampa Bay Water in 2012 and underwent a successful peer review in 2013. This model is the most advanced simulation tool available to evaluate changes to the hydrologic system and is capable of directly determining flow impacts to the Hillsborough River from groundwater withdrawals. The project will evaluate the water resource condition of the Hillsborough River basin by analyzing data, performing statistical analyses, and using the INTBM to determine an appropriate zone or zones where increased quantities from either existing or new WUPs may significantly impact flow on the Hillsborough River

***Linkage to the Regional Water Supply Plan*** – Although not specifically discussed in the 2010 RWSP, modeling investigations conducted by the District are described in pages 16-18 in the Tampa Bay Regional volume. This project provides better science-based criteria for evaluating groundwater withdrawals in the Northern Tampa Bay WUCA and supports a consistent technical approach to managing water resources.

***Status*** – This is a new project commencing in 2015 and is expected to continue through 2016.

## **b. Lake Jackson Watershed Hydrology Investigation (N554)**

***Background*** – Lake Jackson is a 3,412 acre lake located in the town of Sebring, and is one of nine lakes in Highlands County with an established MFL. Lake Jackson has not met its MFL over the last 10 years. Residents and local officials have voiced concerns over persistent low water levels potentially related to storm water canal structures, potential flow through the shallow aquifer to the canals, and possible leakage in the lake's hardpan bottom. This hydrologic investigation will collect data and attempt to identify the causes of the low water level in Lake Jackson and Little Jackson over the last decade and develop cost-effective recovery strategies. Aspects of the project include: (1) an assessment of the storm water structures including the underwater portions, channel flow, and the installation of seepage meters; (2) installation of groundwater, lake level, and weather monitoring networks in order to calculate a more accurate lake water budget; and (3) modeling the effects of a proposed subsurface wall on the lateral movement of water from Lake Jackson through the shallow aquifer to downstream sources, and calculating its potential improvement to the level of Lake Jackson. The project will include a cost-benefit analysis if the investigation and modeling shows the subsurface wall or other recovery strategies may be beneficial to the lake water levels.

***Linkage to the Regional Water Supply Plan*** – Although not specifically discussed in the 2010 RWSP, this project supports the SWUCA Recovery Strategy objective of stabilizing lake levels in Highlands County, discussed in Chapter 2, Part A, of the Heartland regional volume.

***Status*** – The project agreement between the District and Highlands County is pending execution in fall 2014. The project is expected to continue through 2018.

## **c. Lower Hillsborough River Recovery Strategy (H400)**

***Background*** – The Lower Hillsborough River recovery strategy outlines six proposed projects and a timeline for their implementation. Four projects are being jointly funded by the District and the City of Tampa, and two are being implemented by the District. Implementation of specific projects is subject to applicable diagnostic/feasibility studies and contingent on any required permits. These projects and the estimated schedule of implementation are: Tampa Bypass Canal Diversions (2008), modifications to the weir (2011) and pump station (2012) at Sulphur Springs, the Blue Sink project (2015), the Morris Bridge Sink project (2014), and the Investigation of Storage Options (2016).

***Linkage to the Regional Water Supply Plan*** – This project is discussed in the Tampa Bay regional volume of the 2010 RWSP, Chapter 7, pages 144-145. The project is a component of the District's MFLs Program, which is detailed in Chapter 2, Part A.

***Status*** – Dependent on hydrologic conditions, water to help meet the MFLs for the LHR continues to be supplied by a pump station that diverts flows (up to 11 mgd) from Sulphur Springs to the base of the City of Tampa Dam and from the Tampa Bypass Canal (7.1 mgd). Four cooperative agreements with the City of Tampa for the recovery strategy were approved in 2010. The agreements to modify the lower weir and pump station at the pool of Sulphur Springs have been completed. The City of Tampa was issued a water use permit application to withdraw up to 2 mgd from Blue Sink to transport it via pipeline to the base of the Hillsborough River dam. The District will cooperatively fund that project. The District will submit a water use permit application to FDEP to use up to 3.9

mgd of water from Morris Bridge Sink for diversion through the Tampa Bypass Canal to the base of the dam. There is also an ongoing cooperative study with the City and the District for the investigation of additional water sources and supply options that may be needed to meet minimum flows.

#### **d. Lower Hillsborough River Pumping Facilities (N492)**

**Background** – This is a multiyear cooperative funding project with the City of Tampa for the construction of two permanent pumping facilities to implement the minimum flows recovery strategy for the LHR. Since 2008, the District has been operating two temporary pumping stations to transfer up to 7.1 mgd of water from the Tampa Bypass Canal to the Hillsborough River reservoir and up to 5.3 mgd from the reservoir to the river below the dam to meet the required minimum flows of the recovery strategy. The temporary facilities were implemented to get the recovery strategy underway while the City evaluated options for permanent pumping facilities.

**Linkage to the Regional Water Supply Plan** – This project is discussed in the Tampa Bay regional volume of the 2010 RWSP, Chapter 7, pages 144-145. The project is a component of the District's MFLs Program, which is detailed in Chapter 2, Part A.

**Status** – The City completed two investigations in December 2013 on which the design configuration was dependent; one investigation compared the modification of an existing pump structure on the Tampa Bypass Canal versus the construction of a new pump structure on the canal, the other was for a siphon system at the Hillsborough River Dam. The studies have allowed the selection of options that provide considerable cost savings. The design and permitting work is ongoing and is expected to continue through February 2016, with construction completed by October 2017.

#### **e. Pump Stations on the Tampa Bypass Canal (H402)**

**Background** – Beginning January 1, 2008, the District became responsible for diverting up to 75 percent of the 7.1 mgd of water from the Tampa Bypass Canal to the LHR in accordance with adopted minimum flow requirements. The diversion is achieved through two pump stations located on the Tampa Bypass Canal and a pump station located at the City of Tampa Dam. This project accounts for District expenses of the water transfer. The project also includes design and construction of a permanent pump station at the Morris Bridge Sinkhole to divert 3.9 mgd to the Tampa Bypass Canal.

**Linkage to the Regional Water Supply Plan** – This project is a component of the Lower Hillsborough Recovery Strategy discussed in the Tampa Bay regional volume of the 2010 RWSP, Chapter 7, pages 144-145. The District's MFLs Program is detailed in Chapter 2, Part A.

**Status** – The transfer pumps are being operated in accordance with the approved recovery strategy for the LHR to meet minimum flows. Pump operation is expected to continue until the City of Tampa completes new pumping facilities (Project N492 above).

#### **f. Lake Hancock Lake Level Modification Project (H008)**

**Background** – The Lake Hancock Lake Level Modification project is part of the strategy for achieving MFLs recovery for the upper Peace River established by the District. The goal of the Lake Level Modification project is to store water by raising the control elevation of the existing outflow structure on Lake Hancock and to slowly release the water during the dry season to help meet the minimum flow requirements in the upper Peace River between Bartow and Zolfo Springs. Historically, Lake Hancock fluctuated more than a foot higher than it has during the past several decades. The project increases the normal operating level from 98.7 feet to 100.0 feet by replacing the outfall structure to provide the storage and increase the number of days the upper Peace River will meet minimum flows. Increasing the operating level will also help restore wetland function for



several hundred acres of contiguous lands to Lake Hancock, and provide recharge to the Upper Floridan aquifer through exposed sinks along the upper Peace River. The project will further the efforts to restore minimum flows in the upper Peace River, which is a major component of the District's SWUCA Recovery Plan.

This project is being conducted in 3 steps: Step (1) provided the preliminary evaluations and incremental probable costs for raising the normal high operating lake levels. The results of Step 1 were presented to the District Governing Board in October 2004 and the decision was made to move forward with Step 2 of the project. Step (2) involved generating detailed information for submission of a Conceptual Environmental Resource Permit (ERP), and to identify impacts to private lands for acquisition and other mitigation needs (environmental, facilities, etc). Major components of the Conceptual ERP include: pre- and post-condition analysis; private property, dwelling, environmental, and infrastructure mitigation; outfall structure operation characteristics; and an anticipated fluctuation schedule for the lake. Step 2 was completed in 2007. Step (3) is the implementation of the mitigation components described in the Conceptual ERP.

***Linkage to the Regional Water Supply Plan*** – This project and other components of Restoration of Minimum Flows to the upper Peace River are listed in Chapter 7 of the Heartland regional volume of the 2010 RWSP, pages 126-129.

***Status*** – The titles of all parcels necessary to implement the project have been acquired (74 parcels, 8,340 acres). Construction of the new P-11 Outfall Structure was completed in September 2013 and is fully operational. The Lakeland Cemetery conveyance improvements project was completed in November 2012. Construction of the State Road 540 conveyance improvement project was completed in October 2013. Construction of conveyance improvement projects on additional parcels is ongoing. Post project construction monitoring is expected to continue through 2019.

### ***Other Projects Related to Water Resource Development***

Beginning with this edition of the Work Program, projects that are not budgeted under Water Resource Development Programmatic Activity code 2.2.1 but have a critical role in water resource development are listed separately in Table 2. This is intended to simplify the correlation of the project budget totals to the District's programmatic budget. The one project below is budgeted under 2.3.1 – Surface Water Management for FY2015. It's anticipated that future project phases for design and construction of BMPs will be budgeted under the Water Resource Development category.

### **Upper Myakka/Flatford Swamp Hydrologic Restoration and Implementation (H089)**

***Background*** – Hydrologic alterations and excess runoff has adversely impacted Flatford Swamp in the upper Myakka watershed. This project differs from MFL recovery projects, for it intends to remove excessive flows from the Flatford Swamp and portions of the surrounding area to improve the natural systems. The Flatford Swamp hydrologic restoration alternative will work to re-establish hydroperiods close to historic levels and to restore natural systems.

***Linkage to the Regional Water Supply Plan*** – This project is discussed as a WRD Project in the Southern regional volume of the 2010 RWSP, Chapter 7, page 136.

***Status*** – A joint feasibility study with Mosaic was completed in March 2013 indicating a project to utilize the excess water from the swamp is feasible. Staff continue to discuss a mutually agreeable partnership with Mosaic to implement a restoration project with conveyance of excess water for beneficial use. Staff are also researching an injection option for the excess water to recharge the aquifer and are collecting water quality information.



# Water Supply Development Assistance

Regional water supply authorities, local governments, and public and privately owned water utilities typically have the lead role in implementing water supply development (WSD) projects (Chapter 373.705, F.S.). The District provides funding assistance to these entities for projects that are consistent with the District's RWSP and meet one of the following criteria: the project provides a dependable supply of water and would not otherwise be financially feasible to develop; the project has substantial environmental or water resource benefits but needs funding assistance to be economically competitive with other project alternatives; or the project significantly implements the reuse, storage, recharge, or conservation of water in a manner that helps sustain regional water sources.

The District has budgeted for 95 water supply development projects in FY2015. As shown in Tables 3 through 9, the District is funding approximately \$42.6 million in FY2015 for water supply development assistance. This amount includes approximately \$6.46 million for the Springs Initiative funding provided by FDEP and budgeted by the District. The Springs Initiative funding is allocated to five projects: the Bushnell/Bethel Farms Wastewater Treatment Project, the City of Crystal River to Duke Energy Reclaimed Water Project, the Pasco Heritage Pines Residential Reclaimed Water Project, the Sugarmill Woods Advance Wastewater Retreatment and Reuse Project, and the Zephyrhills Advanced Wastewater and Reuse Recharge Project.

The WSD projects are categorized below as surface water projects, regional potable water interconnects, reclaimed water projects, brackish groundwater development, aquifer recharge and ASR projects, and conservation projects. It should be noted that many projects in the aquifer recharge and ASR category also have reclaimed water components. Projects within each category are sorted by the project number.

Funding amounts of less than \$10,000 generally represent ongoing management expenses of projects that received grant funding in a previous year. Most of the project costs are matched on a 50/50 cost-share basis through the District's Cooperative Funding Initiative, and a few may have received state and/or federal funding. The "total project cost" typically includes the cooperators' shares and other non-District funding sources.

The District has also budgeted for 11 water supply planning efforts at a cost of approximately \$0.93 million. The planning projects are listed in Table 10 and totaled separately from the WSD projects. Some are planning projects for governmental entities conducted through the Cooperative Funding Initiative, like the Burnt Store Wellfield Study. Others are planning efforts by District staff to identify and evaluate future water supply projects to efficiently meet demands, including the Central Florida Watershed Initiative. The water supply efforts are preformed collaboratively with other water management districts, water supply authorities, utilities, and other stakeholders including agricultural and industry communities. The funding for water supply planning is consistent with the Programmatic Budget activity code 1.1.1.

**Table 3. FY2015 Surface Water Projects**

Project Number	Water Supply Development Assistance - Surface Water Projects (Programmatic Budget 2.2.2.1)	FY2015 Funding	Prior District Funding	Total Project Cost	Supply (mgd)
N671	PRMRWSA Facility Treatment Capacity Expansion 3 mgd	\$750,000	\$0	\$3,000,000	3.000
	<b>Total Surface Water Projects</b>	<b>\$750,000</b>	<b>\$0</b>	<b>\$3,000,000</b>	<b>3.000</b>

**Table 4. FY2015 Regional Potable Interconnects**

Project Number	Water Supply Development Assistance - Regional Potable Water Interconnects (Programmatic Budget 2.2.2.2)	FY2015 Funding	Prior District Funding	Total Project Cost	Supply (mgd)
H094	Polk County Partnership	\$10,000,000	\$0	\$160,000,000	NA
N416	PRMRWSA Regional Interconnect Phase 1 to Punta Gorda	\$250,000	\$0	\$14,000,000	NA
N518	Regional Pipeline Interconnect with City of Venice	\$6,562	\$301,515	\$603,077	NA
	<b>Total Regional Interconnect Projects</b>	<b>\$10,256,562</b>	<b>\$301,515</b>	<b>\$174,603,077</b>	<b>NA</b>

**Table 5. FY2015 Reclaimed Water Projects**

Project Number	Water Supply Development Assistance - Reclaimed Water Projects (Programmatic Budget 2.2.2.3)	FY2015 Funding	Prior District Funding	Total Project Cost	Benefit (mgd)
H056	Pasco County Boyette Wet-Weather Reclaimed Water Reservoir	\$3,501,289	\$9,166,059	\$39,235,818	NA
H076	Southwest Polk County/Tampa Electric Reclaimed Water Project	\$4,702,656	\$38,647,598	\$97,459,874	10.000
H085	Charlotte County Regional Reclaimed Water Expansion Phase 2	\$608	\$1,503,673	\$2,818,832	NA
H092	Pasco County Reclaimed Water Natural Systems Restoration	\$2,630	\$675,675	\$993,005	5.000
H093	Manatee County 10 MG Reclaimed Water Storage Tank #2	\$608	\$3,285,152	\$7,193,865	NA
L816	Plant City Sydney Road Reclaimed Water Project	\$2,545	\$2,603,879	\$6,143,324	0.400
N024	Polk County NWRUSA Storage and Pumping Station	\$9,202	\$2,300,136	\$5,257,083	NA
N336	Braden River Utilities to Bradenton Reclaimed Interconnect	\$892	\$7,005,677	\$14,006,569	5.000
N339	Winter Haven #3 Reclaimed Interconnect, Storage, and Pumping	\$1,730	\$2,757,608	\$5,509,338	0.150
N358	City of Crystal River to Duke Energy Reclaimed Interconnect	\$9,034	\$2,562,393	\$624,654	0.750
N370	FGUA Wet Weather Reclaimed Water Project	\$892	\$1,203,732	\$2,404,624	0.225
N442	Pasco County Seven Springs Golf & Country Club Reuse	\$2,106	\$303,048	\$605,154	0.380
N462	Pasco County Groves Reclaimed Supply, Storage Pond Improvement	\$1,474	\$103,048	\$204,552	0.180
N464	Pasco County Meadow Point Reclaimed Transmission Main	\$401,419	\$593,048	\$1,984,467	NA
N470	Pasco County Covanta Reclaimed Water Power Plant Project	\$4,179	\$903,048	\$1,807,227	0.470
N488	Manatee County Regional 10 MG Reclaimed Storage Tank Southeast #3	\$1,354,145	\$3,067,503	\$8,830,395	NA

**Table 5. FY2015 Reclaimed Water Projects (continued)**

<b>Project Number</b>	<b>Water Supply Development Assistance - Reclaimed Water Projects (Programmatic Budget 2.2.2.3)</b>	<b>FY2015 Funding</b>	<b>Prior District Funding</b>	<b>Total Project Cost</b>	<b>Benefit (mgd)</b>
N494	Tarpon Springs Reclaimed Water Controls and Storage System	\$1,769,211	\$528,285	\$4,582,449	NA
N512	Venice Reclaimed Water Filtration System	\$4,991	\$786,515	\$1,571,506	NA
N524	Pasco Handcart Road Reclaimed Water Pump Station Expansion	\$1,397	\$126,341	\$252,738	NA
N536	Auburndale Polytechnic Reclaimed Water Storage and Transmission	\$1,004,134	\$356,416	\$271,055	0.650
N547	Pasco Heritage Pines Residential Reclaimed Water Service	\$603,458	\$334,641	\$1,571,399	0.430
N552	Plant City Reclaimed Water Seasonal Storage AWS Feasibility Study	\$1,697	\$24,157	\$45,854	NA
N555	Dunedin San Christopher Reclaimed Water Storage Tanks	\$3,549	\$885,832	\$1,769,381	NA
N556	Charlotte County Reclaimed Water Expansion Phase 3	\$7,645	\$242,265	\$9,444,160	1.300
N561	Clearwater Resident Initiated Reclaimed Water Expansion	\$7,289	\$752,164	\$1,509,453	0.790
N596	Oak Run to JB Ranch Reclaimed Water Main	\$154,969	\$0	\$1,454,969	0.270
N601	Hillsborough/Tampa/Temple Terrace Reclaimed Recharge Study	\$166,709	\$0	\$329,209	NA
N604	Venice Reclaimed Water Interconnect Feasibility Study	\$29,209	\$0	\$54,209	NA
N629	Quail Hollow Golf Course Reclaimed Transmission Storage Pumping	\$203,171	\$0	\$403,171	0.100
N630	Rod Lincoln Groves Reclaimed Water Transmission	\$103,171	\$0	\$203,171	0.250
N649	Shady Hills Reclaimed Water Storage Tank	\$252,105	\$0	\$2,002,105	NA
N652	Hillsborough County 19th Ave Reclaimed Water Transmission	\$354,209	\$0	\$2,704,209	0.300
N654	Altman Groves Reclaimed Water Transmission Main	\$92,105	\$0	\$182,105	0.040
N666	Pasco Reclaimed Water Treatment Westland and Aquifer Recharge	\$397,237	\$0	\$781,737	NA
N667	North Port Reclaimed Water Transmission Main Phase 3	\$40,645	\$0	\$667,645	0.360
N670	Pasco County Starkey Ranch Reclaimed Water Transmission	\$385,830	\$225,000	\$610,830	0.420
N672	Zephyrhills Advanced Wastewater Treatment Project	\$1,250,000	\$0	\$9,330,000	2.190
N673	Bushnell Bethel Farms Wastewater reuse	\$909,833	\$0	\$909,833	0.210
PM02	PMO Water Supply Support	\$14,493	\$0	\$14,493	NA
PM07	PMO Cooperative Funding Support	\$74,514	\$0	\$74,514	NA
WC02	Reclaimed Water Sugarmill Woods Advanced Wastewater Reuse	\$4,005,975	\$0	\$12,005,975	0.470
Z557	Water Supply Support	\$268,770	\$1,199,261	\$1,468,031	NA
Z585	Project Management Office	\$348,441	\$740,902	\$1,089,343	NA
ZC57	Water Supply Support - CFI	\$46,753	\$0	\$46,753	NA
	<b>Total Reclaimed Water Projects</b>	<b>\$22,496,919</b>	<b>\$82,883,056</b>	<b>\$250,429,078</b>	<b>30.335</b>

**Table 6. FY2015 Brackish Groundwater Development Projects**

Project Number	Water Supply Development Assistance - Brackish Groundwater Development Projects (Programmatic Budget 2.2.2.4)	FY2015 Funding	Prior District Funding	Total Project Cost	Supply (mgd)
L825	Tarpon Springs Alternative Water Supply Project	\$3,749	\$20,173,515	\$45,035,369	5.000
N176	Clearwater Brackish Facility at Water Treatment Plant No. 2	\$4,396,604	\$10,853,016	\$30,466,510	5.000
N563	Belleair Brackish Groundwater Pilot Testing and Engineering for Potential Use	\$5,947	\$123,384	\$229,231	NA
N600	Punta Gorda Brackish Wellfield Investigation	\$1,502,960	\$0	\$3,002,960	NA
	<b>Total Brackish Groundwater Projects</b>	<b>\$5,909,260</b>	<b>\$31,149,915</b>	<b>\$78,734,070</b>	<b>10.000</b>

**Table 7. FY2015 Aquifer Recharge and Aquifer Storage and Recovery Projects**

Project Number	Water Supply Development Assistance - Aquifer Recharge & Aquifer Storage and Recovery Projects (Programmatic Budget 2.2.2.5)	FY2015 Funding	Prior District Funding	Total Project Cost	Supply (mgd)
K120	North Port Potable Water ASR for Potable Water	\$9,213	\$1,072,623	\$2,115,906	NA
K269	Sarasota County North Reclaimed Water ASR	\$7,068	\$1,605,472	\$3,298,922	NA
L608	Palmetto Reclaimed Water ASR	\$17,153	\$2,205,234	\$4,181,499	NA
N398	City of Oldsmar Reclaimed Water ASR	\$8,142	\$527,311	\$1,751,005	NA
N435	Bradenton Surface Water ASR for Potable Water	\$1,121,565	\$314,606	\$6,936,171	0.660
N665	Clearwater Groundwater Replenishment Project Phase 3	\$1,575,893	\$0	\$14,311,893	2.400
	<b>Total Aquifer Recharge/ASR Projects</b>	<b>\$2,739,034</b>	<b>\$5,725,246</b>	<b>\$32,595,396</b>	<b>3.060</b>

**Table 8. FY2015 Water Conservation Projects**

Project Number	Water Supply Development Assistance - Conservation Rebates, Retrofits, Etc. Projects (Programmatic Budget 2.2.2.7)	FY2015 Funding	Prior District Funding	Total Project Cost	Benefit (mgd)
N107	Braden River Soil Moisture Sensor Pilot Project	\$1,913	\$115,201	\$217,114	TBD
N321	Mira Bay Weather Based Controller Project	\$597	\$27,524	\$53,121	0.023
N363	Polk County Landscape Irrigation Evaluation	\$1,913	\$94,925	\$188,248	0.166
N365	Bay Laurel Center CDD Toilet Rebate Program	\$645	\$40,392	\$71,037	0.008
N382	Pasco County Toilet Rebate Program Phase 5	\$1,208	\$106,396	\$207,604	0.037
N397	Home Depot Rainwater Harvesting and Commercial Reuse	\$634	\$329,567	\$655,201	0.034
N411	Marion County Toilet Rebate Program Phase 2	\$1,208	\$52,085	\$103,293	0.016
N423	City of Venice Toilet Replacement Program Phase 2	\$597	\$47,401	\$90,748	0.016
N427	New Port Richey Toilet Rebate Program Phase 1	\$586	\$11,206	\$17,792	0.002

**Table 8. FY2015 Water Conservation Projects (continued)**

<b>Project Number</b>	<b>Water Supply Development Assistance - Conservation Rebates, Retrofits, Etc. Projects (Programmatic Budget 2.2.2.7)</b>	<b>FY2015 Funding</b>	<b>Prior District Funding</b>	<b>Total Project Cost</b>	<b>Benefit (mgd)</b>
N443	Manatee County Toilet Rebate Program Phase 6	\$597	\$113,401	\$222,748	0.022
N466	Pasco County Toilet Rebate Program Phase 6	\$604	\$13,247	\$23,851	0.003
N491	WRSWA Regional Irrigation System Evaluation Program Phase 2	\$1,935	\$102,144	\$200,179	0.058
N517	St. Petersburg Toilet Rebate Program Phase 14	\$1,913	\$50,556	\$102,469	0.017
N530	DeSoto County Hull Avenue Water Main Improvements to Reduce Flushing	\$3,666	\$1,071,761	\$1,431,952	0.127
N538	St. Petersburg Sensible Sprinkling Program Phase 6	\$1,913	\$50,556	\$102,469	0.041
N544	New Port Richey Toilet Rebate Program Phase 2	\$1,769	\$6,000	\$13,769	0.002
N553	Pasco County Toilet Rebate Program Phase 7	\$1,834	\$41,341	\$83,175	0.011
N568	City of Venice Plumbing Retrofit Program Phase 3	\$1,769	\$45,083	\$89,602	0.016
N571	Manatee County Toilet Rebate Program Phase 7	\$608	\$115,583	\$229,441	0.033
N593	New Port Richey Toilet Rebate Program Phase 3	\$7,769	\$0	\$13,769	0.002
N603	Port Richey Toilet Rebate Program	\$6,208	\$0	\$11,208	0.001
N613	Polk County Utilities Countywide Landscape Irrigation Evaluations	\$25,256	\$0	\$47,341	0.033
N620	Citrus County Rain Sensor Replacement Rebate Program	\$4,341	\$0	\$9,341	0.010
N623	Manatee County Toilet Replacement Rebate Program Phase 8	\$115,019	\$0	\$228,269	0.033
N625	City of Venice Plumbing Retrofit Program Phase 4	\$44,519	\$0	\$87,269	0.016
N634	Citrus County Toilet Rebate Program	\$7,070	\$0	\$20,004	0.004
N639	Marion County Utilities Toilet Rebate Program	\$33,708	\$0	\$131,208	0.010
N640	WRWSA Regional Landscape & Irrigation Evaluation Project	\$42,921	\$0	\$82,671	0.059
N655	St. Petersburg Toilet Replacement Program Phase 15	\$53,171	\$0	\$103,171	0.014
N662	Pasco County Toilet Rebate Program Phase 8	\$41,208	\$0	\$311,988	0.172
P374	Water Loss Reduction Program	\$29,588	\$282,400	\$311,988	5.600
P375	Indoor/Outdoor Water Conservation Program	\$33,096	\$296,993	\$330,089	NA
	<b>Total Conservation Rebates, Retrofits, Etc.</b>	<b>\$469,783</b>	<b>\$3,013,762</b>	<b>\$5,792,129</b>	<b>6.586</b>

**Table 9. FY2015 Total Funding for Water Supply Development Projects**

<b>Water Supply Development Assistance Project Totals (Programmatic Budget 2.2.2)</b>	<b>FY2015 Funding</b>
Surface Water Projects	\$750,000
Regional Potable Water Interconnects	\$10,256,562
Reclaimed Water Projects	\$22,496,919
Brackish Groundwater Development Projects	\$5,909,260
Aquifer Recharge and Aquifer Storage & Recovery Construction Projects	\$2,739,034
Conservation Rebates, Retrofits, Etc. Projects	\$469,783
<b>Total FY2015 Funding</b>	<b>\$42,621,558</b>

**Table 10. FY2015 Water Supply Planning Projects**

<b>Project Number</b>	<b>Water Supply Planning (Programmatic Budget 1.1.1)</b>	<b>FY2015 Funding</b>	<b>Prior District Funding</b>	<b>Total Project Cost</b>	<b>Supply (mgd)</b>
N380	Pasco County Reclaimed Water Master Plan	\$1,375	\$98,470	\$189,845	NA
N465	Polk County Comprehensive Water Supply Plan Update	\$4,201	\$202,670	\$395,871	NA
N493	PRMRWSA Regional Water Supply Master Plan	\$10,905	\$196,323	\$382,228	NA
N605	Burnt Store Wellfield Study	\$120,145	\$0	\$180,145	NA
P289	Central Florida Watershed Initiative	\$253,594	\$452,602	\$706,196	NA
P376	Water Use Estimation for Planning and Regulatory Support	\$104,855	\$694,760	\$799,615	NA
P377	Planning for Reuse and Alternative Supplies	\$50,104	\$412,544	\$462,648	NA
P466	Development of the 2015-2035 District Regional Water Supply Plan	\$58,572	\$214,267	\$272,839	NA
P526	Reclaimed Water Master Plan Coordination	\$25,000	\$49,000	\$74,000	NA
P872	Water Supply Planning and Report Preparation	\$144,486	\$1,667,035	\$1,811,521	NA
P910	Utility Population Estimation Model and Demographic Analysis	\$153,453	\$1,366,448	\$1,519,901	NA
	<b>Total Planning Projects</b>	<b>\$926,690</b>	<b>\$5,354,119</b>	<b>\$6,794,809</b>	<b>0.000</b>

**Notes for Tables 3 to 10:**

Acronyms: ASR – Aquifer Storage and Recovery, CFI – Cooperative Funding Initiative, CDD – Community Development District, FGUA – Florida Governmental Utility Authority, NWRUSA - Northwest Regional Utility Service Area, LFA - Lower Floridan Aquifer, MG – Million Gallon, mgd – Million Gallons per Day (annual average), PMO – Project Management Office (District), PRMRWSA – Peace River Manasota Regional Water Supply Authority, WRWSA – Withlacoochee Regional Water Supply Authority.

District funding for 2015 includes District project management expenses. The “Total Project Costs” may include cooperator shares and other non-District funding sources.



# Descriptions of New Water Supply Development Projects

There are 30 new WSD projects introduced in the District's FY2015 budget. These projects can be recognized in Tables 3 through 8 as having zero prior funding. Descriptions of each new project are sorted alphabetically below. The inclusion of these projects in the Work Program provides a mechanism for FDEP to formally evaluate the projects for consistency with the goals of the District's RWSP. By adoption, the projects are incorporated into the District's RWSP and become potentially eligible for state funding. Descriptions of continuing WSD projects can be found in the prior editions of the Work Program for the year the project was introduced. The prior editions are available for download at <https://www.swfwmd.state.fl.us/projects/wrdwp/>

## 1. Altman Groves Reclaimed Water Transmission Main (N654)

**Background** – This project is for construction of approximately 4,000 feet of 12-inch diameter reclaimed water main to primarily serve the Altman citrus grove for irrigation and frost/freeze protection. The project will utilize approximately 0.04 mgd of reclaimed water for agricultural purposes in the Northern Tampa Bay WUCA.

**Linkage to the Regional Water Supply Plan** – The District's commitment to maximizing reclaimed water reuse to offset traditional water supplies is described in Chapter 4, Section 2 in each regional volume of the 2010 RWSP.

**Status** – The project construction is expected to commence in spring 2015.

## 2. Bushnell Bethel Farms Advanced Wastewater Reuse (N673)

**Background** – This project involves upgrading the City of Bushnell's wastewater treatment facility to an advanced treatment capability to reduce nitrogen levels and improve water quality in the watershed. The project also includes construction of a linear wetland and storage pond to lower nitrogen levels, and construction of a reuse transmission system to supply reclaimed water to the Bethel Farms sod farm in the Panasoffkee springshed. The alternative supply will replace 0.21 mgd currently used at the farm. The project is receiving \$909,833 in FDEP funding.

**Linkage to the Regional Water Supply Plan** – The District's commitment to maximizing reclaimed water reuse to offset traditional water supplies is described in Chapter 4, Section 2 in each regional volume of the 2010 RWSP.

**Status** – Project timelines are being developed. The anticipated commencement is in spring 2015.

## 3. Citrus County Toilet Rebate Program (N634)

**Background** – This rebate program will provide financial incentives to customers of Citrus County Utilities to replace conventional toilets with high-efficiency toilets which use 1.28 gallons per flush or less. This project will provide rebates for the replacement of approximately 150 high-flow toilets, and conserve approximately 3,900 gallons per day.

**Linkage to the Regional Water Supply Plan** – Toilet replacement and plumbing retrofit programs are a component of the District's water conservation strategy as described in Chapter 4, Section 6.1 in each regional volume of the 2010 RWSP. The use of toilet rebate and plumbing retrofit programs are listed as a water supply development option in Chapter 5, Section 6.

**Status** – The project is commencing in October 2014 and will run through September 2015.

#### 4. Citrus County Rain Sensor Replacement Rebate Program (N620)

**Background** – This project provides financial incentives to customers of Citrus County Utilities for the replacement of approximately 100 rain sensors for irrigation systems. The project is anticipated to save approximately 10,000 gallons per day.

**Linkage to the Regional Water Supply Plan** – Water efficiency irrigation and landscape evaluations are a component of the District's water conservation strategy as described in Chapter 4, Section 6.1 in each regional volume of the 2010 RWSP.

**Status** – The project is commencing in February 2015 and will run through September 2015.

#### 5. Clearwater Groundwater Replenishment Project Phase 3 (N665)

**Background** – This project phase includes design, permitting and construction for the full-scale water purification plant, the injection water treatment system, and the injection and monitoring well systems to recharge 2.4 mgd annual average of purified reclaimed water. The project also includes continued public outreach activities. The project allows the City to fully utilize their reclaimed water, eliminate surface discharges, improve groundwater levels in the Northern Tampa Bay WUCA, and increase the City's future water supply potential from their existing wellfields.

**Linkage to the Regional Water Supply Plan** – This project is listed as a WRD Project in the Tampa Bay regional volume of the 2010 RWSP, Chapter 7, Section 2.1, pages 140-141.

**Status** – A feasibility study (Phase 1) and site/pilot testing (Phase 2) have been cooperatively funded as WRD projects in prior years. The design and permitting is commencing and will continue through December 2015. Construction will likely run through December 2017.

#### 6. Hillsborough County 19<sup>th</sup> Ave Reclaimed Water Transmission (N652)

**Background** – This multiyear project is for the design, permitting and construction of 11,000 feet of 20-inch and 5,000 feet of 16-inch diameter reclaimed water transmission main to supply 500 residential irrigation customers in the Harbor Isles subdivision, and to supply reclaimed water to an expanded recharge project in the Apollo Beach area. The project will provide 0.30 mgd of reclaimed water for residential irrigation to customers and to enable the future supply of 4.0 mgd in the Most Impacted Area of the SWUCA.

**Linkage to the Regional Water Supply Plan** – The District's commitment to maximizing reclaimed water reuse to offset traditional water supplies is described in Chapter 4, Section 2 in each regional volume of the 2010 RWSP. The project was not specifically mentioned as a project option in the RWSP, but is consistent with similar project components.

**Status** – Design and permitting is commencing October 2014, and construction is expected to commence in fall 2015.

#### 7. Hillsborough County/Tampa/Temple Terrace Reclaimed Water Recharge Study (N601)

**Background** – This feasibility study will evaluate the technical, regulatory, and financial feasibility of using an estimated 25 mgd of excess reclaimed water to significantly increase direct and indirect recharge opportunities (recharge wells, rapid infiltration basins, and high intensity spray fields) in Hillsborough County. The study will evaluate options to develop 25 mgd of recharge in the Dover/Plant City WUCA, Northern Tampa Bay WUCA, and Most Impacted Areas of the SWUCA. If constructed, the options may assist in meeting MFLs, reduce saltwater intrusion, and reduce effluent disposal into Tampa Bay.

**Linkage to the Regional Water Supply Plan** – The District's commitment to maximizing reclaimed water reuse to offset traditional water supplies is described in Chapter 4, Section 2 in each regional

volume of the 2010 RWSP. The project was not specifically mentioned as a project option in the RWSP, but is consistent with similar project components.

**Status** – The project is commencing, and the feasibility study is due in September 2015.

#### **8. Manatee County Toilet Replacement Rebate Program Phase 8 (N623)**

**Background** – This rebate program provides incentives to customers of Manatee County Utilities for the replacement of conventional toilets with high-efficiency or low-flow toilets which use 1.6 gallons per flush or less. This project will provide rebates for the replacement of approximately 1,500 high-flow toilets. The anticipated conservation savings is 33,000 gallons per day.

**Linkage to the Regional Water Supply Plan** – Toilet replacement and plumbing retrofit programs are a component of the District's water conservation strategy as described in Chapter 4, Section 6.1 in each regional volume of the 2010 RWSP. The use of toilet rebate and plumbing retrofit programs are listed as a water supply development option in Chapter 5, Section 6.

**Status** – The rebates program is scheduled to commence in March 2015 and continue through March 2016.

#### **9. Marion County Utilities Toilet Rebate Program (N639)**

**Background** – This rebate program provides financial incentives to customers of Marion County Utilities for the replacement of conventional toilets with high-efficiency toilets which use 1.28 gallons per flush or less. This project will provide rebates for the replacement of approximately 400 high-flow toilets and conserve an estimated 10,200 gallons per day.

**Linkage to the Regional Water Supply Plan** – Toilet replacement and plumbing retrofit programs are a component of the District's water conservation strategy as described in Chapter 4, Section 6.1 in each regional volume of the 2010 RWSP. The use of toilet rebate and plumbing retrofit programs are listed as a water supply development option in Chapter 5, Section 6.

**Status** – The project is commencing and scheduled to run through September 2016.

#### **10. New Port Richey Toilet Rebate Program Phase 3 (N593)**

**Background** – This rebate program offers financial incentives to customers of the New Port Richey utilities department for the replacement of conventional toilets with high-efficiency toilets which use 1.28 gallons per flush or less. This project will provide rebates for the replacement of approximately 80 high-flow toilets and conserve an estimated 2,000 gallons per day.

**Linkage to the Regional Water Supply Plan** – Toilet replacement and plumbing retrofit programs are a component of the District's water conservation strategy as described in Chapter 4, Section 6.1 in each regional volume of the 2010 RWSP. The use of toilet rebate and plumbing retrofit programs are listed as a water supply development option in Chapter 5, Section 6.

**Status** – The project is scheduled to commence on April 2015 and continue through October 2016.

#### **11. North Port Reclaimed Water Transmission Main Phase 3 (N667)**

**Background** – This project is for the design, permitting, and construction of reclaimed water transmission infrastructure that includes approximately 3,000 feet of 18-inch and 6,000 feet of 12-inch diameter reclaimed water lines and necessary appurtenances to supply 0.36 mgd of reclaimed water to residential and commercial customers, a golf course, and a recreational park all within the SWUCA.

**Linkage to the Regional Water Supply Plan** – The District's commitment to maximizing reclaimed water reuse to offset traditional water supplies is described in Chapter 4, Section 2 in each regional

volume of the 2010 RWSP. The project was not specifically mentioned as a project option in the RWSP, but is consistent with similar project components.

**Status** – Project design work is commencing in February 2015. Construction is scheduled to commence in January 2016.

## **12. Oak Run to JB Ranch Reclaimed Water Main (N596)**

**Background** – This project is for design, permitting, and construction of approximately 15,200 feet of 12-inch reclaimed water line to the JB Ranch residential development in the Rainbow Springs watershed. The project will allow utilization of 0.27 mgd of reclaimed water to reduce groundwater pumpage in the watershed.

**Linkage to the Regional Water Supply Plan** – The District's commitment to maximizing reclaimed water reuse to offset traditional water supplies is described in Chapter 4, Section 2 in each regional volume of the 2010 RWSP. The project was not specifically mentioned as a project option in the RWSP, but is consistent with similar project components.

**Status** – Project design is commencing in November 2014, and construction is scheduled to begin in October 2015.

## **13. Pasco County Toilet Rebate Program Phase 8 (N662)**

**Background** – This rebate program provides financial incentives to customers of Pasco County Utilities for the replacement of conventional toilets with high-efficiency toilets which use 1.28 gallons per flush or less. This project will provide rebates for the replacement of approximately 500 high-flow toilets and conserve an estimated 14,000 gallons per day.

**Linkage to the Regional Water Supply Plan** – Toilet replacement and plumbing retrofit programs are a component of the District's water conservation strategy as described in Chapter 4, Section 6.1 in each regional volume of the 2010 RWSP. The use of toilet rebate and plumbing retrofit programs are listed as a water supply development option in Chapter 5, Section 6.

**Status** – The rebate period is commencing October 2014.

## **14. Pasco County Starkey Ranch Reclaimed Water Transmission (N670)**

**Background** – This multiyear project is for the construction of approximately 10,994 feet of 16-inch transmission main to provide reclaimed water to an initial 388 irrigation customers (385 single family residential and 3 commercial/civic users) in the Starkey Ranch development. The project will provide 0.42 mgd of reclaimed water for irrigation in the Northern Tampa Bay WUCA.

**Linkage to the Regional Water Supply Plan** – The District's commitment to maximizing reclaimed water reuse to offset traditional water supplies is described in Chapter 4, Section 2 in each regional volume of the 2010 RWSP. The project was not specifically mentioned as a project option in the RWSP, but is consistent with similar project components.

**Status** – The project received out-of-cycle funding from the District's Governing Board in May 2014. Construction is commencing and scheduled for completion in July 2015.

## **15. Pasco County Reclaimed Water Treatment Westland and Aquifer Recharge (N666)**

**Background** – This project is for the design, permitting, and construction of a reclaimed water recharge facility in central Pasco County. The project will create approximately 470 acres of treatment wetlands, a rapid infiltration basin, and the potential to help restore approximately 1,000 acres of natural surface water systems and contribute to the Northern Tampa Bay recovery.

**Linkage to the Regional Water Supply Plan** – The District’s commitment to maximizing reclaimed water reuse to offset traditional water supplies is described in Chapter 4, Section 2 in each regional volume of the 2010 RWSP. The project was not specifically mentioned as a project option in the RWSP, but is consistent with similar project components.

**Status** – The 30-percent design phase has commenced. Project timelines are not yet determined.

#### **16. Polk County Partnership (H094)**

**Background** – This project is designed to achieve two primary objectives:

- (a) The development of at least 20 mgd and up to 30 mgd of alternative water supply through the construction of the Polk Southeast Wellfield and a regional transmission system. The wellfield is anticipated to produce 20 mgd of new potable water supply by 2042 to meet demands of Polk County Utilities and the municipalities within Polk County. The new supply would be used as a base supply for 30 years. The provision of an additional 10 mgd may be acquired from either the Southeast Wellfield or other eligible projects, potentially utilizing the Lower Floridan aquifer.
- (b) The creation of a Regional Water Supply Entity that will construct and operate the Southeast Wellfield and any other eligible projects, and will promote regional cooperation among Polk County and the municipalities within Polk County.

The appropriation of funds in FY2015 helps to assure the District’s commitment with the regional water supply entity and encourages the participation of municipalities. The project addresses water demands in the Polk County portion of the Central Florida Watershed Initiative planning region.

**Linkage to the Regional Water Supply Plan** – The evaluation of the Lower Floridan aquifer for the Polk Southeast Wellfield and other alternative supplies was discussed in RWSP in Chapter 4, Section 3, of the Heartland regional volume. Development of regional interconnections to the Southeast Wellfield was a project option included in Chapter 5, Section 5.

**Status** – The District is facilitating the development of umbrella agreements designed to achieve the two primary objectives. Project funds are reserves necessary to incentivize and develop large-scale regional project options.

#### **17. Polk County Utilities Countywide Landscape Irrigation Evaluations (N613)**

**Background** – This conservation project will provide approximately 200 irrigation system evaluations to single family, multi-family, and commercial customers. These evaluations will come with recommendations for optimizing the use of water outdoors through Florida-Friendly Landscaping™ practices and other efficient irrigation best management practices. Approximately 22 rain sensor devices will be provided and installed for project participants who do not have a functioning device. The project will conserve an estimated 32,600 gallons per day reducing demand for potable water in the SWUCA.

**Linkage to the Regional Water Supply Plan** – Water efficiency irrigation and landscape evaluations are a component of the District’s water conservation strategy as described in Chapter 4, Section 6.1 in each regional volume of the 2010 RWSP. The use of evaluation programs is listed as a water supply development option in Chapter 5, Section 6.

**Status** – The project is commencing, and evaluations are scheduled to run through September 2016.



## 18. Port Richey Toilet Rebate Program (N603)

**Background** – This rebate program provides financial incentives to customers of the Port Richey utility department for the replacement of conventional toilets with high-efficiency toilets which use 1.28 gallons per flush or less. This project will provide rebates for the replacement of approximately 60 high-flow toilets and conserve an estimated 1,400 gallons per day.

**Linkage to the Regional Water Supply Plan** – Toilet replacement and plumbing retrofit programs are a component of the District's water conservation strategy as described in Chapter 4, Section 6.1 in each regional volume of the 2010 RWSP. The use of toilet rebate and plumbing retrofit programs are listed as a water supply development option in Chapter 5, Section 6.

**Status** – Project is commencing and scheduled to run through September 2015.

## 19. PRMRWSA Peace River Facility Treatment Capacity Expansion 3 mgd (N671)

**Background** – The Peace River Manasota Regional Water Supply Authority (PRMRWSA) is currently refurbishing a surface water treatment facility originally constructed in the late 1970s and acquired by the PRMRWSA in 1991. During the engineering phase, they identified an opportunity to increase the facility's treatment capacity from 12 mgd to 15 mgd by upsizing components and increasing pump capacity at a cost of \$3 million. The PRMRWSA received a state of Florida 2014-2015 grant in the amount of \$1.5 million for the capacity expansion. The District is cooperatively funding 50 percent of the remaining portion of the project costs in the amount of \$750,000.

**Linkage to the Regional Water Supply Plan** – The utilization of surface water from the Peace River as an alternative water supply is described in Chapter 4, Section 1, of the 2010 RWSP Southern regional volume. A prior expansion of the PRMRWSA Facility was listed as a project under development in Chapter 6.

**Status** – The project is scheduled to commence January 2015.

## 20. PRMRWSA Regional Interconnect Phase 1 to Punta Gorda Design (N416)

**Background** – This project includes design and permitting services only. The Phase 1 interconnect project would provide regional transmission capacity to the City of Punta Gorda and unincorporated Charlotte and DeSoto counties along the US-17 corridor. The Phase 1 interconnect includes 6 miles of 24-inch diameter transmission main from an existing regional transmission line along US-17 south to a direct connection at the Shell Creek water treatment facility in Charlotte County. The project design was initially developed in 2008. This project will update the design and probable costs based on changes to easements, anticipated use, and revised necessity of storage and pumping components.

**Linkage to the Regional Water Supply Plan** – The Phase 1 Regional Interconnect is a portion of the Regional Integrated Loop System described as a project option in Chapter 5, Section 1, of the 2010 RWSP Southern planning volume.

**Status** – A solicitation for professional services is scheduled for November 2014. The projected completion is April 2016.

## 21. Punta Gorda Brackish Wellfield Investigation (N600)

**Background** – This exploratory well testing program includes the design and construction of an exploration well to 2,000 feet below land surface, monitor and test production wells for aquifer performance testing with brackish byproduct, data collection, groundwater modeling analysis, and report preparation. The project will improve understanding of water quality, sustainability of withdrawals, and hydrogeologic characteristics of the intermediate and Upper Floridan aquifer systems in the southern portion of the District. The project benefits the City of Punta Gorda by providing data for a water use permit modification for their planned 4 mgd brackish groundwater reverse osmosis facility.



**Linkage to the Regional Water Supply Plan** – The utilization of brackish groundwater is described in Chapter 4, Section 4 of the Southern regional volume of the 2010 RWSP. The City's planned reverse osmosis facility was described as an ongoing project in Chapter 6, Section 3; however, the project was postponed after publication.

**Status** – Project is commencing in November 2014. A final report is due by August 2016.

## **22. Quail Hollow Golf Course Reclaimed Water Transmission/Storage/ Pumping (N629)**

**Background** – This project is for design, permitting, and construction of reclaimed water infrastructure including 1,000 feet of 6-inch reclaimed water transmission piping and a 1.0 mgd pump station to provide additional reclaimed water flows to the Quail Hollow golf course in Pasco County. The project will provide an additional 0.1 mgd annually for irrigation.

**Linkage to the Regional Water Supply Plan** – The District's commitment to maximizing reclaimed water reuse to offset traditional water supplies is described in Chapter 4, Section 2 in each regional volume of the 2010 RWSP. The project was not specifically mentioned as a project option in the RWSP, but is consistent with similar project components.

**Status** – Project construction is scheduled to begin in January 2015.

## **23. Rod Lincoln Groves Reclaimed Water Transmission (N630)**

**Background** – This project is for design, permitting, and construction of reclaimed water distribution infrastructure including 3,200 feet of 12-inch diameter reclaimed water lines and necessary appurtenances to provide reclaimed water service to Rod Lincoln groves and hayfields in Pasco County. The project will provide 0.25 mg of reclaimed water for irrigation of a citrus grove and hayfield.

**Linkage to the Regional Water Supply Plan** – The District's commitment to maximizing reclaimed water reuse to offset traditional water supplies is described in Chapter 4, Section 2 in each regional volume of the 2010 RWSP. The project was not specifically mentioned as a project option in the RWSP, but is consistent with similar project components.

**Status** – Project construction is scheduled to begin in January 2015.

## **24. Shady Hills Reclaimed Water Storage Tank (N649)**

**Background** – This project is for design, permitting, and construction of a 5 mg reclaimed water storage tank at Pasco County's Shady Hills regional wastewater treatment facility. The tank will provide diurnal storage of reclaimed water for irrigation purposes to existing and future customers.

**Linkage to the Regional Water Supply Plan** – The District's commitment to maximizing reclaimed water reuse to offset traditional water supplies is described in Chapter 4, Section 2 in each regional volume of the 2010 RWSP. The project was not specifically mentioned as a project option in the RWSP, but is consistent with similar project components.

**Status** – Project construction is scheduled to begin in December 2014.

## **25. St. Petersburg Toilet Replacement Program Phase 15 (N655)**

**Background** – This project provides financial incentives to St. Petersburg utility customers for the replacement of conventional toilets with high-efficiency toilets which use 1.28 gallons per flush or less. This project will provide rebates for the replacement of approximately 600 high-flow toilets and conserve an estimated 14,300 gallons per day.

**Linkage to the Regional Water Supply Plan** – Toilet replacement and plumbing retrofit programs are a component of the District's water conservation strategy as described in Chapter 4, Section 6.1 in each regional volume of the 2010 RWSP. The use of toilet rebate and plumbing retrofit programs are listed as a water supply development option in Chapter 5, Section 6.

**Status** – The project is scheduled to commence in February 2015 and continue through February 2016.

## **26. Sugarmill Woods Advanced Wastewater Reuse (WC02)**

**Background** – This project includes design, permitting, and construction of advanced wastewater treatment facilities at the Sugarmill Woods wastewater treatment facility to provide 2.0 mgd of additional nutrient removal using conventional and denitrification filters. The project is expected to reduce nutrient loading within the Chassahowitzka Springs springshed. The project also includes design, permitting, and construction of approximately 29,000 feet of 12-inch diameter reclaimed lines and a 2.0 mgd pump station to provide 0.47 mgd of reclaimed water annually to two existing golf courses and one future golf course in Citrus County. The project is receiving \$4,000,000 in FDEP funding.

**Linkage to the Regional Water Supply Plan** – The District's commitment to maximizing reclaimed water reuse to offset traditional water supplies is described in Chapter 4, Section 2 in each regional volume of the 2010 RWSP. The project was not specifically mentioned as a project option in the RWSP, but is consistent with similar project components.

**Status** – A design consultant has been selected and design is commencing. The projected completion dates are December 2017 for the advanced treatment facility and December 2018 for the reclaimed water lines.

## **27. Venice Plumbing Retrofit Program Phase 4 (N625)**

**Background** – This project provides financial incentives to customers of the Venice utilities department for the replacement of conventional toilets and urinals with high-efficiency models which use 1.6 and 0.5 gallons per flush or less. This project will provide rebates for the replacement of approximately 400 high-flow toilets and 500 conservation kits to conserve an estimated 16,000 gallons per day.

**Linkage to the Regional Water Supply Plan** – Toilet replacement and plumbing retrofit programs are a component of the District's water conservation strategy as described in Chapter 4, Section 6.1 in each regional volume of the 2010 RWSP. The use of toilet rebate and plumbing retrofit programs are listed as a water supply development option in Chapter 5, Section 6.

**Status** – The rebates are scheduled to begin in August 2015 and continue to January 2017.

## **28. Venice Reclaimed Water Interconnect Feasibility Study (N604)**

**Background** – This feasibility study will evaluate the technical, regulatory and financial feasibility of a reclaimed water interconnect between the City of Venice and Sarasota County's reclaimed water systems. The improvements identified as a result of this study will likely increase the quantity of reclaimed water available for existing and future City of Venice reclaimed water customers, and decrease Sarasota County's disposal of wastewater effluent via deep disposal wells in the SWUCA.

**Linkage to the Regional Water Supply Plan** – The District's commitment to maximizing reclaimed water reuse to offset traditional water supplies is described in Chapter 4, Section 2 in each regional volume of the 2010 RWSP. The project was not specifically mentioned as a project option in the RWSP, but is consistent with similar project components.

**Status** – Project is commencing, and the final report is due in September 2015.

## **29. WRWSA Regional Landscape and Irrigation Evaluation Project (N640)**

**Background** – This conservation project will provide approximately 140 irrigation system evaluations to high-water use, single family residential customers within the four-county region of the Withlacoochee Regional Water Supply Authority. These evaluations will come with recommendations for optimizing the use of water outdoors through Florida-Friendly Landscaping™ practices and other efficient irrigation best management practices. Rain sensor devices will be provided and installed for project participants who do not have a functioning device.

**Linkage to the Regional Water Supply Plan** – Water efficiency irrigation and landscape evaluations are a component of the District's water conservation strategy as described in Chapter 4, Section 6.1 in each regional volume of the 2010 RWSP. The use of evaluation programs is listed as a water supply development option in Chapter 5, Section 6.

**Status** – The project is commencing, and evaluations are scheduled through December 2016.

## **30. Zephyrhills Advanced Wastewater Treatment (N672)**

**Background** – This project will upgrade the City of Zephyrhills wastewater treatment facility to 4.5 mgd capacity of advanced treatment capability through the design, permitting, and construction of denitrification system components and a wetlands recharge area. The project will lower nitrogen levels in the reclaimed water to less than 1 milligram per liter. The project also includes design, permitting, and construction of a reuse transmission system including 2 miles of 16-inch diameter mains and a 4.5 mgd pump station to deliver treated water to the recharge area. The project is located within the Crystal Springs springshed and is receiving \$1,250,000 in FDEP funding.

**Linkage to the Regional Water Supply Plan** – The District's commitment to maximizing reclaimed water reuse to offset traditional water supplies is described in Chapter 4, Section 2 in each regional volume of the 2010 RWSP. The project was not specifically mentioned as a project option in the RWSP, but is consistent with similar project components.

**Status** – The project is commencing October 2014 and is scheduled to continue through December 2016.

# Funding Sources

District matching funds for water resource development and water supply development projects are provided through the District's Cooperative Funding Initiative, which consists of the Water Supply and Resource Development and Cooperative Funding programs, and other District Initiatives. Portions of state funding are allocated to the District through state appropriations for the state's Water Protection and Sustainability Program, the District's West-Central Florida Water Restoration Action Plan, the state's Florida Forever Program, the District's FARMS Program, and FDEP funding for the Springs Initiative. These sources are described below.

## District Funding

**Cooperative Funding Initiative** - The primary funding mechanism is the District's Cooperative Funding Initiative (CFI), which includes the cooperative funding program for more localized projects and the Water Supply and Resource Development (WSRD) program for larger, regional projects. The Governing Board, through its Regional Sub-Committees, jointly participates with local governments and other entities to ensure proper development, use and protection of the regional water resources of the District. The CFI is a matching grant program and projects of mutual benefit are generally funded 50 percent by the District and 50 percent by the public or private cooperators. Any state and federal funds received for the projects are applied directly against the project costs, with both parties benefitting equally. The CFI has been highly successful; and since 1988, the District has provided over \$1.3 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** - District Initiatives are funded in cases where a project is of great importance or priority to a region. The District can increase its percentage match and in some cases provide total funding for the project. Examples of these initiatives include: (1) the QWIP initiative to plug deteriorated, free-flowing wells that waste water and cause inter-aquifer contamination, (2) the leak detection program to conserve water by having District staff inspect and detect leaks in public water system pipelines, (3) data collection and analysis to support major District initiatives such as the MFL program, and (4) various agricultural research projects designed to increase the water-use efficiency of agricultural operations.

## State Funding

**Springs Initiative** - The FDEP 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 to reduce groundwater withdrawals and nutrient loading within first-magnitude springsheds to improve the water quality and quantity of spring discharge. Projects include the reestablishment of aquatic and shoreline vegetation near spring vents, installation of wastewater force mains to allow for the removal of septic tanks and increase reclaimed water production, and implementation of BMPs within springshed basins.

The first year of the appropriation was FY2013, and \$1.1 million was allocated by the District to an industrial reuse project to transfer reclaimed water from the City of Crystal River to the Duke Energy power generation complex. In FY2014, the District included \$1.35 million of Springs Initiative appropriations to two stormwater improvement projects and one wastewater/reclaimed water project. In FY2015, \$6.46 million of FDEP Springs Initiative funding is budgeted for four wastewater/reclaimed water projects.

**Water Protection and Sustainability Program** - The state of Florida's Water Protection and Sustainability Program was created in the 2005 legislative session through Senate Bill 444. The program provides matching funds for the District's CFI and WSRD program for alternative water supply development assistance. For 2006, the first year of funding, the Legislature allocated \$100 million for

alternative water supply development assistance, with \$25 million allocated for the District. The District was allocated \$15 million in FY2007 and \$13 million in FY2008. In FY2009, the District was allocated \$750,000, for two specific projects. The reduced funding is related to the state's budget constraints resulting from the economic downturn and the declining real estate industry. From FY2010 through FY2015, the state did not allocate funding for the program. During the 2009 legislative session, the Legislature passed Senate Bill 1740 which recreated the Water Protection and Sustainability Trust Fund as part of Chapter 373, F.S., indicating the state's continued support for the program. It is anticipated that the state will resume its funding for the program when economic conditions improve.

The state funds are applied toward the maximum 20 percent of the construction costs of eligible projects. In addition, the Legislature has 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. If funding is continued by the Legislature, the state's Water Protection and Sustainability Program could serve as a significant source of matching funds to assist in the development of alternative water supplies.

**West-Central Florida Water Restoration Action Plan** - The West-Central Florida Water Restoration Action Plan (Plan) is an implementation plan for components of the SWUCA Recovery Strategy adopted by the District. The document outlines the District's strategy for ensuring that adequate water supplies are available to meet growing demands, while at the same time protecting and restoring the water and related natural resources of the area. The Plan prescribes measures to implement the recovery strategy and quantifies the funds necessary, making it easier for the District to seek funding for the initiative from state and federal sources. In 2009, the Legislature officially recognized the Plan through Senate Bill 2080, creating Section 373.0363, F.S., as the District's regional environmental restoration and water-resource sustainability program for the SWUCA. In FY2009, the District received \$15 million in funding for the Plan. Again, due to economic conditions, no new funding was provided for FY2010 through FY2015. It is anticipated that the state will again provide funding for the Water Restoration Action Plan as the economy stabilizes.

**The Florida Forever Program** - The Florida Forever Act, passed in 1999, was a \$10 billion, 10-year, statewide program. A bill to extend the Florida Forever program was passed by the Legislature during the 2008 legislative session, allowing the Florida Forever program to continue for 10 more years at \$300 million annually, and reducing the annual allocation to water management districts from \$105 million to \$90 million, with \$22.5 million (25 percent) to be allocated to the District, subject to annual appropriation. For FY2010, the Legislature did not appropriate funding for the Florida Forever program, other than for the state's debt service. For FY2011, the 2010 Legislature appropriated \$15 million in total with \$1.125 million allocated to the District. For FY2012 through FY2015 the Legislature did not appropriate funding for the District. In FY2015 the District budgeted \$2.75 million for land acquisition, from prior year funds held in the State Florida Forever Trust Fund for this District and in the District's accounts. The funds held in District accounts have been generated through the sale of easements to the U.S. Department of Agriculture/Natural Resources conservation Services for the Wetland Reserve Program and the sale of land or easements for rights-of-way. These funds are available for potential land acquisitions consistent with the guidance provided by the FDEP.

The District has allocated \$95 million (\$81.6 million for land acquisition and \$13.4 million for water body restoration) of Florida Forever funding in support of water resource development. A "water resource development project" is defined as a project eligible for funding pursuant to Section 259.105, F.S., (Florida Forever) 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 Florida Forever program includes land acquisition, land and water body restoration, ASR facilities, surface water reservoirs and other capital improvements. An example of how the funds were used 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 acquired on a voluntary basis and through eminent domain proceedings.



**State Funding for the FARMS Program** - Operating under Rule 40D-26, F.A.C., the FARMS Program, through the District, utilizes additional state funding when available. Since the inception of the program, the District has received \$6.4 million in state appropriations and \$1.3 million from the FDACS. No funding was provided by the state from FY2010 through FY2015.

**U.S. Department of Agriculture-Natural Resources Conservation Service (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 provides assistance to farmers and ranchers to comply with federal, state of Florida, and tribal environmental laws that encourage environmental enhancement. The purpose of the program is achieved through the implementation of a conservation plan, which includes structural, vegetative, and land management practices. The program is carried out primarily in priority areas that may be watersheds, regions and/or multistate areas where significant resource concerns exist. Water supply and nutrient management through detention/retention or tailwater recovery ponds can be pursued through this program.

In addition to EQIP, the FARMS Program has partnered with NRCS through the Agriculture Water Enhancement Program (AWEP) and the Florida West Coast Resource Conservation and Development (RC&D) to bring additional NRCS cost-share funding to the SWUCA. The AWEP was created by the 2008 Farm Bill with similar goals as the EQIP program including conserving and/or improving the quality of ground and surface water. The RC&D is a nonprofit organization that promotes sustainable agriculture and local community food systems in Hillsborough, Manatee, Pinellas, and Sarasota counties.

The District's FARMS Program works cooperatively with the NRCS EQIP, AWEP, and RC&D programs on both financial and technical levels. In this effort, FARMS staff has coordinated dual cost-share projects whenever possible. By an agreement between the District, FDACS, and the NRCS, the maximum funding for using both FARMS and EQIP is 75 percent of total project cost. To date, 40 FARMS projects have involved some level of dual cost-share with EQIP, AWEP, or the RC&D, with several additional cooperative projects expected in the near future. On a technical level, agency interaction includes using the NRCS mobile irrigation lab to investigate using FARMS cost-share for improvements to overall irrigation system efficiency, using NRCS engineering designs for regulatory agricultural exemptions whenever possible, and coordinating cost-share on specific project related infrastructure. As an example, FARMS may assist with an alternative source of irrigation water and EQIP assists with an upgrade to an irrigation delivery system. The relationship is mutually beneficial, extends cost-share dollars, and provides more technical assistance to participants in both programs.



## Summary/Conclusions

The water resource and water supply development projects and funds identified in the Work Program reflect the District's continuing commitment to ensure that adequate water resources are available to meet both existing and future reasonable-beneficial needs. The FY2015 budget for WRD Data Collection and Analysis activities and WRD Projects is approximately \$24.5 million and \$7.5 million respectively. Funding for Data Collection and Analysis is expected to remain fairly constant over the next five years. The multiyear WRD Projects funding is likely to increase over the next five years as the construction phases of multiple projects commence, including future phases of the Upper Myakka/Flatford Swamp Hydrologic Restoration. The District plans to continue implementing FARMS projects at a cost of approximately \$6 million each year. The District is maintaining its water resource development efforts with a strong emphasis on agricultural irrigation efficiency projects to reduce groundwater withdrawals and improve aquifer levels, and watershed management activities that will be critical for flood protection, water quality, and springshed health. The District also continues its investigations of aquifer recharge feasibility and the viability of the Lower Floridan aquifer as a new water resource for the Heartland planning region. This research is expected to create new water supply options available for development as water demands increase.

Water Supply Development funding in FY2015 is approximately \$42.6 million, which includes funding made possible through the Springs Initiative. An additional \$0.93 million is scheduled for water supply planning efforts that support future Water Supply Development. Utilities continue to implement reclaimed water and conservation projects to extend the availability of existing water supplies. Reclaimed water projects account for 53 percent of the budget for Water Supply Development assistance in FY2015. The District anticipates that approximately \$20 million will be available for reclaimed water projects each year. Funding for regional interconnects has increased due to the reserves scheduled for the Polk County Partnership project, which will help ensure the availability of potable water supply in the Polk County portion of the Central Florida Watershed Initiative planning region. Funding for new water supply development will likely increase within the next five years; utilities and water authorities are expected to request funding assistance for new water supply projects in proportion with economic and population growth.

## RESOURCE MANAGEMENT COMMITTEE

September 30, 2014

### *Consent Agenda*

#### **Board Designated Encumbrance-Hydrogeological Investigation of the Lower Floridan Aquifer in Polk County (P280)**

##### *Purpose*

Request approval to encumber \$2 million in current year funds, without a contract, to roll into fiscal year (FY) 2015 for the hydrogeological investigation.

##### *Background/History*

This project explores the Lower Floridan aquifer (LFA) in Polk County to assess its viability as an alternative water supply (AWS) source as well as to gain a better understanding of the LFA characteristics and groundwater quality. Available funding for the project will enable exploration at three sites. Due to a delay in finalizing agreements with the consultants and site selection the District-budgeted funds remain uncommitted. The District funds will be allocated, once the consultant agreements, contractor agreements, and site selections are finalized.

##### Staff Recommendation:

Approve to encumber \$2 million in current year funds, without a contract, to roll into FY2015 for the Hydrogeological Investigation of the Lower Floridan aquifer in Polk County.

Presenter: Mark A. Hammond, Director, Resource Management Division

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**September 30, 2014**

***Consent Agenda***

**Budget Transfer Report**

*Purpose*

Request approval of the Budget Transfer Report covering all budget transfers made during the month of August 2014.

*Background*

In accordance with Board Policy No. 130-8, *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 2014.

Presenter: Cathy A. Linsbeck, Budget Manager

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**  
**Budget Transfer Report**  
**August 2014**

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category			
<b>Executive Approved</b>					
1	Water Use Permit Consultant Services	Water Resources Consultant Services	Transfer of funds originally budgeted for the Dover and Plant City Automatic Meter Reading Program for maintenance of installed meters. Expenditures are projected to be less than originally anticipated. Funds are needed for the District's match with St Johns River and South Florida water management districts for the Central Florida Water Initiative Solution Plan.	\$	21,420
2	Natural Systems & Restoration Consultant Services	Natural Systems & Restoration Contracted Construction	Transfer of funds originally budgeted for the Florida Department of Transportation (FDOT) Mitigation Program - Maintenance & Monitoring. Expenditures are projected to be less than originally anticipated. Funds are required for construction of the FDOT Mitigation - Brooker Creek Buffer Preserve project.		27,560
3	Natural Systems & Restoration Contracted Construction	Natural Systems & Restoration Contracted Construction	Transfer of funds originally budgeted for the Kracker Avenue Restoration project. Expenditures are projected to be less than originally anticipated. Funds are needed for the Frostproof - Lake Clinch project due to construction bids coming in higher than budget.		4,989
4	Natural Systems & Restoration Contracted Construction	Natural Systems & Restoration Contracted Construction Consultant Services	Transfer of funds originally budgeted for the Kracker Avenue Restoration project. Expenditures are projected to be less than originally anticipated. Funds are needed for the Three Sisters Springs Wetland Treatment project due to construction bids coming in higher than budget.		49,848
5	Operations & Land Management Equipment - Non-Capital Outlay	Operations & Land Management Equipment - Outside	Transfer of funds originally budgeted for a replacement dissolved oxygen meter for the Vegetation Management Program. Funds are still needed for the same purpose; however, due to the cost of the equipment a transfer is required to the appropriate expenditure category.		700
6	Data Collection Equipment - Non-Capital Outlay	Operations & Land Management Equipment - Outside	Transfer of funds originally budgeted for well casing for the Regional Observation and Monitor-well Program (ROMP). Expenditures are projected to be less than originally anticipated. Funds are required for the purchase of a new Sandvik Safe-T-Spin tool used for the ROMP well construction.		48,976
7	Data Collection Maint/Repair Equipment	Data Collection Other Contractual Services	Transfer of funds originally budgeted for maintenance and repair of equipment for water quality sample collections. Expenditure are projected to be less than originally anticipated. Funds are required for the disposal of chemical wastes being stored in the laboratory.		3,155
<b>Total Executive Approved</b>				<b>\$</b>	<b>156,648</b>
<b>Finance Bureau Chief Approved</b>					
1	Water Resources Grant - Financial Assistance	Water Resources Grant - Water Conservation	Transfer of budgeted funds to the appropriate expenditure category for the Polk's Northwest Regional Utility Service Area Reclaimed Water Storage and Pumping Station.	\$	682,174
2	Water Resources Consultant Services	Water Resources Consultant Services	Transfer of budgeted funds from completed Digital Flood Insurance Rate (FIRMs) Map project to an on-going project. The Citrus County FIRMs project was completed under budget; therefore FEMA has authorized the use of the remaining funds to complete the on-going map modernization project in Sarasota County.		22,516

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**  
**Budget Transfer Report**  
**August 2014**

Item No.	--- TRANSFERRED FROM ---	--- TRANSFERRED TO ---	Reason For Transfer	Transfer Amount
	Bureau / Expenditure Category	Bureau / Expenditure Category		
3	Natural Systems & Restoration Consultant Services	Operations & Land Management Salaries Rental of Other Equipment Central Garage Charges Parts and Supplies	Transfer of budgeted funds to the appropriate bureau and expenditure categories for the Florida Department of Transportation (FDOT) Mitigation Program - Maintenance & Monitoring. The maintenance at the Rutland Ranch mitigation site will be completed by the Field Maintenance section in the Operations & Land Management Bureau.	31,451
4	Data Collection Books, Subscriptions and Data	Data Collection Consultant Services	Transfer of budgeted funds to the appropriate project and expenditure categories to acquire parcel data updates for the Mapping and Geographical Information Systems Section in the Data Collection Bureau.	3,388
5	Operations & Land Management Other Contractual Services	Operations & Land Management Other Contractual Services	Transfer of budgeted funds to the appropriate project code for contracted real estate services for data collection sites (monitor wells).	20,000
<b>Total Finance Bureau Chief Approved</b>				<b>\$ 759,529</b>
<b>Total Transfers for Governing Board Ratification</b>				<b>\$ 916,177</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 Board Policy 130-8, and are presented for Governing Board approval for ratification on the Consent Agenda. Executive Director or designee approved transfers are made for a purpose other than the original budget intent, but are limited to individual transfer amounts greater than \$5,000 not to exceed \$50,000. Finance Bureau Chief approved transfers are up to \$5,000 or accounting reallocations consistent with original budget intent.

## FINANCE/OUTREACH & PLANNING COMMITTEE

September 30, 2014

### *Consent Agenda*

#### **FY2013-14 Board Designated Encumbrance for Consultant Services for Inspector General Support**

##### *Purpose*

This request is to encumber unexpended FY2013-14 funds in the amount of \$15,000 for consultant services to be used in FY2014-15 as part of the Office of Inspector General (OIG) FY2014-15 Annual Audit Plan approved by the Governing Board.

##### *Background/History*

1. The OIG is staffed with one (1) FTE. This staffing level requires periodic skill augmentations to address and remediate District operational risks and implement the OIG's Audit Plan.
2. During the risk assessment process used to develop the FY2014-15 Audit Plan, the inspector general identified a need to update, revise, or rewrite procedures and guidelines over the District's budgetary and other administrative processes.

##### *Benefits/Costs*

The OIG staff augmentation needed for these projects was not anticipated in the proposed FY2014-15 OIG budget proposal. The availability of unspent FY2013-14 funds will allow the District to complete the assignments. Further, hiring a consultant with specialized process facilitation / mapping experts can reduce overall District staff costs to document, improve, and publish changed procedures and guidelines.

##### Staff Recommendation:

Approve the encumbrance of FY2013-14 funds in the amount of \$15,000 for consultant services without a contract for use in FY2014-15 as part of the OIG FY2014-15 Audit Plan.

Presenter: Kurt Fritsch, Inspector General



## FINANCE/OUTREACH & PLANNING COMMITTEE

September 30, 2014

### *Consent Agenda*

#### Fiscal Year (FY) 2013-14 Board Designated Encumbrance

##### *Purpose*

Request approval to encumber current year funds budgeted for salaries and benefits in an amount not to exceed \$1.3 million, to roll into fiscal year (FY) 2014-15 for merit salary increases and performance incentives.

##### *Background*

The District implemented a new Employee Evaluation process for FY2012-13, which provides for assessment of employee performance against core District competencies and individual performance goals. District employees will receive their annual 2014 performance evaluations under this evaluation process in October 2014, reflecting performance for FY2013-14.

Ongoing efficiencies within the District's workforce have resulted in an estimated \$2.6 million salary and benefit savings through eliminated and vacant positions in FY2013-14. The District would like to offset this salary savings with a merit based increase for high performing staff who earn a solid, strong or top performance in their 2014 evaluation. Such an increase would appropriately reward annual performance and recognize the contributions District employees have made toward the overall budget reductions and operational efficiencies the District has achieved. Additionally, the highest performing 20 percent of employees will be eligible to receive a performance incentive that does not add to salary base, as authorized by the Governing Board through Board Policy 710-3, Performance Incentive Program.

##### Staff Recommendation:

Approve the encumbrance of \$1.3 million to roll into FY2014-15 for staff merit increases and performance incentives for Strong or Top Performers.

Presenter: John J. Campbell, Division Director, Management Services

## FINANCE/OUTREACH & PLANNING COMMITTEE

September 30, 2014

### *Consent Agenda*

#### **Approval of Resolution No. 14-14 Requesting Encumbrance of Fiscal Year 2013-14 Budgeted Funds within the Water Management Lands Trust Fund**

##### *Purpose*

The purpose of this item is to request Governing Board approval of a resolution requesting the Florida Department of Environmental Protection (DEP) encumber a portion of the District's FY2013-14 budget requirements for land management, land maintenance and capital improvements and authorize staff to request reimbursements for FY2013-14 costs within the Water Management Lands Trust Fund (WMLTF).

##### *Background/History*

The District is eligible to receive reimbursement from the WMLTF for land management, land maintenance and capital improvements costs.

##### *Costs*

The State Legislature did not appropriate new funds to the District within the WMLTF for FY2013-14; however, allocated unused prior year appropriations in the amount of \$125,927.19 remain in the District's account which can be utilized for FY2013-14 budget requirements.

Revenue derived from consent orders and through the use of District-owned lands such as timber sales, leases, hog hunt permit fees, etc. will also be used to offset the FY2013-14 land management, land maintenance and capital improvements budget requirements.

##### Staff Recommendation:

Approve Resolution Number 14-14 requesting the encumbrance of \$125,927.19 of budgeted funds for land management, land maintenance and capital improvements within the WMLTF, and authorize staff to request reimbursements for FY2013-14 costs not to exceed the budgeted amounts.

Presenter: Cathy Linsbeck, Budget Manager

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

**RESOLUTION NUMBER 14-14**

**RESOLUTION REQUESTING ENCUMBRANCE OF FISCAL YEAR 2013-14 BUDGETED FUNDS WITHIN THE WATER MANAGEMENT LANDS TRUST FUND FOR MANAGEMENT, MAINTENANCE AND CAPITAL IMPROVEMENTS**

**WHEREAS**, the Southwest Florida Water Management District (District) has budgeted funds for management, maintenance and capital improvements consistent with Chapter 373, Florida Statutes; and,

**WHEREAS**, these budgeted expenditures anticipate the use of prior year appropriation balances within the Water Management Lands Trust fund; and,

**WHEREAS**, District will request from the Department of Environmental Protection periodic reimbursements from the Water Management Lands Trust Fund for actual expenditures of budgeted funds for management, maintenance and capital improvements.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Board of the Southwest Florida Water Management District:

- (1) The above statements are hereby certified and declared to be true and correct.
- (2) The District hereby requests the encumbrance of funds in the amount of \$125,927.19 within the Water Management Lands Trust Fund for budgeted expenditures for management, maintenance and capital improvements.

**BE IT FURTHER RESOLVED** that the Chairman and Secretary of the Governing Board are hereby authorized to affix their signatures to the Resolution on behalf of the Board.

**PASSED AND ADOPTED** in Tampa, Hillsborough County, Florida on this 30<sup>th</sup> day of September 2014.

Southwest Florida Water Management District

By: \_\_\_\_\_  
Michael A. Babb, Chair

(Seal)

Attest: \_\_\_\_\_  
Jeffrey M. Adams, Secretary

## ACKNOWLEDGMENT

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 30th day of September 2014 by Michael A. Babb and Jeffrey M. Adams, Chair and Secretary, respectively, of the Governing Board of the Southwest Florida Water Management District, a public corporation, on behalf of the corporation. They are personally known to me.

(Seal)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Name of Notary typed, printed or stamped)

Commission No: \_\_\_\_\_

My commission expires: \_\_\_\_\_

COPY

Attachment: 09-14 FO&P-FIN Exhibit-WMLTF Resolution 14-14 (1384 : Resolution No. 14-14 Requesting Encumbrance)

## GENERAL COUNSEL'S REPORT

September 30, 2014

### *Consent Agenda*

**Approval of Revisions to District Policies – 110-3, Governing Board Committee Responsibilities; 110-3A, Governing Board Committee Responsibilities – Finance and Administration Committee; 110-3B, Governing Board Committee Responsibilities – Regulation Committee; 110-3C, Governing Board Committee Responsibilities – Resource Management and Development Committee; 110-3E, Governing Board Committee Responsibilities – Outreach and Planning Committee; and the Repeal of District Policy 110-3D, Governing Board Committee Responsibilities – Diversity Committee**

District Policies 110-3 and 110-3A thru 110-3E relate to Governing Board Committee responsibilities. As part of a review of District Policies by the Office of General Counsel, revisions are proposed to ensure consistency both in form and language, reflect current District practices (such as each committee's membership consisting of the entire Governing Board) and ensure compliance with Florida Statutes. The revisions also make the committees' responsibilities consistent with current responsibilities and subject matter areas. Obsolete language is being removed. Finally, it is proposed to repeal District Policy 110-3D, Governing Board Committee Responsibilities - Diversity Committee, as the policy language is proposed to be included in District Policy 110-3A, Governing Board Committee Responsibilities - Finance and Administration Committee. Currently, the Diversity Committee is the only committee that is a committee of the whole (the entire Governing Board). Due to the responsibilities of the Finance/Outreach & Planning Committee, as well as its membership consisting of the entire Governing Board, it is the appropriate committee to oversee diversity-related initiatives and activities. Copies of the proposed revised District Policies are attached.

### Staff Recommendation:

- Approve the proposed revisions to the following District Policies:
  - 110-3, Governing Board Committee Responsibilities;
  - 110-3A, Governing Board Committee Responsibilities - Finance and Administration Committee;
  - 110-3B, Governing Board Committee Responsibilities - Regulation Committee;
  - 110-3C, Governing Board Committee Responsibilities - Resource Management and Development Committee; and
  - 110-3E, Governing Board Committee Responsibilities - Outreach and Planning Committee.
- Repeal District Policy 110-3D, Governing Board Committee Responsibilities - Diversity Committee.
- Allow staff to correct any scrivener's errors.

Presenter: Laura Donaldson, General Counsel

<b>BOARD POLICY</b> SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: <b>GOVERNING BOARD COMMITTEE RESPONSIBILITIES</b>			
SECTION/ BUREAU: <b>EXECUTIVE</b>	NUMBER: <b>110-3</b>	PAGE: <b>1 of 1</b>	
APPROVED BY:	EFFECTIVE DATE:	SUPERSEDES:	
MICHAEL A. BABB, CHAIR	<b>/2014</b> <b>2/21/2006</b>	<b>2/21/2006</b> <b>8/26/2003</b>	

## STATEMENT OF POLICY:

In order to effectively review the many issues to be considered by the Governing Board, the Governing Board has approved a ~~strong~~ committee approach as the appropriate forum to conduct much of the business of the water management district. The committees are: Finance/Outreach & Planning Committee; Operations, Lands & Resource Monitoring Committee; Regulation Committee; and Resource Management Committee. ~~Finance and Administration, Regulation, Resource Management and Development, and Outreach and Planning.~~

Each committee is a committee of the whole with all Governing Board members serving as committee members. ~~The Governing Board Chairman will name committee appointments annually after seeking input from the Board members. The Governing Board Chairman will appoint each committee a chairman and vice chairman, except that the Treasurer shall be the chair of the Finance/Outreach & Planning Committee. The Governing Board Chairman will serve as an ex officio member of each committee and may be counted in the quorum as a voting member if needed to constitute any committee. All committee recommendations and actions require approval by the entire Governing Board.~~

Staff shall develop committee agendas with the Governing Board Chair approving the final committee agendas. ~~The Committee Chair will act as the clearinghouse for committee assignments and has the final say on tasks. Significant staffing requests made by committees will require approval by the Governing Board. The Governing Board Chairman approves the final committee agendas.~~

Committee agendas will be designated based on the following guidelines:

~~Procedural activities that are non-controversial may be assigned to a committee. If a Basin Board makes a recommendation for action by the Governing Board, the item may be referred to a committee to evaluate the item and make a recommendation to the Governing Board.~~

Review of ongoing initiatives in the realm of Committee responsibility.

Consideration of new projects and programs in the Committee realm of responsibilities.



<b>BOARD POLICY</b> <b>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</b>			
<b>TITLE: GOVERNING BOARD COMMITTEE RESPONSIBILITIES</b>			
SECTION/ BUREAU: <b>EXECUTIVE</b>	NUMBER: <b>110-3</b>	PAGE: <b>2 of 1</b>	
APPROVED BY:	EFFECTIVE DATE: <u>2/21/2006</u>	SUPERSEDES: <u>2/21/2006</u> <u>8/26/2003</u>	
MICHAEL A. BABB, CHAIR			

~~Policy-level activities that are potentially controversial will be assigned to a committee with Governing Board input and direction; the committee will report back at critical milestones with detailed reports.~~

~~Major policy/rulemaking activities may be deemed too important for individual committees; the entire Governing Board will address these items.~~

~~In some instances, more than one committee might work on an issue before it is presented to the entire Governing Board. For example, the Resource Management and Development Committee might discuss the possibility of bonding to strengthen the District's land purchasing ability. After taking a position, the Resource Management and Development Committee would ask the Finance and Administration Committee to determine if bonding is financially feasible to strengthen the District's land purchasing ability. In this example, two committees work together to develop a recommendation for the Governing Board.~~

**REFERENCE:** Chapter 40D, Florida Administrative Code  
 Chapter 62-40, Florida Administrative Code  
 Chapter 373, Florida Statutes

**HISTORYSUPERSEDES:**  
 Board Policy 110-3, Governing Board Committee Responsibilities (eff. 2/21/2006)

Attachment: 110-3 committee responsibilities final 9-11-14 (1318 : Title - September 2014 - Laura Donaldson - Revisions to 110-3)

<b>BOARD POLICY</b>			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
<b>GOVERNING BOARD COMMITTEE RESPONSIBILITIES</b>			
TITLE: <b><u>FINANCE AND ADMINISTRATION</u></b> <b><u>FINANCE/OUTREACH &amp; PLANNING</u></b>			
<b><u>COMMITTEE</u></b>			
SECTION/ BUREAU:	EXECUTIVE	NUMBER: 110-3A	PAGE: 1 of 7
APPROVED BY:	MICHAEL A. BABB, CHAIR	EFFECTIVE DATE: <u>2014</u> <u>7/27/2004</u> <u>&amp; 12/14/2004</u>	SUPERSEDES: <u>7/27/2004 &amp;</u> <u>12/14/2004</u>

## STATEMENT OF POLICY:

In order to effectively review the many issues to be considered by the Governing Board, the Governing Board has approved a ~~strong~~ committee approach as the appropriate forum to conduct much of the business of the water management district.

The Committee is a committee of the whole with all Governing Board members serving as committee members. ~~The Governing Board Chairman will name committee appointments annually after seeking input from the Board members. The Committee chair shall be the Treasurer and the Governing Board The Chairman will appoint a each committee chairman and vice chairman. The Governing Board Chairman will serve as an ex officio member of each committee and may be counted in the quorum as a voting member if needed to constitute any committee. All committee recommendations and actions require approval by the entire Governing Board.~~

Staff shall develop Committee agendas with the Governing Board Chair approving the final Committee agendas. ~~The Committee Chairs are responsible for developing the committee agenda and will do so with assistance of committee members and staff. Significant staffing requests made by committees will require approval by the Governing Board. The Governing Board Chairman approves the final committee agendas.~~

Committee agendas will be designated based on the following guidelines:

~~Procedural activities that are non-controversial. For example, if a Basin Board makes a recommendation for action by the Governing Board, the item may be referred to a committee to evaluate the item and make a recommendation to the Governing Board.~~

~~Review of ongoing initiatives in the realm of Committee responsibility. (i.e., the Resource Management and Development Committee review of land management activities.)~~

Consideration of new projects and programs in the Committee realm of responsibilities.

~~Policy-level activities that are potentially controversial may be assigned to a committee with Governing Board input and direction; the committee will report back at critical milestones with detailed reports.~~

<b>BOARD POLICY</b>			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
<b>GOVERNING BOARD COMMITTEE RESPONSIBILITIES</b>			
TITLE: <b><u>FINANCE AND ADMINISTRATION</u></b> <b><u>FINANCE/OUTREACH &amp; PLANNING</u></b>			
<b><u>COMMITTEE</u></b>			
SECTION/ BUREAU:	EXECUTIVE	NUMBER:	110-3A
		PAGE:	2 of 7
APPROVED BY:		EFFECTIVE DATE:	<u>7/27/2004</u>
	MICHAEL A. BABB, CHAIR	SUPERSEDES:	<u>7/27/2004 &amp; 12/14/2004</u>

~~Major policy/rulemaking activities may be deemed too important for individual committees; the entire Governing Board will address these items.~~

~~In some instances, more than one committee might work on an issue before it is presented to the entire Governing Board. For example, the Resource Management and Development Committee might discuss the possibility of bonding to strengthen the District's land purchasing ability. After taking a position, the Resource Management and Development Committee would ask the Finance and Administration Committee to determine if bonding is financially feasible to strengthen the District's land purchasing ability. In this example, two committees work together to develop a recommendation for the Governing Board.~~

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

~~The Finance and Administration Finance/Outreach & Planning Committee:- will provide leadership for the District's financial, outreach, planning and diversity activities. The Committee will~~

- ~~• Acts on behalf of the Governing Board to review all financial and administration activities of the District; ensure .Ensures adequate internal controls exist to safeguard the assets of the District; assist District management in developing strategies to enhance the workforce and vendor diversity of the District; and provide leadership for the District's strategic and long-range planning activities, community and legislative affairs initiatives and communication programs. The Committee also acts as the District's Audit Committee unless the Governing Board Chair has appointed an Ad Hoc Audit Committee.~~
- ~~• Acts as the District Audit Committee~~
- ~~• Ensures that federal and state laws, as well as Governing Board policies, are followed.~~
- ~~• Provides leadership for the District's strategic and long-range planning activities, community and legislative affairs initiatives and communication programs.~~
- ~~• Develops appropriate resource management policy.~~

~~Specific Committee tasks related to Finance include:~~

- ~~• Responsible Responsibility to formulate, amend and recommend to the Governing Board, policies related to the accounting, administration and financial matters of the District.~~

<b>BOARD POLICY</b>			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
<b>GOVERNING BOARD COMMITTEE RESPONSIBILITIES</b>			
TITLE: <b><u>FINANCE AND ADMINISTRATION</u></b> <b><u>FINANCE/OUTREACH &amp; PLANNING</u></b>			
<b><u>COMMITTEE</u></b>			
SECTION/ BUREAU:	EXECUTIVE	NUMBER: 110-3A	PAGE: 3 of 7
APPROVED BY:	MICHAEL A. BABB, CHAIR	EFFECTIVE DATE: <del>7/27/2004</del> /2014 8/12/14/2004	SUPERSEDES: <del>7/27/2004 &amp; 12/14/2004</del>

- Review and recommend the annual budget and millage levy rates.
- Review and recommend personnel guidelines and staffing levels.
- Review or develop and recommend financial plans to address the immediate and long-term water resource development initiatives.
- Provide oversight for the District's Office of Inspector General.
- Any and all other finance and administration related issues that require Committee review.
- ~~• Serve as a subcommittee for the Governing Board Diversity Committee, to review reports, provide analysis and oversight to staff and make recommendations for action to the governing Board Diversity Committee.~~

~~Oversight of the following established Board Policies:~~

- ~~▪ Governing and Basin Board Records (101-002)~~
- ~~▪ Governing Board Committee Responsibilities (110-3A)~~
- ~~▪ Risk Management (120-1)~~
- ~~▪ Disbursement of Funds (130-1)~~
- ~~▪ Administrative Fees (130-2)~~
- ~~▪ Regulatory Fees (130-2A)~~
- ~~▪ District Investment Policy (130-3)~~
- ~~▪ Cooperative Funding Initiative (130-4)~~
- ~~▪ Travel (130-5)~~
- ~~▪ Budget Authority Transfer of Funds (130-8)~~
- ~~▪ Inspector General Charter (140-1)~~
- ~~▪ Investigation of Complaints (140-2)~~
- ~~▪ Inspector General Roles and Responsibilities (140-3)~~
- ~~▪ Procurement (150-1)~~
- ~~▪ District Fixed Asset Accountability (150-2)~~
- ~~▪ District Records Management (190-1)~~
- ~~▪ Construction Plans and Specifications (401-001)~~
- ~~○ Review and recommend action regarding all other finance and administration related issues which require Committee review.~~

## **OUTREACH AND PLANNING COMMITTEE**

<b>BOARD POLICY</b>			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
<b>GOVERNING BOARD COMMITTEE RESPONSIBILITIES</b>			
TITLE:	<b><u>FINANCE AND ADMINISTRATION</u> <u>FINANCE/OUTREACH &amp; PLANNING</u></b>		
	<b><u>COMMITTEE</u></b>		
SECTION/ BUREAU:	EXECUTIVE	NUMBER:	110-3A
		PAGE:	4 of 7
APPROVED BY:		EFFECTIVE DATE:	<u>12/14/2004</u>
	MICHAEL A. BABB, CHAIR		<u>7/27/2004 &amp; 12/14/2004</u>

~~The charge of the Outreach and Planning Committee is to provide leadership for the District's strategic and long-range planning activities, community and legislative affairs initiatives, and communication programs, and to develop appropriate resource management policy. Specific Committee tasks related to Outreach & Planning activities include:~~

- Provide input on the development and updating of the Strategic Plan, District Water Management Plan or other plans, including annual progress reports as required by Chapter 62-40, Florida Administrative Code (F.A.C.), the Water Resource Implementation Rule.
- Assist in development of the annual budget through the planning process, including consideration of trends associated with statewide Budget Performance Measures.
- Review and analysis of existing District programs to evaluate both efficiency and effectiveness in the context of goals and objectives established in the Strategic Plan, District Water Management Plan or other plans, concurrent with statewide Water Management Performance Measures.
- Oversight of coordination activities with other state, regional and local units of government to promote consistency between the water resource planning and management activities of the District and the land use planning and management activities of these other organizations.
- Oversight of the District's efforts to solicit input from affected parties and the general public in long-range planning initiatives. This includes providing guidance and oversight of the District's standing advisory committees, including the Agricultural, Environmental, Green industry, Industrial and Public Supply committees.
- Develop recommendations to the Governing Board for coordination efforts with other water management districts, the Department of Environmental Protection, the State land planning agency and other appropriate agencies.
- ~~• Coordinate with the Basin Board in their long-range planning activities. This includes providing direction to the Basin Boards and seeking Basin Board input for District-wide initiatives, development of proposed agenda topics for joint Governing and Basin Board's planning workshops, and providing policy direction to the Basin Boards for those resource management issues which transcend basin boundaries and for those activities funded by the Basin Boards which directly contribute toward District-wide priorities established by the Governing~~

<b>BOARD POLICY</b>			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
<b>GOVERNING BOARD COMMITTEE RESPONSIBILITIES</b>			
TITLE: <b><u>FINANCE AND ADMINISTRATION</u></b> <b><u>FINANCE/OUTREACH &amp; PLANNING</u></b>			
<b><u>COMMITTEE</u></b>			
SECTION/ BUREAU:	EXECUTIVE	NUMBER: 110-3A	PAGE: 5 of 7
APPROVED BY:		EFFECTIVE DATE: <u>12/14/2004</u>	SUPERSEDES: <u>7/27/2004 &amp; 12/14/2004</u>
MICHAEL A. BABB, CHAIR			

~~Board (e.g., the New Water Sources Initiative, partnership Agreement, Southern Water Use Caution Area Recovery Strategy, Comprehensive Watershed Management, etc.) and District statutory responsibilities.~~

- ~~• Provide oversight and guidance to the Basin Board Education Committee, including ensuring consistency and coordination among the Basin Boards and between the Basin Boards and Governing Board's education initiatives.~~
- Provide oversight and guidance for strategic communications plans to include public information materials, and public messaging, and knowledge management trends.
- Any and all other outreach and planning related issues that require Committee review.
- ~~• Review various legislative bills, proposals and recommendations that may impact the District.~~

Specific Committee tasks related to Diversity include:

- Articulate the importance and benefits of a diverse workforce and vendor base at the District.
- Elevate the importance of diversity awareness through the Governing Board's strategic planning process.
- Promote a diverse workforce at the District.
- Promote use of diverse vendors to provide goods and services to the District.
- Suggest ideas to increase the pool of diverse applicants and vendors.
- Propose ideas and initiatives to improve and enhance the District's efforts to have a diverse workforce, reflective of the labor market.
- Network with academic, business, professional and civic organizations to identify various approaches to workforce and vendor diversity.
- Develop methods to make the community aware of the District's desire and efforts to increase its multicultural composition; for example, through participation in speaking engagements, meetings and cultural events.
- Promote training for management staff to increase the understanding of the value that diversity brings to the District's workforce and the vendor base.
- Continually monitor the multicultural composition of the District's work force.
- Encourage retention and promotion of diverse employees.
- Improve methods of identifying and tracking diverse applicants and vendors.



<b>BOARD POLICY</b>			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
<b>GOVERNING BOARD COMMITTEE RESPONSIBILITIES</b>			
TITLE: <b><u>FINANCE AND ADMINISTRATION</u></b> <b><u>FINANCE/OUTREACH &amp; PLANNING</u></b>			
<b><u>COMMITTEE</u></b>			
SECTION/ BUREAU:	EXECUTIVE	NUMBER: 110-3A	PAGE: 6 of 7
APPROVED BY:		EFFECTIVE DATE: <u>12/14/2004</u>	SUPERSEDES: <u>7/27/2004 &amp; 12/14/2004</u>
MICHAEL A. BABB, CHAIR			

- Work with District staff by providing guidance for recruiting and retaining diverse staff and outreach to and utilization of diverse vendors.
- Establish networks for recruiting applicants and vendors from organizations known for their contacts with the multicultural community.
- Recommend and encourage programs and establishes networks to recruit student interns from educational institutions connected with the multicultural community.
- Recommend advertising enhancements to disseminate information concerning the District's interests in strengthening its diverse workforce and vendor base and to inform diverse applicants and vendors of opportunities with the District.
- Participate in events and opportunities with other water management districts in marketing the District as an employer of choice for employees with diverse backgrounds.
- Any and all other diversity issues that require Committee review.

The Committee has oversight of the following established Board Policies:

- Governing Board Committee Responsibilities (110-3A)
- Risk Management and Safety (120-1)
- Disbursement of Funds (130-1)
- Administrative Fees (130-2)
- Regulatory Fees (130-2A)
- District Investment Policy (130-3)
- Travel (130-5)
- Budget Authority Transfer of Funds (130-8)
- Fund Balance (130-9)
- Inspector General Charter (140-1)
- Comprehensive Fraud (140-2)
- Office of Inspector General Roles and Responsibilities (140-3)
- Procurement (150-1)
- District Fixed Asset Accountability (150-2)
- Records Management (190-1)
- Information Security (190-2)
- Construction Plans and Specifications (401-001)

<b>BOARD POLICY</b>			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
<b>GOVERNING BOARD COMMITTEE RESPONSIBILITIES</b>			
TITLE: <b><u>FINANCE AND ADMINISTRATION</u></b> <b><u>FINANCE/OUTREACH &amp; PLANNING</u></b>			
<b><u>COMMITTEE</u></b>			
SECTION/ BUREAU:	EXECUTIVE	NUMBER: 110-3A	PAGE: 7 of 7
APPROVED BY:	MICHAEL A. BABB, CHAIR	EFFECTIVE DATE: <del>7/27/2004</del> <u>12/14/2004</u>	SUPERSEDES: <u>7/27/2004 &amp; 12/14/2004</u>

- Recruitment Selection and Compensation of the Executive Director and Inspector General (710-1)
- Performance Evaluations of the Executive Director, General Counsel and Inspector General (710-2)
- Performance Incentive Program (710-3)
- Policies and Procedures (110-1)
- Legislative Coordination (110-2)
- Governing Board Committee Responsibilities (110-3E3A)
- Plain Language Initiative (110-9)
- Agricultural Advisory Committee (170-1)
- Public Supply Advisory Committee (170-2)
- Industrial Advisory Committee (170-3)
- Green Industry Advisory Committee (170-4)
- Environmental Advisory Committee (170-5)
- ~~Any and all other related issues that require Committee review.~~

**REFERENCE: AUTHORITY:** — Chapter 40D, Florida Administrative Code  
Chapter 62-40, Florida Administrative Code  
Chapter 373, Florida Statutes

**REFERENCE:**

~~Board Policy 110-1, Policies and Procedures~~  
~~Board Policy 110-3, Governing Board Committee Responsibilities~~  
~~Board Policy 110-8, Governing Board Member Duties and Responsibilities~~

**SUPERSEDES:**

Board Policy 110-3A, Governing Board Committee Responsibilities - Finance and Administration (eff. 7/27/2004)  
Board Policy 110-3D, Governing Board Committee Responsibilities - Diversity (eff. 6/28/2005)  
Board Policy 110-3E, Governing Board Committee Responsibilities - Outreach and Planning Committee (eff. 12/14/2004)

Attachment: 110-3A finance final 9-11-14 (1318 : Title - September 2014 - Laura Donaldson - Revisions to 110-3)

<b>BOARD POLICY</b> <b>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</b>			
<p style="text-align: center;">Governing Board Committee Responsibilities –  <b><u>Resource Management and Development Operations, Lands &amp; Resource</u></b></p> <p>TITLE: <b><u>Monitoring Committee</u></b></p>			
SECTION/DEPT.: <b>Executive</b>	NUMBER: <b>110-3C</b> <b>/2014</b>	PAGE: <b>1 OF 3</b> <b>7/26/2005</b>	
APPROVED BY:	MICHAEL A. BABB, CHAIR	EFFECTIVE DATE: <b>7/26/2005</b>	SUPERSEDES: <b>7/27/2004</b>

## STATEMENT OF POLICY:

In order to effectively review the many issues to be considered by the Governing Board, the Governing Board has approved a ~~strong~~ committee approach as the appropriate forum to conduct much of the business of the water management district.

~~The Committee is a committee of the whole with all Governing Board members serving as committee members. The Governing Board Chairman will name committee appointments annually after seeking input from the Board members. The Governing Board Chairman will appoint the Committee a each committee chairman and vice chairman. The Governing Board Chairman will serve as an ex-officio member of each committee and may be counted in the quorum as a voting member if needed to constitute any committee. All committee recommendations and actions require approval by the entire Governing Board.~~

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~~Review of ongoing initiatives in the realm of Committee responsibility. (i.e., the Resource Management and Development Committee review of land management activities.)~~

~~Consideration of new projects and programs in the Committee realm of responsibilities.~~

~~Policy-level activities that are potentially controversial may be assigned to a committee with Governing Board input and direction; the committee will report back at critical milestones with detailed reports.~~

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<b>BOARD POLICY</b> <b>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</b>			
<p style="text-align: center;">Governing Board Committee Responsibilities –  <b><u>Resource Management and Development Operations, Lands &amp; Resource</u></b>          TITLE: <b><u>Monitoring Committee</u></b></p>			
SECTION/DEPT.:	Executive	NUMBER: 110-3C /2014	PAGE: 2 OF 3 7/26/2005
APPROVED BY:	MICHAEL A. BABB, CHAIR	EFFECTIVE DATE: 7/26/2005	SUPERSEDES: 7/27/2004

ability. In this example, two committees work together to develop a recommendation for the Governing Board.

### **RESOURCE MANAGEMENT AND DEVELOPMENT OPERATIONS, LANDS & RESOURCE MONITORING COMMITTEE**

The charge of the Resource Management and Development Operations, Lands & Resource Monitoring is to provide leadership for the District's operations, land resource management, and development activities, and monitoring of water resources and conditions, thereby ensuring appropriate resource management. Specific Committee tasks activities include:

- Lead in the development of the Florida Forever Work Plan.
- Make recommendations to the Governing Board concerning resource evaluations of lands identified for acquisition.
- Make recommendations to the Governing Board concerning land acquisition activities.
- Identify joint cooperative funding opportunities for land management and acquisition through public/private agreements, as well as through local and state programs.
- Develop strategies for long-term land management and public use to include cooperative agreements with governmental agencies and public/private partnerships.
- Make recommendations to the Governing Board concerning contracts, leases, licenses, and maintenance agreements relating to land ownership and land use.
- Make recommendations to the Governing Board concerning land use and management plans.
- Develop initiatives for inclusion in the Strategic Plan.
- Monitor the District's hydrologic and geohydrologic conditions.
- Review Surface Water Improvement and Management (SWIM) Program plans and activities.
- Review resource management projects to ensure efficiency, effectiveness and conformity to objectives identified by the District Water Management Plan; for example, water supply and resource development, minimum flow and levels, stormwater research, lake diagnostic studies and watershed management master plans.
- Identify and evaluate potential alternatives to existing programs affecting resource projects, resource data and SWIM activities.
- Facilitate projects and data collection/analysis efforts to support regulatory and rulemaking activities and water resource projects.
- Develop mechanisms to support Comprehensive Watershed Management initiatives as directed by the Governing Board.
- Responsible to formulate, amend and recommend to the Governing Board policies relative to the Resource Management and Development Committee.
- Review, develop and provide direction on the operation of District water control structures.
- Any and all other resource management and development related issues that require Committee review.

<b>BOARD POLICY</b> <b>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</b>			
<p style="text-align: center;">Governing Board Committee Responsibilities –  <del>Resource Management and Development</del> <u>Operations, Lands &amp; Resource</u></p> <p>TITLE: <u>Monitoring Committee</u></p>			
SECTION/DEPT.: <b>Executive</b>	NUMBER: <b>110-3C</b> /2014	PAGE: <b>3 OF 3</b> 7/26/2005	
APPROVED BY:	MICHAEL A. BABB, CHAIR	EFFECTIVE DATE: <u>7/26/2005</u>	SUPERSEDES: <u>7/27/2004</u>

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The Committee has oversight of the following established Board Policies:

- Governing Board Committee Responsibilities (110-3C)
- ~~Basin Board Land Resources Committee (170-8)~~
- Land Acquisition (610-1)
- ~~Land Use and Management~~ Use of District-Owned Lands (610-3)
- Sale, Exchange or Conveyance of Interests in Land By The District (610-4)
- Guidelines for Funding and Construction of Water Control Structures (610-6)
- Local Government Partnership Funding for District Lands (610-011)
- ~~Any and all other resource management and development related issues that require Committee review.~~

**REFERENCE:** Chapter 40D, Florida Administrative Code  
Chapter 62-40, Florida Administrative Code  
Chapter 373, Florida Statutes  
~~Supersedes Board Policy 110-3, Governing Board Committee Responsibilities~~

**SUPERSEDES:** Board Policy 110-3C, Governing Board Committee Responsibilities – Resource Management and Development Committee (eff. 7/26/2005)

BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: Governing Board Committee Responsibilities – Diversity Committee			
SECTION/DEPT.: Executive	NUMBER: 110-3D	PAGE: 1 OF 3	
	<u>Repealed</u>	6/28/2005	
APPROVED BY:	WATSON L. HAYNES II, CHAIR	EFFECTIVE DATE: 6/28/2005	SUPERSEDES: 7/27/2004

## STATEMENT OF POLICY:

In order to effectively review the many issues to be considered by the Governing Board, the Board has approved a strong committee approach as the appropriate forum to conduct much of the business of the water management district.

The Governing Board Chairman will name committee appointments annually after seeking input from the Board members. The Chairman will appoint each committee chairman and vice chairman. The Governing Board Chairman will serve as an ex officio member of each committee and may be counted in the quorum as a voting member if needed to constitute any committee. All committee recommendations and actions require approval by the entire Governing Board.

The Committee Chairs are responsible for developing the committee agenda and will do so with assistance of committee members and staff. Significant staffing requests made by committees will require approval by the Governing Board. The Governing Board Chairman approves the final committee agendas.

Committee agendas will be designated based on the following guidelines:

Procedural activities that are non-controversial. For example, if a Basin Board makes a recommendation for action by the Governing Board, the item may be referred to a committee to evaluate the item and make a recommendation to the Governing Board.

Review of ongoing initiatives in the realm of Committee responsibility (i.e., the Resource Management and Development Committee review of land management activities.)

Consideration of new projects and programs in the Committee realm of responsibilities.

Policy-level activities that are potentially controversial may be assigned to a committee with Governing Board input and direction; the committee will report back at critical milestones with detailed reports.

Major policy/rulemaking activities may be deemed too important for individual committees; the entire Governing Board will address these items.

In some instances, more than one committee might work on an issue before it is presented to the entire Governing Board. For example, the Resource Management and Development Committee might discuss the possibility of bonding to strengthen the District's land purchasing ability. After taking a position, the Resource Management and Development Committee would ask the Finance and Administration Committee to determine if bonding is financially feasible to strengthen the District's land purchasing ability. In this example, two committees work together to develop a recommendation for the Governing Board.



BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: Governing Board Committee Responsibilities – Diversity Committee			
SECTION/DEPT.: Executive	NUMBER: 110-3D	PAGE: 2 OF 3	
	<u>Repealed</u>	6/28/2005	
APPROVED BY:	WATSON L. HAYNES II, CHAIR	EFFECTIVE DATE: 6/28/2005	SUPERSEDES: 7/27/2004

## GOVERNING BOARD DIVERSITY COMMITTEE

~~The District's Governing Board recognizes workforce and vendor diversity as important to achieving the goals and mission of the Water Management District as a whole, in managing water resources for the benefit of the many diverse communities and constituents served by the District.~~

~~The Governing Board as a whole will sit as the Diversity Committee for the District.~~

~~The Finance and Administration Committee will sit as a subcommittee for purposes of reviewing routine reports and data, providing analysis and oversight to staff and making recommendations for action to the Governing Board Diversity Committee.~~

~~The charge of the Governing Board Diversity Committee, both as a whole and working through its subcommittee, is to assist District management in developing strategies to enhance the workforce and vendor diversity of the District.~~

~~Specific activities include:~~

- ~~• Articulate the importance and benefits of a diverse workforce and vendor base at the District.~~
- ~~• Elevate the importance of diversity awareness through the Governing Board's strategic planning process.~~
- ~~• Promote a diverse workforce at the District.~~
- ~~• Promote use of diverse vendors to provide goods and services to the District.~~
- ~~• Suggest ideas to increase the pool of diverse applicants and vendors.~~
- ~~• Propose ideas and initiatives to improve and enhance the District's efforts to have a diverse workforce, reflective of the labor market.~~
- ~~• Network with academic, business, professional and civic organizations to identify various approaches to workforce and vendor diversity.~~
- ~~• Develop methods to make the community aware of the District's desire and efforts to increase its multicultural composition; for example, through participation in speaking engagements, meetings and cultural events.~~
- ~~• Promote training for management staff to increase the understanding of the value that diversity brings to the District's workforce and the vendor base.~~
- ~~• Continually monitor the multicultural composition of the District's work force.~~
- ~~• Encourage retention and promotion of diverse employees.~~
- ~~• Improve methods of identifying and tracking diverse applicants and vendors.~~
- ~~• Work with District staff by providing guidance for recruiting and retaining diverse staff and outreach to and utilization of diverse vendors.~~
- ~~• Establish networks for recruiting applicants and vendors from organizations known for their contacts with the multicultural community.~~
- ~~• Recommend and encourage programs and establishes networks to recruit student interns from educational institutions connected with the multicultural community.~~
- ~~• Recommend advertising enhancements to disseminate information concerning the District's interests in strengthening its diverse workforce and vendor base and to inform diverse applicants and vendors of opportunities with the District.~~

BOARD POLICY			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: Governing Board Committee Responsibilities – Diversity Committee			
SECTION/DEPT.: Executive	NUMBER: 110-3D	PAGE: 3 OF 3	
	<u>Repealed</u>	6/28/2005	
APPROVED BY:	WATSON L. HAYNES II, CHAIR	EFFECTIVE DATE: 6/28/2005	SUPERSEDES: 7/27/2004

- ~~Participate in events and opportunities with other water management districts in marketing the District as an employer of choice for employees with diverse backgrounds.~~
- ~~Any and all other activities that require Committee review.~~

**REFERENCE:** ~~Chapter 40D, Florida Administrative Code~~  
~~Chapter 62-40, Florida Administrative Code~~  
~~Chapter 373, Florida Statutes~~  
~~Supersedes Board Policy 110-3, Governing Board Committee Responsibilities~~

<b>BOARD POLICY</b>			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
Governing Board Committee Responsibilities –			
TITLE: <u>Resource Management Outreach and Planning Committee</u>			
SECTION/DEPT.:	Executive	NUMBER:	110-3E
			/2014
			7/26/2005
APPROVED BY:	MICHAEL A. BABB	EFFECTIVE DATE:	7/26/2005
		SUPERSEDES:	7/27/2004
		PAGE:	1 OF 4

## STATEMENT OF POLICY:

In order to effectively review the many issues to be considered by the Governing Board, the Governing Board has approved a strong committee approach as the appropriate forum to conduct much of the business of the water management district.

The Committee is a committee of the whole with all Governing Board members serving as committee members. The Governing Board Chairman will name committee appointments annually after seeking input from the Board members. The Governing Board Chairman will appoint the Committee a each committee chairman and vice chairman. The Governing Board Chairman will serve as an ex officio member of each committee and may be counted in the quorum as a voting member if needed to constitute any committee. All committee recommendations and actions require approval by the entire Governing Board.

Staff shall develop Committee agendas with the Governing Board Chair approving the final Committee agendas. The Committee Chairs are responsible for developing the committee agenda and will do so with assistance of committee members and staff. Significant staffing requests made by committees will require approval by the Governing Board. The Governing Board Chairman approves the final committee agendas.

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Review of ongoing initiatives in the realm of Committee responsibility. (i.e., the Resource Management and Development Committee review of land management activities.)

Consideration of new projects and programs in the Committee realm of responsibilities.

Policy-level activities that are potentially controversial may be assigned to a committee with Governing Board input and direction; the committee will report back at critical milestones with detailed reports.

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<b>BOARD POLICY</b> <b>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</b>			
<p style="text-align: center;">Governing Board Committee Responsibilities –</p> <p>TITLE: <u>Resource Management Outreach and Planning Committee</u></p>			
SECTION/DEPT.: <b>Executive</b>	NUMBER: <b>110-3E</b>	PAGE: <b>2 OF 4</b>	
	<u>/2014</u>	<u>7/26/2005</u>	
APPROVED BY:	MICHAEL A. BABB	EFFECTIVE DATE: <u>7/26/2005</u>	SUPERSEDES: <u>7/27/2004</u>

## **RESOURCE MANAGEMENT AND DEVELOPMENT COMMITTEE**

The Resource Management charge of the Outreach and Planning Committee is to provide leadership for the District's water resource management and development activities, thereby ensuring appropriate resource management, strategic and long range planning activities, community and legislative affairs initiatives, and communication programs, and to develop appropriate resource management policy. Specific Committee tasks activities include:

- Review resource management issues associated with Water Supply, Flood Protection, Water Quality, and Natural Systems.
- Review District initiatives and programs including Water Use Caution Areas, Surface Water Improvement and Management (SWIM) Program, Springs Initiatives, minimum flows and levels (MFLs), Facilitating Agricultural Resource Management Systems (FARMS), watershed management program.
- Review resource management projects to ensure efficiency, effectiveness and conformity to objectives identified by the District Strategic Plan, Regional Water Supply Plan, and Water Management Plan.
- Develop initiatives for inclusion in the Strategic Plan.
- Identify and evaluate potential alternatives to existing programs affecting resource management issues.
- Responsible to formulate, amend and recommend to the Governing Board policies relative to the Committee.

The Committee has oversight of the following established Board Policies:

- Cooperative Funding Initiative (130-4)
- Governing Board Committee Responsibilities (110-3E)
- Provide input on the development and updating of the District Water Management Plan, including annual progress reports as required by Chapter 62-40, Florida Administrative Code (F.A.C.), the Water Resource Implementation Rule.
- Assist in development of the annual budget through the planning process, including consideration of trends associated with statewide Budget Performance Measures.
- Review and analysis of existing District programs to evaluate both efficiency and effectiveness in the context of goals and objectives established in the District Water Management Plan, concurrent with statewide Water Management Performance Measures.
- Oversight of coordination activities with other state, regional and local units of government to promote consistency between the water resource planning and

**BOARD POLICY**  
**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

Governing Board Committee Responsibilities –  
TITLE: Resource Management ~~Outreach and Planning Committee~~

SECTION/DEPT.: Executive

NUMBER: 110-3E

PAGE: 3 OF 4

/2014

7/26/2005

APPROVED BY:

MICHAEL A. BABB

EFFECTIVE DATE: 7/26/2005

SUPERSEDES: 7/27/2004

~~management activities of the District and the land use planning and management activities of these other organizations.~~

- ~~• Oversight of the District's efforts to solicit input from affected parties and the general public in long-range planning initiatives. This includes providing guidance and oversight of the District's standing advisory committees, including the Agricultural, Environmental, Green industry, Industrial and Public Supply committees.~~
- ~~• Develop recommendations to the Governing Board for coordination efforts with other water management districts, the Department of Environmental Protection, the State land planning agency and other appropriate agencies.~~
- ~~• Coordinate with the Basin Board in their long-range planning activities. This includes providing direction to the Basin Boards and seeking Basin Board input for District-wide initiatives, development of proposed agenda topics for joint Governing and Basin Board's planning workshops, and providing policy direction to the Basin Boards for those resource management issues which transcend basin boundaries and for those activities funded by the Basin Boards which directly contribute toward District-wide priorities established by the Governing Board (e.g., the New Water Sources Initiative, partnership Agreement, Southern Water Use Caution Area Recovery Strategy, Comprehensive Watershed Management, etc.) and District statutory responsibilities.~~
- ~~• Provide oversight and guidance to the Basin Board Education Committee, including ensuring consistency and coordination among the Basin Boards and between the Basin Boards and Governing Board's education initiatives.~~
- ~~• Provide oversight and guidance for strategic communication plans to include public information materials, and public messaging, and knowledge management trends.~~
- ~~• Review various legislative bills, proposals and recommendations that may impact the District.~~
- ~~• Formulate, amend and recommend to the Governing Board policies relative to the Outreach and Planning Committee, and ensure the following Governing Board policies are reviewed and updated on a periodic basis:
  - ~~○ Policies and Procedures (110-1)~~
  - ~~○ Legislative Coordination (110-2)~~
  - ~~○ Governing Board Committee Responsibilities (110-3E)~~
  - ~~○ Basin Board Functions and Duties (110-4)~~
  - ~~○ Cooperative Funding Initiative (130-4)~~
  - ~~○ Agricultural Advisory Committee (170-1)~~
  - ~~○ Public Supply Advisory Committee (170-2)~~~~

<b>BOARD POLICY</b> <b>SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT</b>			
<p style="text-align: center;">Governing Board Committee Responsibilities –</p> <p>TITLE: <u>Resource Management Outreach and Planning Committee</u></p>			
SECTION/DEPT.: <b>Executive</b>	NUMBER: <b>110-3E</b> <div style="text-align: right;">/2014</div>	PAGE: <b>4 OF 4</b> <div style="text-align: right;">7/26/2005</div>	
APPROVED BY:	MICHAEL A. BABB	EFFECTIVE DATE: <u>7/26/2005</u>	SUPERSEDES: <u>7/27/2004</u>

- ~~○ Industrial Advisory Committee (170-3)~~
- ~~○ Green Industry Advisory Committee (170-4)~~
- ~~○ Environmental Advisory Committee (170-5)~~
- ~~○ Basin Board Education Committee (170-7)~~
- ~~○ Any and all other related issues that require Committee review.~~

**REFERENCE:** Chapter 40D, Florida Administrative Code  
 Chapter 62-40, Florida Administrative Code  
 Chapter 373, Florida Statutes  
~~Supersedes Board Policy 110-3, Governing Board Committee Responsibilities~~

**SUPERSEDES:** Board Policy 110-3E, Governing Board Committee Responsibilities – Outreach and Planning Committee (eff. 7/26/2005)

Attachment: 110-3E water resources final 9-11-14 (1318 : Title - September 2014 - Laura Donaldson - Revisions to 110-3)



<b>BOARD POLICY</b> SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT		
TITLE: <b>GOVERNING BOARD COMMITTEE RESPONSIBILITIES – REGULATION COMMITTEE</b>		
SECTION/DEPT.: EXECUTIVE	NUMBER: 110-3B	PAGE: 1 of 4
EFFECTIVE DATE: <u>2014/7/27/</u> 2004		SUPERSEDES: <u>7/27/2004</u> <u>8/26/2003</u>
APPROVED BY: MICHAEL A .BABB, CHAIR		

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TITLE: <b>GOVERNING BOARD COMMITTEE RESPONSIBILITIES – REGULATION COMMITTEE</b>		
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APPROVED BY: MICHAEL A .BABB, CHAIR		

the \_\_\_\_\_ Governing \_\_\_\_\_ Board.

## REGULATION COMMITTEE

The Regulation Committee will provide leadership for the District's regulatory and enforcement programs, thereby ensuring appropriate resource management. The Committee will review the District's permitting rules, procedures and support needs relating to various categories of water use, well construction, surface water management, environmental resource, and other regulatory programs, permit fees, and areas determined to be of special hydrologic concern. Specific Committee tasks include:

- ~~Responsibility to ensure the following Governing Board policies are reviewed and updated on a periodic basis:~~
  - ~~Governing Board Committee Responsibilities (110-3B)~~
  - ~~Regulatory Fees (130-2A)~~
  - ~~Well Drilling Advisory Committee (225-017)~~
- Monitor, review and ~~The Committee will monitor, refine permitting procedures and practices and upgrade the "Technical Guide Manual" as situations arise that bring to fact items that require attention in compliance with Chapters 40D and 62, F.A.C., and Chapter 373, Florida Statutes.~~
- Monitor, review and refine and identify the enforcement procedures and practices including the delivery methods employed to accomplish the requirement of Chapters 40D and 62, F.A.C.
- Monitor. Continually monitor the resource for promotion of long-term sustainability, protection from harm, establish procedures and responses that prevent undue hardship, and ensure equitable distribution of available water resources to accomplish the requirements of Chapters 40D, F.A.C. data functions, practices and delivery system thereby allowing a constant flow of upgrade and changing procedures to better perform the regulatory requirement and offer greater and expanded services to the permittees, at the most reasonable fees.
- Review and recommend actions to improve existing, as well as new, regulatory programs.
- Develop an overall understanding of the laws, rules and implementation process, which apply to the District's regulatory regulation program.
- Review. This Committee will review other agencies' regulatory practices and any proposed delegating of permitting responsibilities to the District to assess its impact on the District.
- Identify areas for review and possible action. This can include new programs assigned by the Legislature or delegated by the Department of Environmental Regulation-Protection; or deficiencies in existing programs.
- Develop specific actions to implement improvements.
- Develop District Water Management Plan initiatives assigned to the Regulation Committee for inclusion in the Strategic Plan.
- Improvements in efficiencies and consistency within the regulatory program.
- Review and update permit fee structure.

<b>BOARD POLICY</b>			
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT			
TITLE: <b>GOVERNING BOARD COMMITTEE RESPONSIBILITIES – REGULATION COMMITTEE</b>			
SECTION/DEPT.: EXECUTIVE	NUMBER: 110-3B	PAGE: 3 of 4	
EFFECTIVE DATE: <u>/2014/7/27/</u> 2004		SUPERSEDES: <u>7/27/2004</u> <u>8/26/2003</u>	
APPROVED BY: MICHAEL A .BABB, CHAIR			

- Recommend actions pertaining to Water Shortage Orders.
- Review and update of penalty matrices.
- Any and all other regulation related issues that require Committee review.

~~The Regulation Committee's responsibilities fall into three categories: permitting, enforcement, and resource monitoring.~~

~~The Committee will monitor, refine and upgrade the "Technical Guide Manual" as situations arise that bring to fact items that require attention in compliance with Chapters 40D, F.A.C., and Chapter 373, Florida Statutes.~~

~~Monitor, review and refine and identify the enforcement procedures and practices including the delivery methods employed to accomplish the requirement of Chapter 40D, F.A.C.~~

~~Continually monitor the resource for data functions, practices and delivery system thereby allowing a constant flow of upgrade and changing procedures to better perform the regulatory requirement and offer greater and expanded services to the permittees, at the most reasonable fees.~~

~~The Committee has oversight of the following established Board Policies:~~

- ~~• Responsibility to ensure the following Governing Board policies are reviewed and updated on a periodic basis:~~
- ~~• Governing Board Committee Responsibilities (110-3B)~~
- ~~• Regulatory Fees (130-2A)~~
- ~~• Well Drilling Advisory Committee (225-017)~~

~~This Committee will review other agencies' regulatory practices and any proposed delegating of permitting responsibilities to the District to assess its impact on the District.~~

~~This Committee will evaluate the functioning of Resource Regulation to determine if any improvements in efficiency and consistency are possible.~~

~~Specific examples of issues the Committee might consider are:~~

- ~~• Evaluation of the permit fee structure to determine the feasibility of recovering an increased percentage of Resource Regulation permitting expenses.~~
- ~~• Evaluation of the current set of regulations covering public supply well fields to determine if additional regulation may be necessary in the case of this particular category of permittee.~~
- ~~• Review and update of penalty matrices.~~
- ~~• Responsibility to formulate, amend and recommend to the Governing Board policies relative to the Regulation Committee.~~
- ~~• Any and all other regulation related issues that require Committee review.~~

<b>BOARD POLICY</b>		
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT		
TITLE: <b>GOVERNING BOARD COMMITTEE RESPONSIBILITIES – REGULATION COMMITTEE</b>		
SECTION/DEPT.: EXECUTIVE	NUMBER: 110-3B	PAGE: 4 of 4
EFFECTIVE DATE: <del>/2014/7/27/</del> 2004		SUPERSEDES: <del>7/27/2004</del> 8/26/2003
APPROVED BY: MICHAEL A .BABB, CHAIR		

**AUTHORITY:** Chapter 40D, Florida Administrative Code  
Chapter 62-40, Florida Administrative Code  
Chapter 373, Florida Statutes

**SUPERSEDES:** Board Policy 110-3B, Governing Board Committee Responsibilities  
Regulation Committee Finance and Administration (eff. 7/27/2004)

Attachment: 110-3B Regulation Committee final 9-11-14 (1318 : Title - September 2014 - Laura Donaldson - Revisions to 110-3)

## GENERAL COUNSEL'S REPORT

September 30, 2014

### *Consent Agenda*

#### **Interagency Agreement Between the SWFWMD and the SFWMD -- Designation of Regulatory Responsibility – Kickin Tires Ranch – Polk County**

On August 4, 2014, Kickin Tires Ranch, LLC submitted Water Use Permit (“WUP”) Application No. 140804-9 (“Application”) to the South Florida Water Management District (“SFWMD”) for a water use permit to serve Kickin Tires Ranch, located in Polk County, Florida (“Property”). The Application requests authorization to withdraw 452,986 gallons per day for the irrigation of improved pasture. The Property covers 247.87 acres, 141.73 of which lies within the jurisdictional boundaries of the SFWMD, and the remaining 106.14 acres lie within the jurisdictional boundaries of the Southwest Florida Water Management District (“SWFWMD”). The portion of the Property that lies within SWFWMD’s boundaries is located within the Southern Water Use Caution Area (“SWUCA”).

Section 373.046(6), Florida Statutes, authorizes a water management district to designate, through an interagency agreement, regulatory responsibility to another water management district over a project located within the jurisdictional boundaries of both districts. Because a significant portion of the Property boundary lies within the SWUCA, both Districts agree that responsibility should be assumed by the SWFWMD for review and issuance of the WUP for the entirety of the Project.

An interagency agreement approved by both district governing boards is necessary to authorize SWFWMD to issue a WUP to the applicant for the entire Project. The SFWMD Governing Board executed the interagency agreement on September 11, 2014.

#### **Staff Recommendation:**

Approve the Interagency Agreement Between the Southwest Florida Water Management District and the South Florida Water Management District for Designation of Regulatory Responsibility for Kickin Tires Ranch in Polk County.

Presenter: Kate Zamboni, Senior Attorney

**INTERAGENCY AGREEMENT BETWEEN THE SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT AND THE SOUTH FLORIDA  
WATER MANAGEMENT DISTRICT FOR THE DESIGNATION OF  
REGULATORY RESPONSIBILITY FOR A WATER USE PERMIT  
APPLICATION FOR KICKIN TIRES RANCH**

THIS INTERAGENCY AGREEMENT (Agreement) is made and entered into by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) and the SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD).

WITNESSETH:

WHEREAS, on August 4, 2014, Kickin Tires Ranch, LLC ("Applicant") submitted Application No. 140804-9 ("Application") to the SFWMD, applying for a water use permit to serve Kickin Tires Ranch in Polk County, Florida ("Property"); and

WHEREAS, the Application requests authorization to withdraw 165.34 million gallons per year and 29.47 million gallons on a peak month basis for agricultural uses; and

WHEREAS, the Property covers 247.87 acres, 141.73 of which lies within the jurisdictional boundaries of the SFWMD and the remaining portion of the Property lies within the jurisdictional boundaries of the SWFWMD, as depicted on the map attached hereto as 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 when the geographic area of a project or local government crosses water management district boundaries; and

WHEREAS, the designation of the SWFWMD as the water management district with Part II, Chapter 373, F.S., regulatory responsibility for the Application would allow for more efficient processing of permit applications under that part; and

WHEREAS, the SFWMD and the SWFWMD desire to designate the SWFWMD as the water management district with Part II, Chapter 373, F.S., regulatory responsibility for the Application pursuant to Part II, Chapter 373, F.S.;

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

1. The SWFWMD is designated as the water management district that will have all regulatory responsibilities under Part II of Chapter 373, F.S., for the consumptive use of water for Kickin Tires Ranch. Such regulatory responsibilities shall include receiving, processing, and taking final agency action on all water use permit applications, or modifications thereof, and taking any compliance and enforcement action with regard to such permit.



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.
3. This Agreement may be executed in counterparts, each of which shall constitute an original, but all of which taken together shall constitute one and the same document. Facsimile signature shall be deemed an equivalent to an original for each and every counterpart.

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

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

By: \_\_\_\_\_  
Michael A. Babb, Chair

Attest: \_\_\_\_\_  
Jeffrey M. Adams, Secretary

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

(Seal)

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

By: \_\_\_\_\_  
Daniel O'Keefe, Chair

Attest: \_\_\_\_\_  
District Clerk/ Asst. Secretary

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

(Seal)

## GENERAL COUNSEL'S REPORT

September 30, 2014

### *Consent Agenda*

#### **Amendment to Perpetual Conservation Easement – Bronson Property – Lake County**

The District holds a conservation easement over property owned by Raymond W. Bronson and Minnie Audrey Bronson, Raymond W. Bronson as Trustee under the Raymond W. Bronson Trust, Marsha Bronson Purvis and Clifford L. Purvis, and Dennis Wayne Bronson and Valerie Austin Bronson (the “Bronson Family”). The conservation easement is located in Lake County and was purchased by the District in 1996.

The conservation easement includes approximately 910-acres and reserved unto the Bronson Family, the right to sell, rent or mortgage the property provided that the property is not divided and sold as more than two parcels. Subsequent to the execution of the conservation easement, the Bronson Family divided the property once creating a second parcel. For estate planning purposes, the Bronson Family has requested that the conservation easement be amended to allow two additional divisions of the property. No additional residences or construction activities beyond those allowed by the original conservation easement would be allowed.

District Land Management and Real Estate Services staff has evaluated the changes requested by the Bronson Family and are agreeable to amending the conservation easements as proposed.

#### **Staff Recommendation:**

Approve and accept the Amendment to Perpetual Conservation Easement for the Bronson Property in Lake County.

Presenter: Carrie N. Felice, Senior Attorney

This instrument prepared by:  
and Return recorded original to:

Office of General Counsel  
Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, FL 34604

SWF Parcel No. 10-200-1100  
Approved by Attorney: \_\_\_\_\_

**AMENDMENT TO PERPETUAL CONSERVATION EASEMENT**

**THIS AMENDMENT TO PERPETUAL CONSERVATION EASEMENT** is made and entered into this \_\_\_ day of \_\_\_\_\_ 2014 between Minnie Audrey Bronson; Dennis Wayne Bronson and Marsha Bronson Purvis as Trustees under the Raymond W. Bronson Trust; Marsha Bronson Purvis and Clifford L. Purvis, her husband; and Dennis Wayne Bronson and Valerie Austin Bronson, his wife; having an address of 11150 Bronson Road, Clermont, Florida 34711 (“Grantors”), and the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, a public corporation, having a mailing address at 2379 Broad Street (U.S. Highway 41 South), Brooksville, Florida 34604-6899 (“Grantee”).

**WITNESSETH:**

WHEREAS, Grantors and Grantee desire to amend the terms of the Perpetual Conservation Easement dated December 14, 1996 and recorded on December 30, 1996 in Official Records Book 1486, Page 110, Public Records of Lake County, Florida, (“the Perpetual Conservation Easement”), upon the terms and conditions hereinafter provided; and

WHEREAS, Grantors are the owners of certain real property located in Lake County, Florida, more particularly described in Exhibit “A” attached hereto and hereinafter referred to as the “Property;” and

WHEREAS, the Perpetual Conservation Easement reserved unto Grantors, the right to sell, rent or mortgage the Property provided that the Property is not divided and sold as more than two parcels; and

Attachment: Bronson amendment (1326 : Bronson Property - Lake County)

WHEREAS, by deed dated February 20, 2001, Grantors divided the Property into two parcels and transferred ownership of a portion of the Property to a third party; and

WHEREAS, Grantors desire, for estate planning purposes, to divide the remaining property into three parcels; and

WHEREAS, the Grantors and Grantee acknowledge the need for and are agreeable to amending the Perpetual Conservation Easement to recognize further division of the Property; and

WHEREAS, the Grantors and Grantee acknowledge and agree that no further residential entitlements beyond those authorized by Paragraph I. of the Perpetual Conservation Easement or divisions of the Property beyond those specifically authorized herein, will be permitted.

NOW THEREFORE, in consideration of the above, and the mutual covenants, terms, conditions and restrictions contained herein, and in consideration TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby covenant and agree as follows:

The Perpetual Conservation Agreement is hereby amended as follows:

1. Grantors shall have the right to sell, rent or mortgage the Property provided that the Property is not divided and sold as more than four total parcels, inclusive of the parcel conveyed by deed dated February 20, 2001 and recorded on May 16, 2001 in Official Records Book 1948, Page 1104, Public Records of Lake County, Florida.
2. All previously Reserved Rights to Grantors as set forth in the Perpetual Conservation Easement, except as amended herein, shall remain in full force and effect.
3. Recordation. Grantors shall record this Amendment to Perpetual Conservation Easement in a timely fashion in the Official Records of Lake County, Florida, and shall re-record it at any time Grantee may require to preserve its rights. Grantors shall pay all recording costs and taxes necessary to record this Amendment to Perpetual Conservation Easement in the public records.

Grantors will hold Grantee harmless from any recording costs or taxes necessary to record this Amendment to Perpetual Conservation Easement in the public records.

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

All other terms and conditions of the Perpetual Conservation Easement, including the District's Right-of-First-Refusal as described in Paragraph III. of the Perpetual Conservation Easement, remain in full force and effect.

IN WITNESS WHEREOF, Grantors have executed this Amendment to Perpetual Conservation Easement on the day and year first above written.

[The remainder of this page intentionally left blank.]

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Witness #1 signature

\_\_\_\_\_  
Minnie Audrey Bronson

\_\_\_\_\_  
Print Witness #1 name

\_\_\_\_\_  
Witness #2 signature

\_\_\_\_\_  
Print Witness #2 name

### ACKNOWLEDGMENT

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2014, by Minnie Audrey Bronson, personally known to me or has produced \_\_\_\_\_  
as identification.

(Seal)

\_\_\_\_\_  
Name of Notary

\_\_\_\_\_  
(Name of Notary typed, printed or stamped)

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Witness #1 signature

\_\_\_\_\_  
Print Witness #1 name

\_\_\_\_\_  
Witness #2 signature

\_\_\_\_\_  
Print Witness #2 name

\_\_\_\_\_  
Marsha Bronson Purvis as Trustee

\_\_\_\_\_  
Dennis Wayne Bronson as Trustee

\_\_\_\_\_  
Witness #1 signature

\_\_\_\_\_  
Print Witness #1 name

\_\_\_\_\_  
Witness #2 signature

\_\_\_\_\_  
Print Witness #2 name

#### ACKNOWLEDGMENT

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by Marsha Bronson Purvis, as Trustee and Dennis Wayne Bronson, as Trustee. They are personally known to me or have produced \_\_\_\_\_ as identification.

(Seal)

\_\_\_\_\_  
Name of Notary

\_\_\_\_\_  
(Name of Notary typed, printed or stamped)

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Witness #1 signature

\_\_\_\_\_  
Marsha Bronson Purvis

\_\_\_\_\_  
Print Witness #1 name

\_\_\_\_\_  
Witness #2 signature

\_\_\_\_\_  
Print Witness #2 name

\_\_\_\_\_  
Witness #1 signature

\_\_\_\_\_  
Clifford L. Purvis

\_\_\_\_\_  
Print Witness #1 name

\_\_\_\_\_  
Witness #2 signature

\_\_\_\_\_  
Print Witness #2 name

#### ACKNOWLEDGMENT

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by Marsha Bronson Purvis, personally known to me or has produced \_\_\_\_\_ as identification, and Clifford L. Purvis, personally known to me or has produced \_\_\_\_\_ as identification.

(Seal)

\_\_\_\_\_  
Name of Notary

\_\_\_\_\_  
(Name of Notary typed, printed or stamped)

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Attachment: Bronson amendment (1326 : Bronson Property - Lake County)

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Witness #1 signature

\_\_\_\_\_  
Dennis Wayne Bronson

\_\_\_\_\_  
Print Witness #1 name

\_\_\_\_\_  
Witness #2 signature

\_\_\_\_\_  
Print Witness #2 name

\_\_\_\_\_  
Witness #1 signature

\_\_\_\_\_  
Valerie Austin Bronson

\_\_\_\_\_  
Print Witness #1 name

\_\_\_\_\_  
Witness #2 signature

\_\_\_\_\_  
Print Witness #2 name

#### ACKNOWLEDGMENT

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by Dennis Wayne Bronson, personally known to me or has produced \_\_\_\_\_ as identification, and Valerie Austin Bronson, personally known to me or has produced \_\_\_\_\_ as identification.

(Seal)

\_\_\_\_\_  
Name of Notary

\_\_\_\_\_  
(Name of Notary typed, printed or stamped)

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Attachment: Bronson amendment ('1326 : Bronson Property - Lake County)

as to Grantee:

SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT:

\_\_\_\_\_  
Michael A. Babb, Chairman

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

Jeffery M. Adams, Secretary

(Seal)

#### ACKNOWLEDGMENT

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ 2014, by  
\_\_\_\_\_ and \_\_\_\_\_, Chairman and Secretary, respectively, of the Southwest Florida  
Water Management District. They are personally known to me.

(Seal)

Notary Public

\_\_\_\_\_  
(Name of Notary typed, printed or stamped)

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Attachment: Bronson amendment (1326 : Bronson Property - Lake County)

## GENERAL COUNSEL'S REPORT

September 30, 2014

### *Consent Agenda*

#### **Consent Order – Overpumpage Penalties – Water Use Permit No. 20012514.007 – Colding Loop Road Wimauma, LLC – CT No. 366376 – Hillsborough County**

On February 25, 2013, the District issued the renewal of Water Use Permit No. 20012514.007 (Permit) to Colding Loop Road Wimauma, LLC (Permittee), authorizing total water withdrawals of 473,000 gallons per day (gpd) on an annual average basis. Permitted quantities include two uses which are served by two separate withdrawal sources: 393,400 gpd for 200.7 acres of agricultural use, primarily for strawberry crops, serviced by withdrawal points from the upper Floridan aquifer (the Agricultural Quantities); and 79,600 gpd for 13.9 acres of mining and dewatering use served by groundwater sources from the surficial aquifer. Permittee has not initiated water withdrawals for mining and dewatering use. The permitted property is located within the boundary of the Most Impacted Area of the Southern Water Use Caution Area.

On July 9, 2013, District staff issued a Notice of Non-Compliance to Permittee advising that the annual average quantity withdrawn for the 12-month period ending May 2013 was 531,860 gpd, or approximately 35.2% in excess of the Agricultural Quantities, as corrected for frost freeze protection. The notice advised Permittee to come into compliance with the Agricultural Quantities within the next two reporting cycles. From the issuance of the Notice of Non-Compliance to date, water withdrawals continued to exceed the Agricultural Quantities by an average of 35.1%.

Following referral of the compliance matter to the District's Office of General Counsel in November 2013, the parties entered into discussions in an effort to resolve the matter without litigation. On February 4, 2014, District staff issued a proposed Consent Order assessing a penalty of \$8,997.00 for six (6) months of exceeding the Agricultural Quantities for the 12-month periods ending May 2013 through November 2013, and \$250.00 in enforcement costs. The Permittee responded by requesting that the District consider its initiatives to correct the water use on the permitted property by changing the tenant farmer that leased the property; hiring an independent consultant to monitor and record water withdrawals, manage water allocation, and communicate directly with the tenant farmer on water management issues; and replacing the entire irrigation system on the property with an efficient, uniform distribution system that utilizes highly manageable controlled zones to accommodate various topographic features and soil profiles.

On March 11, 2014, District staff recommended reducing penalties and costs to \$1,250.00 upon a demonstration that Permittee's corrective actions would bring withdrawals into compliance with the Agricultural Quantities. However, the Permittee has not demonstrated a permanent resolution to the overpumpage of water. On April 23, 2014, the Permittee informed the District that the tenant farmer had planted a spring melon crop over the fall strawberry crop, and despite the initiatives noted above, the Permittee would not be able to achieve compliance with the Agricultural Quantities within the timeframe contemplated by the proposed Consent Order.

Accordingly, District staff issued a revised proposed Consent Order on September 8, 2014, with the following terms and conditions:

## Item d

- Penalties will be assessed in the amount of \$25,768.00 for fifteen (15) months of exceeding the Agricultural Quantities for the 12-month periods ending May 2013 through July 2014 pursuant to the District's overpumpage formula, plus \$500.00 in District enforcement costs.
- Permittee shall submit a written Compliance Plan with specific corrective actions designed to bring withdrawals into compliance with state statutes, District rules and the terms of the Permit. Full compliance shall be achieved within 240 days from approval of the Consent Order by the Governing Board.
- District does not waive the right to pursue the full amount of penalties, enforcement costs, court costs and attorney's fees should the Permittee fail to comply with the Consent Order.
- District shall impose a penalty multiplier for future violations occurring within the Most Impacted Area of the Southern Water Use Caution Area.

The Permittee has indicated by phone to District staff that it intends to resolve the matter without litigation, but as of the date of preparation of this recap a signed Consent Order has not been received. District staff anticipates that a signed Consent Order will be received by the date of the Governing Board meeting.

### Staff Recommendation:

Staff requests approval of the Consent Order and authorization to initiate litigation against Colding Loop Road Wimauma, LLC to enforce the terms of the Consent Order.

Presenter: Kimberly Dionisio, Staff Attorney



BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

ORDER NO. SWF 14 – \_\_\_\_

IN RE: COLDING LOOP ROAD WIMAUMA, LLC  
WUP NO. 20012514.007 / CT NO. 366376  
HILLSBOROUGH COUNTY, FLORIDA

CONSENT ORDER

Pursuant to Sections 120.57(4) and 373.083, Florida Statutes (Fla. Stat.), this Consent Order is entered into by and between the Southwest Florida Water Management District (District) and Colding Loop Road Wimauma, LLC (Permittee), 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, Fla. Stat., and the rules promulgated thereunder as Chapter 40D, Florida Administrative Code (F.A.C.).

2. Permittee is a Florida limited liability company having a mailing address of 3536 Tommy Brock Place, Plant City, Florida 33566. The Gladstone Land Limited Partnership is the managing member for the Permittee, with a mailing address of 1521 Westbranch Drive, Suite 200, McLean, Virginia 22101.

3. Permittee owns approximately 222 acres of real property known as Colding Loop Road Farms, located at 16135 Colding Loop, Wimauma, Hillsborough County, Florida 33598 (the Property). The Property is located within the boundary of the Most Impacted Area of the Southern Water Use Caution Area.

4. On August 7, 2009, the District issued Water Use Permit (WUP) No. 20012514.004 Permit (the .004 Permit) to Don Tillett and Joani J. Tillett, authorizing groundwater withdrawals of 473,000 gallons per day (gpd) on an annual average basis and 1,123,600 gpd on a peak month basis, with 6,480,000 gpd for maximum crop protection.

5. On August 9, 2012, Permittee acquired ownership of the Property. On August 27, 2012, Permittee submitted an Application to Transfer the .004 Permit. The District transferred the .004 Permit by issuing WUP No. 20012514.005 (the .005 Permit) to Permittee on October 5, 2012.

6. On November 21, 2012, the District issued WUP No. 20012514.006 (the .006 Permit) to Permittee, modifying the .005 Permit to include two new withdrawal points from the upper Floridan aquifer.

7. On February 25, 2013, the District issued WUP No. 20012514.007 (the .007 Permit) to Permittee, authorizing groundwater withdrawals of 473,000 gpd on an annual average basis and 2,535,400 gpd on a peak month basis, with 11,888,800 gpd for maximum crop protection. Permitted quantities include two uses which are served by two separate withdrawal sources: 393,400 gpd for 200.7 acres of agricultural use serviced by withdrawal points from the upper Floridan aquifer (the Agricultural Quantities); and 79,600 gpd for 13.9 acres of mining and dewatering use served by groundwater sources from the surficial aquifer. Permittee has not initiated water withdrawals for mining and dewatering use.

8. The Agricultural Quantities authorized by the .007 Permit were calculated to meet the irrigation demand for 181 acres of strawberries and 19.7 acres of spring

tomatoes. Quantities and application rates were based on information submitted by Permittee and the District's irrigation allotment calculation program, AGMOD.

9. Special Conditions 5 and 19 of the .007 Permit require Permittee to comply with allocated irrigation quantities, which were determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown.

10. On July 9, 2013, District staff issued Permittee a Notice of Non-Compliance (Notice) advising that Permittee had withdrawn an annual average daily quantity of 621,630 gpd for the 12-month period ending in May 2013, or 58% above the Agricultural Quantities. The Notice advised Permittee to come into compliance with the Agricultural Quantities within two reporting cycles after the date of the Notice.

11. Permittee's reported withdrawals on an annual average basis have continued to exceed the Agricultural Quantities. For the 12-month periods ending May 2013 through July 2014, Permittee has exceeded the total annual average withdrawals authorized by the .007 Permit, as reported and with adjustments for frost freeze protection below:

12-MONTH PERIOD ENDING	ADJ. AAD PUMPAGE (GPD)	PERMITTED QUANTITY (GPD)	AMOUNT OVERPUMPED (GPD)	PERCENTAGE OVERPUMPED
5/2013	531,860	393,400	138,460	35.2%
6/2013	535,972	393,400	142,572	36.2%
7/2013	524,613	393,400	131,213	33.4%
8/2013	534,942	393,400	141,542	36.0%
9/2013	568,994	393,400	175,594	44.6%

10/2013	536,638	393,400	143,238	36.4%
11/2013	503,178	393,400	109,778	27.9%
12/2013	505,390	393,400	111,990	28.5%
1/2014	480,996	393,400	87,596	22.3%
2/2014	502,359	393,400	108,949	27.7%
3/2014	532,685	393,400	139,285	35.4%
4/2014	542,775	393,400	149,375	37.9%
5/2014	526,000	393,400	132,600	33.7%
6/2014	522,225	393,400	128,825	32.7%
7/2014	531,433	393,400	138,031	35.1%

12. As of the preparation of this Consent Order, Permittee continues to exceed the total annual average withdrawals authorized by the .007 Permit.

13. The parties herein have agreed to resolve all disputed issues regarding the violations set forth herein as described in this Consent Order.

#### CONCLUSIONS OF LAW

14. The District has jurisdiction over the Permittee pursuant to Chapter 373, Part II, Fla. Stat., and Chapter 40D-2, F.A.C.

15. Withdrawing water in excess of the quantity authorized by the .007 Permit, as described herein, constitutes a violation of Section 373.219(1), Fla. Stat., and the terms and conditions of the .007 Permit.

#### CORRECTIVE ACTIONS

16. Permittee shall pay to the District penalties of Twenty Five Thousand Seven Hundred Sixty Eight and 00/100 dollars (\$25,768.00), and enforcement costs of

Five Hundred and 00/100 dollars (\$500.00), for a total of Twenty Six Thousand Two Hundred Sixty Eight and 00/100 dollars (\$26,268.00), by certified check or money order within ten (10) days of approval of this Consent Order by the District Governing Board.

If mailed, the address for payment is:

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

17. Within fourteen (14) days of approval of this Consent Order by the District Governing Board, Permittee shall submit to the District a written plan demonstrating how and when it will come into full compliance and remain in compliance with state statutes, District rules and the terms of the .007 Permit (the Compliance Plan). The Compliance Plan shall include, but not be limited to, specific corrective actions designed to bring withdrawals into compliance and proposed deadlines for implementation and completion of the included corrective actions. Permittee shall respond to all of the District's questions or comments concerning the Compliance Plan within the time requested by the District to expeditiously secure the District's approval. Upon written approval by the District, Permittee shall comply with the approved Compliance Plan. Any failure of Permittee to comply with any provision of the approved Compliance Plan shall constitute a violation of this Consent Order.

18. Permittee shall achieve full compliance with state statutes, District rules and the terms of the .007 Permit, including any modification or renewal thereof, within two hundred forty (240) days from approval of this Consent Order by the District Governing Board.

19. For each day of delay beyond any due date specified in this Consent

Order, Permittee shall pay to the District an additional sum of Five Hundred and 00/100 dollars (\$500.00) per day. This additional sum shall be paid by Permittee upon the District's mailing to Permittee of a demand letter for payment. This provision shall not be construed to preclude the District's right to undertake other administrative, civil or criminal action as appropriate in the event any due date is not met.

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

21. 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.

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

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

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

25. For and in consideration of the complete and timely performance by Permittee of its obligations under this Consent Order, the District waives its right to pursue civil or administrative action for any violations described in this Consent Order.



In the event that 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.

26. Permittee shall allow authorized representatives of the District access to its water withdrawal facilities at all reasonable times without prior consent or notice for the purpose of determining compliance with this Consent Order, Chapter 373, Fla. Stat., the rules of the District, and the terms of the .007 Permit, including any modification or renewal thereof, except that the District shall attempt to notify Permittee prior to access.

27. Permittee further agrees to henceforth fully comply with all of the terms and conditions of the .007 Permit, including any modification or renewal thereof. Permittee acknowledges by the execution of this Consent Order that any future violation of Chapter 373, Fla. Stat., District rules, or the terms of the .007 Permit, including any modification or renewal thereof, may subject it to any or all of the following: criminal prosecution, administrative action or civil suit in which civil penalties of up to Ten Thousand and 0/00 dollars (\$10,000.00) per day, per offense may be imposed. Permittee further acknowledges that the District will impose a penalty multiplier for any such violation occurring within the Most Impacted Area of the Southern Water Use Caution Area.

28. 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, Fla. Stat. 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 U.S. Highway 301 North, Tampa, Florida 33637, 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, Fla. Stat. Mediation pursuant to Section 120.573, Fla. Stat., 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.

29. The effectiveness of this Consent Order is subject to review and approval by the District Governing Board. In the event the District Governing Board does not approve this Consent Order, this Consent Order shall be null, void and of no legal effect. After this Consent Order has been executed by Permittee, Permittee may not withdraw approval or terminate this Consent Order under any circumstances unless the District Governing Board fails to approve this Consent Order.

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

\_\_\_\_\_  
Witness

COLDING LOOP ROAD WIMAUMA, LLC

By: \_\_\_\_\_

DAVID GLADSTONE  
Chairman and CEO  
The Gladstone Companies

Gladstone Land Ltd.  
Managing Member for  
Colding Loop Road Wimauma, LLC

Gladstone Land Partners, LLC  
General Partner for Gladstone Land Ltd.

Gladstone Land Corp., Manager for  
Gladstone Land Partners, LLC

Approved as to Legal Form & Content

\_\_\_\_\_  
Attorney

Approved by the Governing Board of the Southwest Florida Water Management  
District this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

By: \_\_\_\_\_  
MICHAEL A. BABB, Chair

Attest: \_\_\_\_\_  
JEFFREY M. ADAMS, Secretary

Filed this \_\_\_\_\_ day of \_\_\_\_\_ 2014. (Seal)

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

CONSENT ORDER  
COLDING LOOP ROAD WIMAUMA, LLC  
WUP NO. 20012514.007 / CT NO. 366376  
HILLSBOROUGH COUNTY, FLORIDA

## GENERAL COUNSEL'S REPORT

September 30, 2014

### *Consent Agenda*

#### **Board Designated Encumbrance Legal Services, Expert Testimony/Analysis, and Administrative Law Judge**

##### *Purpose*

The purpose of this request is to encumber remaining FY2013-14 funds not to exceed \$168,400 for legal services, \$25,000 for expert testimony/analysis, and \$25,000 for administrative law judge costs for use during FY2014-15.

##### *Background/History*

The Office of General Counsel anticipates that it will handle an above-average litigation caseload during FY2014-15, including the civil litigation against Parsons Water & Infrastructure, Inc. and administrative law judge time to preside over cases pending before the Division of Administrative Hearings. These FY2013-14 funds will be added to previously encumbered funds in the amount of \$400,000, which will provide a total of \$618,400 designated for the anticipated increased litigation in FY2014-15.

##### *Benefits/Costs*

The Office of General Counsel may need to utilize outside law firms with specialized knowledge or experience to assist the District with its litigation caseload in protecting the District's interests, defending the District's position in rulemaking and enforcement or to carry out the District's statutory responsibilities.

##### **Staff Recommendation:**

Approve the encumbrance of up to \$218,400 of FY2013-14 funds to be added to the prior year funds currently encumbered providing a total of up to \$618,400 for use in FY2014-15 for outside legal services, expert testimony/analysis and administrative law judge costs.

**Presenter:** Laura Donaldson, General Counsel

## GENERAL COUNSEL'S REPORT

September 30, 2014

### *Consent Agenda*

#### **Rulemaking – Initiation and Approval of Amendments to Chapter 40D-1, F.A.C., to Make District Procedural Rules Consistent with Statewide Environmental Resource Permitting Procedural Rules in Chapter 62-330, F.A.C.**

The Statewide Environmental Resource Permit (SWERP) rules in Chapter 62-330, Florida Administrative Code (F.A.C.), and in SWERP Applicant's Handbook Volume I set forth certain procedures for the processing of applications for permits, notices of intent to use general permits, requests for verification of qualification for exemption and petitions for formal wetland determinations. District Rule Chapter 40D-1, F.A.C., sets forth the District's procedural rules governing all permit applications, emergency authorizations, forms and administrative fees. Some of the District rules duplicate or are inconsistent with related SWERP processing rules, and now require either amendment or repeal to remain consistent with SWERP.

District staff seeks Governing Board authorization to initiate rulemaking to make Chapter 40D-1, F.A.C., consistent with the SWERP rules. Staff also seeks approval of the specific amendments and repeals necessary to accomplish this purpose, as set forth in Exhibit A for this item. Upon Board approval, District staff will notify the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with rulemaking without further Governing Board action. If substantive comments are received from the public or reviewing entities such as OFARR or JAPC, or if changes are needed to the proposed amendments, this matter will be brought back to the Governing Board for further consideration. The chart below depicts the current stage of the rulemaking process for this item.

#### **Staff Recommendation:**

Authorize the initiation of rulemaking to amend Chapter 40D-1, F.A.C. to make the District's procedural rules relating to ERP matters consistent with the SWERP rules contained in Chapter 62-330, F.A.C., and in SWERP Applicant's Handbook Volume I, and approve the amendments to Chapter 40D-1, F.A.C., as set forth in Exhibit A.

**Presenter:** Marti Moore, Assistant General Counsel



**EXHIBIT A**  
**PROPOSED AMENDMENTS TO**  
**CHAPTER 40D-1, PROCEDURAL**  
**FOR SWERP CONSISTENCY**

**40D-1.002 Delegation of Authority.**

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

(2) No change.

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

**40D-1.1021 Emergency Authorizations for Activities Regulated Under Part IV of Chapter 373, F.S. [repealed]**

~~The District shall authorize activities regulated under Part IV of Chapter 373, F.S., when emergency conditions exist. Emergency conditions are defined as those conditions which pose a present or imminent danger and require immediate action to protect the public health, safety or welfare; the health of animals, birds, fish or aquatic life; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable uses. Mere carelessness or the lack of planning on the part of an applicant for an emergency authorization shall not be sufficient grounds to warrant the granting of an emergency authorization.~~

~~(1) Authorization to begin construction that requires a permit under Chapters 40D-4, 40D-40 and 40D-400, F.A.C., prior to the issuance of a permit currently under consideration by the District may be applied for in writing, when emergency conditions exist. The Executive Director or his or her designee is authorized to issue emergency authorizations pursuant to this paragraph.~~

~~(2) Emergency field authorizations may be requested when emergency conditions exist and no ERP application is currently under consideration by the District. The entity requesting the emergency field authorization shall complete District Emergency Field Authorization Form No. LEG R.049.00 (11/09), incorporated herein by reference. This form may be obtained from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District offices. The activity authorized by the emergency field authorization may commence upon approval by the District's field representative. The recipient of an emergency field authorization is responsible for compliance with all the terms and conditions of the authorization. Within 90 days of issuance of an emergency field authorization the recipient shall either restore the site to the conditions existing before the emergency or apply for an ERP.~~

*Rulemaking Authority 120.54(5), 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 120.54(5), 120.569(2)(n), 373.083, 373.083(5), 373.119, 373.413, 373.416, 373.426, 373.439 FS. History—Readopted 10-5-74, Amended 10-24-76, Formerly 16J-4.16, Amended 10-1-84, Formerly 40D-4.451, Amended 7-2-98, 6-17-99, 4-12-10, repealed \_\_\_\_\_.*

**40D-1.602 Permits Required.**

Unless expressly exempt by law or District rule, or authorized pursuant to Section 403.814(12), F.S., the following permits shall be obtained from the District prior to commencement of the following activities:

(1) No change.

(2) No change.

(3) ~~An A-surface water~~, individual, ~~or general, or noticed general~~ permit under Chapter 62-330, F.A.C., for activities occurring as of October 1, 2013, or a permit under Chapter 40D-4 or 40D-40 or 40D-400, F.A.C., for activity grandfathered under the provisions of Sections 373.4131(4), 373.414(11), (12)(a), (13), (14), (15), or (16), F.S., must be obtained prior to construction, alteration, abandonment, operation, or removal, of any surface water or stormwater management system, dam, impoundment, reservoir, appurtenant work or works, including dredging or filling, as prescribed by Chapter 62-330, F.A.C., or District rules. An

Attachment: Ex A 40D-1 amendments w ADA (Correct) (1359 : Amendments to Chapter 40D-1)

individual permit is required for the establishment and operation of mitigation banks.

~~(4) A conceptual environmental resource permit may be obtained for proposed surface water management systems or mitigation banks. However, a conceptual permit does not authorize construction or operation. A conceptual mitigation bank permit can be utilized to estimate the legal and financial requirements for the mitigation bank, information required for evaluation of the mitigation bank permit application, and potential mitigation credits that would be awarded to the specific project proposal.~~

~~(5)~~ A proprietary authorization is required by Chapters 253 and 258, F.S., for activities which are located on state-owned lands. Such authorization shall be reviewed by the District for activities which also require an environmental resource permit (ERP) or exemption under Chapters 62-330, 40D-4, or 40D-40, ~~and 40D-400~~, F.A.C., or a permit under Sections 373.414(11)-(16), F.S., under Section 373.427, F.S., Chapters 18-20 and 18-21, and Rules 62-312.065 and 62-343.075, F.A.C.

*Rulemaking Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.4136, 373.414, 373.418 FS. Law Implemented 373.106, 373.118, 373.171, 373.216, 373.219, 373.308, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426, 380.06(9) FS. History—New 10-1-84, Amended 12-22-94, 10-16-96, 2-14-00, 9-26-02, 6-5-05, 6-29-14,\_\_\_\_\_.*

#### **40D-1.603 Permit Application Procedures.**

(1) Applications for environmental resource permits, notices, requests for verification of exemption, petitions for formal determinations of wetland and other surface waters and other determinations requested under Chapter 62-330, F.A.C., shall be processed in accordance with Chapter 62-330, F.A.C., and Environmental Resource Permit Applicant's Handbook Volume I, and not in accordance with this rule. For all other applications, a A permit application shall be:

(a) Filed with the District on the appropriate form or forms incorporated by reference in the applicable rule, with all application blanks filled in and containing signatures as required for each form;

(b) Accompanied by the required number of copies at the time of submittal, as specified in the appropriate rule; and

(c) Accompanied by the appropriate fee as set forth in Rule 40D-1.607, F.A.C.

(d) Any requirement to submit multiple copies of an application shall not apply when the complete application package is submitted electronically through the District's electronic permitting process.

(2) No later than 30 days after submittal of an initial application or an application for modification of an individual surface water management permit, an individual ERP or an initial application or application for renewal or modification of an individual WUP for annual average quantities of 500,000 gpd or greater pursuant to Chapter 40D-2, F.A.C., the applicant shall publish at the applicant's expense a notice of the District's receipt of the application in a newspaper having general circulation as defined in Chapter 50, F.S., in the county or counties in which the activity is proposed. No later than 30 days after receipt of an application for an initial or modification of a general surface water management permit or ERP pursuant to Chapter 40D-40, F.A.C., ~~or a noticed general ERP pursuant to Chapter 40D-400, F.A.C.,~~ or for an initial application or application for renewal or modification of an individual WUP for annual average quantities of less than 500,000 gpd pursuant to Chapter 40D-2, F.A.C., the District shall post notice thereof on the District's website at [www.watmatters.org](http://www.watmatters.org). In the event that after the posting of notice of an application for an individual WUP for annual average quantities of less than 500,000 gpd is modified to 500,000 gpd or greater, notice of the application shall be published by the applicant in a newspaper as provided herein.

(3) – (8) No change.

~~(9) In addition to, and concurrent with the noticing required pursuant to subsection (2), when the applicant is an entity with the power of eminent domain that does not have current ownership or control of the entire project area described in the application, the applicant shall provide the property owner(s) identified in the application:~~

~~(a) With a written notice of receipt of the application in accordance with subsection (2); and~~

~~(b) With a written notice of the intended agency action on the application. The owners of property, not owned by the applicant, identified in the application shall be those identified in the County Property Appraiser's records within 30 days prior to the filing of the application.~~

~~(10)~~ Applicants who seek to renew a permit must submit a timely and sufficient application for renewal in order to avoid expiration of the permit. An application for renewal shall be considered timely only if it is received by the District no later than the expiration date of the existing permit. Mailing the application does not constitute receipt by the District. If the permit's expiration date falls on a weekend or recognized holiday, the application for renewal must be received by the District on the next business day after the weekend or holiday. When timely and sufficient application for renewal is made, the existing permit shall not expire until

the application for renewal has been finally acted upon by the District, or if the permit is denied or the terms of the permit are limited, until the last day for seeking review of the District action or a later date fixed by order of the reviewing court.

(10) ~~(11)~~ Published notices of receipt of an application for a surface water management permit or Environmental Resource Permit shall contain information and be in a format substantially as follows:

Notice is hereby given that the Southwest Florida Water Management District has received [surface water or Environmental Resource] permit application number [application number] from [name and address of applicant]. Application received: [date]. Proposed activity: [specify commercial, industrial, residential or other development]. Project name: [name or description of project]. Project size: [specify acres] Location: Section(s) [specify] Township [specify] East, Range [specify] South, in [specify] County. Outstanding Florida Water: [yes or no]. Aquatic preserve: [yes or no]. The application is available for public inspection Monday through Friday at 7601 U.S. Highway 301 North, Tampa, Florida 33637 or through the “Application & Permit Search Tools” function on the District’s website at www.watermatters.org/permits ~~[specify District office and address]~~. Interested persons may inspect a copy of the application and submit written comments concerning the application. Comments must include the permit application number and be received within 14 days from the date of this notice. If you wish to be notified of intended agency action or an opportunity to request an administrative hearing regarding the application, you must send a written request referencing the permit application number to the Southwest Florida Water Management District, Regulation Bureau, 7601 U.S. Highway 301 North, Tampa, Florida 33637 ~~Regulation Performance Management Department, 2379 Broad Street, Brooksville, FL 34604-6899~~ or submit your request through the District’s website at www.watermatters.org. The District does not discriminate based on disability. Anyone requiring accommodation under the ADA should contact the Regulation Performance Management Department at (352)796-7211 or 1(800)423-1476, TDD only 1(800)231-6103.

(11) ~~(12)~~ Published notices of receipt of an application for a water use permit shall contain the information included in and substantially conform to the following format:

Notice is hereby given that the Southwest Florida Water Management District has received an application for a [new or modification of] water use permit application number [application number] from [name and address of applicant] to withdraw water from wells and/or surface waters Application received: [date]. Predominant use type(s): [specify public supply, recreation/aesthetic, commercial, agricultural, mining/dewatering]. Quantity [quantity]. Location: Section(s) [specify] Township [specify] East, Range [specify] South, in [specify] County. The application is available for public inspection Monday through Friday at 7601 U.S. Highway 301 North, Tampa, Florida 33637 or through the “Application & Permit Search Tools” function on the District’s website at www.watermatters.org/permits/. Interested persons may inspect a copy of the application and submit written objections and comments concerning the application within 14 days from the date of this notice. The District does not discriminate based on disability. Anyone requiring accommodation under the ADA should contact the Regulation Performance Management Department at (352)796-7211 or 1(800)423-1476, TDD only 1(800)231-6103.

(12) ~~(13)~~ No further change.

*Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 120.60(4), 373.116, 373.118, 373.229, 373.413 FS. History—New 10-1-84, Amended 5-10-88, 12-22-94, 10-19-95, 3-31-96, 12-16-97, 7-2-98, 7-22-99, 11-8-00, 9-26-02, 12-24-07, 4-7-08, 11-2-08, 9-1-09, 12-11-12, 5-19-14, 6-29-14,\_\_\_\_\_.*

#### **40D-1.6051 Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications.**

(1) Applications for environmental resource permits, notices, requests for verification of exemption, petitions for formal determinations of wetland and other surface waters and other determinations requested under Chapter 62-330, F.A.C., shall be processed in accordance with Chapter 62-330, F.A.C., and Environmental Resource Permit Applicant’s Handbook Volume I, and not in accordance with this rule. For all other applications, ~~w~~Within 30 days after receipt of an application, the District shall notify the applicant if the application is incomplete and request the additional information required to make the application complete. The applicant shall have up to 90 days to submit all information requested. If additional information is not supplied within 90 days after notice by the District, the application will be denied for lack of completeness as provided in subsection (2). Within 30 days after receiving all additional information requested from the applicant, the District shall review it and may request only clarifications of the information or request answers to new questions raised or directly related to the information previously furnished. The applicant shall have up to 90 days from issuance of the District’s request for clarifying or additional information to submit the information requested. If the requested information is not supplied within 90 days after notice by the District, the application will be denied for

lack of completeness as provided in subsection (2). If the applicant believes the request of the District for such clarifying or additional information is not authorized by law or rule, upon receipt of the applicant's written request the District shall deem the application complete and proceed to process the permit application.

(a) – (c) No change.

(2) No change.

*Rulemaking Authority 120.54(5), 373.044, 373.113, 373.118, 373.4135, 373.4136, 373.414 FS. Law Implemented 120.54(5), 120.60, 373.079(4)(a)1., 373.083(5), 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426 FS. History–New 7-2-98, Formerly 40D-1.1020, Amended 9-1-09, 9-5-10, 12-12-11, 6-29-14.*

#### **40D-1.6105 Limiting Conditions.**

(1) No change.

(2) A permit may be assigned to a subsequent owner subject to all terms and conditions contained in such permit upon notification in writing to the District of such assignment, provided ownership, lease, or other control of all such lands is conveyed to the assignee and further provided that the assignee, by accepting such assignment, does assume responsibility for complying with all such terms and conditions. To assign an environmental resource permit issued prior to October 1, 2013, a subsequent owner must submit a Notification and Request for Transfer of Environmental Resource Permit, Form No. LEG-R.043.00 (4/09), incorporated by reference in subsection 40D-4.351(1), F.A.C. To assign a water use permit, a subsequent owner must submit, ~~or~~ an Application to Transfer a Water Use Permit, Form No. LEG-R.002.04 (9/12), incorporated by reference in subsection 40D-2.351(1), F.A.C., ~~as appropriate. The assignee must also that~~ includes the signature of the permittee(s) or a copy of the legally recorded deed(s) to all of the land covered by the permit. Copies of these forms may be obtained from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District offices.

(3) No change.

*Rulemaking Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.079(4)(a), 373.083(5), 373.219, 373.413, 373.4135, 373.416 FS. History–Readopted 10-5-74, Formerly 16J-0.12, Amended 2-10-93, Formerly 40D-0.381, Amended 12-16-97, 8-25-02, 10-19-05, 11-25-07, 8-30-09, 11-2-09, 10-14-12,\_\_\_\_\_.*

#### **40D-1.659 Forms and Instructions.**

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District offices or the District's website at [www.WaterMatters.org](http://www.WaterMatters.org).

(1) No change.

(2) SURFACE WATER. The following forms are for use with grandfathered surface water or environmental resource permit applications or permits. Activities to be permitted pursuant to Chapter 62-330, F.A.C., shall use the forms incorporated therein.

(a) JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT, FORM 547.27/ERP (08/11), incorporated by reference in paragraph 40D-4.101(1)(b), F.A.C.

(b) STATEMENT OF COMPLETION AND REQUEST FOR TRANSFER TO OPERATION ENTITY, FORM 547.27/SOC (4/09), incorporated by reference in subparagraph 40D-4.351(2)(a)1., F.A.C.

(c) ~~PETITION FOR A FORMAL DETERMINATION OF THE LANDWARD EXTENT OF WETLANDS AND SURFACE WATERS, FORM 547.27/FJDS (08/11), incorporated by reference in paragraph 40D-4.042(2)(a), F.A.C.~~

(d) ~~NOTICE OF INTENT TO CONSTRUCT A MINOR SILVICULTURAL SURFACE WATER MANAGEMENT SYSTEM PURSUANT TO RULE 40D 400.500, F.A.C., FORM 547.27/NOI (08/11), incorporated by reference in subsection 40D-400.500(3), F.A.C.~~

(e) ~~PERMIT APPLICATION FOR SITE CONDITIONS ASSESSMENT, FORM 547.27/SCA (08/11), incorporated by reference in subsection 40D-40.044(1), F.A.C.~~

(f) ~~MITIGATION BANK PERFORMANCE BOND TO DEMONSTRATE CONSTRUCTION AND IMPLEMENTATION FINANCIAL ASSURANCE, FORM MB/PB (4/09), incorporated by reference in paragraph 40D-4.091(6)(a), F.A.C.~~

(g) ~~MITIGATION BANK IRREVOCABLE LETTER OF CREDIT TO DEMONSTRATE CONSTRUCTION AND IMPLEMENTATION FINANCIAL ASSURANCE, FORM MB/ILC (4/09), incorporated by reference in paragraph 40D-~~

4.091(6)(b), F.A.C.

~~(f) (h)~~—MITIGATION BANK TRUST FUND AGREEMENT TO DEMONSTRATE CONSTRUCTION AND IMPLEMENTATION FINANCIAL ASSURANCE, FORM MB/CIFA (4/09), incorporated by reference in paragraph 40D-4.091(6)(c), F.A.C.

~~(g) (i)~~—MITIGATION BANK TRUST FUND AGREEMENT TO DEMONSTRATE PERPETUAL MANAGEMENT FINANCIAL RESPONSIBILITY, FORM MB/PMFA (4/09), incorporated by reference in paragraph 40D-4.091(6)(d), F.A.C.

~~(j)~~ NOTIFICATION AND REQUEST FOR TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT, FORM NO. LEG-R.043.01 (9/11), incorporated by reference in paragraph 40D-4.351(1)(a), F.A.C.

~~(h) (k)~~ STATEMENT OF INSPECTION FOR PROPER OPERATION AND MAINTENANCE, FORM NO. LEG-R.044.00 (4/09), incorporated by reference in subsection 40D-4.351(3), F.A.C.

~~(i) GENERAL ENVIRONMENTAL RESOURCE PERMIT (ERP) APPLICATION FOR MODIFICATION RELATED TO OUTPARCEL CONSTRUCTION WITHIN PERMITTED PROJECTS, FORM NO. LEG R.001.03 (11/11), incorporated by reference in subparagraph 40D-4.331(2)(a)2., F.A.C.~~

~~(i) (m)~~ ENVIRONMENTAL RESOURCE PERMIT MODIFICATION SHORT FORM, FORM NO. LEG-R.013.02 (08/11), incorporated by reference in paragraph 40D-4.331(2)(b), F.A.C.

~~(n) EMERGENCY FIELD AUTHORIZATION, FORM NO. LEG R.049.00 (11/09), incorporated by reference in subsection 40D-1.1021(2), F.A.C.~~

(3) OTHER

(a) – (g) No change.

*Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.083, 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.4131, 373.416, 373.419, 373.421, 373.705, 373.707, 668.50 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05(1) and (2), 10-19-05(5), 10-19-05(20), 2-6-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09, 7-1-09, 8-30-09, 9-1-09, 10-26-09, 1-27-10, 4-12-10, 4-27-10, 9-5-10, 9-12-10, 12-7-10, 1-16-11, 6-16-11, 12-12-11, 12-29-11, 2-9-12, 10-14-12, 2-13-13, 5-19-14, 6-29-14, \_\_\_\_\_.*



## GENERAL COUNSEL'S REPORT

September 30, 2014

### *Consent Agenda*

#### **Rulemaking – Initiation and Approval of Amendments to Chapter 40D-3, F.A.C. to Incorporate Changes in DEP Rules for Water Well Contractors and Construction of Water Wells**

The Department of Environmental Protection (DEP) has recently amended its water well contractor licensing application requirements set forth in Chapter 62-531, Florida Administrative Code (F.A.C.), and has adopted a new Water Well Construction Disciplinary Guidelines and Citations Dictionary to replace the existing disciplinary guidelines and citations dictionary documents that were previously adopted in October 2002. These amendments became effective on June 22, 2014.

District Rule 40D-3.037, F.A.C., currently incorporates by reference related DEP rules, including the earlier version of Chapter 62-531, F.A.C. Amendments are necessary to incorporate the latest edition of Chapter 62-531, F.A.C., and the new Water Well Construction Disciplinary Guidelines and Citations Dictionary. In addition, earlier District rulemaking seeking to incorporate DEP's amendments to Chapters 62-528 and 62-532, F.A.C., and make other minor rule corrections had been initiated in 2012, but was withdrawn in response to comments from the Joint Administrative Procedures Committee (JAPC). This earlier proposed rulemaking package has since been revised and is also being pursued as part of this rulemaking effort. Accordingly, amendments are proposed to incorporate updated DEP rules and additional materials incorporated in DEP's well construction rules, to correct citations to DEP rules, and to adopt revised District forms to correlate with the changes made in DEP's rules. Some additional minor clarifying and correcting amendments are also being made. The proposed amendments are attached as Exhibit A for this agenda item and are included in the Governing Board packet.

District staff seek authorization to initiate rulemaking and Governing Board approval of the proposed amendments and forms set forth in Exhibit A. Upon Board approval, District staff will notify the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) and proceed with rulemaking without further Governing Board action. If substantive comments are received from the public or reviewing entities such as OFARR or JAPC, or if changes are needed to the proposed amendments, this matter will be brought back to the Governing Board for further consideration. The chart below depicts the current stage of the rulemaking process for this item.

#### **Staff Recommendation:**

Authorize the initiation of rulemaking to amend Chapter 40D-3, F.A.C. to incorporate changes in DEP rules for water well contractors and construction of water wells and approve the amendments to Chapter 40D-3, F.A.C., and forms as set forth in Exhibit A.

**Presenter:** Marti Moore, Assistant General Counsel



## EXHIBIT A

### PROPOSED AMENDMENTS TO CHAPTER 40D-3, F.A.C. TO INCORPORATE CHANGES IN DEP RULES FOR WATER WELL CONTRACTORS AND CONSTRUCTION OF WATER WELLS

#### 40D-3.037 Rules, Publications and Agreements Incorporated by Reference.

(1) The regulations promulgated by the Department governing the construction of water wells as set forth in Chapter 62-532, F.A.C. (2-16-12) ~~(3-28-02)~~, the construction of water wells in delineated areas as set forth in Chapter 62-524, F.A.C. (2-16-12) ~~(6-27-00)~~, the licensing requirements for Water Well Contractors as set forth in Chapter 62-531, F.A.C. (6-22-14) ~~(11-25-07)~~, and the construction of public supply water wells as set forth in Chapter 62-555, F.A.C. (5-5-14) ~~(1-17-05)~~, and underground injection control as set forth in Chapter 62-528, F.A.C. (2-16-12) are hereby incorporated by reference and made a part of this rule and shall apply to all water wells constructed, repaired, modified or abandoned in the District. The regulations can be obtained from the Department's website at: [www.dep.state.fl.us](http://www.dep.state.fl.us) or the Department's Division of Water Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(2) The Department's Water Well Construction Disciplinary Guidelines and Citations Dictionary (6-22-14) is ~~Water Well Contractor Disciplinary Guidelines and Procedures Manual (October 2002) and the Department's Florida Unified Citations Dictionary for Water Well Construction (October 2002)~~ are hereby incorporated by reference and made a part of this rule. This document ~~Both documents~~ is available from the Department's website at: [www.dep.state.fl.us](http://www.dep.state.fl.us) or can be obtained from the Department's Division of Water Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or from the District upon request.

(3) – (4) No change.

(5) The Application for Water Well Contractor's License, Form No. LEG-R.003.02 (9/14) ~~LEG-R.003.01 (4/09)~~ and Application for Renewal of a Water Well Contractor's License, Form No. LEG-R.004.03 (9/14) ~~LEG-R.004.02 (4/09)~~ are hereby incorporated by reference and are available from the District's website at [www.watermatters.org](http://www.watermatters.org) or from the District offices.

(6) The Department's Water Well Contractor Continuing Education Program Manual (6-22-14), incorporated by reference in subsection 62-531.300(2), F.A.C., a copy of which may be obtained from the Department's Division of Water Resource Management, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, or from the District's website at [www.watermatters.org](http://www.watermatters.org) or District offices.

(7) The following publications referenced in Chapter 62-532, F.A.C., are also incorporated by reference herein:

(a) American Society for Testing and Materials (ASTM) A53/A53M-99b (1999); A135-01 (2001), A252-98 (1998), and A589-96 (1996), incorporated by reference in paragraph 62-532.500(1)(a), F.A.C. Copies of these copyrighted standards may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, PA 19428-2959;

(b) American Petroleum Institute (API) 5L-2000 (2000), incorporated by reference in paragraph 62-532.500(1)(a), F.A.C. Copies of this copyrighted standard may be obtained from the American Petroleum Institute, 1220 L Street N.W., Washington, DC 20005-4070;

(c) ANSI/ASME B36. 10M-2000, incorporated by reference in paragraph 62-532.500(1)(a), F.A.C. Copies of this copyrighted standard may be obtained from the American National Standards Institute, 1819 L Street N.W., Washington, DC 20036;

(d) Schedule 10S and Schedule 40 of the ANSI/ASME B36. 19M-1985, incorporated by reference in paragraph 62-532.500(1)(d), F.A.C. Copies of this copyrighted standard may be obtained from the American National Standards Institute, 1819 L Street N.W., Washington, DC 20036;

(e) 2008 NSF International Standard/American National Standard NSF/ANSI 14-2008e, Plastics Piping System Components and Related Materials; NSF International Standard/American National Standard NSF/ANSI 61-2008, Drinking Water System Components – Health Effects, incorporated by reference in paragraph 62-532.500(1)(a), F.A.C. Copies of these copyrighted standards may be obtained from NSF International, P. O. Box 130140, Ann Arbor, MI 48113-0140;

(f) Closed-Loop/Geothermal Heat Pump Systems Design and Installation Standards, Revised Edition 2008, published by the International Ground Source Heat Pump Association, Oklahoma State University; Closed-Loop/Ground-Source Heat Pump Systems Installation Guide, 1988, Oklahoma State University, incorporated by reference in subsection 62-532.500(2), F.A.C. Copies of these copyrighted materials may be obtained from the International Ground Source Heat Pump Association, Oklahoma State University, 374 Cordell South, Stillwater, OK

Attachment: Exhibit A for recap 2 Marti Moore (1360 : Amendments to Chapter 40D-3)

74078-8018:

(g) Appendix C of American Water Works Association (AWWA) Standard A100-97 (1997), AWWA Standard for Water Wells, incorporated by reference in subparagraph 62-532.500(3)(i)6., F.A.C. Copies of these copyrighted, recommended practices and methods may be obtained from the American Water Works Association, 6666 West Quincy Avenue, Denver, CO 80235;

(h) Vertical Geothermal Heat Pump Systems Engineering Design and Field Procedures Manual, published by the International Ground Source Heat Pump Association, First Edition 2000, Oklahoma State University, incorporated by reference in subparagraph 62-532.500(3)(i)6., F.A.C. Copies of these copyrighted, recommended practices and methods may be obtained from the International Ground Source Heat Pump Association, Oklahoma State University, 374 Cordell South, Stillwater, OK 74078-8018.

*Rulemaking Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.103, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History—New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03, 1-8-04, 8-19-08, 1-5-09, 8-30-09, 11-2-09, 6-7-10,\_\_\_\_\_.*

#### **40D-3.045 Water Use Permit Required.**

(1) Permits for construction, repair, modification or abandonment of wells for which an individual a—water use permit is required under Chapter 40D-2, F.A.C., shall not be issued prior to issuance of the water use permit authorizing such water use withdrawals.

(2) – (3) No change.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.309 FS. History—New 7-1-90, Amended 9-30-91, 12-31-92, 3-30-93, 8-10-93,\_\_\_\_\_.*

#### **40D-3.492 Violations of Permits.**

(1) In addition to those violations set forth in Section 373.336, F.S., and Section 62-531.450, F.A.C., aActions, omissions, or conduct that shall be considered a violation of this chapter include the following part are:

(a) Failure to submit a complete well completion report within 30 days of the completion of construction, repair or abandonment of any well.

(b) Intentional misrepresentation or falsification of records.

(c) Failure to obtain a permit when required under Rule 40D-3.041, F.A.C.

(d) Failure to keep a field log at the drilling site with accurate information of all construction activities.

(e) Failure to provide a field log upon request to a District representative at the drilling site during times when work is in progress unless a field log is not available at the site.

(f) Failure to report to the District within 30 days of expiration of the permit when no work is performed or the well is not completed.

(g) Failure to comply with any or all permit conditions.

(h) Failure to notify the District 24 hours prior to the commencement of drilling operations of any public supply well.

(i) Failure to notify the District 24 hours prior to the placement of grout in the annular space of any public supply well; plugging an abandoned well that is greater than two inches in diameter, or that is more than 20 feet in depth; or the construction of any well under a permit issued with special grouting conditions.

(j) Failure to notify the District 48 hours prior to the completion of a well that is subject to the requirements of Rule 40D-3.600, F.A.C.

(k) Failure to have the well construction permit available at the well site during construction, repair, modification or abandonment.

(l) Failure to produce upon request to the District a record of the well construction within the allowable time provided in Section 40D-3.411(1)(c), F.A.C.

(2) No change.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.342 FS. History—New 7-10-13, Amended \_\_\_\_\_.*

#### **40D-3.507 Casing and Liner Pipe Standards.**

(1) – (2) No change.

(3) Telescoped casings may be used provided that casings of different diameters are joined with an appropriate overlap and any annular space including the overlapped section shall be grouted in accordance with section

~~subparagraph 62-532.500(3) 62-532.500(2)(f)4~~, F.A.C. To prevent interchanges of water when multiple aquifers or zones are penetrated, grout shall extend from the bottom of the casing to the top of the innermost casing. The use of lead packers for this purpose is prohibited.

(a) – (b) No change.

(4) – (5) No change.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History–New 7-1-90, Amended 9-30-91, 12-31-92, 2-19-04,\_\_\_\_\_.*

#### **40D-3.517 Grouting and Sealing.**

Wells shall be grouted and sealed in accordance with paragraph ~~62-532.500(3) 62-532.500(2)(f)~~, F.A.C., and this section, to protect the water resource from degradation caused by movement of waters along the well annulus either from the surface to the aquifer or between aquifers, and to prevent loss of artesian pressure in artesian aquifers.

(1) All wells that are constructed in a manner which creates an annular space between the casing and the naturally occurring geologic formations shall be grouted and sealed in accordance with the methodologies listed in paragraph ~~62-532.500(3) 62-532.500(2)(f)~~, F.A.C., and this section. The use of lead packers for this purpose is prohibited.

(2) – (3) No change.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History–New 7-1-90, Amended 9-30-91, 12-31-92, 12-12-11,\_\_\_\_\_.*

#### **40D-3.531 Abandoned Well Plugging.**

(1) – (4) No change.

(5) The “Well Grouting/Abandonment Form,” Form No. ~~LEG-R.041.00 (4/09)~~ LEG-R.041.01 (9/14) incorporated herein by reference, will be used to document the well abandonment. Copies of this form can be obtained at the District’s website at [www.watermatters.org](http://www.watermatters.org) or from District offices.

*Rulemaking Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.206, 373.207, 373.209, 373.306, 373.308, 373.309 FS. History–New 7-1-90, Amended 9-30-91, 12-31-92, 7-2-98, 9-26-02, 2-26-07, 8-19-08, 8-30-09,\_\_\_\_\_.*

## APPLICATION FOR A WATER WELL CONTRACTOR'S LICENSE

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
7601 US HIGHWAY 301 NORTH  
TAMPA, FL 33637-6759  
2379 BROAD STREET  
BROOKSVILLE, FL 34604-6899

- A. TYPE OR PRINT using black ink and mail this completed Water Well Contractor Application, with the application fee and supporting documentation to Southwest Florida Water Management District, attention Well Construction Section, Water Use Permit Bureau at 7601 US Highway 301 North, Tampa, Florida 33637-6759 ~~Senior Regulation Processing Specialist, Brooksville Regulation Department at 2379 Broad Street, Brooksville, FL 34604-6899.~~

1. Name of person to be licensed: \_\_\_\_\_
2. Name of business firm or corporation affiliation: \_\_\_\_\_
3. Business address: \_\_\_\_\_ County: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Business Phone: (\_\_\_\_) \_\_\_\_\_ Fax No.: (\_\_\_\_) \_\_\_\_\_  
Cellular Phone: (\_\_\_\_) \_\_\_\_\_ E-Mail Address: \_\_\_\_\_
4. Home address: \_\_\_\_\_ County: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Home Phone: (\_\_\_\_) \_\_\_\_\_
5. Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Driver's License No. \_\_\_\_\_

- B. Enclose a check or money order payable for \$150 **(non-refundable)** application fee payable to the Southwest Florida Water Management District. **PLEASE DO NOT SEND CASH.**

- C. Enclosed with the completed application is a letter from a water well contractor and a letter from a water well inspector employed by a governmental agency providing evidence of the length of time the applicant has been engaged in the business of construction, repair, or abandonment of water wells as a major activity ~~are three letters from persons attesting to their personal knowledge of the length of time the applicant has been working in the water well construction business (See Chapter 62-531, F.A.C..~~

- D. The applicant must demonstrate compliance with the minimum requirements for licensure.

1. Applications ~~and renewal requests~~ for licensing as a water well contractor will be accepted from any person who is at least 18 years of age and has knowledge of the rules adopted by the Department of Environmental Protection and the Southwest Florida Water Management District concerning the regulation of water wells. The applicant shall demonstrate this knowledge by achieving a score of at least 70% correct on the Contractor's Examination administered by the District.
2. The applicant must have not less than **two** (2) years of experience in constructing, repairing, or abandoning wells. Satisfactory proof of two years of experience in the water well construction business shall be demonstrated by providing the following information: A list of ten (10) water wells, together with their location, major use and approximate depth and diameter that the applicant personally constructed, repaired or abandoned within the preceding five (5) years distributed over a consecutive 24-month period. This list shall also include the name and address of the owner or owners of each well and the approximate date the construction of each well was completed. Use the attached form to list the ten wells. ~~For water wells drilled in Florida a COPY OF THE COMPLETION REPORT for each well shall be enclosed with this completed application. Completion dates of the ten (10) wells must be within the preceding 5 years. In lieu of the above-described information, the applicant may submit satisfactory proof of equivalent experience, which will be reviewed by the District on a case-by-case basis.~~
3. ~~Beginning July 31, 2004,~~ The applicant must have completed a minimum of 12 approved coursework hours. A minimum of six approved coursework hours must be related to water well construction practices and applicable water well construction rules.

- E. Examinations shall be given by the District and will be scheduled by the District as demand and resources allow.

Please schedule me for an examination upon determining that my application is complete. I understand that a license shall not be issued the licensure is not complete until I have passed the required examination with a score of at least 70% correct. I acknowledge that the examination must be passed within 12 months after I have become eligible to take the exam and that I have three opportunities to take and pass the examination one year from the date of this application, or I must reapply and pay the fee again. I understand and acknowledge my responsibilities under applicable rules and statutes relating to the licensing and construction of water wells including the Water Well Construction Disciplinary Guidelines and Citations Dictionary (6-22-14) incorporated by reference in 40D-3.037(1), Department of Environmental Protection Disciplinary Guidelines and Procedures Manual and Florida Unified Citation Dictionary Chapter 62-531, Florida Administrative Code.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**FOR DISTRICT USE ONLY**

APPLICATION COMPLETE	_____ DATE	_____ INITIALS
LIST OF WELLS COMPLETE AND SATISFACTORY	_____ DATE	_____ INITIALS
APPLICANT NOTIFIED OF EXAMINATION DATE	_____ DATE	_____ INITIALS
APPLICANT FAILED EXAMINATION AND NOTIFIED	_____ DATE	_____ INITIALS
APPLICANT PASSED EXAMINATION AND NOTIFIED	_____ DATE	_____ INITIALS

**LIST OF TEN WELLS CONSTRUCTED, REPAIRED OR ABANDONED WITHIN THE PRECEDING 5 YEARS**  
**~~A CONSECUTIVE 24-MONTH PERIOD~~**

	Well Owner Name/Address	Well Location Address	Well Use	Well Diam.	Well Depth	Completion Date	Permit Number
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

Attachment: Exhibit A for recap 2 Marti Moore (1360 : Amendments to Chapter 40D-3)



**APPLICATION FOR RENEWAL OF A WATER WELL CONTRACTOR'S LICENSE**

**Southwest Florida Water Management District  
7601 US Highway 301 North, Tampa, Florida 33637-6759  
(813) 985-7481 or 1-800-836-0797 (Florida Only)  
2379 Broad Street (US 41 South) Brooksville, FL 34604-6899  
(352) 796-7211 or 1-800-423-1476 (Florida Only) SUNCOM 628-4150**

**APPLICATION FOR RENEWAL OF A WATER WELL CONTRACTOR'S LICENSE**

Please complete the following information and sign this form. Send the form along with the applicable license fee to the attention of the Well Construction Section, Water Use Permit Bureau at 7601 U.S. Highway 301 North, Tampa, FL 33637-6759 Senior Regulation Processing Specialist, Brooksville Regulation Department.

FEE SCHEDULE:        If postmarked on or before July 31 - \$50.00  
                              If postmarked after July 31 - \$125.00    If license is inactive for more than 1  
                              year after July 31 of each odd-numbered year, application for a new license will  
                              be required.

Water Well Contractor's License Number: \_\_\_\_\_  
Biennial License Renewal Period: 20\_\_ to 20\_\_

Name of Contractor: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Business Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Cellular Phone No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone No.: \_\_\_\_\_

I hereby certify that the above information is correct and request the renewal of my Water Well Contractor License. I understand and acknowledge my responsibilities under applicable rules and statutes relating to the licensing, permitting and construction of water wells including the Department of Environmental Protection's Rules (Ch. 62-531, F.A.C.), and the Water Well Construction Disciplinary Guidelines and Citations Dictionary (6-22-14) Disciplinary Guidelines and Procedures Manual and Florida Unified Citation Dictionary. I further certify that I have completed a minimum of 12 hours of approved coursework hours for Continuing Education Credits (CECs) earned within the two-year period directly preceding this biennial renewal cycle; a minimum of 6 of which are related to water well construction practices and applicable water well construction rules. Copies of certificates of completion of CECs are enclosed. (Confirmation of approved coursework completion will be accepted from DEP or the DEP Administrator, if available, in lieu of certificates of completion.)

Number of Decals Needed: \_\_\_\_\_

Fee Amount Enclosed: \$\_\_\_\_\_

\_\_\_\_\_  
Signature

LEG-R.004.003 (9/14) ~~LEG-R.004.02 (4/09)~~

Rule 40D-3.037(5), F.A.C.

Attachment: Exhibit A for recap 2 Marti Moore (1360 : Amendments to Chapter 40D-3)

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
WELL GROUTING/ABANDONMENT FORM**

GROUTING \_\_\_\_\_

ABANDONMENT \_\_\_\_\_

Permit No. \_\_\_\_\_ Drilling Contractor \_\_\_\_\_ License No. \_\_\_\_\_

1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ SEC. \_\_\_\_\_ TWP. \_\_\_\_\_ RGE. \_\_\_\_\_ Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

Data obtained from: GPS \_\_\_\_\_ or Map \_\_\_\_\_ or Survey \_\_\_\_\_: Datum NAD 27 \_\_\_\_\_ NAD 83 \_\_\_\_\_

Property Owner \_\_\_\_\_

Address of Well \_\_\_\_\_

County \_\_\_\_\_ QWIP No. \_\_\_\_\_ WUP No. \_\_\_\_\_

DID No. \_\_\_\_\_

**WELL SPECIFICATIONS**

T.D. of Well (to be verified by inspector) \_\_\_\_\_ Water Level \_\_\_\_\_

Casing: Double \_\_\_\_\_ or Single \_\_\_\_\_; Diameters \_\_\_\_\_; Depth \_\_\_\_\_: Measured \_\_\_\_\_, Estimated \_\_\_\_\_, Logged \_\_\_\_\_

Material: (check) Black Steel \_\_\_\_\_, Galv. \_\_\_\_\_, PVC \_\_\_\_\_, Other \_\_\_\_\_

Drill Method (check) Rotary \_\_\_\_\_, Cable Tool \_\_\_\_\_, Combination \_\_\_\_\_, Other \_\_\_\_\_

Was well information verified from driller's log? Yes \_\_\_\_\_ No \_\_\_\_\_ (Explain in comments)

Special Construction Stipulation? No \_\_\_\_\_ Yes \_\_\_\_\_, Stipulation No. \_\_\_\_\_ Was Special Condition met? Yes \_\_\_\_\_ No \_\_\_\_\_

Old Permit? No \_\_\_\_\_ Yes \_\_\_\_\_ Permit No. \_\_\_\_\_ Well Depth \_\_\_\_\_ Casing Depth \_\_\_\_\_ Diameter \_\_\_\_\_

(For public supply) Approved Public Supply Plan match location? Yes \_\_\_\_\_ No \_\_\_\_\_

(For 62-524) Yes \_\_\_\_\_ No \_\_\_\_\_ Well location same as surveyed location? Yes \_\_\_\_\_ No \_\_\_\_\_

**GROUT SPECIFICATIONS AND INSPECTION**

Date \_\_\_\_\_

**BENTONITE INTERVAL**

Type (check): chips \_\_\_\_\_, pellets/tablets \_\_\_\_\_: Size: 3/4 \_\_\_\_\_, 1/2 \_\_\_\_\_, 3/8 \_\_\_\_\_; Bentonite Slurry \_\_\_\_\_

Estimated Bags of Bentonite \_\_\_\_\_

Actual Bags of Bentonite \_\_\_\_\_

\*\* Special additives \_\_\_\_\_

% of water with slurry \_\_\_\_\_

**CEMENT INTERVAL**

Cement Type (check): Type I \_\_\_\_\_ Type II \_\_\_\_\_ Type I / II \_\_\_\_\_

\* Estimated No. of sacks \_\_\_\_\_ /yards \_\_\_\_\_

Actual No. of sacks \_\_\_\_\_ /yards \_\_\_\_\_

% Bentonite added \_\_\_\_\_

Gallons water per sack \_\_\_\_\_ /yard \_\_\_\_\_

Grout Method (types) \_\_\_\_\_

Total Time on Site \_\_\_\_\_

**COMMENTS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Driller or \_\_\_\_\_ Contractor Signature \_\_\_\_\_ Date \_\_\_\_\_

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

Work was satisfactorily completed in accordance with 40D-3, F.A.C.? Yes \_\_\_\_\_ No \_\_\_\_\_ Water samples taken? Yes \_\_\_\_\_ No \_\_\_\_\_

Compliance Tracking No. \_\_\_\_\_

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

(Not official unless signed by SWFWMD Supervisor or designated representative) LEG-R.041.01 (9/14) LEG-R.041.00 (4/09)

RULE 40D-3.531(5), F.A.C.

Attachment: Exhibit A for recap 2 Marti Moore (1360 : Amendments to Chapter 40D-3)

The following grouting techniques and procedures shall be adhered to. Failure to do so could jeopardize the approval of the well abandonment due to the grouting technique used.

1. The field representative should measure the annulus to insure that the 20 ft. (for top grouting) or the total depth of the casing is exact. If a tremie is introduced, then the annulus should be checked by rotating the tremie pipe clockwise around the casing.
2. The District representative must calculate a theoretical amount of cement needed prior to the beginning of the grouting operation.
3. The cement and water shall be mixed at a ratio of 5.2 to 5.5 gallons of water to one 94 lb. bag of Portland cement. No other mix will be accepted unless approved by the Well Permitting Manager.
4. Should the cement return to the surface with less than the acceptable amount, then the tremie pipe should be moved to clear the annulus.

The following table is the minimum acceptable amount of cement per ft. at 5.2 gallons of water per 94 lb. sack of cement (yields 8.82 gallons of slurry/sack) for neat cement slurry to be used in grouting wells. Table assumes no formation loss. Quantity actually used may be rounded up to the nearest 1/4 sack.

CEMENT ONLY (No Bentonite) TABLE			ANNULUS / ONE FT. INTERVAL			
Hole Diameter	Hole Volume Gallons/one ft.	Bags/one ft.	Casing Diameter	Hole Diameter	Hole Volume	Bags/one ft.
2"	.16	.02	2"	4"	.42	.05
3"	.37	.04	2"	5"	.79	.09
4"	.65	.07	2"	6"	1.24	.14
5"	1.02	.12	3"	5"	.52	.06
6"	1.47	.17	3"	6"	.97	.11
8"	2.61	.30	4"	8"	1.79	.20
10"	4.08	.46	4"	10"	3.25	.37
12"	5.87	.67	5"	10"	2.85	.32
14"	8.00	.91	6"	10"	2.29	.26
16"	10.44	1.18	8"	12"	2.84	.32
18"	13.22	1.50	10"	14"	3.28	.37
20"	16.32	1.85	10"	16"	5.73	.65
			12"	16"	3.81	.43
			12"	18"	6.59	.75
			16" (O.D.)	20"	5.88	.67

#### BENTONITE ADDITIVE TO CEMENT TABLE

Percent Bentonite	* Gallons of water/sack of cement	Slurry Yield gallons/sack of cement	** Multiply for sacks of Bentonite required	** Multiply for sacks of cement required
10	11.7	15.78	0.103	.56
8	10.4	14.36	0.092	.61
6	9.1	12.94	0.077	.68
4	7.8	11.59	0.057	.76
2	6.5	10.17	0.032	.87
0	5.2	8.82	0.000	1.00

\* Gallons of water required per 94 lb. sack of cement when dry mixed with Bentonite.

\*\* Multiply the theoretical number of (Cement Only Table) sacks required by the corresponding decimal values for the sacks of cement and Bentonite mixture desired. A dispersant may be added if slurry becomes difficult to pump.

#### DRY BENTONITE

One 50 lb. bag (granular/chips) is equivalent to approximately 5.5 gal. ( $\pm 10\%$ ). In order to determine a theoretical estimate of number of bags required, determine total hole volume in gallons from the Cement Only Table and divide by 5.5 gal./bag to obtain the number of bags of dry (granular/chips) Bentonite.

EXAMPLE: 100 ft., 4 inch diameter hole -  $100 \times .65 = 65$  gal,  $65 \div 5.5 = 12$  bags dry Bentonite.

#### GROUT METHOD TYPES

Grout Methods (please check one): ☐ Tremie ☐ Dump Bailer ☐ Other \_\_\_\_\_  
(Explain other) \_\_\_\_\_

## GENERAL COUNSEL'S REPORT

September 30, 2014

### *Consent Agenda*

#### **Approval of Final Rule Language and Authorization to Complete Rulemaking to Create Rule 40D-1.700, Florida Administrative Code (F.A.C.), to Establish Procedures and Adopt Forms for the Registration of Lobbyists that Lobby the District**

During the 2014 Legislative Session, Section 112.3261, Florida Statutes, was created requiring a person wanting to lobby a water management district (district) to annually register with the district before lobbying the district. Since the legislation required lobbyist registration to start July 1, 2014, the Southwest Florida Water Management District (District) has been utilizing the Executive Branch Lobbyist Registration Form.

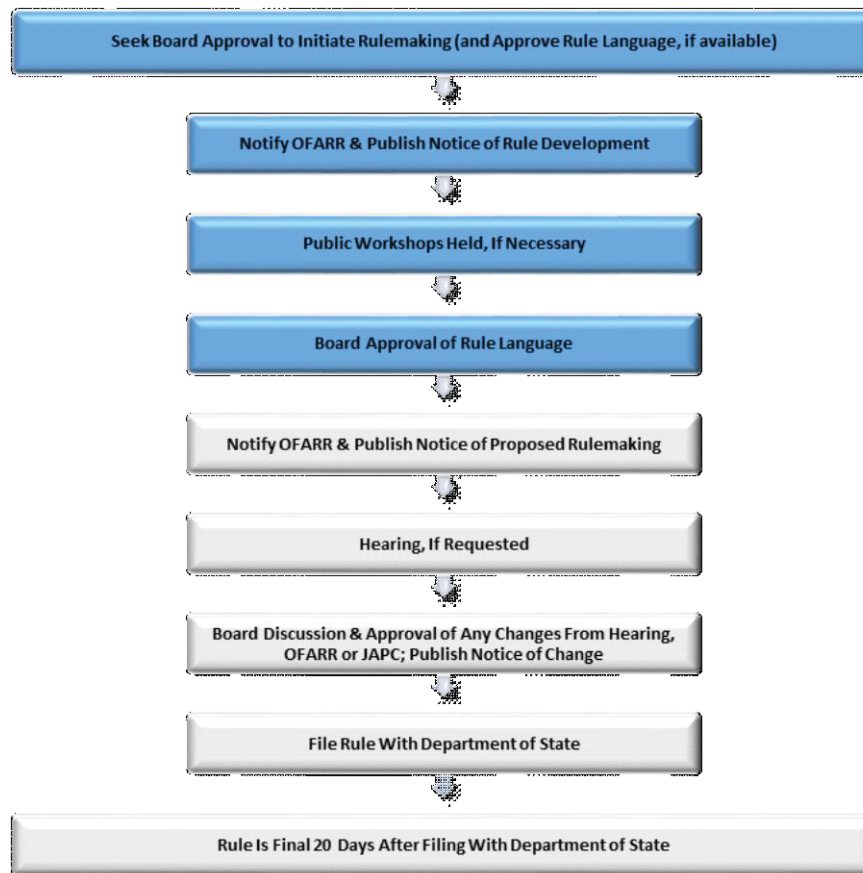
Prior to the law's enactment, a group of stakeholders comprised of the Department of Environmental Protection (DEP) and the other water management districts was created to ensure the new law was implemented consistently. The stakeholders' group agreed that rulemaking was necessary to properly implement the new law. The Governing Board approved the initiation of rulemaking at its July 21, 2014 meeting.

District staff participated in the stakeholders' group discussions to ensure consistency in the development of new rule language and forms. The proposed rule, Rule 40D-1.700, F.A.C., (Exhibit A) will provide definitions, procedures, and District-specific forms (Exhibit B) by which a person wanting to lobby the District can register with the District Clerk. Specifically, the forms adopted will include a lobbyist registration form, principal authorization form, and cancellation form, very similar to the Executive Branch forms, but specific to the District. Registration is required upon the initial engagement of a lobbyist by a principal to lobby the District and is renewable on a calendar-year basis thereafter. There is no fee for registering to lobby the District. The statute also requires the District to approve a classification system that will be used by the principal to identify and designate its main business. All the districts have agreed to use the 6-digit North American Industry Classification System (NAICS), which is the classification system used by both the executive and legislative lobbying registrations (Exhibit C).

#### **Staff Recommendation:**

Approve final rule language and authorize the completion of rulemaking to adopt Rule 40D-1.700, F.A.C., to provide definitions, procedure, and forms for the registration of lobbyists, and authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process.

### Rulemaking Process



Presenter: Chris Tanner, Staff Attorney

## Exhibit A

### 40D-1.700 Lobbyist Registration.

(1) A person who is a “lobbyist” as defined in Section 112.3215, F.S., may not lobby the Southwest Florida Water Management District (the “District”) until he or she has registered as a lobbyist with the District. Registration shall be made by completing, under oath, the “Lobbyist Registration Form,” which is incorporated by reference in subsection (7) below, and submitting that form to the District Clerk at the mail or email address provided in the form.

(2) A separate completed Lobbyist Registration Form must be submitted for each principal represented by the lobbyist before the District.

(3) For identifying and designating a principal’s main business on the Authorization to Represent the Principal part of the Lobbyist Registration Form, the District adopts and incorporates by reference the 6-digit NAICS code published in the *North American Industry Classification System – United States, 2012* which is available at: {insert URL}. Classification system information can be obtained by contacting the NAICS Association, 129 Lakeshore Drive, Rockaway, NJ 07866, or by visiting its website: [www.naics.com](http://www.naics.com).

(4) Changes to the information provided on a Lobbyist Registration Form must be reported to the District within 15 days by submitting a completed Lobbyist Registration Form and checking the box indicating the submitted form is for the purpose of changing previously filed information.

(5) A lobbyist may renew his or her registration to lobby by filing a completed Lobbyist Registration Form with the District and checking the box indicating the submitted form is for renewal purposes. Renewals must be filed before January 1 of each year.

(6) The principal of a lobbyist may cancel the lobbyist’s registration by submitting a completed “Lobbyist Registration Cancellation Form,” which is incorporated by reference in subsection (7) below, informing the District that a particular lobbyist is no longer authorized to represent that principal. A lobbyist must cancel his or her registration with the District upon termination of his or her contract or other such employment relationship with the principal by promptly submitting a completed Lobbyist Cancellation Form.

(7) The Lobbyist Registration Form, form number LEG-R.054.00, *effective date* {insert date}, available at {insert URL} and the Lobbyist Registration Cancellation Form, form number LEG-R.055.00, *effective date* {insert date}, available at {insert URL} are hereby incorporated by reference and may be obtained without cost from the District Clerk either at Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604, or at [Lobbyist@WaterMatters.org](mailto:Lobbyist@WaterMatters.org). These forms may also be downloaded from the District’s website at: [WaterMatters.org/LobbyistRegistration](http://WaterMatters.org/LobbyistRegistration).

*Rulemaking Authority 112.3261(8) FS. Law Implemented 112.3261 FS. History—New \_\_\_\_\_.*





## Lobbyist Registration Form Southwest Florida Water Management District

For what purpose are you using this form? ☐ New registration ☐ Changes to filed information ☐ Renewal

To what year does this form apply? 20 \_\_\_\_\_

Full Name of Lobbyist \_\_\_\_\_

Business Address \_\_\_\_\_

(\_\_\_\_\_) \_\_\_\_\_  
Telephone Number

Area of Interest \_\_\_\_\_

Name of Principal Represented (only one Principal per form) \_\_\_\_\_

Principal's Mailing Address \_\_\_\_\_

(\_\_\_\_\_) \_\_\_\_\_  
Principal's Telephone Number

Do you have any direct or indirect business associations, partnership, or financial relationship with any officer or employee of the Southwest Florida Water Management District?

☐ No ☐ Yes State with whom and explain: \_\_\_\_\_

*I do solemnly swear or affirm that all the foregoing facts are true and correct.*

\_\_\_\_\_  
Signature of Lobbyist

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_, by \_\_\_\_\_

Personally known \_\_\_\_\_ OR Produced identification \_\_\_\_\_ Type of Identification Produced \_\_\_\_\_

\_\_\_\_\_  
Notary Signature

(Seal or Stamp)

\_\_\_\_\_  
Print, Type or Stamp Name of Notary

tabbles®

EXHIBIT

B

## Instructions for Completing Lobbyist Registration Form

### Who must register?

- Any persons who wish to lobby the state's water management districts must register that intent and may not lobby a water management district until registering as a lobbyist. Persons wishing to lobby the Southwest Florida Water Management District (District) must register before lobbying the District and renew registration each calendar year thereafter. The renewal deadline is Dec. 31 annually to lobby before the District.

### How do I register?

- The registrant must complete a separate registration form for each principal represented. All requested information must be completely filled out. The form will be returned if the registrant's original notarized signature is missing.
- A separate statement authorizing the registrant to represent the principal must be signed by the principal or the principal's representative and included with the registration. The principal's authorization must also identify and designate the principal's main business using the 6-digit NAICS Code. Information about the NAICS code is available at *www.NAICS.com*.

### Changes or cancellations

- Any changes to the information provided on the registration form must be reported in writing to the District Clerk within 15 days.
- The lobbyist or principal may cancel the lobbyist's registration for that principal by submitting a completed Lobbyist Registration Cancellation Form to the District Clerk.

Further information about lobbyists and lobbying may be found at: *WaterMatters.org/LobbyistRegistration*.

Return completed form:  
Via email to [Lobbyist@WaterMatters.org](mailto:Lobbyist@WaterMatters.org),  
or via mail to  
District Clerk  
Southwest Florida Water Management  
District ATTN: Lobbyist Registration  
2379 Broad Street  
Brooksville, FL 34604-6899

## Authorization to Represent the Principal

Type or print the principal represented and name of lobbyist as they are shown on registration form. Also, describe the main business and provide the NAICS numerical code for the principal. This authorization to represent the principal before the Southwest Florida Water Management District for this lobbyist will be carried forward each calendar year if the renewal form submitted by this lobbyist indicates "yes" to renew for the next year. Cancellation of a lobbyist's registration by the principal must be provided by written notice. Cancellation forms can be found at *WaterMatters.org/LobbyistRegistration*.

\_\_\_\_\_  
Name of Principal

hereby authorizes \_\_\_\_\_  
Lobbyist's Name

to represent the principal before the Southwest Florida Water Management District.

\_\_\_\_\_  
Description of Principal's Main Business

\_\_\_\_\_  
Signature of Principal or Principal's Representative

\_\_\_\_\_  
NAICS 6-digit code for Principal's Main Business

\_\_\_\_\_  
Print name of Principal/Principal's Representative

\_\_\_\_\_  
Print name of Principal/Principal's Representative

\_\_\_\_\_  
Date

**Attach this authorization to your registration form.**



## Lobbyist Registration Cancellation Form Southwest Florida Water Management District

Type or *print clearly* the name of the lobbyist and the principal represented as they are shown on the lobbyist registration form for the Southwest Florida Water Management District. This form may be used by either a lobbyist or a principal and only one signature is necessary. **Cancellation is effective upon receipt by the District Clerk.**

Name of Lobbyist

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
First Name

\_\_\_\_\_  
MI

Lobbyist's Mailing Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of Principal to be cancelled

\_\_\_\_\_

\_\_\_\_\_  
Signature of Lobbyist

or

\_\_\_\_\_  
Signature of Principal

\_\_\_\_\_  
Date

**VERY IMPORTANT** — If you have changed your address, you must notify the District Clerk in writing within 15 days of any changes. Changes may be made with the Lobbyist Registration Form submitted to the District Clerk in the same manner as below.

### Return completed form:

Via email to [Lobbyist@WaterMatters.org](mailto:Lobbyist@WaterMatters.org), or via mail to  
District Clerk • Southwest Florida Water Management District • ATTN: Lobbyist Registration  
2379 Broad Street • Brooksville, FL 34604-6899

2012 NAICS Code	2012 NAICS Title
111110	Soybean Farming
111120	Oilseed (except Soybean) Farming
111130	Dry Pea and Bean Farming
111140	Wheat Farming
111150	Corn Farming
111160	Rice Farming
111191	Oilseed and Grain Combination Farming
111199	All Other Grain Farming
111211	Potato Farming
111219	Other Vegetable (except Potato) and Melon Farming
111310	Orange Groves
111320	Citrus (except Orange) Groves
111331	Apple Orchards
111332	Grape Vineyards
111333	Strawberry Farming
111334	Berry (except Strawberry) Farming
111335	Tree Nut Farming
111336	Fruit and Tree Nut Combination Farming
111339	Other Noncitrus Fruit Farming
111411	Mushroom Production
111419	Other Food Crops Grown Under Cover
111421	Nursery and Tree Production
111422	Floriculture Production
111910	Tobacco Farming
111920	Cotton Farming
111930	Sugarcane Farming
111940	Hay Farming
111991	Sugar Beet Farming
111992	Peanut Farming
111998	All Other Miscellaneous Crop Farming
112111	Beef Cattle Ranching and Farming

112112	Cattle Feedlots
112120	Dairy Cattle and Milk Production
112130	Dual-Purpose Cattle Ranching and Farming
112210	Hog and Pig Farming
112310	Chicken Egg Production
112320	Broilers and Other Meat Type Chicken Production
112330	Turkey Production
112340	Poultry Hatcheries
112390	Other Poultry Production
112410	Sheep Farming
112420	Goat Farming
112511	Finfish Farming and Fish Hatcheries
112512	Shellfish Farming
112519	Other Aquaculture
112910	Apiculture
112920	Horses and Other Equine Production
112930	Fur-Bearing Animal and Rabbit Production
112990	All Other Animal Production
113110	Timber Tract Operations
113210	Forest Nurseries and Gathering of Forest Products
113310	Logging
114111	Finfish Fishing
114112	Shellfish Fishing
114119	Other Marine Fishing
114210	Hunting and Trapping
115111	Cotton Ginning
115112	Soil Preparation, Planting, and Cultivating
115113	Crop Harvesting, Primarily by Machine
115114	Postharvest Crop Activities (except Cotton Ginning)
115115	Farm Labor Contractors and Crew Leaders
115116	Farm Management Services
115210	Support Activities for Animal Production
115310	Support Activities for Forestry
211111	Crude Petroleum and Natural Gas Extraction



211112	Natural Gas Liquid Extraction
212111	Bituminous Coal and Lignite Surface Mining
212112	Bituminous Coal Underground Mining
212113	Anthracite Mining
212210	Iron Ore Mining
212221	Gold Ore Mining
212222	Silver Ore Mining
212231	Lead Ore and Zinc Ore Mining
212234	Copper Ore and Nickel Ore Mining
212291	Uranium-Radium-Vanadium Ore Mining
212299	All Other Metal Ore Mining
212311	Dimension Stone Mining and Quarrying
212312	Crushed and Broken Limestone Mining and Quarrying
212313	Crushed and Broken Granite Mining and Quarrying
212319	Other Crushed and Broken Stone Mining and Quarrying
212321	Construction Sand and Gravel Mining
212322	Industrial Sand Mining
212324	Kaolin and Ball Clay Mining
212325	Clay and Ceramic and Refractory Minerals Mining
212391	Potash, Soda, and Borate Mineral Mining
212392	Phosphate Rock Mining
212393	Other Chemical and Fertilizer Mineral Mining
212399	All Other Nonmetallic Mineral Mining
213111	Drilling Oil and Gas Wells
213112	Support Activities for Oil and Gas Operations
213113	Support Activities for Coal Mining
213114	Support Activities for Metal Mining
213115	Support Activities for Nonmetallic Minerals (except Fuels) Mining
221111	Hydroelectric Power Generation
221112	Fossil Fuel Electric Power Generation
221113	Nuclear Electric Power Generation
221114	Solar Electric Power Generation
221115	Wind Electric Power Generation
221116	Geothermal Electric Power Generation

221117	Biomass Electric Power Generation
221118	Other Electric Power Generation
221121	Electric Bulk Power Transmission and Control
221122	Electric Power Distribution
221210	Natural Gas Distribution
221310	Water Supply and Irrigation Systems
221320	Sewage Treatment Facilities
221330	Steam and Air-Conditioning Supply
236115	New Single-Family Housing Construction (except For-Sale Builders)
236116	New Multifamily Housing Construction (except For-Sale Builders)
236117	New Housing For-Sale Builders
236118	Residential Remodelers
236210	Industrial Building Construction
236220	Commercial and Institutional Building Construction
237110	Water and Sewer Line and Related Structures Construction
237120	Oil and Gas Pipeline and Related Structures Construction
237130	Power and Communication Line and Related Structures Construction
237210	Land Subdivision
237310	Highway, Street, and Bridge Construction
237990	Other Heavy and Civil Engineering Construction
238110	Poured Concrete Foundation and Structure Contractors
238120	Structural Steel and Precast Concrete Contractors
238130	Framing Contractors
238140	Masonry Contractors
238150	Glass and Glazing Contractors
238160	Roofing Contractors
238170	Siding Contractors
238190	Other Foundation, Structure, and Building Exterior Contractors
238210	Electrical Contractors and Other Wiring Installation Contractors
238220	Plumbing, Heating, and Air-Conditioning Contractors
238290	Other Building Equipment Contractors
238310	Drywall and Insulation Contractors
238320	Painting and Wall Covering Contractors
238330	Flooring Contractors

238340	Tile and Terrazzo Contractors
238350	Finish Carpentry Contractors
238390	Other Building Finishing Contractors
238910	Site Preparation Contractors
238990	All Other Specialty Trade Contractors
311111	Dog and Cat Food Manufacturing
311119	Other Animal Food Manufacturing
311211	Flour Milling
311212	Rice Milling
311213	Malt Manufacturing
311221	Wet Corn Milling
311224	Soybean and Other Oilseed Processing
311225	Fats and Oils Refining and Blending
311230	Breakfast Cereal Manufacturing
311313	Beet Sugar Manufacturing
311314	Cane Sugar Manufacturing
311340	Nonchocolate Confectionery Manufacturing
311351	Chocolate and Confectionery Manufacturing from Cacao Beans
311352	Confectionery Manufacturing from Purchased Chocolate
311411	Frozen Fruit, Juice, and Vegetable Manufacturing
311412	Frozen Specialty Food Manufacturing
311421	Fruit and Vegetable Canning
311422	Specialty Canning
311423	Dried and Dehydrated Food Manufacturing
311511	Fluid Milk Manufacturing
311512	Creamery Butter Manufacturing
311513	Cheese Manufacturing
311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing
311520	Ice Cream and Frozen Dessert Manufacturing
311611	Animal (except Poultry) Slaughtering
311612	Meat Processed from Carcasses
311613	Rendering and Meat Byproduct Processing
311615	Poultry Processing
311710	Seafood Product Preparation and Packaging

311811	Retail Bakeries
311812	Commercial Bakeries
311813	Frozen Cakes, Pies, and Other Pastries Manufacturing
311821	Cookie and Cracker Manufacturing
311824	Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour
311830	Tortilla Manufacturing
311911	Roasted Nuts and Peanut Butter Manufacturing
311919	Other Snack Food Manufacturing
311920	Coffee and Tea Manufacturing
311930	Flavoring Syrup and Concentrate Manufacturing
311941	Mayonnaise, Dressing, and Other Prepared Sauce Manufacturing
311942	Spice and Extract Manufacturing
311991	Perishable Prepared Food Manufacturing
311999	All Other Miscellaneous Food Manufacturing
312111	Soft Drink Manufacturing
312112	Bottled Water Manufacturing
312113	Ice Manufacturing
312120	Breweries
312130	Wineries
312140	Distilleries
312230	Tobacco Manufacturing
313110	Fiber, Yarn, and Thread Mills
313210	Broadwoven Fabric Mills
313220	Narrow Fabric Mills and Schiffli Machine Embroidery
313230	Nonwoven Fabric Mills
313240	Knit Fabric Mills
313310	Textile and Fabric Finishing Mills
313320	Fabric Coating Mills
314110	Carpet and Rug Mills
314120	Curtain and Linen Mills
314910	Textile Bag and Canvas Mills
314994	Rope, Cordage, Twine, Tire Cord, and Tire Fabric Mills
314999	All Other Miscellaneous Textile Product Mills
315110	Hosiery and Sock Mills

315190	Other Apparel Knitting Mills
315210	Cut and Sew Apparel Contractors
315220	Men's and Boys' Cut and Sew Apparel Manufacturing
315240	Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing
315280	Other Cut and Sew Apparel Manufacturing
315990	Apparel Accessories and Other Apparel Manufacturing
316110	Leather and Hide Tanning and Finishing
316210	Footwear Manufacturing
316992	Women's Handbag and Purse Manufacturing
316998	All Other Leather Good and Allied Product Manufacturing
321113	Sawmills
321114	Wood Preservation
321211	Hardwood Veneer and Plywood Manufacturing
321212	Softwood Veneer and Plywood Manufacturing
321213	Engineered Wood Member (except Truss) Manufacturing
321214	Truss Manufacturing
321219	Reconstituted Wood Product Manufacturing
321911	Wood Window and Door Manufacturing
321912	Cut Stock, Resawing Lumber, and Planing
321918	Other Millwork (including Flooring)
321920	Wood Container and Pallet Manufacturing
321991	Manufactured Home (Mobile Home) Manufacturing
321992	Prefabricated Wood Building Manufacturing
321999	All Other Miscellaneous Wood Product Manufacturing
322110	Pulp Mills
322121	Paper (except Newsprint) Mills
322122	Newsprint Mills
322130	Paperboard Mills
322211	Corrugated and Solid Fiber Box Manufacturing
322212	Folding Paperboard Box Manufacturing
322219	Other Paperboard Container Manufacturing
322220	Paper Bag and Coated and Treated Paper Manufacturing
322230	Stationery Product Manufacturing
322291	Sanitary Paper Product Manufacturing

322299	All Other Converted Paper Product Manufacturing
323111	Commercial Printing (except Screen and Books)
323113	Commercial Screen Printing
323117	Books Printing
323120	Support Activities for Printing
324110	Petroleum Refineries
324121	Asphalt Paving Mixture and Block Manufacturing
324122	Asphalt Shingle and Coating Materials Manufacturing
324191	Petroleum Lubricating Oil and Grease Manufacturing
324199	All Other Petroleum and Coal Products Manufacturing
325110	Petrochemical Manufacturing
325120	Industrial Gas Manufacturing
325130	Synthetic Dye and Pigment Manufacturing
325180	Other Basic Inorganic Chemical Manufacturing
325193	Ethyl Alcohol Manufacturing
325194	Cyclic Crude, Intermediate, and Gum and Wood Chemical Manufacturing
325199	All Other Basic Organic Chemical Manufacturing
325211	Plastics Material and Resin Manufacturing
325212	Synthetic Rubber Manufacturing
325220	Artificial and Synthetic Fibers and Filaments Manufacturing
325311	Nitrogenous Fertilizer Manufacturing
325312	Phosphatic Fertilizer Manufacturing
325314	Fertilizer (Mixing Only) Manufacturing
325320	Pesticide and Other Agricultural Chemical Manufacturing
325411	Medicinal and Botanical Manufacturing
325412	Pharmaceutical Preparation Manufacturing
325413	In-Vitro Diagnostic Substance Manufacturing
325414	Biological Product (except Diagnostic) Manufacturing
325510	Paint and Coating Manufacturing
325520	Adhesive Manufacturing
325611	Soap and Other Detergent Manufacturing
325612	Polish and Other Sanitation Good Manufacturing
325613	Surface Active Agent Manufacturing
325620	Toilet Preparation Manufacturing



325910	Printing Ink Manufacturing
325920	Explosives Manufacturing
325991	Custom Compounding of Purchased Resins
325992	Photographic Film, Paper, Plate, and Chemical Manufacturing
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing
326111	Plastics Bag and Pouch Manufacturing
326112	Plastics Packaging Film and Sheet (including Laminated) Manufacturing
326113	Unlaminated Plastics Film and Sheet (except Packaging) Manufacturing
326121	Unlaminated Plastics Profile Shape Manufacturing
326122	Plastics Pipe and Pipe Fitting Manufacturing
326130	Laminated Plastics Plate, Sheet (except Packaging), and Shape Manufacturing
326140	Polystyrene Foam Product Manufacturing
326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing
326160	Plastics Bottle Manufacturing
326191	Plastics Plumbing Fixture Manufacturing
326199	All Other Plastics Product Manufacturing
326211	Tire Manufacturing (except Retreading)
326212	Tire Retreading
326220	Rubber and Plastics Hoses and Belting Manufacturing
326291	Rubber Product Manufacturing for Mechanical Use
326299	All Other Rubber Product Manufacturing
327110	Pottery, Ceramics, and Plumbing Fixture Manufacturing
327120	Clay Building Material and Refractories Manufacturing
327211	Flat Glass Manufacturing
327212	Other Pressed and Blown Glass and Glassware Manufacturing
327213	Glass Container Manufacturing
327215	Glass Product Manufacturing Made of Purchased Glass
327310	Cement Manufacturing
327320	Ready-Mix Concrete Manufacturing
327331	Concrete Block and Brick Manufacturing
327332	Concrete Pipe Manufacturing
327390	Other Concrete Product Manufacturing
327410	Lime Manufacturing
327420	Gypsum Product Manufacturing

327910	Abrasive Product Manufacturing
327991	Cut Stone and Stone Product Manufacturing
327992	Ground or Treated Mineral and Earth Manufacturing
327993	Mineral Wool Manufacturing
327999	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing
331110	Iron and Steel Mills and Ferroalloy Manufacturing
331210	Iron and Steel Pipe and Tube Manufacturing from Purchased Steel
331221	Rolled Steel Shape Manufacturing
331222	Steel Wire Drawing
331313	Alumina Refining and Primary Aluminum Production
331314	Secondary Smelting and Alloying of Aluminum
331315	Aluminum Sheet, Plate, and Foil Manufacturing
331318	Other Aluminum Rolling, Drawing, and Extruding
331410	Nonferrous Metal (except Aluminum) Smelting and Refining
331420	Copper Rolling, Drawing, Extruding, and Alloying
331491	Nonferrous Metal (except Copper and Aluminum) Rolling, Drawing, and Extruding
331492	Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)
331511	Iron Foundries
331512	Steel Investment Foundries
331513	Steel Foundries (except Investment)
331523	Nonferrous Metal Die-Casting Foundries
331524	Aluminum Foundries (except Die-Casting)
331529	Other Nonferrous Metal Foundries (except Die-Casting)
332111	Iron and Steel Forging
332112	Nonferrous Forging
332114	Custom Roll Forming
332117	Powder Metallurgy Part Manufacturing
332119	Metal Crown, Closure, and Other Metal Stamping (except Automotive)
332215	Metal Kitchen Cookware, Utensil, Cutlery, and Flatware (except Precious) Manufacturing
332216	Saw Blade and Handtool Manufacturing
332311	Prefabricated Metal Building and Component Manufacturing
332312	Fabricated Structural Metal Manufacturing
332313	Plate Work Manufacturing
332321	Metal Window and Door Manufacturing

332322	Sheet Metal Work Manufacturing
332323	Ornamental and Architectural Metal Work Manufacturing
332410	Power Boiler and Heat Exchanger Manufacturing
332420	Metal Tank (Heavy Gauge) Manufacturing
332431	Metal Can Manufacturing
332439	Other Metal Container Manufacturing
332510	Hardware Manufacturing
332613	Spring Manufacturing
332618	Other Fabricated Wire Product Manufacturing
332710	Machine Shops
332721	Precision Turned Product Manufacturing
332722	Bolt, Nut, Screw, Rivet, and Washer Manufacturing
332811	Metal Heat Treating
332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers
332813	Electroplating, Plating, Polishing, Anodizing, and Coloring
332911	Industrial Valve Manufacturing
332912	Fluid Power Valve and Hose Fitting Manufacturing
332913	Plumbing Fixture Fitting and Trim Manufacturing
332919	Other Metal Valve and Pipe Fitting Manufacturing
332991	Ball and Roller Bearing Manufacturing
332992	Small Arms Ammunition Manufacturing
332993	Ammunition (except Small Arms) Manufacturing
332994	Small Arms, Ordnance, and Ordnance Accessories Manufacturing
332996	Fabricated Pipe and Pipe Fitting Manufacturing
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing
333111	Farm Machinery and Equipment Manufacturing
333112	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing
333120	Construction Machinery Manufacturing
333131	Mining Machinery and Equipment Manufacturing
333132	Oil and Gas Field Machinery and Equipment Manufacturing
333241	Food Product Machinery Manufacturing
333242	Semiconductor Machinery Manufacturing
333243	Sawmill, Woodworking, and Paper Machinery Manufacturing
333244	Printing Machinery and Equipment Manufacturing

333249 Other Industrial Machinery Manufacturing  
 333314 Optical Instrument and Lens Manufacturing  
 333316 Photographic and Photocopying Equipment Manufacturing  
 333318 Other Commercial and Service Industry Machinery Manufacturing  
 333413 Industrial and Commercial Fan and Blower and Air Purification Equipment Manufacturing  
 333414 Heating Equipment (except Warm Air Furnaces) Manufacturing  
 333415 Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing  
 333511 Industrial Mold Manufacturing  
 333514 Special Die and Tool, Die Set, Jig, and Fixture Manufacturing  
 333515 Cutting Tool and Machine Tool Accessory Manufacturing  
 333517 Machine Tool Manufacturing  
 333519 Rolling Mill and Other Metalworking Machinery Manufacturing  
 333611 Turbine and Turbine Generator Set Units Manufacturing  
 333612 Speed Changer, Industrial High-Speed Drive, and Gear Manufacturing  
 333613 Mechanical Power Transmission Equipment Manufacturing  
 333618 Other Engine Equipment Manufacturing  
 333911 Pump and Pumping Equipment Manufacturing  
 333912 Air and Gas Compressor Manufacturing  
 333913 Measuring and Dispensing Pump Manufacturing  
 333921 Elevator and Moving Stairway Manufacturing  
 333922 Conveyor and Conveying Equipment Manufacturing  
 333923 Overhead Traveling Crane, Hoist, and Monorail System Manufacturing  
 333924 Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing  
 333991 Power-Driven Handtool Manufacturing  
 333992 Welding and Soldering Equipment Manufacturing  
 333993 Packaging Machinery Manufacturing  
 333994 Industrial Process Furnace and Oven Manufacturing  
 333995 Fluid Power Cylinder and Actuator Manufacturing  
 333996 Fluid Power Pump and Motor Manufacturing  
 333997 Scale and Balance Manufacturing  
 333999 All Other Miscellaneous General Purpose Machinery Manufacturing  
 334111 Electronic Computer Manufacturing  
 334112 Computer Storage Device Manufacturing  
 334118 Computer Terminal and Other Computer Peripheral Equipment Manufacturing

334210	Telephone Apparatus Manufacturing
334220	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing
334290	Other Communications Equipment Manufacturing
334310	Audio and Video Equipment Manufacturing
334412	Bare Printed Circuit Board Manufacturing
334413	Semiconductor and Related Device Manufacturing
334416	Capacitor, Resistor, Coil, Transformer, and Other Inductor Manufacturing
334417	Electronic Connector Manufacturing
334418	Printed Circuit Assembly (Electronic Assembly) Manufacturing
334419	Other Electronic Component Manufacturing
334510	Electromedical and Electrotherapeutic Apparatus Manufacturing
334511	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing
334512	Automatic Environmental Control Manufacturing for Residential, Commercial, and Appliance Use
334513	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables
334514	Totalizing Fluid Meter and Counting Device Manufacturing
334515	Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals
334516	Analytical Laboratory Instrument Manufacturing
334517	Irradiation Apparatus Manufacturing
334519	Other Measuring and Controlling Device Manufacturing
334613	Blank Magnetic and Optical Recording Media Manufacturing
334614	Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing
335110	Electric Lamp Bulb and Part Manufacturing
335121	Residential Electric Lighting Fixture Manufacturing
335122	Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing
335129	Other Lighting Equipment Manufacturing
335210	Small Electrical Appliance Manufacturing
335221	Household Cooking Appliance Manufacturing
335222	Household Refrigerator and Home Freezer Manufacturing
335224	Household Laundry Equipment Manufacturing
335228	Other Major Household Appliance Manufacturing
335311	Power, Distribution, and Specialty Transformer Manufacturing
335312	Motor and Generator Manufacturing
335313	Switchgear and Switchboard Apparatus Manufacturing
335314	Relay and Industrial Control Manufacturing

335911	Storage Battery Manufacturing
335912	Primary Battery Manufacturing
335921	Fiber Optic Cable Manufacturing
335929	Other Communication and Energy Wire Manufacturing
335931	Current-Carrying Wiring Device Manufacturing
335932	Noncurrent-Carrying Wiring Device Manufacturing
335991	Carbon and Graphite Product Manufacturing
335999	All Other Miscellaneous Electrical Equipment and Component Manufacturing
336111	Automobile Manufacturing
336112	Light Truck and Utility Vehicle Manufacturing
336120	Heavy Duty Truck Manufacturing
336211	Motor Vehicle Body Manufacturing
336212	Truck Trailer Manufacturing
336213	Motor Home Manufacturing
336214	Travel Trailer and Camper Manufacturing
336310	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing
336330	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing
336340	Motor Vehicle Brake System Manufacturing
336350	Motor Vehicle Transmission and Power Train Parts Manufacturing
336360	Motor Vehicle Seating and Interior Trim Manufacturing
336370	Motor Vehicle Metal Stamping
336390	Other Motor Vehicle Parts Manufacturing
336411	Aircraft Manufacturing
336412	Aircraft Engine and Engine Parts Manufacturing
336413	Other Aircraft Parts and Auxiliary Equipment Manufacturing
336414	Guided Missile and Space Vehicle Manufacturing
336415	Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing
336419	Other Guided Missile and Space Vehicle Parts and Auxiliary Equipment Manufacturing
336510	Railroad Rolling Stock Manufacturing
336611	Ship Building and Repairing
336612	Boat Building
336991	Motorcycle, Bicycle, and Parts Manufacturing
336992	Military Armored Vehicle, Tank, and Tank Component Manufacturing



336999	All Other Transportation Equipment Manufacturing
337110	Wood Kitchen Cabinet and Countertop Manufacturing
337121	Upholstered Household Furniture Manufacturing
337122	Nonupholstered Wood Household Furniture Manufacturing
337124	Metal Household Furniture Manufacturing
337125	Household Furniture (except Wood and Metal) Manufacturing
337127	Institutional Furniture Manufacturing
337211	Wood Office Furniture Manufacturing
337212	Custom Architectural Woodwork and Millwork Manufacturing
337214	Office Furniture (except Wood) Manufacturing
337215	Showcase, Partition, Shelving, and Locker Manufacturing
337910	Mattress Manufacturing
337920	Blind and Shade Manufacturing
339112	Surgical and Medical Instrument Manufacturing
339113	Surgical Appliance and Supplies Manufacturing
339114	Dental Equipment and Supplies Manufacturing
339115	Ophthalmic Goods Manufacturing
339116	Dental Laboratories
339910	Jewelry and Silverware Manufacturing
339920	Sporting and Athletic Goods Manufacturing
339930	Doll, Toy, and Game Manufacturing
339940	Office Supplies (except Paper) Manufacturing
339950	Sign Manufacturing
339991	Gasket, Packing, and Sealing Device Manufacturing
339992	Musical Instrument Manufacturing
339993	Fastener, Button, Needle, and Pin Manufacturing
339994	Broom, Brush, and Mop Manufacturing
339995	Burial Casket Manufacturing
339999	All Other Miscellaneous Manufacturing
423110	Automobile and Other Motor Vehicle Merchant Wholesalers
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers
423130	Tire and Tube Merchant Wholesalers
423140	Motor Vehicle Parts (Used) Merchant Wholesalers
423210	Furniture Merchant Wholesalers

423220 Home Furnishing Merchant Wholesalers  
 423310 Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers  
 423320 Brick, Stone, and Related Construction Material Merchant Wholesalers  
 423330 Roofing, Siding, and Insulation Material Merchant Wholesalers  
 423390 Other Construction Material Merchant Wholesalers  
 423410 Photographic Equipment and Supplies Merchant Wholesalers  
 423420 Office Equipment Merchant Wholesalers  
 423430 Computer and Computer Peripheral Equipment and Software Merchant Wholesalers  
 423440 Other Commercial Equipment Merchant Wholesalers  
 423450 Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers  
 423460 Ophthalmic Goods Merchant Wholesalers  
 423490 Other Professional Equipment and Supplies Merchant Wholesalers  
 423510 Metal Service Centers and Other Metal Merchant Wholesalers  
 423520 Coal and Other Mineral and Ore Merchant Wholesalers  
 423610 Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers  
 423620 Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers  
 423690 Other Electronic Parts and Equipment Merchant Wholesalers  
 423710 Hardware Merchant Wholesalers  
 423720 Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers  
 423730 Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers  
 423740 Refrigeration Equipment and Supplies Merchant Wholesalers  
 423810 Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers  
 423820 Farm and Garden Machinery and Equipment Merchant Wholesalers  
 423830 Industrial Machinery and Equipment Merchant Wholesalers  
 423840 Industrial Supplies Merchant Wholesalers  
 423850 Service Establishment Equipment and Supplies Merchant Wholesalers  
 423860 Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers  
 423910 Sporting and Recreational Goods and Supplies Merchant Wholesalers  
 423920 Toy and Hobby Goods and Supplies Merchant Wholesalers  
 423930 Recyclable Material Merchant Wholesalers  
 423940 Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers  
 423990 Other Miscellaneous Durable Goods Merchant Wholesalers  
 424110 Printing and Writing Paper Merchant Wholesalers  
 424120 Stationery and Office Supplies Merchant Wholesalers

424130	Industrial and Personal Service Paper Merchant Wholesalers
424210	Drugs and Druggists' Sundries Merchant Wholesalers
424310	Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers
424330	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers
424340	Footwear Merchant Wholesalers
424410	General Line Grocery Merchant Wholesalers
424420	Packaged Frozen Food Merchant Wholesalers
424430	Dairy Product (except Dried or Canned) Merchant Wholesalers
424440	Poultry and Poultry Product Merchant Wholesalers
424450	Confectionery Merchant Wholesalers
424460	Fish and Seafood Merchant Wholesalers
424470	Meat and Meat Product Merchant Wholesalers
424480	Fresh Fruit and Vegetable Merchant Wholesalers
424490	Other Grocery and Related Products Merchant Wholesalers
424510	Grain and Field Bean Merchant Wholesalers
424520	Livestock Merchant Wholesalers
424590	Other Farm Product Raw Material Merchant Wholesalers
424610	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers
424690	Other Chemical and Allied Products Merchant Wholesalers
424710	Petroleum Bulk Stations and Terminals
424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)
424810	Beer and Ale Merchant Wholesalers
424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers
424910	Farm Supplies Merchant Wholesalers
424920	Book, Periodical, and Newspaper Merchant Wholesalers
424930	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers
424940	Tobacco and Tobacco Product Merchant Wholesalers
424950	Paint, Varnish, and Supplies Merchant Wholesalers
424990	Other Miscellaneous Nondurable Goods Merchant Wholesalers
425110	Business to Business Electronic Markets
425120	Wholesale Trade Agents and Brokers
441110	New Car Dealers
441120	Used Car Dealers

441210	Recreational Vehicle Dealers
441222	Boat Dealers
441228	Motorcycle, ATV, and All Other Motor Vehicle Dealers
441310	Automotive Parts and Accessories Stores
441320	Tire Dealers
442110	Furniture Stores
442210	Floor Covering Stores
442291	Window Treatment Stores
442299	All Other Home Furnishings Stores
443141	Household Appliance Stores
443142	Electronics Stores
444110	Home Centers
444120	Paint and Wallpaper Stores
444130	Hardware Stores
444190	Other Building Material Dealers
444210	Outdoor Power Equipment Stores
444220	Nursery, Garden Center, and Farm Supply Stores
445110	Supermarkets and Other Grocery (except Convenience) Stores
445120	Convenience Stores
445210	Meat Markets
445220	Fish and Seafood Markets
445230	Fruit and Vegetable Markets
445291	Baked Goods Stores
445292	Confectionery and Nut Stores
445299	All Other Specialty Food Stores
445310	Beer, Wine, and Liquor Stores
446110	Pharmacies and Drug Stores
446120	Cosmetics, Beauty Supplies, and Perfume Stores
446130	Optical Goods Stores
446191	Food (Health) Supplement Stores
446199	All Other Health and Personal Care Stores
447110	Gasoline Stations with Convenience Stores
447190	Other Gasoline Stations
448110	Men's Clothing Stores

448120	Women's Clothing Stores
448130	Children's and Infants' Clothing Stores
448140	Family Clothing Stores
448150	Clothing Accessories Stores
448190	Other Clothing Stores
448210	Shoe Stores
448310	Jewelry Stores
448320	Luggage and Leather Goods Stores
451110	Sporting Goods Stores
451120	Hobby, Toy, and Game Stores
451130	Sewing, Needlework, and Piece Goods Stores
451140	Musical Instrument and Supplies Stores
451211	Book Stores
451212	News Dealers and Newsstands
452111	Department Stores (except Discount Department Stores)
452112	Discount Department Stores
452910	Warehouse Clubs and Supercenters
452990	All Other General Merchandise Stores
453110	Florists
453210	Office Supplies and Stationery Stores
453220	Gift, Novelty, and Souvenir Stores
453310	Used Merchandise Stores
453910	Pet and Pet Supplies Stores
453920	Art Dealers
453930	Manufactured (Mobile) Home Dealers
453991	Tobacco Stores
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)
454111	Electronic Shopping
454112	Electronic Auctions
454113	Mail-Order Houses
454210	Vending Machine Operators
454310	Fuel Dealers
454390	Other Direct Selling Establishments
481111	Scheduled Passenger Air Transportation

481112	Scheduled Freight Air Transportation
481211	Nonscheduled Chartered Passenger Air Transportation
481212	Nonscheduled Chartered Freight Air Transportation
481219	Other Nonscheduled Air Transportation
482111	Line-Haul Railroads
482112	Short Line Railroads
483111	Deep Sea Freight Transportation
483112	Deep Sea Passenger Transportation
483113	Coastal and Great Lakes Freight Transportation
483114	Coastal and Great Lakes Passenger Transportation
483211	Inland Water Freight Transportation
483212	Inland Water Passenger Transportation
484110	General Freight Trucking, Local
484121	General Freight Trucking, Long-Distance, Truckload
484122	General Freight Trucking, Long-Distance, Less Than Truckload
484210	Used Household and Office Goods Moving
484220	Specialized Freight (except Used Goods) Trucking, Local
484230	Specialized Freight (except Used Goods) Trucking, Long-Distance
485111	Mixed Mode Transit Systems
485112	Commuter Rail Systems
485113	Bus and Other Motor Vehicle Transit Systems
485119	Other Urban Transit Systems
485210	Interurban and Rural Bus Transportation
485310	Taxi Service
485320	Limousine Service
485410	School and Employee Bus Transportation
485510	Charter Bus Industry
485991	Special Needs Transportation
485999	All Other Transit and Ground Passenger Transportation
486110	Pipeline Transportation of Crude Oil
486210	Pipeline Transportation of Natural Gas
486910	Pipeline Transportation of Refined Petroleum Products
486990	All Other Pipeline Transportation
487110	Scenic and Sightseeing Transportation, Land



487210	Scenic and Sightseeing Transportation, Water
487990	Scenic and Sightseeing Transportation, Other
488111	Air Traffic Control
488119	Other Airport Operations
488190	Other Support Activities for Air Transportation
488210	Support Activities for Rail Transportation
488310	Port and Harbor Operations
488320	Marine Cargo Handling
488330	Navigational Services to Shipping
488390	Other Support Activities for Water Transportation
488410	Motor Vehicle Towing
488490	Other Support Activities for Road Transportation
488510	Freight Transportation Arrangement
488991	Packing and Crating
488999	All Other Support Activities for Transportation
491110	Postal Service
492110	Couriers and Express Delivery Services
492210	Local Messengers and Local Delivery
493110	General Warehousing and Storage
493120	Refrigerated Warehousing and Storage
493130	Farm Product Warehousing and Storage
493190	Other Warehousing and Storage
511110	Newspaper Publishers
511120	Periodical Publishers
511130	Book Publishers
511140	Directory and Mailing List Publishers
511191	Greeting Card Publishers
511199	All Other Publishers
511210	Software Publishers
512110	Motion Picture and Video Production
512120	Motion Picture and Video Distribution
512131	Motion Picture Theaters (except Drive-Ins)
512132	Drive-In Motion Picture Theaters
512191	Teleproduction and Other Postproduction Services

512199	Other Motion Picture and Video Industries
512210	Record Production
512220	Integrated Record Production/Distribution
512230	Music Publishers
512240	Sound Recording Studios
512290	Other Sound Recording Industries
515111	Radio Networks
515112	Radio Stations
515120	Television Broadcasting
515210	Cable and Other Subscription Programming
517110	Wired Telecommunications Carriers
517210	Wireless Telecommunications Carriers (except Satellite)
517410	Satellite Telecommunications
517911	Telecommunications Resellers
517919	All Other Telecommunications
518210	Data Processing, Hosting, and Related Services
519110	News Syndicates
519120	Libraries and Archives
519130	Internet Publishing and Broadcasting and Web Search Portals
519190	All Other Information Services
521110	Monetary Authorities-Central Bank
522110	Commercial Banking
522120	Savings Institutions
522130	Credit Unions
522190	Other Depository Credit Intermediation
522210	Credit Card Issuing
522220	Sales Financing
522291	Consumer Lending
522292	Real Estate Credit
522293	International Trade Financing
522294	Secondary Market Financing
522298	All Other Nondepository Credit Intermediation
522310	Mortgage and Nonmortgage Loan Brokers
522320	Financial Transactions Processing, Reserve, and Clearinghouse Activities

522390	Other Activities Related to Credit Intermediation
523110	Investment Banking and Securities Dealing
523120	Securities Brokerage
523130	Commodity Contracts Dealing
523140	Commodity Contracts Brokerage
523210	Securities and Commodity Exchanges
523910	Miscellaneous Intermediation
523920	Portfolio Management
523930	Investment Advice
523991	Trust, Fiduciary, and Custody Activities
523999	Miscellaneous Financial Investment Activities
524113	Direct Life Insurance Carriers
524114	Direct Health and Medical Insurance Carriers
524126	Direct Property and Casualty Insurance Carriers
524127	Direct Title Insurance Carriers
524128	Other Direct Insurance (except Life, Health, and Medical) Carriers
524130	Reinsurance Carriers
524210	Insurance Agencies and Brokerages
524291	Claims Adjusting
524292	Third Party Administration of Insurance and Pension Funds
524298	All Other Insurance Related Activities
525110	Pension Funds
525120	Health and Welfare Funds
525190	Other Insurance Funds
525910	Open-End Investment Funds
525920	Trusts, Estates, and Agency Accounts
525990	Other Financial Vehicles
531110	Lessors of Residential Buildings and Dwellings
531120	Lessors of Nonresidential Buildings (except Miniwarehouses)
531130	Lessors of Miniwarehouses and Self-Storage Units
531190	Lessors of Other Real Estate Property
531210	Offices of Real Estate Agents and Brokers
531311	Residential Property Managers
531312	Nonresidential Property Managers

531320	Offices of Real Estate Appraisers
531390	Other Activities Related to Real Estate
532111	Passenger Car Rental
532112	Passenger Car Leasing
532120	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing
532210	Consumer Electronics and Appliances Rental
532220	Formal Wear and Costume Rental
532230	Video Tape and Disc Rental
532291	Home Health Equipment Rental
532292	Recreational Goods Rental
532299	All Other Consumer Goods Rental
532310	General Rental Centers
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing
532412	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing
532420	Office Machinery and Equipment Rental and Leasing
532490	Other Commercial and Industrial Machinery and Equipment Rental and Leasing
533110	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
541110	Offices of Lawyers
541120	Offices of Notaries
541191	Title Abstract and Settlement Offices
541199	All Other Legal Services
541211	Offices of Certified Public Accountants
541213	Tax Preparation Services
541214	Payroll Services
541219	Other Accounting Services
541310	Architectural Services
541320	Landscape Architectural Services
541330	Engineering Services
541340	Drafting Services
541350	Building Inspection Services
541360	Geophysical Surveying and Mapping Services
541370	Surveying and Mapping (except Geophysical) Services
541380	Testing Laboratories
541410	Interior Design Services

541420	Industrial Design Services
541430	Graphic Design Services
541490	Other Specialized Design Services
541511	Custom Computer Programming Services
541512	Computer Systems Design Services
541513	Computer Facilities Management Services
541519	Other Computer Related Services
541611	Administrative Management and General Management Consulting Services
541612	Human Resources Consulting Services
541613	Marketing Consulting Services
541614	Process, Physical Distribution, and Logistics Consulting Services
541618	Other Management Consulting Services
541620	Environmental Consulting Services
541690	Other Scientific and Technical Consulting Services
541711	Research and Development in Biotechnology
541712	Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology)
541720	Research and Development in the Social Sciences and Humanities
541810	Advertising Agencies
541820	Public Relations Agencies
541830	Media Buying Agencies
541840	Media Representatives
541850	Outdoor Advertising
541860	Direct Mail Advertising
541870	Advertising Material Distribution Services
541890	Other Services Related to Advertising
541910	Marketing Research and Public Opinion Polling
541921	Photography Studios, Portrait
541922	Commercial Photography
541930	Translation and Interpretation Services
541940	Veterinary Services
541990	All Other Professional, Scientific, and Technical Services
551111	Offices of Bank Holding Companies
551112	Offices of Other Holding Companies
551114	Corporate, Subsidiary, and Regional Managing Offices

561110	Office Administrative Services
561210	Facilities Support Services
561311	Employment Placement Agencies
561312	Executive Search Services
561320	Temporary Help Services
561330	Professional Employer Organizations
561410	Document Preparation Services
561421	Telephone Answering Services
561422	Telemarketing Bureaus and Other Contact Centers
561431	Private Mail Centers
561439	Other Business Service Centers (including Copy Shops)
561440	Collection Agencies
561450	Credit Bureaus
561491	Repossession Services
561492	Court Reporting and Stenotype Services
561499	All Other Business Support Services
561510	Travel Agencies
561520	Tour Operators
561591	Convention and Visitors Bureaus
561599	All Other Travel Arrangement and Reservation Services
561611	Investigation Services
561612	Security Guards and Patrol Services
561613	Armored Car Services
561621	Security Systems Services (except Locksmiths)
561622	Locksmiths
561710	Exterminating and Pest Control Services
561720	Janitorial Services
561730	Landscaping Services
561740	Carpet and Upholstery Cleaning Services
561790	Other Services to Buildings and Dwellings
561910	Packaging and Labeling Services
561920	Convention and Trade Show Organizers
561990	All Other Support Services
562111	Solid Waste Collection



562112	Hazardous Waste Collection
562119	Other Waste Collection
562211	Hazardous Waste Treatment and Disposal
562212	Solid Waste Landfill
562213	Solid Waste Combustors and Incinerators
562219	Other Nonhazardous Waste Treatment and Disposal
562910	Remediation Services
562920	Materials Recovery Facilities
562991	Septic Tank and Related Services
562998	All Other Miscellaneous Waste Management Services
611110	Elementary and Secondary Schools
611210	Junior Colleges
611310	Colleges, Universities, and Professional Schools
611410	Business and Secretarial Schools
611420	Computer Training
611430	Professional and Management Development Training
611511	Cosmetology and Barber Schools
611512	Flight Training
611513	Apprenticeship Training
611519	Other Technical and Trade Schools
611610	Fine Arts Schools
611620	Sports and Recreation Instruction
611630	Language Schools
611691	Exam Preparation and Tutoring
611692	Automobile Driving Schools
611699	All Other Miscellaneous Schools and Instruction
611710	Educational Support Services
621111	Offices of Physicians (except Mental Health Specialists)
621112	Offices of Physicians, Mental Health Specialists
621210	Offices of Dentists
621310	Offices of Chiropractors
621320	Offices of Optometrists
621330	Offices of Mental Health Practitioners (except Physicians)
621340	Offices of Physical, Occupational and Speech Therapists, and Audiologists

621391	Offices of Podiatrists
621399	Offices of All Other Miscellaneous Health Practitioners
621410	Family Planning Centers
621420	Outpatient Mental Health and Substance Abuse Centers
621491	HMO Medical Centers
621492	Kidney Dialysis Centers
621493	Freestanding Ambulatory Surgical and Emergency Centers
621498	All Other Outpatient Care Centers
621511	Medical Laboratories
621512	Diagnostic Imaging Centers
621610	Home Health Care Services
621910	Ambulance Services
621991	Blood and Organ Banks
621999	All Other Miscellaneous Ambulatory Health Care Services
622110	General Medical and Surgical Hospitals
622210	Psychiatric and Substance Abuse Hospitals
622310	Specialty (except Psychiatric and Substance Abuse) Hospitals
623110	Nursing Care Facilities (Skilled Nursing Facilities)
623210	Residential Intellectual and Developmental Disability Facilities
623220	Residential Mental Health and Substance Abuse Facilities
623311	Continuing Care Retirement Communities
623312	Assisted Living Facilities for the Elderly
623990	Other Residential Care Facilities
624110	Child and Youth Services
624120	Services for the Elderly and Persons with Disabilities
624190	Other Individual and Family Services
624210	Community Food Services
624221	Temporary Shelters
624229	Other Community Housing Services
624230	Emergency and Other Relief Services
624310	Vocational Rehabilitation Services
624410	Child Day Care Services
711110	Theater Companies and Dinner Theaters
711120	Dance Companies

711130	Musical Groups and Artists
711190	Other Performing Arts Companies
711211	Sports Teams and Clubs
711212	Racetracks
711219	Other Spectator Sports
711310	Promoters of Performing Arts, Sports, and Similar Events with Facilities
711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities
711410	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures
711510	Independent Artists, Writers, and Performers
712110	Museums
712120	Historical Sites
712130	Zoos and Botanical Gardens
712190	Nature Parks and Other Similar Institutions
713110	Amusement and Theme Parks
713120	Amusement Arcades
713210	Casinos (except Casino Hotels)
713290	Other Gambling Industries
713910	Golf Courses and Country Clubs
713920	Skiing Facilities
713930	Marinas
713940	Fitness and Recreational Sports Centers
713950	Bowling Centers
713990	All Other Amusement and Recreation Industries
721110	Hotels (except Casino Hotels) and Motels
721120	Casino Hotels
721191	Bed-and-Breakfast Inns
721199	All Other Traveler Accommodation
721211	RV (Recreational Vehicle) Parks and Campgrounds
721214	Recreational and Vacation Camps (except Campgrounds)
721310	Rooming and Boarding Houses
722310	Food Service Contractors
722320	Caterers
722330	Mobile Food Services
722410	Drinking Places (Alcoholic Beverages)

722511	Full-Service Restaurants
722513	Limited-Service Restaurants
722514	Cafeterias, Grill Buffets, and Buffets
722515	Snack and Nonalcoholic Beverage Bars
811111	General Automotive Repair
811112	Automotive Exhaust System Repair
811113	Automotive Transmission Repair
811118	Other Automotive Mechanical and Electrical Repair and Maintenance
811121	Automotive Body, Paint, and Interior Repair and Maintenance
811122	Automotive Glass Replacement Shops
811191	Automotive Oil Change and Lubrication Shops
811192	Car Washes
811198	All Other Automotive Repair and Maintenance
811211	Consumer Electronics Repair and Maintenance
811212	Computer and Office Machine Repair and Maintenance
811213	Communication Equipment Repair and Maintenance
811219	Other Electronic and Precision Equipment Repair and Maintenance
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance
811411	Home and Garden Equipment Repair and Maintenance
811412	Appliance Repair and Maintenance
811420	Reupholstery and Furniture Repair
811430	Footwear and Leather Goods Repair
811490	Other Personal and Household Goods Repair and Maintenance
812111	Barber Shops
812112	Beauty Salons
812113	Nail Salons
812191	Diet and Weight Reducing Centers
812199	Other Personal Care Services
812210	Funeral Homes and Funeral Services
812220	Cemeteries and Crematories
812310	Coin-Operated Laundries and Drycleaners
812320	Drycleaning and Laundry Services (except Coin-Operated)
812331	Linen Supply
812332	Industrial Launderers

812910	Pet Care (except Veterinary) Services
812921	Photofinishing Laboratories (except One-Hour)
812922	One-Hour Photofinishing
812930	Parking Lots and Garages
812990	All Other Personal Services
813110	Religious Organizations
813211	Grantmaking Foundations
813212	Voluntary Health Organizations
813219	Other Grantmaking and Giving Services
813311	Human Rights Organizations
813312	Environment, Conservation and Wildlife Organizations
813319	Other Social Advocacy Organizations
813410	Civic and Social Organizations
813910	Business Associations
813920	Professional Organizations
813930	Labor Unions and Similar Labor Organizations
813940	Political Organizations
813990	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)
814110	Private Households
921110	Executive Offices
921120	Legislative Bodies
921130	Public Finance Activities
921140	Executive and Legislative Offices, Combined
921150	American Indian and Alaska Native Tribal Governments
921190	Other General Government Support
922110	Courts
922120	Police Protection
922130	Legal Counsel and Prosecution
922140	Correctional Institutions
922150	Parole Offices and Probation Offices
922160	Fire Protection
922190	Other Justice, Public Order, and Safety Activities
923110	Administration of Education Programs
923120	Administration of Public Health Programs

923130	Administration of Human Resource Programs (except Education, Public Health, and Veterans' Affairs Programs)
923140	Administration of Veterans' Affairs
924110	Administration of Air and Water Resource and Solid Waste Management Programs
924120	Administration of Conservation Programs
925110	Administration of Housing Programs
925120	Administration of Urban Planning and Community and Rural Development
926110	Administration of General Economic Programs
926120	Regulation and Administration of Transportation Programs
926130	Regulation and Administration of Communications, Electric, Gas, and Other Utilities
926140	Regulation of Agricultural Marketing and Commodities
926150	Regulation, Licensing, and Inspection of Miscellaneous Commercial Sectors
927110	Space Research and Technology
928110	National Security
928120	International Affairs

**EXECUTIVE DIRECTOR'S REPORT**

**September 30, 2014**

***Consent Agenda***

**Approve Resolution No. 14-13, Commending Todd Pressman for His Service as a Member of the Southwest Florida Water Management District Governing Board**

Staff Recommendation:

Approve as presented.

Presenter: Robert R. Beltran, P.E., Executive Director



RESOLUTION NO. 14-13

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

WHEREAS, **TODD PRESSMAN** was appointed by Governor Jeb Bush to the Southwest Florida Water Management District Governing Board in April 2005, reappointed by Governor Jeb Bush in March 2006; reappointed by Governor Charlie Crist in April 2010 to a term to expire March 1, 2014, and he served through June 2014; and

WHEREAS, **TODD PRESSMAN** was elected and served as the Board's Secretary from June 2007 through May 2008, elected and served as the Board's Vice Chair from June 2008 through May 2009, elected as the Board's Chair and served from June 2009 through May 2010; and

WHEREAS, **TODD PRESSMAN** served on the Pinellas-Anclote River Basin Board from April 2005 through May 2011; and

WHEREAS, **TODD PRESSMAN** served as the District's ex-officio member on the Tampa Bay Regional Planning Council since 2006; and

WHEREAS, **TODD PRESSMAN** supported development of alternative water supplies and regional pipeline interconnections in partnership with water supply authorities and local government utilities to help achieve reductions in groundwater pumping and supported regional cooperative projects including the Clearwater, Oldsmar and Tarpon Springs Reverse Osmosis Plants and the City of Clearwater's Groundwater Replenishment Project; and

WHEREAS, **TODD PRESSMAN** continued implementation of the Southern Water Use Caution Area (SWUCA) recovery strategy including authorization of the Lake Hancock Lake Level and Outfall Treatment Projects and expanded SWUCA requirements District-wide; and

WHEREAS, **TODD PRESSMAN** was an advocate of environmental restoration projects, many of which received national acclaim during his tenure including Kapok Wetland and Floodplain, Lake Maggiore, Sawgrass Lake and Clam Bayou; and

WHEREAS, **TODD PRESSMAN** supported the acquisition of public lands for environmental purposes, encouraged land acquisition and land management partnerships such as Three Sisters Springs and Weeki Wachee Springs, was an advocate of recreation opportunities on District lands through support of the District's Get Outside Campaign; and supported development of environmental education facilities such as Rotary Centennial Nature Center at Honeymoon Island, Weedon Island Preserve, Brooker Creek Preserve Environmental Education Center and Starkey Environmental Education Center; and

WHEREAS, **TODD PRESSMAN**, as a member and chair of the Governing Board, demonstrated exceptional skill in coalition-building, leadership in environmental stewardship, foresight, and wisdom that were instrumental in ensuring responsible management of water resources and related natural systems by championing public involvement to educate, inform and include the publics that the District serves; and

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

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

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

PASSED and ADOPTED this thirtieth day of September 2014.

GOVERNING BOARD OF THE  
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BY \_\_\_\_\_  
Michael A. Babb, Chair

ATTEST \_\_\_\_\_  
Jeffrey M. Adams, Secretary

**EXECUTIVE DIRECTOR'S REPORT**

**September 30, 2014**

***Consent Agenda***

**Approve Governing Board Minutes - August 26, 2014**

Staff Recommendation:

Presenter: Robert R. Beltran, P.E., Executive Director

# DRAFT

## MINUTES OF THE MEETING

### GOVERNING BOARD SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

TAMPA, FLORIDA

AUGUST 26, 2014

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:02 a.m. on August 26, 2014, at the District's Tampa Service Office. The following persons were present:

#### Board Members Present

Michael A. Babb, Chair  
Randall S. Maggard, Vice Chair  
Jeffrey M. Adams, Secretary  
David W. Dunbar, Treasurer  
H. Paul Senft, Member  
Carlos Beruff, Member  
Wendy Griffin, Member  
George W. Mann, Member  
Bryan K. Beswick, Member  
Michael A. Moran, Member  
Ed Armstrong, Member

#### Board Member(s) Absent

Thomas E. Bronson, Member

#### Staff Members

Robert R. Beltran, Executive Director  
Brian Armstrong, Assistant Executive Director  
David T. Rathke, Chief of Staff  
Kurt P. Fritsch, Inspector General  
Laura J. Donaldson, General Counsel  
John J. Campbell, Division Director  
Ken Frink, Division Director  
Mark A. Hammond, Division Director  
Alba E. Más, Division Director

#### Board's Administrative Support

Cara Martin, Board & Executive Services Manager  
Linda De Jonge, Administrative Coordinator

A list of others present who signed the attendance roster is filed in the permanent records of the District. This meeting was available for viewing through Internet streaming. Approved minutes from previous meetings can be found on the District's Web site ([www.WaterMatters.org](http://www.WaterMatters.org)).

#### **PUBLIC HEARING (Video – 00:00)**

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

Chair Babb called the meeting to order and opened the public hearing. Mr. Adams noted a quorum was present.

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

Ms. Griffin offered the invocation. Chair Babb led the Pledge of Allegiance to the Flag of the United States of America.

Chair Babb introduced each member of the Governing Board. He noted that the Board's meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Babb stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Babb 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.

3. **Additions/Deletions to Agenda**

Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown, as determined by the presiding officer.

Mr. Beltran noted the following changes requested to the agenda.

The following item was added for consideration:

**General Counsel's Report**  
**Discussion Item**

52. Final Order of Dismissal with Prejudice – SWFWMD v. Country Club Utilities, Inc. – WUP No. 2007704.005/.006 – CT No. 336752 – Highlands County

The following items were deleted from consideration:

**Resource Management Committee**  
**Consent Agenda**

10. City of North Port's Potable Water ASR System Change in Scope (K120)

**Operations & Land Management Committee**  
**Discussion Item**

26. Request by Hillsborough County for Governing Board Support for a High Speed passenger ferry in Tampa

Chair Babb asked if the Board had any items which needed to be removed.

Ms. Griffin requested to move the following item to discussion so that she may recuse herself from voting:

**Regulation Committee**  
**Consent Agenda**

5. Individual Water Use Permits Referred to the Governing Board – WUP No. 20012232.003 – Citrusuco North America/Citrusuco North America (Polk County)

Mr. Armstrong requested to move the following item to discussion so that he may recuse himself from voting:

**Operations & Land Management Committee**  
**Consent Agenda**

7. Approve Sale of Surplus Lands – Lake Tarpon Outfall Canal, SWF Parcel No. 16-001-153S

Chair Babb said there is good cause to amend the published agenda as allowed by Section 120.525, Florida Statutes.

**Mr. Maggard moved to approve the amendments to the published Consent Agenda. The motion was seconded and carried. (Video – 05:27)**

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

Chair Babb noted at this time, the public is given an opportunity to comment on any topic not listed on the agenda. There were no *Request to Speak* cards submitted.

**CONSENT AGENDA (Video – 05:51)**

Chair Babb asked that, before the Board considers action on the Consent Agenda, whether there is anyone in the audience who wishes to address the Board regarding an item listed on the Consent Agenda. No one responded to the Chair's request to speak to the Board.

**Regulation Committee**

5. **Individual Water Use Permits Referred to the Governing Board - WUP No. 20012232.003 – Citrusuco North America/Citrusuco North America (Polk County)**

This item was moved for discussion purposes.

6. **Approve Release of Conservation Easement and Quit Claim Deed – The Meadows – Polk County**

Staff recommended the Board approve Release of Conservation Easement and Quit Claim Deed to release Conservation Easement No. 2008124774.

**Operations & Land Management Committee**

7. **Approve Sale of Surplus Lands – Lake Tarpon Outfall Canal, SWF Parcel No. 16-001-153S**

This item was moved for discussion purposes.

**Resource Management Committee**

8. **Authorize Submission of Preliminary Flood Insurance Rate Maps for the Gant Lake Watershed in Sumter County to the Federal Emergency Management Agency**

Staff recommended the Board authorize staff to submit the preliminary FIRMs for the Gant Lake watershed in Sumter County to FEMA.

9. **Approval to Include Outside Funding from the City of Sebring Toward Highland County's Share for Lake Jackson Watershed Hydrology Investigation (N554)**

Staff recommended the Board approve the outside funding from the city of Sebring towards Highlands County's share of the eligible project cost for the Lake Jackson Watershed Hydrology Investigation in order to develop recovery strategy options to restore the low water levels in Lake Jackson and Little Lake Jackson in an effort to meet the MFL.

- ~~40. **City of North Port's Potable Water ASR System Change in Scope (K120)**~~

~~This item was deleted from consideration.~~

11. **East Lake Nutrient Source Evaluation (N664)**

Staff recommended the Board approve to reduce the project budget by \$100,000 and the District's share by \$50,000 for the East Lake Nutrient Source Evaluation project.

12. **FARMS - Sweetwater Preserve, LLC – Phase 2 (H711), Hardee County**

Staff recommended the Board 1) approve the Sweetwater Preserve, LLC – Phase 2 project for a not-to-exceed project reimbursement of \$231,885.67 with \$3,770.07 provided from State Appropriations, \$36,508.60 provided by the Peace River Basin Fund, and \$191,607 provided by the Governing Board; 2) authorize the transfer of \$3,770.07 from State Appropriations allocated to fund 010 H017 FARMS Funds, \$36,508.60 from 010 H017 Peace River Basin FARMS Funds, and \$191,607 from fund 010 H017 Governing Board FARMS Funds to the H711 Sweetwater Preserve, LLC – Phase 2, project fund; and 3) authorize Assistant Executive Director sign the agreement.

13. **FARMS - Barnwell Farms (H712), Hillsborough County**

Staff recommended the Board 1) approve the Barnwell Farms project for a not-to-exceed project reimbursement of \$127,500 provided by the Governing Board; 2) authorize the transfer of \$127,500 from fund 010 H017 Governing Board FARMS Funds to the H712 Barnwell Farms project fund; and 3) authorize Assistant Executive Director to sign the agreement.

**Finance/Outreach & Planning Committee**

14. **Board Encumbrance to Support Oracle License Review**

Staff recommended the Board transfer and encumber \$200,000 previously approved for support and enhancement of the District's enterprise content management system and authorize the procurement of Oracle software licenses and software maintenance as needed to address potential finding in an Oracle software audit.

15. **Budget Transfer Report**

Staff recommended the Board approve the Budget Transfer Report covering all budget transfers for July 2014.

**General Counsel's Report**

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

**a. Approval of Revisions to District Policy 710-2, Performance Evaluations of the Executive Director and Inspector General**

Staff recommended the Board approve the proposed revisions to District Policy 710-2, Performance Evaluations of the Executive Director and Inspector General.

17. **Rulemaking**

**a. Approval of Final Rule Language and Authorization to Complete Rulemaking to Adopt a Rule Allowing the District to Suspend a Contractor from Doing Business with the District When a Contractor Materially Breaches a Contract with the District**

Staff recommended the board approve final rule language and authorize the completion of rulemaking to adopt new Rule 40D-7, Florida Administrative Code, to establish a procedure for suspending a contractor from working with the District when the contractor has materially breached its contract with the District, and authorize staff to make any necessary clarifying or technical changes that may result from the rulemaking process.

**Executive Director's Report**

18. **Annual Calendar for Fiscal Year 2014-15 Meeting Dates**

Staff recommended the Board approve the FY2014-15 annual Board meeting calendar.

19. **Approve Governing Board Meeting Minutes – July 21, 2014**

Staff recommended the Board approve the minutes as presented.

**Executive Director's Report**

19. **Approve Governing Board Meeting Minutes – June 24, 2014**

Staff recommended the Board approve the minutes as presented.

Chair Babb asked if there was any public comment on the consent agenda. Hearing none, he called for a motion to approve the Consent Agenda as amended. **A motion was made to approve the Consent Agenda, as amended, which was seconded. The motion passed.** (Video – 06:06)

Chair Babb then relinquished the gavel to Mr. Moran, who called the Regulation Committee to order.

**REGULATION COMMITTEE (Video – 06:13)**

***Discussion Items***

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



**5. Individual Water Use Permits Referred to the Governing Board - WUP No. 20012232.003 – Citrusuco North America/Citrusuco North America (Polk County)**

This is a modification of an existing water use permit for agricultural and industrial use. The annual average and drought annual average quantities increased by 500,000 gallons per day (gpd) for industrial use. The quantities authorized by this modification are an annual average quantity of 1,750,900 gpd and a drought annual average quantity of 1,870,900 gpd. The authorized peak month and crop protection quantities of 2,865,700 gpd and 8,640,000 gpd, respectively, remain unchanged. The increase in quantities are based on historical pumpage and documentation supplied by the applicant indicating an increase in production from the citrus processing facility. Effluent water from the processing facility is reused for the irrigation of 320 acres of citrus. The proposed water used is located within the area of the Central Florida Water Initiative (CFWI) as well as the Southern Water Use Caution Area.

Chair Moran asked if there would be a presentation on the item. Ms. Más stated she could have Darrin Herbst make a presentation. Mr. Moran mentioned he had a speaker card from Mr. Wayne Griffin; however, he did not speak.

Ms. Griffin recused herself from voting based on the potential appearance of conflict.

Chair Moran called for a motion to approve the proposed permit. **Mr. Maggard moved to approve the permit, which was seconded. The motion passed unanimously.** (Video – 07:24)

**21. Denials Referred to the Governing Board - August 2014 - None**

**Submit & File Reports – None**

**Routine Reports**

**22. Overpumpage Report – August 2014**

**23. Individual Permits Issued by District Staff – August 2014**

Chair Moran then relinquished the gavel to Mr. Maggard, who called the Operations & Land Management Committee to order.

**OPERATIONS & LAND MANAGEMENT COMMITTEE** (Video – 07:43)

**Discussion Items**

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

**7. Approve Sale of Surplus Lands – Lake Tarpon Outfall Canal, SWF Parcel No. 16-001-153S**

The purpose of this item is to request the Governing Board accept the offer for this property which has been declared surplus, enter into a contract for the sale and purchase, and execute the instruments necessary to convey SWF Parcel No. 16-001-153S.

The two acre Lake Tarpon Outfall Canal parcel was acquired in an exchange with Pinellas County in 2005 in order to facilitate the construction of a County reclaimed water storage facility. The property is located on the western side of the canal, downstream of structure S-551 and in the vicinity of McMullen Booth Road north of Curlew Road. The property is not needed for the long-term management and operation of the Lake Tarpon Outfall Canal.

The following is a summary of the appraisal and offer process:

	Minimum Bid/Offer 8/1/2013 Appraisal	High Bid/Offer Submitted	Minimum Price 5/13/2014 Appraisal
Total Amount	\$22,000.00	\$40,000.00	\$22,000.00
Per Acre	\$11,000.00	\$20,000.00	\$11,000.00



The offer of \$40,000 is 82 percent above the minimum asking price and the May 13, 2014 appraised value.

Ken Frink advised the Committee that this particular piece is along the Lake Tarpon Outfall Canal between the canal and McMullen Booth. It's a two acre piece that was used for spoil site. The District appraised at \$22,000; the current high offer is \$40,000. The District checked with the County to see if we could change the future land use, which is currently recreation, conservation to see if we could put it to more intense use to increase the value of the property and received a negative response to that.

Staff recommended the Board 1) Accept the Offer; 2) Approve the Contract for Sale and Purchase; and 3) Authorize execution of the instruments necessary to convey the property.

Mr. Armstrong recused himself from voting on the item as he was contacted by the contract buyer prior to his appointment to the Governing Board.

**A motion was made to approve staff recommendation, which was seconded. Motion passed.** (Video – 09:18)

25. **Hydrologic Conditions Status Report**

Granville Kinsman, Manager, Hydrologic Data Section, provided information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the current month to comparable data from the historical record.

Rainfall totals for July indicate rainfall was within the normal range in all three regions of the District. The normal range is defined as rainfall totals that fall on or between the 25<sup>th</sup> to 75<sup>th</sup> percentiles derived from the historical data for each month.

July streamflow data indicate regional streamflow increased in all three regions of the District, compared to the previous month.

July groundwater data indicate levels in the Floridan/Intermediate aquifer increased in all three regions of the District, compared to last month.

July lake level data indicate average lake levels increased in all regions of the District, compared to the previous month.

July completes the second month of the four-month annual wet season (June through September) and rainfall totals for the month were within the normal range in all regions of the District.

Updated weather forecasts will be available in mid-August. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data.

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

~~26. **Request by Hillsborough County for Governing Board Support for a High Speed Passenger Ferry in Tampa**~~

~~This item was deleted from consideration.~~

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

- 27. **Structure Operations**
- 28. **Significant Activities**

Chair Maggard then relinquished the gavel to Mr. Senft, who called the Resource Management Committee to order.

**RESOURCE MANAGEMENT COMMITTEE** (Video – 16:11)

***Discussion Items***

- 29. **Consent Item(s) Moved for Discussion- None**
- 30. **Cooperative Funding Program – Cost Increases**

Mark A. Hammond, Division Director, Resource Management, presented options for guidelines for the District's Cooperative Funding Initiative (CFI) program to address requests for project costs increases. In June 2014, the Governing Board requested staff come back in August to provide this information.

Mr. Hammond discussed guidelines that staff has developed over the last several months proposed to be used to evaluate cooperative funding projects that come into cycle this year that the Board would look at next year. This is in response to the Board discussions regarding projects that were previously funded and then come in as a cost increase. The Board asked in previous Board meetings for staff to come back with an overview of options for the Board to consider for guidelines on how staff would evaluate projects going forward next year and then apply these guidelines to the projects next year, look to see if there are any adjustments needed, discuss that with the Board and then formalize it either as an Executive Director procedure or as a formal Board policy. No action is recommended at this time.

Mr. Hammond went over the guidelines that the District would be using to evaluate the projects next year that come in with a cost increase. The guidelines have been broken down into three key areas including: 1) expectations, 2) managing costs for projects with higher risk, and 3) updating the Board.

Mr. Hammond went over a power point presentation which covered several different scenarios as to how requests for cost increases would be handled based on the type of funding request and the ranking of the project.

Mr. Maggard inquired as to the percentage of scope change to cost increase. Mr. Hammond advised that over the last two years, the District had about 134 projects in 2014 and 111 projects last year. There were 4 cost increases on the first year and 7 cost increases this past year. It's a small percentage of the projects that have a cost increase. There is a project coming up next on the agenda that is a change in scope. Mr. Senft pointed out that in addition to being a scope change, it's double the amount of water for only one-third the amount of cost so there are other measurements that go into this. Mr. Hammond agreed that if the amount of water was doubling, it would be looked at as a scope change on the project.

Mr. Beruff asked how we can make the guidelines rigid enough so that cooperators don't come back and ask for more after the project has been approved. Mr. Hammond acknowledged that's a good point and that's why staff wants to get the guidelines in place and evaluate them this year as we're evaluating those projects and then come back next year and we may find that we need to adjust them.

Mr. Senft noted this year will be a trial run but, the message is intended to be that they're not going to be automatic anymore, we're going to have less money to deal with in cooperative funding.

Mr. Beruff suggested that it really has to be clear that it has to be the exception to the rule as opposed to business as usual.

Mr. Babb confirmed with Mr. Hammond that in contracts now, if there is any increase without a scope change, the Board can simply just deny. Mr. Hammond confirmed that in all of the contracts, the risk is on the cooperator contractually. What staff is recommending in the guidelines, after some trial and error and when it becomes policy, is if there is no scope change, and we're just looking at an increase in cost in the project, when you're looking at the project, however it's ranked, it will be re-categorized as it's presented back to the Board. Mr. Hammond stated if it you have a project that was originally approved as a medium ranked and there's an increase, we're not going to recommended funding for the increase; the increase would get ranked as low.

Mr. Hammond then went over a scenario where the Board has approved a high ranked project and it's a good project and the scope hasn't changed in terms of adding to the project but it's going to cost 10 percent more. If the resource benefits and the cost effectiveness are maintained, then staff would rank that increase as high. Some other considerations that would be looked at would be to make sure the schedule is maintained and the cooperator's performance on other projects has been acceptable. Mr. Hammond went on to explain to the Board several other potential scenarios.

In presenting a scenario where a project is ranked as high and the cost increase is greater than 20 percent, Mr. Hammond stated that staff would not be recommending funding for those projects. Mr. Senft asked if there would be circumstances where the increases would be over 20 percent and the Board would deny the increase, but some may be required to be done in order to complete the original project. Over the transition period Mr. Hammond would anticipate there are some projects that are already under process and working and they'll have to face that decision.

Mr. Babb asked looking back over the last two or three years how many projects has the District approved that would have fallen into this particular scenario that would have been denied or staff would have recommended denial. Mr. Hammond said he thinks there were a couple of those that would have been right at about this amount or greater. Mr. Babb asked Mr. Hammond if he knew how many millions of dollars that would have been. Mr. Hammond responded that in 2014, the District had about \$5.6M in increase. This year that was just approved, the requests were about \$20M, but there was one that was substantial and it ended up with about \$10M or \$13M in increases.

Mr. Mann asked Mr. Hammond if he thinks once these guidelines are published, that people will be estimating on the high side. Mr. Hammond said staff will look at that and believes it will be addressed through the metrics. If the projects are padded too much, the cost effectiveness will start being affected and staff can look at things in terms of the past and see where we think that it's higher than what we believe is reasonable. Mr. Hammond mentioned that the next item that is addressed is on some of those bigger ticket items, those that are greater than \$5M, that we only go forward with some of the due diligence work first, which gives us the information to have a higher degree of confidence. So with the metrics and then with addressing those bigger ticket item projects, he feels the District will be able to manage that issue.

Mr. Maggard opined that some of these problems can be solved up front. He thinks those issues can be worked out. Mr. Maggard stated that he's all for a good deal but he doesn't want a good deal that we're going to have to come back and pay for later.

Mr. Adams asked if on the five previous scenarios, if the Board can consider an exception to any of the guidelines. Mr. Hammond confirmed. All recommendations are brought to

the Board and staff will point out areas where staff thought the guidelines would work but there might be areas that are unique and need to be taken into account.

Mr. Hammond stated that the way staff would approach projects coming next year is, if it's greater than a 20 percent increase, staff's recommendation would be to not fund. That can be discussed with the Board and will be presented to the Board. If it's less than a 10 percent increase for the same project, it would get a high ranking but, if it's between 10 and 20 percent, it will get a medium ranking. Mr. Hammond mentioned that this will send a message to our cooperators that the District wants to tighten up the estimates. If it's greater than 20 percent, staff would not be recommending funding. There would be some exceptions for small dollar increases. If a project is simply a change in the scope, staff would consider that a new project.

Mr. Beruff commented on the third party review and stated that he wants to insist when there is a third party review, that the cooperator delegate to the District that the third party review person works for the District, not them and the District, but they're responsible for 50 percent of the bill so that the third party is truly independent when they're reviewing the budget. Chair Sent said that staff would make a note of that and was sure it would come back as part of the policy when it is ready to be adopted.

Mr. Maggard asked how much usually is the 30 percent of the design for a \$5 million project. Mr. Hammond responded that it can vary depending on the size of the project. A \$5 million project versus a \$30 million project, you could spend a half million dollars on 30 percent or greater. For example, a 30 percent design on a \$100 - \$150 million dollar project is going to be over \$1 million. Mr. Maggard notes that we can figure in on a large project we're going to have at least \$500 thousand to \$1 million involved to make sure it works out or at least get our numbers right. We will have that much committed to it. Mr. Hammond confirmed and clarified that contractually all we would agree to is up to that 30 percent.

Mr. Adams mentioned that on the required review by the third party, we hope to be able to tighten up the cost estimate. He asked if that would also cover an upfront due diligence to confirm the effectiveness of the project for other components in the metrics. Mr. Hammond confirmed that typically is involved in the third party review.

Mr. Beruff expressed his concern regarding the third party review if we come in with an estimate of \$10 million and then the third party review comes in at \$15 million and that's our share, he doesn't want to set that up as a principal and he doesn't want to abdicate staff's responsibility to look at it just because there is a third party. The staff still has to have their opinion. Before we hire the third party review, we need to have a tight number. We don't want to see is where we just say we're going to hire a third party review anyway and whatever they say is what we fund. The third party review is an audit to make sure we did our work correctly to begin with and we have something else to go by. He doesn't want to automatically say they came in with a \$10 million request and after we had the third party review, it's \$15 million and we're already committed.

Chair Senft mentioned that it would still have to meet the metrics but, Mr. Beruff just wanted to be sure there is nothing automatic.

Mr. Hammond said the intent would be that, as we're going through that process, if we find that there is a cost increase, we're not going to penalize them. But it may be someone comes in and says it should be a lot more and we look at it and say that's not what we're going to recommend; it would not be automatic.

Mr. Hammond mentioned that the comments that have been received are very helpful.

Staff will come back in February and April of next year and walk through any examples that come in and make any changes and formalize it through either as an Executive Director procedure or a formal Board policy.

This item was presented for the Board's information only; no action was required.

31. **Dona Bay Restoration (N424 & N484) - Sarasota County** (Video – 47:58)

Michael Peck, Project Manager 3, Project Management Office, presented a request for approval to change the scope of work and increase the cost for the Dona Bay Conveyance System Project (N424), cancel the Dona Bay Surface Water Storage Facility Project (N484), and transfer District funds (\$350,000) associated with the Dona Bay Surface Water Storage Facility Project (N484) into the Dona Bay Conveyance System Project (N424).

The District previously approved funding for the Dona Bay Conveyance System Project (N424) and the Dona Bay Surface Water Storage Facility Project (N484). The projects depended on one another to achieve the projected water quality resource benefits.

During the design phase, the County, working with stakeholders including the District, substantially changed the project design to maximize the potential resource benefits and remove the water storage facility portion of the project. The County's revised design is now proposing to construct and restore approximately 363 acres of wetlands and water treatment to treat and convey the water from Cow Pen Slough rather than the ditch and pipeline system that would only provide conveyance. Flows routed through the wetland system would be returned to Dona Bay via Salt Creek. This series of BMPs will reduce TN loads to Dona Bay by an estimated 18,251 lbs/yr.

The County is requesting the scope of work for the Conveyance System Project be changed to include the approximately 363 acres of wetlands and water treatment to convey and treat the water from Cow Pen Slough instead of the ditch and pipeline conveyance system. The County is also requesting the Surface Water Storage Facility Project be withdrawn, as the resource benefits will be achieved in the wetland treatment system, and to transfer the funds budgeted from the Storage Facility project to the Conveyance System project. The County is currently at 90 percent design and the project is scheduled to be advertised for construction in January, with construction to commence in June of 2015.

Staff recommended that the Board 1) Approve the changes to the scope of work for the Dona Bay Conveyance System Project (N424); 2) Approve the cancelation of the \$4 million Dona Bay Surface Water Storage Facility Project (N484) and transfer of \$350,000 currently budgeted for this project to the Dona Bay Conveyance Project (N424); 3) Approve the total project cost of \$12.5 million for the Dona Bay Conveyance System Project with the District share not to exceed \$6.25 million, contingent upon the Board's future year appropriations for the project; and authorize the executive director or designee sign the agreement.

**Mr. Beruff moved to approve the request as presented; the motion was seconded. After additional discussion, Chair Senft called the question on the motion, which carried unanimously.** (Video – 57:02)

***Submit & File Reports***

32. **Proposed Minimum Flows Updates Prior to Submission for Scientific Peer Review for the Pithlachascotee River (B805 & B806)**

Mark Hammond stated that this is just a peer review for an MFL. Once the peer review



comes back, it will be brought back to the Board. This item was submitted for the Governing Board's information only; no action was required.

***Routine Reports***

33. **Minimum Flows and Level Status Report**

This item was submitted for the Governing Board's information only; no action was required.

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

This item was submitted for the Governing Board's information only; no action was required.

Chair Senft then relinquished the gavel to Mr. Dunbar, who called the Finance/Outreach & Planning Committee to order.

**FINANCE/OUTREACH & PLANNING COMMITTEE** (Video – 57:39)

***Discussion Items***

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

***Submit & File Reports***

36. **Office of Inspector General – Procurement Consulting Project**

Mr. Dunbar reported that he and Mr. Fritsch met and talked about the matter and it is progressing well in terms of improving the procurement process. This item was submitted for the Governing Board's information only; no action was required.

***Routine Reports***

37. **Treasurer's Report and Payment Register**

38. **Monthly Financial Statement**

39. **Monthly Cash Balances by Fiscal Year**

40. **Comprehensive Plan Amendment and Related Reviews Report**

41. **Review of Developments of Regional Impact**

42. **Significant Activities**

Chair Dunbar then relinquished the gavel to Chair Babb.

**GENERAL COUNSEL'S REPORT** (Video – 58:30)

***Discussion Items***

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

44. **Southwest Florida Water Management District v. Steven Schryver – Approval of Final Order of Dismissal with Prejudice**

Marti Moore reported to the Board that Steven Schryver owns approximately 13.5 acres of real property located on Spike Road near Brooksville in Hernando County. Since 2012, District staff has received several complaints concerning earthmoving and possible wetland filling or dredging impacts from the construction of a motocross track by Mr. Schryver on his property. Following site visits and observation of property conditions from neighboring parcels, staff determined that the activities constituted the construction or alteration of a surface water management system for which an Environmental Resource Permit (ERP) is required. Staff issued Notices of Unauthorized Construction to Mr. Schryver, who thereafter submitted a request for determination of exemption from permitting requirements. In February 2013, District staff issued its determination that the activities are not exempt and constitute the construction or alteration of a surface water management system for which an ERP is required. Following issuance of the agency determination, Mr. Schryver did not submit an application for an ERP.

Ms. Moore discussed the timeline of events through today.

Following Ms. Moore's presentation, Mr. Noel Flasterstein, attorney for Mr. Schryver addressed the Board. Mr. Flasterstein indicated that his client's main concerns are the fines.

He disputed the fact that Mr. Schryver ignored notifications of violations. He stated that he is in the process of applying for an environmental resource permit. He said if the fines were removed, they would be able to move forward.

Following Mr. Flasterstein, Mr. Schryver, the property owner, addressed the Board. Mr. Schryver disputed that he was not cooperating. Prior to this issue, he stated that District staff had been out to his property three or four times prior to when the current issue began and each time the issues were either unsubstantiated or corrected. He stated that he has cooperated at every other occasion that the District has been out to his property. He is in the process of doing what he was required to do and that is applying for an ERP. He stated that he did not get notice on a lot of things. He stated he was unaware of "this" issue until he was served at a county code enforcement hearing. As soon as he found out, he responded. Mr. Schryver stated that he had an email from someone at the District stating that they were "impressed" with how he was maintaining the erosion on the property, which is the issue. He is currently working with an engineering group to get the ERP filed. It requires drawings and the process is extremely costly. He stated that he has been working 70 – 80 hours a week to save enough money to pay the engineers to be able to afford to do the drawings. He stated he is close to completion to turn in the application. Once that application is approved, he stated that it would cost tens of thousands of dollars to do what the District requires just to fix the property after the ERP is obtained. He stated that would require him to take a second mortgage on his house and pull from any other resources he has just to fix his property, which he was told is the main goal of SWFWMD. Mr. Schryver stated that his concern with the fines is if he still has to fix the property after getting the ERP approved, there is no point because he will be done from a financial standpoint. He has a small business; if it goes under, he can't employ people anymore. He stated that he wants to do the right thing but with cost of applying for the permit, approximately \$88,000, he'll have nothing left. He's working to get it done and turned in and correct the issue on the property.

There was a lengthy question and answer session between the Board and Mr. Schryver with regard to the situation. Mr. Beruff requested to view the aerials shown in Ms. Moore's presentation. Ms. Moore confirmed for Mr. Beruff that there were no wetland impacts on the property and that the situation is about construction of a surface water management system.

**Mr. Beruff made a motion for the Board's consideration that the District waive the penalties so long as Mr. Schryver applies for an ERP to come into compliance within 60 days at the latest. If not, then this action comes back to the Board in November.**

Mr. Senft pointed out the average time in-house for an ERP is 13 – 15 days. And there has been a lot of time passed and nothing has been accomplished. He feels that anyone should know they need some kind of engineering to be done.

Ms. Donaldson advised the Board that by taking staff recommendation, there are no penalties assessed within the action that will occur today. It will require Mr. Schryver to get a permit. Subsequent to that, the District can then go to circuit court if he doesn't get a permit to enforce that and have the court require him to get a permit and as well as seek penalties. If the issue is penalties, Ms. Donaldson wants to separate that from the action in front of the Board, which is entering of the final order ending the administrative process. There are still other court proceedings to be had but it ends the 120 proceeding.

**Mr. Beruff made a motion that the Board accept staff recommendation as proposed and that if Mr. Schryver doesn't follow that to the letter, it gives the District the right to go to circuit court and seek enforcement and penalties. Mr. Moran seconded.**



Mr. Armstrong agreed with the action should be to dismiss the proceeding with prejudice. He thinks there should be milestones attached so that if Mr. Schryver is not pursuing what he needs to do to come into compliance, then there should be penalties imposed by the District.

Ms. Donaldson suggested that if the Board is willing to accept the staff recommendation, she will put the item back on the agenda a month from now; we can see where we're at and then we can get direction from the Board as to whether they're comfortable to pursue penalties and costs in circuit court.

Mr. Maggard asked Ms. Donaldson if there is a timeframe within which Mr. Schryver has to obtain the ERP. Without a timeframe, he is not in favor of removing the fine.

Ms. Moore advised the Board that the administrative complaint and order requires that an application be submitted in 30 days. Mr. Maggard feels that it's fine the way it is. Mr. Schryver has been given an extra 30 days. Ms. Moore pointed out that this matter has been ongoing since 2009. A consent order was issued in 2013 and there was no offer of negotiating received. Ms. Moore advised the Board that staff remains open to do so.

Mr. Adams expressed agreement that the Board approve dismissal. He also felt that the District should provide Mr. Schryver with a timeframe allowing him to fix the issue and stating that it will take 30 days and that the District will go forward with litigation to get costs and penalties if it's not done within a certain amount of time.

Ms. Donaldson suggested if the Board moves forward with the staff recommendation to issue the final order, the ACO requires an ERP to be filed within 30 days. She suggested the Board amend the motion in part whereas if the ERP is not filed within 30 days, the District can immediately move forward with circuit court proceedings to require the ERP to be filed and seeking penalties and costs. If the application is filed within the 30 days but then it sits, or we continuously get requests for extensions of time, direct staff to come back to the Board to then seek approval to go to circuit court and move forward with seeking penalties and fees and enforcement of getting the permit done.

**Ms. Donaldson recommended the Board approve the final order of dismissing second amended petition with prejudice and direct staff that if an ERP is not timely filed as required by the ACO, staff move forward with court proceedings and then if there is a delay of more than a total of 30 additional days come back to the board and move forward with getting permission.**

**Mr. Maggard moved to approve the amended motion and Mr. Senft seconded the amended motion.**

Mr. Flasterstein again addressed the Board. Chair Babb stated that if Mr. Schryver is in compliance, he needs to get a permit and he feels that giving 30 days to file the ERP is sufficient.

Mr. Beruff asked when the ERP application is submitted, staff reviews it and it gets granted, how long Mr. Schryver would have to make the repairs and comply with the ERP. Ms. Moore advised that ERPs are generally issued for five years but when there are compliance matters that require corrective construction, there is generally a time limit which is typically 60 days. Mr. Beruff expressed concern that if it's a financial problem, which it sounds like it is for Mr. Schryver, then granting an ERP with a 60 day requirement to implement it is a bit strong. He

has to abide by whatever he does, he needs to apply for the ERP. If it gets granted, he needs to have enough time to do it and it has to be continuous work. If he doesn't know how much it's going to cost to do the corrections to the property but he doesn't want to get into a situation where this comes up again three or four months from now. Five years doesn't make any sense but 60 days might be a tight timeframe. Mr. Beruff asked Mr. Schryver once he has an ERP, how long does he think it might take to do the work. He replied that he expects he can completely do it in maybe four months. Mr. Beruff asked staff to keep in mind that once the ERP is issued, they give Mr. Schryver enough time to get it done and just monitor it until it is done.

**Chair Babb called for a vote on the amended motion. Motion passed.** (Video – 1:39:49)

**52. Final Order of Dismissal with Prejudice – SWFWMD v. Country Club Utilities, Inc. – WUP No. 2007704.005/.006 – CT No. 336752 – Highlands County**

Ms. Donaldson informed the Board that on October 12, 2006, the District issued Water Use Permit (WUP) No. 2007704.005 (the .005 Permit) to Country Club Utilities, Inc. (the Utility), authorizing water withdrawals of 183,000 gallons per day (gpd) on an annual average basis and 234,000 gpd on a peak month basis for public supply use. On June 5, 2012, the District issued WUP No. 2007704.006 (the .006 Permit) authorizing a replacement production well. The authorized water withdrawals remained unchanged.

On December 3, 2010, District staff issued a Notice of Non-Compliance (Notice) to the Utility regarding overpumpage of its permitted quantities. The Notice advised the Utility to bring its withdrawals into compliance within 30 days. The Utility failed to bring its withdrawals into compliance.

From the date of the Notice, District staff has worked diligently with the Utility in an effort to resolve this matter and assist the Utility in bringing its withdrawals into compliance. Because such efforts were not successful, the matter was transferred to the Office of General Counsel for legal enforcement in August 2011. Staff in the District's Office of General Counsel continued to work with the Utility in order to resolve the matter but was also unsuccessful; as a result, in September 2012 staff sought and obtained authorization from the Governing Board to initiate litigation against the Utility. Staff continued their efforts to resolve this matter without resorting to litigation but was again unsuccessful, as the Utility continued to exceed its authorized withdrawal quantities. For the 43-month period from December 2010 through May 2014, the Utility exceeded its total annual average withdrawals, on average, by 40 percent.

Staff recommended that the Board approve the Final Order of Dismissal with Prejudice, dismissing the request for administrative hearing filed by County Club Utilities, Inc. with prejudice.

Ms. Donaldson advised the Board that the Utility submitted a letter, a copy of which was provided to each of the Board members.

**Mr. Adams moved to approve staff recommendation, Mr. Maggard seconded. Chair Babb asked if there was any discussion; hearing none, a vote was called on the matter; motion passed.** (Video – 1:42:07)

Ms. Donaldson provided the Board with an update on the Parsons litigation. The Board approved filing of the complaint in November of 2013. Mediation was held on August 7, which was unsuccessful. Next month Ms. Donaldson will request the Board to move over funds for outside counsel to next year's budget because the District is moving forward with this case.

The District did try to settle the matter but was unsuccessful. Ms. Donaldson advised that sometime in November or December, she will be seeking a closed session with the Board to more fully advise the Board about the case.

Ms. Donaldson also advised the Board that we are down to 55 cases on the litigation report.

Chair Babb congratulated Ms. Donaldson for getting the number of cases down and thanked her for the information.

**Submit & File Reports – None**

**Routine Reports**

- 45. Litigation Report
- 46. Rulemaking Update

**COMMITTEE/LIAISON REPORTS (Video – 1:44:20)**

47. **Industrial & Public Supply Advisory Committee Report**

Mr. Senft advised the Board that Eric DeHaven presented information on the FARMS program update and there was information shared about the cooperative funding changes for FY2016. A CFWI update was presented and reviewed and the Committee was told about the solutions team phase. Committee members expressed concern about the CFWI contract changes. The committee members were concerned that the contract changes verbiage seemed to indicate that we would be expecting some guarantee, for example, if we had a reuse water project to get water to a golf course, if the golf course went bankrupt that the cooperator would be expected to take over the golf course and guarantee us that it would continue to function, and Mr. Senft stated that he didn't believe that was the intention of the wording so, that has been referred back to Legal so they can provide some information for the next meeting.

48. **Other Committee/Liaison Reports**

Ms. Griffin reported on the Tampa Bay Estuary Program's quarterly policy board meeting. Ed Turanchik gave an overview of Hillsborough County's high speed ferry project and the Tampa Bay Regional Planning Council gave a summary of the recently completed study regarding economic impacts of Tampa Bay. Just briefly, some of their conclusions were that one out of two jobs in the Tampa Bay Area has to do with Tampa Bay and that one out of five jobs depends on a healthy bay. The entire report is available on their website or Ms. Griffin will provide a report. The Be Floridian Campaign that Tampa Bay Estuary Program has been promoting has asked 30 different local artists to decorate their mascot, which is a flamingo, which will be going on a traveling show around the Tampa Bay Area. Ms. Griffin added that Alba Más has created one of those flamingos and it will be on display.

Mr. Maggard advised the Board that the Flying Eagle Evaluation Committee was scheduled to meet in the afternoon.

**EXECUTIVE DIRECTOR'S REPORT (Video – 1:48:03)**

49. **Executive Director's Report**

Mr. Beltran reported that the District received a thank letter from our Agricultural Commissioner for support of the Operation Outdoor Freedom program. The program was started by the Commissioner in 2011 is run through the Florida Forest Service office. The program supports wounded veterans in the state by offering them recreational opportunities. We hosted two alligator hunts on our property and alligator egg collection on the Lake Hancock property. During that egg collection event in July, about 10 veterans collected eggs from alligators' nests. An alligator farm permitted by Florida Fish and Wildlife was there to help us coordinate and collect the eggs. The Lake

Hancock property was found to have one of the highest number of alligator nests in the state. Veterans were allowed to remove 50 percent of the eggs from the nests and up to 35 eggs as allowed by the permit. The veterans collected nearly 1,900 eggs during the event, which was a great success. The veterans and their families are invited back to the alligator farm to watch those eggs hatch and any money collected from the sale of those eggs goes to support future programs run by that organization. Mr. Beltran thanked staff for all their hard work in putting the event together and supporting this effort.

Mr. Beltran reported that the District was recently honored with three awards of distinction in an annual Florida Public Relations Association Golden Image Awards contest. The District was recognized for a springs Instagram contest, its springs website, and its CFWI webinar. The springs Instagram contest helped promote public awareness and engagement involving our springs. The three month contest met or exceeded all its objectives. We received 187 entries during the contest. Our message was promoted by 24 different media sites and social media sites and newsletters and received support from eight key businesses in the area. Mr. Beltran thanked staff for all the work they've done.

The CFWI webinar provided the public an opportunity to learn more about the CFWI and the critical water resource issues in central Florida. About 250 people participated in the webinar, which was taped and went on for several months in Lake, Orange, Polk and Seminole counties.

The three awards were announced to staff in front of about 250 public relations professionals from across the state. Mr. Beltran expressed his pride in the public relations staff and the message that we continue to send every day from our staff of the good work we do and the importance of continuing to do so. Mr. Beltran congratulated staff for their hard work.

Mr. Dunbar mentioned that he was impressed with annual Environmental Permitting School in Marco Island, which four Board members attended. This was his first participation and he was impressed with the interaction with law firms, engineering firms and other District's around the state, all recognizing that SWFWMD is really the leader in terms of implementing those things that the Districts were established for. In addition to the awards that Mr. Beltran mentioned, SWFWMD is recognized on a state-wide level for the good things that they do. Kudos to our staff.

**CHAIR'S REPORT** (Video – 1:52:59)

**50. Chair's Report**

a. **Employee Service Milestones**

This item provided a list of employees who have reached five-year increments in service to the District. Chair Babb noted staff who have reached 20-year, 25-year and 35-year milestones, and thanked them for their service. This item was provided for the Board's information, and no action was required.

b. **Other**

Mr. Babb mentioned the unfortunate accident involving one of the District's contractor's employees who passed away, Mr. John Winchester, and asked staff to keep his family in their prayers.

Mr. Babb mentioned upcoming Board meetings.

**Mr. Maggard moved to adjourn the meeting, which was seconded.**

The meeting was adjourned at 10:57 a.m. (Video – 1:54:28)

Attest:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
*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 and activities. Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District's Human Resources Bureau Chief, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352) 796-7211, ext. 4702, or 1-800-423-1476 (FL only), ext. 4702; TDD (FL only) 1-800-231-6103; or email to ADACoordinator@swfwmd.state.fl.us.*







**Governing Board Meeting  
September 30, 2014**

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

27. Consent Item(s) Moved for Discussion
28. Denials Referred to the Governing Board ..... 211

***Submit & File Reports*** – None

***Routine Reports***

29. Overpumpage Report – September 2014 ..... 212
30. Individual Permits Issued by District Staff - September 2014 ..... 216

**REGULATION COMMITTEE**

**September 30, 2014**

***Discussion Item***

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

Staff Recommendation:

Presenter: Alba Mas, P.E., Division Director, Regulation Division

**REGULATION COMMITTEE**

**September 30, 2014**

***Discussion Item***

**Denials Referred to the Governing Board**

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

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

**Staff Recommendation:**

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

**Presenter:** Alba Más, P.E., Division Director, Regulation Division

**REGULATION COMMITTEE**

**September 30, 2014**

***Routine Report***

**Overpumpage Report - September 2014**

Please see the attached report.

Staff Recommendation:

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

Presenter: Alba Más, P.E., Division Director, Regulation Division

# Overpumpage Report June 2014

## Under Review (1)

Permit No.	Permit Holder	Use Type	Permitted Quantity	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<b><i>New on report</i></b>						
263.009	Carlton Family 2012 Irrevocable Trust <sup>1</sup>	Agricultural – Strawberries	164,300 gpd	5/1/14 198,052 gpd 20.54%	7/1/2014 201,425 gpd 22.60%	Tampa

Attachment: Sept-14 Routine GB Reports - Overpumpage Report - V3 (1339 : Overpumpage Report -

(1) Preliminary determination is that permits are in non-compliance; file is under review by Regulation staff.



# Overpumpage Report June 2014

## Under Review <sup>(1)</sup> Citrus Greening <sup>(2)</sup>

Permit No.	Permit Holder	Use Type	Permitted Quantity	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office
<b><i>Continuing From Previous Report</i></b>						
2670.008	Donald and Deborah Balaban <sup>1</sup>	Agricultural - Strawberries	114,700 gpd	4/1/2014 252,937 gpd 120.52%	7/1/2014 232,882 gpd 103.40%	Tampa
297.005	Albritton & Sons LLP (Huff Block) <sup>1 &amp; 2</sup>	Agricultural – Citrus	80,700 gpd	03/01/2014 123,715 gpd 53.30%	07/01/2014 117,879 46.07%	Tampa
285.006	Lake Garfield Grove, LLC <sup>1 &amp; 2</sup>	Agricultural – Citrus	109,600 gpd	03/01/2014 149,230 gpd 36.16%	07/01/2014 144,477 gpd 31.82%	Bartow
949.003	Albritton & Sons LLLP <sup>1 &amp; 2</sup>	Agricultural – Citrus	72,500 gpd	03/01/2014 118,633 gpd 63.63%	07/01/2014 90,814 gpd 25.26%	Bartow
8963.003	Eleanor R. Henderson <sup>1 &amp; 2</sup>	Agricultural – Citrus	228,300 gpd	03/01/2014 273,929 gpd 19.99%	07/01/2014 277,300 gpd 21.46%	Bartow
9192.003	Bowen Bros, Inc <sup>1 &amp; 2</sup>	Agricultural – Citrus	161,600 gpd	06/01/2013 218,461 gpd 35.19%	07/01/2014 224,902 gpd 39.17%	Bartow
2132.004	Flying V Inc. <sup>1 &amp; 2</sup>	Agricultural – Citrus	72,500 gpd	06/01/2012 135,650 gpd 87.10%	07/01/2014 80,761 gpd 11.39%	Bartow
11031.003	Growers Investment Group LLC <sup>1 &amp; 2</sup>	Agricultural – Citrus	125,400 gpd	02/01/2012 282,492 gpd 125.27%	07/01/2014 159,734 gpd 27.38%	Bartow

Attachment: Sept-14 Routine GB Reports - Overpumpage Report - V3 (1339 : Overpumpage Report -

(1) Preliminary determination is that permits are in non-compliance; file is under review by Regulation staff.

(2) Permittee has claimed Citrus Greening (HLB) as cause of overpumpage. Further analysis being conducted.

# Overpumpage Report

June 2014

## Active Files in Legal <sup>(3)</sup> Consent Order Monitoring <sup>(4)</sup> GB Approved Final Order of Dismissal <sup>(5)</sup>

Permit No.	Permit Holder	Use Type	Permitted Quantity	Original Report Date Annual Avg. Use Percent Over	Current Report Date Annual Avg. Use Percent Over	Service Office	GB Approved CO Date
<b>Continuing From Previous Report</b>							
8464.002	Deer Creek RV Golf & Country Club / Century Realty Funds <sup>3</sup>	Recreational / Aesthetic – Golf Course	217,000 gpd	07/01/2013 399,066 gpd 83.90%	07/01/2014 207,827 gpd -4.23%	Bartow	
12514.007**	Colding Loop Road Wimauma <sup>3</sup>	Agricultural – Strawberry/Row Crop/Mining	473,000 gpd	05/01/2013 621,630 gpd 31.42%	07/01/2014 531,433 gpd 12.35%	Tampa	SEPT 14
12309.003	Charlotte County Community Services Department <sup>3</sup>	Recreational / Aesthetic – Playing Fields	28,600 gpd	04/01/2013 40,163 gpd 40.43%	07/01/2014 58,123 gpd 103.23%	Sarasota	
12652.004	Highland Reserve Golf Club <sup>4</sup>	Recreational / Aesthetic – Golf Course	241,000 gpd	03/01/2012 269,468 gpd 11.81%	07/01/2014 213,829 gpd -11.27%	Bartow	AUG 13
8785.009	Escalante – Black Diamond Golf Club LLC <sup>4</sup>	Recreational / Aesthetic – Golf Course	557,080 gpd	08/29/2011 986,650 gpd 77.11%	07/01/2014 549,988 gpd -1.27%%	Brooksville	AUG 13
7704.006	Country Club Utilities of Sebring <sup>3</sup> & 5	Public Supply	183,000 gpd	06/28/2011 259,063 gpd 41.56%	07/01/2014 216,274 gpd 18.18%	Bartow	
10392.006	MILMACK INC. <sup>4</sup>	Recreational / Aesthetic – Golf Course	265,700 gpd	11/28/2008 388,678 gpd 46.28%	07/01/2014 262,792 gpd -14.64%	Bartow	FEB 12

(3) Regulation staff concurs with non-compliance and file is in Legal for enforcement.

(4) Legal pursued enforcement action and a Consent Order has been signed; corrective actions are now being monitored for compliance.

(5) Governing Board approved the Final Order of Dismissal with Prejudice during August 26, 2014 meeting. WUP 7704.006 has 30 days to appeal the Final Order to the District Court of Appeal.

\*\*Colding Loop Road (WUP 12514.007) – Consent Order will be presented to the Governing Board in September 2014.

**REGULATION COMMITTEE**

**September 30, 2014**

***Routine Report***

**Individual Permits Issued by District Staff - September 2014**

Please see the attached report.

Staff Recommendation:

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

Presenter: Alba Más, P.E., Division Director, Regulation Division

### INDIVIDUAL PERMITS ISSUED: ERPS – AUGUST 2014

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	TOTAL PROJECT ACRES	WETLAND ACRES	WETLAND ACRES IMPACTED	WETLAND MITIGATION ACRES
43013055.004	Mitchell Boulevard Extension	Pasco	Construction of 1.6 miles of roadway	236.40	4.29	4.29	6.00
43041552.002	Del Webb at Lakewood Ranch, Phase I	Manatee	Construction of a 392 lot residential subdivision; addition of a lane to existing roadway; extension of an existing roadway	219.29	3.88	2.68	0.00
43041579.000	Willow Bend	Manatee	Construction of a stormwater management system serving a 118 acre residential subdivision consisting of 279 single family lots	118.00	10.10	5.70	0.00

*Wetland Mitigation Acres may be zero or less than Wetland Acres Impacted for a variety of reasons. Some of those reasons are: impacted wetlands require no mitigation by rule (e.g., upland cut manmade ditches, etc.); quality of the impacted wetlands is less than the quality of proposed mitigation; or mitigation is provided through a different permit or a mitigation bank.*

### INDIVIDUAL PERMITS ISSUED: WUPs – AUGUST 2014

PERMIT NUMBER	PROJECT NAME	COUNTY	DESCRIPTION	USE TYPE	PREVIOUS PERMITTED QUANTITY	NEW PERMITTED QUANTITY	DURATION (YEARS)
20012443.003	City of Palmetto	Manatee	Renewal of wholesale public supply permit.	Public Supply	N/A	N/A	19



**Governing Board Meeting  
September 30, 2014**

<b>OPERATIONS &amp; LAND MANAGEMENT COMMITTEE</b>
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***Discussion Items***

- 31. Consent Item(s) Moved for Discussion
- 32. Hydrologic Conditions ..... (10 minutes) ... 219
- 33. Accept Appraisals and Approve Purchase and Sale Agreement and  
Resolution Requesting Funds from the Florida Forever Trust Fund  
for the Acquisition of Weekiwachee Preserve, SWF Parcel  
No. 15-773-144 ..... (20 minutes) ... 221

***Submit & File Report***

- 34. Summary of FY2014 Interagency Land Management Reviews ..... 258

***Routine Reports***

- 35. Structure Operations ..... 270
- 36. Significant Activities ..... 284

**OPERATIONS & LAND MANAGEMENT COMMITTEE**

**September 30, 2014**

***Discussion Item***

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

Staff Recommendation:

Presenter: Ken Frink, P.E., Division Director, Operations, Maintenance & Construction Division



**OPERATIONS & LAND MANAGEMENT COMMITTEE****September 30, 2014*****Discussion Item*****Hydrologic Conditions Status Report**

This routine report provides information on the general state of the District's hydrologic conditions, by comparing rainfall, surface water, and groundwater levels for the current month to comparable data from the historical record. The data shown are typically considered final, fully verified monthly values, but occasionally, due to timing of publication, some data are identified as "provisional," meaning that the values shown are best estimates based on incomplete data.

The information presented below is a summary of data presented in much greater detail in the monthly Hydrologic Conditions Report published the week before the Governing Board meeting, which also includes an updated provisional summary of hydrologic conditions as of the date of publication. It is available at <http://www.swfwmd.state.fl.us/waterres/hydro/>.

**Rainfall**

Rainfall totals for August indicate rainfall was within the normal range in the northern region of the District, while it was significantly below-normal in the central and southern regions. The normal range is defined as rainfall totals that fall on or between the 25<sup>th</sup> to 75<sup>th</sup> percentiles derived from the historical data for each month.

- Northern region rainfall averaged 6.81 inches, equivalent to the 41<sup>st</sup> percentile
- Central region rainfall averaged 4.88 inches, equivalent to the 6<sup>th</sup> percentile.
- Southern region rainfall averaged 5.50 inches, equivalent to the 9<sup>th</sup> percentile.
- District-wide, average rainfall was 5.63 inches, equivalent to the 11<sup>th</sup> percentile.

**Streamflow**

August streamflow data indicate regional streamflow increased in the northern region of the District, while streamflow decreased in the central and southern regions, compared to the previous month. Based on flow conditions in regional index rivers, streamflow conditions ended the month within the normal range of historic values in all three regions of the District. Normal streamflow is defined as flow that falls on or between the 25<sup>th</sup> and 75<sup>th</sup> percentiles.

- The monthly average streamflow in the Withlacoochee River near Holder in the northern region was at the 54<sup>th</sup> percentile.
- The monthly average streamflow measured in the Hillsborough River near Zephyrhills in the central region was at the 33<sup>rd</sup> percentile.
- The monthly average streamflow measured in the Peace River at Arcadia in the southern region was at the 26<sup>th</sup> percentile.

**Groundwater Levels**

August groundwater data indicate levels in the Floridan/Intermediate aquifer increased in all three regions of the District, compared to last month. Groundwater conditions ended the month within the normal range in all three regions of the District. Normal groundwater levels are defined as those falling on or between the 25<sup>th</sup> and 75<sup>th</sup> percentiles.

- The average groundwater level in the northern region was at the 61<sup>st</sup> percentile.

- The average groundwater level in the central region was at the 66<sup>th</sup> percentile.
- The average groundwater level in the southern region was at the 36<sup>th</sup> percentile.

### Lake Levels

August lake level data indicate average lake levels increased in the Northern region of the District, slightly decreased in the Tampa Bay and Polk Uplands regions and was unchanged in the Lake Wales Ridge region, compared to the previous month. Regional lake levels ended the month below the base of the annual normal range in the Northern and Lake Wales Ridge regions, while the Tampa Bay and Polk Uplands regions region ended the month within the normal range. Normal lake levels are generally considered to be levels that fall between the minimum low management level and the minimum flood level.

- Average levels in the Northern region increased 0.23 foot and were 0.57 foot below the base of the annual normal range.
- Average lake levels in the Tampa Bay region decreased 0.03 foot and were 1.39 feet above the base of the annual normal range.
- Average lake levels in the Polk Uplands region decreased 0.04 foot and were 0.30 foot above the base of the annual normal range.
- Average lake levels in the Lake Wales Ridge region remained unchanged as last month and were 0.55 foot below the base of the annual normal range.

### Issues of Significance

Rainfall totals for August, the third month of the four-month annual wet season, were significantly below-normal in the central and southern regions of the District, while they were within the normal range in the northern region. Rainfall District-wide during August was scattered, regionally variable, and associated with multiple weather phenomena that included dissipating tropical waves, typical summertime sea breeze/convective (afternoon/evening) rain showers and a periodic “reverse summer wind flow pattern” wherein Gulf moisture moved across the Florida peninsula in a west to east flow direction resulting in scattered rainstorms. The District-wide 12- and 24-month cumulative rainfall totals worsened in August, ending the month 2.7 and 7.1 inches, respectively, below their long-term historic averages. Changes to hydrologic indicators in August were mixed due to regionally inconsistent rainfall. Groundwater levels saw improvements throughout the District, whereas regional streamflow and lake levels saw improvements in the northern region, while they saw declines in the central and southern regions. The US Drought Monitor (as of September 2) indicates abnormally dry conditions have returned to portions of Hillsborough, Pinellas, Manatee, and Sarasota counties. NOAA climate forecasts indicate equal chances for above-normal, normal or below-normal rainfall conditions throughout the District during September, while they predict above-normal rainfall for the coming winter and spring months due to developing El Niño conditions in the Pacific Ocean. Updated weather forecasts will be available in mid-September. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data.

### Staff Recommendation:

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

Presenter: Granville Kinsman, Hydrologic Data Manager

## OPERATIONS & LAND MANAGEMENT COMMITTEE

September 30, 2014

### *Discussion Item*

#### **Accept Appraisals and Approve Purchase and Sale Agreement and Resolution Requesting Funds from the Florida Forever Trust Fund for the Acquisition of Weekiwachee Preserve, SWF Parcel No. 15-773-144**

##### *Purpose*

The purchase of approximately 84.52 acres has been negotiated with owners Andrew C. Steele and Fleamasters Food Service of Ft. Myers, Inc., as part of the District's Weekiwachee Preserve project. A map of the property is included as an exhibit to this item.

##### *Background/History*

To date, approximately 11,730 acres have been acquired within the Weekiwachee Preserve. The subject property consists of six individual parcels located within the proposed acquisition boundary of the Weekiwachee Preserve and are bordered by District-owned lands to the east, south and northwest. Acquisition of this property is consistent with the District's Florida Forever Work Plan, which specifically identifies the Weekiwachee Preserve for acquisition.

Acquisition of these lands will meet the following Florida Forever program goals:

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

These Florida Forever goals are consistent with the District's goals for water resource management. Acquisition would also further the intent of current initiatives by the Florida Department of Environmental Protection and the District directed at the protection, restoration and management of spring systems.

##### Property Description

*Location and Access* - The subject property is located within the gulf coastal community of Aripeka, an area of low-intensity coastal salt marshes and spring-fed coastal creek systems. The property is located within both Hernando and Pasco counties and has frontage on Boat Spring, a 2nd magnitude spring, and its associated spring basin and run. In addition, almost the entire spring run for the adjacent Magnolia Spring traverses the property. Boat Spring is one of three springs, including Aripeka 1 and Aripeka 2, comprising the majority of freshwater flows into Hammock Creek. The subject property is uniquely situated and contains a relatively high developable coastal ridge overlooking the Boat Spring basin and Hammock Creek run out to the Gulf of Mexico. Overall the 84.52-acre property is comprised of 30.48 acres of uplands and 54.04 acres of wetlands. Access to the property is provided via Jebert Drive, a 60-foot wide private access easement which connects to county-maintained Aripeka Road. The Hernando and Pasco County Property Appraisers' assessed value of all the parcels which comprise this ownership amount to \$603,651.

*Utilities and/or Improvements* - Electric and telephone services are provided in the area and available to the property. Water and sewer are provided by private well and septic.

*Zoning* - The subject parcels in Hernando County have an Agricultural District (AG) zoning and a Future Land Use designation that is a combination of Rural and Conservation; the subject parcels in Pasco County have a combination of Agricultural (AC), Agricultural-Residential (AR-5) and Low Density Residential (R-2) zoning and all are designated as Residential - 6 (RES-6) on the Pasco County Future Land Use Map.

*Purchase Agreement*

- The seller has agreed to deliver marketable title free of all encumbrances objectionable to the District
- An environmental site assessment will be completed prior to closing
- A boundary survey will be completed prior to closing
- The seller is responsible for all tax assessment prorated through the date of closing

Summary of Appraisals and Value Comparisons

In accordance with District policy, two appraisals were obtained for the subject property, one from Frank A. Catlett, MAI, SRA, with Trigg, Catlett & Associates (\$1,520,000), and the other from Martin C. Engelmann, Jr. MAI, MRICS, with Tropical Realty Appraisal Services (\$1,525,000). The Engelmann report has an effective date of August 7, 2014; the Catlett report has an effective date of August 6, 2014. Both appraisals were reviewed by Kathy Evans, MAI. All of the appraisal reports meet the necessary legal and/or District requirements and contain the appraisers' factual data leading to the value conclusions.

*Highest and Best Use* - The highest and best use, as determined by the appraisers, based on the physically possible, legally permissible and financially feasible uses for this property, would be for either recreational use or residential development.

The appraisers applied the Sales Comparison Approach (Market Approach) to determine the value of these properties. The appraisers relied on recent sales of comparable property within the Tampa Bay region of west-central Florida. The sales were adjusted for differences that included date of sale, location/access and physical characteristics including size and topography.

The following is a comparison of the total negotiated purchase price to the appraised values:

	<b>Negotiated Amount</b>	<b>Appraised Value (Avg.)</b>	<b>Appraised Value Catlett</b>	<b>Appraised Value Englemann</b>
Total Price	\$1,370,000	\$1,522,500	\$1,520,000	\$1,525,000
Per Acre Price	\$16,209	\$18,013	\$17,984	\$18,043

The negotiations for acquisition occurred on a voluntary basis between the landowner and the District. The initial offer presented for the property was \$1,290,000. The property owner declined, but countered at \$1,450,000. The District's response was a final offer at \$1,370,000.

## Item 33

The owner countered again and reduced his price to \$1,400,000, which was subsequently declined by the District. Upon further discussions and reconsideration the owner agreed to the District's final offer. The negotiated price of \$1,370,000 represents a purchase price that is approximately 90 percent of the average appraised value for the property.

### *Benefits/Costs*

Management Costs - Given the contiguity of the subject property with existing District lands, there will be limited increases in District costs associated with direct management of the properties.

### *Impact If Not Funded/Funding*

Funds are available from the Florida Forever Trust Fund. Additionally both Hernando and Pasco County have also indicated an interest to be willing funding partners and share the acquisition cost for this acquisition. Implementation of the option for joint funding would require the development and approval of an inter-local agreement with each of the respective Board of County Commissions and the District's Governing Board. Upon the decision of the counties to participate in this purchase, the District could then assign a 50 percent-undivided interest to the respective county. In order for funds to be released from the Florida Forever Trust Fund by the Florida Department of Environmental Protection, a resolution signed by the Governing Board must accompany the request.

### Staff Recommendation:

### Staff Recommendation:

See Exhibits

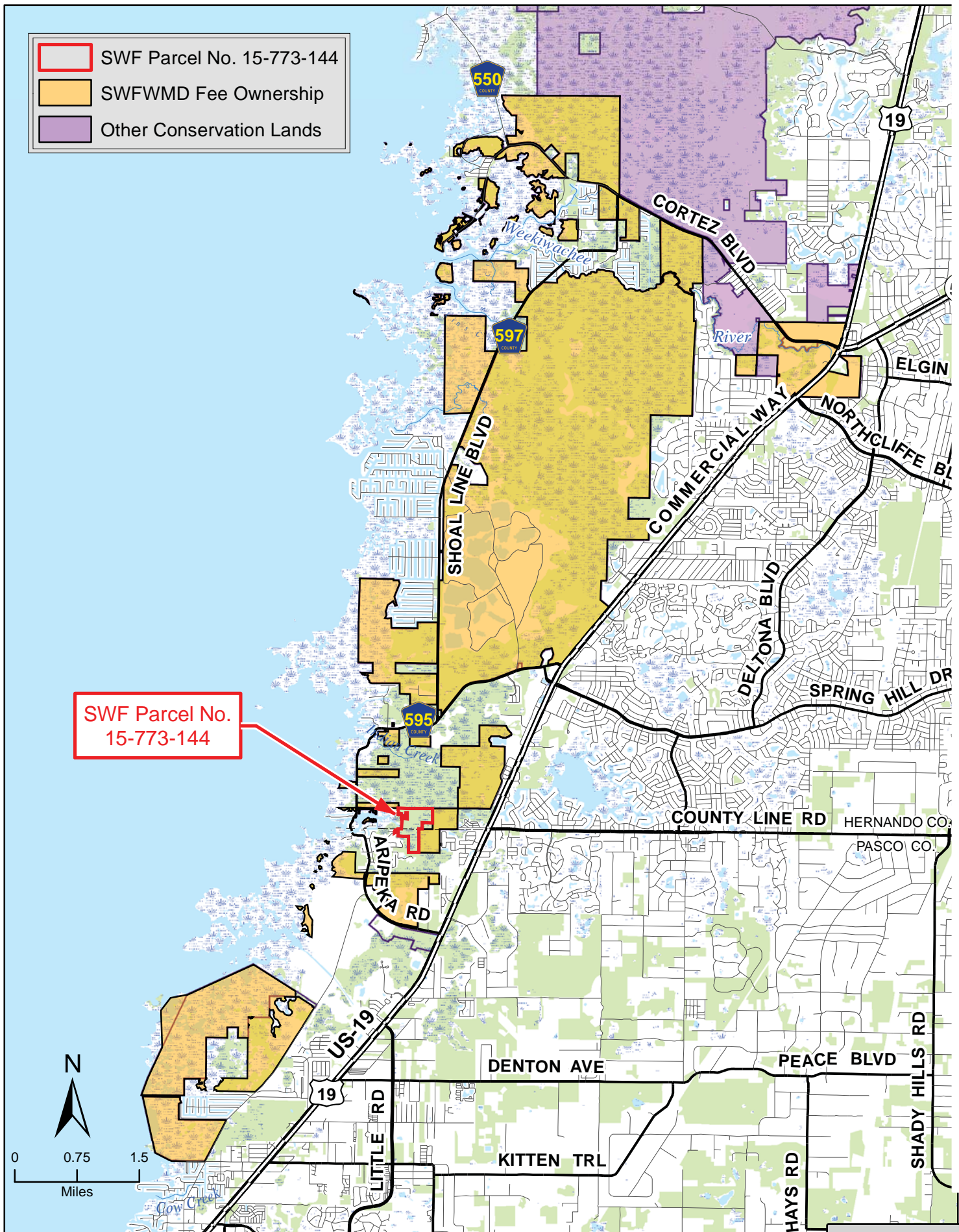
- Accept the appraisals;
- Approve the Purchase and Sale Agreement and authorize the Executive Director to sign on behalf of the District;
- Approve the resolution requesting funds in the amount of \$1,370,000; and
- Designate the parcel 15-773-144 as having been acquired for conservation purposes.

Presenter: Steven Blaschka, Real Estate Services Manager, Operations and Land

Management Bureau

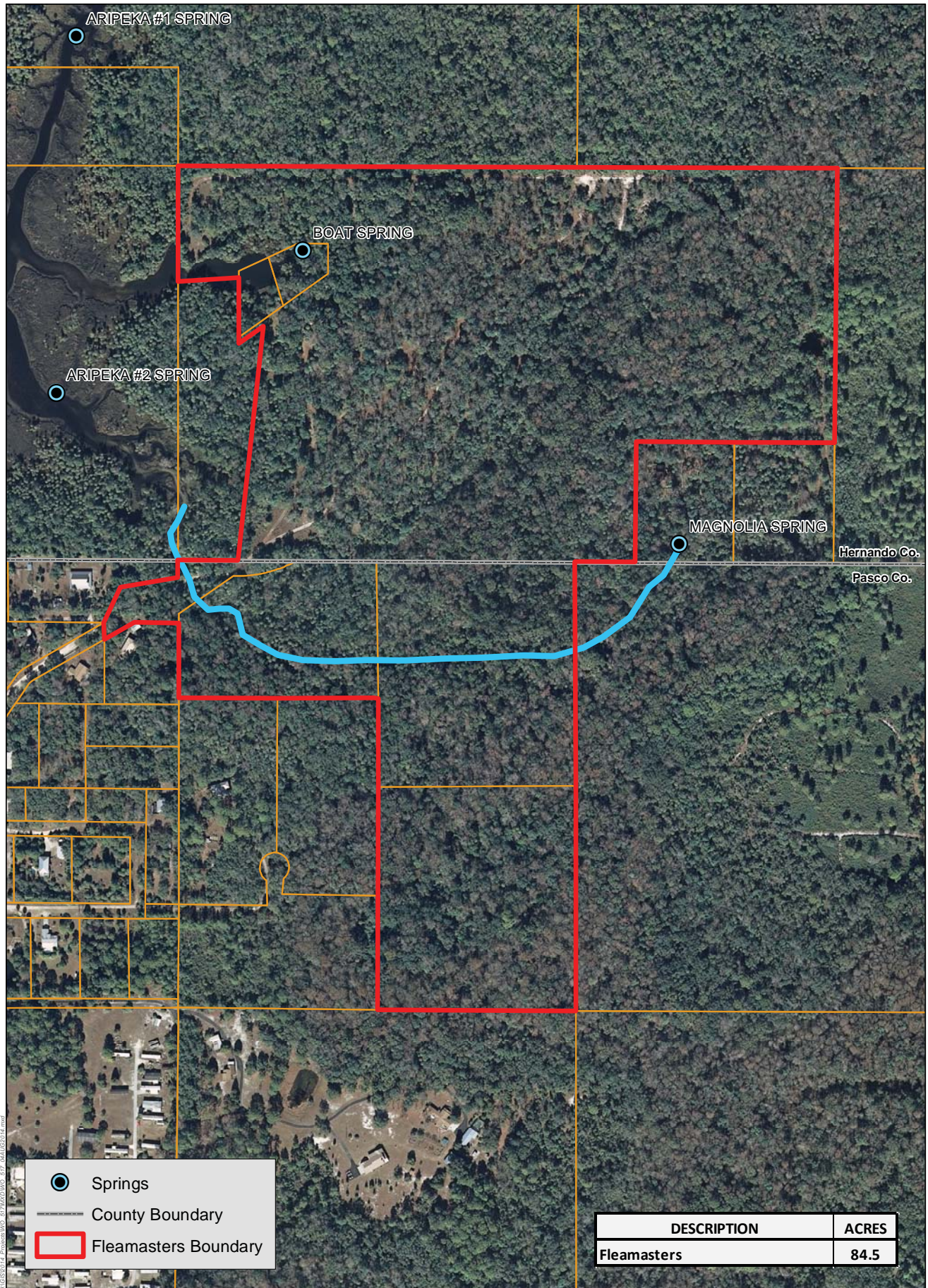


# Weekiwachee Preserve - Fleamasters





# Weekiwachee Preserve Fleamasters (SWF Parcel No. 15-773-144)



0 250 500 1,000  
Feet





SWF Parcel No. 19-773-144

Approved by Attorney: \_\_\_\_\_

Parcel I.D. No(s).

Hernando County: R36 423 16 0000 0050 0000

R36 423 16 0000 0010 0020

Pasco County: 01-24-16-0080-00200-0141

01-24-16-0080-00200-0142

01-24-16-0080-00300-0010

01-24-16-0080-00300-0000

## PURCHASE/SALE AGREEMENT

This Agreement, made and entered into by and between Andrew C. Steele and Fleamasters Food Services of Ft. Myers, Inc., a Florida corporation, having a common mailing address of 4135 Dr. Martin Luther King Jr. Boulevard, Fort Myers, Florida 33916, hereinafter referred to collectively as "Seller," and the Southwest Florida Water Management District, a public corporation, having an address of 2379 Broad Street, Brooksville, Florida 34604-6899 ("District"), hereinafter referred to as "Buyer".

### WITNESSETH:

**WHEREAS**, Seller is the owner in fee simple of certain real property located in Section 36, Township 23 South, Range 16 East in Hernando County, Florida, and Section 1, Township 24 South, Range 16 East in Pasco County, Florida, herein after referred to as the "Property"; and

**WHEREAS**, Buyer desires to acquire the Property as part of the District's authorized project known as the Weekiwachee Preserve Project.

**NOW THEREFORE**, in consideration of ten dollars and no cents (\$10.00) paid by Buyer to Seller and the mutual covenants contained herein, together with other good and valuable consideration, the receipt of which is acknowledged, Seller hereby agrees to sell to Buyer, and Buyer hereby agrees to purchase from Seller, the Property, upon the following terms and conditions:

- 1. PROPERTY** The Property that is the subject of this Agreement is more specifically described in Exhibit "A" attached hereto and incorporated herein by reference.
- 2. EFFECTIVE DATE** If this Agreement is not executed by Seller on or before September 30, 2014, Buyer's offer contained in this Agreement is withdrawn and is thereafter null and void. The date of this Agreement ("Effective Date") will be on the day and year the last of the Parties has signed below.
- 3. APPROVAL** This Agreement is subject to approval by District's Governing

Board. If the District's Governing Board does not approve this Agreement and all the terms and conditions hereof, Buyer will notify Seller thereof in writing and this Agreement will be null and void and all rights and liabilities arising hereunder will terminate.

4. **PURCHASE PRICE** The total purchase price will be Sixteen Thousand Two Hundred Nine dollars and eighteen cents (\$16,209.18) per acre, for approximately 84.52 acres of land, for a total purchase price of One Million, Three Hundred Seventy Thousand dollars (\$1,370,000) payable in cash by Buyer to Seller; provided, however, that the total purchase price will be increased or decreased by Sixteen Thousand Two Hundred Nine dollars and eighteen cents (\$16,209.18) per acre for every acre of land more or less than 84.52 acres or any portion thereof as determined by the survey provided for in paragraph number 10 of this agreement.

5. **TITLE** Seller will deliver to Buyer, at the closing, marketable title to the Property free and clear of all leases, liens, mortgages, outstanding mineral interests and other encumbrances not acceptable to Buyer. The Buyer, at its expense, will obtain a title insurance policy, insuring Buyer's title to the Property in the full amount of the purchase price of the Property upon closing the transaction. If the Buyer finds the title to be unmarketable, or if Buyer cannot obtain a commitment for a title insurance policy on fee simple title, Buyer will notify Seller in writing prior to the date set for the closing, specifying the defects which exist with respect to the title of the Property, and Seller will have ninety (90) days after receipt of such written notice within which to cure such defects in title to the reasonable satisfaction of Buyer, Buyer's attorney, or Buyer's title insurance company, and this sale will be closed within thirty (30) days after Seller cures such defects and receipt of written notice thereof to Buyer or Buyer's attorney. In the event Seller fails to cure such defects, of which written notice has been given by Buyer, within the time provided herein, Buyer may avail themselves of any remedy in equity or at law including but not limited to specific performance, and terminate this Agreement and all rights and liabilities arising hereunder, or may close the sale in the same manner as if no such defect had been found, or may adjust the purchase price to reflect any decrease in value due to such defect.

6. A. **ENVIRONMENTAL** The Seller, at its expense, will obtain a Phase 1 Environmental Site Assessment (ESA) from a firm mutually acceptable to the Seller and Buyer. The ESA shall address the entirety of the Property and be conducted in accordance with the requirements in Exhibit "B" attached hereto and incorporated herein by reference. The ESA shall be obtained within sixty (60) days after approval of this Agreement by District's Governing Board or not less than thirty (30) days before the closing, whichever occurs first. This requirement is to include instructions to the firm that both Seller and Buyer are to be considered as clients for the Phase 1 ESA. If the results of the Phase 1 ESA are unsatisfactory to the Buyer, Buyer may terminate this Agreement within fifteen (15) days after its receipt of the Phase 1 ESA by providing written notice of such termination to Seller. If the Phase 1 ESA indicates that a Phase 2 ESA or other investigations should be conducted, Seller will, at its expense, conduct a Phase 2 ESA. If the Seller does not conduct a Phase 2 ESA and cure any resulting

problems within ninety (90) days from publication of the Phase 1 report, then Buyer may terminate this agreement and Seller will reimburse Buyer for its cost of the Phase 1 ESA. Buyer may terminate this Agreement if Buyer determines in its sole discretion that the extent of any remedial action is excessive. In order to accommodate the environmental consultant, Seller will provide reasonable access onto the Property, including access to the interior of any structures located on the Property. Seller expenses related to the Phase 1 ESA shall be reimbursable from the Buyer at the time of closing. In the event the sale is not closed for any reason, the environmental site assessment costs incurred by the Seller are the sole responsibility of the Seller.

**B.** If at any time between execution hereof and the closing Buyer determines in its sole discretion that there are hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants, including but not limited to those as defined by the Comprehensive Environmental Resource Compensation and Liability Act, 42 U.S.C. Section 9601 et. seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et. seq., or by any Florida Statute defining hazardous materials, wastes or substances, toxic wastes or substances, pollutants or contaminants (hereinafter collectively referred to as "Contaminants") on the Property, Buyer may terminate this Agreement and all rights and liabilities arising hereunder or may close the sale in the same manner as if no Contaminants had been found.

**C.** Seller warrants and represents to Buyer that it is not aware of any Contaminants as defined herein deposited, located, placed or released on the Property.

**D.** If after closing Buyer discovers that Contaminants were deposited, located, placed or released on the Property prior to closing, Seller will indemnify and hold Buyer harmless from and against any and all losses, damages, fines, charges, claims, costs, penalties, assessments, expenses, fees, including consultants' fees, attorneys' fees, legal assistants' fees and costs, liabilities (including strict liability), or third party claims (collectively hereinafter the "Costs") that are asserted, levied, assessed, entered into or charged to or against Buyer by any person, entity, agency, organization or body or against the Property in connection with the release, discharge, presence of or cleaning up, removing, disposing or otherwise eliminating any Contaminants. Buyer may require Seller, at Seller's expense, to remove such Contaminants from the Property and take any remedial or other action required by any local, state or federal agency.

**E.** In the event there is any trash or junk material on the Property, Seller will be required to remove all such trash and junk material at its sole expense prior to the closing. Buyer will notify Seller in writing of the existence of such trash and junk material on the Property and will make a final inspection upon notification by Seller that all trash and junk material has been removed from the Property prior to closing. Trash or junk material for the purposes of this Agreement includes, but is not limited to, abandoned automobiles, abandoned appliances, abandoned above or below ground storage tanks, metallic wastes, residential rubbish, farm equipment, deteriorated fence materials,

dilapidated mobile homes, sheds, machinery, construction material or any other materials unacceptable to Buyer.

January 5, 2015 *AS*

7. **CLOSING** Subject to the curative periods provided in paragraphs 5 and 6, the sale will be closed and the deed delivered to Buyer on or before ~~February 1, 2015~~, unless extended by mutual agreement of the Parties in writing, and Seller will deliver exclusive occupancy and possession of the Property to Buyer on or before the date of closing. The closing shall be held at a location, date, and time selected by the Buyer and reasonably acceptable to the Seller. During the period from the Seller's execution of this Agreement until Seller surrenders exclusive occupancy and possession of the Property to Buyer, neither Seller nor anyone under Seller's control or direction will commit or allow to be committed any act which diminishes the value of the Property.

8. **TAXES AND ASSESSMENTS** Taxes and assessments on the Property will be prorated through the date of closing. The proceeds will be increased or decreased as may be required by the proration of said items. If the amount of taxes and assessments for the year in which the closing occurs cannot be ascertained, rates, millages and assessed valuations of the previous year, with known changes, will be used, with allowance for homestead or other exemptions if allowed for either year. It is understood and agreed to by the Parties that Seller is responsible for all prorated assessments and taxes that are, in fact more than the estimate that is based on valuation of previous years, and such will be promptly paid by Seller to Buyer. All real estate taxes and assessments which are, or which may become a lien against the Property will be satisfied by Seller at closing. In the event Buyer acquires fee title to the Property between January 1 and November 1, Seller will, in accordance with Section 196.295, F.S., place in escrow with the County Tax Collector an amount equal to the current taxes prorated to the date of closing. In the event Buyer acquires fee title to the Property on or after November 1, Seller will pay to the County Tax Collector an amount equal to the taxes that are determined to be legally due and payable by the County Tax Collector.

9. **DEED** Upon payment of the purchase price as provided in paragraph 4, Seller will convey fee simple title to the Property to Buyer or its assigns by Warranty Deed free and clear of all leases, liens, mortgages and other encumbrances not acceptable to Buyer except taxes for the year in which the closing occurs. The documentary stamp tax on the deed and costs for recording the deed will be paid by Seller.

10. **SURVEY** Prior to closing, the Property shall be surveyed at the expense of the Seller by a firm mutually acceptable to the Seller and Buyer. The survey shall be completed in accordance with the requirements in Exhibit "C", attached hereto and incorporated herein by reference. If the survey shows any encroachments on the Property or that the improvements located on the Property encroach on other lands, written notice thereof will be given to Seller, and Seller will have the same time to remove such encroachments as allowed under this Agreement for the curing of defects in title. If Seller does not remove or cure said encroachments within said time, Buyer, at its option, may terminate this Agreement and all rights and liabilities arising hereunder



or may close the sale in the same manner as if no such defect had been found or may adjust the purchase price. Seller expenses related to the survey will be reimbursed by the Buyer at the time of closing.

**11. WELLS** As a condition of closing, Seller will disclose the location of all wells on the Property being sold to Buyer, whether permitted or not. The purpose of this disclosure is to document well locations on the boundary survey of the Property and to allow inspections by the environmental consultant performing the Phase 1 ESA and District's well program staff. Seller, at its sole expense, agrees to bring all wells located on the Property into compliance with Chapter 40D-3, Florida Administrative Code (F.A.C.), and in accordance with District's established program for capping and plugging abandoned wells, before closing. This requirement includes all wells that do not meet current well construction standards.

**12. RISK OF LOSS** Seller will exercise all reasonable care and diligence to ensure that the natural conditions of the subject Property are in the same condition on the date of closing as they were during initial District staff and appraisal inspection on May 16, 2014. If such conditions have been changed for any reason as of the date of closing, Buyer may elect to declare this Agreement null and void and all rights and liabilities hereunder will terminate.

**13. ENCROACHMENTS AND ENCUMBRANCES** After Seller's execution of this Agreement until Seller delivers exclusive occupancy and possession of the Property to Buyer, neither Seller nor anyone under Seller's control or direction will cause or allow any encroachments or encumbrances on the Property not existing on the date of Seller's execution hereof. At the closing, Seller will furnish Buyer with Seller's affidavit, stating that neither Seller nor anyone under Seller's control or direction have taken any action to encumber the Property or otherwise adversely affect the status of the title thereto between the date of Seller's execution of this Agreement and the closing and stating either that there have been no improvements made to the Property during the ninety (90) days immediately preceding the date of closing, or, if there have been any such improvements, that all contractors, materialmen, suppliers and potential lienors in connection with said improvements have been paid in full. If Seller is a corporation or other business entity, Seller will also furnish Buyer with Seller's Non-Foreign Corporate Affidavit at or before the closing as required by Section 1445(b)(2) of the United States Revenue Code, to relieve Buyer from withholding any income or capital gains taxes on the purchase price. Seller agrees to indemnify and hold Buyer harmless, for all fees and costs incurred including, but not limited to, any attorney's fees incurred by Buyer, as a result of any misrepresentations, omissions, or errors in Seller's Affidavits.

**14. FEES/COMMISSIONS** Buyer is not now, nor will they be liable to Seller or to Seller's agents or representatives for any commissions, costs, or fees arising from or for the sale of the Property to Buyer, and Seller will defend, indemnify and hold harmless Buyer, its agents, employees and officers from any and all actions, awards, causes, claims, damages, judgments, losses, payments, recoveries and suits therefore arising from or out of this Agreement.

15. **DISCLOSURE** Seller will comply with the disclosure requirements pursuant to Section 286.23, F.S., (real property conveyed to public agency; disclosure of beneficial interests), if applicable.

16. **PROCEEDS** At closing, the distribution of the purchase amount will be made by Buyer to the title company in the form of a check or wire transfer. Final distribution of Seller's proceeds will be made to Seller by the title company.

17. **DISBURSEMENT** It is understood and agreed to by the Parties that the funds for the purchase price may not be disbursed to Seller at the closing but may be held in escrow by Buyer's closing agent pending recording of the deed and recertification of title by Buyer's title insurance company showing no intervening encumbrances before the recording of the deed.

18. **DEFAULT** If either Buyer or Seller fails to perform this Agreement, either party, at its option, may bring suit for specific performance of this Agreement or for damages. In the event of such suit, the prevailing party will be entitled to recover its reasonable attorney's fees and costs of suit, including on appeal. This provision does not constitute a waiver of District's sovereign immunity under Section 768.28, F.S., or extend District's liability beyond the limits established in Section 768.28, F.S.

19. **OTHER AGREEMENTS** No agreement or understanding, verbal or in writing, unless incorporated herein, will be binding upon the Parties.

20. **BINDING EFFECT** The covenants herein contained will bind, and the benefits and advantages hereof will inure to, the respective heirs, personal representatives, successors and assigns of the Parties hereto; whenever used herein, the singular will include the plural, the plural will include the singular, and the use of any gender will include the other.

21. **ESCROW AGREEMENT** The parties agree that nine thousand seven hundred twenty-five dollars and fifty-one cents (\$9,725.51) from the Purchase Price shall be held in escrow rather than paid to the Seller at closing. The escrowed funds will be released in accordance with the terms of an escrow agreement acceptable to all parties, to be executed at closing. The escrowed funds shall be placed in an interest bearing account, with the accrued interest to be paid to the Seller. If an escrow agreement is not executed at closing, then this contract will automatically terminate and the rights and obligations herein will be null and void. Subject to mutual agreement, the parties may elect to escrow a lesser amount in the event that any of the contingencies to be addressed in the escrow agreement are satisfactorily resolved prior to closing. Subject to mutual agreement, the parties may elect to escrow a greater amount in the event that matters identified subject to paragraphs 5 or 6, herein, remain unresolved prior to closing.

22. **SURVIVAL OF CONTRACT TERMS** The terms and conditions of this



Agreement will survive the closing of the sale of the Property.

23. **NOTICE** Any notice which must or may be given under this Agreement or by law will be in writing and will be deemed to have been given when delivered by personal delivery or when deposited in the United States mail, certified, return receipt requested, full postage prepaid to Buyer or to Seller at the addresses set forth above.

24. **CONSTRUCTION** Seller and Buyer acknowledge that each party and its counsel have reviewed and revised this Agreement and that the rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed in the interpretation of this Agreement.

25. **INGRESS/EGRESS** The Seller warrants and represents that there is legal ingress and egress to the Property.

26. **HEADINGS** The paragraph headings are inserted herein for convenience and reference only, and in no way define, limit, or otherwise describe the scope or intent of any provisions hereof.

27. **WARRANTIES** The Seller warrants that there are no facts known to the Seller materially affecting the value of the Property which are not readily observable by Buyer or which have not been disclosed to Buyer.

28. **SEVERABILITY** Should any section or any part of any section of this Agreement be rendered void, invalid, or unenforceable by any court of law, for any reason, such determination will not render void, invalid or unenforceable any other section or any part of any section of this Agreement.

29. **WAIVER** No act of omission or commission of either party, including without limitation, any failure to exercise any right, remedy, or recourse, will be deemed to be a waiver, release, or modification of the same. Such a waiver, release, or modification is to be effected only through a written modification to this Agreement.

30. **PUBLIC RECORDS** All records and documents generated or received by the Parties in relation to this Agreement are subject to the Public Records Act, Chapter 119, F.S., except that appraiser reports, offers and counteroffers are confidential and exempt from the provisions of Section 119.07(1), F.S., until an option contract is executed, or if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the District Governing Board pursuant to Section 373.139(3)(a), F.S.

In Witness Whereof, the Parties and the lawful representatives of the Parties hereto have caused these presents to be executed in their respective names upon the day and year entered below their respective signatures.

**Seller:**  
Andrew C. Steele

  
\_\_\_\_\_  
Andrew C. Steele

Date: 9-12-2014

**Seller:**  
Fleamasters Food Services of Ft. Myers, Inc.

  
\_\_\_\_\_  
Andrew C. Steele, President

Date: 9-12-2014

**Buyer:**  
Southwest Florida Water Management District

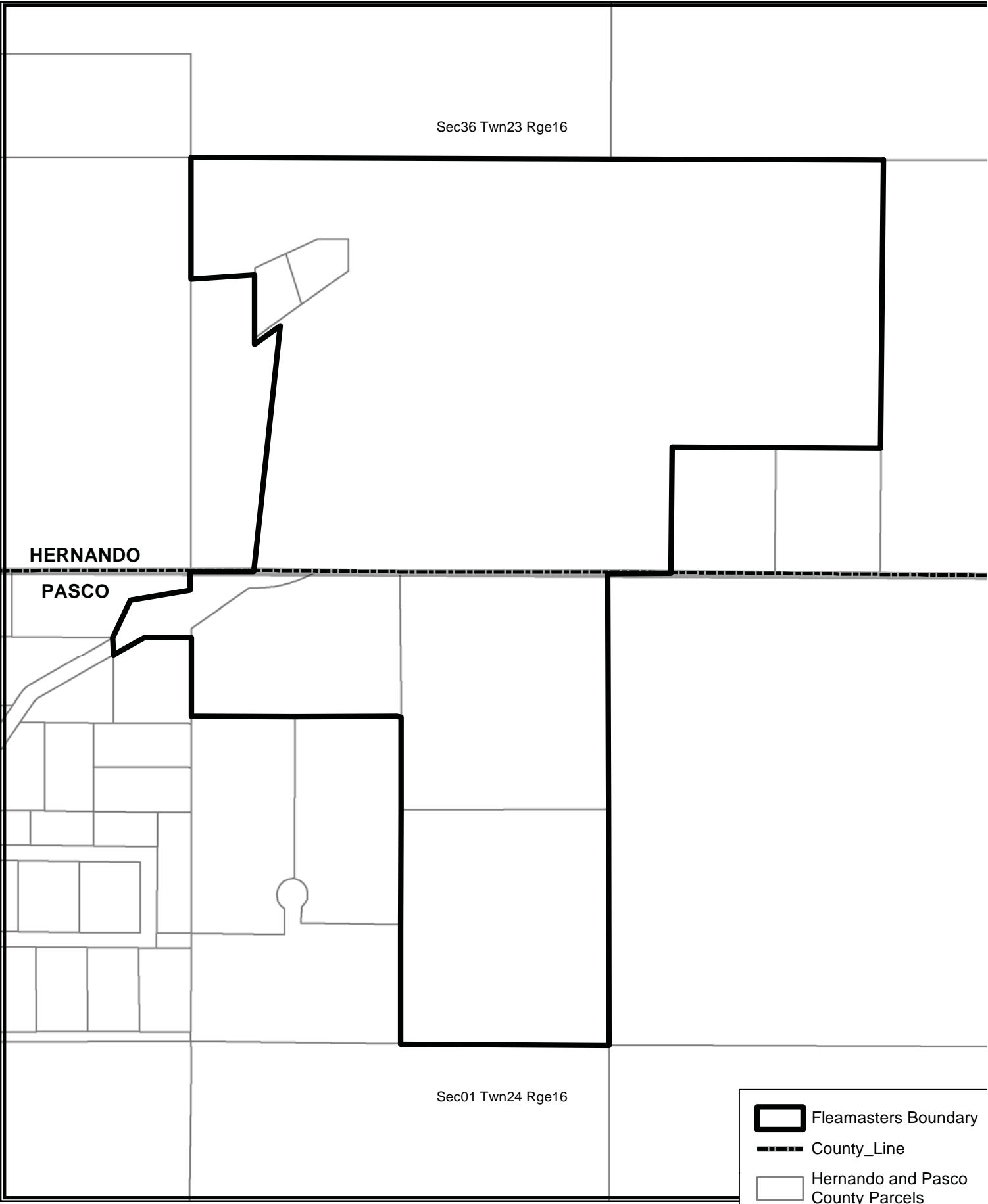
\_\_\_\_\_  
Robert Beltran, P.E.  
Executive Director

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

COPY

Exhibit "A"  
Property Map

Weekiwachee Preserve  
Fleamasters (SWF Parcel No. 15-773-144)



Attachment: Weeki Wachee Accept Appraisal Fleamasters FINAL EXHIBIT TO EXECUTIVE\_091614 (1390 : Accept Appraisals and Approve

Exhibit "B"

Minimum Environmental Site Assessment Requirements

COPY

# MINIMUM ENVIRONMENTAL SITE ASSESSMENT REQUIREMENTS TO DETERMINE THE PRESENCE OF CONTAMINANTS

## SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

The following is the minimum requirements for acceptance of an Environmental Site Assessment (ESA). This outline should not be construed as a limitation.

### I. PURPOSE

The reports are obtained for the purpose of exercising due diligence in the acquisition of property by determining if there is a probability or the presence of hazardous materials, pollutants, contaminants, wastes or toxic wastes and substances that are designated pursuant to and/or regulated by any applicable federal, state, or local, laws, statutes, ordinances, rules, regulations or other governmental restrictions relating to, regulating or imposing liability or standards of conduct concerning environmental contaminants.

### II. SCOPE OF WORK

The assessment is to be based on latest American Society of Testing and Materials "ASTM" Standard Practice E 1527 and E1528. ***The report shall contain all contracts associated with this environmental site assessment. The contractor shall investigate all environmental issues inclusive of but not limited to CERCLA. As identified in E 1527 section 4.2.1, the Southwest Florida Water Management District's (District) use is not limited to CERCLA and this report should include surface water issues, wastewater issues, solid waste issues, air pollution issues, and any other environmental issues that might be related to the use of the property as a public land.*** The report will be prepared by qualified professionals who will follow the aforementioned standard practices and any applicable standards set forth by any local, State, and/or Federal governments and/or agencies. In addition to the aforementioned requirements, the contractor shall incorporate following requirements:

- A. Search available public and private records for prior ownership including "Recorded Land Title Records" and use including investigation of occupational licenses, professional licenses and permits of the property from the present back to 1940 or the first recorded ownership and/or use, whichever is earlier. These sources cannot be the only historical sources consulted. At least one additional standard historical source, per ASTM E 1527 must also be consulted.



- B. In addition to the use of ASTM E 1528 Transaction Screen Questionnaire, personal interviews with prior owners, prior tenants and their employees, and neighboring landowners must be attempted. This questionnaire and results shall be included in the report.
- C. Review of current and historical aerial photographs of the property for an evaluation of prior uses of the property from the present back to the first aerial photographic records, if available. This resource is not to be used as an additional source to fulfill requirements described in paragraph - II. A.
- D. Review United States Geological Surveys and topographic maps, Natural Resource Conservation Service soil surveys, and Sanborn Fire Insurance Maps, if applicable, to identify the general topography, ground water characteristics and historic use of the property.
- E. If possible, determine if a prior environmental audit or assessment has been done; and, if so, what it disclosed.
- F. Property investigation requirements:
  - 1. The site assessor, with compass or other means, will traverse the property in a manner that assures uniform coverage so that the entire property is viewed. The density of the traverses may vary according to the vegetation type. A map must be constructed showing the location of each traverse used to note the location of any condition described in paragraphs 2 and 3 of this section.
  - 2. The site assessor must make note of and examine any debris, mounds, stressed vegetation, unusual land colorations, odors, physical irregularities or similar features or deposits that may indicate old dump or contaminant sites. Other areas that will require careful examination are sinkholes, ravines, rights-of-way, edges of the fields and watercourses.
  - 3. Any dump or contaminant sites discovered should be noted on the traverse map, numbered and described briefly. For example, cans, barrels, garbage pits, storage tanks, machinery and similar materials associated with each site should be rated as to the degree of concern for contaminants. The site assessor will inspect the interior of any structure on the property for all the above.

### III. ENVIRONMENTAL REPORT

The written report, submitted with four copies, must be signed, sealed and dated by a professional engineer (P.E.) or professional geologist (P.G.). A statement of the qualification(s) of all professional personnel involved in the preparation of the ESA, including the site assessor, must be included in the report. The report should

include a summation of all parties contacted and all work performed. The report should describe observations and finds and list any dump or contaminant sites on the traverse map. The report must have color photographs including all sites depicted on the traverse map. At any stage of the assessment where potential contamination is discovered, notification should be provided to the contracting party. A recommendation for additional investigation (Phase II ESA) must be accompanied by a cost estimate. Specific authorization must be obtained before proceeding with any services beyond those provided for in this scope of services.

Each ESA report shall include a copy of these requirements in the addenda and conform to the presentation format/checklist as follows:

COPY

SITE ASSESSOR : \_\_\_\_\_  
NO. \_\_\_\_\_

SWFWMD

PARCEL

ENVIRONMENTAL SITE ASSESSMENT PRESENTATION FORMAT/CHECKLIST  
(ALL REPORT ARE TO BE BOUND AND EACH SECTION DIVIDED WITH PERMANENT-TYPE TABS)

PART ONE-INTRODUCTION

PAGE #

- (1) INTRODUCTION / PURPOSE \_\_\_\_\_
- (2) TABLE OF CONTENTS/COMPLETED CHECKLIST \_\_\_\_\_
- (3) SPECIAL TERMS, CONDITIONS & LIMITATIONS \_\_\_\_\_
- (4) LIMITING CONDITIONS & METHODOLOGIES USED \_\_\_\_\_

PART TWO-SITE DESCRIPTION

- (1) LOCATION AND LEGAL DESCRIPTION \_\_\_\_\_
- (2) SITE AND VICINITY CHARACTERISTICS \_\_\_\_\_
- (3) STRUCTURES AND OTHER SITE IMPROVEMENTS \_\_\_\_\_  
(A) INTERIOR INSPECTION REQUIRED \_\_\_\_\_
- (4) CURRENT USE OF SITE & ADJOINING PROPERTIES \_\_\_\_\_
- (5) SITE MAPS OR PLANS \_\_\_\_\_

PART THREE- RECORDS REVIEW

- (1) PROPERTY OWNERSHIP INFORMATION \_\_\_\_\_
- (2) HISTORICAL USE OF SITE & ADJOINING PROPERTIES \_\_\_\_\_
- (3) ENVIRONMENTAL RECORD SOURCES, FED., ST. & OTHER \_\_\_\_\_

PART FOUR-SITE AND AREA RECONNAISSANCE

- (1) INTERVIEWS - OWNER, GOV. OFFICIALS & OTHERS \_\_\_\_\_
- (2) ON & OFF SITE RECONNAISSANCE \_\_\_\_\_
- (3) TRAVERSE MAP IDENTIFYING CONDITIONS OF CONCERN \_\_\_\_\_

PART FIVE-SUMMARY OF EVALUATIONS AND CONCLUSIONS

- (1) ASSESSMENT RESULTS & RECOMMENDATIONS \_\_\_\_\_
- (2) SIGNATURES OF ESA PROFESSIONALS \_\_\_\_\_

PART SIX-APPENDIX

- (1) SITE PHOTOGRAPHS \_\_\_\_\_
- (2) GENERAL SOILS INFORMATION \_\_\_\_\_
- (3) REGULATORY AGENCY & LAND TITLE INFORMATION \_\_\_\_\_
- (4) OTHER APPLICABLE INFORMATION \_\_\_\_\_
- (5) QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS \_\_\_\_\_

COPY

Exhibit "C"

Minimum Boundary Survey Requirements

## ATTACHMENT C

### Southwest Florida Water Management District Requirements for Boundary Surveys

#### Scope of Work

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

**THIS \_\_\_\_\_ SURVEY IS CERTIFIED TO THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AS MEETING OR EXCEEDING, IN QUALITY AND PRECISION, THE STANDARDS APPLICABLE FOR THIS WORK, AS SET FORTH IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.**

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

#### Mapping

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

<i>Southwest Florida Water Management District</i> <i>Survey Section</i> <i>2379 Broad Street U.S. Hwy. 41 South</i> <i>Brooksville, Fl. 34604</i> <i>(352) 796-7211 (800) 423-1476</i>	<i>Basin Name: (e.g. Green Swamp)</i> <i>Project Name: xxxxxxxxxxxxxxxxxxxxxx</i> <i>Parcel Number: (e.g. 10-100-100)</i> <i>Parcel Name: xxxxxxxxxxxxxxxxxxxxxx</i>
---	---

## ATTACHMENT C

### Southwest Florida Water Management District Requirements for Boundary Surveys

- ❑ Drawing orientation will have north to the top of the sheet (preferred) or to the right.
- ❑ When north is rotated to the right on a sheet, all annotation will be oriented to read normally when the user views the map with north towards the top of the page.
- ❑ The legal description of the survey will be shown with a header of "Legal Description".
- ❑ List area in acres to the hundredth (e.g.123.45 acres) and label within the parcel boundaries and below the legal description.
- ❑ Prominently label the parcel number within the boundaries of the parcel.
- ❑ When listing area in acres, do not state "more or less" except when combining with square footage (e.g. Containing 97,123 square feet or 2.23 acres more or less).
- ❑ List the title exceptions under Survey Notes:

Easements listed as items X, X, X, etc. under Schedule B – Section 2 of (Title Insurance Company Name)'s commitment number: XXXXXX (and if applicable) reference number XXXXXX effective date: XXXXXX XX, XXXX at XX:XX (a.m./p.m.) have been shown or noted hereon.
- ❑ Drawing No. XX-XXX-XXX (xx-xxx-xxx = parcel number) will be placed outside the bottom border on the right side.
- ❑ Any line or curve tables will be labeled and numbered in ascending order.
- ❑ Do not show owner(s) names or tax parcel identifiers from the property appraiser's data.
- ❑ When multiple sheets are used, the FEMA flood zone boundaries will be shown only in the last sheet of the set. This sheet will depict the entire parcel boundary, show sufficient features for orientation and be drawn at a reasonable scale.
- ❑ Only applicable items and/or abbreviations will be shown in the legend.
- ❑ A simple line diagram, vicinity or location map is required and will show the subject survey relative to clearly labeled major roadways. Do not copy in or externally reference other map sources i.e. aerial photography, scanned maps, web services.
- ❑ Drawing date (drawing started) will appear in the title box.
- ❑ No revision date will appear unless signed and sealed prints have previously been issued.
- ❑ Each sheet that depicts the survey boundaries will show the applicable Section(s), Township(s) and Range(s) and County(s) inside the upper right border.
- ❑ List geodetic control stations in notes (minimum of two), include designation and P.I.D.



## ATTACHMENT C

### Southwest Florida Water Management District Requirements for Boundary Surveys

- ❑ All monumentation recovered outside the boundaries of the subject survey that was included in the analysis and resolution of the survey will be shown and dimensioned.

#### CAD Standards

- ❑ CAD file name will normally be the District parcel number (i.e. XX-XXX-XXX.dwg).
- ❑ Save file in 2007 or newer format.
- ❑ CAD file will be purged (*see note below*), layer set to 0, left in appropriate space for plotting (model or paper) and zoomed extents.
- ❑ Any custom fonts, shapes, line types, plot style tables, hatching will be provided. (*Using eTransmit can assist with identifying custom files.*)
- ❑ CAD file will contain No annotative objects, if annotative objects were created as a part of normal work flow then the “flatten” command will be utilized to remove such formatting.
- ❑ If multiple sheets are needed, use of paper space is required.
- ❑ CAD file will have all external references removed. (*Use the XREF command to confirm.*)
- ❑ No entities will be contained in layer 0, which color will be white and linetype continuous.
- ❑ Layers will be set to the proper state for plotting.
- ❑ All entities will be created By-Layer, e.g. color, linetype or lineweight.
- ❑ Do not utilize aerial images as background or an overlay.
- ❑ Provide a layer named “SWFWMD-Boundary” containing a closed polyline of the subject survey. This layer should be frozen and not printed.
- ❑ Provide a separate layer named “SWFWMD-Easement-ORBXXXXX-PGXX” containing a closed polyline for each easement listed in the title commitment exceptions. This layer should be frozen and not printed.
- ❑ All entities will be separated into appropriate layers. Using the Layer Properties Manager, add a Description for any abbreviated layer names that may not be easily understood.
- ❑ The body of the legal description, including the caption, but not the header, will be an mtext entity and will be created using a text editor to insure no special formatting. (*Do not copy and paste from a Word doc.*)

**Note:** It has been discovered that the table style “Legend” that also has a text style “Legend” associated with it cannot be purged, even if there are no entities in the drawing. This is a bug in Version 2009 and prior versions of AutoCAD.

## ATTACHMENT C

### Southwest Florida Water Management District Requirements for Boundary Surveys

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

#### Initial Deliverables

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

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

*Note: The Source Control.pdf will contain the horizontal and vertical data sheets separated by bookmarked categories. If the NGS station(s) is both horizontal and vertical it would be under its own bookmark category.*

For example: Horizontal  
XXXXXX XXXX, [PID Designation]

Vertical  
XXXXXX XXXX, [PID Designation]

Horizontal-Vertical  
XXXXXX XXXX, [PID Designation]

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

- ❑ Copies of any reference maps will be provided in PDF format:
  - Right-of-Way including maintained, proposed or existing (filename: **Name of Road – County –Type.pdf**)
  - Surveys by others (filename: **Surveys by Others.pdf** - if more than one include in same PDF with bookmarks)

## ATTACHMENT C

### Southwest Florida Water Management District Requirements for Boundary Surveys

- FEMA Flood Map (filename: **FEMA Flood Map - community panel number.pdf**)
- Existing Certified Corner Records (filename: **CCR – Sec-Twp-RGE-Cor.pdf**)

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

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

Initial deliverables will be provided in one zip file named with your company initials and current date with no spaces e.g. YCI\_03-17-10.zip. If the size of the zip file is below 10MB, send it as an email attachment. If it is above 10MB, place it on our FTP site (<ftp.swfwmd.state.fl.us>) in the \public\incoming folder and send us an email. Files placed on the FTP site are deleted in seven days.

#### PDF Format Requirements

- Edit the PDF and rotate pages for reading or viewing (Use the Rotate command in the Pages tab).
- When scanning field book pages position in the same orientation and location.
- Convert bit-mapped images (e.g. site photos) to PDF and reduce to letter size.
- Combine same types of documents into one PDF and create bookmarks for each type. (For example Field Notes from different books or types of data collected. Also computations from different sources or types i.e. closures, GPS processing, adjustments. Site photos of different locations.)
- Use the optimize function to reduce the size of large PDF files, when scanning documents to PDF format do not use a resolution greater than 300 dpi.

#### Final Deliverables

Resubmit any initial deliverable files that required changes.

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

The following data should have been provided with the RFP:

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

## ATTACHMENT C

### Southwest Florida Water Management District Requirements for Boundary Surveys

Parcel Name	*available upon request
-------------	-------------------------

#### Addendum for Well Site Surveys

- ❑ All scope of work, mapping, CAD standards and deliverables detailed in the requirements above are applicable to this addendum, unless noted otherwise below.
- ❑ These surveys usually consist of three areas identified as follows:
  - Proposed Well Site Area – normally a 10 foot by 10 foot (*see exception map for site requirements*).
  - Proposed Access Area – normally 10 foot in width from public right of way to proposed well site area (*see exception map for site requirements*).
  - Proposed Temporary Construction Area – normally 100 foot by 100 foot surrounding the proposed well site area (*see exception map for site requirements*).
- ❑ One parcel number represents all three areas. Instead of labeling parcel number within the boundaries, label the type i.e. Proposed Well Site Area, leaders may be used.
- ❑ Boundary corners are to be set for all three parcels.
- ❑ Locate trees 4" DBH (Diameter at Breast Height) within the Access and Well site Areas.
- ❑ Title commitment provided will cover the parent tract, not the parcel areas.
- ❑ Legal descriptions are to be written for each area surveyed.
- ❑ When describing curve direction in a legal description use the phrase "...curve to the left..." or "...curve to the right..." not "...curve concave to the east (etc.)..."
- ❑ Legal description will be written and boundaries dimensioned in a clockwise direction.
- ❑ Legal descriptions will use "for the point of beginning" at the first instance and "to the point of beginning" on return.
- ❑ The legal description header for each boundary will contain a hyphen and area name. For example: Legal Description – Proposed Well Site Area.
- ❑ There will be only one survey drawing which will depict all three areas and contain their legal descriptions.
- ❑ Temporary Construction Area boundaries will be drawn using a dashed linetype.
- ❑ FEMA Flood Zone Data is not required for Well Site Surveys.
- ❑ The scale of the drawing will be increased to focus on the surveyed areas, not the parent tract.

## ATTACHMENT C

### Southwest Florida Water Management District Requirements for Boundary Surveys

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

Remainder of this page intentionally left blank

COPY

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
RESOLUTION NO. 14-15  
REQUESTING FUNDS FROM THE  
FLORIDA FOREVER TRUST FUND  
FOR ACQUISITION OF SWF PARCEL NO. 15-773-144  
HERNANDO and PASCO COUNTIES, FLORIDA

WHEREAS, the Southwest Florida Water Management District has entered into an agreement to purchase SWF Parcel No. 15-773-144, which is comprised of a total of approximately 84.52 acres of real property in Hernando and Pasco Counties, Florida, for a total purchase price to the District of one million, three hundred seventy thousand dollars (\$1,370,000); and a copy of the purchase agreement for the parcel is attached hereto as Exhibit "A"; and the general location and boundary of the parcels are shown on the maps attached hereto as Exhibits "B-1" and "B-2"; and

WHEREAS, the parcel will become a part of the District's Weekiwachee Preserve project; this acquisition is consistent with the District's Florida Forever Work Plan filed with the Legislature of Florida and with the Florida Department of Environmental Protection; and this acquisition is consistent with the Florida Forever Act, Sections 259.105, and 259.1051 Florida Statutes (F.S.).

WHEREAS, the parcel meets the criteria for land acquisition as prescribed in subsections 259.105, (4)(a)(b)(c)(e), F.S.; and

WHEREAS, the trust funds hereinafter requested will be used only for the costs and fees of acquisition of the parcel; and

WHEREAS, the District is hereby authorized to request the reimbursement of the District's expenses associated with acquisition of the parcel identified in the Resolution; and

WHEREAS, the parcel will be managed and maintained in an environmentally acceptable manner and, to the extent practicable, in such a way as to restore and protect its natural state and condition; and

WHEREAS, the parcel being acquired has been reviewed for the presence of sovereign submerged lands and the District has taken reasonable measures to avoid paying for sovereign lands; and

WHEREAS, an environmental assessment will be performed prior to closing for all lands, and if contamination is found on such lands, the District will notify the Department of Environmental Protection and specify what measures will be taken to remove or remediate hazardous constituents in accordance with Department-approved procedures as set forth in Chapters 62-522, 62-730 and 62-770, F.A.C.; and



WHEREAS, if the District subsequently disposes of its interest in the parcel, all revenues derived therefrom will be used solely to acquire other lands for flood control, water storage, water management, conservation and protection of water resources, aquifer recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes or for payment of debt service on revenue bonds issued pursuant to Sections 215.618, 259.105, and 259.1051, F.S.; and

WHEREAS, the parcel has been appraised by two independent real estate appraisers in accordance with District policy, and the purchase price is below both of the appraised values; and

WHEREAS, funds are currently available in the Florida Forever Trust Fund to the credit of the District for use in payment of the costs and fees of acquisition of the parcel.

THEREFORE, BE IT RESOLVED that the foregoing is hereby declared to be true and correct, and that the acquisition of the parcel is hereby certified to be consistent with the District's current Five-Year Work Plan and the Florida Forever Act; and

BE IT FURTHER RESOLVED that the Governing Board of the Southwest Florida Water Management District hereby requests the Secretary of the Florida Department of Environmental Protection to release from the Florida Forever Trust Fund one million, three hundred seventy thousand dollars (\$1,370,000) be used to acquire this parcel, and furthermore to provide such additional funds to reimburse the District's cost and fees associated with the acquisition of the parcel as may be requested by the District from the Florida Forever Trust Fund; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be transmitted to the Secretary of the Department of Environmental Protection forthwith; and

BE IT FURTHER RESOLVED that the Chairman and Secretary of the Governing Board are hereby authorized to affix their signatures to this Resolution on behalf of the Board.

PASSED AND ADOPTED in Tampa, Hillsborough County, Florida on this 30<sup>th</sup> day of September, 2014.

SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT

(Seal)

By: \_\_\_\_\_  
Michael A. Babb, Chairman

Attest: \_\_\_\_\_  
Jeffrey M. Adams, Secretary

**ACKNOWLEDGMENT**

STATE OF FLORIDA  
COUNTY OF HERNANDO

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of September 2014, by Michael A. Babb and Jeffrey M. Adams, Chairman and Secretary, respectively, of the Southwest Florida Water Management District. They are personally known to me.

(Seal)

Notary Public

\_\_\_\_\_  
(Name of Notary typed, printed or stamped)

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

APPROVED BY:	INITIALS	DATE
Attorney	_____	_____
Manager	_____	_____
Bureau Chief	_____	_____
Division Director	_____	_____

Exhibit "A"

Purchase and Sale Agreement

Executed Purchase and Sale Agreement to be provided with Southwest Florida Water Management District Resolution 14-15 for transmittal to the Florida Department of Environmental Protection.

Exhibit “B-1”

Location Map

# Exhibit B-1 - Weekiwachee Preserve - Fleamasters

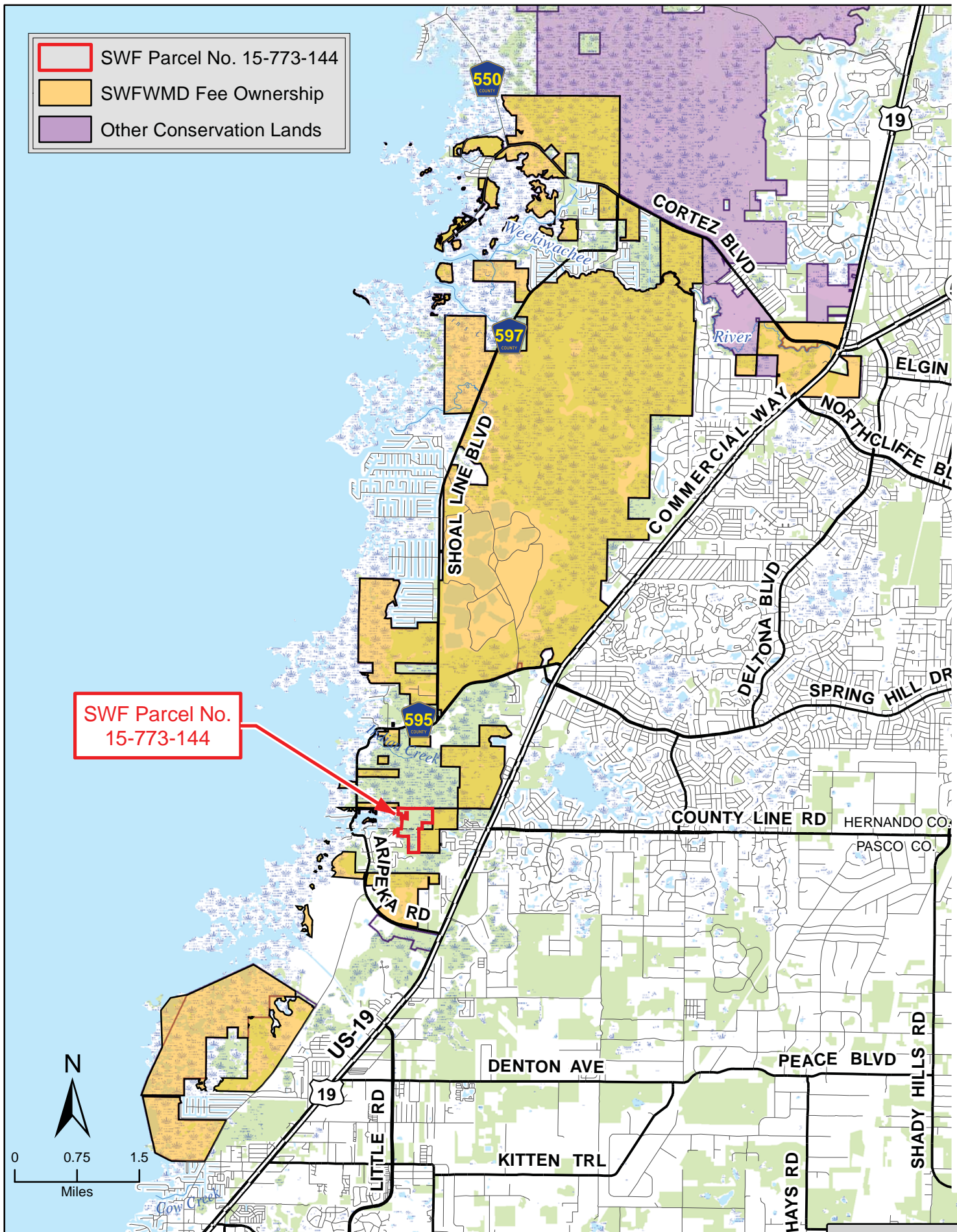
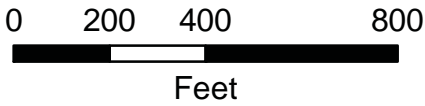
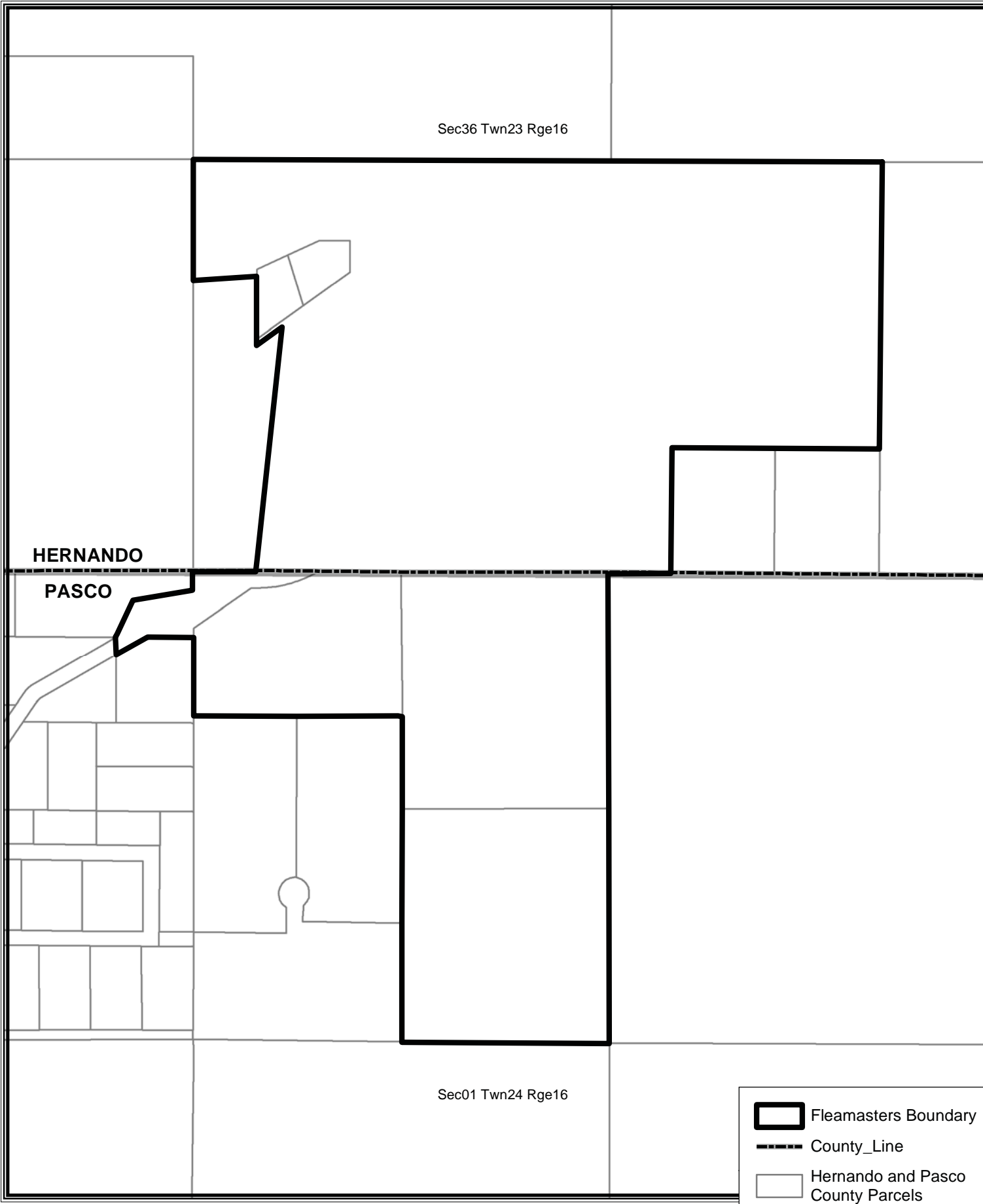




Exhibit "B-2"

Property Map

Exhibit B-2 - Weekiwachee Preserve  
Fleamasters (SWF Parcel No. 15-773-144)



- Fleamasters Boundary
- County\_Line
- Hernando and Pasco County Parcels
- Section Line

## OPERATIONS & LAND MANAGEMENT COMMITTEE

September 30, 2014

### *Submit and File Report*

#### Summary of FY 2014 Interagency Land Management Reviews

##### *Purpose*

Communicate to the Governing Board the results of two interagency land management reviews conducted on the Lower Hillsborough Flood Detention Area and the Cypress Creek Preserve.

##### *Background/History*

Land Resources staff coordinated assessments of land use and management activities on the District's Cypress Creek Preserve and Lower Hillsborough Flood Detention Area properties pursuant to Section 373.591, F.S. The intent of the land management review process is to receive peer contribution regarding implementation of the District's Land Use and Management Planning. These reviews were conducted on August 20<sup>th</sup> and 21<sup>st</sup>, 2014 and included representatives from four state agencies, county environmental lands program, Tampa Bay Water, one non-profit group, and one private land manager. Each review consisted of a half-day tour of the respective property, discussions of key activities and milestones, and a seven-question evaluation filled out by each participant. The key points that were assessed included: water management benefits; special protection areas; recreational uses; other uses; land management; external coordination; consistency with management plan; and recommendations for improvement. Each of these items was ranked on a scale of one to five, with five being excellent.

The results of the Land Stewardship Reviews are as follows:

- Cypress Creek Preserve
  - o Water management functions - 4.7
  - o Special protection areas - 4.7
  - o Recreational uses - 4.1
  - o Other uses - 4.1
  - o Land management - 4.8
  - o External coordination - 4.4
  - o Consistency with management plan - 4.6
- Lower Hillsborough Flood Detention Area
  - o Water management functions - 4.7
  - o Special protection areas - 4.4
  - o Recreational uses - 4.7
  - o Other uses - 4.5
  - o Land management - 4.3
  - o External coordination - 4.5
  - o Consistency with management plan - 4.4

##### Staff Recommendation:

This item is provided for the Board's information only, and as information only.

Presenter: Carmen Sanders, Land Resources Manager

## **Cypress Creek Land Management Review- 2014**

The Cypress Creek land management review was conducted on August 20, 2014 at the Tampa Bay Water facility at Cypress Creek Preserve. Following a brief introduction and overview of the property a field tour was conducted to visit areas on the Preserve to demonstrate current and past management activities. As part of the tour, the group had an opportunity to evaluate and discuss the successes and challenges of land management on the property. In addition, there was an ongoing discussion of how the Land Use and Management Plan (LUMP) developed by the District was being applied. Following the tour, the reviewers completed the evaluation forms using a ranking system from 1- 5 as follows:

1=Poor            2=Fair            3=Good            4=Very good            5=Excellent

### **Review Team Members:**

Victor Echaves – Florida Fish and Wildlife Conservation Commission  
Michael Edwards – Florida Forest Service  
Chris Shea – Tampa Bay Water  
Monica Downer – Florida Native Plant Society  
Christina Esposito– Pasco County ELAMP  
Annemarie Hammond – Florida Department of Environmental Protection  
Brett Gormon – Florida Department of Environmental Protection State Parks  
Mike Hancock- Southwest Florida Water Management District

### **Invited, but unable to attend:**

Jack Vogel – Natural Resource Planning Services, Inc. (Private land manager)  
Whitney Kiehn- Tampa Bay Water

### **District Representatives:**

Allen Milligan – Staff Land Management Specialist  
Chris Reed – Sr. Land Management Specialist  
Manny Lopez – Sr. Land Use Specialist

Overall, the review team had a positive response to the management of the Cypress Creek Preserve and applauded the Land Management Section for their efforts in conducting quality land management. The following is a summary of the review including an average score, review team comments, and a general statement regarding each section.

### **1. Water management functions – 4.7**

Water Supply Protection  
Flood Protection  
Water Quality Protection  
Natural Systems Protection

In general, the review team felt the District was fulfilling its mission and meeting the four areas of responsibility at Cypress Creek. They were especially pleased with apparent recovery of the basin above the structure and approved of the way the District was attempting to re-hydrate the river swamp. They also recognized the importance of flood protection for communities downstream and supported the water control structure. There was also a lot of discussion of Land Management's efforts to restore areas along the river swamp with prescribed fire and felt the management of natural systems was at a very high level.

#### **Comments/recommendations:**

- Appears the reduced pumping from the wellfield is having a direct benefit in terms of surface water supply within the wellfield and downstream.
- Great to see water in almost all of the wetlands, including isolated cypress domes.
- Land management activities in response to water levels seem excellent.
- Inter-agency cooperation for water supply and protection is well organized.
- District should consider removing flashboard risers in culverts along Pump Station Rd.
- District should develop a plan to identify strategies for water management both above and below the water control structure in conjunction with the wellfield recovery.

### **2. Special Protection Areas (SPAs) – 4.7**

Wellfield Sites and Infrastructure  
Archeological Sites  
Flood Control Structure

Reviewers acknowledge the sensitive nature of the wellheads and the infrastructure for the wellfield and pump station. The team also noted the challenges of managing around the large amount of infrastructure and utilities. In addition, they thought it may be a good idea to better track nesting sites of native birds and other endangered species.

#### **Comments/recommendations:**

- Management of SPAs is reasonable and appropriate.

- It appears that archeological sites are being protected from the general public.
- Recommend implementing a schedule to monitor archeological sites on a regular basis.
- Potentially increase the monitoring and locating of nesting bird populations.

### 3. Recreational Uses – 4.1

Hiking	Birding	Trail running
Biking	Equestrian	
Camping	Nature Appreciation	

In general, the reviewers felt the recreation provided was adequate given the compatibility issues with the wellfield. There was concern that the campground area has been closed for over a year and that perhaps the District could make an effort to re-open that area. The review team supported the level of passive recreation and thought it to be compatible with the management plan.

#### Comments/recommendations:

- The recreational opportunities provided on-site are adequate given the security constraints of the wellfield.
- Recreational use is reasonable given resource limitations.
- Seems like the Preserve is well used and liked by the public.
- Consider coordination with public volunteer groups or Pasco County to deal with issues along Parkway Boulevard and camping sites.
- Consider increased public outreach to deal with increased demand for recreation use.
- Pursue having on-site security or live-on resident to deter vandalism and dumping
- Could budget more for maintenance of trails or seek outside volunteer groups.

### 4. Other Uses – 4.1

Timber Management  
100-Mile Run  
Boy Scout Projects

The efforts of the District to restore altered areas through a timber management program was received very well. The District's timber management program and hog trapping program were also discussed. The charity running event was viewed overall as a great event and thought it would be good to continue issuing permits to allow the event.

#### Comments/recommendations:

- The 100-mile event is good and raises awareness of the Preserve while benefiting charity.
- Preserve provides a unique corridor for wildlife between both public and private conservation lands.



- Boy Scout projects seem to be a good outreach event for the public.
- Consider having a timber salvage contract and even include hardwood harvests as necessary

## **5. Land Management – 4.8**

Prescribed Fire  
Exotics Removal  
Habitat Restoration  
Wildlife Management  
Plant and Animal Surveys

The review team was very impressed by the District's prescribed fire program and applauded the efforts of maintaining an active fire regime. They also noted the importance of prescribed fire as a way to minimize the risk of devastating wildfires, especially in the urban interface, while increasing ecological diversity at the same time. The team also recognized the challenges of using fire in a wellfield where impacts from pumping could have adverse impacts on fire effects. There was wide agreement that returning fire to areas along the river swamp and adjacent wetlands that have been excluded was an excellent idea and should continue as conditions allow. There was strong support of the efforts of District Vegetation Management in regard to maintenance control level of exotic and invasive plants at the Preserve. The reviewers also acknowledged the success of restoration efforts by the District and felt they were functioning as intended.

### **Comments/recommendations:**

- Prescribed burning essential to long-term management and sustainability of natural systems.
- Land management activities in response to higher water levels seems excellent.
- Prescribed fire is a cost effective tool and appears to be working well here.
- Excellent restoration activities. Property seems to be in maintenance mode.
- Could consider coordinating with Florida Forest Service to provide information to surrounding communities about the Firewise program.
- Perhaps increase communication with neighbors to facilitate prescribed burning.

## **6. External Coordination – 4.4**

Florida Fish and Wildlife Conservation Commission  
Florida Forest Service  
Pasco County Environmental Lands Program  
Tampa Bay Water  
University of South Florida

Reviewers ranked external coordination with partners high, including the District's working relationship with Tampa Bay Water. They were also pleased with the coordination staff has with the Florida Forest Service on wildfire suppression and response. The team felt that there could be increased outreach and coordination with public groups to conduct wildlife and plant surveys.

**Comments/recommendations:**

- Good coordination between SWFWMD and TBW regarding prescribed burning and the wellfield permit.
- Allowing research on the property is a good way to increase understanding of the property
- Opportunities to work with the County should be pursued if and when available.
- Could utilize more outreach to public regarding plant and animal surveys.
- Need to establish program to monitor wildlife populations.

**7. Sufficiency of Plan in Addressing Management Issues – 4.6**

Overall, the group thought the LUMP was addressing most of the major issues at the Preserve. Most the reviewers thought it would be a good idea to incorporate a plan for the management of the water control structure as it relates to land management and increased water storage in the basin. While the team thought the plan did a good job addressing most of the major issues, it could have more detail about plant and animal surveys, along with endangered species and wildlife monitoring.

**Comments/recommendations:**

- Overall, very well managed.
- Management of the Preserve is in line with the recommendations of the LUMP.
- The District should take steps to deal with increased demand for recreation and include details in the management plan.
- Wildlife management coverage is limited and the District should consider more detail in managing game and non-game species.
- Consider developing a plan to deal with issues of higher water levels, particularly for dealing with offsite flooding issues. Ongoing projects with Tampa Bay Water are a good example.
- Develop strategies to deal with vandalism and dumping in recreation areas.

## Lower Hillsborough Flood Detention Area Land Management Review-2014

District staff presented management challenges and accomplishments to review participants at Nature's Classroom. A tour was then conducted to view sites representative of past and recent management activities. The group stopped at various points along the way to discuss land use and management actions, challenges, successes, and team recommendations. Wet conditions limited access, thus limiting the scope of what the team was able to see firsthand. Following the tour, the reviewers completed the evaluation forms using a ranking system from 1- 5 as follows:

1=Poor          2=Fair          3=Good          4=Very good          5=Excellent

### **Review Team Members:**

Jennifer Abbey – United States Department of Agriculture- Natural Resource Conservation Service (District Conservationist- Hillsborough and Pinellas Co.)

Rick Argo – Florida Department of Environmental Protection (Park Manager, Hillsborough River SP; Ybor City Museum SP)

Mark Brown – Hillsborough County (Manager, NE ELAPP Preserves)

Dave Butcher – Florida Forestry Service (Resource Administrator, Lakeland District)

Victor Echaves – Florida Fish and Wildlife Conservation Commission (Wildlife Biologist, Green Swamp WMA)

Karen Folsom – Hillsborough County Public Schools (Nature's Classroom)

Annemarie Hammond – Florida Department of Environmental Protection (ES Compliance; ERP, water supply)

Joel Jackson – Florida Native Plant Society

Chris Shea – Tampa Bay Water (Environmental Permit Coordinator)

Corey Walk – Florida Forest Service (Hillsborough County Forester, Lakeland District)

### **District Representatives:**

Joel DeAngelis – Sr. Land Management Specialist

Manny Lopez – Sr. Land Use Specialist

Chris Reed – Sr. Land Management Specialist

John Emery – Regulation Program Manager

Overall review team members commended the District and its staff for the use and management of the Lower Hillsborough Flood Detention Area. The average score for each category and a summary of discussions and recommendations for improvement is provided below.

### **1. Water management functions – 4.7**

Water Supply Protection  
Flood Protection  
Water Quality Protection  
Natural Systems Protection

Generally the review team felt the District was fulfilling its mission at a high level in this area and is meeting its four areas of responsibility. In particular reviewers noted the important role the property plays in regional flood control, water supply, and recreation.

#### **Comments/recommendations:**

- Water resource functions are being protected through the existing management plan.
- Property provides good natural and structural flood and surface water protection.
- Continued public ownership and management fulfill all four areas of responsibility in addition to serving as a popular and used recreational area.
- Continue management as required and outlined in management plan. May want to bring in culverts or other drainage options adjacent to roads or other key areas to improve or restore drainage.

### **2. Special Protection Areas – 4.4**

Flood Control Facilities  
Morris Bridge Wellfield  
Archaeological/Cultural Resources  
Wading Bird Rookery  
Monitoring Stations

In particular, reviewers noted the success of protection measures for infrastructure related to flood control and water supply systems.

#### **Comments/recommendations:**

- Areas of special protection are being followed based on FNAI communities and species within them. Additional management may include prescribed fire and mechanical treatments.
- Increase control of wild hogs.
- Flood control facilities, wellfield, and archaeological resources are being managed as proposed/planned.
- Special protection areas are properly designated- particularly infrastructure for water supply and flood protection.

### **3. Recreational Uses – 4.7**

Hiking	Birding
Biking	Equestrian
Nature Appreciation	Trail running

Overall the review team gave very good marks to the recreational opportunities offered at the LHFDA. Reviewers were particularly pleased with the variety of uses available through both the District and Hillsborough County. The District's recreational planning process was also noted, particularly regarding trails and coordination with the County.

**Comments/recommendations:**

- I like the varied uses and opportunities available for visitors. Excellent trails system.
- Consider more technology as mentioned (i.e. scan codes) related to using smart phones to get more information about the park.
- Excellent separation of trail segments to minimize conflicts- particularly equestrian and bikes.
- The area is well managed for various types of recreational opportunities.
- This property has many options for recreation and is used by many on a daily basis. Signs and occupancy levels should be monitored.
- There is more recreational use than I realized. Increasing recreation may be a double-edged sword, and while improvements such as facilities would benefit the recreation aspect, the impact might be too much to allow.
- Excellent recreational facilities. Uses seem to be balanced well.

**4. Other Uses – 4.5**

Timber Management  
Feral hog hunts  
Nature's Classroom

There was discussion on various aspects of timber management on the property including revenue generation and sustainable harvesting. Feral hog management was a topic of discussion at various times throughout the day.

**Comments/recommendations:**

- Current timber harvesting is meeting the goals set by the existing management plan.
- Possibly coordinate with the Florida Forest Service on options for sustainable harvesting.
- The operation of Nature's Classroom is great for public activities. Continue this as an option and look into management surrounding the nearby area for prescribed fire, if possible.
- I like how you incorporate family/youth hunts.

**5. Land Management – 4.3**

Prescribed Fire  
Exotic Plant and Animal Control  
Habitat Restoration  
Wildlife Management  
Plant and Animal Surveys

Reviewers gave positive feedback on prescribed burning, habitat restoration and exotic plant and animal control. Overall they were generally pleased with the condition of natural systems and were particularly impressed with the District's prescribed burn program and the success of exotics control work done by the District's Aquatics staff. Reviewers also noted the difficulty in treating exotics (especially feral hogs) on a property that has experienced a high level of disturbance (both historic and current) and the need for continued diligence in this aspect of management.

**Comments/recommendations:**

- Great job with prescribed burning for maintenance of habitats.
- Some areas very well maintained. Other areas need lots of work.
- Excellent and aggressive schedule for burning, particularly within Flatwoods Park.
- Practices reflect proposed plans. In areas where fire cannot be applied mechanical treatments should be considered.
- Increase consideration given to wildlife and habitats.
- Overall being managed well. Control exotics, including: Caesar's weed, cogongrass, Old World and Japanese climbing fern. Consider contacting Florida Forest Service for assistance with pine planting/harvests. Consider hardwood harvests to help achieve restoration objectives.

**6. External Coordination – 4.5**

United States Fish and Wildlife Service  
Florida Department of Environmental Protection  
Florida Fish and Wildlife Conservation Commission  
Florida Forest Service  
Tampa Bay Water  
Hillsborough County Environmental Lands and Acquisition Program  
Hillsborough County Parks and Recreation  
Hillsborough County Schools

Reviewers gave the District high marks to its external coordination efforts, particularly regarding its continuing working relationships with Hillsborough County, Hillsborough County Schools, and Tampa Bay Water.

**Comments/recommendations:**

- Appears to be solid with every effort given to coordinating with its constituents.
- Increase communication and recruitment of volunteers.
- Good communication between WMD, DEP, and County.
- Excellent job coordinating with local government and volunteer groups.
- Explore developing or enhancing website, apps, hotline for public users.

**7. Sufficiency of Plan in Addressing Management Issues – 4.4**

Overall reviewers had a favorable opinion of management plan format and content but noted that some sections lacked sufficient detail or did not address important management aspects such as threatened/endangered species, wildlife management, and plant community diversity.



**Comments/recommendations:**

- Greater weight given to wildlife and plant community diversity.
- Wildlife management/proposed projects/management of the habitat does not seem to be associated with particular wildlife species in mind.
- Suggest adding a burn unit map in revised plan.
- At a minimum conduct surveys in coordination with partners to determine presence or absence of threatened and endangered species on the property.

**Lower Hillsborough Flood Detention Area  
2014 Land Management Review  
Consensus Recommendations**

- 1. The review team suggests the need for more overall detail in the Management Plan, and specifically noted the need for information on the management of specific wildlife and plant species as well as natural communities.**

*Managing Agency Response: The District's Land Use and Management Plan format is subject to periodic review. District staff is currently reviewing possible changes to its management goals and objectives as well as others aspects of its management plans. Should changes be made they will be reflected in the next management plan update.*

- 2. The review team suggests that the District more aggressively employ mechanical means to achieve hardwood control in areas managed with prescribed fire.**

*Managing Agency Response: To date the District has conducted mechanical restoration on approximately 700 acres since 2000 and the process of assessing additional restoration opportunities and priorities is on-going by District Land Management staff. Habitat restoration objectives were not outlined in the 2005 Management Plan update; however, general restoration objectives will be included as appropriate in the development of future management plans.*

- 3. The review team identified the need for an updated species inventory**

*Managing Agency Response: It was noted by several participants that the species list had not been updated since acquisition of the property. It was explained to the group that detailed species and natural community information has been gathered at various times throughout the interim since the 2005 Plan as part of different Land Resources projects, and consultant and agency studies. For upcoming management plans, new information and confirmation on species occurrence will be reviewed and included as appropriate.*

- 4. Feral hog removal- conduct more District sponsored hunts on the property**

*Managing Agency Response: The District currently conducts an average of 14 feral hog hunts (42 total days) per year on its lands for the purpose of managing their populations. Feral hog hunts at Lower Hillsborough have historically been held within Flatwoods Park but may also occur east of Morris Bridge Rd. in the future. Given current constraints it is unlikely that more than two hunts would be held on the property in a given year- one in Flatwoods Park and one east of Morris Bridge Road.*

## OPERATIONS & LAND MANAGEMENT COMMITTEE

September 30, 2014

### *Routine Report*

#### Structure Operations

Summary of the operations made from July 29 - August 30, 2014.

- Inglis Water Control Structures: The Inglis Main Spillway and Bypass Spillway were operated to maintain water levels in Lake Rousseau and provide flow to the lower Withlacoochee River. The average water level for Lake Rousseau was 27.60 NGVD compared to the recommended maintenance level for the reservoir of 27.50 NGVD.
- Withlacoochee River Watershed: Water control structures in the Tsala Apopka Chain of Lakes are being operated to conserve water gained during the rainy season. The Wysong-Coogler Water Conservation Structure main gate is fully inflated. The low flow gate was operated to aid in the regulation of the Lake Panasoffkee water level and to provide flow to the Withlacoochee River downstream of the structure. The average monthly water level for Lake Panasoffkee was 40.25' NGVD.
- Alafia River Watershed. The Medard Reservoir structure was operated to maintain a temporary maintenance water level of 58.50' NGVD as Field Operations completed improvements to the berm. The average monthly water level for the Medard Reservoir was 58.60' NGVD. The temporary maintenance level will return to 59.0' NGVD.
- Hillsborough River Watershed: The Tampa Bypass Canal, Thirteen Mile Run, and Flint Creek water conservation structures were operated to maintain normal operating levels. The average monthly water level for Lake Thonotosassa was 36.39' NGVD compared to the recommended maintenance level of 36.50' NGVD.
- Tampa Bay/Anclothe Watershed: The Rocky Creek, Sweetwater Creek, and Brooker Creek water conservation structures, and the S-551 structure on Lake Tarpon were operated in order to maintain normal operating levels. The average monthly water level for Lake Tarpon was 3.19' NGVD, compared to the recommended maintenance level of 3.20' NGVD.
- Peace River Watershed: The Lake Hancock structure was operated to maintain the temporary normal operating level of 98.60' NGVD. The average monthly water level for Lake Hancock was 98.69' NGVD. The North Winter Haven Chain-of-Lakes structures were operated to maintain water levels in Lakes Henry, Smart, Fannie, and Hamilton. The upgrades to provide remote control has been completed and in full operation. To date, 40 of the 81 District structures have remote control capabilities.
- Lake Wales Ridge Watershed: The G-90 structure was operated to maintain the operating level in Lake June-in-Winter. The average monthly water level for Lake June-in-Winter was 74.49' NGVD, compared to the recommended maintenance level of 74.50' NGVD.

Staff Recommendation:

## Item 35

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

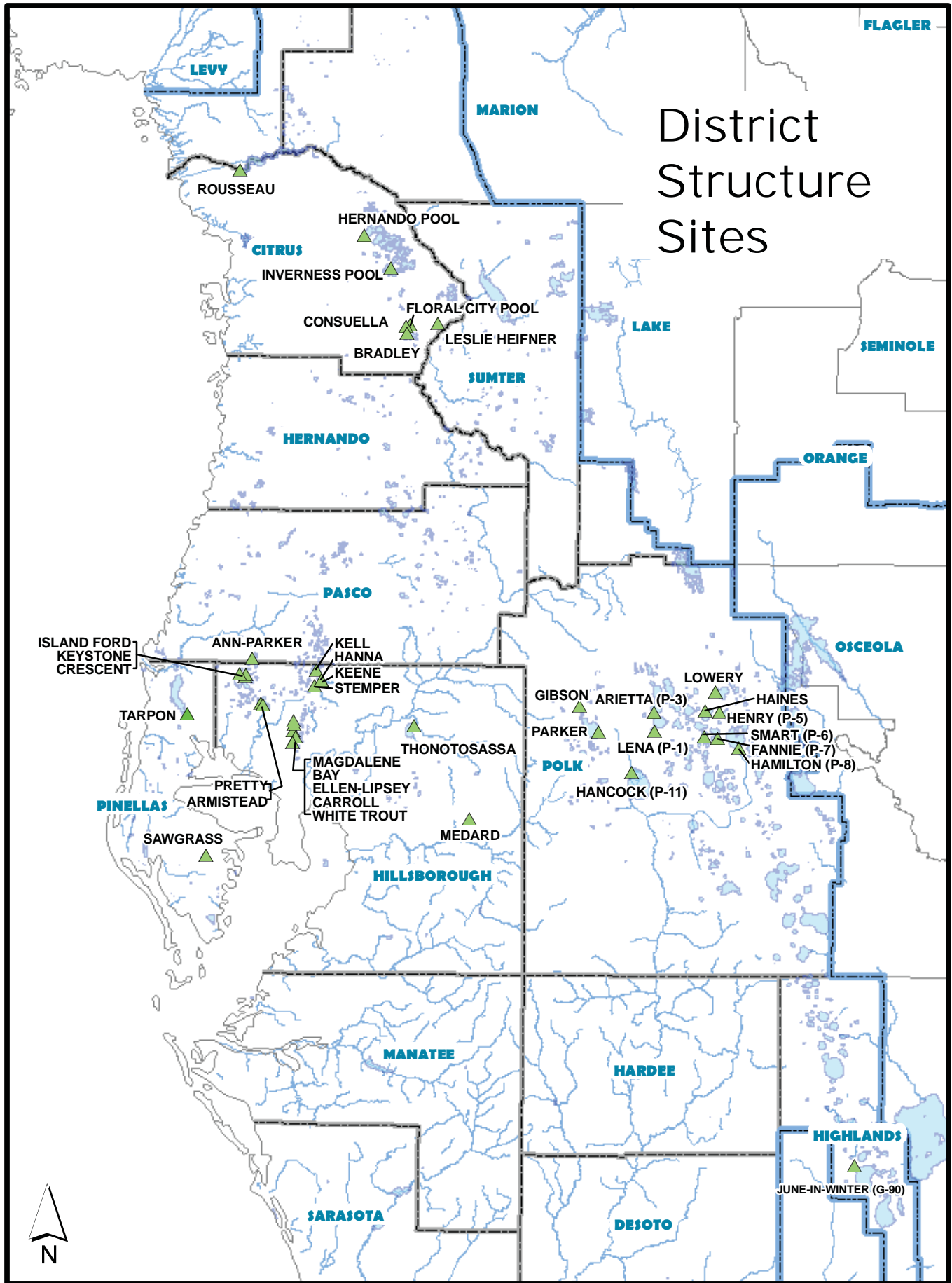
Presenter: David Crane, P.E., Structure Operations Manager

# STRUCTURE OPERATIONS SECTION HYDROLOGIC REPORT

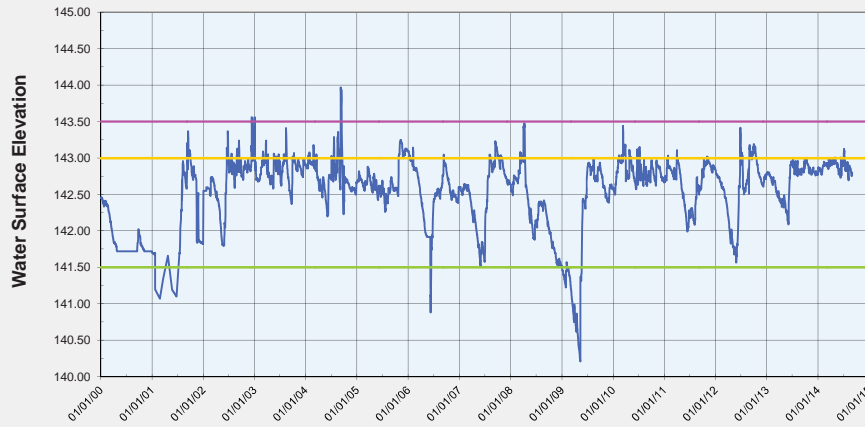
September 1, 2014

STRUCTURE	ELEVATION LEVELS	ELEVATION DIFFERENCE	CURRENT LEVEL	POSITION OF STRUCTURE	STRUCTURE	ELEVATION LEVELS	ELEVATION DIFFERENCE	CURRENT LEVEL	POSITION OF STRUCTURE
<b>FLINT CREEK</b>			<b>36.33</b>		<b>FLORAL CITY POOL</b>			<b>40.98</b>	
HIGH LEVEL	37.00	-0.67		Gates Closed	HIGH GUIDE LEVEL	41.80	-0.82		Leslie Heifner Fully Closed
MAXIMUM DESIRABLE	36.50	-0.17		All drop gates: 36.00' MSL	HIGH MIN LEVEL	41.20	-0.22		Floral City Fully Open
LOW LEVEL	34.50	1.83	invert 32.9'		MIN LAKE LEVEL	39.80	1.18	Golf Course	Golf Course Gates Open 3.0'
					LOW GUIDE LEVEL	39.60	1.38	invert 38.0'	Moccasin Slough Closed
<b>KELL</b>			<b>65.70</b>		<b>INVERNESS POOL</b>			<b>40.13</b>	
HIGH LEVEL	66.00	-0.30		Fully Open	HIGH GUIDE LEVEL	40.30	-0.17		Brogden Bridge Closed
MAXIMUM DESIRABLE	65.50	0.20			HIGH MIN LEVEL	40.10	0.03	Brogden Bridge	Brogden Culvert fully Open
LOW LEVEL	63.50	2.20	invert 64.66'		MIN LAKE LEVEL	38.70	1.43	invert 34.25'	Bryant Slough gates Closed
					LOW GUIDE LEVEL	37.80	2.33		
<b>KEENE</b>			<b>62.58</b>	Keene 1: 12" Log in place	<b>HERNANDO POOL</b>			<b>38.80</b>	
HIGH LEVEL	63.00	-0.42		Keene 2: Fully Open	HIGH GUIDE LEVEL	39.00	-0.20		Van Ness Fully Open
MAXIMUM DESIRABLE	62.50	0.08	1-invert 61.6'	Keene 3: Fully Open	HIGH MIN LEVEL	38.70	0.10	S-353	S-353 Gates Closed
LOW LEVEL	60.50	2.08	2-invert 61.6'	Sherry Brook: Fully Open	MIN LAKE LEVEL	37.30	1.50	invert 36.5'	
					LOW GUIDE LEVEL	35.90	2.90		
<b>STEMPER</b>			<b>60.91</b>		Two Mile Prairie (max)	35.00	-10.74	24.26	
HIGH GUIDE LEVEL	61.20	-0.29		8" Log in place					
HIGH MIN LEVEL	60.80	0.11							
MIN LAKE LEVEL	59.40	1.51	invert 60.25'						
LOW GUIDE LEVEL	59.10	1.81							
<b>HANNA</b>			<b>61.76</b>		<b>LESLIE HEIFNER</b>			<b>41.08</b>	Upstream (RIVER level)
HIGH LEVEL	62.50	-0.74		18" log in place.	UPSTREAM			40.98	Downstream (POOL level)
MAXIMUM DESIRABLE	61.75	0.01			DOWNSTREAM			invert 35.0'	Gate Fully Closed
LOW LEVEL	59.50	2.26	invert 60.28'						
<b>CYPRESS CREEK</b>	Flood Stage				<b>WYSONG-COGLER</b>			<b>39.53</b>	
WORTHINGTON GARDENS	8.00	-3.65	4.35	Drop Gate Open 3.0'.	UPSTREAM	39.50	0.03	38.46	Total cfs 540
					DOWNSTREAM				
<b>SAWGRASS LAKE</b>					<b>INGLIS</b>			<b>27.59</b>	
HIGH LEVEL	5.00	-3.18	1.82	Gate 1 Closed	HIGH LEVEL	28.00	-0.41		By-pass Gates Open 3.90'
LOW LEVEL	3.80	-1.98		Gate 2 Open 3.0'	MAXIMUM DESIRABLE	27.50	0.09		Main Gates Closed
				Gate 3 Open 1.0'	LOW LEVEL	26.50	1.09	invert 11.3'	1350 Total Flow cfs
<b>TARPON (S551)</b>			<b>3.12</b>		<b>LAKE BRADLEY</b>			<b>40.30</b>	Gate Open 42.5"
HIGH LEVEL	3.80	-0.68		Gates Closed	MAXIMUM DESIRABLE	42.50	-2.20		
MAXIMUM DESIRABLE	3.20	-0.08		Drop Gates at 3.2'					
LOW LEVEL	2.20	0.92			<b>LAKE CONSUELLA</b>			<b>40.37</b>	Fully Open
<b>ANNE PARKER</b>			<b>47.28</b>		MAXIMUM DESIRABLE	41.50	-1.13		
HIGH LEVEL	48.75	-1.47		24" log in place					
MAXIMUM DESIRABLE	48.25	-0.97			<b>MEDARD RESERVOIR</b>			<b>58.85</b>	Gate Open 0.45'
LOW LEVEL	45.75	1.53	invert 46.40'		MAXIMUM DESIRABLE	60.00	-1.15		
<b>WHITE TROUT</b>			<b>35.34</b>		<b>HANCOCK (P11)</b>			<b>99.19</b>	
HIGH LEVEL	36.50	-1.16		18" log in place	HIGH LEVEL	99.00	0.19		Main Gates Closed
MAXIMUM DESIRABLE	36.00	-0.66			MAXIMUM DESIRABLE	98.50	0.69		Weir Gates at 98.50'
LOW LEVEL	34.00	1.34	invert 32.94'		LOW LEVEL	96.00	3.19		
<b>KEYSTONE</b>			<b>41.56</b>		<b>HENRY (P5)</b>			<b>126.00</b>	Gate Closed
HIGH LEVEL	42.00	-0.44		Lift Gate Closed	HIGH LEVEL	126.50	-0.50		
MAXIMUM DESIRABLE	41.75	-0.19			MAXIMUM DESIRABLE	126.00	0.00		
LOW LEVEL	39.75	1.81	invert 37.2'		LOW LEVEL	124.00	2.00	invert 122.0'	
<b>CRESCENT</b>			<b>41.86</b>		<b>SMART (P6)</b>			<b>128.46</b>	Gate Open 2.0
HIGH GUIDE LEVEL	41.90	-0.04		Gate Open 0.20'	HIGH LEVEL	128.75	-0.29		
HIGH MIN LEVEL	41.30	0.56			MAXIMUM DESIRABLE	128.50	-0.04		
MIN LAKE LEVEL	40.30	1.56	invert 38.5'		LOW LEVEL	126.50	1.96	invert 127.2'	
LOW GUIDE LEVEL	39.80	2.06			<b>FANNIE (P7)</b>			<b>124.63</b>	Gates Closed
<b>ISLAND FORD</b>			<b>40.79</b>		HIGH LEVEL	125.75	-1.12		
HIGH LEVEL	41.50	-0.71		Gates Open 0.20'	MAXIMUM DESIRABLE	125.50	-0.87		
MAXIMUM DESIRABLE	41.00	-0.21			LOW LEVEL	123.50	1.13	invert 119.5'	
LOW LEVEL	39.00	1.79	invert 35.0' crest 41.25'		<b>HAMILTON (P8)</b>			<b>121.26</b>	Gates Closed
<b>PRETTY</b>			<b>44.01</b>		HIGH LEVEL	121.50	-0.24		
HIGH GUIDE LEVEL	44.30	-0.29		Drop Gates 1 and 4 Open 1.2'	MAXIMUM DESIRABLE	121.25	0.01		
HIGH MIN LEVEL	43.90	0.11		Lift Gates 2 and 3 Closed	LOW LEVEL	119.00	2.26	invert 113.0'	
MIN LAKE LEVEL	42.50	1.51	invert 38.0'		<b>LENA (P1)</b>			<b>135.33</b>	Gate closed
LOW GUIDE LEVEL	42.20	1.81			HIGH LEVEL	137.00	-1.67		
<b>MAGDALENE</b>			<b>49.04</b>	Lake gauge	MAXIMUM DESIRABLE	136.75	-1.42		
HIGH LEVEL	50.00	-0.96	49.06	Structure gauge	LOW MANAGEMENT	134.50	0.83	invert 134.47'	
MAXIMUM DESIRABLE	49.50	-0.46			<b>JUNE-IN-WINTER (G90)</b>			<b>74.44</b>	Gates Closed
LOW MANAGEMENT	47.50	1.54	invert 45.6'	Gates Open 1.0'	HIGH GUIDE LEVEL	74.70	-0.26		Overflow at 75.00' NGVD
<b>BAY</b>			<b>45.69</b>		HIGH MIN LEVEL	74.50	-0.06		
HIGH LEVEL	46.75	-1.06		Gates Open 0.50'	MIN LAKE LEVEL	74.00	0.44	invert 65.37'	
MAXIMUM DESIRABLE	46.00	-0.31			LOW GUIDE LEVEL	73.20	1.24		
LOW LEVEL	44.00	1.69	invert 44.0'		<b>ARIETTA (P3)</b>			<b>139.84</b>	Gate Closed
<b>ELLEN-LIPSEY</b>			<b>40.18</b>	Structure Gauge	HIGH LEVEL	144.00	-4.16		
HIGH LEVEL	41.50	-1.32	40.50	Lake Gauge	MAXIMUM DESIRABLE	142.50	-2.66		
MAXIMUM DESIRABLE	41.00	-0.82		Gates Open 3.00'	LOW LEVEL	141.00	-1.16	invert 137.4'	
LOW LEVEL	39.00	1.18	invert 37.6'	Drops: At 41.00'	<b>GIBSON</b>			<b>142.78</b>	Gate Closed
<b>CARROLL</b>			<b>36.48</b>		HIGH LEVEL	143.50	-0.72		
HIGH GUIDE LEVEL	36.80	-0.32		24" Log in place	MAXIMUM DESIRABLE	143.00	-0.22		Stop log bays at 142.64' crest
HIGH MIN LEVEL	36.80	-0.32			Low Level	141.50	1.28	invert 141.4'	
MIN LAKE LEVEL	35.40	1.08	invert 34.17'		<b>PARKER</b>			<b>130.51</b>	Gate Closed
LOW GUIDE LEVEL	33.90	2.58			HIGH LEVEL	131.00	-0.49		
<b>ARMISTEAD</b>			<b>41.53</b>		MAXIMUM DESIRABLE	130.75	-0.24		
HIGH LEVEL	44.00	-2.47		Gate Open 1.60'	LOW LEVEL	128.75	1.76	invert 129.15'	
MAXIMUM DESIRABLE	43.00	-1.47			<b>PEACE RIVER</b>			<b>4.00</b>	
LOW LEVEL	40.50	1.03			BARTOW	Flood Stage			
<b>HILLSBOROUGH RIVER</b>	Flood Stage		<b>25.69</b>	S-155 Open	ZOLFO SPRINGS	8.00	-4.00	6.15	
MORRIS BRIDGE	32.00	-6.31	22.33		ARCADIA	16.00	-9.85	2.68	
FOWLER	29.00	-6.67			<b>LITTLE MANATEE RIVER</b>	Flood Stage		<b>3.90</b>	
<b>WITHLACOCHEE R.</b>	Flood Stage		<b>53.11</b>		WIMAUMA	11.00	-7.10		
TRILBY	61.27	-8.16	44.16		<b>ALAFIA RIVER</b>	Flood Stage		<b>3.88</b>	
CROOM	47.94	-3.78	41.08		LITHIA	13.00	-9.12		
HIGHWAY. 48			40.02		<b>MYAKKA RIVER</b>	Flood Stage		<b>3.98</b>	
LAKE PANASOFFKEE	40.70	-0.68	30.95		MYAKKA STATE PARK	7.00	-3.02		
HOLDER	35.52	-4.57			<b>MANATEE RIVER</b>	Flood Stage		<b>3.16</b>	
<b>ANCLOTE RIVER</b>	Flood Stage		<b>10.05</b>		MYAKKA HEAD	11.00	-7.84		
ELFERS	20.00	-9.95							

Attachment: Hydrologis Conditions Hydrograph Exhibit (1357 : Structure Operations)



### Lake Gibson

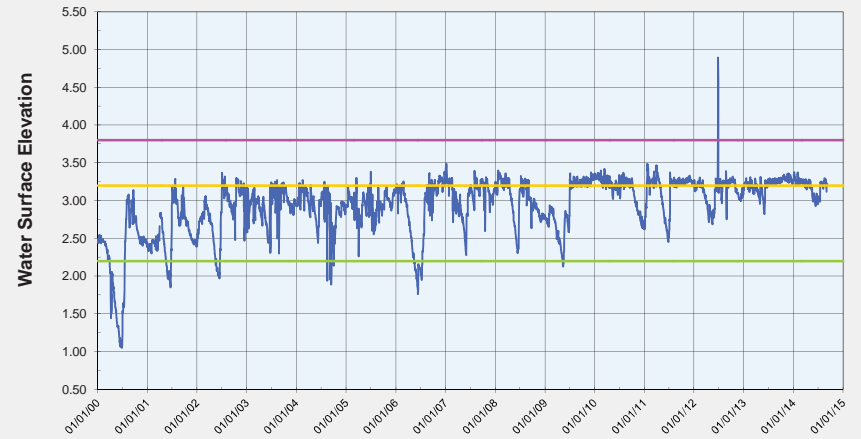


Daily Average Values

Lake Surface Area = 480 Acres  
Low Slab = 144.81'  
Structure Gauge Datum = 100.00'  
Lake Gauge Datum = 135.00 MSL  
SCADA Device Number 2427

— Lake Level — Low Level — Max. Desirable — High Level

### Lake Tarpon, S-551

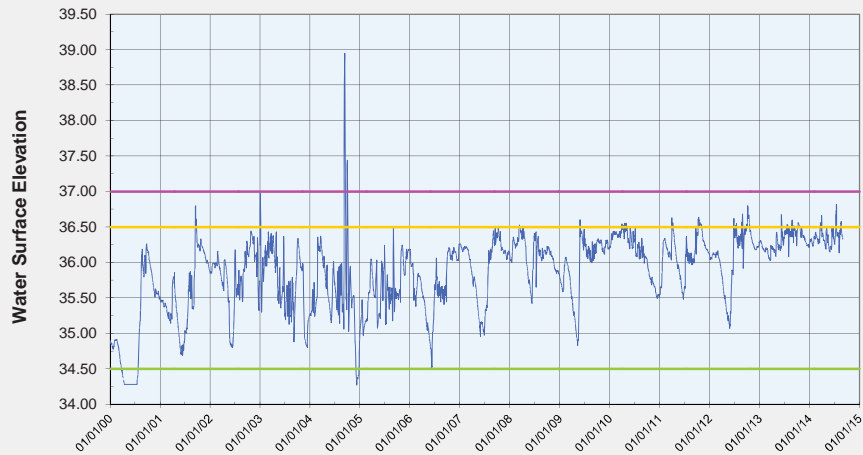


Daily Average Values

Lake Surface Area = 2,534  
SCADA Device # 6491

— Lake Level — Low Level — Max. Desirable — High Level

### Lake Thonotosassa



Daily Average Values

Lake Surface Area = 824 Acres  
Low Slab = 39.0'  
Flint Creek Gauge Datum = 32.16  
SCADA Device #6807

— Lake Level — Low Level — Max. Desirable — High Level

### Lake Anne Parker



Daily Average Values

Lake Surface Area = 93 Acres  
Low Slab = 40.09'  
SCADA Device Number: 8491

— Lake Level — Low Level — Max. Desirable — High Level



## Lake Hanna



Daily Average Values

— Lake Level — Low Level — Max. Desirable — High Level

Lake Surface Area = 29 Acres  
Low Slab = 63.68'  
SCADA Device #7531

## Lake Keene



Daily Average Values

— Lake Level — Low Level — Max. Desirable — High Level

Lake Surface Area = 31 Acres  
SCADA Device Number 7631

## Lake Kell

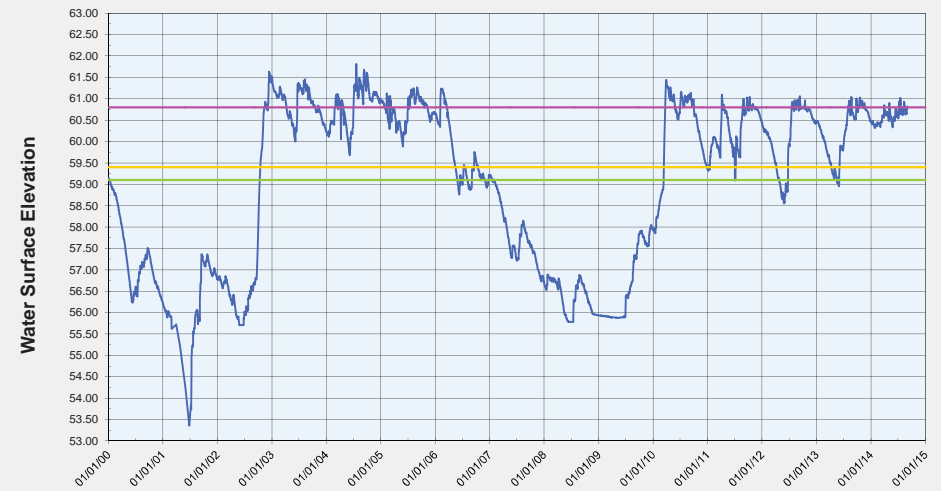


Daily Average Values

— Level — Low Level — Max. Desirable — High Level

Lake Surface Area = 31 Acres  
Low Slab = 68.09'  
Structure Gauge Datum = 62.95'  
Lake Gauge Datum = 54.45' MSL

## Lake Stemper

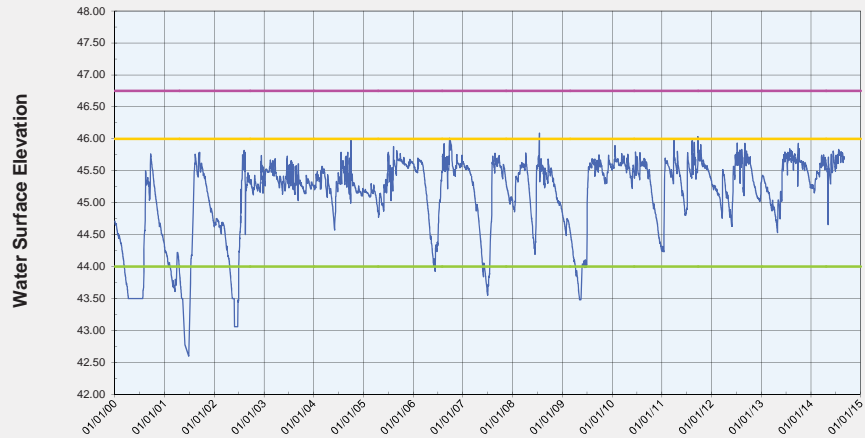


Daily Average Values

— Lake Level — Low Guide Lv. — Min Lake Lv. — High Min Lv.

Lake Surface Area = 58.32 Acres  
Low Slab = 63.70'  
Lake Gauge Datum = 30.3 MSL  
SCADA Device # 2067

## Bay Lake

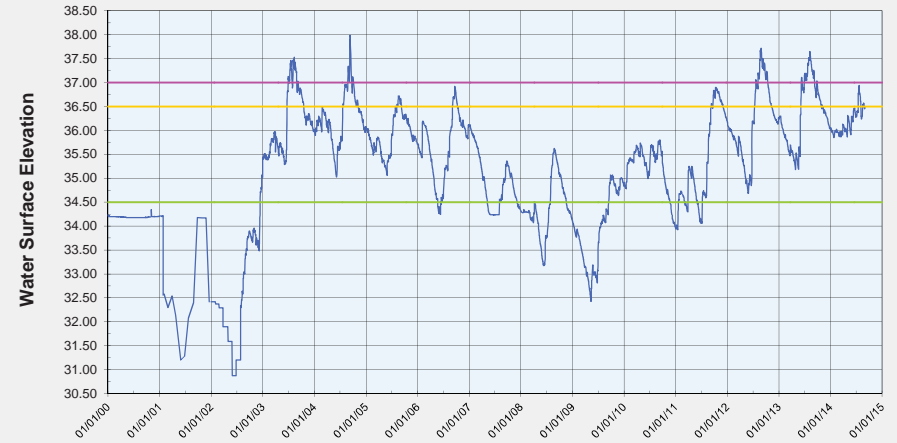


Daily Average Values

Lake Surface area = 37 Acres  
Low Slab = 47.80'  
Structure Gauge Datum = Direct Read  
Lake gauge Datum = Direct Read  
SCADA Device Number = 1647

— Lake Level — Low Level — Max. Desirable — High Level

## Lake Carroll

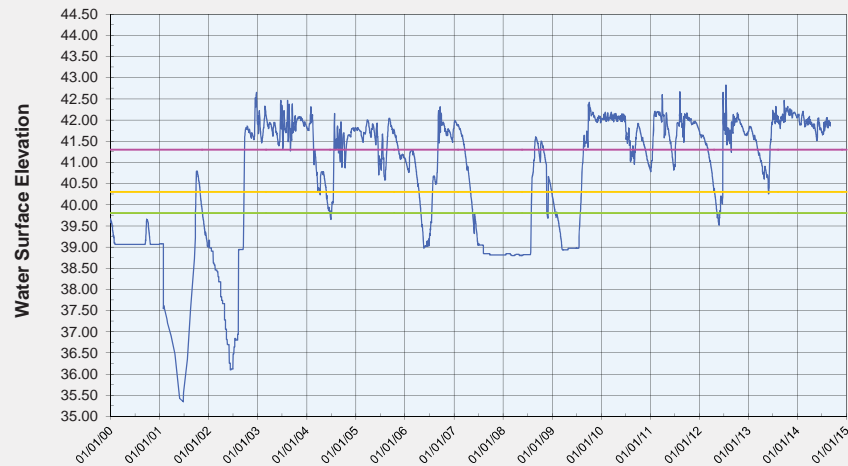


Daily Average Values

Lake Surface Area = 188 Acres  
Low Slab = 39.50'  
Structure Gauge Datum = 31.86'  
Lake Gauge Datum = 30.0 MSL

— Lake Level — Low Level — Max. Desirable — High Level

## Crescent Lake



Daily Average Values

Lake Surface Area = 50 Acres  
Low Slab = 44.63'  
Structure Gauge Datum = Direct Read  
Lake Gauge Datum = Direct Read  
SCADA Device Number = 1667

— Level — Low Guide Lv. — Min Lake Lv. — High Min Lv.

## Lake Island Ford

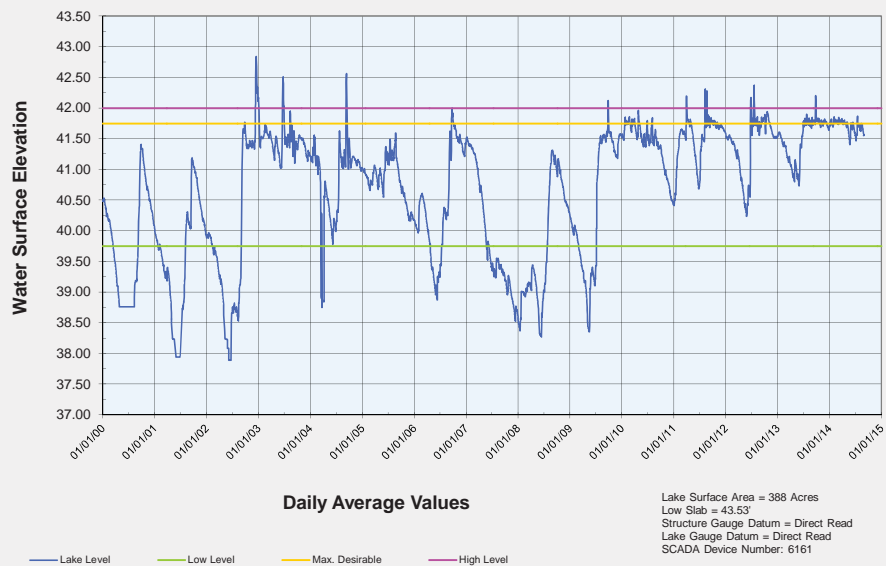


Daily Average Values

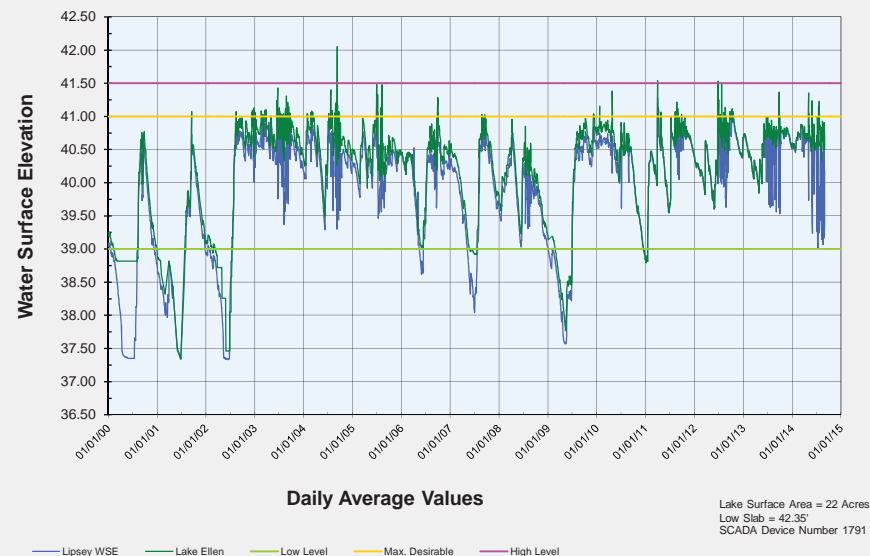
Lake Surface Area = 96 Acres  
Low Slab = 42.64'  
Structure Gauge Datum = 36.54'  
SCADA Device number = 1621

— WSE — Low Level — Max Desirable — High Level

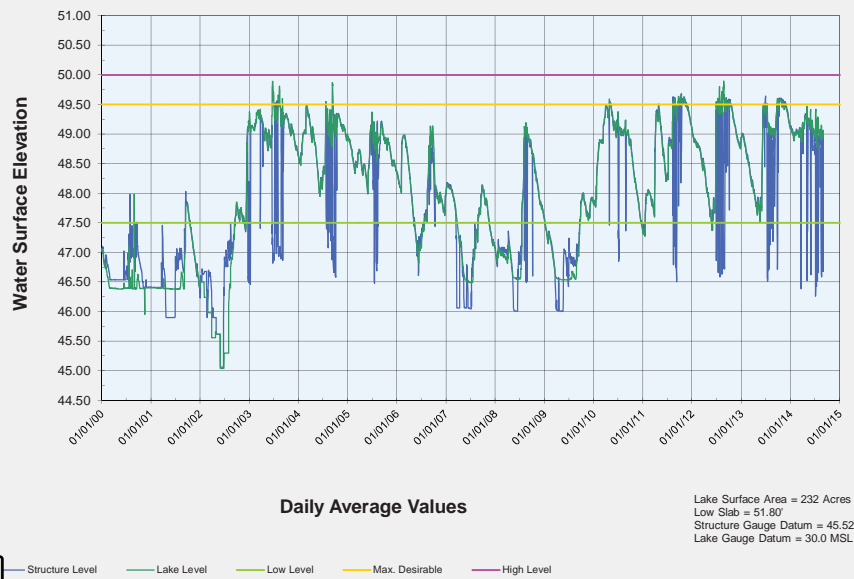
## Lake Keystone



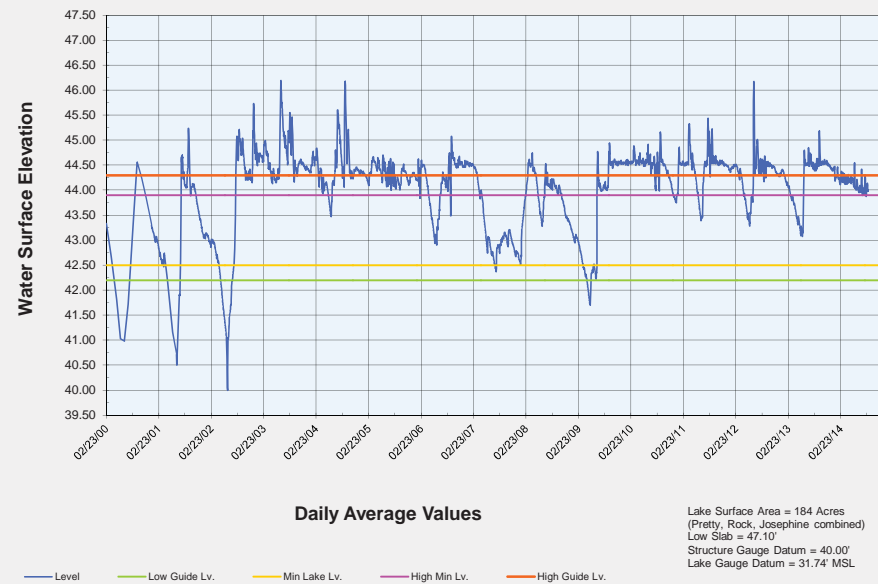
## Lakes Ellen and Lipsey



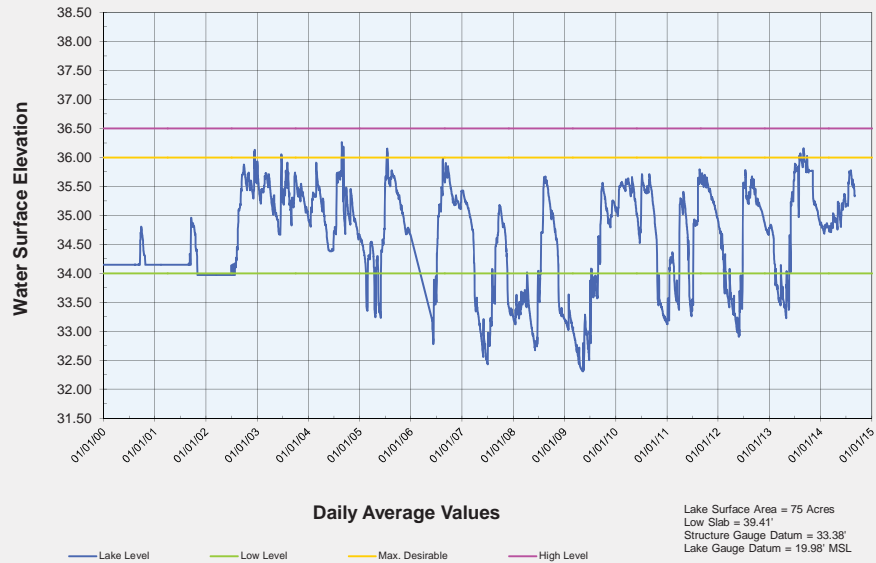
## Lake Magdalene



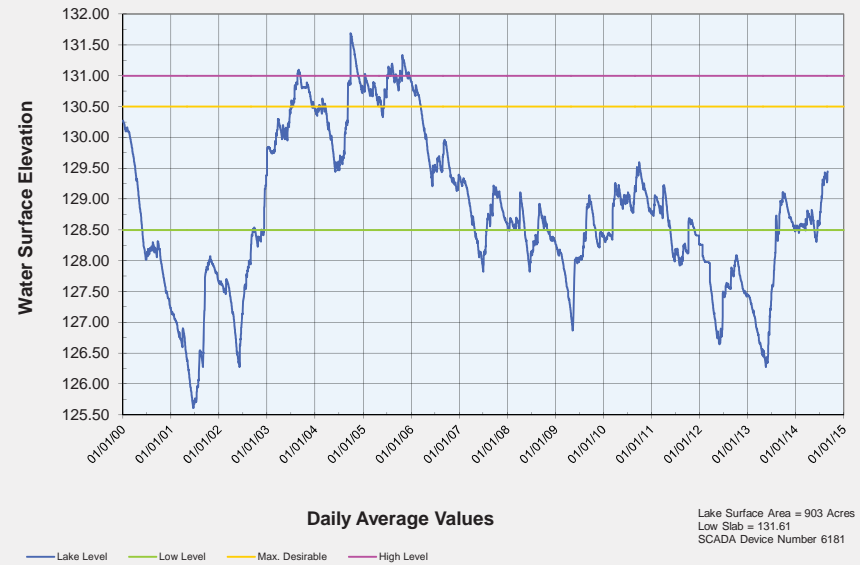
## Lake Pretty



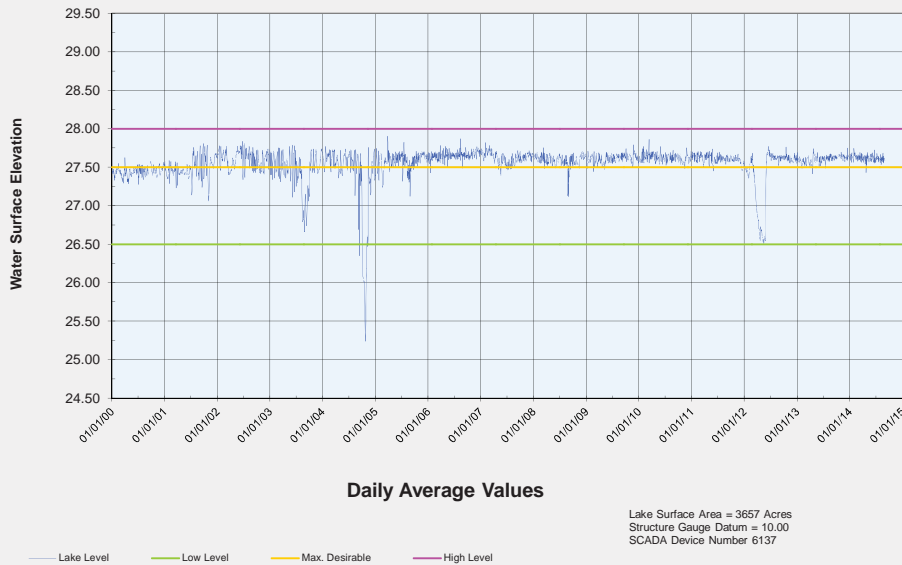
### Lake White Trout



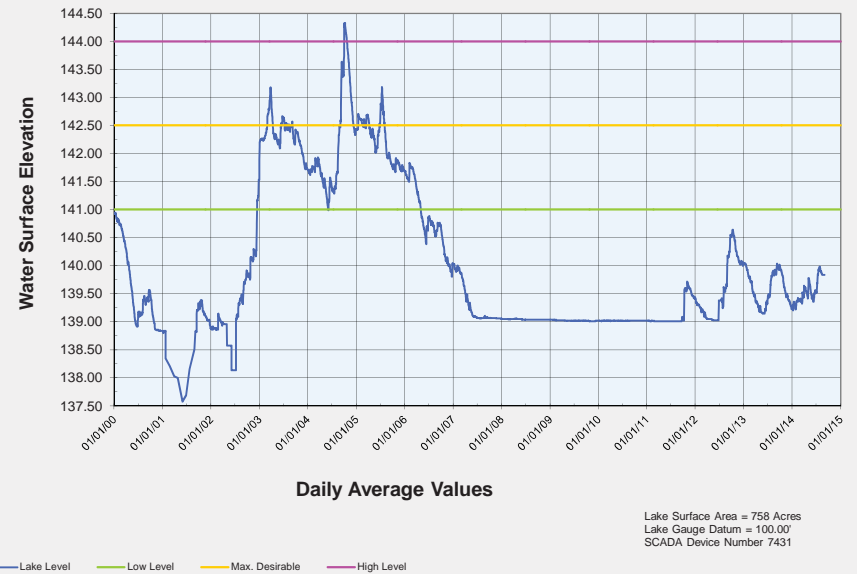
### Lake Lowery



### Lake Rousseau



### Lake Arietta (P-3)



## Hernando Pool



Daily Average Values

— Lake Level — Low Guide Lv. — Min. Lake Lv. — High Min. Lv. — High Guide Lv.

Lake Surface Area = 6200 Acres  
Low Slab = 40.47'  
Structure Gauge Datum = Direct Read  
Lake Gauge Datum = Direct Read

## Inverness Pool

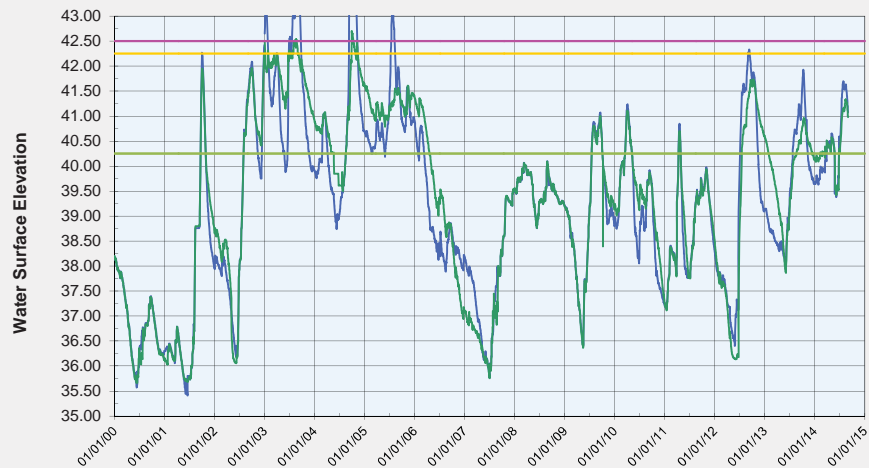


Daily Average Values

— Level — Low Guide Lv. — Min. Lake Lv. — High Min. Lv. — High Guide Lv.

Lake Surface Area = 8000 Acres  
Low Slab = 42.54'  
Structure Gauge Datum = Direct Read  
Lake Gauge Datum = Direct Read

## Leslie Heifner

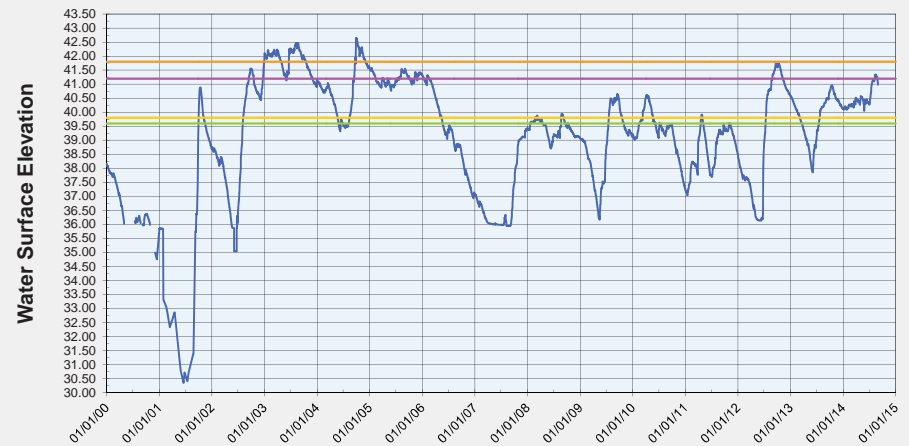


Daily Average Values

— Upstream Level — Downstream Level — Low Level — Max Desirable — High Level

Lake Surface Area = 37 Acres  
Low Slab = 47.80'  
SCADA Device #6767 & #6766

## Floral City Pool

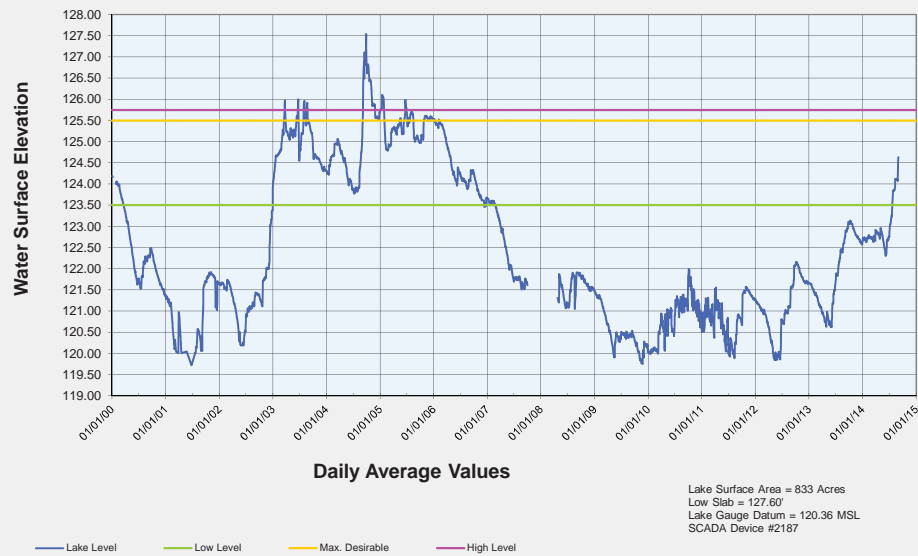


Daily Average Values

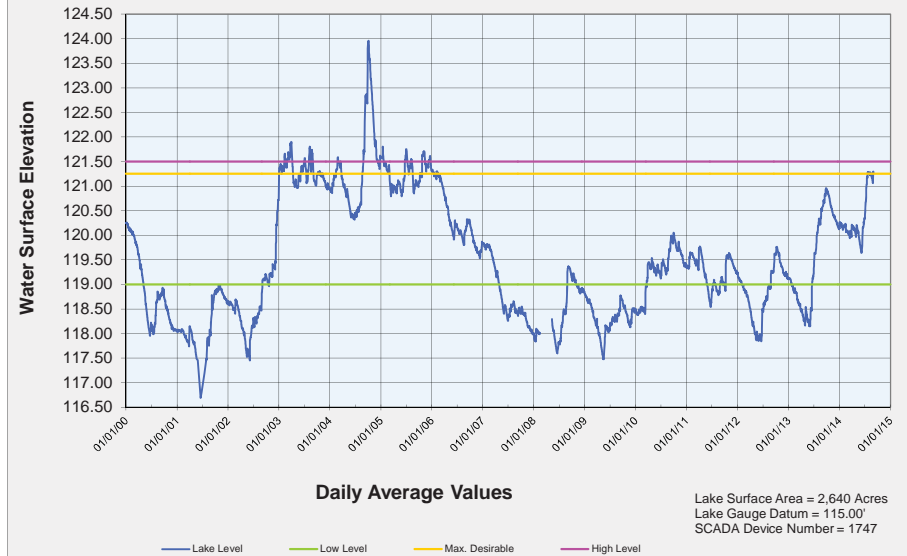
— Level — Low Guide Lv. — Min. Lake Lv. — High Min. Lv. — High Guide Lv.

Lake Surface Area = 9100 Acres  
Low Slab = 44.10'  
Structure Gauge Datum = Direct Read  
Lake Gauge Datum = Direct Read  
SCADA #2007

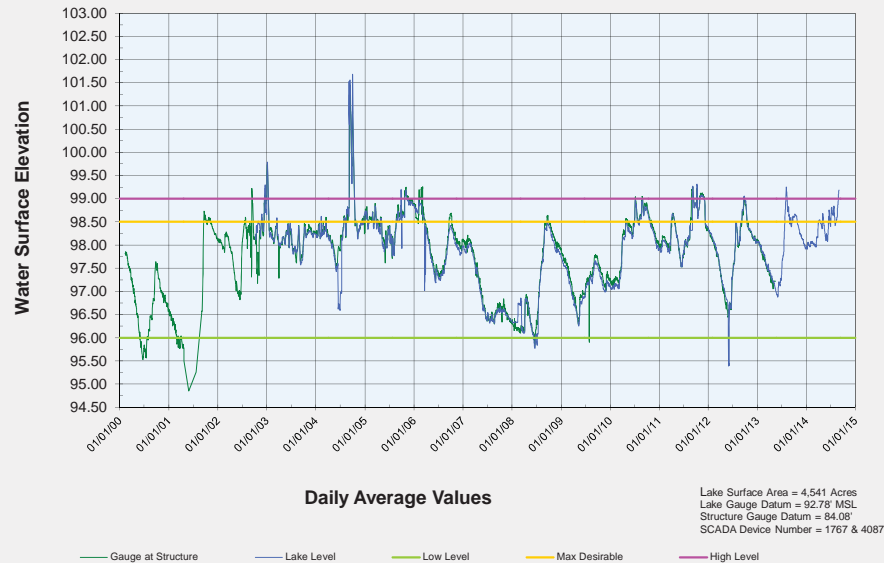
### Lake Fannie (P-7)



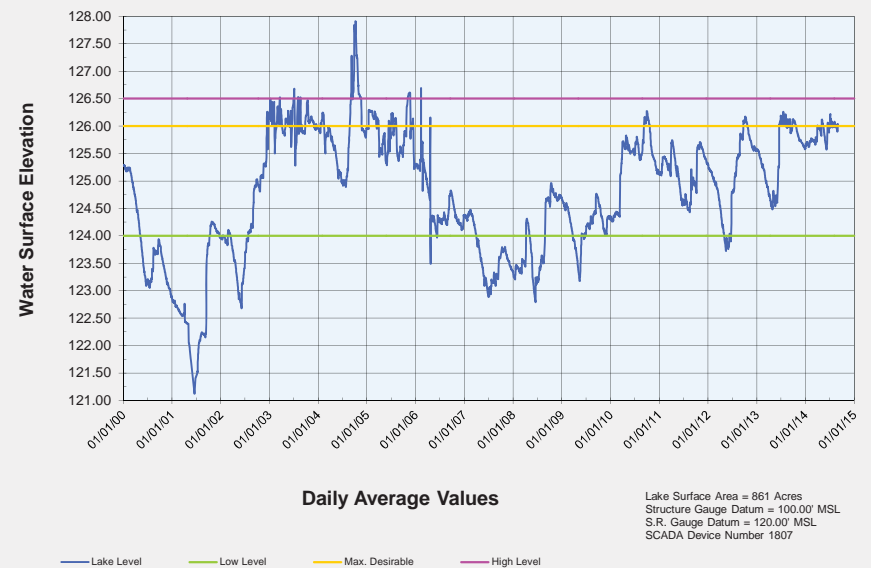
### Lake Hamilton (P-8)



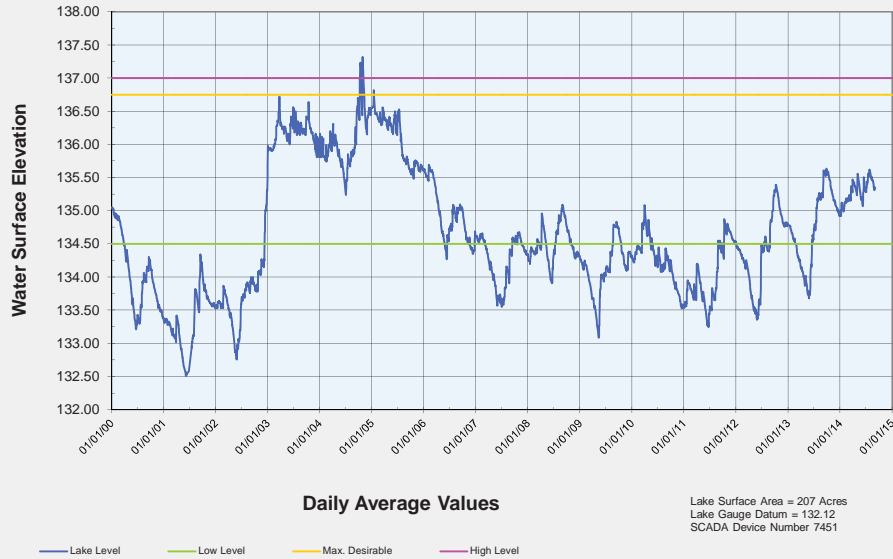
### Lake Hancock (P-11)



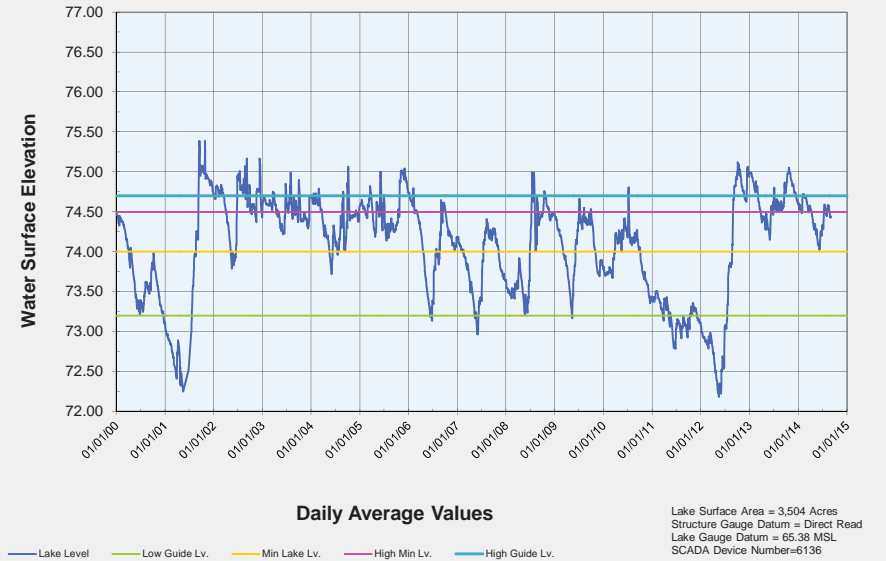
### Lake Henry (P-5)



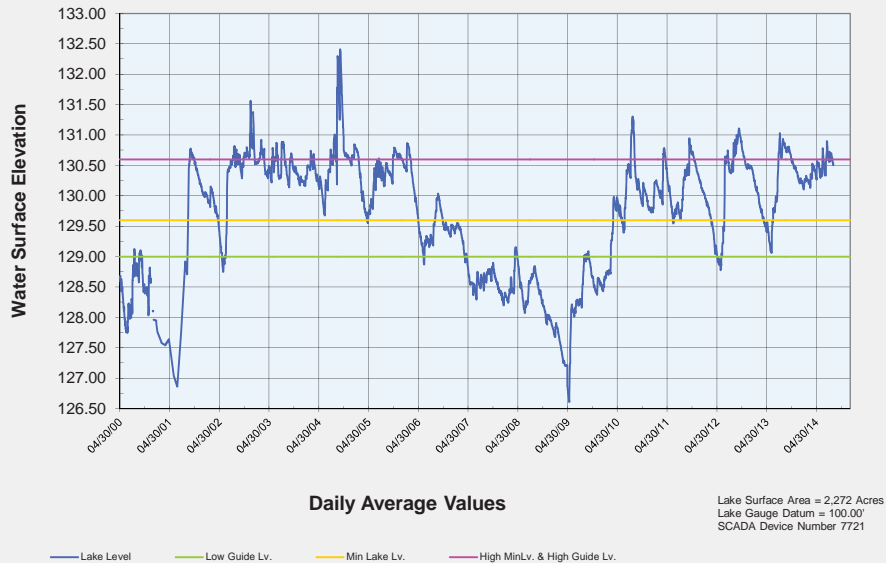
### Lake Lena (P-1)



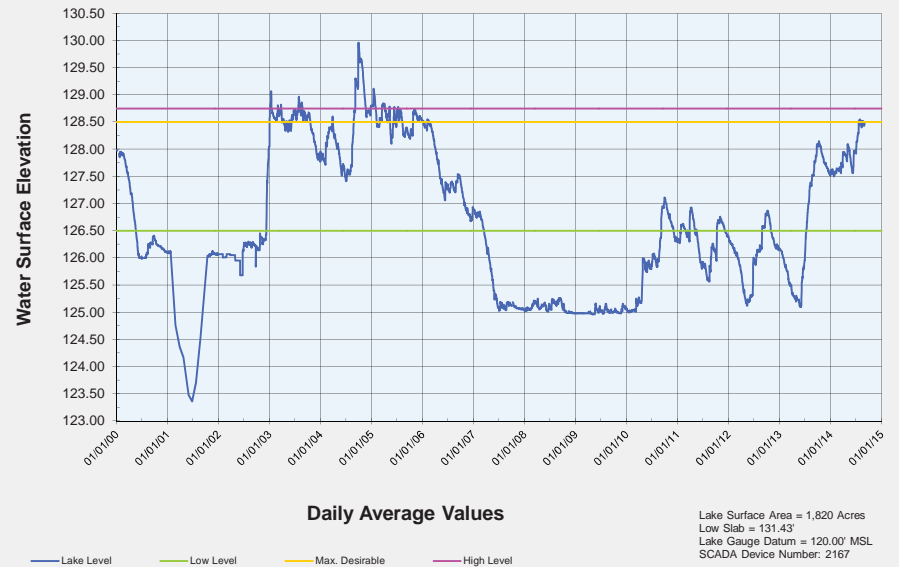
### Lake June-in-Winter (G-90)



### Lake Parker

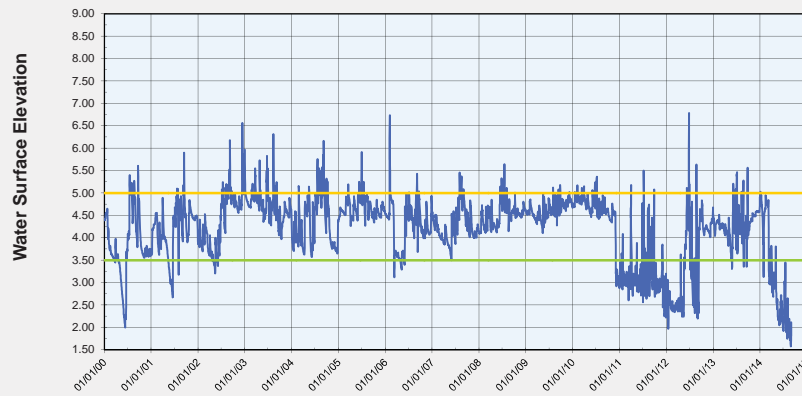


### Lake Smart (P-6)





### Sawgrass Lake

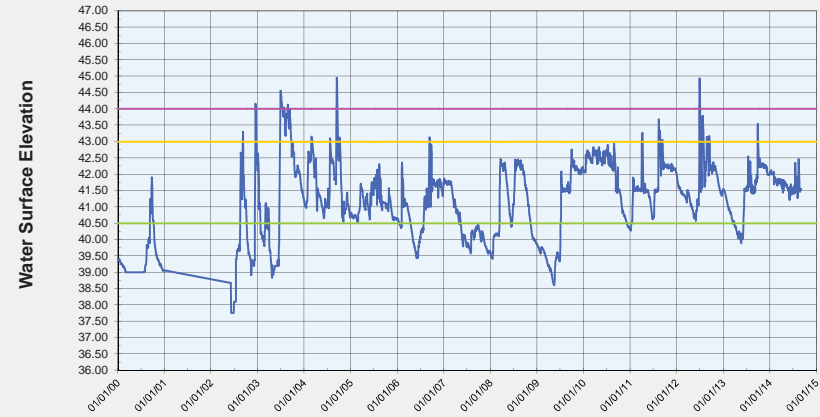


Daily Average Values

Lake Surface Area = 21 Acres  
Low Slab = N/A  
Lake Gauge Datum = Direct Read  
SCADA Device Number 7611

— Lake Level — Low Level — High Level

### Lake Armistead



Daily Average Values

Lake Surface Area = 35 Acres  
Low Slab = 46.72  
Lake Gauge Datum = Direct Read  
SCADA Device Number 7671

— Lake Level — Low Level — Max. Desirable — High Level

### Lake Haines

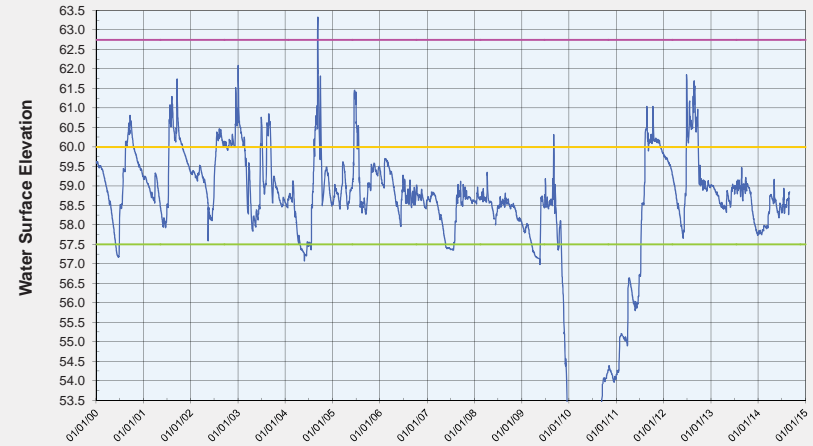


Daily Average Values

Lake Surface Area = 716 Acres  
Low Slab = 131.61'  
Lake Gauge Datum = 100.00'  
SCADA Device Number 7571

— Lake Level — Low Level — Max. Desirable — High Level

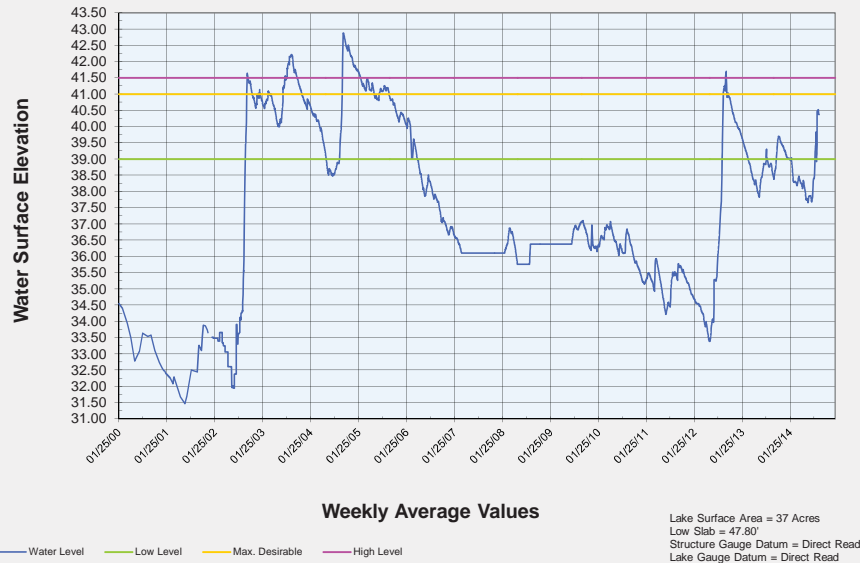
### Medard



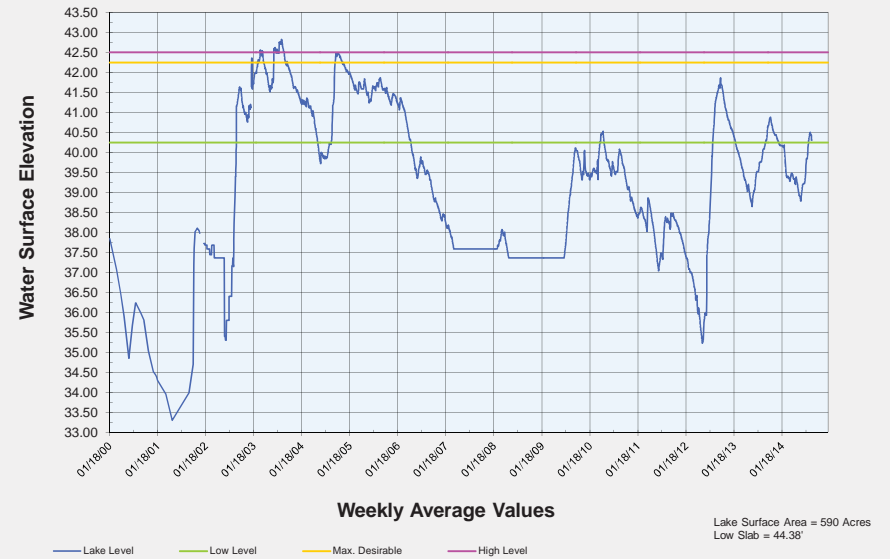
Daily Average Values

— Water Level — Low Level — Max. Desirable — High Level

## Lake Consuella



## Lake Bradley



**OPERATIONS & LAND MANAGEMENT COMMITTEE**

**September 30, 2014**

***Routine Report***

**Significant Activities**

Staff Recommendation:

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

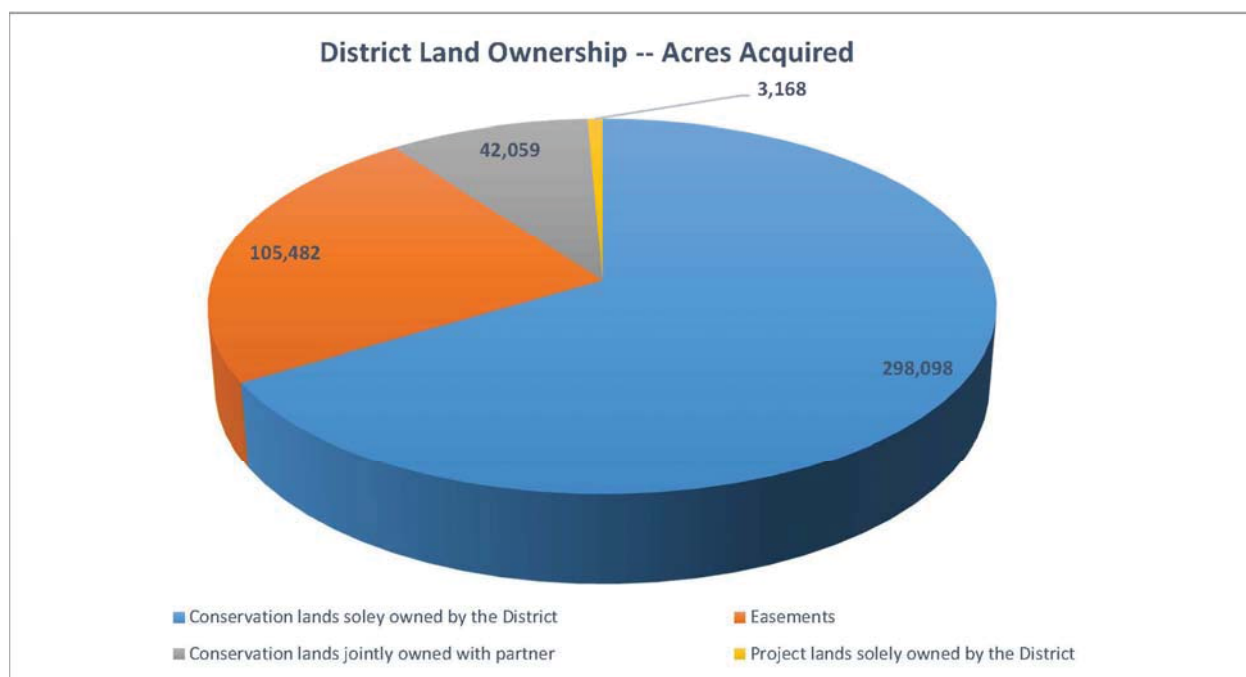
Presenter: Ken Frink, P.E., Director, Operations, Maintenance and Construction Division

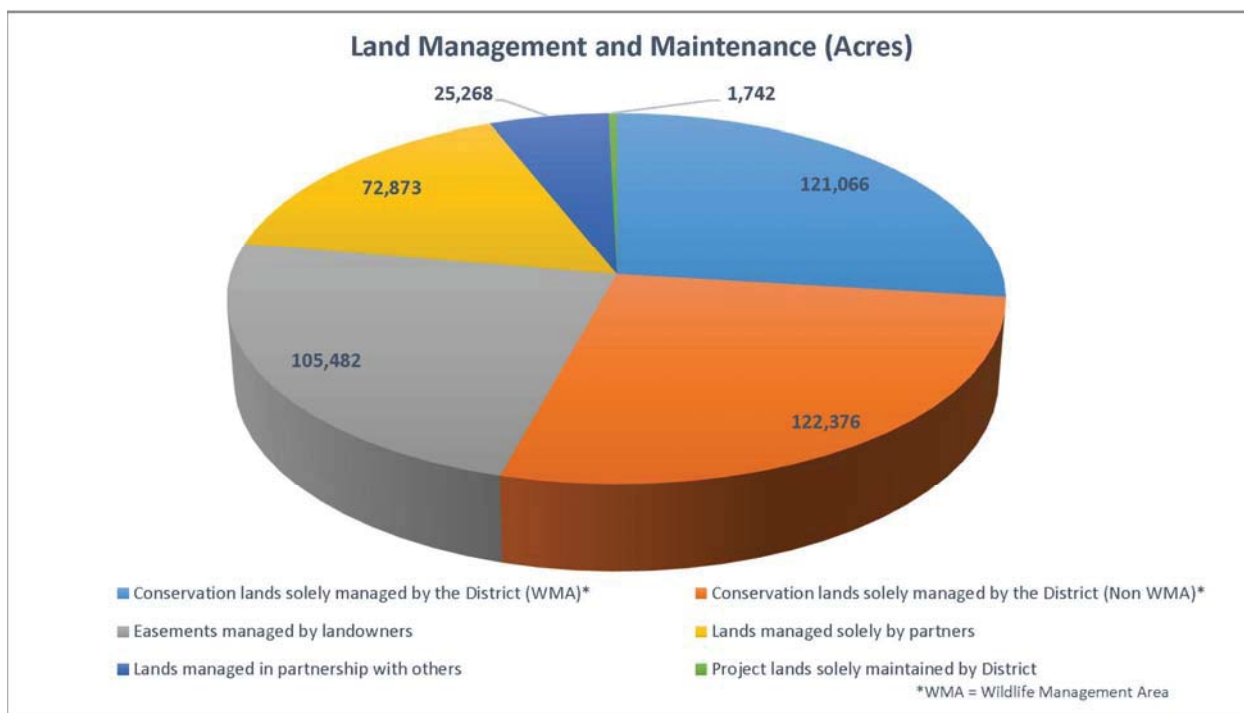
This report provides monthly information on significant Operations and Land Management projects and programs in which the Governing Board is participating in funding and otherwise may be of interest to the Board. The report provides a brief description and status of significant activities associated with the projects that have recently occurred or are about to happen.

#### Land Resources

- Prescribed fire crews burned 3,826 acres during the month. A total of 37,958 acres have been burned to date this fiscal year.
- Timber harvests have been completed at the Green Swamp West “Triangle” unit and ongoing at the Hálpata Tastanaki Preserve. A total of 259 loads were removed from the Triangle unit; with payment received for 246 loads in the amount of \$89,429, resulting in an average of \$363.53 per load. A total of 372 loads have been removed from the Hálpata Tastanaki “Green Stand” timber management zone; with payment received for 222 loads in the amount of \$125,078.71, resulting in an average of \$563.41 per load.
- Attended annual United Waterfowl Conference. Agenda items included discussions on wetland restoration planning, restoring coastal habitat and water diversion projects.
- Served as a panel member on discussion of the upcoming *Florida Wildlife Corridor Expedition*. Land Resources and Public Affairs staff also met with members of the Expedition Team to discuss coordination efforts and support requested of the District.
- All scheduled Phase 3 feral hog hunt events have been completed. Staff is looking into an additional Phase 3 feral hog hunt at Green Swamp West if no scheduling conflicts are identified. FY2014 total removal number is currently at 2,346, however harvest numbers are still being received.
- Currently working with Hernando County Sherriff and FWC to address recent criminal activity near Weekiwachee Preserve.
- Conducted two Land Management Plan Reviews as required by Section 373.591, Florida Statutes. The reviews occurred at the Cypress Creek Preserve and Lower Hillsborough Wilderness Preserve. Representatives from the following agencies and not-for-profit organizations attended the reviews: Florida Forest Service, Florida Fish and Wildlife Conservation Commission, Florida Park Service, Florida Department of Environmental Protection, Tampa Bay Water, Florida Native Plant Society, Pasco County and Hillsborough County.
- The first meeting of the Governing Board’s Flying Eagle Evaluation Committee was held on August 26, 2014. Staff received input from the Committee on the Invitation to Solicit an Offer (ITS) documents and reviewed the Committee’s role. The ITS will be available September 12, 2014 through December 11, 2014.
- Met with the Farm Bureau staff to discuss cattle leases and management practices on District lands.
- Attended field meeting with representatives from Sable Trail Natural Gas Pipeline to evaluate proposed route alignment across Hálpata Tastanaki Preserve and to minimize impacts where appropriate.

- Attended Pasco County Parks and Recreation Steering Committee to discuss priorities, needs, gaps and level of service metrics.
- Met with City of Gulfport representatives to discuss an extension of paved trail to connect Gulfport to the existing Clam Bayou paved trail. The City has requested an easement for the trail in connection to their Master Greenway Plan.
- Volunteers provided 232 hours of service to the District.
- Processed 48 requests and provided 233 people camping opportunities on District lands.
- The following is a breakdown of District land interests:





### Real Estate Services

- Weekiwachee Preserve/Boat Springs – Upon receiving direction from the Governing Board, Real Estate Services has proceeded with the acquisition process for this property. Staff has negotiated the purchase, which will be discussed in detail as a separate agenda item. The District's two potential acquisition partners, Pasco and Hernando counties remain interested in the project.
- Joe's Creek – Proceeding with a transfer of Joe's Creek property to Pinellas County. This transaction will be discussed in detail as a separate agenda item.
- Twenty-nine parcels consisting of approximately 1,377.9 acres were recommended by the Governing Board's Surplus Lands Assessment Committee for further evaluation/surplus.
  - Four parcels, consisting of 2.57 acres, have title issues precluding sale (TBC-3, TBC-18, TBC-19, TBC-20) and have not been declared surplus.
  - Twenty-five parcels, consisting of 1,376.3 acres, have been declared surplus by the Governing Board.
- One parcel, consisting of 2 acres, has been approved by the Governing Board and closing is scheduled. (LTOC-1)
- Seven parcels, consisting of 128.5 acres, have been through the public bid process and are posted on the District's website as available for purchase (FC-1, Lake Pretty, TBC-7, GSE-1, GSE-2, FE-1, LH-1B).
- Two parcels, consisting of 116.2 acres, are in the process of undergoing changes to Future Land Use in county comprehensive plans (PO-1, UH-1).
- Two parcels, consisting of 127 acres, are in the process of discussions with Tampa Bay Water regarding an easement (CB-1, CB-2).

- Ten parcels, consisting of 985 acres, are being evaluated for surplus (LH-1A, LH2, TBC-1, TBC-2, TBC-10, TBC-11, TBC-12, TBC-15, TBC-16, TBC-17).
- Three parcels, consisting of 17.4 acres, are nonsalable in their existing state (TBC-4, TBC-8, TBC-14).





**Governing Board Meeting  
September 30, 2014**

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

***Discussion Items***

- 37. Consent Item(s) Moved for Discussion
- 38. Tampa Bay Water Update ..... (20 minutes).. 290
- 39. District Project Management Office ..... (15 minutes).. 291

***Submit & File Reports***

- 40. Minimum Flows and Levels Priority List and Schedule Update ..... 292

***Routine Reports***

- 41. Minimum Flows and Levels Status Report ..... 298
- 42. Significant Water Supply and Resource Development Projects ..... 299

**RESOURCE MANAGEMENT COMMITTEE**

**September 30, 2014**

***Discussion Item***

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

Staff Recommendation:

Presenter: Mark Hammond, P.E., Division Director, Resource Management

**RESOURCE MANAGEMENT COMMITTEE**

**September 30, 2014**

***Discussion Item***

**Tampa Bay Water Update**

***Purpose***

To provide the Board with an overview of the Tampa Bay Water's regional water supply system, including water supply facilities, regional projects and vision for the future.

***Background/History***

The renovation of Tampa Bay Water's C.W. Bill Young Regional Reservoir is nearing completion. On July 25, 2014, the Florida Department of Environmental Protection approved filling the reservoir to 110 feet, or halfway. While the facility was offline and under construction, Tampa Bay Water was able to meet the region's demands for water through a balanced mix of surface water, desalinated seawater and groundwater, and stay under the 90 million gallon per day annual average on the consolidated wellfields.

Tampa Bay Water's General Manager Matt Jordan will provide an update to the Board on the Reservoir Renovation Project and Tampa Bay Water's regional supply system.

**Staff Recommendation:**

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

**Presenter:** Matt Jordan, General Manager, Tampa Bay Water

## RESOURCE MANAGEMENT COMMITTEE

September 30, 2014

### *Discussion Item*

#### District Project Management Office

##### Purpose

To provide an update of the District's Project Management Office.

##### Background/History

The Project Management Office (PMO) has been in place since November 2012. A status update on the PMO was provided to the Governing Board at their January 2014 meeting. Since that time, the PMO has continued to identify and develop processes that enhance the efficiencies and effectiveness of project management at the District.

These enhancements include the continued refinement to the Cooperative Funding Initiative (CFI) application and evaluation process, quarterly project status (GYR) monitoring and reporting for CFI and District-led projects, and development of standardized bid specifications and constructability and biddability reviews for construction bids.

A major initiative of the PMO for the last several months has been the evaluation of a project management information system (PMIS) to monitor, report, and analyze project status/health. The PMIS will be a tool to more consistently and efficiently track projects through standardized reporting with the goal of enhancing project management at the District.

In addition, the PMO serves as the administrator of the General Engineering and Professional Services (GES) program. The role of the PMO for the GES includes assisting District staff with the identification and selection of the most qualified firm for a project, as well as monitoring and reporting of the selection process.

Finally, the PMO staff continues to provide project management mentoring to District staff and are currently developing a formalized training program to better develop project management at the District.

##### Staff Recommendation:

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

Presenter: James Fine, Office Chief, Project Management Office

**RESOURCE MANAGEMENT COMMITTEE****September 30, 2014*****Submit and File Report*****Minimum Flows and Levels Priority List and Schedule Update*****Purpose***

Pursuant to Sections 373.036(7) and 373.042(2), Florida Statutes, the District is required to annually update its priority list and schedule for the establishment of minimum flows and levels (MFLs), submit it to the Florida Department of Environmental Protection (DEP) for approval, and include the approved list in the District's Consolidated Annual Report. This item is presented today for the Board's information and review. Following public input at a noticed public meeting, this item will be brought back to the Governing Board in October for final review and approval.

***Background/History***

Attached is the draft "Proposed Southwest Florida Water Management District Fiscal Year 2015 (October 2014 - September 2015) Minimum Flows and Levels Priority List and Schedule and Reservations List and Schedule" (draft Priority List). As indicated in the draft Priority List, the District has established 200 MFLs into rule, including MFLs for 19 river segments, 15 springs or spring groups, 116 lakes, 41 wetlands, 7 wells in the Northern Tampa Bay area, and the Upper Floridan aquifer in the Most Impacted Area of the Southern Water Use Caution Area (SWUCA) and in the Dover/Plant City Area. In addition, the District has established a reservation for water from Morris Bridge Sink to contribute to achieving minimum flows for the lower Hillsborough River.

**MFLs Adoption Status and Proposed Scheduling Changes for the Priority List**

Adoption of MFLs for the lower, estuarine segments of the Braden and Manatee rivers is proposed for FY2015 due to the need for additional data analyses, discussions with stakeholders and staffing priorities. Adoption of MFLs for the upper and lower segments of the Pithlachascotee River has also been rescheduled for FY2015 to complete peer-review for this withdrawal-impacted system. Technical work and summary reports have been completed for several Hillsborough County lakes (Hanna, Keene, Kell and Starvation) rescheduled for MFLs adoption in 2015. Adoption of MFLs for Lake Hancock in Polk County is also rescheduled for FY2015 and is expected to occur in association with adoption of a reservation to support recovery of MFLs in the upper Peace River. Reevaluation of MFLs established for 10 northern Tampa Bay area lakes in Hillsborough and Pasco counties (Bird, Buddy, Camp, Crystal, Hobbs, Horse, Moon, Padgett, Pasadena, and Stemper) is rescheduled for FY2015 to support ongoing evaluation of water use and recovery in the region. Crews Lake in Pasco County remains scheduled for MFLs adoption in FY2015 to further support the northern Tampa Bay reevaluation effort. Reevaluation of 6 Polk County lakes in the Central Florida Water Initiative (CFWI) area or the SWUCA (Clinch, Crooked, Eagle, McLeod, Starr and Wales) also remains scheduled for FY2015 to address MFLs recovery in central Florida and support development and evaluation of potential recovery projects in regions affected by withdrawals within the CFWI area.

Proposed MFLs for the Gum Springs Group have been developed and peer-reviewed, but adoption of MFLs for the system and Rainbow River and Springs has been rescheduled for FY2016 to allow for coordination with St. Johns River Water Management District on MFLs development for Silver Springs. Reevaluation of MFLs established for 6 northern Tampa Bay area lakes in Hillsborough and Pasco counties (Big Fish, Dan, Juanita, Merrywater, Rainbow and Sunset) is rescheduled for FY2016 to support ongoing evaluation of water use and recovery in the region. Reevaluation of 4 Highlands County lakes in the SWUCA (Jackson, Letta, Little

Jackson and Lotela) is also rescheduled for FY2016 to address MFLs recovery in central Florida. Several Polk and Highland County lakes (Amoret, Damon, Easy, Eva, Josephine, Lowery, Pioneer, Pythias, Trout and Viola) remain scheduled for MFLs adoption in FY2016.

Adoption of MFLs for the Crystal River System and Kings Bay Springs is proposed for FY2017 to allow time for addressing system modeling issues. Adoption of MFLs for lakes Aurora, Bonnet, Effie and Little Aurora in Polk County is rescheduled for FY2017 based on staffing requirements for other priority water bodies and projects.

Adoption of MFLs for Brooker Creek, Cypress Creek, the lower segment of Shell Creek and the reevaluation of MFLs established for the lower segment of the Peace River are proposed for FY2018 to allow for additional data collection and analyses. Rescheduling of the lower Peace River MFLs reevaluation for FY2018 will require Governing Board approval of a variance for the reevaluation schedule identified in Rule 40D-80.041(8)(d), Florida Administrative Code.

Scheduled reevaluation of MFLs established for the Chassahowitzka and Homosassa river systems and springs in FY2019 remains unchanged.

MFLs adoption for several additional priority water bodies has been rescheduled for FY2020 or later based on priorities and staffing requirements. These rescheduled systems include: upper and lower segments of the Little Manatee River; the lower and upper/middle Withlacoochee River systems; Bullfrog Creek; North Prong Alafia River; upper Peace River ("intermediate" and "high" minimum flows); South Prong Alafia River; Charlie Creek, Horse Creek, Prairie Creek, and the upper segment of Shell Creek.

### Proposed Additions to the Priority List

The proposed Priority List does not include any newly listed water bodies.

### *Benefits/Costs*

The draft Priority List for FY2015 includes all significant river segments and first magnitude spring systems within the District. It is anticipated that MFLs for all listed water bodies will be adopted by 2023.

A public workshop has been scheduled for October 1, 2014 at the Tampa Service Office to receive input on the draft Priority List. Staff will distribute the draft Priority List for the purpose of receiving public input prior to returning to the Governing Board in October for approval of the list that will be submitted to DEP by November 15, 2014, as required by statute.

### Staff Recommendation:

This item is for the Committee's information only; no action is required.

Presenter: Douglas A. Leeper, Chief Advisory Environmental Scientist, Water Resources

Bureau



**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
PROPOSED FISCAL YEAR 2015 (OCTOBER 2014 – SEPTEMBER 2015)  
MINIMUM FLOWS AND LEVELS PRIORITY LIST AND SCHEDULE  
AND RESERVATIONS LIST AND SCHEDULE**

**Priority Water Bodies with Adopted Minimum Flows and Levels**

- Alafia River (upper segment)
- Alafia River (lower segment)
- Anclote River (lower segment)
- Anclote River (upper segment)
- Braden River (upper segment)
- Buckhorn Springs
- Chassahowitzka River System and Springs (includes Chassahowitzka Main, Chassahowitzka #1, Crab Creek, Potter, Ruth and Blind Springs)
- Citrus County Lakes – Ft. Cooper, Tsala Apopka – Floral City, Inverness and Hernando Pools
- Crystal Springs
- Dona Bay/Shakett Creek System
- Dover/Plant City Water Use Caution Area Minimum Aquifer Level
- Hernando County Lakes – Hunters, Lindsey, Mountain, Neff, Spring, Tooke, Weekiwachee Prairie, Whitehurst
- Highland County Lakes – Angelo\*, Anoka\*, Denton\*, Jackson\*, Little Lake Jackson\*, June-in-Winter\*, Letta\*, Lotela\*, Placid\*, Tulane\*, Verona\*
- Hillsborough County Lakes – Alice, Allen, Barbara, Bird, Brant, Calm, Carroll, Charles, Church, Crenshaw, Crescent, Crystal, Cypress, Dan, Deer, Dosson, Echo, Ellen, Fairy [Maurine], Garden, Halfmoon, Harvey, Helen, Hobbs, Hooker, Horse, Jackson, Juanita, Little Moon, Merrywater, Mound, Platt, Pretty, Rainbow, Raleigh, Reinheimer, Rogers, Round, Saddleback, Sapphire, Stemper, Strawberry, Sunset, Sunshine, Taylor, Virginia, Wimauma
- Hillsborough River (lower segment)
- Hillsborough River (upper segment)
- Homosassa River System and Springs (includes Halls River Springs, Southeast Fork Homosassa River Springs, Homosassa Main Springs, Hidden River Springs)
- Levy County Lake – Marion
- Lithia Springs
- Marion County Lakes – Bonable, Little Bonable and Tiger
- Myakka River (lower segment)
- Myakka River (upper segment)
- Northern Tampa Bay – 41 Wetland sites
- Northern Tampa Bay – 7 Wells – Upper Floridan aquifer/Saltwater Intrusion
- Pasco County Lakes – Bell, Big Fish, Bird, Buddy, Camp, Clear, Green, Hancock, Iola, Jessamine, King, King [East], Linda, Middle, Moon, Padgett, Parker aka Ann, Pasadena, Pasco, Pierce, Unnamed #22 aka Loyce
- Peace River (lower segment)
- Peace River (middle segment)
- Peace River (three upper segments – "low" minimum flows)
- Polk County Lakes – Annie\*, Bonnie\*, Clinch\*, Crooked\*, Crystal\*, Dinner\*, Eagle\*, Lee\*, Mabel\*, McLeod\*, North Lake Wales\*, Parker, Starr\*, Venus\*, Wales\*
- Sulphur Springs
- Sumter County Lakes – Big Gant\*, Black\*, Deaton\*, Miona\*, Okahumpka\*, Panasoffkee\*
- Southern Water Use Caution Area – Upper Floridan aquifer
- Tampa Bypass Canal
- Weekiwachee River System and Springs (includes Weeki Wachee, Jenkins Creek, Salt, Little Weeki Wachee and Mud River Springs)

**Priority Water Bodies Scheduled for Minimum Flows and Levels Adoption in Fiscal Year 2015**

- Braden River (lower segment)
- Central Florida Water Initiative Area & Southern Water Use Caution Area Reevaluation Water Bodies
  - Polk County Lakes – Clinch\* (S31-T31S-R28E), Crooked\* (S01-T31S-R27E), Eagle\* (S01-T29S-R25E), McLeod\* (S07-T29S-R26E), Starr\* (S14-T29S-R27E), Wales\* (S01-T30S-R27E)
- Hillsborough County Lakes – Hanna (S18-T27S-R19E), Keene (S07-T27S-R19E), Kell (S01-T27S-R18E), Starvation (S21-T27S-R18E)
- Manatee River (lower segment)
- Northern Tampa Bay Reevaluation Water Bodies
  - Hillsborough County Lakes – Bird (S26-T27S-R18E), Crystal (S14-T27S-R18E), Hobbs (S01-T27S-R18E), Horse (S26-T27S-R17E), Stemper (S13-T27S-R18E)
  - Pasco County Lakes – Buddy (S17-T25S-R21E), Camp (S34-T26S-R18E), Moon (S28-T25S-R17E), Padgett (S24-T26S-R18E), Pasadena (S16-T25S-R21E)
- Pasco County Lake – Crews (S20-T24S-R18E)
- Pithlachascotee River (lower segment)
- Pithlachascotee River (upper segment)
- Polk County Lake – Hancock (S08-T29S-R25E)

**Priority Water Bodies Scheduled for Minimum Flows and Levels Adoption in Fiscal Year 2016**

- Gum Springs Group\*
- Highland County Lakes – Damon\* (S03-T33-R28), Pioneer\* (S11-T33-R28), Pythias\* (S02-T33-R28), Viola\* (S14-T33-R38)
- Southern Water Use Caution Area Reevaluation Water Bodies
  - Highlands County Lakes – Jackson\* (S30-T34S-R29E), Letta\* (S31-T33S-R29E), Little Jackson\* (S06-T35S-R29E), Lotela\* (S26-T33S-R28E)
- Northern Tampa Bay Reevaluation Water Bodies
  - Hillsborough County Lakes – Dan (S06-T27S-R17E), Juanita (S22-T27S-R17E), Merrywater (S22-T27S-R18E), Rainbow (S22-T27S-R17E), Sunset (S17-T27S-R17E)
  - Pasco County Lake – Big Fish (S21-T24S-R19E)
- Polk County Lakes – Amoret\* (S24-T30S-R27E), Easy\* (S19-T30S-R28E\*), Eva\* (S32-T27-R27), Josephine\* (S13-T30S-R27E), Lowery (S14-T27S-R26E), Trout\* (S34-T32-R28)
- Rainbow River and Springs\* (Bubbling and Waterfall Springs and springs in the main spring bowl)

**Priority Water Bodies Scheduled for Minimum Flows and Levels Adoption in Fiscal Year 2017**

- Crystal River System and Kings Bay Springs
- Polk County Lakes – Aurora\* (S13-T30S-R28E), Bonnet (S14-T28S-R23E), Effie\* (S03-T30S-R27E), Little Aurora\* (S13-T30-R28E)

**Priority Water Bodies Scheduled for Minimum Flows and Levels Adoption in Fiscal Year 2018**

- Brooker Creek
- Cypress Creek
- Peace River (lower segment) (reevaluation)
- Shell Creek (lower segment)

**Priority Water Bodies Scheduled for Minimum Flows and Levels Adoption in Fiscal Year 2019**

- Chassahowitzka River System and Springs (includes Chassahowitzka Main, Chassahowitzka #1, Crab Creek, Potter, Ruth and Blind Springs) (reevaluation)
- Homosassa River System and Springs (includes Halls River Springs, Southeast Fork Homosassa River Springs, Homosassa Main Springs, Hidden River Springs) (reevaluation)

**Priority Water Bodies Scheduled for Minimum Flows and Levels Adoption in Fiscal Year 2020**

- Little Manatee River (lower segment)
- Little Manatee River (upper segment)
- Withlacoochee River System (lower segment)
- Withlacoochee River System (three middle/upper segments)

**Priority Water Bodies Scheduled for Minimum Flows and Levels Adoption in Fiscal Year 2021**

- Bullfrog Creek
- North Prong Alafia River
- South Prong Alafia River

**Priority Water Bodies Scheduled for Minimum Flows and Levels Adoption in Fiscal Year 2022**

- Peace River (three upper segments – "intermediate" and "high" minimum flows)

**Priority Water Bodies Scheduled for Minimum Flows and Levels Adoption in Fiscal Year 2023**

- Charlie Creek
- Horse Creek
- Prairie Creek
- Shell Creek (upper segment)

**Adopted Reservations**

- Morris Bridge Sink (water reserved to contribute to achieving or maintaining minimum flows adopted for the lower Hillsborough River for the protection of fish and wildlife)

**Water Bodies Scheduled for Reservations Adoption in Fiscal Year 2015**

- Polk County Lake – Hancock (S08-T29S-R25E) (reservation proposed to contribute to achieving or maintaining minimum flows adopted for the upper Peace River and for the protection of fish and wildlife).

**Notes for Listed Water Bodies**

Section-Township-Range (S-T-R) information is listed for lakes scheduled for minimum flows and levels and reservations development to assist in locating individual water bodies. Similar information

is provided for lakes with adopted minimum levels in Table 8-2, Rule 40D-8.624(12), Florida Administrative Code.

All proposed spring and river segment minimum flows and levels will be subjected to voluntary scientific peer review based on the expected level of complexity of the minimum flows and levels and the anticipated degree of public concern regarding the minimum flows and levels.

No proposed lake minimum flows and levels are expected to be subjected to voluntary scientific peer review based on anticipated use of previously peer-reviewed methodologies for development of the minimum flows and levels.

Listed water bodies that may be affected by withdrawals occurring in other water management districts are identified with an asterisk. These listings are not intended to identify a request for the adoption of a minimum flow or level by the Florida Department of Environmental Protection pursuant to Section 373.0421(1), Florida Statutes.

**RESOURCE MANAGEMENT COMMITTEE****September 30, 2014*****Routine Report*****Minimum Flows and Levels Status Report**

Florida law (Chapter 373.042, Florida Statutes) requires the state water management districts or the Department of Environmental Protection to establish minimum flows and levels (MFLs) for aquifers, surface watercourses, and other surface water bodies to identify the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. District staff continues to work on various phases of MFL development for water bodies on the District's MFLs Priority List and Schedule. The following status reflects the work completed for MFLs scheduled for adoption during fiscal years 2014 through 2019 as well as changes that have occurred since the last Governing Board meeting. This report is consistent with the 2014 Priority List approved by the Governing Board in October, and with the metric summaries submitted quarterly to Florida Department of Environmental Protection.

Phase 1 (Data collection). Data collection is complete for forty-four of the eighty-five systems scheduled for adoption in fiscal years 2014 through 2019.

Phase 2 (Data analysis and draft MFL report). A draft MFL report was completed for Lake Stemper during the reporting period. Phase 2 activities are complete for thirteen of the eighty-five systems scheduled for adoption in fiscal years 2014 through 2019.

Phase 3 (Presentation of staff or peer review reports to the Governing Board). Draft re-evaluation reports for Lakes Hanna, Keene, Kell, Stemper and Starvation were completed in the reporting period. MFL staff reports have been submitted to the Governing Board for twelve systems and five peer review reports have been presented for the systems scheduled for adoption in fiscal years 2014 through 2019.

Phase 4 (Development of Recovery Plan). No new recovery plans were developed or required during the prior month. Of the eighty-five systems scheduled for adoption in fiscal years 2014 through 2019, one recovery strategy is complete, four systems do not need a recovery strategy, and it has not been determined if the remaining eighty systems will need a recovery strategy.

Phase 5 (Rule Adoption). No rule amendments have been previously adopted by the Governing Board for the eighty-five systems scheduled for adoption in fiscal years 2014 through 2019. . Rule Amendments for four lakes will be presented for consideration during the September 2014 Governing Board meeting.

**Staff Recommendation:**

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

**Presenter:** Mike Heyl, Chief Advisor Environmental Scientist, Springs and Environmental Flows

## RESOURCE MANAGEMENT COMMITTEE

September 30, 2014

### *Routine Report*

#### Significant Water Resource and Development Projects

##### Significant Water Supply and Resource Development Projects

This report provides information on significant Resource Management projects and programs in which the Governing Board is participating in funding. The report provides a brief description and status of significant activities associated with the project that have recently occurred or are about to happen. For greater detail, refer to the Project Information Management System (PIMS) write-ups or request information directly from the project manager identified with the project.

##### Lake Hancock Lake Level Modification Project

This project is being implemented as part of the adopted Southern Water Use Caution Area (SWUCA) Recovery Plan for restoring minimum flows in the upper Peace River. The project began in 2002 with preliminary feasibility and development of a scope of work to raise the water level in the lake. The District received the conceptual environmental resource permit (CERP) for the project from the Florida Department of Environmental Protection (DEP) in June 2007 with an operating level of up to 100 feet (currently the District operates the P-11 structure at an elevation of 98.7 feet). In response, the Governing Board in September 2007 authorized the project to go forward with final design, permitting, and construction; adopted the Resolution Authorizing Proceedings in Eminent Domain, including a Declaration of Taking; amended the 2007 Update to the Florida Forever Work Plan to include all lands identified as necessary for the project, designating \$41 million in Florida Forever Trust Funds; and encumbered \$79 million in General Fund Water Supply and Resource Development Reserves for the project. Seventy-four parcels were identified as necessary to acquire in fee (40 parcels) or a lesser interest (34 easement parcels). The acquisition of all parcels necessary to construct the project was completed in 2012. On June 12, 2009, DEP approved the District's request to extend the CERP commence construction deadline to June 14, 2011. In September 2010, the District received eight bids for construction of the new P-11 structure. The District rejected all bids based upon ambiguities in the bid documents and issued a new request for bid on April 15, 2011. The District awarded the bid on October 18, 2011, and provided the notice to proceed for the construction of the P-11 water control structure to CenState Contractors, Inc. The ERP for the SR540/Jacque Lee Lane mitigation project was approved and issued by the District's Bartow Service Office on December 22, 2011. The City of Lakeland awarded the contract for the Oak Hill Burial Park mitigation project to QGS Development, Inc., and construction commenced on March 13, 2012. The U.S. Army Corps of Engineers issued the permit for the mitigation project on Coscia and Old Florida Plantation (OFP) properties on March 6, 2012. The District's new P-11 structure has been completed and is fully operational. Transfer from the Division of Resource Management to Structure Operations occurred on January 16, 2014. Construction activities for the Lake Hancock Conveyance Modification project, performed by the District's contractor Turnbull Environmental, Inc., continue on the Old Florida Plantation portion of the project.

**Acquisition Status:** The titles of all 74 parcels (8,340 acres) necessary to operate the project have been acquired. Those portions of the OFP Development of Regional Impact (DRI) and other parcels determined to be not needed for District projects will be considered for surplus. The portions of the Griffin, Ellsworth and OFP properties determined by the Surplus Lands Assessment not necessary for the projects were declared surplus at the July 2013 Governing Board meeting. Depending on requests by other agencies and market conditions, the properties designated surplus will be transferred or sold in the future. **New Activities Since Last Meeting:** No change since last meeting. *Project Managers: Scott Letasi/Michael Peck/Steve Blaschka*



### **Watershed Management Program/Federal Emergency Management Agency Map Modernization**

The District initiated a partnership with the Federal Emergency Management Agency (FEMA) to modernize flood insurance rate maps (FIRMs) as part of its Watershed Management Program (WMP). Flood protection and floodplain information has been a priority at the District since the inception of the organization, and that priority was renewed following the El Niño weather event in 1997-1998. In addition to studies conducted by the District and others, information on floodplains (elevations) is available through the FEMA FIRMs. However, many of the existing maps do not accurately represent the flood-prone areas, either because the initial studies were technically limited or the maps are outdated due to significant land use changes. Accurate floodplain information is vital to local government planning and zoning, and to the District's regulatory program and the land owners. To improve the floodplain information, develop regional scale flood routing models for alternative analysis, and improve local governments' understanding of their flood protection level of service, the District reached out to local governments and initiated the WMP in the late 1990s. Additionally, the District and FEMA executed a Cooperating Technical Partners (CTP) Memorandum of Agreement on September 14, 2001, to formalize the relationship and to improve the existing FIRMs to better identify risks of flooding within the District. As a CTP, the District is eligible for federal funds to act as FEMA's partner in modernization of the FIRMs. Federal funds have allowed the District and local governments to accomplish significantly more than would have otherwise been possible. To date, the District has received \$12.1 million in federal funds from FEMA for countywide map modernization projects for Pasco, Sarasota, Hernando, Marion, Polk, Hardee, DeSoto, Citrus, Sumter, Levy, and Highlands counties. The Map Modernization Program also includes federal funding for management support. FEMA began FIRM updates for Hillsborough and Marion counties before the District became a CTP. FEMA issued its letter of determination finalizing the FIRMs for Hillsborough and Marion counties, and the FIRMs became effective on August 28, 2008. Typically, the map modernization process includes the following steps: The community and District assess the mapping needs, the project is scoped, topographic data is acquired and watershed modeling is completed. The District and an independent peer reviewer analyze the data, which is then provided to the public for their verification. Updates are made incorporating the input from the public and peer reviewer, and the information is presented to the Governing Board for approval. After the approval, data is forwarded to FEMA, mapping is initiated, and the digital flood insurance rate maps (DFIRM) are produced.

**FEMA FIRMs Status:** Hernando County: The FIRMs became effective on February 2, 2012. Pasco County: The FIRMS effective date is expected to be September 2014. Sarasota County: Comments have been received regarding the February 2014 draft FIRM panels and are being addressed prior to finalization of the preliminary FIRMs. Polk County: The Mulberry watershed floodplain results were approved by the Governing Board at their June 2014 meeting for inclusion in the FIRMs. Preliminary FIRMs are expected to be complete in the fall of 2014. Hardee County: The FIRMs became effective on November 6, 2013. DeSoto County: The FIRMs became effective on November 6, 2013. Sumter County: The FIRMs became effective on September 27, 2013. Citrus County: The FIRMS effective date is expected to be September 2014. Levy County: The FIRMs became effective on November 2, 2012. Marion County: The FIRMs became effective in August 2008. Manatee County: The FIRMs became effective on March 17, 2014. Highlands County: The District's mapping consultant is continuing the post-preliminary processing. Sarasota County: Support to revise draft maps and reflect agency comments is continuing through issuance of a Task Work Authorization under one of the new GES Master Agreements. Preliminary FIRMs are expected to be complete by the end of 2014.

**New Activities Since Last Meeting:** Citrus County: Status of FEMA mapping was presented to the City of Inverness City Council. Polk County: Floodway data tables and stream profiles are being revised to address comments received from FEMA. *Project Manager: JP Marchand*

### **Myakka River Watershed Initiative and Flatford Swamp Hydrologic Restoration**



The Myakka River Watershed Initiative (MRWI) is a comprehensive project that will illustrate the effects of land use conversions and alterations and evaluate best management practices for environmental restoration alternatives. A primary focus of the MRWI is the Flatford Swamp area. The overall objective is to restore historic water quantity regimes, improve water quality, natural system, and reduce floodplain impacts in the watershed in ways that can also provide a benefit to water supplies in the SWUCA. In February 2006, the Governing Board allocated \$500,000 to hire a consultant team to perform elements of the WMP and for the collection of topographic information in eastern Manatee County using light detection and ranging (LiDAR) mapping technologies. Several outreach meetings were held to solicit stakeholder input and gather data. A water budget model comparing existing and historic conditions within Flatford Swamp was developed to determine the amount of excess water that could be captured for a beneficial use. Several preliminary scenarios for removal of excess water from the swamp have been evaluated and, as a result, a Memorandum of Understanding that outlines the development of a scope of work for a feasibility study to determine Mosaic's potential uses for excess water from Flatford Swamp received Governing Board approval in November 2010. A subsequent revenue agreement with Mosaic was executed. The District will act as the lead party in the feasibility study, and a consultant services contract with Ardaman & Associates for the study was executed on September 20, 2011. An amendment was executed providing an additional two months for Ardaman to complete the Feasibility Study. Land Management staff indicated that more planning is needed to implement the pilot burn and herbicide treatment on portions of the Flatford property as part of the wetland restoration evaluation; therefore, it will be postponed until fiscal year (FY) 2015. Staff has identified several monitoring needs for the wetland restoration evaluation and are investigating several broad-scale vegetation monitoring and mapping techniques. The options under consideration are anticipated to provide improved ground level data, improved visualization of exotics and tree canopy height data. The Feasibility Study with Mosaic was finalized in March 2013. Singhofen and Associates, Inc., submitted the conceptual BMP analysis, completing the final deliverable for the MRWI on December 20, 2013. Several of the conceptual BMPs explored identified properties that would be impacted if the restoration BMPs were implemented, such as Tatum Sawgrass rehydration, Blackburn Canal diversion, and Clay Gully diversion. Staff and Mosaic continue to look for a mutually agreeable partnership forward for the Flatford Restoration project. Staff is also researching an injection option at Flatford for the excess water to recharge the aquifer and discussed the need for more information on total dissolved solids in the Avon Park formation at the swamp. **New Activities Since Last Meeting:** Mosaic and District staff held a meeting to discuss modeling results from Mosaic's consultants on August 28, 2014. *Project Managers: Lisann Morris/Mike Dalsis*

### **Lower Hillsborough River MFL Recovery Strategy - Implementation**

At the August 2007 meeting, the Governing Board established the minimum flow for the lower Hillsborough River (LHR) and approved the proposed recovery strategy. As required by statute, if the actual flow of a water course is below the proposed minimum flow or is projected to fall below the proposed minimum flow over the next 20 years, a "recovery strategy" must be developed as part of the minimum flow development process. In the case of the LHR, a recovery strategy was needed. The recovery strategy includes a number of projects to divert water from various sources to help meet the minimum flow. Projects planned under the recovery strategy include diversions of water from Sulphur Springs, Blue Sink, the TBC, and Morris Bridge Sink. Pursuant to the recovery strategy, 75 percent of the 11 cubic feet per second (cfs) (8.2 cfs or 5.3 mgd) transferred to the reservoir from the TBC is being pumped to the base of the dam. This amount of fresh water, in combination with 10 cfs supplied from Sulphur Springs to the base of the dam by the City of Tampa (COT), indicates an actual minimum flow of 18.2 cfs (11.8 mgd) or 70 percent to 80 percent of the adopted minimum flow is now being supplied to the LHR, depending on season. A COT request for a variance to deadlines for completion of recovery strategy projects was approved at the June 2011 Governing Board meeting and the deadlines for project completion were extended as follows: Lower Weir - December 1, 2011;

Upper Weir and Pump House - October 1, 2012; Blue Sink project - December 31, 2013. The District received notification from the COT on November 7, 2011, that the Sulphur Springs Run Lower Weir project is complete. The pumping facilities on the Upper Weir at Sulphur Springs were completed in January 2012 and are now operational. The COT conducted a pump test in February 2013 to check the capacities of the existing pumps at Structure 161 on the Harney Canal. The District has prepared a water use permit application to submit to DEP to use 3.9 mgd of water from Morris Bridge Sink for minimum flows. At its December 2013 meeting, the Governing Board approved the issuance of a water use permit to the COT to withdraw 2 mgd from the Blue Sink for minimum flows as specified in the recovery strategy. At the February 2014 meeting, the Governing Board approved the signing of a cooperative funding agreement (N492) with the COT to construct pumping facilities on the Harney Canal and the Hillsborough River Reservoir to divert minimum flows to the Lower Hillsborough River. **New Activities Since Last Meeting:** No change since last meeting. *Project Managers: Doug Leeper/David Crane*

## **TECO's Polk Power Station Reclaimed Water Interconnects to Lakeland/Polk County/Mulberry**

- **Reuse Project:** This regional project (Phase I), consisting of transmission pipelines, pump stations, storage tank, advanced treatment and a deep injection well, will provide up to 10 mgd of reclaimed water from several domestic wastewater treatment facilities to Tampa Electric Company's (TECO) power facility in southwest Polk County (Polk Power Station). The reclaimed water is necessary as TECO will be expanding the Polk Power Station generation capacity (addition of Unit 6). The existing District cooperatively funded reclaimed water project (H076-Phase I) was originally anticipated to provide 5.2 mgd (expandable up to 6.7 mgd) of reclaimed water from the City of Lakeland; however, the supply and offsets were expanded 7 mgd by including approximately 0.75 mgd of reclaimed water from the Southwest Polk County Water Reclamation Facility and 0.30 mgd of reclaimed water from the City of Mulberry. Based upon updated treatment requirement specifications and construction bids received by TECO in 2010 and 2012, the project cost estimates increased from \$65,686,800 to \$72,686,800 in FY2012 and to \$79,529,977 in FY2014. In FY2012 and FY2014, TECO requested funding increases in the Governing Board budget to complete the estimated \$79 million 7 mgd project. TECO submitted a formal amendment request in July 2014 (after all bids were received) to upsize the project by 43 percent from 7 mgd to 10 mgd (expandable to 17 mgd) and increase total costs by 22 percent to \$96,960,725 and increase total District share by \$8,715,374 to \$46,717,331 ad valorem and \$3,526,063 in Water Resource and Protection (WRAP) funds. The increase would improve cost-effectiveness (from \$2.74/1,000 gallon to an estimated \$2.34/1,000 gallon) and would utilize 100 percent all of available reclaimed water from Lakeland, Mulberry and SW Polk beyond 2035. Phase I of the project was originally anticipated to utilize all 7 mgd of available reclaimed water by 2013; however, due to the economic downturn and reduced power demands, TECO delayed the expansion of power generation capacity (Unit 6) until 2017. The delay and planned expansion will require a three-year extension of the District funding agreement to complete the project in 2017. TECO intends to replace, to the greatest extent possible, up to 3 mgd of existing groundwater uses in 2015-2016 with reclaimed water before the full project expansion is complete in 2017. **Additional Information:** In order to utilize the reclaimed water, the project includes advanced treatment (filtration and membranes) which is necessary to reduce dissolved solids to an acceptable level. The membrane reject water (concentrate by-product) will be mixed with other Polk Power Station discharge water and pumped to two new deep injection wells for final disposal. While two disposal wells were drilled by TECO, only injection well number one (IW-1) was eligible for District cooperative funding. The IW-1 and IW-2 wells were completed in March 2013. TECO's pipeline contractor (Westra) started in March 2013, routing and design of the Polk SW and Mulberry segments is ongoing, construction of the reclaimed water treatment system continues and construction of the related storage tank (Precon) at the TECO facility is completed. To date, the District has budgeted \$38,001,957 in ad valorem and an

additional \$3,526,063 in WRAP funds (totaling \$41,528,020 in District funding), of which a total of \$27,351,361 has been reimbursed and another \$8,824,959 is in the process of being reimbursed. **New Activities Since Last Meeting:** A portion of the \$8,715,374 District cost increase was requested out-of-cycle in FY2015 to avoid construction interruption and to avoid demobilization/remobilization costs (\$4,700,000 was tentatively approved by the Governing Board at their meeting on July 21, 2014 to be included in the FY2015 budget and subject to Board approval to expend funds). Construction on primary transmission lines, pumping and treatment continues (project approximately 90 percent complete), and the final selection of Polk SW and Mulberry routing and sizing is under final design. *Project Manager: Anthony Andrade*

- **Aquifer Recharge Projects:** In 2009, the District funded a recharge study (H076) as part of the Regional Reclaimed Water Partnership Initiative to assess the feasibility of using highly treated reclaimed water to recharge the Upper Floridan aquifer (UFA) in the southern Hillsborough and Polk County areas. Findings from the study indicate that it is possible to develop direct and indirect aquifer recharge projects to improve UFA water levels and provide opportunities for additional groundwater withdrawals. The costs associated with developing these projects were found to be comparable to costs of other planned alternative water supply projects. Since completing the study, several local governments have expressed interest in assessing the applicability of aquifer recharge in their areas. District staff is working with these entities to develop and implement project plans to assess the site specific feasibilities of implementing aquifer recharge projects to address their individual needs. Prior to initiating work, District staff also reviews project tasks to avoid as much duplicative efforts as possible between cooperators. The District project managers are visiting active recharge projects to identify positive results or issues requiring further investigation.

- **Currently-Funded Aquifer Recharge Projects - FY2010-FY2013 Cooperative Funding**

- **City of Clearwater - Groundwater Replenishment Project**

This is an indirect potable reuse desktop feasibility study and pilot testing project to evaluate the viability of using 3 mgd of highly treated reclaimed water to increase water levels within the northeast portion of the City and provide possible future water supplies at their existing wellfield. The feasibility study was completed in May 2011 at a cost of \$450,000 (\$225,000 from the City; \$225,000 from the District). The results showed that water level improvements from direct recharge into the brackish zone of the UFA can potentially provide additional water supplies to the City and that water treatment requirements could be met with current available technologies. The study also showed that preliminary cost estimates for the full-scale facility would be \$4.07 per thousand gallons. Therefore, the City is moving forward with pilot testing to confirm the findings. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, evaluating aquifer characteristics, testing water treatment and recharge, and conducting public outreach. The project began on November 14, 2011, and will be completed by July 31, 2014, at a total cost of approximately \$3.07 million (\$1,536,250 each). The 1-year operational testing period for the pilot water treatment plant was initiated in June 2013 and concluded on June 4, 2014. The injection test using the new source well was initiated at the beginning of April 2014 and will proceed for a period of up to six months. The test could be successful and be terminated at any time during the six-month operational period. As part of the public outreach for the project, an Open House was conducted at the pilot plant on May 22, 2014. Video clips for a B roll video of the operating pilot plant and project discussion were taken on May 27, 2014. **New Activities Since Last Meeting:** The aquifer injection test continues. Water quality samples have not indicated that the injection tracer (fluoride) has traveled to the monitoring sites since the start of injection in early April 2014. A work task schedule adjustment was approved by the District and the project is currently on schedule. The District has received several work task deliverables including the Preliminary Evaluation of The Trace Metal leaching Potential report, the draft and final versions of the Groundwater Replenishment Program - Pilot Treatment System, Testing Phase Summary Report, and the draft and final

versions of the Public Outreach Summary Report. The District reviewed and provided comments for each of these reports prior to receipt of the final versions. City of Clearwater staff continues to participate in a number of public outreach speaking engagements to introduce and inform the public of the project. The next status meeting is scheduled for October 3, 2014. *Project Manager: Robert Peterson*

▪ **Pasco County - Reclaimed Water Natural Systems Treatment and Restoration Project**

A desktop feasibility study to assess using 10 mgd of highly treated reclaimed water to indirectly recharge the UFA via constructed wetlands and/or rapid infiltration basins (RIB) in the Crews Lake and central Pasco areas was completed in January 2011. The study showed that indirect aquifer recharge is a viable option for Pasco County. A Phase II feasibility study and report was completed in February 2012 and includes a screening analysis for potential RIB locations, as well as cost analyses refinements for potential future phases. Phase III will include field testing and modeling once a potential property has been identified. A follow-up meeting was held March 19, 2012, to develop a plan to contact land owners identified in the Phase II report to determine which lands are available for field testing and potential purchase for a RIB. Meetings were held with three property owners in 2012. A meeting to give TBW an update on the project was held on January 14, 2013. The cooperative funding agreement was rewritten using the revised District template, and was sent to Pasco County for signature on March 6, 2013. Meetings to discuss progress were held on March 5 and 11, 2013. Pasco County has submitted an FY2015 Cooperative Funding Initiative application for permitting and 30 percent design of a constructed wetland and RIB system on one of the properties identified in the Phase I assessment. This project will be known as N666. A Phase III kick-off meeting was held at the 4G Ranch on May 6, 2014. ***New Activities Since Last Meeting:*** The signed Agreement was received from the County and two copies of the Agreement signed by the District were sent to the County on August 21, 2014. Field testing has concluded, and the data is currently being analyzed. A meeting to discuss preliminary findings was held on August 27, 2014. The data will also be used in modeling analyses, which will be ongoing into the fall of 2014. *Project Manager: Mike Hancock*

▪ **South Hillsborough County Aquifer Recharge Program (SHARP)**

This is a direct aquifer recharge pilot project to evaluate directly recharging the non-potable zone of the UFA with up to 2 mgd of highly treated reclaimed water at the County's Big Bend facility near Apollo Beach in southern Hillsborough County. The goal of the project is to improve water levels within the Most Impacted Area of the SWUCA and possible slow the rate of inland movement of saltwater intrusion in the area. The pilot testing program includes permitting, installing a recharge well and associated monitor wells, assessing aquifer characteristics, performing recharge testing, evaluating water level improvements, migration of the recharge water and metals mobilization, and conducting public outreach. The County's consultant submitted the well construction permit application for authorization to install the test recharge well and monitoring wells on December 20, 2011. Design and preparation of bid documents were completed in early July 2012; a request for bids was released the week of July 16, 2012, with responses received in August 2012. Construction contract with the contractor (A.C. Schultes of Florida, Inc.) was approved by the County on April 3, 2013. The recharge well was completed in December 2013 with an open-hole diameter of 14.75 inches, 780 feet of casing, and a total depth of 1,100 feet. On-site work to finalize construction of the well heads for both the recharge and monitoring wells is ongoing. ***New Activities Since Last Meeting:*** Changes to the site design were completed and the contractor resumed work to complete construction. *Project Manager: Mark Barcelo*

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

At their December 2010 meeting, the Governing Board adopted a minimum aquifer level in the Dover/Plant City Water Use Caution Area (DPCWUCA) (Rule 40D-8.626, Florida Administrative



Code (F.A.C.)), as well as a recovery strategy (Rule 40D-80.075, F.A.C.) that incorporated flow meters and automatic meter reading (AMR) equipment installations to monitor and reduce resource impacts from future frost/freeze pumping events. Meter information in the Dover/Plant City area will be used by the District to: (1) improve the allocation of well mitigation responsibilities among permit holders, (2) allow District staff to better identify permit compliance issues resulting from pumping during frost/freeze events, (3) improve the modeling of impacts resulting from pumping during frost/freeze events, (4) allow the monitoring of performance and track the progress of management actions implemented, and (5) provide for the overall assessment of the recovery strategy goal of reducing frost/freeze protection quantities by 20 percent in ten years. It is estimated that 626 flow meters and 961 AMR devices will need to be installed within the 256-square mile DPCWUCA. Total costs of the program are estimated to be \$5.5 million for flow meter and AMR equipment installation with approximately \$300,000 required annually to support the program. On August 7, 2013, the AMR equipment installation and operation component of this project under RFP 004-13 was awarded to Locher Environmental Technology, LLC, partnered with AMEC Environmental and Infrastructure, Inc., and Hydrogage. The contract was executed on November 14, 2013. Letters with reimbursement program information were sent to the remaining permittees on December 16, 2013. ***New Activities Since Last Meeting:*** As of August 22, 2014, a total of 283 flow meters have been installed (46 percent complete). One hundred and thirty-one AMR units have been installed (14 percent complete) and data transmission is occurring accurately and consistently. *Project Manager: Kevin Coughlin*

Staff Recommendation:

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

Presenter: Mark A. Hammond, Director, Resource Management Division

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

**Governing Board Meeting  
September 30, 2014**

<b>FINANCE/OUTREACH &amp; PLANNING COMMITTEE</b>
--

***Discussion Items***

43. Consent Item(s) Moved for Discussion

***Submit & File Reports***

44. Office of Inspector General-Six Month Progress Report to Auditor General Report  
2014-082 ..... 307
45. Strategic Plan 2014-2018 Update ..... 310

***Routine Reports***

46. Treasurer's Report and Payment Register ..... 311
47. Monthly Financial Statement ..... 321
48. Monthly Cash Balances by Fiscal Year ..... 326
49. Comprehensive Plan Amendment and Related Reviews Report ..... 328
50. Development of Regional Impact Activity Report ..... 331
51. Significant Activities ..... 333



**FINANCE/OUTREACH & PLANNING COMMITTEE**

**September 30, 2014**

*Discussion Item*

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: David Rathke, Chief of Staff

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**September 30, 2014**

***Submit and File Report***

**Office of Inspector General-Six Month Progress Report to Auditor General Report 2014-082**

In accordance with Section 20.055(5)(h), Florida Statutes, the inspector general shall monitor the implementation of the District's response to any report on the District issued by the Auditor General. Six months after the Auditor publishes a report on the state agency, the inspector general shall provide a written response on the status of corrective actions taken.

The attached letter from the inspector general to the Florida Auditor General is the required written response. Because two reported items remain open, the inspector general will continue to monitor the implementation of the District's response to the Auditor General report and submit a final report to the Governing Board within the next 12 months.

**Staff Recommendation:**

Accept and place the attached letter on file; no further action required.

**Presenter:** Kurt Fritsch, Inspector General



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

**Sarasota Service Office**  
6750 Fruitville Road  
Sarasota, Florida 34240-9711  
(941) 377-3722 or  
1-800-320-3503 (FL only)

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

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Charlotte, Sarasota

**Vacant**  
Citrus, Lake, Levy, Sumter

**Robert R. Beltran, P.E.**  
Executive Director

August 28, 2014

Mr. David W. Martin, Auditor General  
State of Florida Auditor General  
G74 Claude Pepper Building  
111 West Madison Street  
Tallahassee, Florida 32399-1450

Dear Mr. Martin:

Please accept this letter as the Southwest Florida Water Management District's six month written response to the findings published in *Auditor General Report 2014-082*. As required by statute, this letter includes the status of corrective actions taken since the release of the original audit report. We have organized and referenced our response in the same order and manner as the findings within the Executive Summary of the Auditor General's report.

## General Management Controls

Finding No. 1: The District is preparing for its September 30 fiscal year end financial audit. The District's fund balance accounts will be audited by independent external auditors to ensure that the District continues to report committed, assigned, and encumbered balances in accordance with *GASB Statement No. 54*.

## Payroll and Personnel

Finding No. 2: The District continues to adhere to the limitations provided by law for all severance payments.

## Capital Assets

Finding No. 3: As reported in the original Auditor General's report, the District has revised its tangible personal property policy. One inventory has been completed using the new policy, and a second inventory is in process as part of preparing the District's September 30 financial statements.

Finding No. 4: The District re-established its procedures for monitoring the assignment and use of wireless devices. An internal review of wireless devices has been completed and devices have been recalled and redistributed.

Finding No. 5: The District has completed an internal review of its motor vehicles, watercraft, and ATV utilization. As a result, vehicles have been recalled, made surplus, or redistributed. In addition, the District has purchased and implemented several components of a computer software system that will enhance the District's controls over vehicle use.

Attachment: Auditor General Letter - Exhibit to September 2014 Recap (1379 : OIG - Six Month Progress Report)

The system will enhance the District's process for assigning vehicles, conducting periodic reviews of activities, and evaluating use. The District intends to update its written policies and procedures during fiscal year 2015 once the new system is fully operational.

Insurance

Finding No. 6: The District has solicited for competitive bids relating to its insurance providers.

Information Technology (IT)

Finding No. 7: The District continues its efforts to implement a complete IT governance framework. The Auditor General's report specifically references an IT study previously completed and prepared for the District by KPMG. The KPMG study listed 46 actionable recommendations related to the District's IT operations, and the Auditor General reported that the District had implemented 36 of the recommendations and was working on, but had not completed, the remaining 10 recommended actions. Since the release of the Auditor General report, the District has completed six (6) of the final 10 recommended actions.

\* \* \* \* \*

Since findings 5 and 7 above are not addressed completely, the District's Governing Board has directed its inspector general to report back to the Board in one year to report progress on the open items. Thank you again for your work on behalf of the interests of the taxpayers of the Southwest Florida Water Management District. If you have any questions, please contact me at (352) 796-7211.

Sincerely,



Kurt Fritsch  
Inspector General

## FINANCE/OUTREACH & PLANNING COMMITTEE

**September 30, 2014**

### ***Submit and File Report***

#### **Strategic Plan 2014-2018 Update**

In September 2013 the Governing Board approved the District's 2014-2018 Strategic Plan. That document was a major revision from previous plans, streamlining information on broad District initiatives and focusing more specific guidance on regional priorities and objectives. The plan was developed to provide:

- Clear guidance to stakeholders and staff;
- Focused priorities and strategies for future decision-making;
- Key success indicators for measuring progress.

The District is required by law to update the Strategic Plan each year. Staff expects recommending minimal changes to the five-year planning document this year, focusing instead on measuring progress on Strategic Plan priorities and initiatives. The District is also required to provide an annual Work Plan measuring and identifying activities undertaken as part of the Strategic Plan. The Work Plan is one of the documents included as part of the Consolidated Report that the Governing Board receives each January.

In an effort to increase efficiency and reduce duplicative efforts, staff intends to combine the update to the Strategic Plan and the Work Plan into one document as part of the Consolidated Report. As regularly scheduled, the Consolidated Report is provided to the Governing Board for review in January and for approval in February.

#### **Staff Recommendation:**

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

**Presenter:** David Rathke, Chief of Staff



## FINANCE/OUTREACH & PLANNING COMMITTEE

September 30, 2014

### *Routine Report*

#### Treasurer's Report and Payment Register

##### *Purpose*

Presentation of the Treasurer's Report and Payment Register.

##### *Background*

In accordance with Board Policy 130-3, *District Investment Policy*, a monthly report on investments shall be provided to the Governing Board. Attached is a copy of the Treasurer's Report as of August 31, 2014, which reflects total cash and investments at a market value of \$514,898,347.

As reflected on the August 31, 2014, Treasurer's Report, the District's investment portfolio had a book value of \$71.3 million or 13.9 percent invested with the State Board of Administration (SBA) of which \$71.2 million is invested in the Florida PRIME (formerly the Local Government Investment Pool) and \$131,235 in the Fund B Surplus Funds Trust Fund (Fund B). The District has received \$154,560 of Florida PRIME interest earnings for the eleven months of fiscal year 2013-14. Fund B is not distributing interest earnings. The District is managing its short-term and daily liquidity needs through the use of the Florida PRIME.

Fund B consists of assets that had defaulted on a payment, paid more slowly than expected, or had any significant credit and liquidity risk. Fund B cash holdings are being distributed to participants as they become available monthly from maturities, sales and received income. The investment objective for Fund B is to maximize the present value of distributions. At August 31, 2014, the District's investment in Fund B was \$131,235 down from the initial investment of \$40.7 million. The market value of the Fund B investments is estimated at \$278,414 or approximately 212.1 percent of cost. District staff is not aware of any plans by the SBA to liquidate Fund B investments below cost at this time.

On September 5, 2014, the SBA released the remaining amount of principal due the District. Therefore, subsequent to August 31, 2014, the District has zero dollars remaining in Fund B.

In accordance with Board Policy 130-1, *Disbursement of Funds*, all general checks written during a period shall be reported to the Governing Board at its next regular meeting. The Payment Register listing disbursements since last month's report is available upon request. The Payment Register includes checks and electronic fund transfers (EFTs).

##### Staff Recommendation:

These items are presented for the Committee's information, and no action is required.

Presenter: Melisa J. Lowe, Acting Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
TREASURER'S REPORT TO THE GOVERNING BOARD  
August 31, 2014

CUSTODIAN HELD INVESTMENTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	AMORTIZED COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
<b>PFM ASSET MANAGEMENT (see Attachment A)</b>						
7951620	Investments	0.66	\$225,277,409	\$225,420,441	\$376,001	
7951620	Cash / Money Market Fund	0.01	221,626	221,626	0	
			<b>Subtotal PFM</b>	\$225,499,035	\$225,642,067	\$376,001
7951620	Accounts Payable-Trade date prior 8/31/14, Settement Date after 8/31/14		(5,002,300)	(5,000,405)	(833)	
			<b>Total PFM</b>	\$220,496,735	\$220,641,662	\$375,168
						<b>42.92</b>
<b>PUBLIC TRUST ADVISORS (see Attachment B)</b>						
7951619	Investments	0.46	\$221,830,772	\$221,973,289	\$309,091	
7951619	Cash / Money Market Fund	0.01	30,589	30,589	0	
			<b>Subtotal PTA</b>	\$221,861,361	\$222,003,878	\$309,091
7951619	Accounts Receivable-Trade date prior 8/31/14, Settement Date after 8/31/14		12,519	12,519	0	
			<b>Total PTA</b>	\$221,873,880	\$222,016,397	\$309,091
						<b>43.19</b>
<b>TOTAL CUSTODIAN HELD INVESTMENTS</b>			<b>\$442,370,615</b>	<b>\$442,658,059</b>	<b>\$684,259</b>	<b>86.11</b>

STATE BOARD OF ADMINISTRATION (SBA) INVESTMENT ACCOUNTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EFFECTIVE INTEREST RATE (%)	PURCHASE COST	MARKET VALUE	ACCRUED INTEREST	% OF PORTFOLIO
<b>STATE BOARD OF ADMINISTRATION</b>						
<b>Florida PRIME (Formerly Local Government Investment Pool)</b>						
271413	SBA General Investments	0.16	\$43,968,791	\$43,968,791		
271414	SBA Land Resources	0.16	7,890,537	7,890,537		
271415	SBA Advanced State Funding (Eco System Trust Fund)	0.16	3,426,950	3,426,950		
271416	SBA Advanced State Funding (FDOT)	0.16	14,172,722	14,172,722		
271417	SBA Advanced State Funding (WRAP)	0.16	1,684,458	1,684,458		
271418	SBA Advanced State Funding (WPSTF AWS)	0.16	53,652	53,652		
			<b>\$71,197,110</b>	<b>\$71,197,110</b>		



**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
TREASURER'S REPORT TO THE GOVERNING BOARD  
August 31, 2014**

**Fund B Surplus Funds Trust Fund <sup>(1)</sup>**

271413	SBA General Investments	0.00	\$119,414	\$253,337
271415	SBA Advanced State Funding (Eco System Trust Fund)	0.00	11,821	25,077
			<b>\$131,235</b>	<b>\$278,414</b>

**TOTAL STATE BOARD OF ADMINISTRATION (SBA) ACCOUNTS**

**\$71,328,345 \$71,475,524**

**13.89**

**TOTAL INVESTMENTS**

**\$513,698,960 \$514,133,583**

**100.00**

**CASH, SUNTRUST DEMAND ACCOUNT**

764,764 764,764

**TOTAL CASH AND INVESTMENTS**

**\$514,463,724 \$514,898,347**

**Weighted average yield on portfolio at August 31, 2014 is 0.50%.**

<sup>(1)</sup> Fund B commingles investments from participants in a portfolio of securities with the objective to maximize the present value of distributions to participants, to the extent reasonable and prudent, net of fees. This objective emphasizes both the timeliness and extent of the recovery of participants' original principal. This is according to Investment Policy Guidelines, Local Government Investment Fund B, Part III. Investment Objective (effective 12/21/07). The District is not receiving interest earnings distributions from the SBA-Fund B accounts.

**EQUITY - CASH AND INVESTMENTS**

**DISTRICT AND BASINS**

District General Fund	\$345,056,795	67.06%
Restricted for Alafia River Basin	6,394,747	1.24%
Restricted for Hillsborough River Basin	57,874,122	11.25%
Restricted for Coastal Rivers Basin	5,947,230	1.16%
Restricted for Pinellas-Anclote River Basin	53,444,498	10.39%
Restricted for Withlacoochee River Basin	5,595,918	1.09%
Restricted for Peace River Basin	8,413,050	1.64%
Restricted for Manasota Basin	12,559,846	2.44%
Total District General Fund	<b>\$495,286,206</b>	<b>96.27%</b>
 FDOT Mitigation Program	 14,125,464	 2.75%
Florida Forever Program	5,052,054	0.98%
<b>TOTAL EQUITY IN CASH AND INVESTMENTS</b>	<b>\$514,463,724</b>	<b>100.00%</b>



## Attachment A

## Managed Account Detail of Securities Held

For the Month Ending August 31, 2014

Packet Pg. 314

## SWFWMD-CORE PORTFOLIO - 82560010

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>U.S. Treasury Bond / Note</b>											
US TREASURY NOTES DTD 08/15/2012 0.250% 08/15/2015	912828TK6	3,245,000.00	AA+	Aaa	04/09/14	04/10/14	3,248,295.70	0.17	374.76	3,247,328.09	3,249,309.36
US TREASURY NOTES DTD 08/31/2011 1.000% 08/31/2016	912828RF9	31,740,000.00	AA+	Aaa	02/27/14	02/28/14	32,139,229.69	0.49	876.80	32,059,336.77	32,044,989.66
US TREASURY NOTES DTD 11/15/2013 0.625% 11/15/2016	912828WF3	10,000,000.00	AA+	Aaa	12/10/13	12/11/13	10,005,078.13	0.61	18,512.23	10,003,834.40	10,003,120.00
US TREASURY NOTES DTD 11/30/2011 0.875% 11/30/2016	912828RU6	4,005,000.00	AA+	Aaa	11/27/13	12/03/13	4,040,825.98	0.57	8,904.56	4,031,949.93	4,026,274.56
US TREASURY NOTES DTD 11/30/2011 0.875% 11/30/2016	912828RU6	14,850,000.00	AA+	Aaa	02/04/14	02/06/14	14,960,794.92	0.61	33,016.91	14,938,615.74	14,928,883.20
US TREASURY NOTES DTD 01/31/2012 0.875% 01/31/2017	912828SC5	6,600,000.00	AA+	Aaa	07/29/14	07/31/14	6,612,890.63	0.80	5,021.74	6,612,445.82	6,626,809.20
US TREASURY NOTES DTD 01/31/2012 0.875% 01/31/2017	912828SC5	11,445,000.00	AA+	Aaa	06/02/14	06/03/14	11,506,695.76	0.67	8,708.15	11,501,023.16	11,491,489.59
US TREASURY NOTES DTD 03/31/2012 1.000% 03/31/2017	912828SM3	21,385,000.00	AA+	Aaa	03/19/14	03/21/14	21,430,944.34	0.93	89,980.60	21,424,231.64	21,498,597.12
US TREASURY NOTES DTD 07/31/2012 0.500% 07/31/2017	912828TG5	855,000.00	AA+	Aaa	07/01/14	07/07/14	843,176.95	0.96	371.74	843,760.90	844,179.12
<b>Security Type Sub-Total</b>		<b>104,125,000.00</b>					<b>104,787,932.10</b>	<b>0.65</b>	<b>165,767.49</b>	<b>104,662,526.45</b>	<b>104,713,651.81</b>
<b>Federal Agency Bond / Note</b>											
FEDERAL HOME LOAN BANK GLOBAL NOTES DTD 01/24/2014 0.375% 02/19/2016	3130A0SD3	175,000.00	AA+	Aaa	07/31/14	08/01/14	174,996.50	0.38	21.88	174,996.71	175,014.18
<b>FEDERAL HOME LOAN BANK GLOBAL NOTES DTD 01/24/2014 0.375% 02/19/2016</b>	<b>3130A0SD3</b>	<b>5,000,000.00</b>	<b>AA+</b>	<b>Aaa</b>	<b>08/29/14</b>	<b>09/05/14</b>	<b>5,002,300.00</b>	<b>0.34</b>	<b>833.33</b>	<b>5,002,300.00</b>	<b>5,000,405.00</b>
FHLB NOTES DTD 08/07/2014 0.500% 09/28/2016	3130A2T97	4,515,000.00	AA+	Aaa	08/06/14	08/07/14	4,504,841.25	0.61	1,505.00	4,505,154.05	4,504,407.81



## Attachment A (continued)

## Managed Account Detail of Securities Held

For the Month Ending August 31, 2014

## SWFWMD-CORE PORTFOLIO - 82560010

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Federal Agency Bond / Note</b>											
FNMA NOTES DTD 08/19/2011 1.250% 09/28/2016	3135G0CM3	10,000,000.00	AA+	Aaa	10/28/13	10/29/13	10,174,100.00	0.65	53,125.00	10,124,316.80	10,129,010.00
FEDERAL HOME LOAN BANKS (CALLABLE) DTD 03/27/2014 1.625% 03/27/2017	3130A1CR7	5,475,000.00	AA+	Aaa	04/02/14	04/04/14	5,535,170.25	1.25	38,058.85	5,510,145.72	5,514,277.65
FREDDIE MAC GLOBAL NOTES DTD 06/25/2012 1.000% 07/28/2017	3137EADJ5	1,965,000.00	AA+	Aaa	08/12/14	08/14/14	1,964,756.34	1.00	1,801.25	1,964,760.37	1,963,942.83
FREDDIE MAC GLOBAL NOTES DTD 06/25/2012 1.000% 07/28/2017	3137EADJ5	3,175,000.00	AA+	Aaa	08/12/14	08/14/14	3,174,787.28	1.00	2,910.42	3,174,790.93	3,173,291.85
FNMA NOTES DTD 08/25/2014 1.000% 09/27/2017	3135G0ZL0	2,790,000.00	AA+	Aaa	08/21/14	08/25/14	2,780,039.70	1.12	465.00	2,780,091.51	2,781,722.07
<b>Security Type Sub-Total</b>		<b>33,095,000.00</b>					<b>33,310,991.32</b>	<b>0.79</b>	<b>98,720.73</b>	<b>33,236,556.09</b>	<b>33,242,071.39</b>
<b>Corporate Note</b>											
JPMORGAN CHASE & CO (FLOAT) GLOBAL NOTES DTD 04/23/2013 0.683% 04/23/2015	46623EJX8	5,000,000.00	A	A3	12/20/13	12/26/13	5,011,700.00	0.52	3,795.00	5,005,752.25	5,012,130.00
IBM CORP (FLOATING) GLOBAL NOTES DTD 02/12/2014 0.308% 02/05/2016	459200HV6	5,400,000.00	AA-	Aa3	02/07/14	02/12/14	5,400,000.00	0.30	1,247.81	5,400,000.00	5,400,734.40
GENERAL ELEC CAP CORP (FLOATING) DTD 05/11/2007 0.433% 05/11/2016	36962G2V5	8,473,000.00	AA+	A1	12/19/13	12/24/13	8,449,106.14	0.56	2,038.70	8,449,106.14	8,474,575.98
JOHN DEERE CAPITAL CORP DTD 10/11/2013 1.050% 10/11/2016	24422ESD2	5,400,000.00	A	A2	01/14/14	01/17/14	5,425,596.00	0.87	22,050.00	5,419,832.96	5,423,441.40
COCA-COLA CO/THE GLOBAL NOTES DTD 11/01/2013 0.750% 11/01/2016	191216BD1	1,200,000.00	AA	Aa3	10/29/13	11/01/13	1,198,620.00	0.79	3,000.00	1,199,000.17	1,199,455.20
WELLS FARGO & COMPANY GLOBAL NOTES DTD 12/12/2011 2.625% 12/15/2016	94974BEZ9	5,000,000.00	A+	A2	01/14/14	01/17/14	5,238,950.00	0.96	27,708.33	5,188,427.20	5,186,020.00
BERKSHIRE HATHAWAY FIN (FLT) GLOBAL NT DTD 01/10/2014 0.384% 01/10/2017	084664CA7	5,400,000.00	AA	Aa2	01/06/14	01/10/14	5,400,000.00	0.39	3,049.62	5,400,000.00	5,408,893.80





## Attachment A (continued)



## Managed Account Detail of Securities Held

For the Month Ending August 31, 2014

## SWFWMD-CORE PORTFOLIO - 82560010

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
<b>Corporate Note</b>											
JPMORGAN CHASE & CO DTD 02/18/2014 1.350% 02/15/2017	46623EJY6	5,400,000.00	A	A3	02/12/14	02/18/14	5,397,300.00	1.37	3,240.00	5,397,774.23	5,421,346.20
APPLE INC CORP NOTE DTD 05/06/2014 1.050% 05/05/2017	037833AM2	5,475,000.00	AA+	Aa1	04/29/14	05/06/14	5,472,098.25	1.07	18,364.06	5,472,403.48	5,480,913.00
PFIZER INC CORPORATE NOTE DTD 05/15/2014 1.100% 05/15/2017	717081DJ9	4,200,000.00	AA	A1	05/12/14	05/15/14	4,196,304.00	1.13	13,603.33	4,196,661.67	4,210,714.20
AMERICAN EXPRESS CORP NOTES DTD 06/05/2014 1.125% 06/05/2017	0258M0DM8	4,650,000.00	A-	A2	06/02/14	06/05/14	4,638,654.00	1.21	12,496.88	4,639,543.92	4,633,199.55
CATERPILLAR FINANCIAL SE DTD 08/20/2014 1.250% 08/18/2017	14912L6D8	2,405,000.00	A	A2	08/13/14	08/20/14	2,403,797.50	1.27	918.58	2,403,809.55	2,405,081.77
<b>Security Type Sub-Total</b>		<b>58,003,000.00</b>					<b>58,232,125.89</b>	<b>0.83</b>	<b>111,512.31</b>	<b>58,172,311.57</b>	<b>58,256,505.50</b>
<b>Commercial Paper</b>											
JP MORGAN SECURITIES LLC COMM PAPER -- 0.000% 09/05/2014	46640QJ51	5,000,000.00	A-1	P-1	12/10/13	12/11/13	4,985,111.10	0.40	0.00	4,999,777.80	4,999,835.00
BANK OF TOKYO MITSUBISHI COMM PAPER -- 0.000% 11/07/2014	06538CL74	5,400,000.00	A-1	P-1	05/12/14	05/12/14	5,393,556.00	0.24	0.00	5,397,587.98	5,398,034.40
BNP PARIBAS FINANCE INC COMM PAPER -- 0.000% 12/11/2014	0556N1MB6	5,000,000.00	A-1	P-1	06/11/14	06/11/14	4,992,375.00	0.30	0.00	4,995,791.65	4,996,980.00
TOYOTA MOTOR CREDIT CORP COMM PAPER -- 0.000% 01/05/2015	89233HN59	5,400,000.00	A-1+	P-1	07/08/14	07/08/14	5,394,570.00	0.20	0.00	5,396,220.00	5,397,116.40
HSBC USA INC COMM PAPER -- 0.000% 02/09/2015	40427SP94	5,425,000.00	A-1	P-1	08/13/14	08/13/14	5,419,032.50	0.22	0.00	5,419,662.40	5,419,075.90
WELLS FARGO & COMPANY COMM PAPER -- 0.000% 02/13/2015	9497F1PD6	3,000,000.00	A-1	P-1	08/18/14	08/19/14	2,996,736.67	0.22	0.00	2,996,975.01	2,997,171.00
<b>Security Type Sub-Total</b>		<b>29,225,000.00</b>					<b>29,181,381.27</b>	<b>0.26</b>	<b>0.00</b>	<b>29,206,014.84</b>	<b>29,208,212.70</b>





## Attachment A (continued)

## Managed Account Detail of Securities Held

For the Month Ending August 31, 2014

## SWFWMD-CORE PORTFOLIO - 82560010

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Managed Account Sub-Total		224,448,000.00					225,512,430.58	0.66	376,000.53	225,277,408.95	225,420,441.40
Securities Sub-Total		\$224,448,000.00					\$225,512,430.58	0.66%	\$376,000.53	\$225,277,408.95	\$225,420,441.40
Accrued Interest											\$376,000.53
Total Investments											\$225,796,441.93

Boded items are forward settling trades.



## Attachment B



## Month End TD Summary SWFWMD

PTA-SWFWMD (37141)

08/01/2014 - 08/31/2014

Dated: 09/05/2014

Account	Identifier, Description, Security Type	Trade Date, Settle Date	Ending Original Cost	Book Yield, Market Yield, Coupon Rate	Duration, Years to Effective Maturity, Years to Final Maturity	Final Maturity	Ending Accrued Balance	Ending Book Value, Ending Book Value + Accrued	Ending Market Value, Ending Market Value + Accrued
PTA-SWFWMD	45779QH17 INSTITUTIONAL SECURED FUNDING (JERSEY) LTD CP	06/30/2014 06/30/2014	0.00	--- 10.508 0.00	0.003 0.00 0.00	08/01/2014	0.00	0.00 0.00	0.00 0.00
PTA-SWFWMD	742718DU0 PROCTER & GAMBLE CO/THE CORP	10/01/2013 10/04/2013	0.00	--- 0.698 0.70	0.003 0.00 0.00	08/15/2014	0.00	0.00 0.00	0.00 0.00
PTA-SWFWMD	60934N104 FEDERATED GOVT OBLI FD-IS MMFUND	--- ---	30,589.05	0.01 0.01 0.01	0.00 0.00 0.00	08/31/2014	0.00	30,589.05 30,589.05	30,589.05 30,589.05
PTA-SWFWMD	CCYUSD Cash CASH	--- ---	-0.00	0.00 0.00 0.00	0.00 0.00 0.00	08/31/2014	0.00	-0.00 -0.00	-0.00 -0.00
PTA-SWFWMD	45779QJ80 INSTITUTIONAL SECURED FUNDING (JERSEY) LTD CP	08/04/2014 08/05/2014	10,247,095.87	0.30 1.137 0.00	0.025 0.022 0.022	09/08/2014	0.00	10,249,402.09 10,249,402.09	10,247,095.87 10,247,095.87
PTA-SWFWMD	313385G91 FED HOME LN DISCOUNT NT AGCY DISC	07/21/2014 07/22/2014	9,998,577.80	0.081 0.208 0.00	0.068 0.066 0.066	09/24/2014	0.00	9,999,488.85 9,999,488.85	9,998,577.80 9,998,577.80
PTA-SWFWMD	912828TU4 US TREASURY N/B US GOV	10/24/2013 10/25/2013	2,002,265.63	0.138 0.068 0.25	0.168 0.167 0.167	10/31/2014	1,684.78	2,000,363.60 2,002,048.39	2,000,620.00 2,002,304.78
PTA-SWFWMD	3133ECXK5 FEDERAL FARM CREDIT BANK AGCY BOND	08/08/2013 08/19/2013	9,998,400.00	0.203 0.117 0.19	0.219 0.219 0.219	11/19/2014	5,383.33	9,999,724.80 10,005,108.14	10,001,600.00 10,006,983.33
PTA-SWFWMD	742718DM8 PROCTER & GAMBLE CO/THE CORP	10/24/2013 10/29/2013	7,534,707.16	0.367 0.381 3.50	0.458 0.46 0.46	02/15/2015	11,265.33	7,344,776.18 7,356,041.52	7,345,343.34 7,356,608.67
PTA-SWFWMD	3130A1HR2 FEDERAL HOME LOAN BANK AGCY BOND	03/25/2014 03/26/2014	10,000,000.00	0.20 0.214 0.20	0.649 0.647 0.647	04/24/2015	8,611.11	10,000,000.00 10,008,611.11	9,999,100.00 10,007,711.11
PTA-SWFWMD	912828SU5 US TREASURY N/B US GOV	10/24/2013 10/25/2013	2,500,390.62	0.24 0.079 0.25	0.708 0.704 0.704	05/15/2015	1,851.22	2,500,176.81 2,502,028.04	2,503,025.00 2,504,876.22
PTA-SWFWMD	931142CT8 WAL-MART STORES INC CORP	10/28/2013 10/31/2013	10,322,000.00	0.333 0.278 2.25	0.849 0.852 0.852	07/08/2015	33,125.00	10,162,650.29 10,195,775.29	10,168,400.00 10,201,525.00
PTA-SWFWMD	3133ECX74 FEDERAL FARM CREDIT BANK AGCY BOND	08/13/2013 08/14/2013	4,994,550.00	0.357 0.137 0.30	0.868 0.866 0.866	07/13/2015	2,000.00	4,997,534.54 4,999,534.54	5,007,100.00 5,009,100.00
PTA-SWFWMD	912828VN7 US TREASURY N/B US GOV	08/08/2013 08/09/2013	9,989,843.75	0.302 0.101 0.25	0.917 0.915 0.915	07/31/2015	2,173.91	9,995,299.02 9,997,472.93	10,013,700.00 10,015,873.91
PTA-SWFWMD	20772JWS7 CONNECTICUT ST-A-TXBL MUNI	08/06/2014 08/28/2014	1,500,000.00	0.25 0.244 0.25	1.001 1.003 1.003	09/01/2015	31.25	1,500,000.00 1,500,031.25	1,500,090.00 1,500,121.25
PTA-SWFWMD	912828VY3 US TREASURY N/B US GOV	05/16/2014 05/19/2014	8,685,504.89	0.161 0.142 0.25	1.082 1.082 1.082	09/30/2015	9,125.34	8,683,301.13 8,692,426.47	8,685,149.75 8,694,275.09
PTA-SWFWMD	369604BE2 GENERAL ELECTRIC CO CORP	05/16/2014 05/21/2014	2,012,980.00	0.379 0.455 0.85	1.10 1.107 1.107	10/09/2015	6,705.56	2,010,358.24 2,017,063.79	2,008,720.00 2,015,425.56
PTA-SWFWMD	31377UUP6 FN 387690 FNMA	11/20/2013 11/25/2013	2,452,172.77	1.436 2.008 5.19	1.174 1.17 1.17	11/01/2015	9,921.96	2,390,120.94 2,400,042.90	2,374,296.84 2,384,218.80
PTA-SWFWMD	14912L5V9 CATERPILLAR FINANCIAL SE CORP	12/09/2013 12/11/2013	9,607,776.00	0.319 0.331 0.355	0.241 1.236 1.236	11/25/2015	567.84	9,604,900.84 9,605,468.68	9,603,458.00 9,604,023.84
PTA-SWFWMD	3134G4FC7 FREDDIE MAC AGCY BOND	08/14/2013 08/27/2013	0.00	--- 0.319 0.50	0.005 0.00 1.241	11/27/2015	0.00	0.00 0.00	0.00 0.00



## Attachment B (continued)



## Month End TD Summary SWFWMD

PTA-SWFWMD (37141)

08/01/2014 - 08/31/2014

Dated: 09/05/2014

Account	Identifier, Description, Security Type	Trade Date, Settle Date	Ending Original Cost	Book Yield, Market Yield, Coupon Rate	Duration, Years to Effective Maturity, Years to Final Maturity	Final Maturity	Ending Accrued Balance	Ending Book Value, Ending Book Value + Accrued	Ending Market Value, Ending Market Value + Accrued
PTA-SWFWMD	3130A2KJ4 FEDERAL HOME LOAN BANK AGCY BOND	08/28/2014 09/29/2014	4,997,900.00	0.313 0.302 0.28	1.271 1.274 1.274	12/09/2015	2,022.22	4,997,913.41 4,999,935.64	4,998,600.00 5,000,622.22
PTA-SWFWMD	36962G6M1 GENERAL ELEC CAP CORP CORP	10/01/2013 10/04/2013	5,016,305.00	0.849 0.456 1.00	1.27 1.279 1.279	12/11/2015	11,111.11	5,009,558.63 5,020,669.74	5,034,700.00 5,045,811.11
PTA-SWFWMD	912828A67 US TREASURY N/B US GOV	12/27/2013 12/31/2013	9,971,875.00	0.391 0.221 0.25	1.331 1.334 1.334	12/31/2015	4,279.89	9,981,290.73 9,985,570.62	10,003,900.00 10,008,179.89
PTA-SWFWMD	36962G7E8 GENERAL ELEC CAP CORP CORP	01/10/2014 01/14/2014	2,000,000.00	0.471 0.401 0.464	0.125 1.373 1.373	01/14/2016	1,262.02	2,000,000.00 2,001,262.02	2,001,920.00 2,003,182.02
PTA-SWFWMD	912828B82 US TREASURY N/B US GOV	03/20/2014 03/25/2014	9,964,453.10	0.435 0.297 0.25	1.497 1.499 1.499	02/29/2016	69.06	9,972,428.52 9,972,497.58	9,993,000.00 9,993,069.06
PTA-SWFWMD	313375RN9 FEDERAL HOME LOAN BANK AGCY BOND	07/21/2014 07/22/2014	10,093,300.00	0.427 0.515 1.00	1.512 1.529 1.529	03/11/2016	47,222.22	10,087,087.86 10,134,310.08	10,073,900.00 10,121,122.22
PTA-SWFWMD	912828C81 US TREASURY N/B US GOV	05/27/2014 05/28/2014	7,503,515.63	0.351 0.388 0.375	1.66 1.666 1.666	04/30/2016	9,476.90	7,503,040.95 7,512,517.85	7,500,900.00 7,510,376.90
PTA-SWFWMD	037833AF7 APPLE INC CORP	10/02/2013 10/07/2013	3,267,775.25	0.26 0.27 0.289	0.18 1.674 1.674	05/03/2016	760.37	3,266,802.88 3,267,563.25	3,266,273.35 3,267,033.72
PTA-SWFWMD	037833AH3 APPLE INC CORP	10/01/2013 10/04/2013	2,981,613.00	0.69 0.545 0.45	1.664 1.674 1.674	05/03/2016	4,425.00	2,988,057.52 2,992,482.52	2,995,230.00 2,999,655.00
PTA-SWFWMD	037833AH3 APPLE INC CORP	01/14/2014 01/17/2014	2,992,350.00	0.562 0.545 0.45	1.664 1.674 1.674	05/03/2016	4,425.00	2,994,420.46 2,998,845.46	2,995,230.00 2,999,655.00
PTA-SWFWMD	478160AY0 JOHNSON & JOHNSON CORP	10/08/2013 10/11/2013	2,801,536.20	0.685 0.512 2.15	1.673 1.707 1.707	05/15/2016	17,092.50	2,766,879.93 2,783,972.43	2,775,141.00 2,792,233.50
PTA-SWFWMD	912828VL1 US TREASURY N/B US GOV	05/27/2014 05/28/2014	7,530,761.70	0.432 0.461 0.625	1.861 1.874 1.874	07/15/2016	6,114.13	7,526,985.69 7,533,099.82	7,522,875.00 7,528,989.13
PTA-SWFWMD	912828VR8 US TREASURY N/B US GOV	08/19/2013 08/20/2013	4,982,617.19	0.743 0.499 0.625	1.945 1.959 1.959	08/15/2016	1,443.61	4,988,585.09 4,990,028.70	5,012,300.00 5,013,743.61
PTA-SWFWMD	084664BX8 BERKSHIRE HATHAWAY FIN CORP	01/28/2014 01/31/2014	5,032,150.00	0.694 0.603 0.95	1.938 1.959 1.959	08/15/2016	2,111.11	5,024,792.49 5,026,903.60	5,033,700.00 5,035,811.11
PTA-SWFWMD	3130A1CD8 FEDERAL HOME LOAN BANK AGCY BOND	08/20/2014 08/21/2014	2,522,410.00	0.31 0.385 1.125	1.384 1.077 2.079	09/28/2016	11,953.12	2,521,806.81 2,533,759.94	2,519,925.00 2,531,878.12
PTA-SWFWMD	3137EADS5 FREDDIE MAC AGCY BOND	05/22/2014 05/23/2014	7,050,330.00	0.572 0.627 0.875	2.094 2.123 2.123	10/14/2016	23,309.03	7,044,586.33 7,067,895.36	7,036,540.00 7,059,849.03
PTA-SWFWMD	822582AZ5 SHELL INTERNATIONAL FIN CORP	08/13/2014 06/18/2014	1,002,260.00	0.805 0.792 0.90	2.177 2.211 2.211	11/15/2016	2,650.00	1,002,070.51 1,004,720.51	1,002,360.00 1,005,010.00
PTA-SWFWMD	3130A0Z45 FEDERAL HOME LOAN BANK AGCY BOND	02/27/2014 02/28/2014	7,144,285.71	0.653 0.49 0.75	1.204 0.244 2.247	11/28/2016	13,839.29	7,142,857.14 7,156,696.43	7,147,428.57 7,161,267.86
PTA-SWFWMD	084664CA7 BERKSHIRE HATHAWAY FIN CORP	01/08/2014 01/10/2014	4,000,000.00	0.384 0.313 0.384	0.111 2.364 2.364	01/10/2017	2,173.73	4,000,000.00 4,002,173.73	4,006,600.00 4,008,773.73
PTA-SWFWMD	78010UNX1 ROYAL BANK OF CANADA CORP	03/18/2014 03/19/2014	5,018,500.00	1.067 1.047 1.20	2.355 2.40 2.40	01/23/2017	6,333.33	5,015,603.16 5,021,936.49	5,018,100.00 5,024,433.33
PTA-SWFWMD	3136AJB21 FNA 2014-M4 ASQ2 FNMA	04/14/2014 04/30/2014	1,515,000.00	0.796 0.754 1.272	1.931 1.959 2.405	01/25/2017	1,590.36	1,512,634.43 1,514,224.79	1,513,905.00 1,515,495.36



## Attachment B (continued)



## Month End TD Summary SWFWMD

PTA-SWFWMD (37141)

08/01/2014 - 08/31/2014

Dated: 09/05/2014

Account	Identifier, Description, Security Type	Trade Date, Settle Date	Ending Original Cost	Book Yield, Market Yield, Coupon Rate	Duration, Years to Effective Maturity, Years to Final Maturity	Final Maturity	Ending Accrued Balance	Ending Book Value, Ending Book Value + Accrued	Ending Market Value, Ending Market Value + Accrued
PTA-SWFWMD	064159EK8 BANK OF NOVA SCOTIA CORP	04/08/2014 04/11/2014	1,998,420.00	1.277 1.139 1.25	2.553 2.614 2.614	04/11/2017	9,722.22	1,998,622.51 2,008,344.74	2,005,680.00 2,015,402.22
PTA-SWFWMD	89114QAQ1 TORONTO-DOMINION BANK CORP	04/29/2014 05/02/2014	1,993,480.00	1.236 1.193 1.125	2.615 2.671 2.671	05/02/2017	7,437.50	1,994,189.46 2,001,626.96	1,996,400.00 2,003,837.50
PTA-SWFWMD	36962G7J7 GENERAL ELEC CAP CORP CORP	05/12/2014 05/15/2014	1,149,827.50	1.255 1.149 1.25	2.646 2.619 2.707	05/15/2017	4,232.64	1,149,844.27 1,154,076.90	1,152,978.50 1,157,211.14
PTA-SWFWMD	717081DJ9 PFIZER INC CORP	05/13/2014 05/15/2014	999,120.00	1.13 1.004 1.10	2.654 2.707 2.707	05/15/2017	3,238.89	999,205.66 1,002,444.55	1,002,550.00 1,005,788.89
PTA-SWFWMD	912828WH9 US TREASURY N/B US GOV	06/06/2014 06/09/2014	2,904,417.97	0.822 0.837 0.875	2.666 2.707 2.707	05/15/2017	7,515.96	2,904,078.93 2,911,594.89	2,902,958.00 2,910,473.96
PTA-SWFWMD	05253JAF8 AUST & NZ BANKING GRP NY CORP	06/10/2014 06/13/2014	3,999,280.00	1.256 1.214 1.25	2.723 2.786 2.786	06/13/2017	10,833.33	3,999,331.64 4,010,164.97	4,003,920.00 4,014,753.33
PTA-SWFWMD	---	---	222,310,336.78	0.455 0.446 ---	1.136 1.226 1.306	12/21/2015	309,091.22	221,861,361.39 222,170,452.61	222,003,878.07 222,312,969.29

\* Filtered By: Description ≠ "Payable" and Description ≠ "Receivable". \* Weighted By: Market Value + Accrued.

**FINANCE/OUTREACH & PLANNING COMMITTEE**

**September 30, 2014**

***Routine Report***

**Monthly Financial Statement**

*Purpose*

Presentation of the August 31, 2014, monthly financial statement.

*Background*

In accordance with Sections 373.536(4)(e) and 215.985(12), Florida Statutes, relating to state financial information with certain financial transparency requirements, the District is submitting a "Statement of Sources and Uses of Funds for the Eleven Months Ended August 31, 2014."

**Staff Recommendation:**

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

**Presenter:** Melisa J. Lowe, Acting Bureau Chief, Finance

## Statement of Sources and Uses of Funds For the Eleven Months Ended August 31, 2014

The attached "Statement of Sources and Uses of Funds" statement is provided for your review. This financial statement provides summary-level revenues (i.e., sources) and expenditures by program (i.e., uses). **This unaudited financial statement is provided as of August 31, 2014, with 91.7 percent of the fiscal year completed.**

This financial statement compares revenues recognized and encumbrances/expenditures made against the District's FY2013-14 available budget of \$353.5 million. Encumbrances represent orders for goods and services which have not yet been received.

### Revenues (Sources) Status:

- Overall, as of August 31, 2014, 93 percent of the District's budgeted revenues/balances have been recognized.
- As of August 31, 2014, the District has received \$101,576,543 of ad valorem tax revenue representing just over 100 percent of the budget. This is in-line with the eleven month prior year collection rates of 100 percent for FY2012-13 and 101 percent for FY2011-12. The budget represents 96 percent of the tax levy based on the historical collection rate.
- Intergovernmental Revenues are recognized at the time related expenditures are incurred. For FY2013-14, \$4,436,828 in revenues has been recognized, representing 14 percent of the budget. From year to year, the budgeted amount of intergovernmental revenue compared to the recognized amount can fluctuate for various reasons; projects can be in the planning stages and have not incurred a significant amount of expenditures, or anticipated projects may be canceled (e.g., cooperative funding projects).
- The FY2013-14 interest earnings budget was based on a 0.75 percent expected rate of return. The District's investment portfolio at August 31, 2014, is earning a weighted average yield of 0.50 percent. For the eleven months ended August 31, 2014, the District has earned 0.53 percent yield on its investments. Interest earnings on invested funds in the amount of \$2,568,519, have been recognized representing 69 percent of the budget.
- License and Permit Fees consist of revenue from water use permits, environmental resource permits, water well construction permits, and water well construction licenses. Revenue recognized represents 82 percent of the budget as of August 31, 2014.
- As of August 31, 2014, other revenue earned is 950 percent of the budget. Each year, items that fall within the "Other" revenue category are budgeted conservatively due to the uncertainty of the amounts to be collected. For example, revenues from timber sales, hog hunts, insurance recoveries and the sale of assets can vary significantly from year to year. The significant increase in other revenue is due to the sale of the Bartow service office for \$1.8 million.
- Fund Balance consists of balance from prior years (budgeted for the current year) plus fund balance associated with the ad valorem funded encumbrances that rolled into the current year.

### **Expenditures (Uses) Status:**

Overall, as of August 31, 2014, the District had obligated 83 percent of its total budget.

### **Summary of Expenditures by Program**

This financial statement illustrates the effort to date for each of the District's six statutory program areas (Section 373.536(5)(e)4, Florida Statutes). A discussion of the expenditures by program follows.

- The **Water Resource Planning and Monitoring Program** includes all water management planning, including water supply planning, development of minimum flows and levels, and other water resources planning; research, data collection, analysis, and monitoring; and technical assistance (including local and regional plan and program review). Of the \$46.9 million budgeted for this program, the District has obligated 79 percent of the budget (43 percent expended and 36 percent encumbered).
- The **Land Acquisition, Restoration and Public Works Program** includes the development and construction of all capital projects (except for those contained in the Operation and Maintenance of Works and Lands Program), including water resource development projects/water supply development assistance, water control projects, and support and administrative facilities construction, land acquisition (i.e., Florida Forever program), and the restoration of lands and water bodies. Of the \$246.3 million budgeted for this program, the District has obligated 84 percent of the budget (17 percent expended and 67 percent encumbered).
- The **Operation and Maintenance of Works and Lands Program** includes all operation and maintenance of facilities, flood control and water conservation structures, lands, and other works authorized by Chapter 373, Florida Statutes. Of the \$19.3 million budgeted for this program, the District has obligated 82 percent of the budget (65 percent expended and 17 percent encumbered).
- The **Regulation Program** includes water use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration, compliance and enforcement, and any delegated regulatory program. Of the \$23.1 million budgeted for this program, the District has obligated 82 percent of the budget (70 percent expended and 12 percent encumbered).
- The **Outreach Program** includes all environmental education activities, such as water conservation campaigns and water resources education; public information activities; all lobbying activities relating to local, regional, state, and federal governmental affairs; and all public relations activities and advertising in any media. Of the \$3 million budgeted for this program, the District has obligated 86 percent of the budget (57 percent expended and 29 percent encumbered).

- The **Management and Administration Program** includes executive management, executive support, governing board support, ombudsman, general counsel, inspector general, administrative support (general), procurement, finance, human resources, and risk management. Of the \$14.9 million budgeted for this program, the District has obligated 84 percent of the budget (75 percent expended and 9 percent encumbered).

Based on the financial activities for the eleven months ended August 31, 2014, the financial condition of the District is positive and budget variances are as expected. There are no reported or identified major trends, conditions or variances that warrant additional management attention.

**Southwest Florida Water Management District  
Statement of Sources and Uses of Funds  
For the Eleven Months Ended August 31, 2014  
(Unaudited)**

	<b>Current Budget</b>	<b>Actuals Through 8/31/2014</b>	<b>Variance (under)/Over Budget</b>	<b>Actuals As A % of Budget (rounded)</b>
<b>Sources</b>				
Ad Valorem Property Taxes	\$ 101,464,833	\$ 101,576,543	\$ 111,710	100%
Intergovernmental Revenues	31,181,709	4,436,828	(26,744,881)	14%
Interest on Invested Funds	3,700,000	2,568,519	(1,131,481)	69%
License and Permit Fees	1,700,000	1,385,875	(314,125)	82%
Other	260,700	2,475,671	2,214,971	950%
Fund Balance	215,169,600	215,169,600	-	100%
<b>Total Sources</b>	<b>\$ 353,476,842</b>	<b>\$ 327,613,036</b>	<b>\$ (25,863,806)</b>	<b>93%</b>

	<b>Current Budget</b>	<b>Expenditures</b>	<b>Encumbrances<sup>1</sup></b>	<b>Available Budget</b>	<b>%Expended (rounded)</b>	<b>%Obligated <sup>2</sup> (rounded)</b>
<b>Uses</b>						
Water Resource Planning and Monitoring	\$ 46,904,082	\$ 20,182,976	\$ 16,844,959	\$ 9,876,147	43%	79%
Land Acquisition, Restoration and Public Works	246,309,196	41,126,450	164,788,649	40,394,097	17%	84%
Operation and Maintenance of Works and Lands	19,302,958	12,574,765	3,197,736	3,530,457	65%	82%
Regulation	23,094,285	16,187,723	2,690,724	4,215,838	70%	82%
Outreach	2,975,565	1,689,773	871,186	414,606	57%	86%
Management and Administration	14,890,756	11,226,993	1,296,625	2,367,138	75%	84%
<b>Total Uses</b>	<b>\$ 353,476,842</b>	<b>\$ 102,988,680</b>	<b>\$ 189,689,879</b>	<b>\$ 60,798,283</b>	<b>29%</b>	<b>83%</b>

<sup>1</sup> Encumbrances represent unexpended balances of open purchase orders and contracts.

<sup>2</sup> Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited financial statement is prepared as of August 31, 2014, and covers the interim period since the most recent audited financial statements.



**FINANCE/OUTREACH & PLANNING COMMITTEE**

**September 30, 2014**

***Routine Report***

**Monthly Cash Balances by Fiscal Year**

*Purpose*

To provide a schedule of monthly cash balances by fiscal year, updated to reflect the cash balance as of August 31, 2014.

*Background*

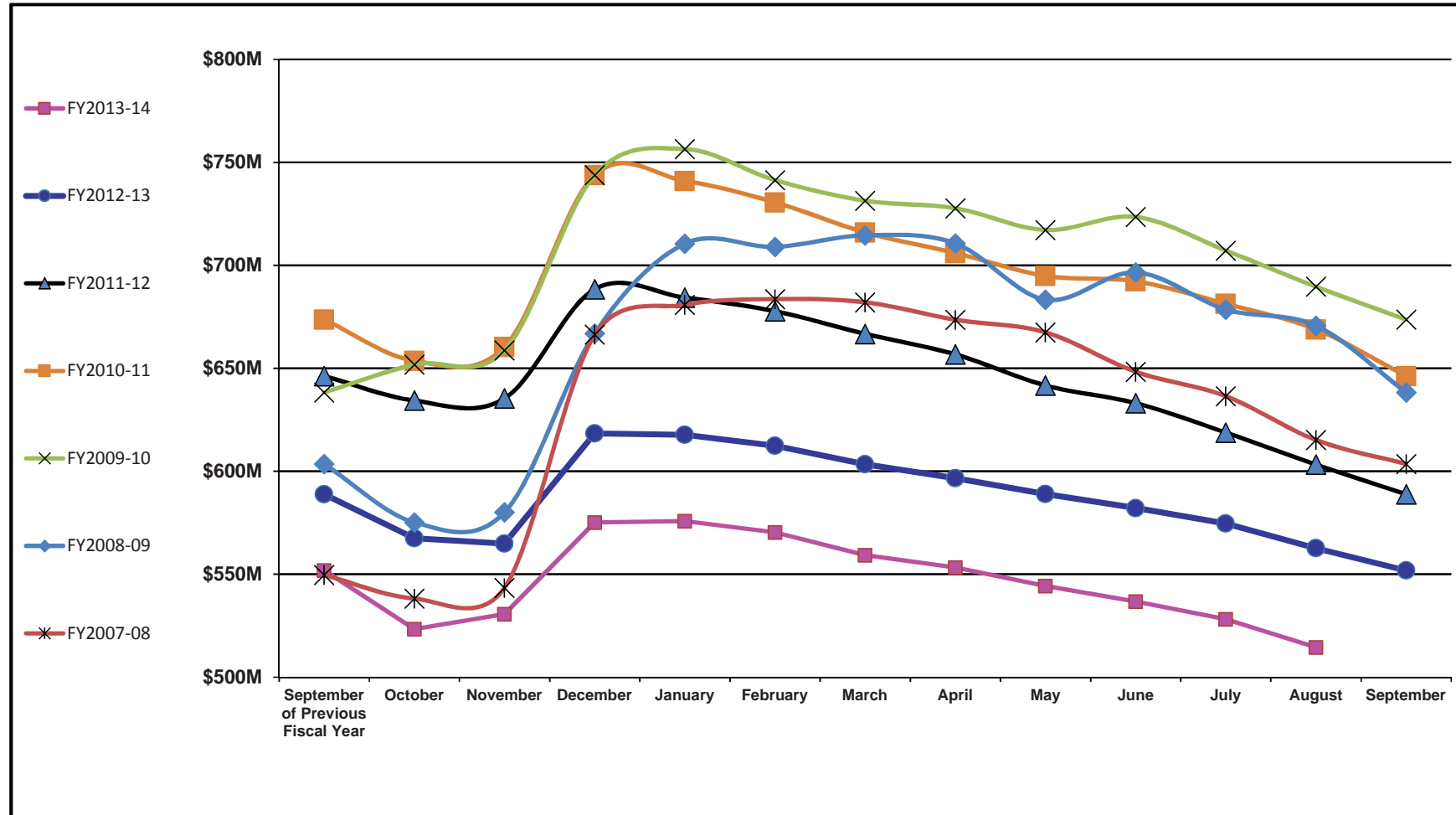
This routine report has been developed to allow the Governing Board to easily monitor the District's cash balances at each month-end and in comparison with monthly cash balances for the last five fiscal years. This trend information will become more important as the District's budget declines and reserves are utilized for projects.

Staff Recommendation:

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

Presenter: Melisa J. Lowe, Acting Bureau Chief, Finance

Southwest Florida Water Management District  
 Monthly Cash Balances by Fiscal Year  
 (FY2007-08 - FY2012-13 and FY2013-14 To-Date)



## FINANCE/OUTREACH & PLANNING COMMITTEE

September 30, 2014

### *Routine Report*

#### Comprehensive Plan Amendment and Related Reviews Report

##### *Purpose*

This report is provided for the Committee's information and shows District activity in the review of Local Government Comprehensive Plans and Amendments. Staff updates the report monthly.

##### *Background/History*

The water management districts provide technical and policy information on water resources and water resource management to local governments as they prepare amendments to their local government comprehensive plans. This information encompasses various areas of water resource management, including water supply, flood protection and water quality, and is intended to support sound land use decisions. Statutory directives for this assistance include Section 373.711, F.S., Technical Assistance to Local Governments, and Section 163.3184, F.S., Process for Adoption of Comprehensive Plan or Plan Amendments. Under Section 163 F.S., substantially revised in 2011, if important state resources and facilities are to be adversely impacted, the water management districts and other State reviewing agencies must state with specificity how the plan amendment will adversely impact the resource or facility and must include measures that the local government may take to eliminate, reduce, or mitigate the impacts. Any plan amendment comments provided by a water management district and/or other State agencies that are not resolved may be challenged by the Department of Economic Opportunity (DEO).

##### *Benefits/Costs*

The benefits of the District's local government technical assistance program are to ensure local government elected officials have sound water resource technical and policy information as they amend their local government comprehensive plans. This helps to ensure local plans are compatible with the District's plans, programs and statutory direction. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

##### Staff Recommendation:

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

Presenter: Colleen Thayer, Public Affairs Bureau Chief

## Local Government Comprehensive Plan Amendment and Related Reviews Report

August 31, 20

Project	Amendment Type	Assigned	Completed	Description	10YWSFW
Charlotte 14-2	ESR	7/3/2014	8/4/2014	Text amendments. Comments encouraged the addition of meaningful and predictable language relating to wetlands and floodplains.	<input type="checkbox"/>
Citrus 14-4	ESR	8/21/2014		Text amendments.	<input type="checkbox"/>
City of Sarasota 14-1	ESR	7/3/2014	8/1/2014	Map and text amendments. Comments addressed opportunities for retrofitting redevelopment areas with stormwater treatment.	<input type="checkbox"/>
City of Seminole 14-2	ESR	8/1/2014	8/28/2014	Map amendment. No substantive comments.	<input type="checkbox"/>
Desoto 14-1	ESR	8/7/2014	8/20/2014	Mosaic text amendments. No substantive comments.	<input type="checkbox"/>
Desoto 14-2	ESR	8/18/2014	9/2/2014	Text amendments. No substantive comments.	<input type="checkbox"/>
Hardee 14-4	ESR	7/28/2014	8/15/2014	Map amendment. Comments addressed water quality, wetlands, other surface waters and existing permits/wells.	<input type="checkbox"/>
Hardee 14-5	ESR	8/12/2014	9/12/2014	Map and related text amendments. Comments addressed missing water supply documentation, and commended County for requiring use of reclaimed water and for protecting wetlands and floodplains associated with Payne Creek.	<input type="checkbox"/>
Lakewood Centre	DRI	7/3/2014	7/29/2014	Adding 796 acres to the Lakewood Centre DRI. Comments addressed water conservation measures approved in an earlier development order and provided information on an existing well.	<input type="checkbox"/>
Manatee 14-3	ESR	8/20/2014		Map and text amendments.	<input type="checkbox"/>
Pinellas 14-2	ESR	7/17/2014	8/14/2014	Map and text amendments. No substantive comments.	<input type="checkbox"/>
Polk 14-10ACSC	Regular	8/5/2014	8/29/2014	Packet includes one map amendment. Comments addressed incomplete potable water analysis.	<input type="checkbox"/>
Polk 14-9	ESR	7/1/2014	7/28/2014	Packet included map and text amendments. No substantive comments.	<input type="checkbox"/>
Robinson Gateway Final Review	DRI	8/4/2014		DRI proposed for Manatee County. Developing final comments.	<input type="checkbox"/>

Attachment: Sept 14 CPARR Report (1367 : Comprehensive Plan Amendment and Related Reviews

Project	Amendment Type	Assigned	Completed	Description	10YWSFWP
Sarasota Park of Commerce, University Town Center DRI	DRI	8/4/2014	9/22/2014	Application to increase development entitlements. Comments reiterated previous feedback on early coordination on the conservation easement. Letter also requested clarification on map discrepancies and noted additional outdoor water conservation measures.	<input type="checkbox"/>
Waterset DRI, Notice of Proposed Change, First Sufficiency	DRI	6/30/2014	7/28/2014	Proposed changes to the development scenario and the addition of 36.94 acres. No substantive comments. Previously advised of an ERP issued for additional property added to the DRI.	<input type="checkbox"/>

AR        Alternative  
 ACSC    Area of Critical State Concern  
 CIE      Capital Improvement Element  
 DRI      Development of Regional Impact  
 EAR      Evaluation and Appraisal Report  
 ESR      Expedited State Review  
 PSFE    Public School Facilities Element  
 NOI      Not in Compliance  
 WSWP   Water Supply Facilities Work Plan

## FINANCE/OUTREACH & PLANNING COMMITTEE

September 30, 2014

### *Routine Report*

#### Development of Regional Impact Activity Report

##### *Purpose*

This report is provided for the Committee's information and shows District activity in the review of Developments of Regional Impact (DRIs). Staff updates the report monthly.

##### *Background/History*

The water management districts participate with other State agencies in the review of DRIs, pursuant to Section 380.06, Florida Statutes. A DRI is defined as any development which, because of its character, magnitude or location, would have a substantial effect upon the health, safety or welfare of citizens of more than one county. A set of statewide guidelines and standards (thresholds) has been adopted by rule that is used in determining whether particular developments must undergo DRI review. A form has been adopted by Rule that specifies the information that must be provided by the developer in the DRI Application for Development Approval (ADA).

The DRI review process is administered by the regional planning councils and oversight is provided by the Florida Department of Economic Opportunity (DEO). The District has also entered into memoranda of agreement with the Central Florida, Southwest Florida, Tampa Bay and Withlacoochee regional planning councils to more specifically outline the District's DRI review responsibilities. The District provides water resource management technical and policy information to the regional planning councils and local governments to assist them in making well-informed growth management decisions.

##### *Benefits/Costs*

The goals of the District's DRI review program are twofold: (1) To ensure regional planning councils and local government elected officials have sound water resource technical and policy information as they consider approval of large scale development proposals; and (2) To reduce the number and magnitude of issues that will need to be addressed during the District's regulatory review processes. District participation in this program helps to ensure that these proposed large-scale developments are compatible with the District's plans, programs and statutory directives. Costs for this program primarily include staff time and are budgeted in Fund 10 (Governing Board).

##### Staff Recommendation:

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

Presenter: Colleen Thayer, Public Affairs Bureau Chief



# DRI Activity Report

August 31, 20

Project	DRI Location	DRI App Type	Date Assigned	Date Completed	Description
Lakewood Centre	Manatee County	NOPC - 1st Sufficiency	7/3/2014	7/29/2014	Adding 796 acres to the Lakewood Centre DRI. Comments addressed water conservation measures approved in an earlier development order and provided information on an existing well.
Robinson Gateway Final Review	Manatee County	Final	8/4/2014		DRI proposed for Manatee County. Developing final comments.
Sarasota Park of Commerce, University Town Center DRI	Sarasota County	ADA - 1st Sufficiency	8/4/2014	9/22/2014	Application to increase development entitlements. Comments reiterated previous feedback on early coordination on the conservation easement. Letter also requested clarification on map discrepancies and noted additional outdoor water conservation measures.
Waterset DRI, Notice of Proposed Change, First Sufficiency	Hillsborough	NOPC - 1st Sufficiency	6/30/2014	7/28/2014	Proposed changes to the development scenario and the addition of 36.94 acres. No substantive comments. Previously advised of an ERP issued for additional property added to the DRI.

ADA Application for Development Approval  
 DRI Development of Regional Impact  
 NOPC Notice of Proposed Change  
 Pre-App Pre-Application Meeting  
 SD Substantial Deviation

## FINANCE/OUTREACH & PLANNING COMMITTEE

September 30, 2014

### *Routine Report*

#### Significant Activities

##### **Public Affairs Bureau:**

The Public Affairs Bureau supports the District's mission through a broad range of activities. Staff serves as liaisons with local, state and federal government officials and represents the District with a number of community organizations. Staff also advocates the District's legislative priorities and develops and implements strategies to acquire state and federal appropriations. Further, staff provides government and agency assistance, Board and Advisory Committee support, and outreach and strategic planning for the District.

##### **Legislation and Policy**

The Public Affairs Bureau acts as the District's day-to-day representatives before the Florida Legislature and U.S. Congress. This includes educating officials and staff regarding the mission of the District, providing information on issues and legislation, and coordinating our legislative program with other state and federal agencies. The department recommends, develops and executes the District's legislative program based on Governing Board and executive staff direction. Public Affairs staff works with executive, legal and other departments to develop and manage internal District legislative procedures and policies. ***New Activities since Last Meeting:*** At its meeting on September 10<sup>th</sup>, the Joint Legislative Budget Committee adopted the State's Long Range Financial Outlook (FYI2015-16 through 2017-18). In summary, the outlook for the coming year predicts total General Revenue available for appropriation at \$29,806.6 million. Estimators predict that anticipated expenditures (including the reserve) can be fully funded, the budget is in balance as constitutionally required, and is growing more slowly than available revenues. Further, an available ending balance of \$336.2 million, or about 1.1 percent of the 2015-16 projected revenues, would be available to roll over to the next fiscal year.

The Commission also approved the funding for springs projects funded during the 2014 Legislative Session. \$30 million was appropriated during the Session and approved by the Governor. LBC authorization was needed prior to DEP utilizing the funds.

##### **External Affairs**

As part of the District's public affairs program, the External Affairs Section of the Public Affairs Bureau is responsible for (1) developing effective relationships with local elected and public officials and their staff, (2) serving as the District's day-to-day liaison with local officials, (3) facilitating coordination of District programs to assist local government entities, (4) assisting local governments with water supply planning and land use decisions (5) promoting the mission of the District and (6) helping to develop and foster sound public policy on water resource related issues. To meet these responsibilities, the section has developed long-standing programs and tactics, including but not limited to, project tours, e-mail alerts and one-on-one meetings. ***New Activities Since Last Meeting:***

- **Pinellas County** - Mark Woodard is the new county administrator for Pinellas County. Woodard was appointed as the interim director in April after the Commission released its previous administrator, Robert LaSala.
- **Desoto County CFI Discussion** -The County is planning to request District dollars for a

portion of its Water Supply Transmission project. Construction is set to begin in early 2015. DeSoto County is working together with FDOT on the project and FDOT will serve as the contractor. The total cost of the project is \$2.4 million. DeSoto will be receiving federal grant dollars for 65% of the project and is hopeful the District can help fund a portion of the remaining 35%. The County will be submitting a CFI application for FY16. Out-of-cycle funding may be needed as well.

- **City of Brooksville** -The City applied for FY2015 funding to seek alternatives to relieve flooding in a residential neighborhood. Staff discussed the project timeline and when the City should consider requesting future funds for BMPs identified under this project. The results from the alternatives analysis will not be completed in time to apply for FY2016 funds. The proposed project timeline should enable the City to apply for FY2017 funds should it identify a qualifying project as a result of the FY2015 project. Staff will continue to work with the City to identify potential projects within this watershed.
- **City of Inverness** - Staff gave a brief presentation on the District's Watershed Management Program to the City Council at its regular meeting. The presentation focused on the revised floodplain mapping effort that is nearing completion for several watersheds in Citrus County.

## • **County Primary Election Results**

### **Hillsborough County**

- o County Commission District 4 - Stacy White - no opposition in General Election
- o County Commission District 7 - Al Higginbotham - moves on to General Election, Patricia Kemp - moves on to General Election

### **Pasco County**

- o County Commission District 2 - Mike Moore - no opposition in General Election
- o County Commission District 4 - Mike Wells - no opposition in General Election

### **Pinellas County**

- o County Commission District 2 - Ed Hooper - no opposition in General Election
- o County Commission District 4 - Dave Eggers - no opposition in General Election
- o County Commission District 6 - John Morroni - no opposition in General Election

### **Citrus County**

- o County Commission District 2 - Ronald Kitchen (R) defeats incumbent JJ Kenney - Moves on to General Election
- o County Commission District 4 - Scott Carnahan (R) - No Opposition in General Election

### **Hernando County**

- o County Commission District 4 - Jeff Holcomb (R) - Moves on to General Election
- o County Commission District 2 - Wayne Dukes (R) - Moves on to General Election

### **Levy County**

- o County Commission District 2 - Rock Meeks (R) defeats incumbent Chad Johnson - Moves on to General Election
- o County Commission District 4 - Lilly Rooks (R) defeats incumbent Ryan Bell - Moves on to General Election

### **Marion County**

- o County Commission District 4 - Carl Zalak (R) - Moves on to General Election
- o County Commission District 2 - Kathy Bryant (R) - Unopposed - No Opposition in General Election

### **Sumter County**

- o County Commission District 2 - Doug Gilpin (R) - Unopposed - No Opposition in General Election
- o County Commission District 4 - Garry Breeden (R) - Unopposed - No Opposition in

## General Election

### **Lake County**

- o County Commission District 2 - Sean Parks (R) - Unopposed - No Opposition in General Election
- o County Commission District 4 - Leslie Campione (R) - Unopposed - Moves on to General Election

### **Charlotte County**

- o County Commission District 2 - Republican Candidate Chris Constance moves onto the general election
- o County Commission District 4 - Republican Candidate Stephen R. Deutsch moves onto the general election

### **Desoto County**

- o County Commission District 2 - Incumbent Jim Self moves onto general election
- o County Commission District 4 - Incumbent Elton Langford won his primary with no opposition in November

### **Hardee County**

- o County Commission District 2 - Sue Birge moves onto the general election
- o County Commission District 4 - Incumbent Grady Johnson lost his primary to Russell A. Melendy who moves onto the general election
- o Only one seat in Wauchula was contested, Sheri T. Albritton (Seat 6) was the winner

### **Manatee County**

- o County Commission District 2 - (After Recount) Charles Smith moves onto the general election
- o County Commission District 4 - Robin DiSabatino wins with no opposition in the general election

### **Polk County**

- o No city/county elections during the primary

### **Sarasota County**

- o County Commission Seat 2 - Paul Caragiulo moves onto the general election
- o County Commission Seat 4 - Alan Maio moves onto the general election
- o North Port Commissioner Seat 4 - winner Jacqueline Moore
- o North Port Commissioner Sear 5 - winner Linda Yates

## **Planning**

- **Pasco County Development Review Committee (DRC) Meeting** - Staff attended the DRC public hearing for the Upper Hillsborough Tract surplus parcel land use change. There was no public turnout. The DRC unanimously recommended that the BOCC approve the District's application, subject to the revised conservation easement language agreed upon by District and County staff. The BOCC public hearing is scheduled for September 9.

## **Community Services**

In addition to acting as the District's liaison to local government, the Public Affairs Bureau is responsible for the primary "grassroots and grasstops" efforts with local community organization and groups. These include the agricultural community, environmental groups, business associations and others. These relationships provide a pivotal component of the District's legislative program and allow for opportunities to communicate the District's mission, policies and the goals. ***New Activities Since Last Meeting:***

- **Kiwanis Club of Brooksville** - Staff gave a presentation on how the District protects water resources to approximately 20 members of the Brooksville Kiwanis Club. Staff answered

questions about alternative water supply, springs and the cooperative funding initiative.

### **Springs Protection Outreach**

This Surface Water Improvement and Management (SWIM) Initiative education project began in FY2005 with a focus on minimizing further water quality impacts from landscaping and other homeowner practices - like over-fertilization and leaky septic tanks - that increase nitrates in springs. More recently, District efforts are focused on increasing the public's understanding of springs issues and its support of the District's actions to restore the springs. ***New Activities***

#### ***Since Last Meeting:***

- Preparations are being made for the District's participation in Save Our Waters Week (September 20-27) in Citrus County. A boat tour of the District's springs restoration projects throughout Kings Bay led by members of the Springs Team will be offered, along with a springs workshop coordinated by the District, Citrus 20/20 and the Save Our Waters Week organization. The District also provided in-kind services for the event by designing and printing the event brochure.
- District staff met with the US Fish and Wildlife Service to discuss a plan for educational signage at the Three Sisters Springs property. The signage project will be a joint-effort of the District and the USFWS. The first phase is intended to be complete in November when the property is scheduled to open to the public.
- Staff finalized two educational springs signs that will be posted in new kiosks at the Chassahowitzka River Campground and Recreation Area.
- Staff is preparing to host a springs booth at the Speak Up Homosassa Springs event on Sept. 6. The event is hosted by the Florida Conservation Coalition.
- Promoted the addition of three first-magnitude springs to the SWIM priority list on the WaterMatters Blog, Facebook and Twitter.

### **Internal Communications**

Staff continues to improve communication to District staff and provide them with timely and accurate information through the internal communications program. As part of the program, *Currents*, the weekly employee newsletter, is sent via email on Mondays and includes special dates and important employee-related information. In addition, Communications staff continues to coordinate all-user emails to ensure all messages are clear and consistent. ***New Activities***

#### ***Since Last Meeting:***

Staff worked with the Chief of Staff to plan, promote and implement the semi-annual Employee Meetings August 12-14. A total of six meetings were held at the District's three offices. Another meeting was held at Circle B Bar Reserve to accommodate Bartow Service Office and Kent Property staff.

### **Social Media**

Social media allows the District to send information directly to the public in a timely, cost-efficient way. The District's social media platforms are used to communicate the District's mission and culture. ***New Activities Since Last Meeting:***

- Twitter is used on a regular basis to post news releases and other important information to 1,537 followers to date.
- The District uses Facebook to promote special events, news and public interest stories and now has 3,114 followers.
- The WaterMatters Blog had 431 views for the month of August. The blog featured articles on the Ulele Springs dedication, the restoration project at MacDill Air Force Base and the District hosting wounded veterans at Lake Hancock.

- The District's Springs Instagram contest won a Golden Image Award of Distinction from the Florida Public Relations Association.

### **Strategic Communications Planning**

Public Affairs staff members work with staff from various bureaus to plan outreach efforts related to projects and programs that directly impact residents. This is done by analyzing any communications challenges that may exist and creating plans to address those challenges. Staff assists with the planning, execution and evaluation of these efforts. ***New Activities Since Last Meeting:***

Communications assistance on the following outreach efforts is being offered:

- As part of the Withlacoochee River Watershed Initiative Outreach Plan, assistance is being provided to Engineering & Watershed Management to develop an informational fact card. A new webpage was launched in August including a slide show of watershed features, a fact sheet and a map identifying the 19 model scenarios.
- Staff continues to work with the Water Resources Bureau and an external team to provide communications support for the City of Clearwater's aquifer recharge project (N179). Communications assistance is being provided to develop a technical brochure about the project.
- As part of the Vertical Datum Upgrade Communications Plan, assistance is being provided to the Data Collection Bureau on the rollout of the change in the water level measuring standard occurring throughout local, state and federal government. The upgrade is complete in the Northern Region and is moving into central Pasco County in September. Communications tools developed include: a Vertical Datum Upgrade webpage, an intranet page for staff, FAQs, a flier, a fact card and a PowerPoint presentation.
- Assisted with coordination of two public workshops during August. 1) A workshop on August 13 included 21 residents on Lakes Hanna, Keene, Kell and Stemper in Hillsborough County. The workshop's purpose was to gain feedback on draft Structure Operational Guidelines and the proposed minimum guidance levels for the lakes. 2) The Starvation Lake Minimum Levels Public Workshop was held on Aug. 27 in Hillsborough County with no residents attending. Staff assisted with meeting coordination and developing the agenda, PowerPoint template, moderator talking points and project posters as well as providing sign-in sheets, comment cards, directional and meeting signs. Staff from the Hillsborough County Environmental Protection Commission took part in both workshops.
- As part of the ERP eCompliance Communications Plan, assistance is being provided to Regulation staff with promoting this new feature of WMIS. Communications tools developed include: an electronic postcard, informational tip card, a WaterMatters Blog article and a promotional graphic added to the ePermitting video. As a result of the promotion, Regulation staff is seeing an increase in eCompliance use from first time registrants. An evaluation survey is under development for permittees taking part in a "how to" interactive webinar.
- The District's CFWI Webinar won a Golden Image Award of Distinction from the Florida Public Relations Association.

### **Water Conservation Activities**

The District promotes water conservation and protection year-round using a variety of methods including the District's website, special events, utility bill inserts, outreach to existing partners and social media efforts such as the online *WaterMatters.org Newsletter*, Facebook and Twitter.

#### ***New Activities Since Last Meeting:***

- Staff is continuing to promote Watch the Weather, Wait to Water throughout the summer through the District's website, signs in District service offices, WaterMatters Blog posts, the



*WaterMatters.org Newsletter* and social media posts. Staff also promoted the Water Use calculator and the Catch-Can Test video on Facebook.

- Staff promoted the rain barrel video and water conservation tips on Facebook and Twitter.

### **Research**

Research is used to plan communications strategies, enhance program design, and evaluate programs. Visit [WaterMatters.org/SocialResearch/](http://WaterMatters.org/SocialResearch/) for the database of the District's social research. ***New Activities Since Last Meeting:***

- The research consultant completed the Northern Issues Post-Survey and staff has reviewed the draft final report. The research consultant will present survey findings to district staff and provide recommendations based on survey results. The goals of the survey are to determine the effectiveness of the District's "Restoring Our Springs!" campaign and to better understand the public opinion, knowledge, attitudes and behaviors regarding issues specific to Citrus, Hernando and Marion counties.

### **Florida Water Star<sup>SM</sup> (FWS) Certification Program**

FWS is a voluntary certification program for builders, which encourages water efficiency in appliances, plumbing fixtures, irrigation systems and landscapes, as well as water quality benefits from best management practices in landscapes. The program includes certifications for new homes, existing homes, commercial properties and communities. This is the program's fifth year in the District. ***New Activities Since Last Meeting:***

- The Tampa Housing Authority signed a Florida Water Star<sup>TM</sup> Building Owner Participation Agreement for The Encore! community in downtown Tampa. Staff has conducted FWS inspections at two multi-family apartment buildings at The Encore! and is waiting on further documentation from the Tampa Housing Authority before determining whether certification will be granted.
- Certified eight Florida Home Partnership (FHP) units in the new Friendship Apartment Community in Hillsborough County. The Friendship Apartment Community is the first FWS certified community in Hillsborough County and staff is working with FHP to plan an event recognizing the community certification.
- Hosted a water savings workshop in partnership with the Florida Irrigation Society to educate approximately 45 landscape and irrigation professionals about how to use innovative products and designs for a beautiful landscape that conserves water.
- Promoted the FWS program at the Florida Green Building Coalition's Green Trends Conference and Tradeshow in Sarasota. The coordinator staffed a booth and attended networking functions, effectively promoting the FWS program to more than 100 builders, developers, architects and industry professionals.
- Agreements: Builders who intend to incorporate FWS criteria in current or future projects sign non-binding participation agreements. This District has 30 signed agreements representing approximately 870 properties.
- Certifications: As of September 2 this District has certified 425 properties.

### **Youth Education**

As part of the Youth Water Resources Education, the District provides funding to school districts to implement grade-level field study programs and other water-resources programming. These programs include Splash! school grants, which provide funding up to \$3,000 per school to enhance student knowledge of freshwater resources issues. The Youth Education program also includes teacher training materials, curriculum tools and publications for students and educators. ***New Activities Since Last Meeting:***

- Purchase orders to school districts have been opened for water resources education during the 2014-2015 school year.
- Splash! school grant applications were due Aug. 29. Staff will be reviewing applications and awarding grants in the coming weeks.
- Staff educated 50 Marion County teachers about springs and the District's educational resources at the "Springs Awareness for Educators" teacher training at Rainbow Springs State Park on August 14. The Rainbow River Conservation hosted the training with support from the District, Marion County Schools, FDEP and the Florida Springs Institute.
- Staff participated in a teleconference with the FDEP Office of Environmental Education and Sustainable Initiatives regarding how the District can help FDEP offer the GLOBE Program teacher trainings within the District.
- Staff promoted the Splash! school grant program on the WaterMatters Blog, Facebook and Twitter.
- Staff promoted the District's online education resources on Pinterest.

### **Decision-Maker Water Schools**

The District provides funding to implement decision-maker water schools, which provide elected officials, decision makers, and community leaders with factual information about their county's water resources and encourages improved public policy and decision making regarding water resource issues.

- District funding will be provided to the 2014 Manatee County Water School scheduled for September 9-10.

### **Visual Communications Print & Graphics**

The print team provides prepress layout, illustration and design of publications and displays for the Public Affairs Bureau and general Districtwide support. ***New Activities Since Last Meeting:***

- ☐ Completed the July Executive Dashboard.
- ☐ Completed the design of the Lakes Hanna, Keene, Kell and Stemper Minimum Levels and Operational Guidelines public workshop materials; Award of Excellence certificate; Polk County Southeast Wellfield Project Funding Summary for Executive; Starvation Lake Proposed Minimum Levels public workshop materials; the Springs Recreational Tips poster; the Chassahowitzka Springshed sign; and the Rainbow River Water Clarity signs and handout.
- ☐ Provided PowerPoint design assistance to Water Resources, Operations & Land Management and Public Affairs staff.

### **Visual Communications - Web**

The web team designs and develops website content and code. ***New Activities Since Last Meeting:***

- ☐ Cooperative Funding Initiative webinar published live on WaterMatters, redesigned and updated SWIM Program micro-site launched on WaterMatters, Springs Coast Steering and Management Committees section launched on WaterMatters, updated Agency Statement of Organization and Operation page on WaterMatters, streamlined homepage launched on WaterMatters, updated MFL Reports pages on WaterMatters, Sawgrass Lake Restoration Project photo gallery updated on WaterMatters, updated Flying Eagle Nature Center section on WaterMatters, launched Withlacoochee River Watershed Initiative section on WaterMatters, Award of Excellence program launched on Currents, all Regulatory Support Bureau intranet content migrated into Currents and ongoing updates on Currents intranet.

**Monthly web trends:** Overall site traffic for January was 63,768 visits, with 161,252 total pageviews. Site visits and pageviews were both up, by 1% and 7% from last month. Year-to-year, site visits were down 5% and total pageviews were down 11% from the same period in 2013.

**Most popular webpages:** Recreation (34,645 pageviews; down 4% from last month and up 2% from same period last year); ePermitting (17,336 pageviews; up 6% from last month, up 4% from same period last year); Data (12,329 pageviews; up 3% from last month and down 11% from same period last year);.

**Most increased traffic:** (excluding “most popular webpages”): Cooperative Funding Initiative (1,451 pageviews; up 46% same period last year); The Power of 10 Pledge (2,479 pageviews; up 43% from same period last year); Springs (3,570 pageviews; up 25% from same period last year).

## **Outreach/Speaker's Bureau**

The Speakers' Bureau program is the ongoing education of the public and community leaders regarding water resource management. The program provides an opportunity for interaction among the public and District staff knowledgeable in all areas of the District's statutory responsibilities and it provides a mechanism for communication of District priorities and concerns. Additionally, the program is utilized as a tool to influence behavior change in the areas of water conservation and to ensure support for the District's legislative initiatives. The following table summarizes the Speakers' Bureau activities for the past three months. ***New Activities Since Last Meeting:***

Organization	Topic	County	Audience	Speaker	Bureau
<b>AUGUST 2014</b>					
UF-IFAS Master Gardener Program	Springs, Ecology and Management	Hernando	15	Sean King	NSR
Beecham Subdivision	The effect of a new residential development on surrounding properties	Hillsborough	12	Rob McDaniel	ERP
Rainbow Springs Awareness for Educators	Springs Awareness with Rainbow River Ecology	Marion	50	Tammy Hinkle	NSR
City of Inverness City Council	Floodplain Mapping	Citrus	20	JP Marchand/ Nam Nguyen/ Chris Zajac	WRB/ PAB
Kiwanis Club of Brooksville	Protecting Water Resources	Hernando	16	Chris Zajac	PAB
HT Odum Florida Springs Institute	Springs and Groundwater in Florida	Lake	25	Dave DeWitt	DCB
TOOFAR, Incorporated	Withlacoochee River Watershed Initiative	Citrus	35	Mark Fulkerson	WRB
Florida Department of Health in Pasco County	District's Responsibilities and Well Construction	Pasco	25	David Arnold	WUP

## Item 51

	Program				
<b>SEPTEMBER 2014</b>					
Wellington Republican Club	Protecting Water Resources	Hernando	30	Chris Zajac	PAB

<b>Key to Abbreviations</b>			
EXE - Executive		NSR - Natural Systems & Restoration	
DCB - Data Collection		OPS - Operations & Land Management	
FIN - Finance		PAB - Public Affairs	
GOV - Governing Board		REG - Regulation	
HRB - Human Resources and Risk Management		WRB - Water Resources	
ITB - Information Technology		WUP - Water Use Permit	

Staff Recommendation:

Presenter: Colleen Thayer, Public Affairs Bureau Chief

**G. General  
Counsel's Report**

**Governing Board Meeting  
September 30, 2014**

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

52. Consent Item(s) Moved for Discussion

***Submit & File Reports*** – None

***Routine Reports***

53. Litigation Report ..... 343

54. Rulemaking Update ..... 358



**GENERAL COUNSEL'S REPORT**

**September 30, 2014**

*Discussion Item*

Consent Item(s) Moved for Discussion

Staff Recommendation:

Presenter: Laura Donaldson, General Counsel

**GENERAL COUNSEL'S REPORT**

**September 30, 2014**

*Routine Report*

Litigation Report

Staff Recommendation:

Presenter: Laura Donaldson, General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT LITIGATION REPORT  
**SEPTEMBER 2014**

(Current status of case is in **boldface** type)

<u>STYLE/CASE NO.</u>	<u>COURT</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
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**DELEGATED ADMINISTRATIVE HEARING MATTERS**

**0 for September, 2014**

**OPEN ENFORCEMENT CASES**

**55 Cases as of August 7, 2014**

**67 Cases as of September 11, 2014**

**ENFORCEMENT CASES IN ACTIVE LITIGATION**

**0 Cases as of September 11, 2014**

(Including Administrative Complaints)

**PERMIT/AGENCY ACTION CHALLENGES**

**5 Cases as of September 11, 2014**

SWFWMD v.  
Steven Schryver

Division of  
Administrative  
Hearings  
Case No. 14-3157

M. Moore

Petition for Administrative  
Hearing Challenging ACO

Steven Schryver owns approximately 13 acres on Spike Road in Brooksville, Hernando County. Beginning in August 2009, District staff received complaints regarding the construction and operation of a motorcross facility on the property and resulting offsite erosion and sediment deposition. After a site visit, District staff advised Mr. Schryver to implement certain erosion and sediment control measures, and the matter was considered closed. Following receipt of additional complaints in February and June 2012, District staff site observations revealed an expanded motorcross operation. Staff observed erosion, offsite turbidity flows, fill placement, pipe installation and a system of berms and sump areas, all of which constituted the construction or alteration of a surface water management system requiring an Environmental Resource Permit (ERP). In July 2012, Mr. Schryver sought an ERP exemption determination for the constructed activities which was later withdrawn. On December 19, 2012, the

<u>STYLE/CASE NO.</u>	<u>COURT</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
				<p>District issued a Notice of Unauthorized Activities in response to additional activities taking place on the property. On February 1, 2013, Mr. Schryver submitted another request for an exemption determination. On February 15, 2013, the District advised that the activities were not exempt and require an ERP. No application was submitted.</p> <p>On June 20, 2013, a proposed consent order was issued to resolve the violations, for which no response was received. Authorization to initiate litigation was obtained at the July 2013 Governing Board meeting. On September 16, 2013, the District issued an Administrative Complaint and Order (ACO) to address unauthorized construction activities. The ACO required that Mr. Schryver obtain an ERP for the construction activities, and that any corrective reconstruction be completed within 60 days of permit issuance.</p> <p>Efforts to serve Mr. Schryver were unsuccessful until December 10, 2013. On December 26, 2013, a Request for Formal Administrative Hearing (Petition) was filed. On January 10, 2014, the petition was dismissed without prejudice. On January 22, 2014, a Motion for a Thirty (30) Day Extension to File an Amended Petition was received, which was granted. On January 29, 2014, District staff conducted a site visit with Mr. Schryver and his counsel to review permitting requirements.</p> <p>From February 24, 2014, to May 16, 2014, additional motions for time extensions were filed and granted on the grounds that Mr. Schryver appeared to be making progress in obtaining consultants and completing a permit application. His last motion was denied, giving him until May 30, 2014 to file an amended petition.</p> <p>On May 30, 2014, Respondent filed an Amended Petition. On June 23, 2014, it was dismissed without prejudice, allowing Mr. Schryver until June 27, 2014 to file any further amended petition.</p> <p>On June 27, 2014, Schryver filed his Second Amended Petition which was referred to DOAH. On July 10, 2014, DOAH issued its Initial Order, and the parties filed a Joint</p>

<u>STYLE/CASE NO.</u>	<u>COURT</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
				<p>Response on July 17, 2014. A hearing was scheduled for September 9, 2014. On July 14, 2014, the District filed a Motion to Dismiss, which was granted by DOAH on July 24, 2014, thereby returning jurisdiction to the District for entry of a final order of dismissal with prejudice at the August Board meeting.</p> <p><b>Notice of Entry of Final Order of Dismissal with Prejudice was entered on August 26, 2014 and served upon Mr. Schryver.</b></p>
John D. Inhofer and Sharon K. Inhofer, Trustees	Division of Administrative Hearings Case No. 14-051	M. Moore	Request for Administrative Hearing Challenging ERP Exemption Determination Request	<p>In December 2012, District staff received complaints regarding filling of wetlands on property occupied by the Land O' Lakes Recycling Center (LOL) located on U.S. 41 in Land O' Lakes, Pasco County. District staff conducted a site visit and determined that there had been recent filling of approximately ¼ - ½ acre of floodplain and wetland area. In December 2012, staff issued a Notice of Unauthorized Construction Activities concerning the recent activities observed onsite. A restoration plan was subsequently approved that involved removal of the most recent fill, regrading of the area and planting of wetland plant species, which has since been completed and will be inspected by staff in December 2014.</p> <p>In April 2013, adjacent property owner John Inhofer contacted staff with concerns that the restoration activities did not include any requirement to obtain an ERP to address water quality for stormwater discharging from the entire site. In August 2013, staff did a site visit with Mr. Inhofer and advised that a permit was not being required for all of the fill and impervious material that had been placed on the site over the years, as staff considered the site to be historically impacted prior to 1984, and that changes in site conditions since then had not significantly impacted the site such as to require a permit. In October 2013, the District received LOL's formal request for determination of qualification of exemption from ERP requirements. On December 13, 2013, District staff issued its determination that an ERP would not be required. On December 30, 2013, Mr. Inhofer filed a petition for an</p>

<u>STYLE/CASE NO.</u>	<u>COURT</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
				<p>administrative hearing challenging the District's exemption determination, which was dismissed as insufficient on January 10, 2014. An amended petition was filed on January 21, 2014 and referred to DOAH on January 30, 2014.</p> <p>On February 21, 2014, LOL filed a Motion to Dismiss. In response, a Second Amended Petition was filed on March 3, 2014. On March 7, 2014, LOL filed another Motion to Dismiss, which the ALJ granted on March 10, 2014. On March 13, 2014, a Third Amended Petition for Formal Administrative Hearing was filed. A final hearing was set for April and subsequently rescheduled for May 30, 2014.</p> <p>Meanwhile, the parties proceeded with discovery and depositions. After motions both for and against a site inspection and hearing on the motions, a site inspection was conducted on May 14, 2014. On May 23, 2014, the parties filed a joint motion to continue the matter, which was granted. The parties are to report back to DOAH by August 22, 2014. LOL is discussing permitting options with staff. On June 19, 2014, staff conducted a pre-application meeting with representatives and counsel for both LOL and Mr. Inhofer. On July 25, 2014, another pre-app meeting was conducted to review preliminary plans.</p> <p><b>On August 22, 2014, following the District's filing of a Joint Status Report and Motion for Continued Abeyance, the case was continued. The parties shall confer and advise the ALJ in writing no later than October 23, 2014. Meanwhile, LOL is developing its permit application.</b></p>
<b>Joseph McClash v. Land Trust #97-12 Attn: Christian Van Hise Trustee</b>  <b>(Single Family Homes at Harbor Sound)</b>	<b>Division of Administrative Hearings</b>	<b>C. Tanner  M. Moore</b>	<b>Request for Administrative Hearing Challenging the Environmental Resource Permit</b>	<b>On August 29, 2014, the District received a timely Petition for Administrative Hearing filed by Joseph McClash. The Petition is under review for sufficiency.</b>



<u>STYLE/CASE NO.</u>	<u>COURT</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
Carl Roth, Erin Capparelli, Doug Farr, & Janice Byers v. SWFWMD	Division of Administrative Hearings	M. Moore	Request for Administrative Hearing Challenging ERP Permit For the Storm Water Management System at Beecham Subdivision	On September 3, 2014, the District received a timely Petition for Administrative Hearing filed by Carl Roth on behalf of himself and as representative for all petitioners. The Petition is under review for sufficiency.
Manasota-88, Inc. v. SWFWMD, et al	Division of Administrative Hearings	C. Tanner M. Moore	Request for Administrative Hearing Challenging the Environmental Resource Permit	On September 10, 2014, the District received a timely Petition for Administrative Hearing filed by Manasota- 88, Inc. The Petition is under review for sufficiency.
<b><u>MISCELLANEOUS</u></b> <b>8 Cases as of September 11, 2014</b>				
Fought, James D. v. SWFWMD/ Case No. 2013 CA 308	5th Judicial Circuit/ Citrus County	C. Felice	Complaint for Declaratory Relief	Summons and Complaint for Declaratory Relief served 3/8/13. On 3/28/13 the District served its Answer to Complaint and Motion to Dismiss Complaint. 4/3/13 - DEP's Notice of Appearance and Designation of E-Mail Addresses filed. 4/22/13 – DEP filed its Motion to Dismiss. 5/10/13 - DEP served its Notice of Unavailability for May 17 thru May 27, 2013. 7/26/13 - DEP filed its Notice of Appearances, Substitution of Counsel and Designation of E-Mail Addresses. 1/31/14 - Amended Complaint for Declaratory Relief filed. 2/1/14 - Motion to File Amended Complaint served. 2/12/14 - Defendant SWFWMD's Response to Plaintiff's Motion to Amend Complaint filed.
Ingerick, Tamela v. SWFWMD & FL Highway Patrol/ 2012 CA 9825 NC	12th Judicial Circuit, Sarasota County	C. Felice	Complaint alleging negligence against the District and FL Highway Patrol regarding smoke from a prescribed burn causing a motor vehicle accident	The District was served a Summons and Complaint on December 19, 2012, alleging negligence on behalf of the District and the FL Highway Patrol due to smoke from a prescribed burn causing a motor vehicle accident. Risk Management has been notified of the case and it has been referred to the District's insurance carrier. The District filed its Answer and Affirmative Defenses on December 31, 2012. The plaintiff filed a response to the District's Answer and Affirmative Defenses on January 4, 2013. The District served the plaintiff with requests for discovery on January 3, 2013 and January 23, 2013, and is currently awaiting responses. The plaintiff provided answers and responses to the District's requests for discovery on February 27, 2013 and February 28, 2013. The plaintiff served the District with a Request for Production of Documents. The District is

<u>STYLE/CASE NO.</u>	<u>COURT</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
Account Management Solutions, Inc. v. Chick-	6th Judicial Circuit, Pinellas County	K. Zamboni K. Dionisio	Complaint alleging nuisance, trespass, and negligence resulting from a storm water	<p>currently preparing its response to the request. The District served a Notice of Taking Deposition to the Plaintiff and to the Trooper M.P. Jones. The depositions are scheduled to occur in June. The District continues to receive documents in response to its discovery requests. (Plaintiff's) Notice of Taking Deposition (set for 6/26/13) served on April 19, 2013. The Plaintiff's deposition is scheduled for June 20, 2013, and a deposition of District staff is scheduled for June 26, 2013. The District deposed on the Plaintiff on June 20, 2013 and served the Plaintiff with a request for additional discovery on June 21, 2013. The Plaintiff deposed District staff on June 26, 2013. On July 22, 2013, the District provided responses to a request for production of documents served on the District by the Florida Highway Patrol. Mediation has been scheduled in this matter for October 28, 2013. The mediation scheduled for October 28, 2013 was rescheduled for January 31, 2014. 1/27/14 - Plaintiff filed its Notice of Cancellation of Mediation. Second Amended Notice of Mediation filed rescheduling mediation to May 1, 2014. On March 19, 2014, the Florida Highway Patrol filed a Motion for Summary Judgment and Memorandum of Law. On March 26, 2014, the District filed a Response in Opposition to the Florida Highway Patrol's Motion for Summary Judgment. A hearing on the Motion for Summary Judgment is scheduled for April 16, 2014. Also on March 26, 2014, the District filed a Proposal for Settlement to the Plaintiff in the amount of \$5,001. The Plaintiff has until April 25, 2014 to accept the District's proposed settlement. On April 22, 2014, an Order Granting Defendant, Florida Highway Patrol's Motion for Summary Judgment was entered. Mediation was held on May 1, 2014. No agreement was reached. On May 22, 2014, Plaintiff filed a Motion for Reconsideration of Defendant Florida Highway Patrol's Motion for Summary Judgment. A hearing on that motion is scheduled for July 23, 2014. On June 28, 2014, the Judge entered an order denying the Plaintiff's Motion for Reconsideration of Defendant Florida Highway Patrol's Motion for Summary Judgment. The hearing scheduled for July 23, 2014 was cancelled.</p> <p><b>On September 3, 2014, the District was served a Summons and Complaint by Plaintiff, Account Management Solutions, Inc., in an action alleging nuisance, trespass and negligence against Defendants</b></p>

<u>STYLE/CASE NO.</u>	<u>COURT</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
<b>Fil-A, John-Mary Enterprises, Ltd. and SWFWMD/Case No. 2014-CA-006466</b>			<b>drainage system; the District is named as a co-Defendant pursuant to 373.433, F.S., for abatement of a public nuisance.</b>	<b>Chick-Fil-A and John-Mary Enterprises, Ltd., resulting from a storm water drainage system permitted by the District. The complaint also alleges abatement of a public nuisance pursuant to 373.433, F.S. The statute requires that an action seeking abatement name the permitting authority as a party to the law suit. On September 8, 2014, the District filed a Notice of Appearance.</b>
SWFWMD v. Parsons Water & Infrastructure, Inc./Case No. 2103 CA-002404 2014-CA-001631	5th Judicial Circuit, Hernando County/R. Tombrink, Jr. Transferred to 13th Judicial Circuit, Hillsborough County/ C. E. Bergmann	M. McNeil  R. Aranda	Complaint for breach of contract and professional negligence	<p>11/22/13 - Complaint filed. Waiver of Service of Process forwarded to Defendant's attorney. 1/14/14 - Parsons served Motion to Transfer Venue and Notice of Filing of Affidavit of Tory Champlin in support of its Motion to Transfer Venue. 1/24/14 - Joint Stipulation to Transfer Venue to Hillsborough County filed; Defendant's attorney filed Designation of Email Addresses. 1/27/14 - Order Granting Joint Stipulation to Transfer Venue to Hillsborough County entered. Parsons filed their Answer, Affirmative Defenses and Counterclaim on February 6, 2014. Parsons' First Request for Production served 2/14/14. Parsons' Notice of Production of Documents from Non-Parties served on 2/21/14. Notice of Appearance of outside counsel on behalf of the District filed 2/25/14. 3/12/14 - Plaintiff served its Motion to Dismiss Counterclaim. On 3/13/14 Parsons Water &amp; Infrastructure, Inc. served its Answer, Affirmative Defenses and Amended Counterclaim, together with Notices of Filing of Exhibits A -- B-4 and Exhibits C -- K. Plaintiff's Response to Defendant's First Request to Produce was served on 3/17/14. On April 1, 2014, SWFWMD served its Answer and Affirmative Defenses to Amended Counterclaim and its First Request to Produce to Defendant, Parsons Water &amp; Infrastructure, Inc. Mediation conference is scheduled for August 7, 2014.</p> <p>On May 22, 2014, Plaintiff filed their Request for Copies for Leif Hindes. On May 28, 2014, Defendant, Parsons, filed their Notice of Filing Subpoena Duces Tecum Without Deposition of United Infrastructure Group to appear and produce documents on June 6, 2014, at Wright, Fulford, Moorehead &amp; Brown, P.A. in Altamonte Springs, FL. On June 20, 2014, Plaintiff filed their Response to Parsons' Second Request for Production and Third Request for Production. On June 26, 2014, Plaintiff filed their Response to Parsons' Second Request for Production and Third Request for Production.</p>

<u>STYLE/CASE NO.</u>	<u>COURT</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
SWFWMD v. Suggs, Thomas E., Jr., et al./Case No. 2012 CA 001929	5th Judicial Circuit, Sumter County	C. Felice	Complaint for Declaratory Judgment of Homestead Property Claimed by Thomas E. Suggs a/k/a Thomas Edwin Suggs, Jr.	<p>On July 11, 2014, Defendant, Parsons Water &amp; Infrastructure, Inc. filed their Certificate of Authority in regard to the Mediation scheduled August 7, 2014. On July 16, 2014, Plaintiff, SWFWMD, filed their Certificate of Authority Regarding Mediation.</p> <p><b>On September 10, 2014, Plaintiff filed a Notice of Case Management Conference scheduled for October 21, 2014 at 2:00, to be held at the Hillsborough County Courthouse, Courtroom #508.</b></p> <p>Complaint and Notice of Lis Pendens filed with clerk of court on December 13, 2012. Summonses sent to Sheriff on December 20, 2012 to serve defendants. Danny J. Suggs was served on December 31, 2012. Return of Non-Service received on Lisa Steed, Harold W. Steed and Gary D. Suggs. Joann Suggs Krueger was served on January 2, 2013. Danny J. Suggs' Motion to Dismiss served on January 21, 2013. On January 28, 2013, the District served Plaintiff's Response to Motion to Dismiss and Plaintiff's Motion to Abate as to Defendant Danny J. Suggs. Received Return on Non-Service on Thomas E. Suggs. On February 4, 2013, Judge Hallman entered an Order on Motion Practice Procedure. Sent Alias Summons to be served on Thomas Suggs on February 11, 2013. Citrus County Sheriff sent Alias Summons unserved citing that they "no longer serve non-enforceable process requested..." Mailed out to process server on February 22, 2013. Order on Defendant's (Danny J. Suggs') Motion to Dismiss (Denied) and Order on Plaintiff's Motion to Abate as to Defendant Danny J. Suggs (Granted until outcome of Plaintiff's Motion for Relief from Stay to be filed in bankruptcy case) entered February 27, 2013. Alias Summons served on Defendant, Thomas Suggs, March 27, 2013. Motion for Default and Affidavit of Non-Military Service (re Thomas Suggs) filed 4/26/13. 5/1/13 - Default entered against Thomas E. Suggs. 8/2/13 - Notice of Voluntary Dismissal with Prejudice of Danny J. Suggs served.</p>
Suggs, Danny J. / Case No. 3:12-bk- 06997-	US Bankruptcy Court, Middle District of Florida,	K. Dionisio / C. Felice	Chapter 7 Bankruptcy	On October 25, 2012, Danny J. Suggs filed a Voluntary Petition for bankruptcy with the US Bankruptcy Court, Middle District of Florida, Jacksonville Division. Outside bankruptcy counsel was appointed to the 13th Judicial Circuit Court for Hillsborough County and transferred the

<u>STYLE/CASE NO.</u>	<u>COURT</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
PMG - Chapter 7	Jacksonville Division			<p>case back to the District on May 23, 2013. As to the four contested matters set for Final Evidentiary Hearing in the main bankruptcy case, the Court entered an Order on May 30, 2013, continuing the Final Evidentiary Hearings to August 12, 2013. The following motions will be heard: (1) SWFWMD's Objection to Exemptions; (2) Debtor's Motion for Contempt for Violation of the Automatic Stay; (3) SWFWMD's Amended Motion for Relief from the Stay, (4) Debtor's Motion to Avoid judicial Lien of SWFWMD. Parties have filed their respective Witness &amp; Exhibit Lists.</p> <p>Items No. 2 and 3 were resolved, in that the District dismissed Danny Suggs from the underlying state court proceeding regarding the homestead determination of Thomas Suggs. The parties then withdrew the pending motions within the bankruptcy case.</p> <p>On July 23, 2013, the District filed a Motion for Summary Judgment on its Objection to Exemptions. On July 31, 2013, the Debtor filed a Motion for Summary Judgment on its Motion to Avoid Judicial of SWFWMD and Cross-Motion for Summary Judgment on the District's Objection to Exemptions. Oral arguments were heard by the Court on August 12, 2013. Judge Glenn took the matters under advisement.</p> <p>On October 3, 2013, the Court entered an Order denying the District's Motion for Summary Judgment on Objection to Exemptions, finding that SWFWMD was not a joint creditor of the debtor and his non-filing wife. The Court also denied the Debtor's Motion for Summary Judgment on Avoidance of Judgment Lien, and granting the Debtor's Motion for Summary Judgment on Objection to Exemptions. On October 7, 2013, an Order Scheduling a Status Conference for November 20, 2013, to discuss the outstanding issues from the August 12, 2013 hearing was entered.</p> <p>On October 17, 2013, SWFWMD's Motion for Extension of Time for Appeal and Corrected Motion for Extension of Time for Appeal were filed. On October 17, 2013, Debtor's Consent to Motion to Extend Time to File Appeal was filed. On October 18, 2013, DRAFT Order Granting Corrected Motion for Extension of Time for Appeal was filed with Judge Glenn. On October 21, 2013, Order Granting SWFWMD's Corrected Motion for Extension of Time for Appeal was signed by the Honorable Judge Glenn and filed. On October 22, 2013, Certificate of Service - Order Granting Corrected Motion for Extension of Time for Appeal</p>

<u>STYLE/CASE NO.</u>	<u>COURT</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
				<p>was filed.</p> <p>On November 8, 2013, Debtor filed a Second Motion to Avoid Judicial Lien pursuant to 11 U.S.C. § 522(f), attempting to avoid the District's lien as to property held as tenancy by the entireties. Status conference held on November 20, 2013. Further motions for summary judgment on lien avoidance and exemptions to be filed by January 31, 2014.</p> <p>On January 14, 2014, the District filed a Motion for Relief from the Automatic Stay pursuant to Section 362(d)(1) of the Bankruptcy Code to petition the Fifth Judicial Circuit Court in and for Sumter County under Fla. R. Civ. P. Rule 1.540(a), to correct an error of omission in the Final Judgment entered on July 9, 2009, <i>nunc pro tunc</i> and thereafter file a copy of the corrective order in the public records. The Debtor filed a written response on January 15, 2014. The bankruptcy court set the contested matter for preliminary hearing on February 5, 2014, wherein the court took the matter under advisement.</p> <p>On January 31, 2014, the District filed a written Objection to the Debtor's Motion to Avoid Judicial Lien (tenancy by the entirety property) and five separate Motions for Summary Judgment as to Parcels 11, 12, 14, 18 and 21. The Motions argue that the debtor did not have an ownership interest in the parcels prior to the judgment lien fixing to the grantors' interest; as a result, the debtor took title subject to the pre-existing lien of the District.</p> <p>On March 4, 2014, the Bankruptcy Court entered an order granting the District relief from the automatic stay to ask the State Court to correct a clerical error in the Final Judgment pursuant to Rule 1.540(a), Fla. Rules Civ. P. On March 5, 2014, counsel for the debtor filed a Motion to Withdraw. At a hearing on March 31, 2014, the court permitted counsel for the debtor to withdraw. All pending matters set for hearing on June 30, 2014. Parties filed an agreed motion to continue the June 30, 2014 hearing; the Court granted the continuance and rescheduled the hearing for August 27, 2014. <b>Parties filed an agreed motion to continue the August 27, 2014 hearing; the Court granted the continuance and rescheduled the hearing for November 13, 2014.</b></p>



<u>STYLE/CASE NO.</u>	<u>COURT</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
Suggs, Danny J. / Case No. 3:12-bk- 06997- PMG  Adversary Proceeding No. 13-ap- 272	US Bankruptcy Court, Middle District of Florida, Jacksonville Division	K. Dionisio / C. Felice	Chapter 7 Bankruptcy  Adversary Proceeding	<p>On June 19, 2013, the District filed an adversary complaint (Adv. Pro. No. 12-272), based on the Final Judgment in favor of the District entered by the 5th Judicial Circuit Court for Sumter County (Case No. 2003-CA000724), objecting to the debtor's discharge, objecting to the dischargeability of civil penalties in the amount of \$1,518,450 and requesting a declaratory judgment that the mandatory injunction requiring the Suggs Family Defendants to restore the subject property and its wetlands, with estimated restoration costs of \$3,371,986.46, was not a "claim" subject to discharge. On July 13, 2013, the Debtor filed an answer and motion to dismiss Count VI. The Court entered an order scheduling the matter for Pre-Trial Conference on October 2, 2013. The District will file a written response to the motion to dismiss prior to the hearing. The October 2, 2013 Pretrial Conference has been continued to December 4, 2013.</p> <p>On November 26, 2013, the District filed a written opposition to the debtor's motion to dismiss Count VI (declaratory judgment as to whether the mandatory injunction to restore the subject property and its wetlands imposed by the final judgment constitutes a claim subject to the discharge provisions of the Bankruptcy Code), addressing the debtor's argument that the amendment to the complaint was time-barred. On December 2, 2013, the debtor filed a reply addressing the merits of the argument. The Court held a pretrial conference on December 4, 2013, and parties presented oral arguments on the motion. Thereafter the Court granted the District fourteen days to address the issues raised by the debtor and on December 18, 2013, the District filed its written memorandum responding to the debtor's reply. On December 23, 2013, the debtor filed its response to the District's memorandum. The Court has taken the matter under advisement.</p> <p>On January 7, 2014, the bankruptcy court ruled in the District's favor, denying the Debtor's motion to dismiss count VI of the complaint as to its action for declaratory judgment. The court ruled that count VI sufficiently stated a cause of action for declaratory relief, because (1) an actual controversy exists as to whether the obligations in the final judgment constitute debts or claims under Section 727(b) of the Bankruptcy Code, and because (2) Count VI is not the</p>



<u>STYLE/CASE NO.</u>	<u>COURT</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
Riverside Heights Holdings, LLC v. SWFWMD, Hillsborough County School Board, Ecosphere Restoration Institute, Inc., Jose Cuarta, Case No. 12-11728	13th Judicial Circuit/ Hillsborough County	M. Moore	Pollution Discharge	<p>type of dischargeability action that must be commenced by the deadline established by Rule 4007(c) of the Bankruptcy Rules. On January 13, 2014, the Debtor filed an Amended Answer and Affirmative Defenses. The court then set a pretrial and discovery conference hearing for April 2, 2014. At a hearing on March 31, 2014, the court permitted counsel for the debtor to withdraw. A continued pre-trial conference was set for July 9, 2014. Parties filed an agreed motion to continue the July 9, 2014 hearing; the Court granted the continuance and rescheduled the hearing for August 27, 2014. <b>Parties filed an agreed motion to continue the August 27, 2014 hearing; the Court granted the continuance and rescheduled the hearing for November 13, 2014.</b></p> <p>Summons and Amended Complaint served on SWFWMD on May 17, 2013. Motions to dismiss were filed, including the District's July 8, 2013 Motion to Dismiss all counts against the District.</p> <p>On October 31, 2013, a stipulated dismissal was entered. On December 3, 2013, Plaintiff filed its Second Amended Complaint. The complaint asserts one new count against all defendants alleging unlawful discharge of pollution pursuant to Section 376.313, F.S., of the Pollutant Discharge Prevention and Control Act. Counts II and III allege litter law violations and negligence, but are not brought against the District.</p> <p>All defendants subsequently filed motions to dismiss. A motion hearing was held on March 31, 2014. Dismissal was granted as to the School Board and the District. On April 23, 2014, Plaintiff filed its Third Amended Complaint.</p> <p>On May 13, 2014, the District filed its Answer and Affirmative Defenses. All defendants have now filed answers to the Third Amended Complaint. The Plaintiff has filed replies to all defendants' answers and affirmative defenses. The parties await further discovery and/or court-ordered mediation.</p>

<u>STYLE/CASE NO.</u>	<u>COURT</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
<b><u>APPEALS</u></b>				
<b>1 Case as of September 11, 2014</b>				
Suggs, Danny Joseph v. SWFWMD/Case No. 5D10-3786	Fifth District Court of Appeal	C. Felice	Appeal of Sumter County Court's Order on Plaintiff's Post-Judgment Motion for Determination of Homestead Property Claimed by D. J. Suggs	This appeal and the related Gary Suggs appeal arise from a long-standing enforcement matter concerning approximately 180 acres of property in Sumter County owned by the Suggs family. After discovering unauthorized construction activities on the property in 2001, including dredging and filling wetlands without a permit, the District served an administrative complaint and order in December 2002, and subsequently brought an enforcement proceeding against the Suggs family in circuit court in 2003. The defendants pursued a number of appeals over the next few years, after which the trial proceedings resumed in earnest.
Suggs, Gary Dale v. SWFWMD/Case N. 5D11-25			Appeal of Sumter County Court's Order on Plaintiff's Post-Judgment Motion for Determination of Homestead Property Claimed by G. D. Suggs	<p>During the trial proceedings, the Suggs asserted an agricultural exemption defense, which resulted in a formal administrative hearing in January 2009. Following the administrative proceeding, the Administrative Law Judge ruled in favor of the District, finding that the Suggs could not claim the agricultural exemption.</p> <p>The District thereafter continued the enforcement process in circuit court. Following a bench trial in May 2009, final judgment was entered in favor of the District in July 2009, which included the assessment of substantial penalties against the Suggs defendants.</p> <p>During proceedings supplementary to satisfy the final judgment, the District levied on a number of vehicles owned by the Suggs defendants, and subsequently had the vehicles sold via sheriff's auction.</p> <p>Gary Suggs and Danny Suggs both raised homestead exemptions to the District's efforts to force the sale of multiple homes located on the property at issue. Following a hearing on the homestead issue, in December 2010, the trial court ruled in favor of the District on all but one of the homes, declining to rule on the matter until other matters are resolved on appeal. Gary and Danny Suggs both appealed the rulings on their homestead claims, and the District filed its answer briefs in July 2011.</p>

Gary Suggs's appeal was dismissed by the appellate

<u>STYLE/CASE NO.</u>	<u>COURT</u>	<u>ATTORNEY</u>	<u>ACTION</u>	<u>DESCRIPTION/STATUS</u>
				court due to his failure to comply with court orders. On June 26, 2012, the appellate court ruled wholly in favor of the District in Danny Suggs's appeal, affirming the trial court's order below. Settlement negotiations with the defendants have not been fruitful. While a settlement agreement was being finalized for Board approval, the District learned that Suggs may be receiving significant monies pursuant to a settlement in another case. District is investigating and will pursue such funds if true. While settlement negotiations were ongoing, the District learned that Danny Suggs filed for Chapter 7 Bankruptcy protection on October 25, 2012. The District is monitoring the bankruptcy proceedings.

**CONSENT ORDERS**  
**0 for August 2014**  
**1 for September 2014**

<u>VIOLATOR</u>	<u>BOARD POLICY</u>	<u>ATTORNEY</u>	<u>VIOLATIONS</u>	<u>STATUS</u>
Tincher, Richard	160-6 Well Contractor Violation	K.Dionisio	Rules 40D-3.037 and 62-532.500 Rules 40D-3.021, 40D-3.301 and 40D-3.531 Rules 40D-3.411 and 62-532.410	Monitoring Compliance with Consent Order

**GENERAL COUNSEL'S REPORT**

**September 30, 2014**

***Routine Report***

**Rulemaking Update**

Staff Recommendation:

Presenter: Laura Donaldson

# RULEMAKING UPDATE

## SEPTEMBER 2014

### PROPOSED RULES & AMENDMENTS

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
1. Initiation and Approval of Rulemaking to amend Chapter 40D-1, F.A.C., to make District procedural rules consistent with Statewide Environmental Resource Permitting Procedural Rules in Chapter 62-330, F.A.C.	Sept. 2014	Initiate and Approve Sept. 2014	Sept. 2014
2. Initiation and Approval of Rulemaking to create Rule 40D-1.7 Florida Administrative Code (F.A.C.), to authorize the registration of Lobbyists that lobby the District	July 2014	Approve Sept. 2014	Sept. 2014
3. Initiation and Approval of Rulemaking to amend Rules 40D-2.091(1)(b), 2.101 and WUP Manual Part D, relating to use of the most recent census and demographic data for public supply permit applications, to be updated this year	TBD	TBD	TBD
4. Initiation and Approval of Rulemaking to amend Chapter 40D-3, F.A.C., to incorporate changes necessitated by amendments to Chapters 62-528 and 62-532, F.A.C. (40D-3.037; 40D-3.507; 40D-3.517)	Aug. 2012	Withdrawn Sept. 2014	Aug. 2012
5. Initiation and Approval of Rulemaking to amend Chapter 40D-3, F.A.C. to incorporate changes in DEP Rules for Water Well Contractors and Construction of Water Wells (includes the changes by DEP to Chapters 62-528 and 62-532, F.A.C. referenced in number 4. above)	Sept. 2014	Initiate and Approve Sept. 2014	Sept. 2014
6. Initiation and Approval of Rulemaking to Amend Rule 40D-4.091, F.A.C. and the Environmental Resource Permitting Applicant's Handbook Volume II, as part of Statewide Environmental Resource Permitting Rule Amendments	July 2014	TBD	TBD
7. Initiation and Approval of Rulemaking (Chapter 40D-7) to provide authorization to suspend a Contractor from working with	Sept. 2013	Effective approx. Nov. 2014	Aug. 2014

RULE	INITIATION DATE	NEXT SCHEDULED ACTION	BOARD PROJECTED/ APPROVED DATE
the District, whenever a Contractor materially breaches its contract with the District			
8. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt Minimum Levels for Lakes Hanna, Keene & Kell in Hillsborough County, Florida	Sept. 2014	Effective approx. Dec. 2014	Sept. 2014
9. Initiation and Approval of Rulemaking to Amend Rule 40D-8.624, F.A.C., to adopt Minimum Levels for Starvation Lake in Hillsborough County, Florida	Sept. 2014	Effective approx. Dec. 2014	Sept. 2014
10. Initiation and Approval of Rulemaking to amend Rule 40D-22, F.A.C., to provide for substantive, clarification, conforming, and technical changes	Sept. 2013	Effective May 13, 2014 Except for Rules 40D-22.303 and 40D-22.401, F.A.C. TBD	Sept. 2013
11. Initiation and Approval of Rulemaking to Amend Chapter 40D-26, F.A.C., Facilitating Agricultural Resource Management Systems Program, Amend 40D-1.659, F.A.C., Forms and Instructions, and Adopt Revised Application Form to allow funding for projects that improve groundwater quality impacted by nutrients in the Springs Coast Region	TBD	TBD	TBD
12. Initiation and Approval of Rulemaking to adopt a new rule to provide for the award of Design-Build Contracts under Section 287.055(9), F.S.	TBD	TBD	TBD





**COMMITTEE/LIAISON REPORTS**

**September 30, 2014**

***Discussion Item***

**Agricultural and Green Industry Advisory Committee Report**

**Staff Recommendation:**

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

**Presenter:** Bryan K. Beswick and George W. Mann

**COMMITTEE/LIAISON REPORTS**

**September 30, 2014**

*Discussion Item*

Other Committee/Liaison Reports

Staff Recommendation:

Presenter: Governing Board Members



**EXECUTIVE DIRECTOR'S REPORT**

**September 30, 2014**

*Discussion Item*

Executive Director's Report

Staff Recommendation:

Presenter: Robert R. Beltran, P.E., Executive Director





## CHAIR'S REPORT

September 30, 2014

### *Discussion Item*

#### Executive Director's and Inspector General's Annual Reports

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.

The executive director and inspector general have combined their statements of accomplishments into one document, with two separate sections, and submitted the information to the Governing Board in a separate addendum. Additional copies of the document will be available at the meeting upon request.

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. In accordance with Board Policy 710-2, the Human Resources and Risk Management Bureau 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 performance 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 Governing Board meeting.

#### Staff Recommendation:

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

Presenter: Robert R. Beltran, P.E., Executive Director and Kurt Fritsch, Inspector General



**CHAIR'S REPORT**

**September 30, 2014**

*Routine Report*

Employee Milestones

Staff Recommendation:

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

Presenter: Michael A. Babb, Chair

Years of Service	Date	Preferred Full Name	Job Title	Location	Bureau
5	9/14/2009	Al Gagne	Manager, Environmental	Tampa	Environmental Resource Permit
10	9/7/2004	Julie McClung	Accounting Lead	Brooksville	Finance
20	9/19/1994	Donald Kaskie	Senior Vegetation Management Specialist	Brooksville	Operations & Land Management
25	9/5/1989	Vaughn Boyer	Business Application Developer, Senior	Tampa	Information Technology
30	9/18/1984	George Smith	Heavy Equipment Operator, Senior	Brooksville	Operations & Land Management

**CHAIR'S REPORT**

**September 30, 2014**

*Discussion Item*

Other

Staff Recommendation:

Presenter: Michael A. Babb, Chair



## GENERAL COUNSEL'S REPORT

September 30, 2014

3:30 p.m. Time Certain

**Closed-Door Attorney-Client Session Pursuant to Section 286.011(8), Florida Statutes, to Discuss Strategy Regarding Settlement Negotiations in SWFWMD V. Danny J. Suggs, Et Al. (5Th Judicial Circuit, Case No. 2003-CA-724), and in Re Danny J. Suggs (U.S. Bankruptcy Court, Case No. 3:12-Bk-6997-PMG and Adversary Proceeding No. 13-Ap-272) – Sumter County**

*Time Certain:* 3:30 - 4:30 p.m. (unless concluded earlier)

### *Attendees*

*Governing Board Members:* Michael Babb, Randall Maggard, Jeffrey Adams, David Dunbar, Carlos Beruff, H. Paul Senft, Jr., Ed Armstrong, Bryan Beswick, Thomas Bronson, Wendy Griffin, George Mann, and Michael Moran. *Executive Director:* Robert Beltran. *General Counsel:* Laura Donaldson. *District Staff Attorney:* Kim Dionisio.

### *Purpose*

The purpose of this item is discuss settlement negotiation strategy with the Governing Board in *SWFWMD v. Danny J. Suggs, et al.* (5th Judicial Circuit, Case No. 2003-CA-724) and *In re Danny J. Suggs* (U.S. Bankruptcy Court, Case No. 3:12-bk-6997-PMG and Adversary Proceeding No. 13-ap-272) pursuant to Section 286.011(8), Florida Statutes (Fla. Stat).

### *Background/History*

The history of litigation between the District and Danny Suggs and eight associated defendants (the "Suggs Associated Defendants") includes two lawsuits before the Fifth Judicial Circuit Court for Sumter County, including the enforcement of a temporary injunction, supplementary proceedings to levy on real and personal property, and evidentiary hearings as to defendants' declarations of homestead; two proceedings before the Division of Administrative Hearings (DOAH); five appeals to the Fifth District Court of Appeals; one appeal to the Florida Supreme Court; litigation within the Chapter 7 bankruptcy case of Danny Suggs; and three unsuccessful attempts to settle the matter. A more detailed history may be found in the District's Litigation Report.

In December 2002, the District commenced formal enforcement proceedings against the Suggs Associated Defendants through the issuance of an Administrative Complaint and Order (the "ACO") alleging that the defendants committed significant violations of Chapter 373, Fla. Stat., consisting of unauthorized construction activities undertaken on defendants' 180-acre property located in Sumter County. The unauthorized construction activities ultimately included: construction of six large houses, each over 6,800 square feet, and associated impervious surfaces; dredging and filling of approximately 39 acres of forested wetlands; placing fill in the 100-year flood plain; and the recontouring of ponds, lakes and canals without the requisite environmental resource permit (ERP) from the District. The corrective actions prescribed by the ACO required the Suggs Associated Defendants to obtain an ERP and complete the corrective work therein.

In July 2003, the District filed a complaint in the Fifth Judicial Circuit Court for Sumter County (the "State Court Proceeding") against Danny Suggs and five defendants seeking to enforce the ACO (Final Order No. SWF 03-050). The complaint sought relief in the form of civil penalties, attorney's fees and costs, a prohibitory injunction to cease all construction activity on the subject property until the requisite ERP was obtained from the District, and a mandatory injunction to perform the corrective actions within the District's Final Order. The complaint was amended in July 2006 to add three more defendants and enforce an amended ACO (Final Order No. SWF 04-040).

During the course of litigation, the state court directed the Suggs Associated Defendants to submit an ERP application to the District. An ERP application was submitted in March 2008, within which the Suggs Associated Defendants claimed an entitlement to an agricultural exemption under Subsections 373.406(2) and (3), Fla. Stat. The District denied the application and the Suggs Associated Defendants filed a petition challenging the District's decision and seeking a formal administrative hearing. The District forwarded the matter to DOAH and a final administrative hearing was held in January 2009. The Administrative Law Judge's Recommended Order ruled in favor of the District, finding that the Suggs Associated Defendants were not entitled to an agricultural exemption or an agricultural closed system exemption under Subsections 373.406(2) and (3), Fla. Stat., respectively. Specifically, the design of the agricultural activities was determined to be inappropriate and unreasonable to operate either a bona fide cattle ranch or pecan grove. Furthermore, the design of the agricultural closed system failed to accomplish closure and contemplated a discharge above the 100-year rainfall event. The Administrative Law Judge determined that the primary purpose of the Suggs Associated Defendants' construction activities was not for agricultural purposes, but rather, to impound and obstruct the flow of surface water to facilitate the construction of the residences on their property due to the six residences already built and the eight additional residences the Suggs Associated Defendants intended to build. The District adopted the Recommended Order in its entirety and entered Final Order No. SWF 09-013.

In May 2009, enforcement of the ACO continued in the State Court Proceeding on the issue of the Suggs Associated Defendants' liability for damages. In July 2009, the state court entered a final judgment against the Suggs Associated Defendants in the total amount of \$1,718,450, consisting of civil penalties and attorneys' fees and costs, in addition to a mandatory injunction to restore the subject property and its wetlands with estimated costs of \$3,371,986, in accordance with the ACO (the "Final Judgment").

In December 2009, the District commenced supplementary proceedings to force the sale of multiple homes owned by the Suggs Associated Defendants located on the Property. In May 2010, Danny Suggs, Amanda Suggs and Gary Suggs asserted homestead exemptions to the District's supplementary proceedings. In October 2010, the court ruled in favor of the District on all but one of the homes, limiting Danny Suggs' homestead exemption claim to 7269 NW 44th Boulevard, identified as parcel number E02=002.

Danny Suggs and Gary Suggs both appealed the rulings on their homestead exemption claims to the Fifth District Court of Appeal. In December 2011, the court dismissed the appeal of Gary Suggs, and in June 2012, affirmed *per curiam* the trial court's October 2010 order pertaining to Danny Suggs. Danny Suggs appealed to the Florida Supreme Court but the petition was dismissed in August 2012.

During supplementary proceedings to satisfy the Final Judgment, the District levied on a number of vehicles and personal property owned by the Suggs Associated Defendants, and subsequently sold the items via sheriff's auction. Between May 2011 and June 2012, the District received \$25,848.38 from the proceeds of the public auctions.

In October 2012, Danny Suggs filed a Chapter 7 bankruptcy petition. The District has been actively litigating contested matters and an adversary proceeding within the bankruptcy case in order to defend and enforce the Final Judgment. In March 2014, Danny Suggs contacted the District to initiate settlement negotiations as to a global resolution on all pending matters and enforcement of the Final Judgment.

Staff Recommendation:

No formal Governing Board action may be taken during the closed-door attorney-client session.

Presenter: Kim Dionisio, Staff Attorney