

## SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE:

DECLARATION OF MODIFIED PHASE II WATER SHORTAGE  
IN CHARLOTTE, CITRUS, DESOTO, HARDEE, HERNANDO, HIGHLANDS,  
HILLSBOROUGH, LAKE, LEVY, MANATEE, MARION, PASCO, PINELLAS,  
POLK, SARASOTA, AND SUMTER COUNTIES

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### FIRST MODIFICATION TO WATER SHORTAGE ORDER NO. SWF 25-015

During a public hearing held at its regularly scheduled meeting on January 27, 2026, at the Southwest Florida Water Management District's (District) Tampa Service Office in Tampa, Florida, the District's Governing Board received data and recommendations from District staff and provided an opportunity for public comment regarding hydrologic conditions and other pertinent facts regarding a developing water shortage within a portion of the District. Based upon testimony, data, staff recommendations, and public comment, the Governing Board makes the following findings of fact and conclusions of law.

#### FINDINGS OF FACT

1. On November 18, 2025, the Governing Board issued Water Shortage Order No. SWF 25-015, declaring a Phase I water shortage for the portions of Charlotte, Citrus, DeSoto, Hardee, Hernando, Highlands, Hillsborough, Lake, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, and Sumter Counties located within the District. A copy of that Order is attached hereto as Exhibit "A." According to its terms, Water Shortage Order No. SWF 25-015 will remain in effect through July 1, 2026 unless extended, modified, or rescinded by the Governing Board prior to that date.
2. The District's Water Shortage Plan (Plan), adopted as Chapter 40D-21, Florida Administrative Code (F.A.C.), specifies that the District will collect water resource data and water demand data to evaluate Drought Indicators, current regional lake levels, current and recent U.S. Drought Monitor values, current precipitation outlooks, and public supply storage status.
3. Since the issuance of Water Shortage Order No. SWF 25-015, the District has continued to monitor conditions according to the Plan. As of January 6, 2026, the factors the District uses to evaluate hydrologic conditions indicate the continued existence of abnormal conditions across the District's entire jurisdiction.
4. As of January 6, 2026, one Drought Indicator within the District's northern counties was classified as Critically Abnormal, two Drought Indicators were classified as Severely Abnormal, and two Drought Indicators were classified as Moderately Abnormal in accordance with Table 21-2 of the Plan. Specifically, the 12-month moving sum for rainfall

was at the fifth percentile. The 24-month moving sum for rainfall was at the 19<sup>th</sup> percentile, and the 7-day average streamflow of the Withlacoochee River at Holder was at the 21<sup>st</sup> percentile. The 8-week moving average streamflow of the Withlacoochee River at Holder was at the 22<sup>nd</sup> percentile. The aquifer resource indicator was at the 25<sup>th</sup> percentile.

5. As of January 6, 2026, two Drought Indicators within the District's southern counties were classified as Critically Abnormal, and three Drought Indicators were classified as Severely Abnormal in accordance with Table 21-2 of the Plan. Specifically, the 12-month moving sum for rainfall in the District's southern counties was at the fourth percentile, the 7-day average streamflow for the Peace River at Arcadia was at the third percentile, the 8-week moving average streamflow of the Peace River at Arcadia was at the 11<sup>th</sup> percentile, the 24-month moving sum for rainfall in the District's southern counties was at the 19<sup>th</sup> percentile, and the Aquifer Resource Indicator for the District's southern counties was at the 18<sup>th</sup> percentile.

6. As of January 6, 2026, two Drought Indicators within the District's central counties were classified as Extremely Abnormal and two Drought Indicators were classified as Severely Abnormal in accordance with Table 21-2 of the Plan. Specifically, the 12-month moving sum for rainfall for the District's central counties was at the eighth percentile, the 7-day average streamflow of the Alafia River at Lithia was at the ninth percentile, the 8-week moving average streamflow of the Alafia River at Lithia was at the 11<sup>th</sup> percentile, and the 7-day average streamflow of the Hillsborough River at Zephyrhills was at the 20<sup>th</sup> percentile.

7. The above-described circumstances warrant that the District require the general public, local governments, water utilities, and other water users within the affected areas to take prudent actions and minimize water use.

### **CONCLUSIONS OF LAW**

8. Pursuant to Section 373.246(2), Florida Statutes (F.S.), the Governing Board by order may declare the existence of a Water Shortage within all or part of the District when insufficient water is or will be available to meet the present and anticipated requirements of the users or when conditions are such as to require temporary reduction in total use within the area to protect water resources from serious harm.

9. Section 373.246(3), F.S., provides that, in accordance with the Plan, the Governing Board may impose such restrictions as may be necessary to protect the water resources of the area from serious harm and to restore them to their previous condition.

10. The Plan requires the District to assign a Water Shortage Phase based upon consideration of the following factors:

- a. Drought Indicators and Drought Condition Levels;
- b. Current regional lake levels, current and recent U.S. Drought Monitor values, current precipitation outlooks, and public supply storage status;
- c. Seasonal characterizations of collected data;

- d. The relative impact of withdrawals used to supply various categories of water uses on the affected Source Class(es) and any specific water body for which the shortage is declared;
- e. The availability and practicality of alternative sources for each category of water user;
- f. To the degree practical, how the District can implement phased restrictions and other required actions in a manner that distributes the burden of the required actions equitably among water users, relative to their impact on the affected Source Class(es) and specific water bodies experiencing the Water Shortage;
- g. The potential for serious harm to natural systems as a result of the drought or other Water Shortage;
- h. The appropriate geographic scope of potential water use restrictions and other required actions, relative to the affected source;
- i. The effectiveness of current and potential water use restrictions and other required actions in containing or reducing water use to protect the affected source; and
- j. Any adverse impact of current and potential water use restrictions and other required actions on public health, safety and welfare.

11. Based upon consideration of all relevant information, a Modified Phase II Water Shortage exists throughout all counties within the jurisdiction of the District.

12. Based upon the foregoing, it is hereby **ORDERED**:

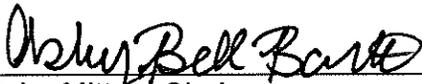
a. SWF Order No. 2025-015 is hereby modified as follows:

- i. A modified Phase II "Severe Water Shortage," as defined in the Plan, is declared for Citrus, Desoto, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota counties and the portions of Charlotte, Highlands, Lake, Levy, Marion, Polk and Sumter counties located within the District.
- ii. The Phase II Water Shortage restrictions and other requirements provided in Rule 40D-21.631, F.A.C. shall go into effect on February 8, 2026, for all water uses in areas subject to District restrictions, superseding any less stringent provisions of Rule 40D-22, F.A.C. or Rule 40D-21.621, F.A.C. A copy of Rule 40D-21.631 is attached hereto as Exhibit "B."
- iii. The one-day-per-week watering restrictions provided in the Phase II Water Shortage Lawn and Landscaping irrigation restrictions in Rule 40D-21.631(6)(c), F.A.C. for the months of December, January, and February shall remain in effect for the duration of SWF Order No. 25-015, notwithstanding the month-based restrictions provided in that provision, and superseding any less stringent provisions of Rule 40D-21.621(6).

- iv. If an individual or entity holds an active variance (Variance Holder) from Chapter 40D-22 or 40D-21, F.A.C., which prescribes an alternative irrigation schedule, the Variance Holder may continue to irrigate in accordance with the irrigation schedule prescribed by their variance in place of the day-of-the-week irrigation schedule prescribed by this water shortage order so long as the Variance Holder complies with the number of irrigation applications per week established by this water shortage order.
  - v. Because this order limits the Variance Holder's number of irrigation applications per week to once a week, the Variance Holder may choose to irrigate their property on one of the scheduled irrigation days prescribed by their variance in place of the day-of-the-week irrigation schedule prescribed by this water shortage order.
- b. Water Shortage Order No. SWF 25-015, as amended herein, shall remain in effect through July 1, 2026, unless extended, modified, or rescinded by the Governing Board prior to that date.
  - c. Except as modified herein, all other provisions of the District's Year-Round Water Conservation Measures provided in Chapter 40D-22, F.A.C., shall remain in full force and effect.
  - d. Water shortage declarations and restrictions enacted prior to this Order by county and city officials affecting their local jurisdictions (Local Action) that are at least as restrictive as this Order are hereby ratified and are authorized to continue in effect according to their terms. In the event a Local Action is less restrictive than this Order, this Order shall supersede the Local Action, unless the county or city officials obtain a variance or waiver from this Order from the District.
  - e. Pursuant to Section 373.609, F.S., and Rule 40D-21.421, F.A.C., county and city officials and all law enforcement authorities shall assist the Governing Board in the enforcement of the provisions of this Order.

DONE AND ORDERED in Hillsborough County, Florida, on this 27<sup>th</sup> day of January, 2026.

SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT

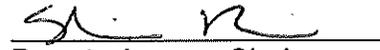
By:   
For: John Mitten, Chair

Approved as to Legal Form & Content

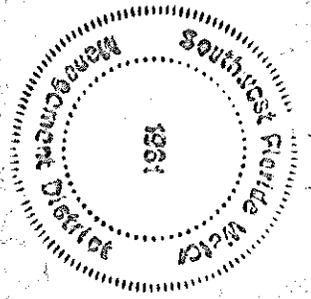


Attorney

Filed this 27<sup>th</sup> day of  
January, 2026.

  
Deputy Agency Clerk

(Seal)



## NOTICE OF RIGHTS

Persons whose substantial interests are affected may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, Florida Administrative Code (F.A.C.). A request for a hearing must: 1) explain how the petitioner's or other person's substantial interests will be affected by the District's action; 2) state all material facts disputed by the petitioner or other person, or state that there are no disputed facts; and 3) otherwise comply with Chapter 28-106, F.A.C.

A request for hearing must be filed with and received by the Agency Clerk at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776, within twenty-one (21) days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or any other person may have to request a hearing under Sections 120.569 and 120.57, F.S.

Mediation pursuant to Section 120.573, F.S., and Rule 28-106.111, F.A.C., 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.

In accordance with subsection 120.569(1), F.S., the following additional administrative or judicial review may be available.

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

# EXHIBIT

## A

### SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE:

DECLARATION OF PHASE I WATER SHORTAGE  
IN CHARLOTTE, CITRUS, DESOTO, HARDEE, HERNANDO, HIGHLANDS,  
HILLSBOROUGH, LAKE, LEVY, MANATEE, MARION, PASCO, PINELLAS,  
POLK, SARASOTA, AND SUMTER COUNTIES

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#### WATER SHORTAGE ORDER NO. SWF 25-015

During a public hearing held at its regularly scheduled meeting on November 18, 2025, at the Southwest Florida Water Management District's (District) Tampa Service Office in Tampa, Florida, the District's Governing Board received data and recommendations from District staff and provided an opportunity for public comment regarding hydrologic conditions and other pertinent facts regarding a developing water shortage within a portion of the District. Based upon testimony, data, staff recommendations, and public comment, the Governing Board makes the following findings of fact and conclusions of law.

#### FINDINGS OF FACT

1. The District's Water Shortage Plan (Plan), adopted as Chapter 40D-21, Florida Administrative Code (F.A.C.), specifies that the District will collect water resource data and water demand data to evaluate Drought Indicators, current regional lake levels, current and recent U.S. Drought Monitor values, current precipitation outlooks, and public supply storage status.
2. As of November 3, 2025, one Drought Indicator within the District's northern counties is classified as Severely Abnormal, and one Drought Indicator is classified as Moderately Abnormal in accordance with Table 21-2 of the Plan. Specifically, the 12-month moving sum for rainfall in the northern counties was at the 19th percentile, and the 7-day average streamflow of the Withlacoochee River at Trilby was at the 21st percentile. The District's northern region received below normal rainfall in September. Rainfall for that month was equal to the 14<sup>th</sup> percentile. According to the U.S. Drought Monitor, the District's northern counties are mostly under "abnormally dry" conditions.
3. As of November 3, 2025, two Drought Indicators within the District's southern counties are classified as Extremely Abnormal, one Drought Indicator is classified as Severely Abnormal, and one Drought Indicator is classified as Moderately Abnormal in accordance with Table 21-2 of the Plan. Specifically, the 8-week moving average streamflow of the Peace River at Arcadia was at the 10<sup>th</sup> percentile, the 7-day average streamflow for the Peace River at Arcadia was at the 4<sup>th</sup> percentile, the 12-month moving sum for rainfall in the District's southern counties was at the 20th percentile, and the Aquifer Resource Indicator for the District's southern counties was at the 16<sup>th</sup> percentile.

The District's southern counties received 25% of expected rainfall for October, and September rainfall was considered below normal in the District's southern region, equal to the 5<sup>th</sup> percentile. According to the U.S. Drought Monitor, the District's southern counties are under "abnormally dry" conditions.

4. As of November 3, 2025, four Drought Indicators within the District's central counties were classified as Severely Abnormal in accordance with Table 21-2 of the Plan. Specifically, the 8-week moving average streamflow of the Hillsborough River at Zephyrhills was at the 11<sup>th</sup> percentile, the 7-day average streamflow of the Hillsborough River at Zephyrhills was at the 12<sup>th</sup> percentile, the 8-week moving average streamflow of the Alafia River at Lithia was at the 15<sup>th</sup> percentile, and the 7-day average streamflow of the Alafia River at Lithia was at the 12<sup>th</sup> percentile. September rainfall in the District's central counties was considered below normal, and was equal to the 14<sup>th</sup> percentile. According to the U.S. Drought Monitor, the District's central counties are under "abnormally dry" conditions.

5. Due to the factors described above, circumstances warrant that the District alert the general public, local governments, water utilities, and other water users that hydrologic conditions are deteriorating, and additional measures may be necessary if conditions deteriorate further.

### CONCLUSIONS OF LAW

6. Pursuant to Section 373.246(2), Florida Statutes (F.S.), the Governing Board by order may declare the existence of a Water Shortage within all or part of the District when insufficient water is or will be available to meet the present and anticipated requirements of the users or when conditions are such as to require temporary reduction in total use within the area to protect water resources from serious harm.

7. Section 373.246(3), F.S., provides that, in accordance with the Plan, the Governing Board may impose such restrictions as may be necessary to protect the water resources of the area from serious harm and to restore them to their previous condition.

8. The Plan requires the District to assign a Water Shortage Phase based upon consideration of the following factors:

- a. Drought Indicators and Drought Condition Levels;
- b. Current regional lake levels, current and recent U.S. Drought Monitor values, current precipitation outlooks, and public supply storage status;
- c. Seasonal characterizations of collected data;
- d. The relative impact of withdrawals used to supply various categories of water uses on the affected Source Class(es) and any specific water body for which the shortage is declared;
- e. The availability and practicality of alternative sources for each category of water user;

- f. To the degree practical, how the District can implement phased restrictions and other required actions in a manner that distributes the burden of the required actions equitably among water users, relative to their impact on the affected Source Class(es) and specific water bodies experiencing the Water Shortage;
- g. The potential for serious harm to natural systems as a result of the drought or other Water Shortage;
- h. The appropriate geographic scope of potential water use restrictions and other required actions, relative to the affected source;
- i. The effectiveness of current and potential water use restrictions and other required actions in containing or reducing water use to protect the affected source; and
- j. Any adverse impact of current and potential water use restrictions and other required actions on public health, safety and welfare.

9. Based upon consideration of all relevant information, a Phase I Water Shortage exists throughout all counties within the jurisdiction of the District.

10. Based upon the foregoing, it is hereby **ORDERED**:

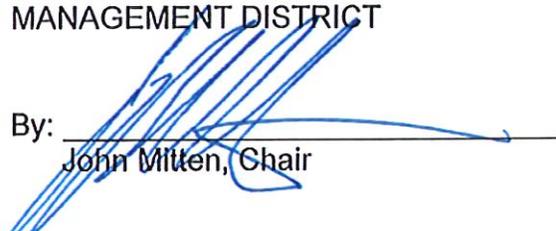
- a. A Phase I "Moderate Water Shortage," as defined in the Plan, is declared for all ground and surface waters within the District's sixteen-county jurisdiction.
- b. Phase I "Moderate Water Shortage" restrictions and other response mechanisms are hereby ordered for all categories of water users within the District's sixteen-county area, except for those areas specifically excluded in subparagraph "d.", below, and shall go into effect as of December 1, 2025. These restrictions and other response mechanisms are specified in Rule 40D-21.601(4), F.A.C., and Rule 40D-21.621, F.A.C. A copy of these rules is attached hereto as "Exhibit A."
- c. For Water Utility Uses, this order specifically includes monthly enforcement reporting. As part of the customer messaging that is also required, Water Utilities shall specifically inform customers that more aggressive water shortage action may become necessary if conditions worsen.
- d. The area affected by this order specifically includes The Villages, but specifically excludes the City of Ocala and portions of unincorporated Marion County not within The Villages, as restrictions in those areas are managed by the St. Johns River Water Management District in accordance with an interagency agreement between the two Water Management Districts, a copy of which is attached hereto as "Exhibit B." This area specifically excludes unincorporated Levy County, since restrictions in those areas are managed by the Suwannee River Water Management District in accordance with an interagency agreement between the two

Water Management Districts, a copy of which is attached hereto as "Exhibit C."

- e. These restrictions shall apply regardless of whether the use is associated with a Water Use Permit.
- f. The above-described restrictions and other required actions shall remain in effect through July 1, 2026, unless extended, modified, or rescinded by the Governing Board prior to that date.
- g. Except as modified herein, all other provisions of the District's Year-Round Water Conservation Measures provided in Chapter 40D-22, F.A.C., shall remain in full force and effect.
- h. Pursuant to Section 373.609, F.S., and Rule 40D-21.421, F.A.C., county and city officials and all law enforcement authorities shall assist the Governing Board in the enforcement of the provisions of this Order.

DONE AND ORDERED in Hillsborough County, Florida, on this 18<sup>th</sup> day of November, 2025.

SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT

By:   
John Mitten, Chair

(Seal)

Approved as to Legal Form & Content  
  
Attorney

Filed this 19<sup>th</sup> day of  
November, 2025.

  
Deputy Agency Clerk



## NOTICE OF RIGHTS

Persons whose substantial interests are affected may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, F.S., and Chapter 28-106, Florida Administrative Code (F.A.C.). A request for a hearing must: 1) explain how the petitioner's or other person's substantial interests will be affected by the District's action; 2) state all material facts disputed by the petitioner or other person, or state that there are no disputed facts; and 3) otherwise comply with Chapter 28-106, F.A.C.

A request for hearing must be filed with and received by the Agency Clerk at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at (813) 367-9776, within twenty-one (21) days of receipt of this notice. Receipt is deemed to be the fifth day after the date on which this notice is deposited in the United States mail. Failure to file a request for hearing within this time period shall constitute a waiver of any right you or any other person may have to request a hearing under Sections 120.569 and 120.57, F.S.

Mediation pursuant to Section 120.573, F.S., and Rule 28-106.111, F.A.C., 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.

In accordance with subsection 120.569(1), F.S., the following additional administrative or judicial review may be available.

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

**40D-21.601 General.**

(1) Purpose – this Part sets forth specific water use restrictions and other required actions available to the District for implementation upon a declaration of a Water Shortage or Water Shortage Emergency.

(2) The water use restrictions and other required actions specified within this Plan may be modified by the Board or Executive Director to address the specific Water Shortage or Water Shortage Emergency event. The selected combination of water use restrictions and other required actions shall be summarized in the notice(s) of the water shortage declaration, as specified above in Rule 40D-21.275, F.A.C.

(3) Water use restrictions and other required actions may be established for each Use Class and various subcategories, as appropriate. All water users have a duty to keep informed about the water use restrictions and other required actions applicable to them.

(4) In addition to the restrictions specified in this part, all wasteful and unnecessary water use is prohibited regardless of the phase of Water Shortage. Wasteful and unnecessary water use includes the water use activities listed in subsection 40D-22.201(2), F.A.C., and any of the following:

- (a) Allowing water to be dispersed without any practical purpose to the water user;
- (b) Allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; and
- (c) Allowing water to be dispersed to accomplish a purpose for which water use is unnecessary or which can be readily accomplished through alternative methods without water use.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 4-9-06, 7-5-12.*

**40D-21.621 Phase I: Moderate Water Shortage.**

(1) A Phase I Water Shortage is a hydrologic or climatic condition in which at least one regional or local Drought Indicator has a moderately abnormal value, such that conditions warrant the District alerting the general public and the District ordering water utilities and other water users to review and implement internal procedures needed to fully implement restrictions and other required actions during a Phase II, Phase III, Phase IV or emergency declaration. The following measures shall remain in effect during a Phase I Water Shortage unless otherwise provided in an order implementing a Phase I Water Shortage. Except as set forth in this Rule 40D-21.621, F.A.C., lawn irrigation and other uses of water remain subject to applicable provisions of Chapter 40D-22, F.A.C. (the District's Year-Round Water Conservation Measures) and any applicable variances thereto issued by the District.

(2) Indoor Uses. Indoor Uses should be voluntarily reduced.

(3) Essential Uses.

(a) Fire Fighting & Other First-Responder Activities.

1. Fire hydrant testing shall not be restricted. Each fire hydrant testing agency, whether a local government unit or other entity, shall review and update existing procedures or develop procedures through which it can address inquiries from the District and citizens about specific testing activity. At a minimum, these procedures shall include either the use of an on-site sign containing the name and telephone number of the hydrant testing agency or the establishment and promotion of a telephone number of a hotline that the District and citizens can call to question testing activity at a specific location. A marked vehicle remaining on-site during the activity may be used in lieu of a free-standing sign.

2. Fire suppression and fire prevention activities shall not be restricted. Each fire fighting agency shall, and each local government shall direct its fire department to, review and revise as necessary its inventory for primary and back-up water sources.

3. Maintenance of fire fighting facilities and other emergency equipment is allowed as needed. This maintenance specifically includes the washing of fire engines, law enforcement vehicles and other emergency Mobile Equipment. This maintenance specifically requires the use of a trigger (self-canceling) nozzle when a garden-type hose is used for cleaning or other maintenance purposes in accordance with subsection 40D-21.601(4), F.A.C.

(b) Water Utility Use. The following water use restrictions or other required actions shall apply to all Water Utility Uses, as indicated.

1. Each public supply water system with residential, commercial, industrial, or irrigation customers, working with local code enforcement and local law enforcement agencies as necessary, shall review and update or develop, then implement, local enforcement procedures for year-round water conservation measures and Water Shortage restrictions, including but not limited to mechanisms to provide the enforcement assistance required by subparagraph 40D-21.621(3)(b)2., F.A.C., in accordance with Section 373.609, F.S. These procedures shall also specifically include an ability to issue a citation without first needing to issue a warning, should the District declare a Phase III or Phase IV water shortage. If the water utility is a nongovernmental entity, or if a governmental agency other than the water utility has responsibility for enforcement of year-round water conservation measures and the District's Water Shortage orders, the procedures shall, at a minimum, include a mechanism for the public supply water system to coordinate with the applicable local enforcement agency to provide the required assistance.

2. Each public supply water system with residential, commercial, industrial or irrigation customers shall provide, directly or through the applicable local enforcement agency, the following enforcement assistance to the District:

a. Immediate information regarding possible violations involving a Permittee, so that District staff can take the lead on such investigations.

b. Response, as appropriate based on the quantity and quality of details provided to the water utility, to enforcement referrals made by the District regarding address-specific or location specific violation complaints. This shall involve, where necessary, a site investigation on the day of week and at the time of day indicated for each referral. This shall also include having the legal mechanisms necessary to issue warnings, citations, and post-citation proceedings to recover unpaid penalties and associated costs.

c. Excluding Small Water Utilities, monthly transmittal of enforcement activity data, including the number of warnings and citations issued, and as specified in the water shortage order in a reporting format provided by District.

d. Within 60 days of the Water Shortage declaration and if subsequently requested by the District, contact information for the District's use in providing enforcement referrals and soliciting required enforcement data.

3. Each public supply water system shall institute or accelerate other water conservation efforts which can help manage demand during the Water Shortage declaration. These efforts shall include:

a. Excluding Small Water Utilities, customer messaging for all customers, including wholesale users (other water utilities), informing those customers about the current Water Shortage declaration, describing how the water utility's primary and back-up water supplies are affected, and promoting any ongoing water conservation projects offered by the water utility (such as appliance rebates or irrigation inspections) that will assist customers in their efforts to immediately reduce water consumption. If a water supply authority or other public supply water system serves only wholesale users (other water utilities), then communication with all wholesale users satisfies this requirement. The messaging method(s) shall be determined by the public supply water system.

b. Water utility operational practices. At a minimum, these practices shall address line flushing and disinfection. Potable water, sanitary sewer and reclaimed water line flushing and disinfection shall not be restricted. However, each water utility shall develop and implement procedures through which it can address inquiries from the District and citizens about specific flushing and disinfection activity. At a minimum, these procedures shall include the use of either an on-site sign containing the name and telephone number of the agency conducting the flushing activity or establishment and promotion of a telephone hotline that customers and other concerned citizens can call to question activity at a specific location. A marked vehicle remaining on-site during the activity may be used in lieu of a sign. If the water utility is also responsible for fire hydrant testing, these processes will also satisfy the requirement in paragraph 40D-21.621(3)(a), F.A.C.

4. The notice specified in subsection 40D-21.275(3), F.A.C., that is sent to public supply Permittees will summarize the requirements listed above.

(c) Medical and Health Use. The use of water for medical purposes and protection of public health, safety and welfare shall not be restricted.

(4) Commercial and Industrial Use. In addition to the requirements of any applicable Water Use Permit, the following restrictions and other response mechanisms shall apply to all Commercial and Industrial Use, as appropriate:

(a) All commercial and industrial Permittees shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be reasonably employed, should resource conditions further deteriorate.

(b) Commercial and industrial use shall continue to be restricted by any applicable Water Use Permit.

(5) Agricultural Use.

(a) All Agricultural Permittees shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) The following restrictions on water use shall apply, as appropriate:

1. Agriculture shall comply with the allowable watering hours, exemptions from those hours and other provisions specified in Chapter 40D-22, F.A.C. These provisions expressly include exemptions for irrigation needed for plant protection, including prevention of frost and freeze or heat damage and to water-in chemicals. Additionally, any Agricultural water user with a variance from Chapter 40D-22, F.A.C., to follow a published BMPs document, shall continue to comply with the variance. In the context of allowable watering hours, Agricultural Uses of center pivot and traveling gun technologies shall have the same exemptions as Low-Volume Irrigation.

2. Agricultural Use shall continue to be restricted by any applicable Water Use Permit.

(6) Landscape Use.

(a) All Permittees authorized to use water for Landscape Use shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) Lawn and Landscaping, Golf Course, Driving Range and Other Athletic Play Area use shall continue to comply with all applicable provisions of Chapter 40D-22, F.A.C. These provisions include an establishment period of allowable extra water applications for new plant material and a separate day-of-week exemption for Low-Volume Irrigation technology (such as microirrigation or handwatering) to be used on any plant material other than turfgrass which requires frequent irrigation beyond the standard establishment period.

(c) Each property owner or manager shall voluntarily reduce water use and prepare for possible worsening conditions.

(d) An example copy of the notice specified in subsection 40D-21.275(3), F.A.C., shall be sent to the Florida Department of Financial Services – Bureau of Cemetery Services and will include a summary of the requirements listed above.

(7) Other Uses.

## Exhibit A

(a) All Permittees authorized to use water for purposes not described above shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) The following restrictions on water use shall apply to each other water use activity, as appropriate:

1. Lawn and Landscaping Use associated with any activity shall comply with applicable provisions of Chapter 40D-22, F.A.C. This specifically includes an allowance for the operation of an irrigation system during otherwise restricted days or hours for the discharge of water from air conditioning units or similar water-dependent devices.

2. Recycling or secondary use of water shall occur, to the maximum extent practicable. For example, a child's water slide or other recreational water device can be positioned so that it discharges onto a turfgrass area that requires irrigation.

3. Water use necessary to the activity, such as rinsing as part of the process of Mobile Equipment cleaning is restricted only as provided in Rule 40D-21.601, F.A.C. For example, this means that rinsing is allowed if done with the use of a trigger (self-canceling) nozzle on any garden-type hose used for cleaning or other maintenance purposes.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History--New 11-19-84, Amended 7-2-86, 5-30-93, 4-9-06, 7-5-12.*

RECORDING FEES \$2.60

INTERAGENCY AGREEMENT BETWEEN THE  
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND  
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE  
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,  
FLORIDA

NO. 1000  
0901  
1219 S. Pine Ave  
Ocala, FL 34471  
ATTN: M. Senger

THIS INTERAGENCY AGREEMENT is made as of May 18, 2009, and entered into by and between the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT ("SJRWMD") and the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ("SWFWMD"), (collectively "Districts") with the concurrence of the CITY OF OCALA ("City") and the BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA ("County").

WITNESSETH:

WHEREAS, the City of Ocala and Marion County are located within the jurisdictional boundaries of both Districts; and

WHEREAS, on February 18, 2008, the Districts, with the concurrence of Marion County, entered into a short-term (one year) Interagency Agreement ("Agreement") for the unincorporated areas of the County, regarding division of the Districts' regulatory authority over water conservation, water shortages and water shortage emergencies; and

WHEREAS, the Districts renewed and extended the Agreement for two months so that the Districts could have additional time to determine the terms of a new agreement; and

WHEREAS, the Districts now desire to enter into a new Interagency Agreement regarding the issue of regulatory authority within the City and the unincorporated areas of the County for small landscape irrigation water uses, water shortages and water shortage emergencies; and

WHEREAS, both the City and County have informed the Districts of their desire to adopt and enforce uniform landscape irrigation ordinances and to enforce water shortages orders and water shortage emergency orders on a countywide and citywide basis; and WHEREAS, pursuant to subsection 373.046(6), F.S., when a geographic area of a local government crosses water management district boundaries, the affected districts may designate, by interagency agreement, a single affected district to implement in that area under the rules of the designated district, all or part of the applicable regulatory responsibilities.

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

1. SJRWMD is designated as the agency with the authority to regulate under Part II, Chapter 373, F.S., those consumptive uses of water for landscape irrigation that do not meet or

INTERAGENCY AGREEMENT BETWEEN THE  
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND  
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE  
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,  
FLORIDA

exceed any permitting threshold in Rule 40C-2.041(1)(a)-(d), F.A.C. As such, the provisions of SJRWMD's landscape irrigation rule (Rule 40C-2.042(2)(a)-(c) and (8), F.A.C., shall be in full force and effect within all areas of the City and all unincorporated areas of the County, except that unincorporated area lying within The Villages of Marion, FQD. Lawn and landscape irrigation within the Villages of Marion, FQD shall be subject to the jurisdiction of the SWFWMD pursuant to Chapter 22, F.A.C.

2. SJRWMD is designated as the agency with the authority to declare water shortages and water shortage emergencies pursuant to sections 373.175 and 373.246, F.S., and Chapter 40C-21, F.A.C., within all areas of the City and all unincorporated areas of the County, except that unincorporated area lying within The Villages of Marion, FQD. The SWFWMD is designated as the agency with the authority to declare water shortages and water shortage emergencies pursuant to section 373.175 and 373.246, F.S. within the Villages of Marion, FQD.

3. This Agreement shall commence upon execution by the Districts, with the concurrence of the City and the County, and shall continue in full force and effect unless otherwise amended in writing by the Districts. Either District may terminate this Agreement upon thirty (30) days prior written notice to the other District.

4. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, each party or its lawful representative has executed this Agreement on the day and year first above written.

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INTERAGENCY AGREEMENT BETWEEN THE  
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND  
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE  
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,  
FLORIDA

SOUTHWEST FLORIDA WATER  
MANAGEMENT DISTRICT

Attest: Deanna M Brass

By: David L. Moore 4-28-09  
David L. Moore  
Executive Director

Approved As to Form and Content  
Raf  
SWFWMD Attorney

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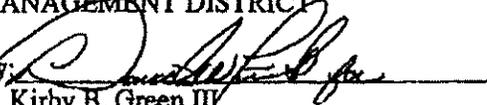
INTERAGENCY AGREEMENT BETWEEN THE  
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND  
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE  
CITY OF Ocala AND THE UNINCORPORATED AREAS OF MARION COUNTY,  
FLORIDA

Attest:



ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT

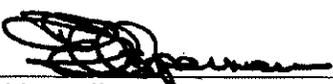
By:

  
Kirby B. Green III  
Executive Director

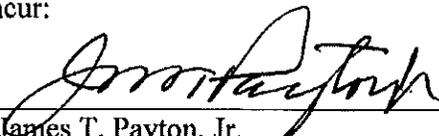
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INTERAGENCY AGREEMENT BETWEEN THE  
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REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE  
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,  
FLORIDA

Attest:

By:   
David R. Ellspermann  
Clerk of the Court

Concur:

By:   
James T. Payton, Jr.  
Chairman, Marion County BCC  
BCC Approved: 5-19-09

Approved as to Form and Legal Sufficiency:

By:   
Thomas L. Wright  
Marion County Attorney

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ACCEPTED BY CITY COUNCIL

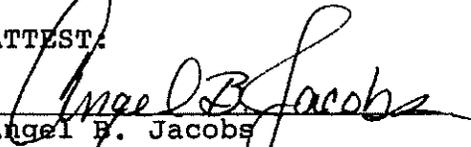
July 7 2009

DATE

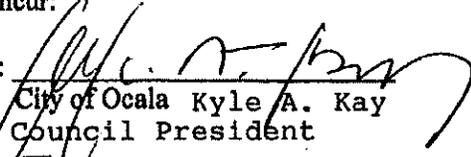
OFFICE OF THE CITY CLERK

INTERAGENCY AGREEMENT BETWEEN THE  
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND  
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
REGARDING LANDSCAPE IRRIGATION AND WATER SHORTAGES WITHIN THE  
CITY OF OCALA AND THE UNINCORPORATED AREAS OF MARION COUNTY,  
FLORIDA

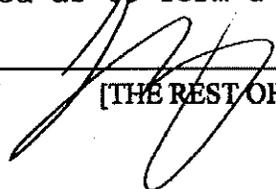
ATTEST:

  
Angel B. Jacobs  
Interim City Clerk

Concur:

By:   
City of Ocala Kyle A. Kay  
Council President

Approved as to form & legality:

  
W. James Gooding III  
Assistant City Attorney Patrick G. Gilligan, City Attorney

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**INTERAGENCY AGREEMENT BETWEEN THE  
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT AND THE  
SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
REGARDING YEAR-ROUND WATER CONSERVATION MEASURES, WATER  
SHORTAGES AND WATER SHORTAGE EMERGENCIES WITHIN ALL  
UNINCORPORATED AREAS OF LEVY COUNTY, FLORIDA**

THIS INTERAGENCY AGREEMENT is made and entered into by and between the SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT ("SWFWMD") and the SUWANNEE RIVER WATER MANAGEMENT DISTRICT ("SRWMD").

**WITNESSETH:**

WHEREAS, Levy County, a local government, is located within the jurisdictional boundaries of both SWFWMD and SRWMD; and

WHEREAS, pursuant to Section 373.046(6), Florida Statutes ("F.S."), when a geographic area of a local government crosses water management district boundaries, the affected districts may designate, by interagency agreement, a single affected district to implement in that area under the rules of the designated district all or part of the applicable regulatory responsibilities; and

WHEREAS, Levy County has requested that SWFWMD and SRWMD enter into an interagency agreement designating SRWMD as the district with the regulatory responsibility regarding year-round conservation measures, water shortages and water shortage emergencies within all unincorporated areas of Levy County; and

WHEREAS, Levy County has requested this action that it may adopt a single water shortage ordinance for all unincorporated areas of Levy County; and

WHEREAS, the ability of the County to adopt and enforce such an ordinance will alleviate any confusion on the part of the public regarding what water use restrictions are to be followed, and will assist Levy County staff in the enforcement of such restrictions.

NOW, THEREFORE, SWFWMD and SRWMD, pursuant to the authority of Section 373.046(6), F.S., hereby agree as follows:

1. SRWMD is designated as the agency with the authority to declare and enforce year-round conservation measures, water shortages, and water shortage emergencies within all unincorporated areas of Levy County, pursuant to Sections 373.175 and 373.246, F.S., Section 40B-2.041(9), F.A.C. and Chapter 40B-21, F.A.C.

2. Upon SRWMD's notification to SWFWMD's Demand Management Program Manager, SWFWMD will be responsible for providing the newspaper notice required by Section 373.246(5), F.S., and will provide notice as required by Section 373.246(6), F.S., to each permittee in its jurisdiction within unincorporated Levy County if there is a change to a condition of his or her Water Use Permit or if there is some other restriction on the permittee's use of water resulting from SRWMD exercising the authority provided herein.
  
3. This Interagency Agreement shall commence upon execution by both SWFWMD and SRWMD, with the concurrence of Levy County, and shall continue in full force and effect unless otherwise amended in writing by both Districts. Either SWFWMD or SRWMD may terminate this Interagency Agreement upon 30 days' prior written notice to the other District.

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IN WITNESS WHEREOF, each party or its lawful representative has executed this Interagency Agreement on the date written below.

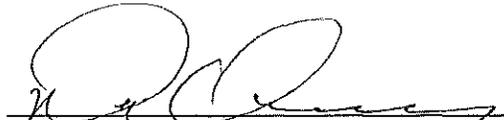
Approved by the Governing Board of the Suwannee River Water Management District

this 14 day of May, 2015.

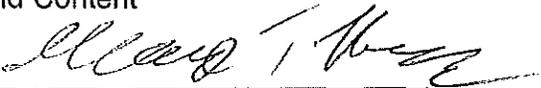
SUWANNEE RIVER WATER  
MANAGEMENT DISTRICT

  
\_\_\_\_\_

Witness

  
\_\_\_\_\_  
Donald J. Quincey, Jr., Chair  
Executive Director

Approved as to Legal Form  
and Content

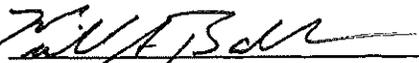
  
\_\_\_\_\_  
Attorney

Approved by the Governing Board of the Southwest Florida Water Management District

this 19 day of May, 2015.

SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT

[Seal]

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

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

Approved as to Legal Form and Content  
  
\_\_\_\_\_  
Attorney

Concur: BOARD OF COUNTY  
COMMISSIONERS, LEVY COUNTY,  
FLORIDA

Danny Shays  
Witness

Q. M. M. M.  
Chair

6-23-15  
Date

Approved as to Legal Form  
and Content

Anne Best Brown  
Attorney

## EXHIBIT

### B

#### **40D-21.631 Phase II: Severe Water Shortage.**

(1) A Phase II Water Shortage is a hydrologic or climatic condition in which multiple regional Drought Indicators have moderately abnormal values, or a local Drought Indicator for a specific public supply has a severely abnormal value, such that conditions warrant prudent actions to further assure only reasonable water uses occur in the affected area. The following shall be in effect during a Phase II Water Shortage unless otherwise provided in the order implementing a Phase II Water Shortage.

(2) Indoor Use. Indoor uses should be voluntarily reduced.

(3) Essential Uses.

(a) Fire Fighting & Other First-Responder Activities.

1. Fire hydrant testing is allowed for the protection of human health, safety and welfare. Each hydrant testing agency, whether a local government unit or an independent entity, shall implement procedures through which it addresses inquiries about testing activity as specified in subsection 40D-21.621(3), F.A.C.

2. Fire suppression and fire prevention activities shall not be restricted. However, each fire-fighting agency shall and each local government shall direct its fire department to review and revise, as necessary, its list of primary and back-up water sources, especially in areas where potable water is not available for fire-fighting purposes.

3. Maintenance of fire-fighting facilities and other emergency equipment is allowed as needed. This maintenance specifically includes the washing of fire engines, law enforcement vehicles and other emergency Mobile Equipment. This maintenance specifically requires the use of a trigger (self-canceling) nozzle on any garden-type hose used for cleaning or other maintenance purposes in accordance with subsection 40D-21.601(4), F.A.C.

(b) Water Utility Use. The following water use restrictions and other required actions shall apply to all Water Utility Uses, as indicated:

1. Each public supply water system with residential, commercial, industrial or irrigation customers shall provide, directly or through the applicable local enforcement agency:

a. Continued implementation of the enforcement procedures and enforcement assistance specified in paragraph 40D-21.621(3)(b), F.A.C.

b. Response, as appropriate based on the quantity and quality of details provided, to violation complaints made by concerned citizens in addition to enforcement referrals made by the District as specified in paragraph 40D-21.621(3)(b), F.A.C.

c. Information regarding possible violations involving a Permittee, so that District staff can take the lead on such investigations.

d. Excluding Small Water Utilities, monthly transmittal of local enforcement data, including the number of warnings and citations issued, and as specified in the water shortage order in a report format provided by the District.

e. Within 60 days of the Water Shortage declaration and if subsequently requested by the District, contact information for the District's use in providing enforcement referrals and soliciting required enforcement data.

2. Each public supply water system shall institute or accelerate system-level water conservation measures which can help manage demand during a Water Shortage declaration. These efforts shall include:

a. Excluding Small Water Utilities, customer messaging for all customers, including wholesale users (other water utilities). This messaging shall inform customers about the current Water Shortage declaration, describe how the water utility's primary and back-up water supplies are affected by the declaration and the resource or supply conditions that lead to the declaration, and promote any ongoing water conservation projects offered by the water utility (such as appliance rebates or irrigation inspections) that would assist customers in their efforts to immediately reduce water consumption. If a public water supply system is a wholesale-only system, then communication with all of its wholesale users (other water utilities) satisfies this requirement. The messaging method(s) shall be determined by the public supply water system.

b. Review and refinement, as necessary, of water utility operational practices regarding water pressure and line flushing to identify and implement any opportunities which would reduce water demand without causing adverse impact to public health, welfare and safety. With regards to line flushing, this shall include taking the actions described in sub-subparagraph 40D-21.621(3)(b)3.b., F.A.C.

3. The notice specified in subsection 40D-21.275(2), F.A.C., that is sent to public supply Permittees will summarize the requirements listed in sub-subparagraphs 40D-21.631(3)(b)1.-2., F.A.C.

(c) Medical and Health Use. The use of water for medical purposes and protection of public health, safety and welfare shall not be restricted.

(4) Commercial and Industrial Use. The following restrictions and other required actions shall apply to all commercial and industrial activities, as appropriate. Whether or not a commercial or industrial water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this Chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

(a) Each user whose use is governed by a commercial or industrial Water Use Permit shall continue to comply with all permit requirements and terms.

(b) Each user whose use is not governed by a Water Use Permit shall implement the following demand management measures as appropriate:

1. Reduce off-site discharge to the extent practicable;
2. Recycle water to the extent practicable;
3. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment;
4. Reduce the washing of vehicles and other Mobile Equipment except for health and safety needs or as otherwise required by published industry standards;
5. Maximize the use of the least restricted Source Class to which there is access;
6. Power generation utilities are specifically requested to encourage their customers to voluntarily reduce power consumption as a means to reduce water consumption, and;
7. Water use necessary to the activity, such as that consumed in a manufacturing process, shall not be otherwise restricted.

(5) Agricultural Use. The following restrictions and other required actions shall apply to all agricultural activities, as appropriate. Whether or not a agricultural water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

(a) Each Agricultural Permittee shall comply with all of its Water Use Permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conserving Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., which is incorporated by reference in Rule 40D-2.091, F.A.C.

(b) If a use is not governed by a Water Use Permit, but the user has a valid variance from Chapter 40D-22, F.A.C., to follow a published BMPs document, the user shall continue to follow those BMPs.

(c) All other users not governed by paragraph 40D-21.631(5)(a) or (b), F.A.C., shall implement the following demand management measures, as appropriate:

1. Reduce off-site discharge to the extent practicable.
2. Recycle water to the extent practicable.
3. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment.
4. Reduce the washing of vehicle and other Mobile Equipment; except for health and safety needs or as otherwise required by BMPs, such to prevent the spread of plant or animal diseases.
5. Maximize the use of the lesser or least restricted Source Class to which there is access.
6. Except as otherwise noted herein, comply with the applicable provisions and exemptions in Chapter 40D-22, F.A.C. These provisions include a ban on supplemental irrigation between the hours of 10:00 a.m. and 4:00 p.m. These exemptions include allowances for Low-Volume Irrigation technology, plant protection, testing and maintenance of irrigation systems and irrigation to water in chemicals. In the context of allowable watering hours, Agricultural Uses of center pivot and traveling gun technologies shall have the same exemptions as Low-Volume Irrigation.
7. Water use necessary to the activity, such as irrigation of crops or maintenance of livestock, shall not be otherwise restricted.

(6) Landscape Use.

(a) Golf Courses and Driving Ranges. The following restrictions and other required actions shall apply to all Golf Course and Driving Range athletic play area activities, as appropriate. Whether or not a golf course or driving range water use activity with

associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conserving Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., which is incorporated by reference in Rule 40D-2.091, F.A.C.

2. If a user is not governed by a Water Use Permit, the use shall continue as specified in subparagraph 40D-22.201(5)(b)1., F.A.C.

3. All other users not governed by a Water Use Permit and not following subparagraph 40D-22.201(5)(b)1., F.A.C., shall implement the following demand management measures as applicable:

- a. Reduce off-site discharge to the extent practicable.
- b. Recycle water to the extent practicable.
- c. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment.
- d. Reduce the washing of vehicles and other Mobile Equipment except for health safety needs or as otherwise required by the published BMPs, such as cleaning the blades on commercial lawn mowers to prevent the spread of Turfgrass diseases between properties.

e. Maximize the use of the least restricted Source Class to which there is access.

f. Limited supplemental irrigation to the hours of midnight to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or larger may irrigate between the hours of midnight to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.

g. Except as otherwise noted herein, continue to comply with all applicable provisions and exemptions in Chapter 40D-22, F.A.C. Exemptions include irrigation allowances for plant protection on tees and greens, testing and maintenance of irrigation systems and irrigation to water in chemicals.

(b) Other Athletic Play Areas. The following water use restrictions and other required actions shall apply to all Athletic Play Areas, other than Golf Courses and Driving Ranges, as appropriate. Whether or not an athletic play area water use activity with associated Lawn and Landscape use is authorized by a Water Use Permit, the Lawn and Landscape use is separately regulated for the purpose of this chapter and is subject to the Lawn and Landscape Use restrictions and other required actions of the applicable Water Shortage declaration. Paragraph 40D-21.631(6)(c), F.A.C., contains the Lawn and Landscape use restrictions and other required actions for a Phase II declaration.

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conserving Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., which is incorporated by reference in Rule 40D-2.091, F.A.C.

2. Users whose use is not governed by a Water Use Permit shall implement the following, as applicable:

- a. Reduce off-site discharge to the extent practicable.
- b. Recycle water on-site to the extent practicable.
- c. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation or prevent damage to equipment.
- d. Reduce the washing of vehicles and other Mobile Equipment except for health and safety needs or as otherwise required by the BMPs, such as to prevent the spread of Turfgrass disease.

e. Maximize the use of the least restricted Source Class to which there is access.

f. Limit supplemental irrigation to the hours of midnight to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or larger may irrigate between the hours of midnight to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.

g. Except as otherwise noted herein, continue to comply with applicable provisions and exemptions in Chapter 40D-22, F.A.C. These specifically include allowances for plant protection of Turfgrass athletic fields, wetting clay tennis courts and similar surfaces immediately prior to play, one extra irrigation application immediately after heavy league play and the ability to have a special watering schedule under some circumstances without applying for a variance.

(c) Lawns and Landscaping Use, including Cemeteries. The following restrictions and other required actions shall apply to all Lawn and Landscaping Use, including Cemeteries, as appropriate:

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. Those Permittees located within the Southern Water Use Caution Area with the ability to earn and expend "Water Conserving Credits" shall continue to do so pursuant to Rule 40D-2.621, F.A.C., and the associated Applicant's Handbook Part B Sections 3.9.2.4 and 3.9.2.6.2.2.2., which is incorporated in Rule 40D-2.091, F.A.C.

2. All Lawn and Landscaping use shall comply with the following demand management measures, as applicable:

a. Limit Supplemental Irrigation to the hours of midnight to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. Properties less than one acre in size or with fewer than 11 irrigation zones shall use only one of the two available watering times.

b. During the months of March through November, limit Supplemental Irrigation applications to a maximum of two applications per week, in accordance with the schedule provided in subsection 40D-22.201(4), F.A.C. However, during the months of December, January and February, limit Supplemental Irrigation to a maximum of one application per week in accordance with the following schedule:

(I) Addresses ending in 0 or 1 shall only water on Monday.

(II) Addresses ending with a 2 or 3, on Tuesday.

(III) Addresses ending with a 4 or 5, on Wednesday.

(IV) Addresses ending with a 6 or 7, on Thursday.

(V) Addresses ending with an 8 or 9 and locations with a mix of addresses or for which an address cannot be determined (such as common areas associated with a subdivision), on Friday.

(VI) Cemeteries and other properties greater than two acres in size that have a special irrigation schedule in accordance with paragraph 40D-22.201(4)(c), F.A.C., or pursuant to a valid variance from Chapter 40D-22, F.A.C., shall only water each section of property on the first day of the week already assigned to it. For example, a section of the property assigned a "Tuesday and/or Friday" schedule shall only water on Tuesday.

c. Reduce off-site discharge to the extent practicable.

d. Recycle water to the extent practicable.

e. Maximize the use of the least restricted Source Class to which there is access.

f. If core aerification or Vertical Mowing (also sometimes referred to as verticutting) as defined in Rule 40D-22.101, F.A.C., is conducted, temporary extra watering is allowed as provided in paragraph 40D-22.201(3)(f), F.A.C.

g. If Spot Treatment as defined in Rule 40D-21.101, F.A.C., is conducted, temporary extra watering is allowed as provided in paragraph 40D-22.201(3)(e), F.A.C., during the months of March through November. During these nine months, the extra watering may occur on any day of the week. However, during the other three months of the year (December, January and February), this extra watering shall be limited to only the three specified days of the week. The three allowable days of the week for Even addresses are Tuesday, Thursday and Sunday. The three allowable days of the week for Odd addresses are Monday, Wednesday and Saturday. The three allowable days of the week for rights-of-way, common areas and other locations without any discernable address are Sunday, Tuesday and Friday. Cemeteries or other properties two acres in size or larger may instead maintain a written log of when this extra watering occurs. Regardless of the month involved, Spot Treatment shall only be accomplished during the allowable irrigation hours specified by the Water Shortage declaration.

h. Except as otherwise noted herein, comply with all applicable provisions and exemptions of Chapter 40D-22, F.A.C., including partial exemptions for testing of irrigation systems and irrigation to water-in chemicals. These provisions also specifically include an establishment period exemption providing extra water applications for new plant material and a separate exemption for Low-Volume Irrigation technology (such as microirrigation or handwatering) to be used on any plant material other than turfgrass which requires frequent irrigation beyond the standard establishment period.

i. The property owner or manager shall, upon request, provide a receipt or other proof of qualification for the new plant establishment period or other claimed exemption or allowance.

(7) Other Uses.

(a) Except as provided below, all users engaging in Other Use shall comply with applicable provisions of Chapter 40D-22, F.A.C., and implement the following demand management measures, as appropriate:

1. Reduce off-site discharge to the extent practicable;

2. Recycle water to the extent practicable;

3. Maximize the use of the least restricted Source Class to which there is access;

4. Reduce unnecessary uses to the extent practicable.

(b) Aesthetic Use (fountains, waterfalls and other artistic water features).

1. If an aesthetic use also provides a necessary water quality benefit, such as aeration of a stormwater pond, it may be operated as necessary.

2. If an aesthetic use involves a pond or other catchment area with a volume of 100 gallons or less or meets one of the following criteria, it may be operated as necessary:

a. The feature provides necessary aeration for pet fish, such as in a koi pond.

b. The feature is an integral part of the circulation system for a swimming pool.

c. The feature is in a pond or other catchment area augmented exclusively by reclaimed water, seawater, brackish bay or intracoastal water, air conditioning condensate or other byproducts of an allowable activity.

3. If an aesthetic use is also intended as an interactive recreational use, such as operation of a water play area for children, commercial and institutional users may engage in that activity in accordance with paragraph 40D-21.631(7)(c), F.A.C. In this context, commercial and institutional users specifically include mobile entertainment businesses, events sponsored by public agencies or non-profit organizations, and permanent devices maintained to pool and spa health standards. Water slides and other portable devices, other than those operated by commercial or institutional users, may only be used on an allowable watering day for the location involved.

4. All other aesthetic uses shall be limited to eight hours a day, and the user shall select and post the normal hours of operation.

(c) Recreation Area Use.

1. All pools shall be maintained in a manner that minimizes the need for make-up water. This shall include the prompt repair of leaks, optimum scheduling of backwash filtration and the use of shade or covers to reduce evaporation.

2. Commercial and institutional uses of water for recreational purposes shall comply with subsection 40D-21.631(4), F.A.C.

3. Residential and other non-commercial uses of water for recreational purposes shall be reduced to the maximum extent practicable. For example:

a. Use of a sprinkler or sprinkler-like device on a Lawn for recreational purposes shall be restricted to the watering day(s), watering times and horticulturally necessary amounts for the address involved.

b. Use of a wading pool, water slide, or other child-oriented recreation device shall include discharge or emptying onto a Lawn or Landscape area that requires irrigation.

(d) Water Body Augmentation. Augmentation of a pond or other water body shall be limited to the following circumstances:

1. As required by a Water Use Permit or Environmental Resource Permit, typically for environmental mitigation purposes.

2. The minimum necessary to maintain and preserve the structural integrity of a newly constructed or recently altered pond.

3. The minimum needed to maintain and preserve habitat for native fish and wildlife.

4. Where lake levels are below the lowest minimum level or guidance level, as applicable, established for that lake by the District.

(e) Washing or cleaning of buildings, structures and outdoor impervious surfaces:

1. Annual Pressure Washing for aesthetic purposes is allowed.

2. Pressure Washing of buildings or other structures in preparation for painting, sealing or other necessary maintenance and as a construction practice is allowed. Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.

3. Pressure Washing driveways, sidewalks and other impervious surfaces is allowed for necessary maintenance, such as to either maintain a warranty or remove mold, mildew and other potentially hazardous material that cannot be removed by mechanical means (such as a broom or leaf blower) and as a construction practice (such as cleaning a concrete surface prior to painting or sealing). Compliance with homeowner association or other aesthetic standards does not constitute necessary maintenance.

4. Washing or cleaning streets in preparation of, or immediately after, a parade or other public event is allowed.

5. Washing or other water-based cleaning of streets or other impervious surfaces, other than that described above, shall be prohibited, except to meet federal, state, or local health or safety standards. These standards specifically allow for required dust control.

(f) Mobile Equipment Washing.

1. Commercial car washes, hand-detailing operations and similar establishments shall comply with subsection 40D-21.631(4),

F.A.C.

2. Car wash fundraisers held on behalf of non-profit organizations are allowable, provided participants use water in an efficient manner. This specifically includes the use of a trigger (self-canceling) nozzle on any garden-type hose used.

3. Washing of fire trucks and other emergency vehicles, including ambulances and law enforcement vehicles, shall comply with subparagraph 40D-21.631(3)(a)3., F.A.C.

4. Rinsing boats and flushing boat engines is allowed after each use, as necessary, to remove salt water or to prevent the transportation of exotic plant or animal material.

5. Cleaning agricultural vehicles in accordance with canker abatement procedures, animal husbandry practices and other activities endorsed by the University of Florida's Institute of Food and Agricultural Sciences or United States Department of Agriculture is allowed, as necessary.

6. Other than as described above, car, truck and other Mobile Equipment washing shall be accomplished using low volume methods only, such as with a hand-held hose equipped with a trigger (self-canceling) nozzle and shall be restricted to only one washing a week. This one washing a week shall only occur on the allowable watering day for the address at which the activity occurs.

(g) No person or entity, for example, a homeowner association or property manager, shall enforce any deed restrictions or other community standards which are inconsistent with the Water Shortage declaration. This specifically includes that the person or entity responsible for enforcement will suspend any requirement to replace plant material to meet aesthetic standards.

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.185, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-30-93, 4-9-06, 7-5-12, 5-19-14.*