

Governing Board Meeting

Agenda and Meeting Information

September 26, 2023

3:00 p.m.

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

Southwest Florida
Water Management District

WATERMATTERS.ORG • 1-800-423-1476



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

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Final Agenda GOVERNING BOARD MEETING

**SEPTEMBER 26, 2023
3:00 PM**

**7601 US 301 North, Tampa, FL 33637
(813) 985-7481**

All meetings are open to the public

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

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

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

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

MEETING NOTICE

1. CONVENE PUBLIC MEETING

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

2. CONSENT AGENDA

- 2.1 **Finance/Outreach and Planning Committee:** Board Encumbrance of the Capital Field Equipment Fund
- 2.2 **Resource Management Committee:** City of Haines City Lake Eva and Lake Henry Restoration (N926) – Third-Party Review of 30 Percent Design
- 2.3 **Resource Management Committee:** Hillsborough County - Town “N” Country/Hillsborough Avenue Regional Drainage Improvements (N975) – Third-Party Review of 30 Percent Design
- 2.4 **Resource Management Committee:** Arcadia Stormwater Evaluation and Feasibility Study – Scope Change (Q217)
- 2.5 **Resource Management Committee:** FARMS – Spanish Trails Farming & Land Company, LLC - Phase 3 (H819), DeSoto County
- 2.6 **Resource Management Committee:** Five-Year Water Resource Development Work Program
- 2.7 **Operations, Lands and Resource Monitoring Committee:** Approval of Land Management Plan Updates for Conner Preserve, Flatford Swamp Preserve, Flying Eagle Preserve and Prairie Shell Creek Preserve
- 2.8 **Regulation Committee:** Water Use Permit No. 20 011350.005, Countyline Ranch, LLC / Countyline Ranch LLC (Manatee County)
- 2.9 **Regulation Committee:** Water Use Permit No. 20 005750.011, City of Davenport / City of Davenport WUP (Polk County)
- 2.10 **Regulation Committee:** Water Use Permit No. 20 012934.003, Len-Angeline, LLC / Len Angeline (Pasco County)
- 2.11 **General Counsel's Report:** Approval of Consent Order between SWFWMD and Hooley Development, LLC – Permit Condition Violations – Environmental Resource Permit No. 43045054.000 – CT No. 424099 – Hillsborough County
- 2.12 **General Counsel's Report:** Approval of the District's Annual Regulatory Plan for 2023-2024
- 2.13 **General Counsel's Report:** Affirm Emergency Order Nos. SWF 23-033 and SWF 23-034 – Emergency Measures Due to Hurricane Idalia
- 2.14 **Executive Director's Report:** Approve Governing Board Minutes – August 22, 2023

3. FINANCE/OUTREACH AND PLANNING COMMITTEE

- 3.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 3.2 **Discussion:** Information Item: Office of Inspector General Fiscal Year 2023 Annual Report
- 3.3 **Discussion:** Information Item: Fiscal Year 2025 Business Plan Update
- 3.4 **Discussion:** Information Item: Knowledge Management: Promotion of District Programs and Objectives Governing Board Policy
- 3.5 **Discussion:** Action Item: Extension of Annual Review of Governing Board Policy, Investments
- 3.6 **Submit & File:** Information Item: Budget Transfer Report
- 3.7 **Submit & File:** Information Item: Report of Total Reductions in Taxes From Hurricane Ian or Hurricane Nicole

4. RESOURCE MANAGEMENT COMMITTEE

- 4.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 4.2 **Discussion:** Action Item: Boyd Hill Nature Preserve Project - Increased Funding Request for Construction Bid (W303)

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

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

6. REGULATION COMMITTEE

- 6.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion
- 6.2 **Discussion:** Action Item: Denials Referred to the Governing Board

7. GENERAL COUNSEL'S REPORT

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

8. COMMITTEE/LIAISON REPORTS

- 8.1 **Discussion:** Information Item: Industrial Advisory Committee
- 8.2 **Discussion:** Information Item: Public Supply Advisory Committee

9. EXECUTIVE DIRECTOR'S REPORT

- 9.1 **Discussion:** Information Item: Executive Director's Report

10. CHAIR'S REPORT

- 10.1 **Discussion:** Information Item: Chair's Report
- 10.2 **Discussion:** Information Item: Employee Milestones
- 10.3 **Discussion:** Information Item: Executive Director's and Inspector General's Annual Evaluations

ADJOURNMENT

GOVERNING BOARD OFFICERS, COMMITTEES AND LIAISONS

Approved June 26, 2023

OFFICERS	
Chair	Ed Armstrong
Vice Chair	Michelle Williamson
Secretary	John Mitten
Treasurer	Jack Bispham

OPERATIONS, LANDS AND RESOURCE MONITORING COMMITTEE
John Hall
Kelly Rice
John Mitten

RESOURCE MANAGEMENT COMMITTEE
Ashley Bell Barnett
Michelle Williamson
James Holton

REGULATION COMMITTEE
Dustin Rowland
Robert Stern
Joel Schleicher

FINANCE/OUTREACH AND PLANNING COMMITTEE
Jack Bispham
Joel Schleicher
Kelly Rice

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

STANDING COMMITTEE LIAISONS	
Agricultural and Green Industry Advisory Committee	Dustin Rowland
Environmental Advisory Committee	John Mitten
Industrial Advisory Committee	James Holton
Public Supply Advisory Committee	Robert Stern

OTHER LIAISONS	
Central Florida Water Initiative	Ashley Bell Barnett
Spring Coast Steering Committee	Kelly Rice
Coastal & Heartland National Estuary Partnership Policy Committee	John Hall
Sarasota Bay Estuary Program Policy Board	Joel Schleicher
Tampa Bay Estuary Program Policy Board	James Holton
Tampa Bay Regional Planning Council	Vacant

Southwest Florida Water Management District Schedule of Meetings Fiscal Year 2024

Governing Board Meeting

October 24, 2023 – 9:00 a.m., Tampa Office
November 14, 2023 – 9:00 a.m., Tampa Office
December 12, 2023 – 9:00 a.m., Tampa Office
January 23, 2024 – 9:00 a.m., Tampa Office
February 27, 2024 – 9:00 a.m., Brooksville Office
March 26, 2024 – 9:00 a.m., Brooksville Office
April 23, 2024 – 9:00 a.m., Tampa Office
May 21, 2024 – 9:00 a.m., Tampa Office
June 25, 2024 – 9:00 a.m., Brooksville Office
July 23, 2024 – 9:00 a.m., Tampa Office
August 27, 2024 – 9:00 a.m., Brooksville Office
September 24, 2024 – 3:00 p.m., Tampa Office

Governing Board Workshop

November 14, 2023 – 9:30 a.m., Tampa Office

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

2024 – September 10 & 24

Agricultural & Green Industry Advisory Committee – 10:00 a.m.

2023 – December 5

2024 – March 12, June 11, September 10

Environmental Advisory Committee – 10:00 a.m.

2023 – October 10

2024 – January 9, April 9, July 9

Industrial Advisory Committee – 10:00 a.m.

2023 – November 7

2024 – February 13, May 7, August 6

Public Supply Advisory Committee – 1:00 p.m.

2023 – November 7

2024 – February 13, May 7, August 6

Springs Coast Management Committee – 1:30 p.m.

2023 – October 25, December 6

2024 – January 10, February 21, May 22, July 10

Springs Coast Steering Committee – 2:00 p.m.

2023 – November 8

2024 – January 24, March 6, July 24

Meeting Locations

Brooksville Office – 2379 Broad St., Brooksville, FL 34604

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

Governing Board Meeting
September 26, 2023

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CONVENE PUBLIC MEETING

September 26, 2023

Call to Order

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

Presenter:

Ed Armstrong, Chair

CONVENE PUBLIC MEETING

September 26, 2023

Invocation and Pledge of Allegiance

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

Presenter:

Ed Armstrong, Chair

CONVENE PUBLIC MEETING

September 26, 2023

Employee Recognition

Staff that have reached 20 or more years of service at the District will be recognized.

Presenter:

Ed Armstrong, Chair

CONVENE PUBLIC MEETING

September 26, 2023

Additions/Deletions to Agenda

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

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

Staff Recommendation:

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

Presenter:

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

CONVENE PUBLIC MEETING

September 26, 2023

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:

Ed Armstrong, Chair

Governing Board Meeting

September 26, 2023

2. CONSENT AGENDA

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

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2.11	General Counsel's Report: Approval of Consent Order between SWFWMD and Hooley Development, LLC – Permit Condition Violations – Environmental Resource Permit No. 43045054.000 – CT No. 424099 – Hillsborough County	89
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2.14	Executive Director's Report: Approve Governing Board Minutes – August 22, 2023	128

CONSENT AGENDA

September 26, 2023

Finance/Outreach and Planning Committee: Board Encumbrance of the Capital Field Equipment Fund

Purpose

The purpose of this item is to request the encumbrance of fiscal year (FY) 2023 fund balance within the Capital Field Equipment Fund (CFEF) to carry forward into FY2024 for planned expenditures as approved through the budgetary process.

Background/History

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

Benefits/Costs

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

The encumbrance and carry forward of FY2023 fund balance for future years' planned expenditures was included in the General Services Bureau's considerations when developing its FY2024 recommended budget. In the FY2024 Recommended Annual Service Budget, the estimated FY2023 fund balance to carry forward into FY2024 was \$528,640. Since then, Fleet Services has experienced a net savings of \$5,956, has procured an unplanned piece of equipment for \$34,700, and has \$510,900 in FY2023 planned acquisitions in process for a total of \$1,010,796 in FY2023 fund balance.

Staff Recommendation:

Staff recommends the Governing Board approve the encumbrance of \$1,010,796 in FY2023 fund balance within the Capital Field Equipment Fund to carry forward into FY2024 for planned expenditures as approved through the budgetary process.

Presenter:

Michelle Weaver, Bureau Chief, General Services

CONSENT AGENDA

September 26, 2023

Resource Management Committee: City of Haines City Lake Eva and Lake Henry Restoration (N926) – Third-Party Review of 30 Percent Design

Purpose

The purpose of this item is to provide the results of the City of Haines City (City) Lake Eva and Lake Henry Restoration project's third-party review (TPR) on the 30 percent design and to request Governing Board approval to conclude the project and discontinue funding beyond TPR task.

Background/History

The City and the Southwest Florida Water Management District (District) entered into a Cooperative Funding Agreement (CFA) in FY2018 for the Lake Eva and Lake Henry Restoration project. The project consists of 30 percent design, TPR, final design, permitting, and construction of the Lake Eva and Lake Henry restoration based on the conceptual design developed through N830 (Feasibility Study) to connect Lake Eva and Lake Henry through natural systems. The projected benefit of this project, if constructed, was to restore regional water bodies, optimize water retention within the region, and improve water quality.

Per the CFA, the City provided the 30 percent design package for the TPR. District staff contracted with an independent consulting firm, Ardurra Group, Inc. (Ardurra), to conduct the TPR. The City was engaged and provided support throughout the TPR process by assisting with data requests, providing clarification on information provided, and allowing the City's consultant on the project to respond to data requests.

The TPR was completed in June 2023 by Ardurra and included review of the design, cost estimates, project schedule, constructability, and ability to meet the proposed Measurable Benefit, which was defined as the restoration and enhancement of approximately 145 acres of freshwater marshes, wetland swamp forest, and sloughs within the Morrison Ranch property. The TPR concluded that the project could not meet the Measurable Benefit without resolution of the following issues: acquisition of required property rights for project implementation, further evaluation of potential adverse site impacts associated with improved hydroperiods, and potential impacts of reduced inflow volume to the Lake Hamilton system. Final TPR results were shared with the City who acknowledged and agreed with its findings. The 30 design and TPR information could be used in the future to advance the design once property rights are obtained, additional data are collected, and further evaluations are performed.

Benefits/Costs

The construction of the natural system connection between Lake Eva and Lake Henry was intended to restore the flow between the systems in a way that optimized water retention and improved water quality. Beyond the TPR, the proposed Measurable Benefit of this project was the restoration and enhancement of approximately 145 acres of freshwater marshes, wetland swamp forest, and sloughs within the Morrison Ranch property to restore regional water bodies, optimize water retention within the region, and improve water quality.

The initial conceptual cost for the entire project was estimated in 2020 to be \$7,466,000. The TPR recommended this estimate be updated with the current price indexes and be based on upper end of cost range due to project unknowns.

The final TPR report concluded that the project will not achieve the proposed Measurable Benefit outlined in the CFA due to the unresolved property rights and potential adverse impacts to other systems. Based on these TPR finding, both parties mutually agree to conclude the project after the TPR task. The total amount of District funding shall not exceed \$210,000 for the work associated with 30 percent design and TPR.

Staff Recommendation:

Authorize project conclusion after the TPR task and approve a not-to-exceed District funding amount of \$210,000.

Presenter:

Scott Letasi, P.E., PMP, Bureau Chief, Engineering and Project Management

CONSENT AGENDA**September 26, 2023****Resource Management Committee: Hillsborough County - Town “N” Country/Hillsborough Avenue Regional Drainage Improvements (N975) – Third-Party Review of 30 Percent Design***Purpose*

The purpose of this item is to provide the results of the Hillsborough County (County) Town “N” Country/Hillsborough Avenue Regional Drainage Improvement project’s third-party review (TPR) on the 30 percent design and to request Governing Board approval to conclude the project and discontinue funding beyond the TPR task.

Background/History

The County and the Southwest Florida Water Management District (District) entered into a Cooperative Funding Agreement (CFA) in FY2019 for the Town “N” Country/Hillsborough Avenue Regional Drainage Improvement project. The project consisted of 30 percent design, TPR, final design, permitting, and construction of the Town “N” Country/Hillsborough Avenue Regional Drainage Improvement project based on the conceptual design developed through the Lower Sweetwater Creek Watershed study. Funding was only approved for the 30 percent design and TPR, with Governing Board approval required to complete design and construction. The benefit of this project, if constructed, would be to provide flood protection for structures and streets during the 25-year, 24-hour storm event.

Per the CFA, the County provided the 30 percent design package for the TPR. District staff contracted with an independent consulting firm, DRMP, Inc., to conduct the TPR. The County was engaged and provided support throughout the TPR process by assisting with data requests, providing clarification on information provided, and allowing the County’s consultant on the project to respond to data requests.

The TPR was completed in August 2023 by DRMP and included review of the design, cost estimates, project schedule, constructability, and ability to meet the proposed Measurable Benefit. Final TPR results were shared with the County who acknowledged and agreed with its findings. The 30 design and TPR information could be used in the future to advance the design.

Benefits/Costs

The initial conceptual cost for the entire project was estimated in 2020 to be \$47,750,000. The TPR recommended the estimate be updated with increased cost risk from the nature of dredge material and handling of material including offsite disposal. The final TPR report concluded that the project will achieve the proposed Measurable Benefit outlined in the CFA, which is flooding reduction for the 25-year, 24-hour storm event, with the provided data from the County.

Based on the Design and Evaluation Technical Report performed by the County’s consultant Atkins and the TPR performed by DRMP, the project was estimated at \$51,639,257 and was found to provide flood protection benefits during the 25-year, 24-hour storm event. The project consists of increasing the size of existing ditches, constructing new box culverts, and improving creek conveyance. The original project evaluation also included a 20-acre regional pond that was determined not to be feasible through the 30 percent design process. For planning and implementation purposes the County requested the project be divided into four separate phases. The County is not requesting funding for the remaining design portion of the project but may apply for construction funding as a new Cooperative Funding Initiative application

in the future once design is complete. The total amount of District funding shall not exceed \$600,000 for the work associated with 30 percent design and TPR.

Staff Recommendation:

Authorize project conclusion after the TPR task and approve a not-to-exceed District funding amount of \$300,000.

Presenter:

Scott Letasi, P.E., PMP, Bureau Chief, Engineering and Project Management

CONSENT AGENDA

September 26, 2023

Resource Management Committee: Arcadia Stormwater Evaluation and Feasibility Study – Scope Change (Q217)

Purpose

The purpose of this item is to request approval to change the project scope from performing a feasibility study in the City of Arcadia in one model basin location to another basin location due to significant damages observed during Hurricane Ian flooding.

Background/History

The Board approved this City of Arcadia (City) project (Q217) during the Fiscal Year 2022 Cooperative Funding Initiative process. This project was to provide a feasibility study that evaluates Best Management Practices (BMPs) for Jordan Branch in DeSoto County. The original contractual Measurable Benefit was to complete the feasibility study and Preliminary Engineering Report to evaluate alternatives to reduce flooding of roads and residential properties located along Jordan Branch.

The City of Arcadia is requesting a revision to the scope to perform a feasibility study within Basin H (Baker Street Ditch) instead of Basin E (Jordan Branch). Areas within Basin H have been experiencing recurrent flooding during small storm events. Significant damages to existing culverts occurred during Hurricane Ian. Basin H has now become a priority of the City due to significant infrastructure damage and recurrent flooding. The City would like to complete the study as soon as possible with currently budgeted funds in this new location to be ready for future funding opportunities.

Benefits/Costs

The total project budget is \$150,000 with the District providing seventy-five percent (\$112,500) due to DeSoto County being a REDI community as defined by Florida Statute. The project, as originally ranked and approved by the Governing Board, had an overall ranking of High. The project cost has not changed. The objective and measurable benefit have changed slightly to incorporate the scope for a different location.

Staff Recommendation:





Staff recommends approval of the scope revision to perform a feasibility study within Basin H (Baker Street Ditch) instead of Basin E (Jordan Branch) within the City of Arcadia Watershed Management Plan boundary.

Presenter:





Scott Letasi, P.E., PMP, Bureau Chief, Engineering and Project Management

LEGEND

Roads

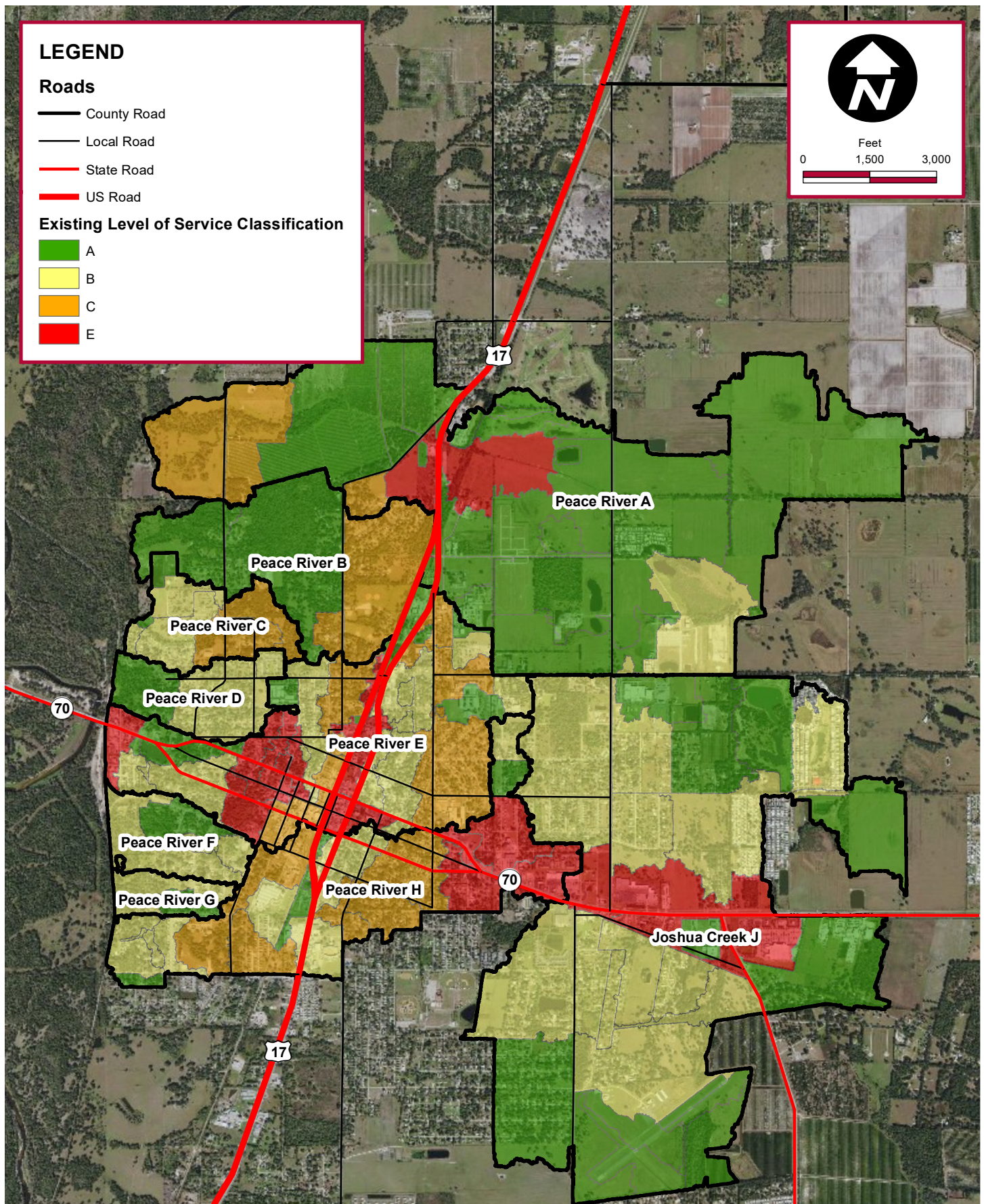
-  County Road
-  Local Road
-  State Road
-  US Road

Existing Level of Service Classification

-  A
-  B
-  C
-  E



Feet
0 1,500 3,000



BASIN LOS CLASSIFICATION - EXISTING CONDITIONS

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Hazen

CITY OF ARCADIA WSMP

Southwest Florida
Water Management District



SCALE AS SHOWN

KHA PROJECT: 046369000

JANUARY 2020

FIGURE 4

Project No. Q217		Study – Arcadia Stormwater Evaluation and Feasibility Study			
City of Arcadia		FY2022			
Risk Level: Type 3		Multi-Year Contract: No			
Description					
Description:		Complete a feasibility study that evaluates proposed Best Management Practices (BMPs) within Basin H in DeSoto County. Projects were identified in the prior Arcadia Watershed Management Plan BMP Alternatives Analysis (N858). Study will provide more detail for flood protection benefits, project costs, property rights/acquisition needs including survey, and permitting/mitigation requirements for proposed BMPs.			
Measurable Benefit:		The contractual Measurable Benefit will be the completion of a feasibility study and Preliminary Engineering Report to evaluate alternatives to reduce flooding of roads and residential properties within Basin H.			
Costs:		Total Project Cost (initial board-approved project amount): \$150,000 (study) Cooperator: \$37,500 (REDI Eligible Community) District: \$112,500 requested in FY2022			
Evaluation					
Application Quality:		High	Application included all the required information identified in the CFI Guideline.		
Project Benefit:		High	The project benefit is a feasibility study that will evaluate stormwater alternatives for flood protection improvement. Currently, flood analysis models are available, are less than 5 years old, and the watershed includes regional or intermediate stormwater systems. Structure and street flooding occur in the project area.		
Cost Effectiveness:		High	Project costs are comparable to other prior projects with similar scopes.		
Past Performance:		High	Based upon an assessment of the schedule and budget for the 2 ongoing projects.		
Complementary Efforts:		Low	Cooperator is not participating in the Community Rating System program.		
Project Readiness:		Medium	The project is ongoing.		
Strategic Goals					
Strategic Goals:		Medium	Strategic Initiative - Floodplain Management: Collect and analyze data to determine local and regional floodplain information, flood protection status and trends to support floodplain management decision and initiatives.		
Overall Ranking and Recommendation					
CFI		The project will utilize the Arcadia Watershed Management Plan (N858) model and recommendations from the BMP Alternative Analysis to complete a study that evaluates and further refines solutions to reduce flooding within Basin H. City of Arcadia qualifies for a 75% cost share as a REDI community as defined by Florida Statute. Under the Cooperative Funding Initiative Governing Board Policy, the Board can reduce the requirements for matching funds for REDI communities.			
Funding					
Funding Source		Prior	FY2022	Future	Total
District		\$0	\$112,500	\$0	\$112,500
City of Arcadia		\$0	\$37,500	0	\$0
Total		\$0	\$150,000	\$0	\$150,000

CONSENT AGENDA**September 26, 2023****Resource Management Committee: FARMS – Spanish Trails Farming & Land Company, LLC - Phase 3 (H819), DeSoto County***Purpose*

To request approval for a Facilitating Agricultural Resource Management Systems (FARMS) project with Spanish Trails Farming and Land Company, LLC, and approval to reimburse FARMS eligible costs up to a not-to-exceed limit of \$542,000 (72 percent of total project costs). The District funding is requested from the Governing Board FARMS Fund. Total project costs are estimated at \$748,000.

Project Proposal

The District received a project proposal from Spanish Trails Farming and Land Company, LLC for their 5,504-acre sod and cattle operation located 12 miles south of Arcadia, in southern DeSoto County, within the Shell, Prairie, and Joshua Creek watersheds (SPJC), and within the Southern Water Use Caution Area (SWUCA). This project will involve the modification of an existing nine-acre surface water reservoir to collect tailwater and surface water from the property and surrounding watershed to offset Upper Floridan aquifer groundwater used for supplemental irrigation of 200 acres of sod. The project area is permitted to use an annual daily quantity for supplemental irrigation of 530,600 gallons per a day (gpd). The Water Use Permit (WUP) for the entire property authorizes the use of 2,533,500 gallons per day (gpd) to irrigate 955 acres of sod. FARMS project components consist of a linear overhead irrigation system with a mobile automated surface water pump station, fertigation system, and tailwater culverts.

In May 2022, the Governing Board approved a Phase 1 FARMS project with Spanish Trails Farming and Land Company, LLC to construct a four-acre reservoir to irrigate 300 acres of sod. FARMS project components include a surface water pump station, filtration, valves, culverts and the piping necessary to connect the reservoir to that portion of the property's existing irrigation system. The estimated offset is 140,000 gpd. Construction was completed on this phase in May 2023 and will begin to be used in the fall.

In January 2023, the Governing Board approved a Phase 2 FARMS project with Spanish Trails Farming and Land Company, LLC to construct an additional four-acre reservoir to irrigate 450 acres of sod. FARMS project components include a surface water pump station, with filtration, valves, culverts and piping necessary to connect the reservoir to that portion of property's existing irrigation system. The estimated offset for the phase 2 project is an additional 140,000 gpd. Construction was completed on this phase in June 2023 and will begin to be used in the fall.

Benefits/Costs

The proposed project involves water quantity and water quality best management practices (BMPs) for supplemental irrigation and qualifies for a 75 percent cost-share reimbursement rate under the FARMS Program. The project is expected to reduce groundwater use by approximately six percent or 140,000 gpd for daily irrigation and reduce nitrogen by 365 pounds per year. Based on the estimated groundwater offset, the estimated nutrient reduction benefit, and a proposed five-year contract term, the cost per thousand gallons of water saved is \$3.19, and the cost per pound of nitrogen reduced is \$8.88. These values are within the guidelines for the generally accepted average cost savings per thousand gallons for

Staff Recommendation:

1. Approve the Spanish Trails Farming and Land Company, LLC - Phase 3 project for a not-to-exceed project reimbursement of \$542,000 with \$542,000 provided by the Governing Board.
2. Authorize the transfer of \$542,000 from fund 010 H017 Governing Board FARMS Fund to the H819 Spanish Trails Farming and Land Company, LLC – Phase 3 project fund.
3. Authorize the Assistant Executive Director to sign the agreement.

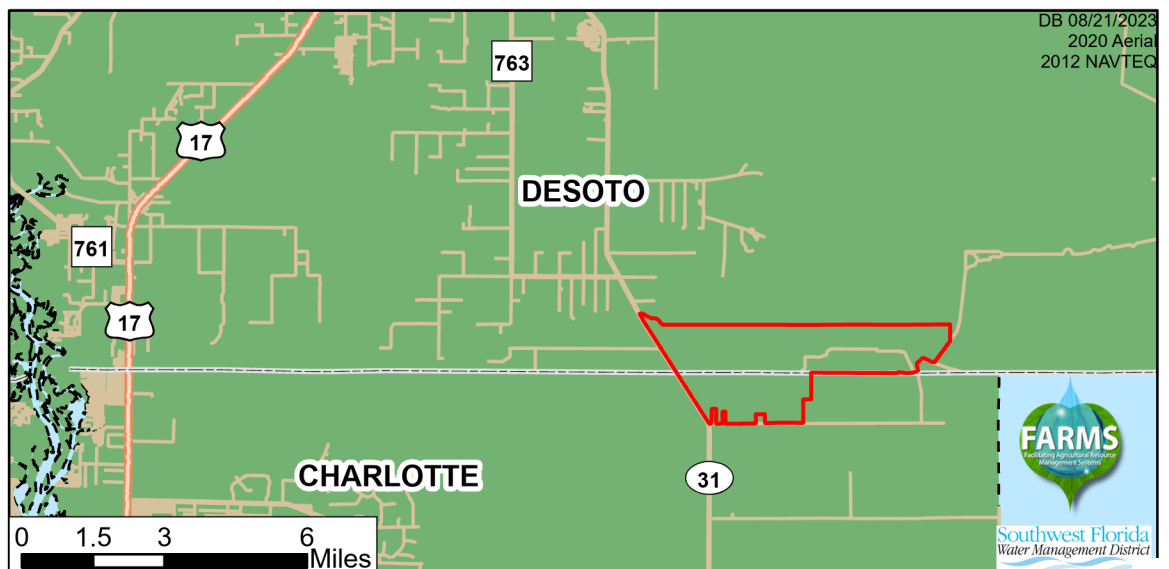
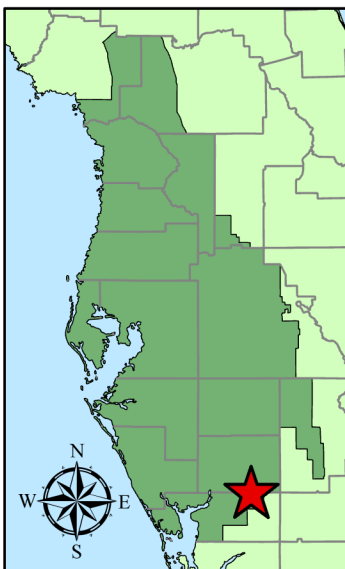
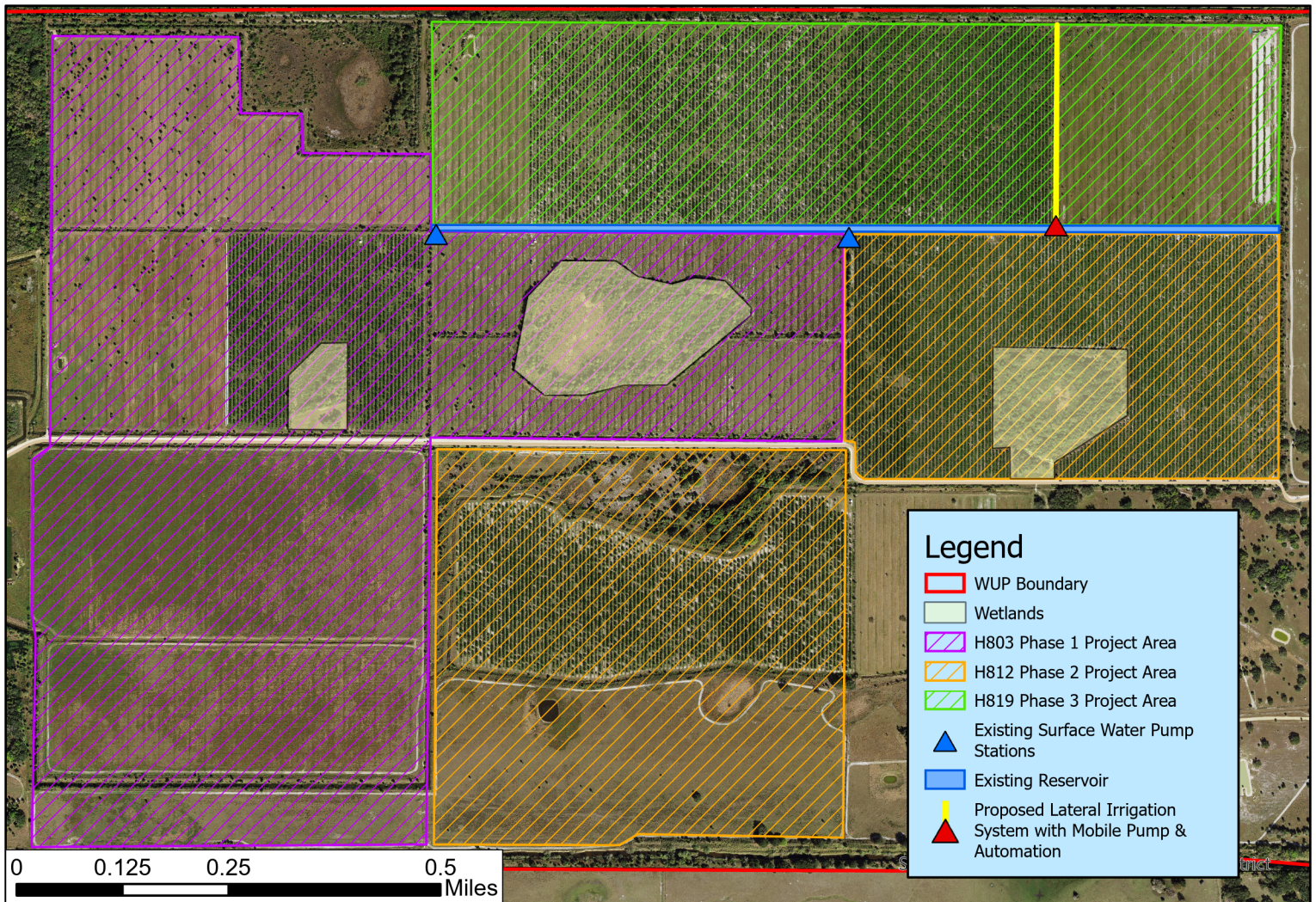
Presenter:

Jay Hoecker, PMP, Bureau Chief, Water Resources

Location Map

FARM Project - H819

Spanish Trails Phase 3



CONSENT AGENDA

September 26, 2023

Resource Management Committee: Five-Year Water Resource Development Work Program

Purpose

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

Background/History

The District is required by Subsection 373.536(6), F.S., to annually prepare a Work Program that describes the District's implementation strategy for the water resource development component of the approved Regional Water Supply Plan (RWSP). The proposed Work Program must be submitted to FDEP and specified state and local government officials within 30 days after the adoption of the District's final budget. The proposed Work Program will be due to FDEP by October 26, 2023.

The fiscal year (FY) 2024 Work Program covers the period from FY2024 through FY2028 and describes the District's implementation strategy relating to water resource development and water supply development components over the next five years. These efforts include data collection and analyses activities along with water resource and water supply development projects that are undertaken and/or funded by the District. The inclusion of water resource and water supply projects funded in the upcoming fiscal year, but not specifically mentioned in the RWSP, allows FDEP to approve the projects as consistent with the RWSP and eligible for state funding.

In 2023, the FDEP provided an updated Work Program guidance template for the water management districts to improve statewide reporting consistency. The proposed Work Program utilizes this template. The FDEP also provided a spreadsheet template for reporting additional project details, which will be submitted with information consistent with the FY2024 annual budget.

Within 30 days after the proposed Work Program submittal, FDEP 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 FDEP, the District must state in writing to FDEP which of the recommended changes will be incorporated into the Work Program or specify the reasons for not incorporating the changes. FDEP 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:

Jay Hoecker, PMP, Bureau Chief, Water Resources

2024 Five-Year Water Resource Development Work Program

PROPOSED



Southwest Florida
Water Management District

Introduction/Purpose

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

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

This report represents the District's 23rd Work Program and covers the period from fiscal year (FY) 2024 through FY2028. In July of 2023 the DEP provided a guidance document and template spreadsheets to improve the consistency among the Water Management Districts' Work Program submittals. This Work Program is consistent with the planning strategies of the Central Florida Water Initiative 2020 Regional Water Supply Plan (CFWI RWSP) and the District's 2020 Regional Water Supply Plan (RWSP) which can be found at:

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

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

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

Also included is an overview of funding mechanisms, a summary of the adequacy of District expenditures to ensure the availability of water for reasonable-beneficial uses and natural systems,

and an appendix listing projects funded by the District to implement projects identified in the Basin Management Action Plans (BMAPs).

Water Resource Development

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

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

WRD Data Collection and Analysis Activities

Data collection and analysis activities are a critical part of the water resource development component implemented by the District. The District has budgeted approximately \$38 million in FY2024 to implement and continue activities to collect scientific data necessary to manage water resources and evaluate new water supplies, support the evaluation and establishment of MFLs, conduct watershed management plans, improve groundwater quality, estimate water supply needs using population and demand modeling, and implement best management practices (BMPs) for stormwater storage and conveyance. These activities are summarized in **Table 1**.

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

Hydrologic Data Collection

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

The categories of hydrologic data that are collected and monitored by District staff are discussed below. In addition to data collection completed or contracted by the District,

hydrologic data submitted by Water Use Permit (WUP) holders are also considered to assess compliance with permit conditions.

- a) Surface Water Flows and Levels. Funding supports data collection at the District's approximately 800 surface water level gauging sites, and cooperative funding with the USGS for discharge and water-level data collection at 130 river, stream, and canal sites. The USGS data are available to District staff and the public through the District's Environmental Data Portal (EDP) and through the USGS National Water Dashboard.
- b) Geohydrologic Data. The Geohydrologic Data Section (GEO) collects hydrogeologic data and oversees monitor well construction activities for the District. The GEO manages several groundwater monitor well networks that supports various projects throughout the District. The projects include the CFWI, Water Resource Assessment Projects, MFLs, sea level rise, and development of alternative water supplies. The monitoring well networks include the Regional Observation and Monitor-well Program (ROMP), Coastal Groundwater Quality Monitoring Network (CGWQMN), Inland Floridan Aquifer System Monitoring Network (IFASMN), and the Upper Floridan Aquifer Nutrient Monitoring Network (UFANMN). The ROMP has been the District's primary source of hydrogeologic data since the program was established in 1974. Lithologic, hydraulic, and water quality data are collected during exploratory coring and testing and during the construction of monitor wells. Data from monitor well sites are used to evaluate seasonal and long-term changes in groundwater levels and quality, as well as the interaction and connectivity between groundwater and surface water bodies.
- c) Meteorologic Data. The meteorologic data monitoring program consists of measuring rainfall totals at 171 rain gauges, all of which provide near real-time data. The funding is for costs associated with measurement of rainfall including sensors, maintenance, repair, and replacement of equipment. Funding allows for the operation of one District evapotranspiration (ET) station for reference near Lake Hancock, and for District participation in a cooperative effort between the USGS and all five Florida water management districts to map statewide potential and reference ET using data measured from the Geostationary Operational Environmental Satellites (GOES). Funding also includes a collaborative effort between the five districts to provide high-resolution gauge adjusted radar rainfall data that are used for hydrologic conditions reporting and modeling purposes.
- d) Water Quality Data. The District's Water Quality Monitoring Program (WQMP) collects data from over 1,100 water quality monitoring stations for springs, streams, lakes, coastal and inland rivers and wells. The Coastal Groundwater Quality Monitoring, Water Use Permit, Inland Florida Aquifer System Monitoring, and Upper Floridan Aquifer Nutrient Monitoring networks, which involve sample collection and analysis from approximately 500 wells across the District, are used to monitor saltwater intrusion, the upwelling of mineralized waters into potable aquifers and/or regional trends of nitrates in groundwater of springs basins.
- e) Groundwater Levels. The funding provides for the maintenance and support of over 1,600 monitor wells in the data collection network. Data may be collected in 15-minute intervals, hourly, daily, or monthly. The District also uses funding to contract with the USGS to obtain continuous and monthly water levels at 15 sites. District data are available on the EDP and the USGS data are available on the USGS National Water Dashboard.

Table 1. FY2024 - FY2028 Water Resource Development Data Collection and Analysis Activities

WRD Data Collection and Analysis Activities	Budget Reference¹	FY2024 Costs (\$)	FY2025 Costs (\$)	FY2026 Costs (\$)	FY2027 Costs (\$)	FY2028 Costs (\$)	Total Costs (\$)	Funding Source²
1) Research, Data Collection, Analysis & Monitoring	1.2.1, p.62							District, Local Cooperators
a) Surface Water Flows & Levels Data		\$4,794,473	\$4,794,473	\$4,794,473	\$4,794,473	\$4,794,473	\$23,972,365	
b) Geologic (includes ROMP) Data		\$5,200,022	\$5,200,022	\$5,200,022	\$5,200,022	\$5,200,022	\$26,000,110	
c) Meteorologic Data		\$269,833	\$269,833	\$269,833	\$269,833	\$269,833	\$1,349,165	
d) Water Quality Data		\$740,023	\$740,023	\$740,023	\$740,023	\$740,023	\$3,700,115	
e) Groundwater Levels Data		\$1,220,731	\$1,220,731	\$1,220,731	\$1,220,731	\$1,220,731	\$6,103,655	
f) Biologic Data		\$1,304,676	\$1,304,676	\$1,304,676	\$1,304,676	\$1,304,676	\$6,523,380	
g) Data Support		\$4,272,684	\$4,272,684	\$4,272,684	\$4,272,684	\$4,272,684	\$21,363,420	
2) Minimum Flows and Levels Program	1.1.2, p.58							District
a) Technical Support		\$1,007,529	\$1,007,529	\$1,007,529	\$1,007,529	\$1,007,529	\$5,037,645	
b) MFL Establishment/ Evaluation		\$754,007	\$754,007	\$754,007	\$754,007	\$754,007	\$3,770,035	
3) Watershed Management Planning	1.1.3.2, p.60	\$8,558,263	\$2,265,987	\$2,000,000	\$2,000,000	\$2,000,000	\$16,824,250	District, Local Cooperators, DEP
4) Quality of Water Improvement Program	2.2.3, p.86	\$802,016	\$802,016	\$802,016	\$802,016	\$802,016	\$4,010,080	District
5) Stormwater Improvement- Implementation of Storage and Conveyance BMPs	2.3.1, p.88	\$9,152,521	\$3,500,000	\$0	\$0	\$0	\$12,652,521	District
Totals		\$38,076,778	\$26,131,981	\$22,365,994	\$22,365,994	\$22,365,994	\$131,306,741	

Source: SWFWMD FY2024 Tentative Budget Submission.

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

² Acronyms: BMPs - Best Management Practices, DEP - Florida Department of Environmental Protection, MFL - Minimum Flows and Minimum Water Levels, ROMP - District Regional Observation and Monitor-well

- f) Biologic Data. The District monitors ecological conditions as they relate to both potential water use impacts and changes in hydrologic conditions. Funding for biologic data collection includes support for routine monitoring of approximately 150 wetlands annually and a five-year assessment of almost 400 wetlands to document changes in wetland health and assess level of recovery in impacted wetlands. Funding also supports SWIM Program efforts for mapping of seagrasses every two years along the Suncoast (Tampa Bay south to Charlotte Harbor), and every four years along the Springs Coast (Anclote Key to Waccasassa Bay).
- g) Data Support. This item provides administrative and management staff support for the WQMP, hydrologic and geohydrologic as well as the chemistry laboratory, surveying, and the District's LoggerNet data acquisition system.

Minimum Flows and Levels Program

Section 373.042, F.S., requires the state water management districts or the DEP to establish minimum flows and minimum water levels (MFLs) for aquifers, surface watercourses, and other surface water bodies to identify the water level or limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. Minimum flows for rivers, streams, estuaries, and springs, and minimum water levels for lakes, wetlands and aquifers are adopted into the District's Water Levels and Rates of Flow rules, Chapter 40D-8, Florida Administrative Code (F.A.C.), and are used in the District's water use permitting and water supply planning programs.

Reservations are rules that reserve water from use by permit applications, as necessary for the protection of fish and wildlife or public health and safety. Reservations are adopted into the District Consumptive Use of Water rules, Chapter 40D-2, F.A.C., pursuant to Section 373.223, F.S., and are also used for water use permitting and water supply planning.

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

As of August 2023, the District has preliminarily planned to monitor and assess the status of 203 adopted MFLs, including MFLs for 24 river segments, 10 springs or spring groups, 126 lakes, 34 wetlands, 7 Upper Floridan Aquifer (UFA) wells in the NTBWUCA, and the UFA in the Most Impacted Area (MIA) of the SWUCA and in the DPCWUCA. The District also plans to monitor and assess the status of 2 adopted reservations, including a reservation for water stored in Lake Hancock and released to Lower Saddle Creek for recovery of MFLs adopted for the Upper Peace River, and a reservation for water from Morris Bridge Sink for recovery of MFLs adopted for the Lower Hillsborough River. In addition, the District is scheduling the establishment or reevaluation of 23 MFLs and 1 reservation through calendar year 2026.

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

Watershed Management Planning

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

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

Quality of Water Improvement Program (QWIP)

The QWIP was established in 1974 through Chapter 373, F.S. to restore groundwater conditions altered by well drilling activities for domestic supply, agriculture, and other uses. The Program's primary goal is to preserve groundwater and surface water resources by reimbursing landowners for the cost to properly plug abandoned or deteriorating artesian wells on their property. Thousands of wells constructed prior to current well construction standards were often deficient in casing, which interconnected aquifers and enabled poor-quality mineralized water to migrate into aquifers containing potable-quality water. Plugging abandoned artesian wells eliminates the waste of water at the surface and prevents mineralized groundwater from contaminating other aquifers and surface water bodies. Historically, the Program has proven to be a cost-effective method to promote the plugging of such wells.

The region of emphasis for the Program is the Southern Water Use Caution Area (SWUCA) where the Upper Floridan aquifer is confined. Plugging abandoned wells, which involves filling them from the bottom to the top with cement and/or bentonite, re-establishes the natural isolation between aquifers, preventing the mixing of varying water qualities and the free flow of water at the surface. Before an abandoned well is plugged, QWIP staff collect geophysical logs that measure several hydrologic and geologic properties for inclusion in the District's database. While this is done primarily to determine the eligible reimbursement, the data can also be utilized to ensure the appropriate amount of material is used to properly plug the well. The Program benefits landowners, water well contractors, and the water resources of the District.

Stormwater Improvements - Implementation of Storage and Conveyance BMPs

The District's WMPs and SWIM programs implement stormwater and conveyance BMPs for preventative flood protection and to improve surface water quality, particularly in urban areas, and to enhance surface and groundwater resources. The BMPs involve construction of improvements identified and prioritized in the development of watershed management plans. Most of the activities are developed through cooperative funding with a local government entity, DEP, or other state funding. As stormwater is a primary contributor of water quality degradation in older urban areas, the District seeks opportunities to retrofit or improve these systems to reduce impacts to receiving waters. FY2024 funding includes five continuing storage and conveyance projects in the Tampa Bay Region.

WRD Projects

The District has budgeted for 35 WRD projects that are ongoing. At the start of FY2024 (October 1, 2023), the District has allocated approximately \$4.9 million in the budget for 7 of these projects. If a project received funding in prior years and is still ongoing it remains in the Work Program until completion. District funding for a number of the projects is matched to varying degrees by local cooperators including municipalities, state agencies, private agricultural operations, and others. The total cost of these projects, including the cooperator shares, is approximately \$55.7 million. It's estimated that approximately 59.6 million gallons per day (mgd) of additional water supply will be produced or conserved. The projects are listed in **Table 2** and are consistent with Programmatic Code 2.2.1 in the District's FY2024 budget. The WRD projects are organized into three groups:

Aquifer Storage and Recovery Feasibility and Pilot Testing

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

Facilitating Agricultural Resource Management Systems (FARMS)

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

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

1. Improve surface water quality which has been impacted by groundwater withdrawals with a priority given to projects in the Shell, Prairie, and Joshua Creek, or Horse Creek watersheds;
2. Conserve, restore or augment the water resources and natural systems in the Upper Myakka River Watershed;
3. Reduce groundwater use in the SWUCA;
4. Reduce groundwater use for Frost/Freeze Protection within the DPCWUCA;
5. Reduce Upper Floridan aquifer groundwater use and nutrient loading impacts in the Northern District.

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

Environmental Restoration and MFL Recovery Projects

These projects include MFL recovery projects for the Hillsborough River Recovery Strategy, and for the upper Peace River, and SWUCA Salt Water Intrusion Minimum Aquifer Level (SWIMAL) in support of the SWUCA Recovery Strategy.

At the DEP's guidance, additional project details are available in spreadsheet format. The DEP will present Work Program project data from each of the water management districts on their

website for public review, in accordance with Section 373.536(6)(b), F.S. The detailed spreadsheet includes project descriptions, schedules, cooperator and state funding levels, and the water bodies and planning regions supported. The District's proposed Work Program spreadsheet is available online at:

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

Table 2. FY2024 - FY2028 District Funding and Total Project Cost for Water Resource Development Projects

Project Number	WRD Projects ¹	Total Prior District Funding	FY2024 District Cost	FY2025 District Cost	FY2026 District Cost	FY2027 District Cost	FY2028 District Cost	Total Cost District + Cooperator	Funding Source ²	Quantity developed or conserved ¹
1) Aquifer Storage and Recovery Feasibility and Pilot Testing (Programmatic Code 2.2.1.1)										
N287	South Hillsborough Aquifer Recharge Program (SHARP)	\$1,382,500	\$0	\$0	\$0	\$0	\$0	\$2,765,000	District, Hillsborough County	2.0
N855	Southern Hillsborough Aquifer Recharge Program (SHARP) Phase 2	\$4,800,000	\$0	\$0	\$0	\$0	\$0	\$9,700,000	District, Hillsborough County	4.0
P280	Hydrogeologic Investigation of LFA in Polk County	\$12,000,000	\$0	\$0	\$0	\$0	\$0	\$12,000,000	District	NA
P925	Optical Borehole Imaging Data Collection from LFA Wells	\$100,200	\$0	\$0	\$0	\$0	\$0	\$167,000	District, USGS	NA
P926	Sources/Ages of Groundwater in LFA Wells	\$368,300	\$0	\$0	\$0	\$0	\$0	\$736,600	District, USGS	NA
Q050	City of Venice Reclaimed Water Aquifer Storage Recovery	\$2,532,500	\$212,376	\$0	\$0	\$0	\$0	\$5,489,752	District, City of Venice	Storage
Q064	Direct Aquifer Recharge -North Hillsborough Aquifer Recharge Program Phase 2	\$750,000	\$0	\$0	\$0	\$0	\$0	\$1,500,000	District, Hillsborough County	Study
Q159	Sarasota County - Bee Ridge Water Reclamation Facility Aquifer Recharge	\$915,511	\$0	\$0	\$0	\$0	\$0	\$1,831,022	District, Sarasota County	5.0
2) Facilitating Agricultural Resource Management Systems (FARMS) (Programmatic Code 2.2.1.2)										
H017	FARMS Projects (H017) 3	Annual Request	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	\$4,000,000	Annual Request	District	40.0
H791	FARMS - Wauchula Road Duette, LLC - Phase 2	\$62,713	\$0	\$0	\$0	\$0	\$0	\$125,426	District, Wauchula Road Duette, LLC	0.08
H792	FARMS - Rolling Meadow Ranch	\$221,273	\$0	\$0	\$0	\$0	\$0	\$295,030	District, Rolling Meadow Ranch, Inc.	0.05
H798	FARMS - P BAR R Sod Company, LLC	\$293,187	\$0	\$0	\$0	\$0	\$0	\$390,916	District, BAR R Sod Company, LLC	0.08
H802	FARMS - Berry Patch Ridge, LLC	\$241,572	\$0	\$0	\$0	\$0	\$0	\$322,096	District, Berry Patch Ridge, LLC	0.04

Project Number	WRD Projects ¹	Total Prior District Funding	FY2024 District Cost	FY2025 District Cost	FY2026 District Cost	FY2027 District Cost	FY2028 District Cost	Total Cost District + Cooperator	Funding Source ²	Quantity developed or conserved ¹
H804	FARMS- FD Berries USA,LLC	\$112,611	\$0	\$0	\$0	\$0	\$0	\$150,149	District, FD Berries USA,LLC	0.225
H805	FARMS- Bay Grove- T&T Environmental Phase 1	\$773,364	\$0	\$0	\$0	\$0	\$0	\$1,138,792	District, Bay Grove- T&T Environmental	0.12
H806	FARMS- Sandhill Native Growers	\$303,507	\$0	\$0	\$0	\$0	\$0	\$404,677	District, Sandhill Native Growers	0.08
H807	FARMS- Sizemore Group Automation	\$182,857	\$0	\$0	\$0	\$0	\$0	\$243,809	District, Sizemore Group Automation	0.0307
H808	FARMS- Sweet Life Acers Phase 1	\$294,658	\$0	\$0	\$0	\$0	\$0	\$392,877	District, Sweet Life Acers	0.06
H809	FARMS- Shawn Pollard	\$34,125	\$0	\$0	\$0	\$0	\$0	\$66,366	District, Shawn Pollard	0.017
H810	FARMS- Varner Group	\$212,000	\$0	\$0	\$0	\$0	\$0	\$295,200	District, Varner Group	0.079
H811	FARMS- Hernandez Farm, LLC	\$203,343	\$0	\$0	\$0	\$0	\$0	\$271,125	District, Hernandez Farm, LLC	0.055
H812	FARMS - Spanish Trails Farming and Land Company, LLC	\$529,000	\$0	\$0	\$0	\$0	\$0	\$758,706	District, Spanish Trails Farming and Land Company, LLC	0.14
H813	FARMS- Bayside Sod	\$378,829	\$0	\$0	\$0	\$0	\$0	\$528,210	District, Bayside Sod	0.085
H814	FARMS - Bethel Farms, LLLP - Ph 5	\$296,023	\$0	\$0	\$0	\$0	\$0	\$479,494	District, Bethel Farms, LLLP -	0.073
H815	FARMS - Midway Farms, LLC	\$234,019	\$0	\$0	\$0	\$0	\$0	\$312,025	District, Midway Farms	0.1
H816	FARMS - Marshall Tree Farm, Inc.	\$31,707	\$0	\$0	\$0	\$0	\$0	\$63,414	District, Marshall Tree Farm, Inc.	0.0902
H529	Mini-FARMS Program 3	Annual Request	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	Annual Request	District	2.0
H015	FARMS Well Back-Plugging Program 3	Annual Request	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	Annual Request	District	NA
P429	FARMS Meter Accuracy Support 3	Annual Request	\$12,500	\$12,500	\$12,500	\$12,500	\$12,500	Annual Request	District	NA

Project Number	WRD Projects ¹	Total Prior District Funding	FY2024 District Cost	FY2025 District Cost	FY2026 District Cost	FY2027 District Cost	FY2028 District Cost	Total Cost District + Cooperator	Funding Source ²	Quantity developed or conserved ¹
3) Minimum Flows and Minimum Water Levels Recovery⁴ (Programmatic Code 2.2.1.3)										
H008	MFL Recovery Lake Hancock Design, Permit, Mitigation to Raise Lake	\$6,882,240	\$0	\$0	\$0	\$0	\$0	\$6,882,240	District	2.7
H089	MIA Recharge SWIMAL Recovery at Flatford Swamp	\$6,635,702	\$0	\$0	\$0	\$0	\$0	\$6,635,702	District	2.0
H404-1	Lower Hillsborough River Recovery Strategy Morris Bridge Sink	\$1,087,809	\$165,000	\$155,000	\$135,000	\$135,000	\$135,000	\$1,812,809	District	3.90
H400-7	Third Five-Year Assessment of the Lower Hillsborough River Recovery Strategy	\$234,068	\$0	\$0	\$0	\$0	\$0	\$0	District	NA
H400-10	Biological Data Collection Fall 2021 and CY2023	\$140,797	\$0	\$0	\$0	\$0	\$0	\$0	District	NA
H400-12	Biological Data Collection 2024	\$0	\$40,000	\$0	\$0	\$0	\$0	\$0	District	NA
Water Resource Development Project Totals		\$42,234,415	\$4,949,876	\$4,687,500	\$4,667,500	\$4,667,500	\$4,667,500	\$55,758,436		59.60

1. Acronyms: TBD - to be determined, NA - not applicable, mgd - million gallons per day, MIA - Most Impacted Area of the SWUCA, SWIMAL - Salt Water Intrusion Minimum Aquifer Level, USGS - United States Geological Survey, ASR – Aquifer Storage Recovery, LFA – Lower Floridan Aquifer.

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

3. The FARMS lead program (H017) and the subprojects are collectively counted as 40 mgd .

4. H400 and H404 consists of many sub projects. In the FY24 WRDWP Update only represents ongoing efforts to align with STAR reporting.

Water Supply Development Assistance

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

The District has 60 budgeted or ongoing water supply development projects in FY2024, including 2 water supply planning projects that support water supply development. As shown in **Table 3-h**, the District is funding approximately \$54.3 million in FY2024 for 9 projects that achieve water supply development assistance. The project budgets shown are consistent with the District's Programmatic Budget under activity codes 2.2.2 (water supply development) and 1.1.1 (water supply planning). The water supply projects are listed in **Table 3-a to 3-g**, grouped by the following budget sub-categories and sorted by project code number:

- Surface Water Projects
- Regional Potable Water Interconnect Projects
- Reclaimed Water Projects
- Brackish Groundwater Development Projects
- ASR and Aquifer Recharge Projects
- Conservation Projects
- Water Supply Planning Projects

Most water supply development projects are funded within one year, but large projects may have construction budgets over multiple years to coincide with each year's predicted expenses. Since the District budget is adopted on an annual basis, the future funding for ongoing projects is estimated based on projected costs and schedules. Additional future funding will be needed for new projects that aren't yet proposed through the CFI Program. The District anticipates new reclaimed water and conservation projects will require funding levels less than previous years. The amount needed for new regional interconnects and water treatment facilities can vary greatly from year to year, peaking as large infrastructure projects move from design to construction phases.

Significant new funding has been proposed in the FY2024-28 timeframe for expansions of the PRMRWSA Regional Loop System, next phases of the PRWC's Southeast and West Polk Lower Floridan Aquifer Wellfields, and Tampa Bay Water's Southern Hillsborough County Transmission Expansion.

The listed projects that have no FY2024 or future funding are ongoing with prior year funding. Projects are omitted from the Work Program when they are completed, and final reimbursement is provided.

Table 3-a. Surface Water Projects

Project Number	Water Supply Development Assistance - Surface Water Projects (Programmatic Budget 2.2.2.1)	Prior District Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	FY2027 Funding	FY2028 Funding	Total Project Cost	Supply (mgd)
Q272	PRMRWSA - Reservoir No. 3	\$3,625,000	\$15,057,867	\$14,000,000	\$14,000,000	\$14,000,000	\$14,000,000	\$358,250,000	NA
Total Surface Water Projects		\$3,625,000	\$15,057,867	\$14,000,000	\$14,000,000	\$14,000,000	\$14,000,000	\$358,250,000	0.000

Table 3-b. Regional Potable Water Interconnect Projects

Project Number	Water Supply Development Assistance - Regional Potable Water Interconnects (Programmatic Budget 2.2.2.2)	Prior District Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	FY2027 Funding	FY2028 Funding	Total Project Cost	Supply (mgd)
Q146	Tampa Bay Water Southern Hillsborough County Booster Pump Station	\$1,775,000	\$0	\$0	\$0	\$0	\$0	\$12,686,049	6
Q216	PRWC Regional Transmission Southeast Phase 1	\$5,913,487	\$9,300,000	\$18,540,875	\$27,811,312	\$9,270,437	\$3,457,645	\$170,700,000	NA
Q241	TBW - Southern Hillsborough County Transmission Expansion	\$7,359,207	\$5,000,000	\$33,173,699	\$33,173,698	\$33,173,698	\$33,173,698	\$426,000,000	NA
Q248	PRMRWA - Regional Acquisition of Project Prairie Pumping and Storage Facilities	\$637,500	\$0	\$0	\$0	\$0	\$0	\$2,030,032	NA
Q313	PRMRWSA- Regional Integrated Loop System Ph 3C	\$2,500,000	\$10,744,319	\$13,305,681	\$0	\$0	0	\$67,600,000	NA
Q355	PRMRWSA- Regional Integrated Loop System Ph 2b	\$1,500,000	\$13,896,094	\$10,176,953	\$10,176,953	\$0	0	\$73,000,000	NA
Total Regional Potable Water Interconnect Projects		\$19,685,194	\$38,940,413	\$75,197,208	\$71,161,963	\$42,444,135	\$36,631,343	\$752,016,081	6

Table 3-c. Reclaimed Water Projects

Project Number	Water Supply Development Assistance - Reclaimed Water Projects (Programmatic Budget 2.2.2.3)	Prior District Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	FY2027 Funding	FY2028 Funding	Total Project Cost	Benefit (mgd)
N339	Winter Haven #3 Reclaimed Interconnect, Storage, and Pumping	\$2,750,000	\$0	\$0	\$0	\$0	\$0	\$9,466,000	0.3
N791	Pasco County Starkey Ranch Reclaimed Water Transmission Phase C	\$456,800	\$0	\$0	\$0	\$0	\$0	\$913,600	0.29
N868	Polk County Utilities NERUSA Ernie Caldwell Blvd Reclaimed Water Transmission	\$1,056,500	\$0	\$0	\$0	\$0	\$0	\$2,113,000	0.414
N898	Haines City Reclaimed Water Tank and Pump Stations Project	\$4,620,000	\$0	\$0	\$0	\$0	\$0	\$6,800,000	Storage
Q057	Zephyrhills - Zephyr Lakes & Hospital Reuse	\$710,650	\$0	\$0	\$0	\$0	\$0	\$1,421,300	0.33
Q066	Polk County Utilities- NERUSA Lake Wilson Road Reuse	\$262,750	\$0	\$0	\$0	\$0	\$0	\$525,500	0.18
Q067	Polk County Utilities-NERUSA Southeast Reuse Loop	\$2,186,750	\$0	\$0	\$0	\$0	\$0	\$4,373,500	0.522
Q105	Citrus County Sugarmill Woods Golf Course Reuse	\$1,834,000	\$0	\$0	\$0	\$0	\$0	\$3,918,000	0.5
Q113	City of Plant City McIntosh Park Indirect Potable Reuse Feasibility Study	\$300,000	\$0	\$0	\$0	\$0	\$0	\$600,000	Study
Q139	North Port Direct Potable Reuse Feasibility	\$125,000	\$0	\$0	\$0	\$0	\$0	\$250,000	Study
Q158	Pasco County River Landing Reclaimed Water Transmission	\$1,468,300	\$0	\$0	\$0	\$0	\$0	\$3,386,600	0.465

Table 3-c. Reclaimed Water Projects (continued)

Project Number	Water Supply Development Assistance - Reclaimed Water Projects (Programmatic Budget 2.2.2.3)	Prior District Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	FY2027 Funding	FY2028 Funding	Total Project Cost	Benefit (mgd)
Q160	Sarasota County Honore Avenue Reclaimed Water Transmission	\$1,500,000	\$0	\$0	\$0	\$0	\$0	\$3,000,000	0.533
Q200	Winter Haven Direct Potable Reuse Feasibility Study	\$100,000	\$0	\$0	\$0	\$0	\$0	\$200,000	Study
Q209	Polk County Direct Potable Reuse Feasibility and Pilot Demo	\$795,000	\$0	\$0	\$0	\$0	\$0	\$2,591,582	Study
Q252	Fort Meade Reclaimed Water Feasibility Study	\$168,750	\$0	\$0	\$0	\$0	\$0	\$225,000	Study
Q268	Braden River Utilities Taylor Road Area Transmission	\$3,550,000	\$0	\$0	\$0	\$0	\$0	\$7,100,000	1.57
Q271	Winter Haven Preserve at Lake Ashton Transmission	\$1,410,000	\$0	\$0	\$0	\$0	\$0	\$2,820,000	0.59
Q274	Zephyrhills - Zephyr to Pasco Reclaimed Water Interconnect	\$880,000	\$0	\$0	\$0	\$0	\$0	\$1,760,000	NA
Q353	Pinellas Co- Southcross RW Expansion /Surface Augmentation Study	\$200,000	\$0	\$0	\$0	\$0	\$0	\$400,000	Study
Total Reclaimed Water Projects		\$24,374,500	\$0	\$0	\$0	\$0	\$0	\$51,864,082	5.694

Table 3-d Brackish Groundwater Projects

Project Number	Water Supply Development Assistance - Brackish Groundwater Development Projects (Programmatic Budget 2.2.2.4)	Prior District Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	FY2027 Funding	FY2028 Funding	Total Project Cost	Supply (mgd)
Q184	PRWC Southeast Wellfield Implementation	\$14,474,987	\$0	\$14,500,000	\$14,500,000	\$14,500,000	\$14,500,000	\$241,1000,000	12.5
Q294	PRWC Southeast Test Well No. 3	\$2,062,500	\$0	\$0	\$0	\$0	\$0	\$4,125,000	Study
Q308	PRWC- West Polk Wellfield	\$12,364,308	\$0	\$651,190	\$10,000,000	\$10,000,000	\$10,000,000	\$237,400,000	10
Q309	PRWC- Test Prod Well #2 West Polk Wellfield	\$1,448,500	\$0	\$0	\$0	\$0	\$0	\$4,125,000	Study
Total Brackish Groundwater Projects		\$30,350,295	\$0	\$15,151,190	\$24,500,000	\$24,500,000	\$24,500,000	\$486,750,000	22.5

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

Project Number	Water Supply Development Assistance - Aquifer Recharge/ Storage and Recovery Projects (Programmatic Budget 2.2.2.5)	Prior District Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	FY2027 Funding	FY2028 Funding	Total Project Cost	Benefit (mgd)
N435	City of Bradenton Surface Water Aquifer Storage Recovery 2	\$2,350,000	\$0	\$0	\$0	\$0	\$0	\$4,700,000	Storage
Q142	Pinellas County Chestnut Park Aquifer Storage, Recovery & Recharge	\$893,500	\$0	\$2,779,875	\$926,625	\$0	\$0	\$9,200,000	Storage
Total Aquifer Recharge/ASR Projects		\$3,243,500	\$0	\$2,779,875	\$926,625	\$0	\$0	\$13,900,000	0

Table 3-f. Conservation Projects

Project Number	Water Supply Development Assistance - Conservation Rebates, Retrofits, Etc. Projects (Programmatic Budget 2.2.2.7)	Prior District Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	FY2027 Funding	FY2028 Funding	Total Project Cost	Benefit (mgd)
B015	Water Incentives Supporting Efficient (WISE) Program	Annual Request	\$225,000	\$225,000	\$225,000	\$225,000	\$225,000	Annual Request	0.17
N971	PRWC Outdoor Best Management Practices	\$96,250	\$0	\$0	\$0	\$0	\$0	\$192,500	0.113
N973	Winter Haven Consumption/Conservation Programs Data Management Software	\$60,000	\$0	\$0	\$0	\$0	\$0	\$120,000	0.016
N999	Marion County Toilet Rebate Program Phase 5	\$32,000	\$0	\$0	\$0	\$0	\$0	\$64,000	0.01
Q138	WRWSA - Regional Irrigation System Audit Program Phase 6	\$60,600	\$0	\$0	\$0	\$0	\$0	\$121,200	0.032
Q145	Longboat Key Club - Advanced Irrigation System	\$508,516	\$0	\$0	\$0	\$0	\$0	\$1,115,000	0.095
Q166	Bartow - Golf Course Advanced Irrigation System	\$250,000	\$0	\$0	\$0	\$0	\$0	\$500,000	0.051
Q185	North Port - Water Distribution Hartsdale/Aldonin/Totem Area Looping	\$207,500	\$0	\$0	\$0	\$0	\$0	\$415,000	0.017
Q193	Crystal River - Conservation Phase 1	\$9,090	\$0	\$0	\$0	\$0	\$0	\$18,180	0.005
Q214	Palmetto Toilet Rebate Phase 2	\$13,250	\$0	\$0	\$0	\$0	\$0	\$26,500	0.011
Q215	TBW - Demand Management Program Phase 2	\$1,432,238	\$0	\$0	\$0	\$0	\$0	\$2,864,476	0.68
Q245	Pinellas County AMI Metering Analytics	\$139,414	\$0	\$0	\$0	\$0	\$0	\$278,828	0.111
Q254	Citrus County Water Conservation Program	\$46,600	\$0	\$0	\$0	\$0	\$0	\$93,200	0.017
Q255	Bay Laurel CCDD -Water Conservation Program	\$164,750	\$0	\$0	\$0	\$0	\$0	\$329,500	0.028
Q256	St. Petersburg - Sensible Sprinkling Program - Phase 10	\$50,000	\$0	\$0	\$0	\$0	\$0	\$100,000	0.055
Q265	North Port - Water Distribution Ridgewood/Lamplighter Area Looping	\$173,950	\$0	\$0	\$0	\$0	\$0	\$347,900	0.015
Q266	Polk County - Florida Water Star Builder Reimbursement Program	\$20,000	\$0	\$0	\$0	\$0	\$0	\$40,000	0.005
Q267	PRWC- Demand Management Implementation	\$102,679	\$0	\$0	\$0	\$0	\$0	\$205,358	0.064
P964	Water Use Evals for Non-Ag Users	\$75,000	\$28,400	\$0	\$0	\$0	\$0	\$103,400	0.011
Q304	Venice Toilet Rebate and Retrofit Phase 9	\$16,500	\$0	\$0	\$0	\$0	\$0	\$33,000	0.005
Q306	WRWSA Irrigation Eval Program, Phase 7	\$51,000	\$0	\$0	\$0	\$0	\$0	\$102,000	0.025
Q311	Bay Laurel CCDD Water Conservation Program Phase 2	\$191,900	\$0	\$0	\$0	\$0	\$0	\$383,800	0.028
Q319	Manatee County Toilet Rebate Phase 15	\$50,000	\$0	\$0	\$0	\$0	\$0	\$100,000	0.017
Q320	Citrus County Water Conservation Program Phase 6	\$21,350	\$0	\$0	\$0	\$0	\$0	\$42,700	0.006
Q371	Polk County Irrigation System Evaluation Program, Phase 8	\$0	\$72,500	\$0	\$0	\$0	\$0	\$178,750	0.053
Q387	St. Pete Sensible Sprinkling Program, Phase 11	\$0	\$50,000	\$0	\$0	\$0	\$0	\$100,000	0.005
Total Conservation Rebates, Retrofits, Etc.		\$3,772,587	\$375,900	\$225,000	\$225,000	\$225,000	\$225,000	\$7,875,292	1.645

Table 3-g. Water Supply Planning Projects

Project Number	Water Supply Planning (Programmatic Budget 1.1.1)	Prior District Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	FY2027 Funding	FY2028 Funding	Total Project Cost	Supply (mgd)
Q257	Sarasota County System-Wide Wellfield Improvements	\$75,000	\$0	\$0	\$0	\$0	\$0	\$150,000	NA
Q324	WRWSA Regional Water Supply Plan 2024 Update	\$175,000	\$0	\$0	\$0	\$0	\$0	\$350,000	NA
Total Planning Projects		\$250,000	\$0	\$0	\$0	\$0	\$0	\$500,000	0

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

Water Supply Development Assistance Project Totals (Programmatic Budget 2.2.2 & 1.1.1)	Prior District Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	FY2026 Funding	FY2028 Funding	Total Project Cost	Supply (mgd)
Surface Water Projects	\$3,625,000	\$15,057,867	\$14,000,000	\$14,000,000	\$14,000,000	\$14,000,000	\$338,235,100	0
Regional Potable Water Interconnect Projects	\$19,685,194	\$38,940,413	\$75,197,208	\$71,161,963	\$42,444,135	\$36,631,343	\$752,016,081	6
Reclaimed Water Projects	\$24,374,500	\$0	\$0	\$0	\$0	\$0	\$51,864,082	5.7
Brackish Groundwater Development Projects	\$30,350,295	\$0	\$15,151,190	\$24,500,000	\$24,500,000	\$24,500,000	\$486,750,000	22.5
Aquifer Storage and Recovery (ASR) and Aquifer Recharge Projects	\$3,243,500	\$0	\$2,779,875	\$926,625	\$0	\$0	\$13,900,000	0
Conservation Projects	\$3,772,587	\$375,900	\$225,000	\$225,000	\$225,000	\$225,000	\$7,875,292	1.6
Water Supply Planning Projects	\$250,000	\$0	\$0	\$0	\$0	\$0	\$500,000	0
Total Funding for Water Supply Development Projects	\$85,301,076	\$54,374,180	\$107,353,273	\$110,813,588	\$81,169,135	\$75,356,343	\$1,651,140,555	35.8

Acronyms: ASR - aquifer storage and recovery, BMPs - best management practices, ET - Evapotranspiration, mgd - million gallons per day, NERUSA/NWRUSA - Northeast/Northwest Regional Utility Service Areas of Polk County Utilities, PRMRWSA - Peace River Manasota Regional Water Supply Authority, PRWC - Polk Regional Water Cooperative, WRWSA - Withlacoochee Regional Water Supply Authority,

Funding Sources

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

District Funding

Cooperative Funding Initiative – The District's primary funding mechanism is the CFI, which includes funding for major regional water supply and water resource development projects and localized projects throughout the District's 16-county jurisdiction. The CFI is a matching grant program that enables the Governing Board, to jointly participate with local governments and other entities to incentivize proper development, use, and protection of the regional water resources of the District. Projects of mutual benefit are generally funded 50 percent by the District and 50 percent by the public or private cooperators.

Communities or counties qualifying under the Rural Economic Development Initiative (Section 288.0656, F.S.) may be eligible for greater matching shares. Projects with construction costs exceeding \$5 million will undergo a third-party review to confirm costs, schedules, and ability to meet its resource benefits. Typically, any state and federal funds received for the projects are applied directly against the project costs, with both parties benefitting equally. The District is committed to solving the region's water resource issues through cooperative programs, primarily the CFI which has been in place since 1988. These efforts have been highly successful resulting in a combined investment (District and its cooperators) of approximately \$4 billion in incentive-based funding assistance for a variety of water projects addressing its four areas of responsibility: water supply, natural systems, flood protection, and water quality.

District Initiatives – Projects implemented through the District Initiatives program are of great importance or a regional priority and, in most cases, are fully funded by the District. Examples of these initiatives include Water Resource Development (WRD) projects such as: (1) the Quality of Water Improvement Program (QWIP) to plug deteriorated, free-flowing wells that waste water and cause inter-aquifer contamination; (2) the Utilities Services Group to conserve water by assisting utilities in controlling their water loss; (3) data collection and analysis to support major District initiatives such as the MFLs program; (4) the FARMS program and other various agricultural research projects designed to increase the water-use efficiency of agricultural operations; (5) WRD investigations and MFLs Recovery projects which may not have local cooperators; and (6) the WISE (Water Incentives Supporting Efficiency) program launched in 2019 offers cost-share funding for a wide variety of water conservation projects (50 percent match with a maximum of \$20,000 per project) to non-agricultural entities.

State Funding

DEP Springs Initiative – A new legislative appropriation specific to providing for the protection and restoration of Florida's major springs systems has enabled the DEP to assist local governments in achieving restoration goals through its Springs Initiative program. The District has allocated Springs Initiative funding to implement projects to restore aquatic habitats and reduce groundwater withdrawals and nutrient loading within the first magnitude springsheds, and improve the water quality and quantity of spring discharges. Projects include the reestablishment of aquatic and shoreline vegetation near spring vents, construction of infrastructure necessary to convey wastewater in a priority focus area of Outstanding Florida Springs, currently treated in

septic systems or package plants, to a centralized wastewater treatment facility which may increase reclaimed water production, and implementation of other BMPs within springshed basins. Since FY2014, the District has appropriated more than \$78.4 million from the DEP for springs restoration. These projects are listed in the Work Program Appendix A - Projects for Implementing BMAPs.

The Florida Forever Program – The Florida Forever Act, as originally passed by the Florida Legislature in 1999, established the 10-year \$3 billion statewide Florida Forever Program. The Program was extended by the Legislature during the 2008 legislative session, allowing the Program to continue for 10 more years at \$300 million annually. The appropriations were limited during the economic recession, and the District hasn't received any new Florida Forever funding since FY2011. Since 1999, the District has allocated \$95 million (\$81.6 million for land acquisition and \$13.4 million for water body restoration) of Florida Forever funding Districtwide in support of water resource development.

A "water resource development project" eligible for funding under the Florida Forever program is defined in Section 259.105, F.S., as a project that increases the amount of water available to meet the needs of natural systems and the citizens of the state by enhancing or restoring aquifer recharge, facilitating the capture and storage of excess flows in surface waters, or promoting reuse. Implementation of eligible projects under the Program includes land acquisition, land and water body restoration, aquifer storage and recovery (ASR) facilities, surface water reservoirs, and other capital improvements. Numerous tracts have been acquired in the northern region including Potts and Flying Eagle preserves, Three Sisters Springs, and coastal preserves at Weeki Wachee and Chassahowitzka Rivers. A primary example of how the funds were used by the District for water resource development was the purchase of lands around Lake Hancock within the Peace River watershed, as the first step in restoring minimum flows to the Upper Peace River. In addition, the District Governing Board expended \$35.7 million in ad valorem-based funding to complete the acquisition of lands associated with the Lake Hancock project which were acquired on a voluntary basis and through eminent domain proceedings. In FY2023, the District expended the final balance of its prior-year funds held in the state's Florida Forever Trust Fund.

Facilitating Agricultural Resource Management Systems (FARMS) Program – The FARMS Program is an agricultural best management practice (BMP) cost-share reimbursement program that involves both water quantity and water quality. This public/private partnership program was developed by the District and the Florida Department of Agriculture and Consumer Services (FDACS) in 2003. The purpose of the FARMS Program is to implement production-scale agricultural BMP projects that will provide water resource benefits including water quality improvement, reduction of Upper Floridan withdrawals, conservation, and restoration or augmentation of the area's water resources and ecology. Since 2003 the District has co-funded \$51.3 million towards \$88.5 million dollars in total project costs for 245 FARMS projects resulting in 31 million gallons per day (mgd) of water resource benefits. Operating under District Governing Board Policy, the FARMS Program utilizes additional state funding when available. Since inception of the program, the District has utilized \$7.3 million in state appropriations and \$1.2 million from the FDACS. No funding has been provided by state appropriations since FY2009.

NRCS Environmental Quality Incentive Program (EQIP) – The EQIP provides technical, educational, and financial assistance to eligible farmers and ranchers to address soil, water, and related natural resource concerns on their lands. The program assists farmers and ranchers in compliance with federal, state of Florida, and tribal environmental laws that encourage environmental enhancement. The District's FARMS Program works cooperatively with the NRCS on both financial and technical levels and has coordinated dual cost-share projects whenever possible. The maximum funding for using both FARMS and EQIP is 75 percent of the total project cost.

Water Protection and Sustainability Program – Large areas of Florida do not have sufficient

traditional water resources to meet the future needs of the state's growing population and the needs of the environment, agriculture, and industry. The state's Water Protection and Sustainability Program Trust Fund (WPSPTF) was created in the 2005 legislative session through Senate Bill 444 to accelerate the development of alternative water sources and later recreated in Chapter 373, F.S., as part of the 2009 legislative session. Legislation focused on encouraging cooperation in the development of alternative water supplies and improving the linkage between local governments' land use plans and water management districts' regional water supply plans. The Program provides matching funds to the District for alternative water supply development assistance. From FY2006 through FY2009, the District was appropriated a total of \$53.75 million by the Legislature through the WPSPTF for water supply development projects. An additional \$700,000 in appropriations were allocated to the District between FY2020 and FY2021.

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

Water Supply and Water Resource Development Grant Program – In FY2020, the state appropriated funds in addition to the Water Protection and Sustainability Program through the establishment of a Water Supply and Water Resource Development grant program in order to maximize the effort of addressing the demands on Florida's water supply to meet the future needs of the state's growing population and the needs of the environment. By identifying and researching all viable alternative water supply resources, the grant program is intended to help communities plan for and implement conservation, reuse, and other water supply and water resource development projects. Projects selected for funding are prioritized by areas of greatest need and greatest benefit, including timeliness of implementation. From FY2020 through FY2023, \$27.2 million has been appropriated to the District by DEP for alternative water supply through this grant program with an additional \$20 million anticipated in FY2024.

Summary/Conclusions

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

This Work Program outlines activities and projects that will make available 95.4 mgd of water upon completion, including reuse water and new potable supply. These benefits are associated with approximately \$96.4 million budgeted for FY2024. The proposed funding for the 5-year Work Program is approximately \$584 million through FY 2024-28. **Table 4** below summarizes the funding categorized in the Work Program as WRD data collection and analysis activities, WRD Projects, and Water Supply Development Projects.

Table 4. Work Program Summary

WRD Data Collection and Analysis Activities	Sum of Current Year District Funding (FY2024)	Sum of Five-Year District Funding (F2024-28)	Sum of Water Made Available (mgd)
Water Resource Development - Data Collection and Analysis Activities (Table 1)	\$38,076,778	\$131,306,741	NA
Water Resource Development - Projects (Table 2)	\$4,949,876	\$23,639,876	59.6
Water Supply Development - Projects (Table 3-h)	\$53,374,180	\$429,066,519	35.8
Totals	\$96,400,834	\$584,013,136	95.4

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

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

The data collection and analysis activities are a critical part of the WRD component implemented by the District. These activities support the District's MFLs programs. At the beginning of FY2024, the District has established and continues to monitor 203 adopted MFLs and has scheduled the establishment or revaluation of 23 MFLs through FY2026. The District's annual MFLs Priority List and Schedule and Reservations List and Schedule is published in the Consolidated Annual Report, and can also be found on the District's webpage at: <https://www.swfwmd.state.fl.us/projects/mfl/documents-and-reports>

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

Appendix A

District Projects for Implementing Basin Management Action Plans

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

The District budgeted for sixteen BMAP projects, each benefitting the water quality of first-magnitude springs in the District's northern planning region.

Kings Bay/Crystal River Basin Management Action Plan

- Citrus County Cambridge Greens Septic to Sewer (W432)
- Crystal River Preserve State Park Redfish Hole Restoration (W401)
- Hunters Cove Sediment Removal (W402)
- Three Sisters Canal Shoreline Stabilization (W431)
- Submerged Aquatic Vegetation Mapping (WS01)

Chassahowitzka, Homosassa Springs Basin management Action Plan

- Citrus County Old Homosassa West Septic to Sewer Project (WH04)
- Citrus County Old Homosassa East Septic to Sewer project (Q134)
- Submerged Aquatic Vegetation Mapping – Chassahowitzka (WS01)
- Submerged Aquatic Vegetation Mapping – Homosassa (WS01)
- Chassahowitzka Education Campaign (W466)

Weeki Wachee Springs Basin Management Action Plan

- Hernando County Weeki Wachee Springshed Nitrogen Removal Stormwater Retrofits (WW05)
- Submerged Aquatic Vegetation Mapping (WS01)
- Weeki Wachee River Channel Restoration (WW04)
- Weeki Wachee Education Campaign (W466)

Rainbow Springs Basin Management Action Plan

- Marion County Rainbow Springs 5th Replat Stormwater Retrofit (WR10)
- Submerged Aquatic Vegetation Mapping (WS01)
-

The projects are categorized under various District Programmatic Budget activity codes. District funding shares are presented in **Table A-1**. Funding awarded from the DEP is reflected in the funding columns. Additional funding from the local cooperator shares, including state appropriations are reflected under the total project cost. Consistent with the District's CFI policy, projects with construction costs exceeding \$5 million will undergo a third-party review (TPR) at the 30 percent design stage to confirm costs, schedules, and resource benefits. Project details are available in the Work Program BMAP spreadsheet available online at:

Table A-1. Projects for Implementing BMAPs.

BMAPs Projects	Prior Funding	FY2024 Funding	FY2025 Funding	FY2026 Funding	FY2027 Funding	FY2028 Funding	Total Project Cost	Funding Sources
Citrus County Cambridge Greens Septic to Sewer (W432)	\$7,200,500	\$0	\$0	\$0	\$0	\$0	\$10,243,000	District, DEP, Citrus County, State
Citrus County Old Homosassa West Septic to Sewer Project (WH04)	\$8,950,800	\$0	\$0	\$0	\$0	\$0	\$10,333,000	District, DEP, Citrus County, State
Citrus County Old Homosassa East Septic to Sewer Project (Q134)	\$14,440,000	\$0	\$0	\$0	\$0	\$0	\$18,190,000	District, DEP, Citrus County, State
Marion County Rainbow Springs 5 th Replat Stormwater Retrofit (WR10)	\$424,047	\$0	\$0	\$0	\$0	\$0	\$848,094	District, County
Hernando County Weeki Wachee Springshed Nitrogen Removal Stormwater Retrofits (WW05)	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$2,000,000	District, County
Crystal River Preserve State Park Redfish Hole Restoration (W401)	\$197,601	\$0	\$0	\$2,000,000	\$0	\$0	\$2,197,601	District
Weeki Wachee River Channel Restoration (WW04)	\$2,000,000	\$0	\$0	\$0	\$0	\$0	\$4,595,000	District, DEP
Hunters Cove Sediment Removal (W402)	\$249,123	\$0	\$0	\$0	\$0	\$0	\$249,123	District
Three Sisters Canal Shoreline Stabilization (W431)	\$1,105,562	\$0	\$0	\$0	\$0	\$0	\$1,105,562	District

Weeki Wachee Education Campaign (W466)	Annual Request	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	Annual Request	District
Chassahowitzk a Education Campaign (W466)	Annual Request	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	Annual Request	District
Submerged Aquatic Vegetation Mapping (WS01)	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	Annual Request	District
Submerged Aquatic Vegetation Mapping (WS01)	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	Annual Request	District
Submerged Aquatic Vegetation Mapping (WS01)	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	Annual Request	District
Submerged Aquatic Vegetation Mapping (WS01)	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	Annual Request	District
Submerged Aquatic Vegetation Mapping (WS01)	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	Annual Request	District
Totals	\$32,015,347	\$272,000	\$272,000	\$2,272,000	\$272,000	\$272,000	\$49,761,380	

CONSENT AGENDA

September 26, 2023

Operations, Lands and Resource Monitoring Committee: Approval of Land Management Plan Updates for Conner Preserve, Flatford Swamp Preserve, Flying Eagle Preserve and Prairie Shell Creek Preserve

Purpose

The purpose of this item is to request Governing Board approval of the land management plan updates (Plan Updates) for the following District-owned conservation lands: Conner Preserve, Flatford Swamp Preserve, Flying Eagle Preserve, and Prairie Shell Creek Preserve. The Plan Updates were provided to the Governing Board prior to the regular August Governing Board meeting, and an overview presentation on the Plan Updates was given by the Land Management Manager at the August Governing Board meeting.

Background/History

The District has a Governing Board Policy (Policy) titled Land Use and Management that directs that lands acquired for, or designated for, conservation purposes have management plans that link the uses and management strategies to the protection of key water resources and natural systems attributes for which they were acquired, when it is practical and necessary. Additionally, the District has an Executive Director Procedure titled Land Use and Management Planning (Procedure) that supports the Policy and also directs that lands acquired for, or designated for, conservation purposes have a comprehensive management strategy set forth when it is practical and necessary.

As part of the process to complete the Plan Updates, staff solicited public comments as to the Plan Updates via a public workshop held on July 20, 2023, as well as through an online interface on the District's website where the public could submit comments electronically both preceding and following the workshop. There were, however, no public comments received to convey to the Board during the August Board meeting.

Staff Recommendation:

Approve the Plan Updates for Conner Preserve, Flatford Swamp Preserve, Flying Eagle Preserve, and Prairie Shell Creek Preserve.

Presenter:

Chris Reed, Manager, Land Management

CONSENT AGENDA

September 26, 2023

Regulation Committee: Water Use Permit No. 20 011350.005, Countyline Ranch, LLC / Countyline Ranch LLC (Manatee County)

This is a modification of an existing water use permit for agricultural use. The authorized quantities have changed from the previous permit. This permit authorizes an increase in the annual average quantity from 497,800 gallons per day (gpd) to 856,400 gpd, an increase in the drought annual average quantity from 497,800 gpd to 856,400 gpd, and an increase in the peak month quantity from 1,364,700 gpd to 2,456,600 gpd. The increase in quantities is due to a partial transfer of an annual average quantity of 358,600 gpd from Water Use Permit 20011123.006 and a change in crop plan to add 120 acres of tomatoes. Quantities are based on the District's irrigation allotment calculation program, AGMOD, for 270 acres of tomatoes and 40 acres of melons. This permit is located in the Southern Water Use Caution Area (SWUCA). The Permittee does not currently utilize an alternative water source, but is required to submit a reclaimed water feasibility report upon District request.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

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

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 011350.005**

PERMIT ISSUE DATE: September 26, 2023

EXPIRATION DATE: August 09, 2024

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

TYPE OF APPLICATION: Modification

GRANTED TO: Countyline Ranch, LLC / Attn. John P. Harlee, IV
Post Office Box 431
Bradenton, FL 34206

PROJECT NAME: Countyline Ranch LLC

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

COUNTY: Manatee

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

ANNUAL AVERAGE	856,400 gpd
PEAK MONTH ¹	2,456,600 gpd
DROUGHT ANNUAL AVERAGE ²	856,400 gpd

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

ABSTRACT:

This is a modification of an existing water use permit for agricultural use. The authorized quantities have changed from the previous permit. This permit authorizes an increase in the annual average quantity from 497,800 gallons per day (gpd) to 856,400 gpd, an increase in the drought annual average quantity from 497,800 gpd to 856,400 gpd, and an increase in the peak month quantity from 1,364,700 gpd to 2,456,600 gpd. The increase in quantities is due to a partial transfer of an annual average quantity of 358,600 gpd from Water Use Permit 20011123.006. Quantities are based on the District's irrigation allotment calculation program, AGMOD, for 270 acres of tomatoes and 40 acres of melons. The previous crop plan was for 150 acres of tomatoes and 40 acres of melons. This permit is located in the Southern Water Use Caution Area (SWUCA). The Permittee does not currently utilize an alternative water source, but is required to submit a reclaimed water feasibility report upon District request.

Special conditions include those that require the Permittee to record and report monthly meter readings, submit a conservation plan mid-permit term, submit seasonal crop reports, modify the permit to reflect incorporation of any new alternative sources of water, submit a reclaimed water feasibility report upon request, submit meter accuracy tests every five years, submit an overpumpage report upon District request, continue to implement water conservation and best management practices, and adhere to the SWUCA Recovery Strategy.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>	<u>DROUGHT ANNUAL AVERAGE</u>
Agricultural	856,400	2,456,600	856,400

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>	<u>DROUGHT IRRIGATION RATE</u>
Melons	40.00	Drip With Plastic	20.43"/yr.	20.43"/yr.
Tomatoes (Spring)	124.00	Drip With Plastic	36.66"/yr.	36.66"/yr.
Tomatoes (Spring)	146.00	Drip With Plastic	41.75"/yr.	41.75"/yr.
Personal Sanitary Use				

WITHDRAWAL POINT QUANTITY TABLE

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

<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>
1 / 1	16	1,100 / 530	Irrigation	852,400	2,456,600
2 / 2	4	150 / 86	Personal Sanitary	4,000	4,000

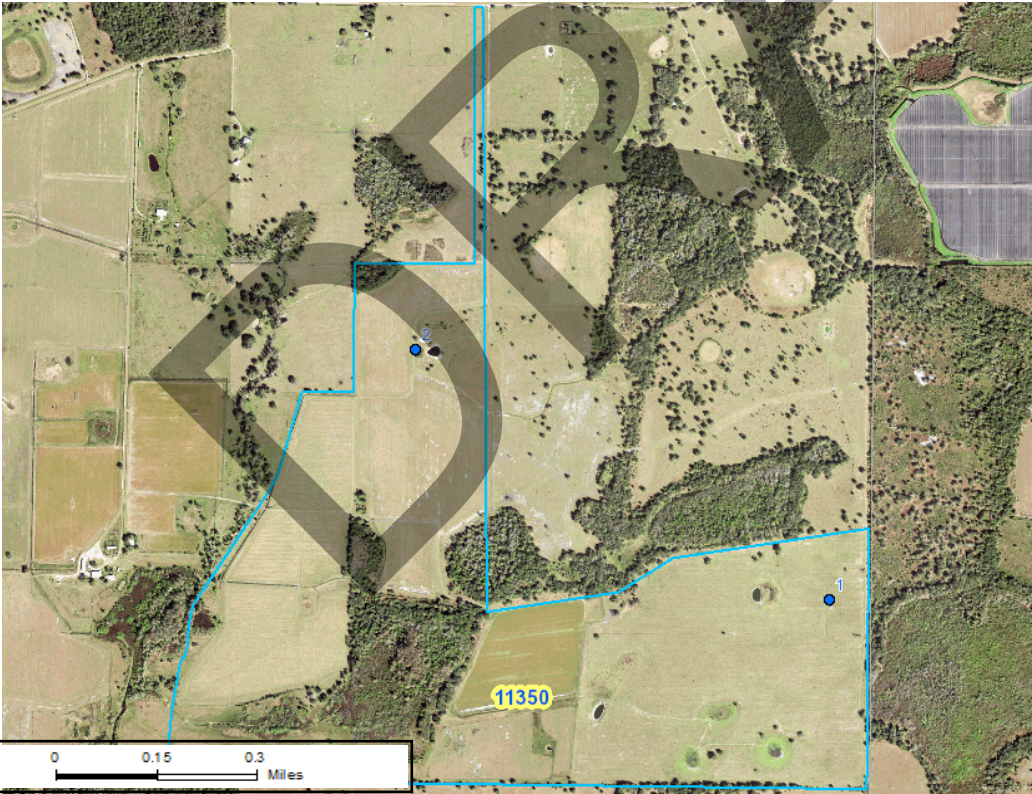
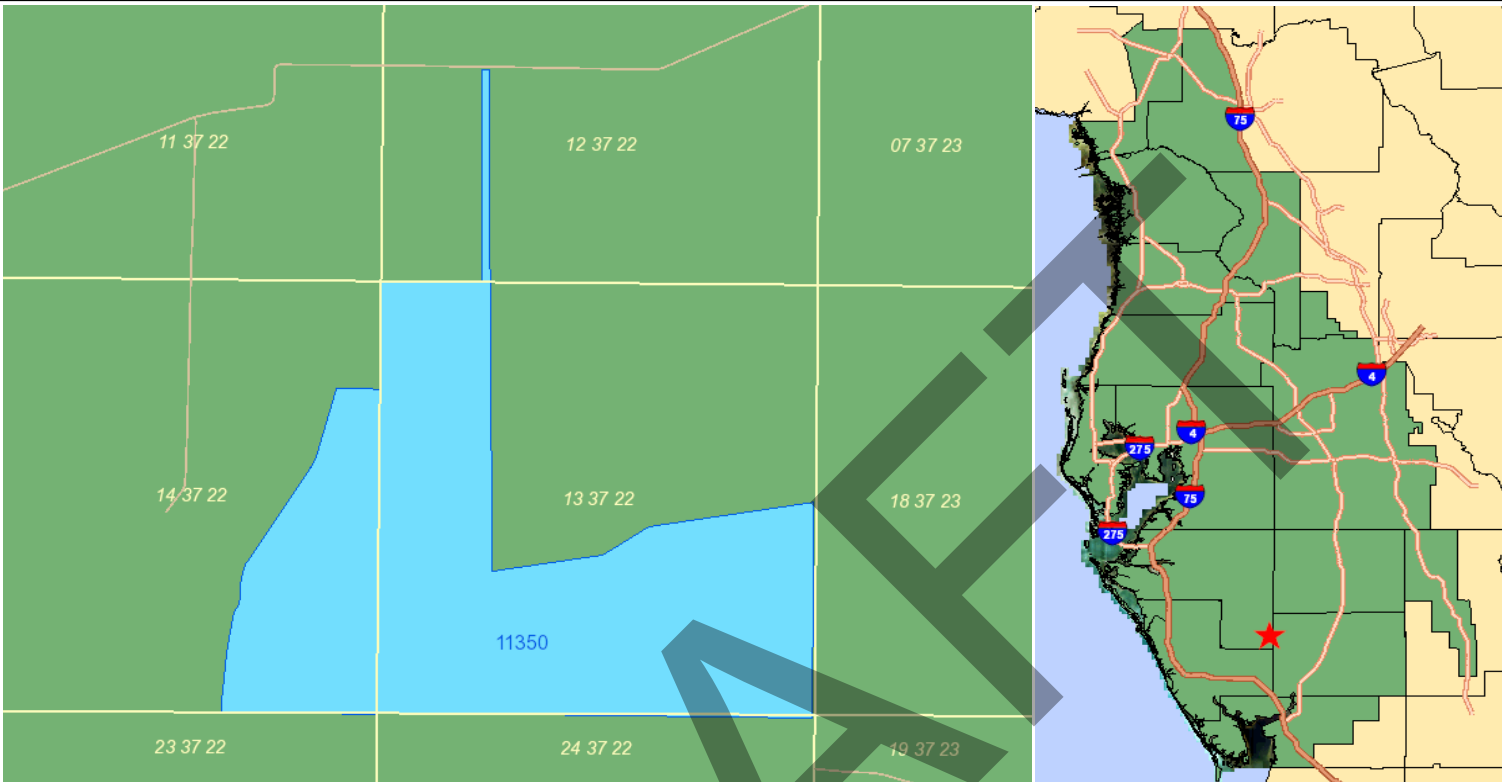
WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	27° 15' 23.42"/82° 03' 27.18"
2	27° 15' 48.65"/82° 04' 14.35"

Location Map

Countyline Ranch, LLC / Attn. John P. Harlee, IV

WUP No. 20 011350.005



Legend

DIDs

WUP Boundary

Natural Color Imagery

MANATEE COUNTY

Southwest Florida
Water Management District

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

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

All mailed reports and data are to be sent to:

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

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

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

(499)

2. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)
3. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
4. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)
5. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices. (331)
6. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available.(363)
7. Permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated acre-inches per irrigated acre per season for each crop type. For all crops except Citrus, an irrigated acre, hereafter referred to as "acre," is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches. For Citrus, an irrigated acre is based on 74% shaded area, equivalent to 89.4% of the gross acreage minus uncultivated areas such as

wetlands, retention ponds, and perimeter drainage ditches.

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

(427)

8. The Permittee shall immediately implement the District-approved water conservation plan dated August 2, 2023 that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. (449)
9. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water. (458)
10. The Permittee shall record the following information on the Irrigation Water Use Form that is supplied by the District for seasonal crops for each permitted irrigation withdrawal point, District ID. No. 1, Permittee ID No. 1:
 1. Crop type
 2. Irrigated acres per crop for the appropriate season,
 3. Dominant soil type or acres by dominant soil type,
 4. Irrigation method (NTBWUCA only),
 5. Use or non-use of plastic mulch,
 6. Planting dates, and
 7. Season length.

This information shall be submitted by February 1 of each year documenting irrigation for the previous summer/fall seasonal crops, and by September 1 of each year documenting irrigation for the previous winter/spring crops. Strawberry irrigation information shall be submitted as a winter/spring crop.(476)
11. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
12. The Permittee shall comply with allocated irrigation quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit.(651)
13. This Permit is located within the Southern Water Use Caution Area (SWUCA). Pursuant to Section 373.0421, Florida Statutes, the SWUCA is subject to a minimum flows and levels recovery strategy, which became effective on January 1, 2007. The Governing Board may amend the recovery strategy, including amending applicable water use permitting rules based on an annual assessment of water resource criteria, cumulative water withdrawal impacts, and on a recurring five-year evaluation of the status of the recovery strategy up to the year 2025 as described in Chapter 40D-80, Florida Administrative Code. This Permit is subject to modification to comply with new rules.(652)

14. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meter(s) or other measuring device(s) as approved by the Water Use Permit Bureau Chief: District ID No(s). 1, Permittee ID No(s). 1. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(719)

DRAFT

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

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

Exhibit B
Instructions

METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month for monthly reporting frequencies.

For bi-annual reporting, the data shall be recorded on a monthly basis and reported on or before the tenth day of the month following the sixth month of recorded data.

The Permittee shall submit meter readings online using the Permit Information Center at www.swfwmd.state.fl.us/permits/epermitting/ or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

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

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

60 consecutive days.

8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

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

FLOW METER ACCURACY TEST INSTRUCTIONS

1. Accuracy Test Due Date - The Permittee is to schedule their accuracy test according to the following schedule:

A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.

B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.

C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.

D. For the Permittee's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.

E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

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

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

2. Accuracy Test Requirements: The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:

A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.

B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.

C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.

D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.

3. Accuracy Test Report: The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:

A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.101.00 (5/14) for each flow meter tested. This form can be obtained from the District's website (www.watermatters.org) under "ePermitting and Rules" for Water Use Permits.

B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;

C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;

D. The date of the test equipment's most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab's National Institute of Standards and Testing (N.I.S.T.) traceability reference number.

E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.

F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined above, and may require various activities to be performed by the Permittee as described in the permit, including the Special Conditions. The permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

CONSENT AGENDA

September 26, 2023

Regulation Committee: Water Use Permit No. 20 005750.011, City of Davenport / City of Davenport WUP (Polk County)

This is a modification of an existing water use permit for public supply use. The authorized quantities have changed from those previously permitted to reflect an increase in population from 16,427 to 24,636. This permit authorizes an annual average quantity increase from 2,163,700 gallons per day (gpd) to 3,000,000 gpd, and a peak month quantity increase from 2,684,000 gpd to 3,990,000 gpd. The increase is supported by 786,000 gpd of aquifer recharge at a rapid infiltration basin and 365,400 gpd from land use transition quantities, to offset predicted impacts associated with the increase in groundwater withdrawals. There is no change in Use Type from the prior revision. The authorized annual average quantity is less than the City's 2025 demand to avoid environmental impacts to Lake Eva which has an established minimum lake level. The City of Davenport is located within the area of the Central Florida Water Initiative (CFWI) and has adopted the Florida Water Star program for all new home construction. The City is also a member of the Polk Regional Water Cooperative (PRWC) and is expected to receive up to 1,000,000 gpd in Alternative Water Supply (AWS) from the PRWC in the future.

Special Conditions include those that require the Permittee to report monthly meter readings, to perform meter accuracy checks every five years, to adhere to well construction specifications, to provide a Well Completion Report and results of specific capacity testing, to cap wells not in use, to modify the permit upon receipt of AWS from PRWC, to cease or reduce groundwater withdrawals if the mitigation activity provided in support of this permit is not effective or no longer occurring, to continue implementation of the approved Environmental Monitoring Plan as modified herein, to comply with rate structure, per capita, and customer billing requirements, and to submit the Public Supply Annual Report by April 1 each year.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

April D. Breton, Water Use Evaluation and Compliance Manager, Water Use Permit

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 005750.011**

PERMIT ISSUE DATE: September 26, 2023

EXPIRATION DATE: October 20, 2025

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

TYPE OF APPLICATION: Modification

GRANTED TO: City of Davenport/Attn: Kelly Callihan
1 South Allapaha Ave.
Davenport, FL 33837

PROJECT NAME: City of Davenport WUP

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

COUNTY: Polk

TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gallons per day)	
ANNUAL AVERAGE	3,000,000 gpd
PEAK MONTH ¹	3,990,000 gpd

¹ Peak Month: Average daily use during the highest water use month.

ABSTRACT:

This is a modification of an existing water use permit for public supply use. The authorized quantities have changed from those previously permitted to reflect an increase in population from 16,427 to 24,636. This permit authorizes an annual average quantity increase from 2,163,700 gallons per day (gpd) to 3,000,000 gpd, and a peak month quantity increase from 2,684,000 gpd to 3,990,000 gpd. The increase is supported by 786,000 gpd of aquifer recharge at rapid infiltration basins and 365,400 gpd from land use transition quantities to offset predicted impacts associated with the increase in groundwater withdrawals. There is no change in Use Type from the prior revision. The authorized annual average quantity is less than the City's 2025 demand to avoid environmental impacts to Lake Eva which has an established minimum lake level. The City of Davenport is located within the area of the Central Florida Water Initiative (CFWI) and has adopted the Florida Water Star program for all new home construction. The City is also a member of the Polk Regional Water Cooperative (PRWC) and is expected to receive up to 1,000,000 gpd in Alternative Water Supply (AWS) from the PRWC in the future.

Special Conditions include those that require the Permittee to report monthly meter readings, to perform meter accuracy checks every five years, to adhere to well construction specifications, to provide a Well Completion Report and results of specific capacity testing, to cap wells not in use, to modify the permit upon receipt of AWS from PRWC, to cease or reduce groundwater withdrawals if the mitigation activity provided in support of this permit is not effective or no longer occurring, to continue implementation of the approved Environmental Monitoring Plan as modified herein, to comply with rate structure, per capita, and customer billing requirements, and to submit the Public Supply Annual Report by April 1 each year.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>
Public Supply	3,000,000	3,990,000

USE TYPE

Public Supply

PUBLIC SUPPLY:

Population Served: 24,636
 Per Capita Rate: 139 gpd/person

WITHDRAWAL POINT QUANTITY TABLE

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

<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>
1 / 1	8	450 / 98	Public Supply	330,000	438,900
3 / 3	12	485 / 98	Public Supply	1,200,000	1,596,000
4 / 4	18	558 / 297	Public Supply	1,470,000	1,955,100
7 / 7 Standby	18	700 / 415	Public Supply	1,470,000	1,955,100

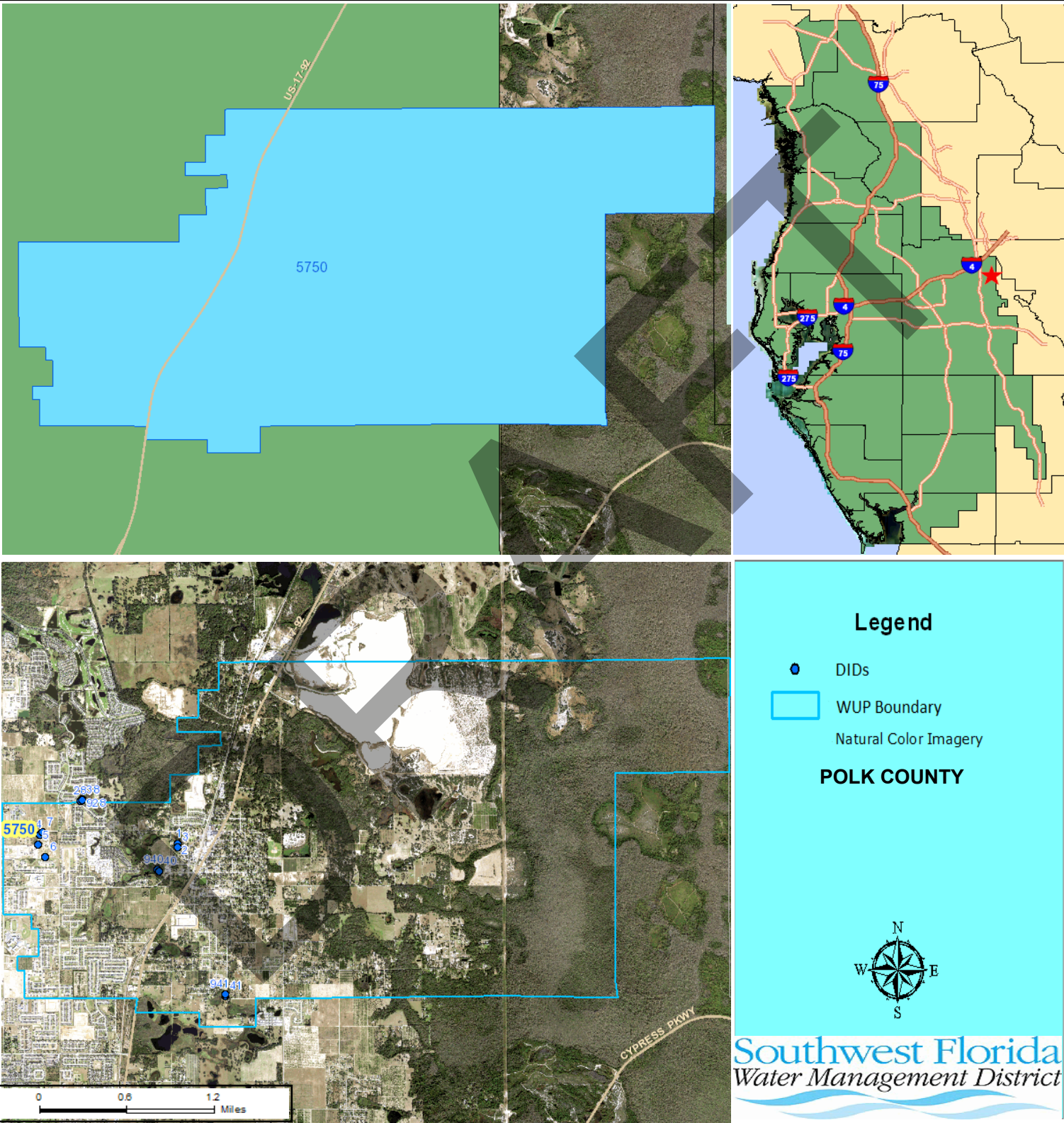
WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
1	28° 09' 47.32"/81° 36' 20.99"
3	28° 09' 45.71"/81° 36' 20.98"
4	28° 09' 51.65"/81° 37' 34.38"
7	28° 09' 52.68"/81° 37' 33.10"

Location Map

City of Davenport/Attn: Kelly Callihan

WUP No. 20 005750.011



STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

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

All mailed reports and data are to be sent to:

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

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

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

2. The quantities included in the permit are based on an average per capita rate of 139 gpd. By rule, the per capita rate in any given year shall not exceed 150 gpd. However, failure to maintain, on average, the per capita rate on which the permitted quantity is based could result in noncompliance with the terms of the permit. The per capita rate will be monitored via the Annual Report and the Reclaimed Water Supplier Report that are required to be submitted by April 1 of each year for the term of the permit.(67)
3. The South Florida Water Management District Water Use Permit No. 53-00293 (Southeast Polk Wellfield Permit), identifies demands of 1,000,000 gallons per day for the City of Davenport as a basis for the issuance of the permit. Therefore, pursuant to the Southeast Polk Wellfield Permit, Davenport shall utilize a baseline quantity of 1,000,000 gallons per day to meet the Public Supply use type demand identified in this permit upon completion of the connections necessary to provide Davenport with quantities from the Southeast Polk Wellfield project. This condition does not prohibit the utilization of any other Alternative Water Supply quantities developed by the City of Davenport prior to the completion of the Southeast Polk Wellfield project.(68)
4. By December 31, 2023, if the permittee's permit duration extends beyond 2025 and the projected water demand at the end of the permit term exceeds the allocation authorized under section 2.8 of the CFWI Supplemental Applicant's handbook, then the permittee shall submit a plan to the District describing how the remainder of its demand will be met (e.g. offsets, substitution credits, land use transitions, redistributed uses, alternative water supply development). The plan shall propose projects and identify a schedule for implementation. Annual updates shall be due on December 31 of each subsequent year detailing progress shall be provided to the District. The annual status reports shall include work completed to date, expenditures, and any anticipated changes in timelines.
(90)
5. The permittee shall develop and maintain an Annual Conservation Goal Implementation Plan (ACGIP) pursuant to section 2.7 of the CFWI Supplemental Applicant's Handbook for Consumptive Use Permitting. The ACGIP shall outline conservation goals for no less than 5 years. Agricultural permittees implementing BMPs in lieu of an ACGIP must maintain documentation supporting the enrollment and

implementation of selected BMPs. The permittee shall submit the ACGIP upon request by the District, during a 10-year compliance report, and with an application for permit renewal or modification except for a public water supply permittee with an annual average daily quantity of 100,000 gpd or greater and whose commercial use equals or exceeds 30 percent of its total water use, shall report its progress toward achieving the conservation goals within the ACGIP annually.

(92)

6. The annual average and peak month quantities for District ID Nos. 1, 3, 4 and 7, Permittee ID Nos. 1, 3, 4, and 7 shown in the withdrawal point quantity table are estimates based on historic and/or projected distribution of pumpage, and are for water use inventory and impact analysis purposes only. The quantities listed for these individual sources are not intended to dictate the distribution of pumpage from permitted sources. The Permittee may make adjustments in pumpage distribution as necessary so long as adverse environmental impacts do not result and the Permittee complies with all other conditions of this Permit. The total annual average daily withdrawal and the total peak month daily withdrawal are limited to 1,530,000 gpd and 2,034,900 gpd, respectively for DIDs 1 and 3. The total annual average daily withdrawal and the total peak month daily withdrawal are limited to 1,470,000 gpd and 1,955,100 gpd, respectively for DIDs 4 and 7. (221)
7. The Permittee shall construct the proposed wells according to the surface diameter and casing depth specifications below. The casing shall be continuous from land surface to the minimum depth stated and is specified to prevent the unauthorized interchange of water between different water bearing zones. If a total depth is listed below, this is an estimate, based on best available information, of the depth at which high producing zones are encountered. However, it is the Permittee's responsibility to have the water in the well sampled during well construction, before reaching the estimated total depth. Such sampling is necessary to ensure that the well does not encounter water quality that cannot be utilized by the Permittee, and to ensure that withdrawals from the well will not cause salt-water intrusion. All depths given are in feet below land surface. For Well Construction requirements see Exhibit B, Well Construction Instructions, attached to and made part to this permit.

District ID No. 7, Permittee ID No. 7, having a surface diameter of 18 inches, with a minimum casing depth of 415 feet below land surface (ft bls), drilled to an estimated total depth of 700 ft bls.

(240)

8. For the purpose of estimating site-specific transmissivity of the Avon Park Formation, a step drawdown and constant rate specific capacity test shall be performed on District ID No. 7, Permittee ID No. 7, after the well has been fully developed. The test shall be performed in accordance with the specifications set forth in Part C - Water Use Design Aids, Design Aid 3, Section B, "Single Well Aquifer Test" on the District website at, www.swfwmd.state.fl.us/business/epermitting/rules. Three copies of the testing methodology, recorded raw data and the results of the test shall be submitted to the Water Use Permit Bureau, within thirty days of completion of the well if submitted in hardcopy or two copies are required if submitted on CD. Only one submission is required if submitted online via the District's data website; however, any color documentation shall also be scanned in color. (530)
9. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C. (568)
10. Beginning January 1, 2012, the Permittee shall comply with the following requirements:
 - A. Customer billing period usage shall be placed on each utility-metered, customer's bill.
 - B. Meters shall be read and customers shall be billed no less frequently than bi-monthly.
 - C. The following information, as applicable to the customer, shall be provided at least once each calendar year and a summary of the provisions shall be provided to the District annually as described in Section D, below. The information shall be provided by postal mailings, bill inserts, online notices, on the bill or by other means. If billing units are not in gallons, a means to convert the units to gallons must be provided.
 1. To each utility-metered customer in each customer class - Information describing the rate structure and shall include any applicable:
 - a. Fixed and variable charges,
 - b. Minimum charges and the quantity of water covered by such charges,
 - c. Price block quantity thresholds and prices,
 - d. Seasonal rate information and the months to which they apply, and
 - e. Usage surcharges
 2. To each utility-metered single-family residential customer - Information that the customer can

use to compare its water use relative to other single-family customers or to estimate an efficient use and that shall include one or more of the following:

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

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

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

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

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

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

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

(592)

11. This modification includes an increase in the authorized allocation, supported in part by numerical simulation of 786,000 gpd of aquifer recharge at a rapid infiltration basin to offset predicted impacts associated with the increase in groundwater withdrawals. The Permittee shall cease or reduce groundwater withdrawals on an annual average basis when the mitigation activity that provided for the authorized increase is determined by the District to not provide the anticipated benefit, or if the mechanism or activity by which that benefit was provided is no longer in effect. (658)
12. The Permittee shall maintain a water conserving rate structure for the duration of the permit term. Any changes to the water conserving rate structure described in the application shall be described in detail as a component of the next Annual Report on Water Rate, Billing and Meter Reading Practices of the year following the change. (659)
13. The Permittee shall submit a "Public Supply Annual Report" to the District by April 1 of each year on their water use during the preceding calendar year using the form, "Public Supply Water Use Annual Report Form" (Form No. LEG-R.103.00 (05/14)), referred to in this condition as "the Form," and all required attachments and documentation. The Permittee shall adhere to the "Annual Report Submittal Instructions" attached to and made part of this condition in Exhibit B. The Form addresses the following components in separate sections.

Per Capita Use Rate

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

Residential Use

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

Non-Residential Use

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

Water Conservation

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

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

Water Audit

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

Alternative Water Supplied Other Than Reclaimed Water

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

Suppliers of Reclaimed Water

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

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

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

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

Updated Service Area Map

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

14. Permittees having their own wastewater treatment plant that generate at least advanced-secondary treated effluent (high-level disinfection, as described in Rule 62-600.440(5), F.A.C.) to the minimum FDEP requirements for public access reuse shall respond in a timely manner to inquiries about availability from water use permit applicants for water uses where such reclaimed water is appropriate. If reclaimed water is or will be available to that permit applicant within the next six years, the Permittees shall provide a cost estimate for connection to the applicant. (674)
15. The Permittee shall continue to implement the "City of Davenport Environmental Management Plan", which will be updated and submitted to the District within 90 days of the permit issuance. The EMP is to address how environmental conditions in the vicinity of the Permittee's wellfields will be monitored, how unacceptable adverse impacts will be identified, and how and when unacceptable adverse impacts caused by water production will be mitigated by the Permittee. An annual report compiling the results, analyses, and conclusions of the hydrologic and vegetative monitoring from the preceding October 1 to September 30 shall be submitted by September 1 of each year of the permit. The report shall identify and describe any trends of vegetative and/or hydrologic changes in the EMP network using the methodology outlined in the EMP to determine if District Performance Standards for lakes and wetlands have been met. The annual report and all required supporting documentation shall be submitted to the

Water Use Permit Bureau electronically. During the permit term, the Permittee may submit a proposal to enhance or revise the EMP. Such revisions are subject to approval by the Water Use Permit Bureau Chief.(676)

16. The following withdrawal facilities shall continue to be maintained and operated with existing, non-resettable, totalizing flow meters or other measuring devices as approved by the Water Use Permit Bureau Chief: District ID Nos. 1, 3, and 4, Permittee ID Nos. 1, 3, and 4. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(719)
17. The following proposed Standby withdrawal facilities (those that provide back-up water for another withdrawal point in the event the other withdrawal point becomes unusable) shall be metered within 90 days of construction: District ID No. 7, Permittee ID No.7. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(721)
18. The Permittee shall continue to maintain the District-approved staff gauges, piezometers, or stilling wells in the water bodies at the locations specified below and report measurements of water levels referenced to North American Vertical Datum 1988 at the frequency indicated.

District ID No. 27, Permittee ID No. Site 1 (Reference) located at unnamed reference lake, record on a bimonthly (twice a month) basis

District ID No. 28, Permittee ID No. Site 2a located at wetland SW-AF, record on a bimonthly (twice a month) basis

District ID No. 29, Permittee ID No. Site 3 located at Crystal Lake, record on a bimonthly (twice a month) basis

District ID No. 38, Permittee ID No. Site 2b located at wetland SW-AF, record on a bimonthly (twice a month) basis

District ID No. 40, Permittee ID No. Site 4 located at Lake Davenport, record on a bimonthly (twice a month) basis

District ID No. 41, Permittee ID No. Site 5 located at wetland SW-AO, record on a bimonthly (twice a month) basis

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

19. Within 90 days of permit issuance the Permittee shall submit a summarized report listing the status of the water use permits that were utilized for Land Use Transition (LUT). The permits listed below are to be cancelled and were used to mitigate impacts from groundwater pumping:

Water Use Permit Nos.

20003988.004

20003989.006

20004120.005

20004885.005

20006758.004

20008404.003

20009299.004

20009540.004

20009975.004

20012468.002

20012798.003

(990)

20. The Permittee shall submit a report every 6 months beginning March 1, 2024 reporting on the monthly quantities utilized for aquifer recharge at the rapid infiltration basin.(991)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

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

Exhibit B
Instructions

METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month for monthly reporting frequencies.

For bi-annual reporting, the data shall be recorded on a monthly basis and reported on or before the tenth day of the month following the sixth month of recorded data.

The Permittee shall submit meter readings online using the Permit Information Center at www.swfwmd.state.fl.us/permits/epermitting/ or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

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

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

60 consecutive days.

8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

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

FLOW METER ACCURACY TEST INSTRUCTIONS

1. Accuracy Test Due Date - The Permittee is to schedule their accuracy test according to the following schedule:

A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.

B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.

C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.

D. For the Permittee's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.

E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

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

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

2. Accuracy Test Requirements: The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:

A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.

B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.

C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.

D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.

3. Accuracy Test Report: The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:

A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.101.00 (5/14) for each flow meter tested. This form can be obtained from the District's website (www.watermatters.org) under "ePermitting and Rules" for Water Use Permits.

B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;

C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;

D. The date of the test equipment's most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab's National Institute of Standards and Testing (N.I.S.T.) traceability reference number.

E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.

F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

WELL CONSTRUCTION INSTRUCTIONS

All wells proposed to be constructed shall be drilled and constructed as specified below:

1. All well casing (including liners and/or pipe) must be sealed to the depth specified in the permit condition.
2. The proposed well(s) shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with the water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.
3. A minimum of twenty (20) feet overlap and two (2) centralizers is required for Public Supply wells and all wells six (6) inches or more in diameter.
4. Any variation from estimated, maximum or minimum total depths; maximum or minimum casing depths; well location or casing diameter specified in the condition requires advanced approval by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.
5. The Permittee is notified that a proposal to significantly change any of these well construction specifications may require permit modification if the District determines that such a change would result in significantly greater withdrawal impacts than those considered for this Permit.
6. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.

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

1. **Per Capita Use Rate** - A per capita rate for the previous calendar year will be progressively calculated until a rate of 150 gpd per person or less is determined whether it is the unadjusted per capita, adjusted per capita, or compliance per capita. The calculations shall be performed as shown in Part A of the Form. The Permittee shall refer to and use the definitions and instructions for all components as provided on the Form and in the Water Use Permit Applicant's Handbook Part B. Permittees that have interconnected service areas and receive an annual average quantity of 100,000 gpd or more from another permittee are to include these quantities as imported quantities. Permittees in the Southern Water Use Caution Area (SWUCA) or the Northern Tampa Bay Water Use Caution Area (NTBWUCA), as it existed prior to October 1, 2007, shall achieve a per capita of 150 gpd or less, and those in these areas that cannot achieve a compliance per capita rate of 150 gpd or less shall include a report on why this rate was not achieved, measures taken to comply with this requirement, and a plan to bring the permit into compliance. Permittees not in a Water Use Caution Area that cannot achieve a compliance per capita rate of 150 gpd or less by December 31, 2019 shall submit this same report in the Annual Report due April 1, 2020.

2. **Residential Use** - Residential water use consists of the indoor and outdoor water uses associated with each category of residential customer (single family units, multi-family units, and mobile homes), including irrigation uses, whether separately metered or not. The Permittee shall document the methodology used to determine the number of dwelling units by type and the quantities used. Estimates of water use based upon meter size will not be accepted. If mobile homes are included in the Permittees multi-family unit category, the information for them does not have to be separated. The information for each category shall include:

- A. Number of dwelling units per category,
- B. Number of domestic metered connections per category,
- C. Number of metered irrigation connections,
- D. Annual average quantities in gallons per day provided to each category, and
- E. Percentage of the total residential water use provided apportioned to each category.

3. **Non-Residential Use** - Non-residential use consists of all quantities provided for use in a community not directly associated with places of residence. For each category below, the Permittee shall include annual average gpd provided and percent of total non-residential use quantities provided. For each category 1 through 6 below, the number of metered connections shall be provided. These non-residential use categories are:

- A. Industrial/commercial uses, including associated lawn and landscape irrigation use,
- B. Agricultural uses (e.g., irrigation of a nursery),
- C. Recreation/Aesthetic, for example irrigation (excluding golf courses) of Common Areas, stadiums and school yards,
- D. Golf course irrigation,
- E. Fire fighting, system testing and other accounted uses,-
- F. K-through-12 schools that do not serve any of the service area population, and
- G. Water Loss as defined as the difference between the output from the treatment plant and accounted residential water use (B above) and the listed non-residential uses in this section.

4. **Water Audit** - The water audit report that is done because water losses are greater than 10% of the total distribution quantities shall include the following items:

- A. Evaluation of:
 - 1) leakage associated with transmission and distribution mains,
 - 2) overflow and leakage from storage tanks,
 - 3) leakage near service connections,
 - 4) illegal connections,
 - 5) description and explanations for excessive distribution line flushing (greater than 1% of the treated water volume delivered to the distribution system) for potability,
 - 6) fire suppression,
 - 7) un-metered system testing,

- 8) under-registration of meters, and
- 9) other discrepancies between the metered amount of finished water output from the treatment plant less the metered amounts used for residential and non-residential uses specified in Parts B and C above, and

B. A schedule for a remedial action-plan to reduce the water losses to below 10%.

5. **Alternative Water Supplied other than Reclaimed Water** - Permittees that provide Alternative Water Supplies other than reclaimed water (e.g., stormwater not treated for potable use) shall include the following on Part D of the Form:

- A. Description of the type of Alternative Water Supply provided,
- B. County where service is provided,
- C. Customer name and contact information,
- D. Customer's Water Use Permit number (if any),
- E. Customer's meter location latitude and longitude,
- F. Meter ownership information,
- G. General customer use category,
- H. Proposed and actual flows in annual average gallons per day (gpd) per customer,
- I. Customer cost per 1,000 gallons or flat rate information,
- J. Delivery mode (e.g., pressurized or non-pressurized),
- K. Interruptible Service Agreement (Y/N),
- L. Month/year service began, and
- M. Totals of monthly quantities supplied.

6. **Suppliers of Reclaimed Water** - Depending upon the treatment capacity of the Permittees wastewater treatment plant, the Permittee shall submit information on reclaimed water supplied as follows:

A. Permittees having a wastewater treatment facility with an annual average design capacity equal to or greater than 100,000 gpd shall utilize the "SWFWMD Annual Reclaimed Water Supplier Report" in Excel format on the Compact Disk, Form No. LEG-R.026.00 (05/09). The "SWFWMD Annual Reclaimed Water Supplier Report" is described in Section 3.1 of Chapter 3, under the subheading "Reclaimed Water Supplier Report" and is described in detail in the Water Use Permit Applicant's Handbook Part B.

B. Permittees that have a wastewater treatment facility with an annual average design capacity less than 100,000 gpd can either utilize the "SWFWMD Annual Reclaimed Water Supplier Report," Form No. LEG-R.026.00, as described in sub-part (1) above or provide the following information on Part E of the Form:

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

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined above, and may require various activities to be performed by the Permittee as described in the permit, including the Special Conditions. The permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

DRAFT

CONSENT AGENDA**September 26, 2023****Regulation Committee: Water Use Permit No. 20 012934.003, Len-Angeline, LLC / Len Angeline (Pasco County)**

This is a renewal with modification of an existing water use permit for Landscape/Recreation use. Len Angeline was a 126 acre sod farm being converted to 388 acres of lawn and landscape. The authorized quantities have changed from the previous iteration of the permit and the total irrigation demand is met through a combination of authorized use of groundwater and surface water sources. This permit authorizes an increase in the annual average quantity from 317,200 gpd (gallons per day) to 671,700 gpd and an increase in the peak month quantity from 774,400 gpd to 2,335,200 gpd. However, the use of groundwater has been reduced from that historically authorized by 179,300 gpd due to an increase in surface water use. This permit authorizes a groundwater annual average quantity of 137,900 gpd and a surface water annual average quantity of 533,800 gpd. The authorized peak month groundwater quantity is 465,000 gpd and the peak month surface water quantity is 870,200 gpd. The increases in quantities are due to an increase in irrigated acreage from 126 acres of sod to 388 acres of lawn and landscape. The use type has changed from the previous permit from Agricultural to Landscape/Recreation. Quantities are based on the District's irrigation allotment calculation program, AGMOD. This permit is located in the Northern Tampa Bay Water Use Caution Area (NTBWUCA).

Special conditions include those that require the Permittee to record and report monthly meter readings from all withdrawals, construct the proposed withdrawals per the special condition, submit a modification of the permit when Alternative Water Supply sources become available, submit a conservation plan progress report mid-permit term, submit a reclaimed water feasibility study upon District request, submit meter accuracy reports every five years, submit an overpumpage report upon District request, submit well completion reports to the District within 30 days of construction, submit notification to the District when the surface water withdrawal has been constructed, preferentially use surface water before groundwater, and continue water conservation and best management practices.

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

Staff Recommendation:

Approve the proposed permit attached as an exhibit.

Presenter:

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

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT
Individual
PERMIT NO. 20 012934.003**

PERMIT ISSUE DATE: September 26, 2023

EXPIRATION DATE: September 26, 2043

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

TYPE OF APPLICATION: Renewal

GRANTED TO: Len-Angeline, LLC / Attn: John Ryan
2502 N. Rocky Point Drive, Ste. 1050
Tampa, FL 33607

PROJECT NAME: Len Angeline

WATER USE CAUTION AREA(S): Northern Tampa Bay

COUNTY: Pasco

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

ANNUAL AVERAGE	671,700 gpd
PEAK MONTH ¹	2,335,200 gpd

¹ Peak Month: Average daily use during the highest water use month.

ABSTRACT:

This is a renewal with modification of an existing water use permit for Landscape/Recreation use. The authorized quantities have changed from the previous permit and the total irrigation demand is met through the authorized use of groundwater and surface water sources. This permit authorizes an increase in the annual average quantity from 317,200 gpd (gallons per day) to 671,700 gpd and an increase in the peak month quantity from 774,400 gpd to 2,335,200 gpd. However, the use of groundwater has been reduced from that historically authorized by 179,300 gpd due to an increase in surface water use. This permit authorizes a groundwater annual average quantity of 137,900 gpd and a surface water annual average quantity of 533,800 gpd. The authorized peak month groundwater quantity is 465,000 gpd and the peak month surface water quantity is 870,200 gpd. The increases in quantities are due to an increase in irrigated acreage from 126 acres of sod to 388 acres of lawn and landscape. The use type has changed from the previous permit from Agricultural to Landscape/Recreation. Quantities are based on the District's irrigation allotment calculation program, AGMOD. This permit is located in the Northern Tampa Bay Water Use Caution Area (NTBWUCA).

Special conditions include those that require the Permittee to record and report monthly meter readings from all withdrawals, construct the proposed withdrawals per the special condition, submit a modification of the permit when Alternative Water Supply sources become available, submit a conservation plan progress report mid-permit term, submit a reclaimed water feasibility study upon District request, submit meter accuracy reports every five years, submit an overpumpage report upon District request, submit well completion reports to the District within 30 days of construction, submit notification to the District when the surface water withdrawal has been constructed, preferentially use surface water before groundwater, and continue water conservation and best management practices.

WATER USE TABLE (in gpd)

<u>USE</u>	<u>ANNUAL AVERAGE</u>	<u>PEAK MONTH</u>
Landscape/Recreation	671,700	2,335,200

USES AND IRRIGATION ALLOCATION RATE TABLE

<u>CROP/USE TYPE</u>	<u>IRRIGATED ACRES</u>	<u>IRRIGATION METHOD</u>	<u>STANDARD IRRIGATION RATE</u>
Lawn & Landscape	387.87	Sprinkler Over Plant	23.00"/yr.
Pool/Pond Makeup			

WITHDRAWAL POINT QUANTITY TABLE

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

<u>I.D. NO. PERMITTEE/ DISTRICT</u>	<u>DIAM (in.)</u>	<u>DEPTH TTL./CSD.FT. (feet bls)</u>	<u>USE DESCRIPTION</u>	<u>AVERAGE (gpd)</u>	<u>PEAK MONTH (gpd)</u>
8 / 8	6	200 / 50	Irrigation	32,700	114,600
9 / 9	4	180 / 147	Irrigation	32,700	114,500
10 / 10	6	500 / 150	Irrigation	31,700	111,300
11 / 11	6	500 / 150	Irrigation	31,800	111,300
12 / 12	10	500 / 150	General Recreational	9,000	13,300
13 / 13	16	N/A / N/A	Irrigation	533,800	1,870,200

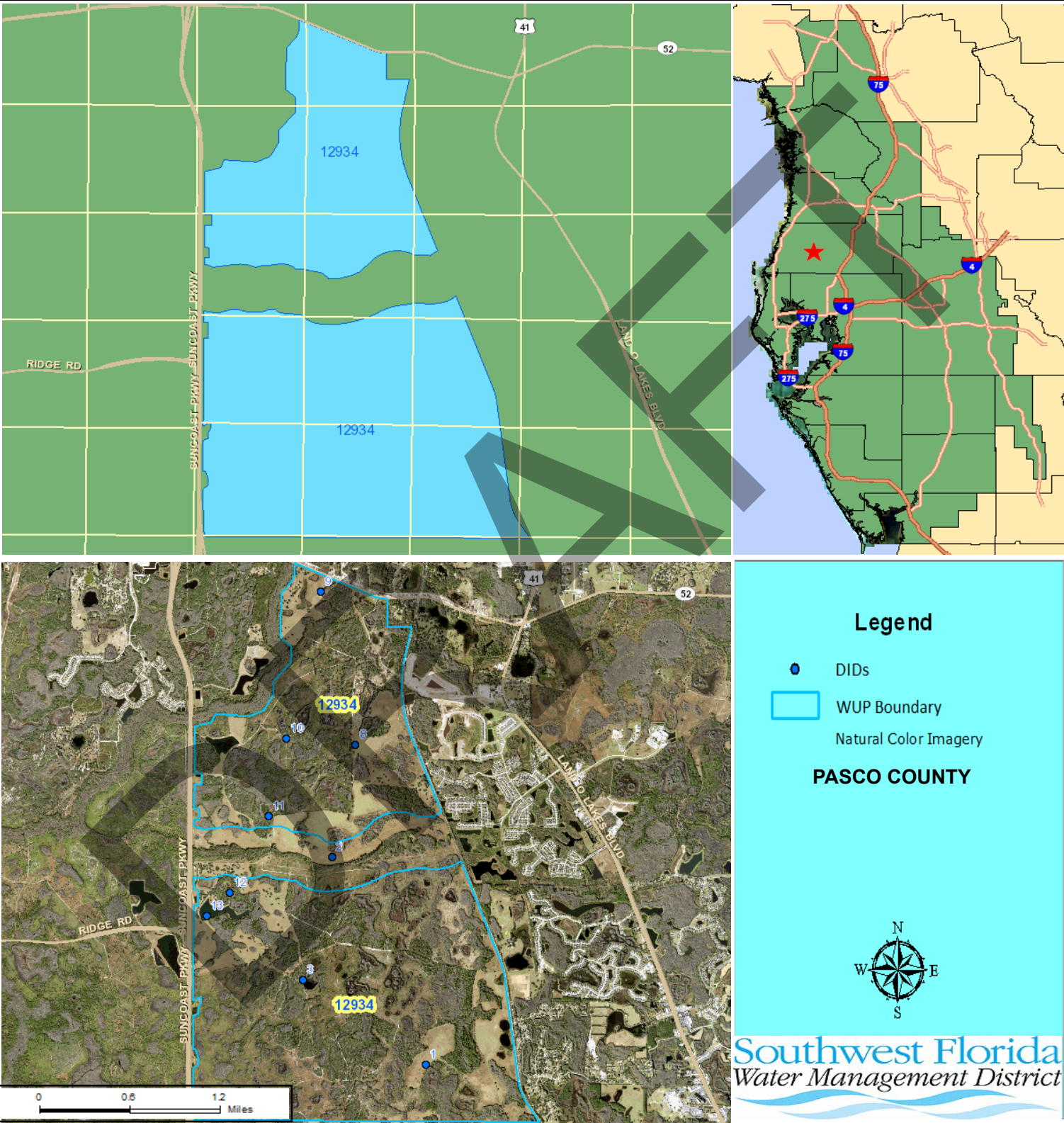
WITHDRAWAL POINT LOCATION TABLE

<u>DISTRICT I.D. NO.</u>	<u>LATITUDE/LONGITUDE</u>
8	28° 18' 21.89"/82° 31' 36.58"
9	28° 19' 30.65"/82° 31' 54.74"
10	28° 18' 24.62"/82° 32' 12.09"
11	28° 17' 49.55"/82° 32' 20.90"
12	28° 17' 15.10"/82° 32' 40.65"
13	28° 17' 04.45"/82° 32' 52.57"

Location Map

Len-Angeline, LLC / Attn: John Ryan

WUP No. 20 012934.003



STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

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

All mailed reports and data are to be sent to:

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

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

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

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

District ID Nos. 10 and 11, Permittee ID Nos. 10 and 11, having a surface diameter of 6 inches, with a minimum casing depth of 150 feet, drilled to an estimated total depth of 500 feet.

District ID No. 12, Permittee ID No. 12, having a surface diameter of 10 inches, with a minimum casing depth of 150 feet, drilled to an estimated total depth of 500 feet.

(240)

3. The Permittee shall evaluate the feasibility of improving the efficiency of the current irrigation system or converting to a more efficient system. This condition includes implementation of the improvement(s) or conversion when determined to be operationally and economically feasible.(296)
4. The Permittee shall implement a leak detection and repair program as an element of an ongoing system maintenance program. This program shall include a system-wide inspection at least once per year.(309)
5. The Permittee shall incorporate best water management practices, specifically including but not limited to irrigation practices, as recommended for the permitted activities in reports and publications by the IFAS.(312)

6. The Permittee shall limit daytime irrigation to the greatest extent practicable to reduce losses from evaporation. Daytime irrigation for purposes of system maintenance, control of heat stress, crop protection, plant establishment, or for other reasons which require daytime irrigation are permissible; but should be limited to the minimum amount necessary as indicated by best management practices. (331)
7. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an Alternative Water Supply, the Permittee shall apply to modify this permit to place equal quantities of permitted withdrawals from the ground and/or surface water resource on standby. The standby quantities can be used in the event that some or all of the alternative source is not available. (363)
8. The Permittee shall not exceed the quantity determined by multiplying the total irrigated acres by the total allocated inches per irrigated acre per season for each crop type. An irrigated acre, hereafter referred to as "acre," is defined as the gross acreage under cultivation, including areas used for water conveyance such as ditches, but excluding uncultivated areas such as wetlands, retention ponds, and perimeter drainage ditches.

Allocated inches per irrigated acre per season per crop for field preparation/crop establishment and supplemental irrigation (excluding nurseries, which are permitted on a case-by-case basis) are based on the minimum assigned efficiency standards listed below. These minimum standards shall remain in effect until modified by rule.

Crops existing as of March 1, 1991 in the original NTB WUCA and as of July 1, 2008 in the expanded NTB WUCA: citrus, strawberries or row crops (with drip or un-mulched, non-seepage irrigation) at 75% irrigation efficiency; other crops at 60% irrigation efficiency.

New crops since March 1, 1991 in the original NTB WUCA, and since July 1, 2008 in the expanded NTB WUCA: citrus, strawberries and row crops (with drip or un-mulched, non-seepage irrigation) at 80% irrigation efficiency; other crops at 70% irrigation efficiency.

Field preparation/crop establishment shall be applied at 60% efficiency in all cases.

Compliance with allocated quantities shall be determined by comparing actual use to the calculated quantities for each individual crop on a per season basis. Seasonal crops will be compared on a seasonal basis (e.g. spring tomato requirements based on the calculated inches per season), and perennial crops will be compared on an annual basis (e.g. citrus requirements based on the calculated inches per year). (424)

9. The Permittee shall immediately implement the District-approved water conservation plan dated June 2, 2022 that was submitted in support of the application for this permit. Conservation measures that the Permittee has already implemented shall continue, and proposed conservation measures shall be implemented as proposed in the plan. Progress reports on the implementation of water conservation practices indicated as proposed in the plan as well as achievements in water savings that have been realized from each water conservation practice shall be submitted September 1, 2033. (449)
10. Permittees shall submit a written report to the District by September 1, 2026 on whether or not they have existing connections to reclaimed water or other alternative water supplies, including that which is self-generated. Future connections to reclaimed water or other alternative water supplies shall be reported to the District within 30 days of connection to the reclaimed water or alternative water supply source. For any existing or future connection, the report shall list the supplier or source name, location of the inflow line to the property by latitude/longitude if the source is external, and an estimate of the monthly quantities obtained or to be obtained in total gallons per month. The Permittee shall modify this permit to add a special condition to meter and reporting monthly meter readings of the alternative water supplies. The Permittee may use the Letter Modification process to do this unless other changes are included which do not meet the conditions for modifications by letter. (454)
11. The Permittee shall investigate the feasibility of increasing the use of or using reclaimed water for irrigation when notified by the District that reclaimed water may be available in sufficient supply to be utilized for this permit. The Permittee shall submit a report documenting the feasibility investigation within six months of the notification. The report shall contain an analysis of reclaimed water sources for the area, including the relative location of

these sources to the Permittee's property, the quantity of reclaimed water available, the projected date(s) of availability, costs associated with obtaining the reclaimed water, and an implementation schedule for reuse, if feasible. Infeasibility shall be supported with a detailed explanation. If the use of reclaimed water is determined to be feasible by the Permittee or by the District, then the Permittee shall submit an application to modify this water use permit to include reclaimed water as a source of water. The modification application shall include a date when the reclaimed water will be available and shall indicate a proposed reduction in permitted quantities. If the permit application is not submitted by the Permittee, the District may reduce, following notice to the Permittee, the quantities authorized with this permit to account for the availability of reclaimed water. (458)

12. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500, F.A.C.(568)
13. The Permittee shall submit a copy of the well completion reports to the District's Water Use Permit Bureau, within 30 days of each well completion.(583)
14. The Permittee shall comply with allocated irrigation quantities, which are determined by multiplying the total irrigated acres by the total allocated inches per acre per season per actual crop grown. If the allocated quantities are exceeded, upon request by the District, the Permittee shall submit a report that includes reasons why the allocated quantities were exceeded, measures taken to attempt to meet the allocated quantities, and a plan to bring the permit into compliance. The District will evaluate information submitted by Permittees who exceed their allocated quantities to determine whether the lack of achievement is justifiable and a variance is warranted. The report is subject to approval by the District; however, justification for exceeding the allowed withdrawal quantity does not constitute a waiver of the District's authority to enforce the terms and conditions of the permit.(651)
15. The Permittee shall notify the District in writing of the installation of all surface water withdrawal points within 30 days of installation. The Permittee shall confirm the intake pipe diameter, pump capacity and location in the notification.(663)
16. The Permittee shall use surface water as the primary source of water to the maximum extent practicable for their reasonable-beneficial water demand. In the event that surface water is not sufficiently available to meet reasonable-beneficial water demand, the Permittee may supplement with groundwater sources. As surface water becomes more available, the Permittee shall use it as the primary source and reduce or cease withdrawals of groundwater.(696)
17. The following proposed withdrawal facilities shall be metered within 90 days of completion of construction of the facilities: District ID No(s). 10, 11, and 13, Permittee ID No(s). 10, 11, and 13. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(718)
18. The following existing, but previously un-metered withdrawal facilities shall be metered upon permit issuance: District ID No(s). 8 and 9, Permittee ID No(s). 8 and 9. Monthly meter reading and reporting, as well as meter accuracy checks every five years shall be in accordance with instructions in Exhibit B, Metering Instructions, attached to and made part of this permit.(720)

40D-2
Exhibit A

WATER USE PERMIT STANDARD CONDITIONS

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

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

Exhibit B
Instructions

METERING INSTRUCTIONS

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Water Use Permit Bureau on or before the tenth day of the following month for monthly reporting frequencies.

For bi-annual reporting, the data shall be recorded on a monthly basis and reported on or before the tenth day of the month following the sixth month of recorded data.

The Permittee shall submit meter readings online using the Permit Information Center at www.swfwmd.state.fl.us/permits/epermitting/ or on District supplied scanning forms unless another arrangement for submission of this data has been approved by the District. Submission of such data by any other unauthorized form or mechanism may result in loss of data and subsequent delinquency notifications. Call the Water Use Permit Bureau in Tampa at (813) 985-7481 if difficulty is encountered.

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

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

60 consecutive days.

8. While the meter is not functioning correctly, the Permittee shall keep track of the total amount of time the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form. If the data is submitted by another approved method, the fact that it is estimated must be indicated. The reason for the necessity to estimate pumpage shall be reported with the estimate.

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

FLOW METER ACCURACY TEST INSTRUCTIONS

1. Accuracy Test Due Date - The Permittee is to schedule their accuracy test according to the following schedule:

A. For existing metered withdrawal points, add five years to the previous test year, and make the test in the month assigned to your county.

B. For withdrawal points for which metering is added for the first time, the test is to be scheduled five years from the issue year in the month assigned to your county.

C. For proposed withdrawal points, the test date is five years from the completion date of the withdrawal point in the month assigned to your county.

D. For the Permittee's convenience, if there are multiple due-years for meter accuracy testing because of the timing of the installation and/or previous accuracy tests of meters, the Permittee can submit a request in writing to the Water Use Permit Bureau Chief for one specific year to be assigned as the due date year for meter testing. Permittees with many meters to test may also request the tests to be grouped into one year or spread out evenly over two to three years.

E. The months for accuracy testing of meters are assigned by county. The Permittee is requested but not required to have their testing done in the month assigned to their county. This is to have sufficient District staff available for assistance.

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

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

2. Accuracy Test Requirements: The Permittee shall test the accuracy of flow meters on permitted withdrawal points as follows:

A. The equipment water temperature shall be set to 72 degrees Fahrenheit for ground water, and to the measured water temperature for other water sources.

B. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained.

C. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed.

D. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.

3. Accuracy Test Report: The Permittees shall demonstrate that the results of the meter test(s) are accurate by submitting the following information within 30 days of the test:

A. A completed Flow Meter Accuracy Verification Form, Form LEG-R.101.00 (5/14) for each flow meter tested. This form can be obtained from the District's website (www.watermatters.org) under "ePermitting and Rules" for Water Use Permits.

B. A printout of data that was input into the test equipment, if the test equipment is capable of creating such a printout;

C. A statement attesting that the manufacturer of the test equipment, or an entity approved or authorized by the manufacturer, has trained the operator to use the specific model test equipment used for testing;

D. The date of the test equipment's most recent calibration that demonstrates that it was calibrated within the previous twelve months, and the test lab's National Institute of Standards and Testing (N.I.S.T.) traceability reference number.

E. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.

F. A picture of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

WELL CONSTRUCTION INSTRUCTIONS

All wells proposed to be constructed shall be drilled and constructed as specified below:

1. All well casing (including liners and/or pipe) must be sealed to the depth specified in the permit condition.
2. The proposed well(s) shall be constructed of materials that are resistant to degradation of the casing/grout due to interaction with the water of lesser quality. A minimum grout thickness of two (2) inches is required on wells four (4) inches or more in diameter.
3. A minimum of twenty (20) feet overlap and two (2) centralizers is required for Public Supply wells and all wells six (6) inches or more in diameter.
4. Any variation from estimated, maximum or minimum total depths; maximum or minimum casing depths; well location or casing diameter specified in the condition requires advanced approval by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.
5. The Permittee is notified that a proposal to significantly change any of these well construction specifications may require permit modification if the District determines that such a change would result in significantly greater withdrawal impacts than those considered for this Permit.
6. The finished well casing depth shall not vary from these specifications by greater than ten (10) percent unless advance approval is granted by the Water Use Permit Bureau Chief, or the Well Construction Section Manager.

Authorized Signature

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined above, and may require various activities to be performed by the Permittee as described in the permit, including the Special Conditions. The permit does not convey to the Permittee any property rights or privileges other than those specified herein, nor relieve the Permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

CONSENT AGENDA**September 26, 2023****General Counsel's Report: Approval of Consent Order between SWFWMD and Hooley Development, LLC – Permit Condition Violations – Environmental Resource Permit No. 43045054.000 – CT No. 424099 – Hillsborough County**

Hooley Development, LLC (Hooley) owns real property for commercial use on Bloomingdale Ridge Drive in Riverview, in Hillsborough County (Property). On June 6, 2022, Environmental Resource Permit (ERP) Number 43045054.000 (Permit) was issued to Hooley, authorizing the construction of a stormwater system serving a 2.71-acre commercial development.

The Permit's permitted plans for the system required the installation of a wet detention pond (wet pond) and an effluent filtration pond (effluent pond) to provide water quality treatment and attenuation. The as-built drawings Hooley submitted to the District on April 28, 2023, showed that the drainage pipe in the orifice weir for the Wet Pond was constructed at an incorrect elevation in violation of the permitted plans. Additionally, the as-built drawings showed the control structure in the effluent pond was constructed at the incorrect elevation, resulting in the effluent filtration pond being unable to retain any runoff. As a result, the effluent pond and wet pond cannot provide the required water quality treatment and attenuation as required by the Permit.

On December 29, 2022, March 29, 2023, and May 19, 2023, the District issued notices of as-built deviation to Hooley. While Hooley and its representatives responded to the initial inquiry by requesting a time extension on January 24, 2023, it failed to adequately address any of the deviations listed in the District inquiries. Then, on August 8, 2023, the District issued a Notice of Violation and proposed Consent Order to Hooley for the violation of the terms and conditions of ERP Number 43045054.000. The proposed Consent Order requires Hooley to reconstruct the stormwater ponds as necessary to meet the conditions of issuance for the Permit and submit to the District all forms necessary to complete the transfer of the permit to the operation and maintenance phase. Hooley has agreed to the terms of the attached Consent Order, which includes an initial payment of \$15,000 in penalties and an additional \$5,000 in penalties if the technical and administrative corrective actions are not completed by October 5, 2023.

Staff Recommendation:

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

Presenter:

Destin Dawsy, Attorney, Office of General Counsel

BEFORE THE SOUTHWEST FLORIDA WATER MANAGEMENT
DISTRICT ORDER NO. SWF 23 – 035

IN RE: BLOOMINGDALE RIDGES OFFICES
CT NO.: 424099
PERMIT NO.: 43045054.000
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 Hooley Development, LLC (Permittee), collectively referred to as “the Parties,” to settle certain matters at issue between the Parties. The Parties hereby voluntarily agree to the following findings of fact, conclusions of law, and corrective actions.

FINDINGS OF FACT

1. The District is the administrative agency charged with the responsibility to conserve, protect, manage, and control the water resources within its geographic boundaries and to administer and enforce Chapter 373, Fla. Stat., and rules promulgated thereunder as Florida Administrative Code (Fla. Admin. Code) Chapter 62-330.

2. Hooley Development, LLC, is a corporation registered to do business in the State of Florida. Permittee’s mailing address is 5851 Wrenwater Drive, Lithia, Florida 33547.

3. On June 6, 2022, the District issued Environmental Resource Permit (ERP) Number 43045054.000 (Permit) to Permittee authorizing the construction of a stormwater

management system (system) to serve a 2.71-acre commercial development located at Bloomingdale Ridge Drive in Riverview, Florida (Property).

4. The permitted plans for the system required the installation of a wet detention pond (wet pond) and an effluent filtration pond (effluent pond) to provide water quality treatment and attenuation.

5. General Condition 1(a) of the Permit requires that all activities on site must follow the plans, specifications, and performance criteria approved by this Permit.

6. Specific Condition 17 of the Permit requires that each phase or independent portion of the permitted system be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system.

7. Specific Condition 18 of the Permit requires that any substantial deviations from the permitted plans be approved by the District through a formal permit modification.

8. On May 24, 2022, District staff conducted a site visit and observed the following technical deviation:

- a. The permitted control structure grate in the effluent pond (S1 grate) was constructed at the bottom of the effluent pond. The pond bottom was permitted at an elevation of 42.60 feet. The drainage calculations you submitted on April 21, 2022, show that the S1 grate must be constructed at an elevation of 44.60 ft to hold back the required amount of rainfall runoff for the effluent filtration pond to treat.

9. The as-built drawings submitted on April 28, 2023, show that the wet pond's orifice weir was constructed at 39.30 ft, which matches the permitted elevation. However,

the pipe leaving the structure is at an elevation of 40.54 ft. and the surrounding area also appears higher than 39.30 ft. As a result, water cannot leave the pond until an elevation of 40.54 ft, which is over one foot higher than the permitted discharge elevation.

10. The as-built drawings submitted by the Permittee on April 28, 2023, are incomplete and missing the following information:

- a. The elevations are missing for the pond bank tops and the toe of slope/bottom elevations of the effluent and wet ponds.
- b. As-built information for the effluent filtration system is missing.
- c. As-built elevations are missing for the permitted littoral shelf in the wet pond.

11. The as-built certification form submitted on April 28, 2023, lacks the necessary verbiage for a digitally signed and sealed document as required by Florida Administrative Code Rule 61G-23.004.

12. The Drainage calculations submitted on April 21, 2022, by the Permittee contain Interconnected Channel and Pond Routing input that shows the bottom elevation of the effluent pond at 40.83 ft. This does not match the permitted plans or the as-built plans submitted to the District.

13. On April 28, 2023, Permittee submitted, to the District, a Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity form (Transfer Form). The Permittee indicated that the operation and maintenance entity for the system would be Bloomingdale Ridge Professional Park Owner's Association, Inc (Association).

14. According to Florida's Division of Corporations website, the Association is not a registered entity with the state.

15. Additionally, the incorporation documents submitted for the Association do not meet the requirements for an operation and maintenance entity specified in ERP Applicant's Handbook Volume 1, Subsection 12.3.4.

16. In an effort to resolve these technical and administrative deviations, District staff sent notices of as-built deviations on December 29, 2022, March 29, 2023, and May 19, 2023.

17. On May 25, 2023, District staff sent the Permittee a request for additional information in response to the Transfer Form (ERP application 869991). However, Permittee failed to provide the requested information, and to date, the Transfer Form remains incomplete.

18. While District staff have been in contact with the Permittee, the Permittee has failed to adequately address any of the notices or requests made by the District.

19. To date, the Permittee has not corrected the administrative and technical deviations from the Permit, and the Project remains in noncompliance.

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

CONCLUSIONS OF LAW

21. The District has jurisdiction over this matter pursuant to Chapter 373, Part IV, Fla. Stat., and Fla. Admin. Code Chapter 62-330.

22. The activities described in Paragraphs 5 through 16 herein constitute violations of Specific Conditions 17, 18, and General Condition 1(a) of the Permit as well as Chapter 373 Fla. Stat., and Fla. Admin Code R. 62-330.350.

CORRECTIVE ACTIONS

23. For the violations described herein, Permittee agrees to pay the District penalties in the amount of \$20,000. Provided, however, that the penalty may be reduced as follows:

- a. If Permittee completes the technical and administrative corrective actions described in paragraphs 25 and 26 by October 5, 2023, rather than the deadline provided in each paragraph respectively, then the penalty shall be reduced by \$5,000.

24. Permittee agrees to pay the District penalties in the amount of \$15,000 within 14 days of the approval of this Consent Order by the District's Governing Board. If Permittee fails to meet the conditions specified in Paragraph 23(a), Permittee agrees to pay an additional \$5,000 in penalties within one month of the approval of this Consent Order by the District's Governing Board. If mailed, the address for payment is:

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

25. Within 30 days of approval of this Consent Order by the District's Governing Board, Permittee shall:

- a. Provide to the District for review a draft copy of the Articles of Incorporation and Declaration of Covenants, Conditions, and Restrictions for the Project with all required language described in ERP Applicant's Handbook Volume I, Subsection 12.3.4.

- b. Provide the District with a description of actions to be taken to bring the effluent filtration pond and wet pond into compliance with the Permit conditions.

26. Within 60 days of approval of this Consent Order by the District's Governing Board, Permittee shall:

- a. Reconstruct the S1 grate in the effluent pond to an elevation of 44.60 feet to retain the required amount of rainfall runoff for the effluent filtration pond to treat the stormwater runoff.
- b. Reconstruct the necessary components of the control structure and the surrounding area of the outfall pipe, located in the wet pond, to provide positive discharge at the permitted elevation of 39.30 ft and also provide reasonable assurance that the receiving surface water can convey flow at elevation 39.30 ft.

27. No later than the 30th day after the completion of the actions described in Paragraph 26, Permittee shall:

- a. Submit to the District evidence that the common area lands within the project area that includes the stormwater management system have been conveyed to the proposed operation and maintenance entity for the Project.
- b. Resubmit the Transfer Form so that the indicated operation and maintenance entity is an entity registered with the Florida Division of Corporations. Additionally, the operation and maintenance entity must meet all of the requirements specified by the ERP Applicant's Handbook Volume I, Subsection 12.3.4.

- c. Provide reasonable assurance that the effluent filtration pond and the wet pond meet the Permit conditions by resubmitting the as-built construction drawings with all the pertinent information and any additional documents requested by District staff.
 - d. Resubmit the as-built certification form so that it contains the necessary verbiage for a digitally signed and sealed document in accordance with Fla. Admin. Code R. 61G-23.004 or 61G-23.005.
28. Permittee shall respond to any requests for additional information from the District within 15 days of receipt of the request.

GENERAL PROVISIONS AND NOTICE OF RIGHTS

29. Permittee may apply to the District for an extension of the time limits contained in this Consent Order. A request for an extension of time must be made in writing and must be submitted to District staff and to the Office of General Counsel, simultaneously, no later than five (5) days prior to the expiration of such time limit. Only the Office of General Counsel may approve a request for an extension of time. Any purported approval of an extension of time that does not have the prior authorization of the Office of General Counsel will not constitute compliance with this provision of the Consent Order.

30. For each day of delay beyond any due date specified in this Consent Order, Permittee shall pay to the District an additional sum of One Hundred Dollars (\$100.00) per day. This additional sum shall be paid by Permittee upon the District's mailing of a demand letter to Permittee for payment. This provision shall not be construed to preclude

the District's right to undertake other administrative, civil, or criminal action as appropriate in the event any due date is not met.

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

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

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

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

35. 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.

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

37. 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.

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

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

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

41. 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 Fla. Admin. Code Chapter 28-106. A request for hearing that disputes the material facts on which the District's action is based must contain all elements required by Fla. Admin. Code Rule 28-106.201(2), 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 Fla. Admin. Code Rule 28-106.301(2). A request for hearing must be filed with (received by) the Agency Clerk of the District at the District's Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33637-6759, or by facsimile transmission to the Agency Clerk at 813-367-9776, 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.

DocuSigned by:
Josepa Sullivan
By: 92AF1478E9F4488
Hooley Development, LLC
9/1/2023
Date: _____

Approved by the Governing Board of the Southwest Florida Water Management District
this ____ day of _____, 2023.

By: _____
Ed Armstrong, Chair

Approved as to Legal Form and Content
Bertin Buey
Attorney

Filed this ____ day of
_____, 2023.

Deputy Agency Clerk

CONSENT ORDER
HOOLEY DEVELOPMENT, LLC
CT NO. 424099
PERMIT NO. 43045054.000
HILLSBOROUGH COUNTY, FLORIDA

CONSENT AGENDA**September 26, 2023****General Counsel's Report: Approval of the District's Annual Regulatory Plan for 2023-2024**

Executive Order No. 11-211 requires agencies under the direction of the Governor to submit to the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) "an annual regulatory plan that shall identify and describe each rule that the agency expects to begin promulgating during the next twelve-month period." Section 120.74, Florida Statutes (F.S.), requires each state agency to prepare an annual regulatory plan by October 1 of each year to identify each law enacted or amended during the previous twelve months which creates or modifies the duties or authorities of the agency, as well as each other law which the agency expects to implement by rulemaking before the following July 1, with the exception of emergency rulemaking. Additionally, the annual regulatory plan must include a certification executed on behalf of the agency by both the presiding officer and the principal legal advisor to the agency head, verifying that both persons have reviewed the plan and that the agency regularly reviews all of its rules to determine if the rules remain consistent with the agency's rulemaking authority and laws implemented. Finally, under Section 120.74(2)(a)(3), F.S., the District must publish in the Florida Administrative Register a notice indicating that its Regulatory Plan is available on the District's website.

The District's proposed 2023-2024 Regulatory Plan lists upcoming rulemaking in the following categories:

1. Amendments to Procedural Rules, Forms, and Delegation Agreements – simplifying and clarifying rules, increasing efficiency, and in some cases reducing regulatory costs.
2. Amendments to Water Levels and Rates of Flow Rules – clarifying rules, increasing efficiency, and deleting obsolete or unnecessary rules.

The District's Regulatory Plan will be published on the District's website, and a notice will be published in the Florida Administrative Register. In addition, the District will electronically deliver a copy of the certification executed by the Governing Board Chair and the General Counsel, as required by Section 120.74(1)(d), F.S., to the Joint Administrative Procedures Committee. The District will continue to submit a copy of its Annual Regulatory Plan to the OFARR in accordance with Executive Order 11-211. Copies of the proposed regulatory plan and certification will be provided to the Governing Board in advance of this meeting.

Staff Recommendation:

Approve the District's Annual Regulatory Plan for 2023-2024 and execute the certification required by Section 120.74(1)(d), F.S.

Presenter:

Elizabeth Fernandez, Deputy General Counsel, Office of General Counsel

**CERTIFICATION OF ANNUAL REGULATORY PLAN FOR 2023-2024
FOR THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

We hereby certify:

That we have reviewed the Southwest Florida Water Management District's (District) Annual Regulatory Plan for 2023-2024, prepared in compliance with Section 120.74, F.S.; and

That the District regularly reviews all of its rules to determine if the rules remain consistent with the District's rulemaking authority and the laws implemented and conducted such a review on September ____, 2023.

E.D. "ED" ARMSTRONG, III
CHAIR

CHRISTOPHER A. TUMMINIA, ESQ.
GENERAL COUNSEL

Date

Section 120.74(1)(a), F.S., Rulemaking						
Rule Section	Law(s) Implemented	Rule Title	Must the Agency Adopt Rules to Implement the Law	Is Rulemaking Necessary to Implement the Law	Has a Notice of Rule Development Been Published and, if so, the citation to Such Notice in the Florida Administrative Register	The Date by Which the Agency Expects to Publish the Notice of Proposed Rule
None	None	None	None	None	None	None
Section 120.74(1)(b), F.S., Rulemaking						
Rule Section	Law(s) Implemented	Rule Title	Rulemaking Action	Reason for Rulemaking	Description of Changes/Additions to be Made in Rulemaking	Explain whether the rule is intended to simplify, clarify, increase efficiency, improve coordination with other agencies, reduce regulatory costs, or delete obsolete, unnecessary, or redundant rules
40D-1.002	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 F.S.	Delegation of Authority	Rule Amendment	Add and Update Incorporated Material	Incorporate updated publications, forms, or delegation agreements.	The proposed rulemaking is intended to simplify, clarify, increase efficiency, and improve coordination with other agencies.
40D-1.660	373.0361, 373.079(4)(a), 373.083(5), 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 F.S.	Publications and Forms Incorporated by Reference	Rule Amendment	Add and Update Incorporated Material	Update to Environmental Resource Permitting Applicant's Handbook Volume II, incorporate updated publications, forms, or operating agreements.	The proposed rulemaking is intended to simplify, clarify, increase efficiency, and improve coordination with other agencies.
40D-2.101	373.0363, 373.116, 373.117, 373.1175, 373.216, 373.229, 373.236, 403.0877, F.S.	Content of Application	Rule Amendment	Update Rule	Conform the rule to updated Water Use Permit Applicant's Handbook.	The proposed rulemaking is intended to simplify, clarify, increase efficiency, and reduce regulatory costs.
40D-8.041	373.036, 373.0361, 373.042, 373.0421, F.S.	Minimum Flows	Rule Amendment	Update Rule	Update references to NGVD29 and NAVD88 datum, and adopt or amend minimum flows.	The proposed rulemaking is intended to simplify, clarify, and increase efficiency, or delete unnecessary rules.
40D-8.623	373.036, 373.0361, 373.0395, 373.042, 373.0421, F.S.	Minimum Wetland Levels	Rule Amendment	Update Rule	Update references to NGVD29 and NAVD88 datum, and adopt, amend, or repeal minimum levels.	The proposed rulemaking is intended to simplify, clarify, and increase efficiency, or delete unnecessary rules.
40D-8.624	373.036, 373.042, 373.0421, 373.086, 373.709, F.S.	Guidance and Minimum Levels for Lakes	Rule Amendment	Update Rule	Update references to NGVD29 and NAVD88 datum, and adopt, amend, or repeal minimum levels.	The proposed rulemaking is intended to simplify, clarify, and increase efficiency, or delete unnecessary rules.
40D-8.626	373.4131, F.S.	Minimum Aquifer Levels	Rule Amendment	Update Rule	Update references to NGVD29 and NAVD88 datum, and adopt, amend, or repeal minimum levels.	The proposed rulemaking is intended to simplify, clarify, and increase efficiency.

CONSENT AGENDA

September 26, 2023

General Counsel's Report: Affirm Emergency Order Nos. SWF 23-033 and SWF 23-034 – Emergency Measures Due to Hurricane Idalia

Section 373.119, Florida Statutes (F.S.), authorizes the Executive Director to take actions necessary to address an emergency that poses a threat to the public health, safety, welfare, or environment. Such actions may include, among other things, issuing an emergency order to waive the procedures and formalities otherwise required to conduct public business. If the Executive Director issues an emergency order without prior notice, the Governing Board must affirm the emergency order at the next regularly scheduled Governing Board meeting.

On August 26, 2023, Governor Ron DeSantis issued Executive Order No. 23-171 (Executive Order) declaring a state of emergency in parts of Florida, including 14 of 16 counties within the District's boundaries, based upon the serious threat to the public health, safety, and welfare posed by Hurricane Idalia. The Executive Order was subsequently amended to include other affected counties, including Lake County within the District's boundaries. The Executive Order allows state agencies to suspend the provisions of any regulatory statute, rule, or order prescribing the procedures for the conduct of state business if strict compliance would in any way prevent, hinder, or delay necessary action in coping with the emergency. The Department of Environmental Protection issued Emergency Final Order No. 23-1348 on August 26, 2023, suspending certain permitting, procurement, and travel provisions contained in Chapters 373 and 403, F.S., and associated rules.

District staff have spent extensive time addressing permitting and regulatory matters resulting from Hurricane Idalia. District emergency activities in response to the Hurricane have included, and will continue to include re-assignment of staff for various emergency operation functions. District office operations have been adjusted to effectively address all Hurricane-related impacts while at the same time meeting all existing and new permit application review timelines for projects not related to the Hurricane. Additionally, the effects of Hurricane Idalia may prevent or hinder a permit applicant, permittee, or property owner from strictly complying with the statutes, rules, or orders that the District administers and enforces. As a result, the Executive Director issued Emergency Order No. SWF 23-033 on August 26, 2023, suspending certain permitting, procurement, and travel provisions contained in Chapter 373, F.S., and Emergency Order No. SWF 23-034 on August 28, 2023, to expand the emergency area to include Lake County.

Emergency Order Nos. 23-033 and 23-034 will remain in effect until the Governor's Executive Order expires on October 25, 2023. At that time, District staff will reassess the emergency measures provided for in the Emergency Orders and determine whether an extension is warranted.

Staff Recommendation:

Affirm Emergency Order Nos. 23-033 and 23-034.

Presenter:

Chris Tumminia, General Counsel, Office of General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

IN RE:

EMERGENCY AUTHORIZATION FOR
REPAIRS, REPLACEMENT,
RESTORATION, AND CERTAIN
OTHER MEASURES MADE NECESSARY
BY TROPICAL STORM IDALIA

EMERGENCY ORDER NO. SWF 23-033

Under the authority of Sections 120.569(2)(n), 252.36, 252.46, and 373.119(2), Florida Statutes ("F.S."), and upon consideration of State of Florida Executive Order No. 23-171, and the following findings of fact, the Southwest Florida Water Management District ("District") enters this Emergency Order ("Order"), including Findings of Fact and Conclusions of Law, in response to the imminent or immediate danger to the public health, safety, and welfare of the citizens residing within the District caused by Tropical Storm Idalia (hereinafter, "the Storm"):

FINDINGS OF FACT

1. The District is an agency charged with the responsibility to conserve, protect, manage, and control the water resources within all or part of sixteen (16) counties designated in its geographic boundaries, including Charlotte, Citrus, DeSoto, Hardee, Hernando, Hillsborough, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, and Sumter counties (hereinafter referred to as the "Emergency Area"), and to administer and enforce Chapter 373, F.S., and the rules adopted thereunder as Chapters 18-20, 18-21, 40D, and 62, Florida Administrative Code ("F.A.C."). The District issues authorizations for use of sovereign submerged lands pursuant to Chapters 253 and 373, F.S., and permits

in accordance with the various procedures and deadlines set forth in Chapters 120, 373, and 403, F.S., and rules promulgated thereunder as Chapters 18-20, 18-21, 28, 40D, and 62, F.A.C.

2. By State of Florida Executive Order No. 23-171 (hereinafter, “the Executive Order”), the Governor declared that a state of emergency exists throughout the Emergency Area, based upon the serious threat to the public health, safety, and welfare posed by the Storm.

3. The Executive Order recognizes that special duties and responsibilities resting upon state, regional, and local agencies and other governmental bodies in responding to the emergency may require waiver or deviation from the statutes, rules, ordinances, and orders those agencies and bodies administer. Pursuant to the Executive Order, each state agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the order or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the effects of the Storm.

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

5. The District finds that effects of the Storm will create an ongoing state of emergency threatening the public health, safety, welfare, and property throughout the Emergency Area. As a result of the emergency, immediate action by Florida's citizens and government may be necessary to repair, replace, and restore structures, equipment, surface water management systems, works, and other systems damaged by the Storm.

6. The District finds that an emergency authorization is required to address the need for immediate action because the normal procedures for obtaining the necessary authorizations would not result in sufficiently timely action to address the emergency.

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

CONCLUSIONS OF LAW

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

9. Under the Executive Order, and Sections 120.569(2)(n), 252.36, and 252.46, and 373.119(2), F.S., the District's Executive Director, or designee, is authorized to issue this Final Order.

10. Suspension of statutes and rules as noted within this Order is required so as not to prevent, hinder, or delay necessary action in coping with the emergency.

THEREFORE, it is hereby ORDERED that within the Emergency Area, the following apply:

GENERAL PROVISIONS

11. Authorized Representatives

The Executive Director hereby appoints the following representatives and delegates to them the authority to issue authorizations, permits, and execute any emergency functions in accordance with this Order: The Assistant Executive Director, Director of Regulation, Director of Operations Lands & Resource Monitoring, Director of Resource Management, and the Regulation Bureau Chiefs.

12. Limitations

The District issues this Emergency Order solely to address the emergency created by the Storm within the Emergency Area, as described herein. This Emergency Order shall not be construed to authorize any activity within the jurisdiction of the District except in accordance with the express terms of this Emergency Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

13. Expiration Date

This Emergency Order shall take effect retroactively to August 26, 2023 and expire upon the expiration or rescission of Executive Order No. 23-171, as modified or extended.

14. Other Authorizations Required

Nothing in this Emergency Order shall eliminate the necessity for obtaining any other federal, state, or local permits, or other authorizations that may be required.

15. **Extension of Time to Comply with Specified Deadlines**

For facilities and activities regulated by the District within the Emergency Area, this Order extends by thirty days the time to comply with the following specified deadlines that occur between the date of issuance of this Order and the expiration of this Order:

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

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

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

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

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

f. The extension of time to comply with specified deadlines set forth in this Section does not apply to the following:

- i. The time deadlines for filing a petition for administrative hearing pursuant to Chapter 120, F.S.;
- ii. The time deadlines for providing notice of the intent to exercise the tolling and extension granted under Section 252.363(1)(a), F.S.; or
- iii. The time or expiration of any other deadline not specifically set forth in this Order.

16. **Deadlines for Agency Actions**

Any deadlines specified in statutes, rules, agreements, or District orders, under which the District is required by law to take action within a specified time period, and under which failure by the District to timely take such action could result in any type of default binding on the District (including the time to request additional information on permit applications), are hereby suspended and tolled for a period of 30 days, provided such deadline had not expired as of the effective date this Order

17. **Suspension of Fees**

a. All application fee requirements set forth in Chapter 373, F.S., and the rules adopted thereunder, shall be suspended for the duration of this Order, and shall recommence on the date immediately following the expiration of this Order set forth in Paragraph 13 herein, unless this Order is extended or terminated by further order.

b. All lease fee and easement fee requirements set forth in Chapter 373, F.S., and the rules adopted thereunder, shall be suspended for the duration of this Order, except that lease fee and easement fee requirements shall be suspended only in proportion to the percentage loss of functionality of the total are under lease or easement. All lease fee and easement fee requirements shall recommence on the date immediately following the

expiration of this Order set forth in Paragraph 13 herein, unless this Order is extended or terminated by further order. However, the duration of the suspension of lease and easement fees may be extended beyond the duration of this Order (including subsequent extensions thereof) or beyond the date specified in a field authorization issued pursuant to this Order, upon a written request by the lessee to extend the suspension of the lease or easement fees. Such request must be received by the District before the expiration of this Order (or extensions thereof) or before the date specified in the field authorization (whichever date it later).

18. **Procurement**

To ensure the District is able to meet emergency response functions and provide for continuity of operation, the Executive Director hereby suspends, to the extent necessary, the effect of any statute, rule, or order that provides for the District's ability to procure necessary supplies, commodities, services, temporary premises, and other resources, to include, without limiting the generality of the foregoing, any and all statutes, rules, and orders that affect budgeting, leasing, printing, purchasing, travel, the conditions of employment, and the compensation of employees.

CONSUMPTIVE USES OF WATER

19. **General Conditions**

All activities authorized under this Section are subject to the following conditions:

a. All activities shall be performed in a manner that minimizes adverse water quality and water quantity impacts. This includes properly installed and maintained erosion and turbidity control devices to prevent erosions and shoaling and to control turbidity, nutrient loading, and sedimentation in off-site receiving waters.

b. Entities operating under this Order shall immediately correct any erosion, shoaling, or water quality problems that result from the activities authorized under this order.

c. This Order is temporary in nature and shall not relieve the any obligation to obtain necessary federal, state, local, or District permits or approvals.

d. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

e. This Order only serves as relief for the duration of the Order from the regulatory requirements of the District only and does not provide relief from the requirements of other federal, state, water management districts, and local agencies. This Order therefore does not negate the need to obtain any other required permits or authorizations, nor does it negate the need to comply with all the requirements of those agencies.

20. **Authorized Temporary Consumptive Uses**

a. The following temporary consumptive uses of water—including pumping or diverting water—are hereby authorized to address emergency conditions created by the Storm:

i. **On-Site Discharge – No Notice Required**

The internal movement of water from flooded areas within a project site to other areas within the same project site by the same owner. This authorization does not permit pumping or discharging water to off-site property, canals, or water bodies not completely on-site other than through permitted facilities.

ii. **Off-Site Discharge by Governmental Entity – No Notice Required**

The movement of water from a flooded area by a state, regional, or local government agency, regardless of whether water is discharged on or off-site,

provided that the movement of water is limited to measures necessary to address the emergency.

iii. **Off-Site Discharge by Private Landowner – Notice Required**

The movement of water from a flooded area by a private landowner to an off-site location, provided the following:

- A. The private landowner must provide notice of the activity to the District prior to the movement of water;
- B. An Authorized Representative, as set forth in paragraph 11 herein, authorizes the activity; and
- C. The activity is conducted in accordance with the conditions of the District's authorization.

21. **Permit Condition Deferral**

An Authorized Representative, as set forth in paragraph 11 herein, may authorize a permittee to defer compliance with any of the terms and conditions of a water use permit for such time as is necessary to address the emergency. The deferment may be conditioned as appropriate to protect public health, safety, and welfare, both during the emergency and for a period of time once normal operations under the permit resume.

22. **Permit Modifications**

An Authorized Representative, as set forth in paragraph 11 herein, may authorize a modification of any of the terms and conditions of a water use permit as necessary to address the emergency. The modification may be conditioned as appropriate to protect public health, safety, and welfare, both during the emergency and for a period of time once normal operations under the permit resume.

23. **Field Authorizations**

All District personnel are hereby authorized to issue temporary field authorizations for consumptive uses. A temporary field authorization may only be issued following a site inspection, and all District personnel are required to transmit the temporary field authorization to an Authorized Representative for final approval. An Authorized Representative may approve, modify, condition, or withdraw a temporary field authorization. District personnel must create and maintain all approvals, and provide copies to the permittee.

**ENVIRONMENTAL RESOURCE, DREDGE AND FILL, AND
SURFACE WATER MANAGEMENT ACTIVITIES**

24. **Terms and Conditions**

The terms and conditions of the Florida Department of Environmental Protection's Amended and Restated Emergency Final Order No. 23-1348 shall apply to any activity located in uplands and waters of the state, including wetlands, undertaken in response to the Emergency.

NOTICE OF RIGHTS

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

DONE AND ORDERED in Hernando County, Florida, on August 28, 2023.

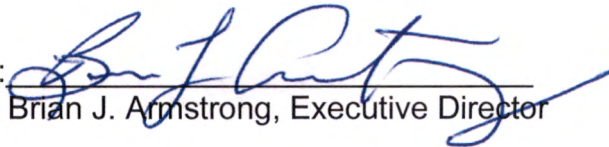
Approved as to legal form and content



Chris Tumminia, General Counsel

**SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT**

By:

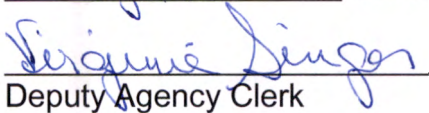


Brian J. Armstrong, Executive Director

Filed this 28 day of

August

2023.



Deputy Agency Clerk

[SEAL]



SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
IN RE:

EMERGENCY AUTHORIZATION FOR
REPAIRS, REPLACEMENT,
RESTORATION, AND CERTAIN
OTHER MEASURES MADE NECESSARY
BY TROPICAL STORM IDALIA

FIRST AMENDED EMERGENCY ORDER NO. SWF 23-034

Under the authority of Sections 120.569(2)(n), 252.36, 252.46, and 373.119(2), Florida Statutes ("F.S."), and upon consideration of State of Florida Executive Order Nos. 23-171, 23-172, 23-174, and 23-175 and the following findings of fact, the Southwest Florida Water Management District ("District") enters this Emergency Order ("Order"), including Findings of Fact and Conclusions of Law, in response to the imminent or immediate danger to the public health, safety, and welfare of the citizens residing within the District caused by Tropical Storm Idalia (hereinafter, "the Storm"):

FINDINGS OF FACT

1. The District is an agency charged with the responsibility to conserve, protect, manage, and control the water resources within all or part of sixteen (16) counties designated in its geographic boundaries, including Charlotte, Citrus, DeSoto, Hardee, Hernando, Hillsborough, Lake, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, and Sumter counties (hereinafter referred to as the "Emergency Area"), and to administer and enforce Chapter 373, F.S., and the rules adopted thereunder as Chapters 18-20, 18-21, 40D, and 62, Florida Administrative Code ("F.A.C."). The District issues authorizations for use of sovereign submerged lands pursuant to Chapters 253 and 373, F.S., and

permits in accordance with the various procedures and deadlines set forth in Chapters 120, 373, and 403, F.S., and rules promulgated thereunder as Chapters 18-20, 18-21, 28, 40D, and 62, F.A.C.

2. By State of Florida Executive Order Nos. 23-171, 23-172, 23-174, and 23-175 (collectively, “the Executive Order”), the Governor declared that a state of emergency exists throughout the Emergency Area, based upon the serious threat to the public health, safety, and welfare posed by the Storm.

3. The Executive Order recognizes that special duties and responsibilities resting upon state, regional, and local agencies and other governmental bodies in responding to the emergency may require waiver or deviation from the statutes, rules, ordinances, and orders those agencies and bodies administer. Pursuant to the Executive Order, each state agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the order or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the effects of the Storm.

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

5. The District finds that effects of the Storm will create an ongoing state of emergency threatening the public health, safety, welfare, and property throughout the Emergency Area. As a result of the emergency, immediate action by Florida's citizens and government may be necessary to repair, replace, and restore structures, equipment, surface water management systems, works, and other systems damaged by the Storm.

6. The District finds that an emergency authorization is required to address the need for immediate action because the normal procedures for obtaining the necessary authorizations would not result in sufficiently timely action to address the emergency.

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

CONCLUSIONS OF LAW

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

9. Under the Executive Order, and Sections 120.569(2)(n), 252.36, and 252.46, and 373.119(2), F.S., the District's Executive Director, or designee, is authorized to issue this Final Order.

10. Suspension of statutes and rules as noted within this Order is required so as not to prevent, hinder, or delay necessary action in coping with the emergency.

THEREFORE, it is hereby ORDERED that within the Emergency Area, the following apply:

GENERAL PROVISIONS

11. Authorized Representatives

The Executive Director hereby appoints the following representatives and delegates to them the authority to issue authorizations, permits, and execute any emergency functions in accordance with this Order: The Assistant Executive Director, Director of Regulation, Director of Operations Lands & Resource Monitoring, Director of Resource Management, and the Regulation Bureau Chiefs.

12. Limitations

The District issues this Emergency Order solely to address the emergency created by the Storm within the Emergency Area, as described herein. This Emergency Order shall not be construed to authorize any activity within the jurisdiction of the District except in accordance with the express terms of this Emergency Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

13. Expiration Date

This Emergency Order shall take effect retroactively to August 26, 2023 and expire upon the expiration or rescission of the Executive Order, as modified or extended.

14. Other Authorizations Required

Nothing in this Emergency Order shall eliminate the necessity for obtaining any other federal, state, or local permits, or other authorizations that may be required.

15. **Extension of Time to Comply with Specified Deadlines**

For facilities and activities regulated by the District within the Emergency Area, this Order extends by thirty days the time to comply with the following specified deadlines that occur between the date of issuance of this Order and the expiration of this Order:

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

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

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

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

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

f. The extension of time to comply with specified deadlines set forth in this Section does not apply to the following:

- i. The time deadlines for filing a petition for administrative hearing pursuant to Chapter 120, F.S.;
- ii. The time deadlines for providing notice of the intent to exercise the tolling and extension granted under Section 252.363(1)(a), F.S.; or
- iii. The time or expiration of any other deadline not specifically set forth in this Order.

16. **Deadlines for Agency Actions**

Any deadlines specified in statutes, rules, agreements, or District orders, under which the District is required by law to take action within a specified time period, and under which failure by the District to timely take such action could result in any type of default binding on the District (including the time to request additional information on permit applications), are hereby suspended and tolled for a period of 30 days, provided such deadline had not expired as of the effective date this Order

17. **Suspension of Fees**

a. All application fee requirements set forth in Chapter 373, F.S., and the rules adopted thereunder, shall be suspended for the duration of this Order, and shall recommence on the date immediately following the expiration of this Order set forth in Paragraph 13 herein, unless this Order is extended or terminated by further order.

b. All lease fee and easement fee requirements set forth in Chapter 373, F.S., and the rules adopted thereunder, shall be suspended for the duration of this Order, except that lease fee and easement fee requirements shall be suspended only in proportion to the percentage loss of functionality of the total are under lease or easement. All lease fee and easement fee requirements shall recommence on the date immediately following the

expiration of this Order set forth in Paragraph 13 herein, unless this Order is extended or terminated by further order. However, the duration of the suspension of lease and easement fees may be extended beyond the duration of this Order (including subsequent extensions thereof) or beyond the date specified in a field authorization issued pursuant to this Order, upon a written request by the lessee to extend the suspension of the lease or easement fees. Such request must be received by the District before the expiration of this Order (or extensions thereof) or before the date specified in the field authorization (whichever date it later).

18. **Procurement**

To ensure the District is able to meet emergency response functions and provide for continuity of operation, the Executive Director hereby suspends, to the extent necessary, the effect of any statute, rule, or order that provides for the District's ability to procure necessary supplies, commodities, services, temporary premises, and other resources, to include, without limiting the generality of the foregoing, any and all statutes, rules, and orders that affect budgeting, leasing, printing, purchasing, travel, the conditions of employment, and the compensation of employees. The Executive Director hereby delegates the authority to implement the emergency functions in this paragraph to the Business and IT Services Division Director.

CONSUMPTIVE USES OF WATER

19. **General Conditions**

All activities authorized under this Section are subject to the following conditions:

- a. All activities shall be performed in a manner that minimizes adverse water quality and water quantity impacts. This includes properly installed and maintained erosion

and turbidity control devices to prevent erosions and shoaling and to control turbidity, nutrient loading, and sedimentation in off-site receiving waters.

b. Entities operating under this Order shall immediately correct any erosion, shoaling, or water quality problems that result from the activities authorized under this order.

c. This Order is temporary in nature and shall not relieve the any obligation to obtain necessary federal, state, local, or District permits or approvals.

d. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

e. This Order only serves as relief for the duration of the Order from the regulatory requirements of the District only and does not provide relief from the requirements of other federal, state, water management districts, and local agencies. This Order therefore does not negate the need to obtain any other required permits or authorizations, nor does it negate the need to comply with all the requirements of those agencies.

20. **Authorized Temporary Consumptive Uses**

a. The following temporary consumptive uses of water—including pumping or diverting water—are hereby authorized to address emergency conditions created by the Storm:

i. **On-Site Discharge – No Notice Required**

The internal movement of water from flooded areas within a project site to other areas within the same project site by the same owner. This authorization does not permit pumping or discharging water to off-site property, canals, or water bodies not completely on-site other than through permitted facilities.

ii. **Off-Site Discharge by Governmental Entity – No Notice Required**

The movement of water from a flooded area by a state, regional, or local government agency, regardless of whether water is discharged on or off-site, provided that the movement of water is limited to measures necessary to address the emergency.

iii. **Off-Site Discharge by Private Landowner – Notice Required**

The movement of water from a flooded area by a private landowner to an off-site location, provided the following:

- A. The private landowner must provide notice of the activity to the District prior to the movement of water;
- B. An Authorized Representative, as set forth in Paragraph 11 herein, authorizes the activity; and
- C. The activity is conducted in accordance with the conditions of the District's authorization.

21. **Permit Condition Deferral**

An Authorized Representative, as set forth in Paragraph 11 herein, may authorize a permittee to defer compliance with any of the terms and conditions of a water use permit for such time as is necessary to address the emergency. The deferment may be conditioned as appropriate to protect public health, safety, and welfare, both during the emergency and for a period of time once normal operations under the permit resume.

22. **Permit Modifications**

An Authorized Representative, as set forth in Paragraph 11 herein, may authorize a modification of any of the terms and conditions of a water use permit as necessary to address the emergency. The modification may be conditioned as appropriate to protect

public health, safety, and welfare, both during the emergency and for a period of time once normal operations under the permit resume.

23. **Field Authorizations**

All District personnel are hereby authorized to issue temporary field authorizations for consumptive uses. A temporary field authorization may only be issued following a site inspection, and all District personnel are required to transmit the temporary field authorization to an Authorized Representative for final approval. An Authorized Representative may approve, modify, condition, or withdraw a temporary field authorization. District personnel must create and maintain all approvals and provide copies to the permittee.

**ENVIRONMENTAL RESOURCE, DREDGE AND FILL, AND
SURFACE WATER MANAGEMENT ACTIVITIES**

24. **Terms and Conditions**

The terms and conditions of the Florida Department of Environmental Protection's Emergency Final Order No. 23-1348, as amended, shall apply to any activity located in uplands and waters of the state, including wetlands, undertaken in response to the Emergency.

NOTICE OF RIGHTS

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

district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the District.

DONE AND ORDERED in Hernando County, Florida, on August 31, 2023.

Approved as to legal form and content



Chris Tumminia, General Counsel

**SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT**

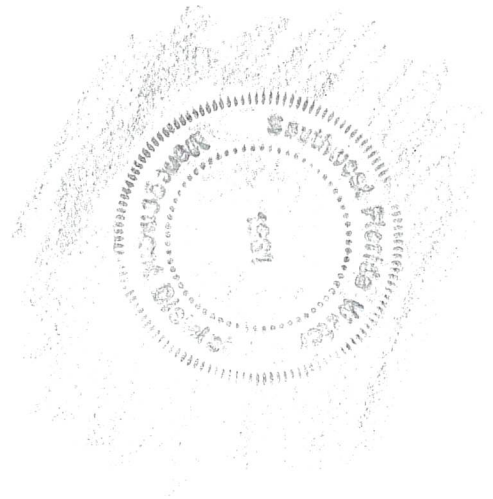
By: 
Brian J. Armstrong, Executive Director

Filed this 31st day of

August 2023.


Deputy Agency Clerk

[SEAL]



CONSENT AGENDA

September 26, 2023

Executive Director's Report: Approve Governing Board Minutes – August 22, 2023

Staff Recommendation:

Approve minutes as presented.

Presenter:

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



**GOVERNING BOARD MEETING
TUESDAY, AUGUST 22, 2023 – 9:00 AM
2379 BROAD STREET, BROOKSVILLE, FL 34604
(352) 796-7211**

MINUTES

Board Members Present

Ed Armstrong, Chair
Michelle Williamson, Vice Chair
John Mitten, Secretary
Jack Bispham, Treasurer
Joel Schleicher, Member
Kelly Rice, Member
Ashley Bell Barnett, Member
John Hall, Member*
James Holton, Member
Dustin Rowland, Member
Robert Stern, Member
Nancy H. Watkins, Member

*Attended via electronic media

Staff Members

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

Board Administrative Support

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

1. Convene Public Meeting

The Governing Board of the Southwest Florida Water Management District (District) met for its regular meeting at 9:00 a.m., August 22, 2023, at the Brooksville Office, 2379 Broad Street, Brooksville, Florida 34604.

This meeting was available for live viewing through Internet streaming. An attendance roster is archived in the District's permanent records. Approved minutes from meetings can be found on the District's website at WaterMatters.org.

1.1 Call to Order

Chair Ed Armstrong called the meeting to order. He noted that the Board meeting was being recorded for broadcast on government access channels, and public input would be provided in person. Chair Armstrong 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 complete and submit a "Request to Speak" card. Chair Armstrong 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 topic designate a spokesperson. Chair Armstrong

introduced each member of the Governing Board and staff present at the dais (this served as roll call). A quorum was confirmed.

1.2 Oath of Office

Ms. Virginia Singer, Boards and Executive Services Manager, administered the Oath of Office to new Board Member Nancy Watkins and reappointed Board Members Kelly Rice, Joel Schleicher and Ashley Bell Barnett.

1.3 Invocation and Pledge of Allegiance

Board Member Kelly Rice offered the invocation and led the Pledge of Allegiance,

1.4 Employee Recognition

Chair Armstrong recognized Anthony Andrade for 25 years of service.

1.5 Additions/Deletions to Agenda

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

Board Member Joel Schleicher requested the following item be moved to Discussion:

Operations, Lands and Resource Monitoring Committee

2.3 Sale of Easement to Verizon Wireless - Lake Marion Creek - Horseshoe Scrub Tract, SWF 20-597-110X

A Request to Speak card was submitted for the following item. This item was moved from Consent to Discussion:

Regulation Committee

2.5 Water Use Permit No. 20 002715.027, Mosaic Fertilizer, LLC, and South Ft. Meade Partnership, LP / Mosaic Agricultural WUP (Hardee and Polk Counties)

There was good cause to approve the amended agenda as allowed by Section 120.525, Florida Statutes.

1.6 Public Input for Issues Not Listed on the Published Agenda

Mr. David Ballard Geddis, Jr., spoke regarding the use of herbicides on native plants.

Mr. Tim Richie spoke regarding wetlands and water quality.

Consent Agenda

Finance/Outreach and Planning Committee

2.1 Authorization to Dispose of Equipment

Staff recommended the Board approve disposition of the New Holland TS6.125 tractor (Unit 2120) through the auction process.

Resource Management Committee

2.2 FARMS – Bay Grove – T&T Environmental, LLC, Phase 2 (H818), DeSoto County

Staff recommended the Board:

1. Approve the Bay Grove - T&T Environmental, LLC, Phase 2 project for a not-to-exceed project reimbursement of \$350,540 provided by the Governing Board;
2. Authorize the transfer of \$350,540 from fund 010 H017 Governing Board FARMS Fund to the H818 Bay Grove - T&T Environmental, LLC, Phase 2 project fund;
3. Authorize the Assistant Executive Director to sign the agreement.

Operations, Lands and Resource Monitoring Committee

2.3 Sale of Easement to Verizon Wireless – Lake Marion Creek – Horseshoe Scrub Tract, SWF 20-597-110X

Staff recommended the Board:

- ~~Accept the offer of \$3,700; and~~
- ~~Approve the Purchase/Sale Agreement and authorize the Executive Director to execute on behalf of the District; and~~
- ~~Approve the Grant of Utility Easement and authorize the Chair and Secretary to execute on behalf of the District; and~~
- ~~Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.~~

2.4 Modification of Restrictive Covenant – Charlotte Sarasota Holdings, LLP, SWF Parcel No.20-708-128S

Staff recommended the Board:

- Approve the request to modify the restrictive covenant contained in the Quit Claim Deed dated June 10, 2005, from 1.5 residential units per acre to 2.5 residential acres per unit; and
- Authorize the Governing Board Chair and Secretary to execute the Modification of Restrictive Covenant on behalf of the District.

Regulation Committee

2.5 Water Use Permit No. 20 002715.027, Mosaic Fertilizer, LLC and South Ft. Meade Partnership, LP / Mosaic Agricultural WUP (Hardee and Polk Counties)

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

2.6 Water Use Permit No. 20 007417.008, Astin Strawberry Property Management, LLC / Astin Blueberry Farm (Hillsborough County)

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

2.7 Water Use Permit No. 20 007121.007, Citrus County Board of County Commissioners and Withlacoochee Regional Water Supply Authority / Charles A Black Water Supply System (Citrus County)

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

General Counsel's Report

2.8 Approval of Rulemaking to Amend Rule 40D-1.1010, Florida Administrative Code, to Clarify Point of Entry into Proceedings

Staff recommended the Board approve rulemaking to amend Rule 40D-1.1010, F.A.C., to delete rule language that provides additional points of entry to seek an administrative hearing concerning the same agency action.

Executive Director's Report

2.9 Approve Calendar for Fiscal Year 2024 Meeting Dates

Staff recommended the Board approve Fiscal Year 2024 meeting dates as presented.

2.10 Approve Governing Board Minutes – July 25, 2023

Staff recommended the Board approve minutes as presented.

A motion was made and seconded to approve the Consent Agenda. The motion carried unanimously. (Audio – 00:20:26)

Finance/Outreach and Planning Committee

Treasurer Jack Bispham called the committee to order.

3.1 Consent Item(s) Moved to Discussion – None

3.2 Budget Transfer Report

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

Resource Management Committee

Board Member Ashley Bell Barnett called the committee to order.

4.1 Consent Item(s) Moved to Discussion - None

4.2 Facilitating Agricultural Resource Management Systems Program 20th Anniversary

Ms. Carole Estes, Facilitating Agricultural Resource Management Systems (FARMS) Manager, presented a 20th Anniversary video. She provided a history of the FARMS program and a timeline that displayed the progression of the program. Ms. Estes presented the types of FARMS projects, costs, and benefits. She also provided an overview of the Mini-FARMS program and summarized research and innovation the District supports.

A Request to Speak Card was received for this item.

Mr. David Ballard Geddis, Jr., expressed concerns as to how the sod farming industry relates to the FARMS program.

This was for information only. No action was required.

4.3 Peace River Regional Reservoir No. 3 Project – Third-Party Review (Q272)

Mr. Jay Hoecker, Water Resources Bureau Chief, presented information regarding the Third-Party (TPR) review related to project Q272. He stated this is a prioritized Alternative Water Supply (AWS) project in the District's long-term funding plan. Mr. Hoecker provided a history of the Peace River Manasota Regional Water Supply Authority (PRMRWSA) and the Peace River facility. He outlined cost, budget information and conclusions from the TPR.

Mr. Hoecker stated that the total project cost has decreased from \$551,655,000 to \$358,250,000 since the Fiscal Year (FY) 2024 cooperative funding request. The District's Board-approved funding amount of \$115,700,000 has not changed.

Board Member James Holton asked for more detail regarding the reduction in costs.

Mr. Mike Coates, PRMRWSA Executive Director, thanked the District for their partnership and support. He stated that various factors attributed to the reduction in project costs. This included changes to engineering designs and removal of contingency dollars due to market uncertainty that was in the original design submittal.

Board Member Joel Schleicher asked about security associated with the project. Mr. Coates responded that PRMRWSA does not allow public access and utilizes security staff and cameras to monitor reservoirs.

Treasurer Jack Bispham asked with the use of the Aquifer Storage and Recovery (ASR) System in conjunction with the two existing reservoirs why was a third reservoir necessary. Mr. Coates responded that the existing reservoirs even with the ASR cannot support

additional daily supply. The new reservoir will allow approximately an additional 18 million gallons a day.

Staff recommended the Board authorize continuation of the project and approve modification of the Cooperative Funding Agreement to include a total project cost of \$358,250,000 with the District's share to remain \$115,700,000 for the Peace River Regional Reservoir No. 3 Project (Q272).

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 00:48:19/56:26)

4.4 Minimum Flows and Minimum Water Levels Priority List and Schedule Update

This was for information. No action was required.

4.5 Lower Hillsborough River Recovery Strategy Implementation – Annual Update

This was for information only. No action was required.

Operations, Lands and Resource Monitoring Committee

Board Member Kelly Rice called the committee to order.

5.1 Consent Item(s) Moved to Discussion

2.3 Sale of Easement to Verizon Wireless - Lake Marion Creek - Horseshoe Scrub Tract, SWF20-597-110X

Ms. Ellen Morrison, Land Resources Bureau Chief, provided a map outlining the location of the proposed easement and information regarding the sale.

Board Member Schleicher expressed concerns regarding the final sale price.

Discussion ensued. The Board asked that the sale price for this easement be re-evaluated and renegotiated. The Board agreed to table this item.

Staff recommended the Board:

- Accept the offer of \$3,700; and
- Approve the Purchase/Sale Agreement and authorize the Executive Director to execute on behalf of the District; and
- Approve the Grant of Utility Easement and authorize the Chair and Secretary to execute on behalf of the District; and
- Authorize staff to execute any other documents necessary to complete the transaction in accordance with the approved terms.

The Board agreed to table this item for a future meeting.

5.2 Hydrologic Conditions Report

Ms. Tamera McBride, Hydrologic Data Manager, provided the hydrologic conditions report. She presented a rainfall distribution map for July, a 12-month rainfall map, a 12-month rainfall departure from mean graph, and map of August rainfall to date. Ms. McBride stated the Climate Prediction Center has predicted an above normal hurricane season. She stated that Districtwide rainfall was lower than average in July. Groundwater levels remained in the normal range for northern and central counties but below normal levels in the southern counties. Lake Wales Ridge and Polk Upland lakes were in the normal range. Surface water levels were in the below normal range for the northern and Tampa Bay lakes. She stated that rivers remained in the normal range

with the exception of the Peace River in the below normal range. Water supply levels in the Hillsborough reservoir were full. The Bill Young Reservoir has a healthy supply and is continuing to refill. Ms. McBride presented climate information and the tropical storm outlook for upcoming months

This was for information only. No action was required.

5.3 Overview of Land Management Plan Updates

Mr. Chris Reed, Land Management Manager, presented an overview of land management plan updates. He stated the District owns 459,000 acres of conservation land and manages approximately 263,000 of those acres. Mr. Reed summarized the District policy that governs the management of conservation properties. He explained District management plans and the update process for them. Mr. Reed provided a five-year schedule of management plan updates. He outlined four management plans that will be included on the Consent Agenda at the September Board meeting.

This was for information only. No action was required.

5.4 Surplus Lands 2023 Biennial Assessment

Ms. Ellen Morrison, Land Resources Bureau Chief, provided an overview of the surplus lands biennial assessment. She provided a history of surplus assessments, a surplus lands summary, the Governing Board policy, review criteria, the evaluation process and stakeholder input. Ms. Morrison stated that in addition to requesting approval of properties for surplus, there are three properties that staff is asking for the removal of surplus declaration.

Ms. Morrison provided an overview of the seven parcels considered for surplus. She provided an overview of the three parcels identified for removal of surplus declaration.

Board Member Kelly Rice proposed that the surplus lands policy be reviewed to address consideration of what is accomplished with fee ownership that can't be accomplished with less than fee ownership.

Chair Ed Armstrong stated that the surplus lands policy will be added to the Governing Board Workshop in November.

Staff recommended the Board:

- Accept the District's 2023 Surplus Lands Biennial Assessment conducted in accordance with Governing Board Policy.
- Approve, by a two-thirds majority vote, the surplus of properties identified through the assessment process that are no longer needed for conservation purposes. Such properties are identified in Exhibit 1 and may continue to be protected through deed restriction and sold for the highest price obtainable.
- Approve removal of the declaration of surplus for TBC-8, TBC-12, and TBC-17.

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio – 01:52:30)

5.5 Summary of Fiscal Year 2023 Interagency Land Management Reviews

This was for information only. No action was required.

Regulation Committee

Board Member Dustin Rowland called the committee to order.

6.1 Consent Item(s) Moved to Discussion

2.5 Water Use Permit No. 20 002715.027, Mosaic Fertilizer, LLC and South Ft. Meade Partnership, LP / Mosaic Agricultural WUP (Hardee and Polk Counties)

A Request to Speak card was received for this item.

Mr. Tim Richey spoke in opposition to the approval of the permit.

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

A motion was made and seconded to approve staff's recommendation. The motion passed unanimously. (Audio –01:56:38)

6.2 Denials Referred to the Governing Board

None were presented.

General Counsel's Report

7.1 Consent Item(s) Moved to Discussion - None

Committee/Liaison Reports

8.1 Environmental Advisory Committee

A written summary of the July 11 meeting was provided.

Executive Director's Report

9.1 Executive Director's Report

Mr. Brian Armstrong, Executive Director, stated that the surplus lands policy will be added to the agenda for the Governing Board Workshop in November. In addition, he indicated that Item 2.3 will be presented again at a future Board meeting once additional negotiations have been completed.

Chair's Report

10.1 Chair's Report

Chair Armstrong stated the next meetings are as follows: FY2024 Tentative Budget Hearing is scheduled for Tuesday, September 12 at 5:01 p.m. in the Tampa office. The next Governing Board Meeting is scheduled for Tuesday, September 26 at 3:00 p.m. in the Tampa office followed by the FY2024 Final Budget Hearing at 5:01 p.m.

10.2 Employee Milestones

A written summary was provided.

Adjournment

The meeting adjourned at 11:00 a.m.

Governing Board Meeting

September 26, 2023

3. FINANCE/OUTREACH & PLANNING COMMITTEE

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FINANCE/OUTREACH AND PLANNING COMMITTEE

September 26, 2023

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

Staff Recommendation:

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

Presenters:

Michael Molligan, Division Director, Employee, Outreach and General Services

Brandon Baldwin, Division Director, Business and IT Services

FINANCE/OUTREACH AND PLANNING COMMITTEE

September 26, 2023

Discussion: Information Item: Office of Inspector General Fiscal Year 2023 Annual Report

Background/Purpose

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

Background

This report provides relevant information regarding performance measures, a description of recommendations for corrective actions, a description of corrective actions from previous annual reports, a summary of audit and investigation reports, reviews, and other accomplishments during the period.

This report will be provided under separate cover.

Staff Recommendation:

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

Presenter:

Brian Werthmiller, Inspector General, Office of Inspector General

FINANCE/OUTREACH AND PLANNING COMMITTEE

September 26, 2023

Discussion: Information Item: Fiscal Year 2025 Business Plan Update

Purpose

To provide the Board with an update on the Fiscal Year 2025 Business Plan.

Background/History

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

The 2025 plan update focuses on resource requirements including personnel, equipment, and additional project needs, as well as the identification of actions taken to address needs identified in prior District Business Plans.

Benefits/Costs

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

Staff Recommendation:

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

Presenter:

Mary Margaret C. Hull, PMP, APR, Lead Project Manager, Project Management

FINANCE/OUTREACH AND PLANNING COMMITTEE

September 26, 2023

Discussion: Information Item: Knowledge Management: Promotion of District Programs and Objectives Governing Board Policy

Purpose

As part of the District's Knowledge Management initiative, all District Governing Board policies are reviewed by their respective divisions and bureaus/offices.

Background/History

Chapter 373.103(5) of the Florida Statutes grants authority to, "Expend, at the discretion of the governing board, for purposes of promotion, advertisement, and improvement of the program and objectives of the district, a yearly sum not to exceed 0.25 percent of the moneys collected by taxation within the district."

In accordance with statute, the *Promotion of District Programs and Objectives* policy provides guidance on the expenditure of funds for the specific purposes of promotion, advertisement, and improvement of District programs and objectives.

The policy has been reviewed by management and staff and the following updates, deletions, and additions are recommended:

1. Delete references to Basins.
2. Make minor language changes for clarification, such as adding the word "promotional" in front of workshops, as workshops can be considered promotional or nonpromotional.
3. Reorganize activities into paragraphs with similar categorical purposes for clarification and to facilitate proper treatment, such as moving "official dedication ceremonies" from paragraph 2 to paragraph 1 and shifting "service pins or plaques" from paragraph 4 to paragraph 2.
4. Remove costs associated with Governing Board Meetings since the meetings are statutorily required. Note, promotional items such as plaques and awards presented at the Board meetings will still be tracked as promotional.
5. Add items associated with:
 - the purchase of token giveaway items branded with the District's logo;
 - purchase of paid announcements in multiple venues if it is desired to attract public attention or awareness of the District's program and objectives; and
 - cost to secure and maintain a presence on selected social media platforms.

Benefits

By reviewing and updating the Promotion of District Programs and Objectives Policy, staff will have updated guidance to assist in staying compliant with Chapter 373.103(5), Florida Statutes.

Staff Recommendation:

This item is presented for the Board's information and no action is requested. The attached revised Promotion of District Programs and Objectives Policy will be included as a consent item in the October 2023 Board packet and approval will be requested at that time.

Presenter:

Melisa J. Lowe, Bureau Chief, Finance

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BOARD POLICY

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NUMBER: 211-008 PAGE 1 of 1

TITLE: Promotion of District Programs and Objectives

SECTION/DEPARTMENT: Executive

APPROVED: *Chas. A. Blake* EFFECTIVE DATE: 1/01/93

SUPERSEDES: 211-008, dated 9/01/92

PURPOSE: To authorize and provide guidelines on the expenditure of funds for the specific purposes of promotion, advertisement and improvement of District and Basin programs and objectives.

REFERENCE: Chapter 373.103(5), Florida Statutes

INTRODUCTION: The Statutory Authority promulgates the powers vested in the governing board and states, "Expend, at the discretion of the governing board, for purposes of promotion, advertisement, and improvement of the program and objectives of the district, a yearly sum not to exceed one-fourth of one percent of the moneys collected by taxation within the district."

IMPLEMENTATION: In accordance with the limits established by Statute and Board Policy 150-1, entitled Procurement, and the above cited statutory reference, District and Basin funds may be budgeted and expended for the following activities or purposes:

- A. Governing and/or Basin Board meetings, workshops, and conferences called for the purposes of discussing matters related to the District, with authorized expenditures being for meeting facilities, meals for Board, staff, invited participants and press, and incidental expenditures associated with the occasion; provided that Board, staff and invited participants shall waive entitlement for meal reimbursement authorized per District travel policy when meals are furnished.
- B. Official dedication ceremonies involving works of the District or Basins, with authorized expenditures being meals for Board, staff, invited guests and press, facility support as needed, and incidental expenditures associated with the occasion; provided that Board, staff and invited participants shall waive entitlement for meal reimbursement authorized per District travel policy when meals are furnished.
- C. Service appreciation plaques for Governing and Basin Board members upon completion of or during term of appointment, and for other selected persons as approved by the Board(s) for special service; tokens of appreciation for employees, Governing Board and Basin Board members, or members of the general public, as may be approved by the Executive Director or his designee, for special service or public recognition.
- D. Service pins for employees upon completion of five years service and each succeeding five year increment. Service plaques for District employees upon retirement from District service and upon voluntary separation after ten years or more of service, as deemed warranted by the Executive Director.
- E. Refreshments at Governing and Basin Board official meetings consisting of coffee, tea and condiments for the Board members.
- F. Disbursement of funds in payment of the above will be in accord with Board Policy 130-1, Disbursement of Funds.

DRAFT

GOVERNING BOARD POLICY

Southwest Florida Water Management District

Title: Promotion of District Programs and Objectives

Document Owner: Finance Bureau Chief

Approved By: Chair

Effective Date: MM/DD/YYYY

Supersedes: 01/01/1993

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PURPOSE

To authorize and provide guidelines on the expenditure of funds for the specific purposes of promotion, advertisement, and improvement of District programs and objectives.

SCOPE

This Policy shall apply to all personnel with the authority to expend District funds.

AUTHORITY

Chapter 373.103(5), Florida Statutes

The Statutory Authority promulgates the powers vested in the Governing Board and states, "Expend, at the discretion of the governing board, for purposes of promotion, advertisement, and improvement of the program and objectives of the district, a yearly sum not to exceed 0.25 percent of the moneys collected by taxation within the district."

DEFINITIONS

N/A

STANDARDS

N/A

GOVERNING BOARD POLICY

Title: Promotion of District Programs and Objectives

Effective Date: MM/DD/YYYY

Page 2 of 3

POLICY

In accordance with the limits established by Statute and Governing Board Policy, Procurement, and the above cited statutory reference, District funds may be budgeted and expended for the following activities or purposes:

- 1) Governing Board, official dedication ceremonies, promotional workshops, and conferences called for the purposes of discussing matters related to the District, with authorized expenditures being for meeting facilities, meals and refreshments for Board, staff, invited participants and press, and other incidental expenditures associated with the occasion; provided that Board, staff and invited participants shall waive entitlement for meal reimbursement authorized per Executive Director Procedure, Travel, when meals are furnished.
- 2) Service appreciation plaques for Governing Board members upon completion of or during term of appointment, and for other selected persons as approved by the Board for special service; tokens of appreciation for employees, Governing Board members, or members of the general public, such as service pins or plaques, for special service or public recognition.
- 3) Purchase of token giveaway items branded with the District's logo and other information (e.g., rain gauges, pencils, etc.) distributed to the public to increase their awareness of the District's programs and objectives.
- 4) Purchase of paid public service advertisements in print, radio, broadcast, billboards, or electronic media, designed to attract public attention or awareness of the District's programs and objectives. This does not include statutorily required legal noticing.
- 5) Cost to secure and maintain a presence on selected social media platforms through public service advertisements and boosted posts.

DISTRIBUTION

This Policy will be stored in the designated Governing Board Policy Repository.

REFERENCES

Chapter 373.103(5), Florida Statutes
Governing Board Policy, Procurement
Governing Board Policy, Travel
Executive Director Procedure, Procurement
Executive Director Procedure, Travel

REVIEW PERIOD

This Policy will be reviewed every 3 years.

GOVERNING BOARD POLICY

Title: Promotion of District Programs and Objectives

Effective Date: MM/DD/YYYY

Page 3 of 3

DOCUMENT DETAILS

Document Name	Promotion of District Programs and Objectives
Formerly Known As	N/A
Document Type	Policy
Author(s)	Finance Bureau Chief
Reviewing Stakeholder(s)	OGC staff, Finance staff
Document Owner Name	Melisa Lowe
Document Owner Title	Finance Bureau Chief
Review Period (in days)	1095
Span of Control	Governing Board
Supersedes Date	01/01/1993
Effective Date	MM/DD/YYYY

APPROVAL

E.D. Armstrong, III
Chair

Date

FINANCE/OUTREACH AND PLANNING COMMITTEE**September 26, 2023****Discussion: Action Item: Extension of Annual Review of Governing Board Policy, Investments***Purpose*

Request to extend the review and approval period of *Governing Board Policy, Investments*.

Background

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

Since the Governing Board plans to discuss the Investment Policy with management and the District's investment advisors at the annual workshop on November 14, 2023, at 10:30 a.m., staff requests a one-time extension of the review and approval period to 115 days (October 1, 2023, through January 23, 2024) as outlined in the following timeline:

Governing Board Workshop (Discussion of revisions, if any, to the policy and strategy)	November 14, 2023
December Governing Board Meeting (Staff presents revised policy as a discussion item)	December 12, 2023
January Governing Board Meeting (Governing Board approves the revised policy through the consent agenda)	January 23, 2024

Benefits

Extending the number of days for review and approval will allow the Governing Board to review the District's policy and investment strategies and provide sufficient time for staff to incorporate any modifications to the policy through the district's Knowledge Management process for approval by the Governing Board.

Staff Recommendation:

Approve a one-time extension of the review and approval period for *Governing Board Policy, Investments* from 60 days to 115 days.

Presenter:

Brandon Baldwin, Division Director, Business and IT Services

FINANCE/OUTREACH AND PLANNING COMMITTEE

September 26, 2023

Submit & File: Information Item: Budget Transfer Report

Purpose

Provide the Budget Transfer Report covering all budget transfers made during the month of August 2023.

Background

In accordance with Board Policy, *Budget Authority Transfer of Funds*, all transfers approved by the Executive Director and Finance Bureau Chief under delegated authority are presented to the Finance/Outreach & Planning Committee of the Governing Board as a Submit and File Report at the next regular scheduled meeting. The exhibit for this item reflects all such transfers executed during the month of August 2023.

Staff Recommendation:

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

Presenter:

Melisa J. Lowe, Bureau Chief, Finance

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
August 2023

--- TRANSFERRED FROM ---		--- TRANSFERRED TO ---		Reason For Transfer	Transfer Amount
Item No.	Bureau / Expenditure Category	Bureau / Expenditure Category			
<u>Change from Original Budget Intent</u>					
1	Operations Vegetation Management Services	Operations Vegetation Management Services	Transfer of funds originally budgeted for the Tampa Electric Company (TECO) Rock Ponds Restoration Project for contracted services to establish the site for long-term conservation land management maintenance. The funds are no longer required due to staff's ability to procure the services for less. The funds are being transferred to the Palm River Restoration Project in addition to the \$30,000 budgeted to establish the site for long-term land management as well. The Palm River Restoration Project is not on conservation lands.	\$ 21,200.00	
2	Communications and Board Services Education Support	Communications and Board Services Other Contractual Services	Transfer of funds originally budgeted for outreach opportunities to educate the public about conserving water resources and other District-related topics through ways such as signage, displays, and promotional items. Expenditures for this year were less than anticipated. The funds are being transferred to conduct a fact-finding focus group with professionals in the sod industry to learn about the pros and cons of growing, selling, and using different types of sod in the building industry. This information will be utilized with the District's Florida Water Star program to identify ways the District, builders/developers, and the sod industry can work together to conserve water through proper sod selection.	1,624.00	
3	Data Collection Travel - Staff Duties	Data Collection Capitalized - Contracted Well Construction	Transfer of funds originally budgeted for out of town travel expenditures for Geohydrologic section staff associated with exploratory core drilling and well construction. Expenditures have been less than anticipated due to delays in planned well construction at ROMP 88.5 - NE Polk as a result of an unsuccessful request for bids where none were received from well drilling contractors. Funds are needed for a contracted well driller to construct one surficial aquifer well in the City of Lake Alfred in Polk County. This site was planned for this year as part of the well construction plan for the Central Florida Water Initiative. However, the uncommitted balance of funds budgeted for FY2023 well construction is currently obligated to cover the construction at ROMP 88.5 - NE Polk well site once it is re-bid.	9,995.00	
Total Change from Original Budget Intent				\$ 32,819.00	
<u>Consistent with Original Budget Intent</u>					
1	Operations Consultant Services Capitalized - Consultant Services	Engineering & Project Management Consultant Services Capitalized - Consultant Services	Funds are needed for the original purpose budgeted for consultant services to create Class V cost estimates for major Capital Improvement Plan projects on District water control structures, as well as create designs and bid specifications for the replacement of flood control structure gates. The funds are being transferred from the Structure Operations section to the Design and Construction Management section to oversee these two tasks.	\$ 450,242.60	
2	Operations Data Collection Land Resources Salaries & Benefits Central Garage Charges	Operations Data Collection Land Resources Salaries & Benefits Central Garage Charges	State funds are needed for the original purpose budgeted for the FY2023 appropriation of Land Acquisition Trust Fund (LATF) for land management. These funds were anticipated to reimburse the District for staff salaries and benefits in support of land management activities. The LATF funds are required to be expended by June 30. Personnel expenditures were not enough to fully utilize the \$2.25M appropriated, therefore, the LATF funds will reimburse the District for internal central garage charges for equipment used in support of land management activities instead. This transfer is to align the funding source for land management activities based on the expenditures reimbursed by the FY2023 LATF appropriation.	393,344.89	

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
Budget Transfer Report
August 2023

Item No.	--- TRANSFERRED FROM ---	--- TRANSFERRED TO ---	Reason For Transfer	Transfer Amount
	Bureau / Expenditure Category	Bureau / Expenditure Category		
3	Water Resources Grant - Financial Assistance	Water Resources Grant - Financial Assistance	State funds are needed for the original purpose budgeted for DEP-selected Springs projects. The funds are being transferred to the appropriate accounting codes to track the fiscal year funding source identified by the state since budgeting.	133,793.24
4	Information Technology Software Cloud Software Usage Fees	Information Technology Software Cloud Software Usage Fees	Funds are needed for the original purpose budgeted for the procurement and implementation of a Legal Matters Management System for the Office of General Counsel to streamline existing processes. The funds are being transferred to the appropriate accounting codes to properly track the cost of implementation for this system.	34,400.00
Total Consistent with Original Budget Intent				\$ 1,011,780.73
Total Amount Transferred				\$ 1,044,599.73

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

FINANCE/OUTREACH AND PLANNING COMMITTEE**September 26, 2023****Submit & File: Information Item: Report of Total Reductions in Taxes From Hurricane Ian or Hurricane Nicole***Purpose*

In accordance with Section 197.3181, Florida Statutes, by September 1, 2023, county tax collectors must provide the total tax reductions for all properties that qualified for a refund of taxes for residential improvements rendered uninhabitable by Hurricane Ian or Hurricane Nicole to the Department of Revenue and the governing board of each affected local government.

Background

The District contacted each of the sixteen counties within the District's boundaries to verify if the county was filing form DR-5003, *Report of Total Reductions in Taxes from Hurricane Ian or Hurricane Nicole*, with the Department of Revenue. The following table summarizes the information provided:

County	Total Amount of Refunds Issued	District's Share
Charlotte	\$1,955,880.19	\$25,012.84
Citrus	Nothing Claimed	0.00
Desoto	\$67,829.73	\$881.71
Hardee	\$7,932.47	\$93.56
Hernando	Nothing Claimed	0.00
Highlands	\$90.31	\$0.69
Hillsborough	\$1,096.65	\$13.22
Lake	\$633.43	0.00
Levy	Nothing Claimed	0.00
Manatee	\$2,583.02	\$36.44
Marion	Nothing Claimed	0.00
Pasco	Nothing Claimed	0.00
Pinellas	Nothing Claimed	0.00
Polk	\$2,809.47	\$33.52
Sarasota	\$87,018.27	\$1,463.92
Sumter	Nothing Claimed	0.00
Total District Share		\$27,535.90

This amount is subject to change if forms are submitted late or information is later found to be incomplete at the time of reporting or filing. The District will request reimbursement from the Department of Revenue in the amount equal to the District's share of the final total tax reductions submitted by each county within the District's boundaries, in accordance with Section 50 of Chapter 2023-157, Laws of Florida, and Section 197.3181, Florida Statutes.

Staff Recommendation:


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

Presenter:

Melisa J. Lowe, Bureau Chief, Finance

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Due to the length of the DR-5003 forms submitted, this exhibit has been shortened to provide the summarized data showing the counties total claims and the local governments shares. Additional data by parcel number was provided and is available upon request.

		REPORT OF TOTAL REDUCTIONS IN TAXES Section 197.3181, Florida Statutes		DR-5003 N. 07/23 Rule 12D-16.002 F.A.C.
Florida Tax Collector	Charlotte	By September 1, 2023, county tax collectors must provide the total tax reductions for all properties that qualified for a refund of taxes for residential improvements rendered uninhabitable by Hurricane Ian or Hurricane Nicole to the Department of Revenue and the governing board of each affected local government. See section (s.) 197.3181, Florida Statutes (F.S.).		
Office Contact	Vickie Potts			
Office Contact Email	Charles Bear			
Report Date	8/16/2023			
Total Number of Qualified Properties		2757		
Total Amount of Refunds Issued		1,955,880.19		
The Department requests copies of the reports required under s. 197.3181, F.S., of the total reduction in local government taxes that occurred from the refunds below:				
Local Government		Total Amount of Taxes Reduced		
Boca Grande Fire		45,003.07		
Board of County Commissioners		1,018,547.73		
City of Punta Gorda		20,548.54		
Charlotte County School Board		849,524.05		
South Florida Water Management		0.22		
SouthWest FL Water Management		25,012.84		
West Coast Inland Navigation		4,360.88		
Provide additional information listing the properties that qualified under s. 197.3181, F.S., for refund:				
Parcel Number	Disaster Event	Refund Amount	Notes	
402118303011	Hurricane Ian	1,184.58		
402118304001	Hurricane Ian	695.69		
402118306001	Hurricane Ian	753.45		
402118377002	Hurricane Ian	325.21		
402118380001	Hurricane Ian	306.68		
402118380009	Hurricane Ian	216.55		
402118383002	Hurricane Ian	175.67		
402119202002	Hurricane Ian	1,031.94		
402119207004	Hurricane Ian	814.58		
402119207007	Hurricane Ian	652.59		
402119207009	Hurricane Ian	497.97		
402119254003	Hurricane Ian	415.47		
402119255009	Hurricane Ian	469.44		
402119279002	Hurricane Ian	565.85		
402119427002	Hurricane Ian	1,892.69		
402119456008	Hurricane Ian	371.76		
402120202006	Hurricane Ian	818.77		
402124178006	Hurricane Ian	71.73		
402124356004	Hurricane Ian	232.46		
402125105002	Hurricane Ian	632.88		
402125177010	Hurricane Ian	299.98		
402125177014	Hurricane Ian	695.91		
402125253006	Hurricane Ian	62.11		
402125253012	Hurricane Ian	523.98		
402126279006	Hurricane Ian	1,340.33		
402127303002	Hurricane Ian	37.46		
402127701001	Hurricane Ian	622.81		
402127701004	Hurricane Ian	372.73		
402127701012	Hurricane Ian	401.63		
402127701033	Hurricane Ian	499.48		
402127701037	Hurricane Ian	223.40		
402127701045	Hurricane Ian	643.11		
402127701053	Hurricane Ian	747.62		
402127701059	Hurricane Ian	643.12		
402127701063	Hurricane Ian	433.26		
402127701065	Hurricane Ian	385.57		
402127701073	Hurricane Ian	1,124.60		
402127701074	Hurricane Ian	864.13		
402127701075	Hurricane Ian	824.68		



REPORT OF TOTAL REDUCTIONS IN TAXES FROM HURRICANE IAN OR HURRICANE NICOLE

Section 197.3181, Florida Statutes

DR-5003

N. 07/23

Rule 12D-16.002

F.A.C.

Effective 07/23

County	DESOTO COUNTY
Tax Collector	DEBRA L BURTSCHER
Office Contact	SUSAN D POOLEY
Office Contact Email	SDPooley@DesotoCountyTax Collector.com
Report Date	8/31/2023

By September 1, 2023, county tax collectors must provide the total tax reductions for all properties that qualified for a refund of taxes for residential improvements rendered uninhabitable by Hurricane Ian or Hurricane Nicole to the Department of Revenue and the governing board of each affected local government. See section (s.) 197.3181, Florida Statutes (F.S.).

Total Number of Qualified Properties	212
Total Amount of Refunds Issued	\$67,829.73

The Department requests copies of the reports required under s. 197.3181, F.S., of the total reduction in local government taxes that occurred from the refunds below:

Local Government	Total Amount of Taxes Reduced
DESOTO COUNTY	\$30,014.69
CO LAW ENFORCEMENT	\$8,761.91
CITY OF ARCADIA	\$2,405.55
SCHOOL LRE	\$15,163.39
SCHOOL DISC	\$10,602.48
SWFLWMD	\$881.71

\$ 67,829.73

Provide additional information listing the properties that qualified under s. 197.3181, F.S., for refund:

Parcel Number	Disaster Event	Refund Amount	Notes
36-37-23-0000-0010-0000	HURRICANE IAN (ALL)	\$ 26.83	
02-38-23-0350-0120-0040		\$ 780.18	
13-38-23-0000-0020-0000		\$ 84.14	
13-38-23-0000-0101-0000		\$ 313.92	
13-38-23-0000-0129-0000		\$ 231.96	
13-38-23-0000-0205-0000		\$ 90.46	
14-38-23-0000-0011-0000		\$ 1,124.98	



REPORT OF TOTAL REDUCTIONS IN TAXES FROM HURRICANE IAN OR HURRICANE NICOLE

Section 197.3181, Florida Statutes

DR-5003
N. 07/23
Rule 12D-16.002
F.A.C.
Effective 07/23

County	HARDEE	By September 1, 2023, county tax collectors must provide the total tax reductions for all properties that qualified for a refund of taxes for residential improvements rendered uninhabitable by Hurricane Ian or Hurricane Nicole to the Department of Revenue and the governing board of each affected local government. See section (s.) 197.3181, Florida Statutes (F.S.).
Tax Collector	APRIL LAMBERT	
Office Contact		
Office Contact Email	A.LAMBERT@HARDEETC.COM	
Report Date	REVISED(08/31/23)	

Total Number of Qualified Properties	52
Total Amount of Refunds Issued	7,932.47

The Department requests copies of the reports required under s. 197.3181, F.S., of the total reduction in local government taxes that occurred from the refunds below:

Local Government	Total Amount of Taxes Reduced
SCHOOL ST LAW	2210.29
SCHOOL LOCAL	1522.39
SWFWMD	93.56
COUNTY	3642.81
CITY OF WAUCHULA	211.6
CITY OF BOWLING GREEN	90.85
CITY OF ZOLFO SPRINGS	160.97

Provide additional information listing the properties that qualified under s. 197.3181, F.S., for refund:

Parcel Number	Disaster Event	Refund Amount	Notes
SEE ATTACHED LIST			



FLORIDA

**REPORT OF TOTAL REDUCTIONS IN TAXES FROM
HURRICANE IAN OR HURRICANE NICOLE**DR-5003
N. xx/xx Rule 12D-16.002
F.A.C.
Effective xx/xx

Section 197.3181, Florida Statutes

County	Highlands	By September 1, 2023, county tax collectors must provide the total tax reductions for all properties that qualified for a refund of taxes for residential improvements rendered uninhabitable by Hurricane Ian or Hurricane Nicole to the Department of Revenue and the governing board of each affected local government. See section (s.) 197.3181, Florida Statutes
Tax Collector	Eric T Zwyer	
Office Contact	Lori Driggers	
Office Contact Email	tcfinops@hctaxcollector.com	
Report Date	8/31/2023	

(F.S.).

Total Number of Qualified Properties	2
Total Amount of Refunds Issued	\$90.31

The Department requests copies of the reports required under s. 197.3181, F.S., of the total reduction in local government taxes that occurred from the refunds below:

Local Government	Total Amount of Taxes Reduced
COUNTY GENERAL	42.55
SCHOOL BOARD	46.56
SWF WATER MGMT DISTRICT	0.69
SOUTH FL WATER MGMT DISTRICT	0.51

Provide additional information listing the properties that qualified under s. 197.3181, F.S., for refund:

Parcel Number	Disaster Event	Refund Amount	Notes
C223428-02004500030	HURRICANE IAN/NICOLE	\$55.43	
C153530-03000L00010	HURRICANE IAN/NICOLE	\$34.88	



FLORIDA

**REPORT OF TOTAL REDUCTIONS IN TAXES FROM
HURRICANE IAN OR HURRICANE NICOLE**DR-5003
N. xx/xx Rule 12D-16.002
F.A.C.
Effective xx/xx

Section 197.3181, Florida Statutes

County	Hillsborough	By September 1, 2023, county tax collectors must provide the total tax reductions for all properties that qualified for a refund of taxes for residential improvements rendered uninhabitable by Hurricane Ian or Hurricane Nicole to the Department of Revenue and the governing board of each affected local government. See section (s.) 197.3181, Florida Statutes
Tax Collector	Nancy C. Millan	
Office Contact	Ashley Conaway	
Office Contact Email	conawaya@hillstax.org	
Report Date	8/8/2023	

(F.S.).

Total Number of Qualified Properties	3
Total Amount of Refunds Issued	\$1,096.65

The Department requests copies of the reports required under s. 197.3181, F.S., of the total reduction in local government taxes that occurred from the refunds below:

Local Government	Total Amount of Taxes Reduced
Childrens Board	26.85
County M.S.T.U.	255.99
County Operating	335.37
Enviornmental land	3.54
Hillsborough County Transit Authority	29.26
Library Service	32.67
Park Bonds-Unincorporated	1.51
Port Authority	4.91
School-Local	161.14
School-State	232.19
Water Management	13.22

Provide additional information listing the properties that qualified under s. 197.3181, F.S., for refund:

Parcel Number	Disaster Event	Refund Amount	Notes
A0381700100/U-24-28-19-ZZZ-000001-34730.0	HURRICANE IAN OR HURRICANE NICOLE	355.64	N/A
A0663826202/U-11-29-20-2A3-000005-00013.0	HURRICANE IAN OR HURRICANE NICOLE	90.73	N/A
A0747436224/U-14-30-20-2PC-000001-00012.0	HURRICANE IAN OR HURRICANE NICOLE	650.28	N/A



REPORT OF TOTAL REDUCTIONS IN TAXES FROM HURRICANE IAN OR HURRICANE NICOLE

Section 197.3181, Florida Statutes

DR-5003

N. 07/23

Rule 12D-16.002

F.A.C.

Effective 07/23

County	Lake	By September 1, 2023, county tax collectors must provide the total tax reductions for all properties that qualified for a refund of taxes for residential improvements rendered uninhabitable by Hurricane Ian or Hurricane Nicole to the Department of Revenue and the governing board of each affected local government. See section (s.) 197.3181, Florida Statutes (F.S.).
Tax Collector	David W. Jordan	
Office Contact	Tina Hasley	
Office Contact Email	Tina.Hasley@laketax.com	
Report Date	8/23/2023	
Total Number of Qualified Properties	3	
Total Amount of Refunds Issued	\$633.43	

The Department requests copies of the reports required under s. 197.3181, F.S., of the total reduction in local government taxes that occurred from the refunds below:

Local Government	Total Amount of Taxes Reduced
LAKE CO SCHOOL BOARD BY STATE LAW	\$ 165.61
LAKE CO SCHOOL BOARD	\$ 152.77
WATER AUTHORITY	\$ 12.53
N LAKE CNTY HOSP	\$ 3.74
ST JOHNS WATER MGMT	\$ 8.02
CITY OF LEESBURG	\$ 30.10
STORMWATER ROADS PARKS	\$ 16.43
AMBULANCE MSTU	\$ 18.81
ENVIRON LAND PURCHASE	\$ 3.73
FIRE MSTU	\$ 17.03
LAKE COUNTY GENERAL	\$ 204.66

Provide additional information listing the properties that qualified under s. 197.3181, F.S., for refund:

Parcel Number	Disaster Event	Refund Amount	Notes
3222261619-000-41900	Hurricane Ian	\$ 192.16	
1223250800-000-00300	Hurricane Ian	\$ 296.03	
19241700-00I-00201	Hurricane Ian	\$ 145.24	



REPORT OF TOTAL REDUCTIONS IN TAXES FROM HURRICANE IAN OR HURRICANE NICOLE

Section 197.3181, Florida Statutes

DR-5003
N. 07/23
Rule 12D-16.002
F.A.C.
Effective 07/23

County	Manatee	By September 1, 2023, county tax collectors must provide the total tax reductions for all properties that qualified for a refund of taxes for residential improvements rendered uninhabitable by Hurricane Ian or Hurricane Nicole to the Department of Revenue and the governing board of each affected local government. See section (s.) 197.3181, Florida Statutes (F.S.).
Tax Collector	Ken Burton Jr.	
Office Contact	Sara Brammer	
Office Contact Email	sarab@taxcollector.com	
Report Date	8/3/2023	
Total Number of Qualified Properties	14	
Total Amount of Refunds Issued	12	

The Department requests copies of the reports required under s. 197.3181, F.S., of the total reduction in local government taxes that occurred from the refunds below:

Local Government	Total Amount of Taxes Reduced
MANATEE COUNTYWIDE OPERATING	\$772.76
TRANSPORTATION TRUST FUND	\$65.09
LIBRARY OPERATIONS	\$39.91
CHILDRENS' SERVICES	\$53.72
ENVIRONMENTAL LANDS	\$24.17
PARKS & RECREATION	\$48.98
UNINCORPORATED MSTU	\$98.47
SCHOOL BOARD REQUIRED EFFORT	\$651.14
SCHOOL BOARD BASIC DISCRETIONARY	\$347.64
SCHOOL BOARD CAPITAL IMPROVEMENT	\$298.33
SOUTHWEST FLA WATER MGMT DISTRICT	\$36.44
MANATEE CTY MOSQUITO CONTROL DIST	\$32.19
WEST COAST INLAND NAVIGATION DIST	\$6.36
SOUTHERN MANATEE FIRE & RESCUE DIST	\$77.18
EAST MANATEE FIRE RESCUE DISTRICT	\$18.19
CEDAR HAMMOCK FIRE CTRL DIST	\$12.45
TOTAL	\$2,583.02



REPORT OF TOTAL REDUCTIONS IN TAXES FROM HURRICANE IAN OR HURRICANE NICOLE

Section 197.3181, Florida Statutes

DR-5003
N. 07/23
Rule 12D-16.002
F.A.C.
Effective 07/23

County	POLK	By September 1, 2023, county tax collectors must provide the total tax reductions for all properties that qualified for a refund of taxes for residential improvements rendered uninhabitable by Hurricane Ian or Hurricane Nicole to the Department of Revenue and the governing board of each affected local government. See section (s.) 197.3181, Florida Statutes (F.S.).
Tax Collector	JOE G. TEDDER	
Office Contact	HILARY STUBOCK	
Office Contact Email	<u>TAXES@POLKTAXES.COM</u>	
Report Date	8/25/2023	

Total Number of Qualified Properties	9
Total Amount of Refunds Issued	2809.47

The Department requests copies of the reports required under s. 197.3181, F.S., of the total reduction in local government taxes that occurred from the refunds below:

Local Government	Total Amount of Taxes Reduced
BOCC	1131.42
SCHOOL BOARD	1019.91
SOUTHWEST FLORIDA WATER MGMT	33.52
CITY OF WINTER HAVEN	463.75
CITY OF AUBURNDALE	110.24
CITY OF FT MEADE	45
EVERGLADES CONSTRUCTION PROJECT	0.74
LAKE REGION LAKES MGMT DIST	2.56
OKEECHOBEE BASIN	2.33

Provide additional information listing the properties that qualified under s. 197.3181, F.S., for refund:

Parcel Number	Disaster Event	Refund Amount	Notes
232919-000000-011650	Hurricane Ian and Hurricane Nicole	9.51	
262924-690595-000270	Hurricane Ian and Hurricane Nicole	1220.23	
263112-000000-034070	Hurricane Ian and Hurricane Nicole	236.99	
232704-000000-043050	Hurricane Ian and Hurricane Nicole	43.65	
252726-300812-000520	Hurricane Ian and Hurricane Nicole	472.58	
242923-288033-000420	Hurricane Ian and Hurricane Nicole	259.62	
253126-440500-011012	Hurricane Ian and Hurricane Nicole	114.95	
293105-000000-023420	Hurricane Ian and Hurricane Nicole	310.8	
262818-551200-000310	Hurricane Ian and Hurricane Nicole	141.14	



REPORT OF TOTAL REDUCTIONS IN TAXES FROM HURRICANE IAN OR HURRICANE NICOLE

Section 197.3181, Florida Statutes

DR-5003
N. 07/23
Rule 12D-16.002
F.A.C.
Effective 07/23

County		By September 1, 2023, county tax collectors must provide the total tax reductions for all properties that qualified for a refund of taxes for residential improvements rendered uninhabitable by Hurricane Ian or Hurricane Nicole to the Department of Revenue and the governing board of each affected local government. See section (s.) 197.3181, Florida Statutes (F.S.).
Tax Collector		
Office Contact		
Office Contact Email		
Report Date		
Total Number of Qualified Properties		
Total Amount of Refunds Issued		

The Department requests copies of the reports required under s. 197.3181, F.S., of the total reduction in local government taxes that occurred from the refunds below:

Local Government	Total Amount of Taxes Reduced

Provide additional information listing the properties that qualified under s. 197.3181, F.S., for refund:

Parcel Number	Disaster Event	Refund Amount	Notes

Local Government	Total Amount of Taxes Reduced
BoCC - Bonds-Debt Service	\$593.39
BoCC - Emergency Medical Services	\$1,979.56
BoCC - General Revenue	\$21,034.10
BoCC - Lighting-East Park	\$23.51
BoCC - Lighting-Englewood	\$30.47
BoCC - Lighting-Nokomis East	\$0.20
BoCC - Lighting-Overbrook Gardens	\$8.70
BoCC - Lighting-Siesta Key	\$0.92
BoCC - Lighting-South Gate Ridge	\$4.96
BoCC - Lighting-South Venice	\$61.81
BoCC - Lighting-Venice Gardens	\$12.87
BoCC - Mosquito Control	\$323.88
BoCC - Navigable Waterways	\$20.13
BoCC - Sarasota Co. Legacy Trl	\$357.05
City of North Port	\$11,493.60
City of Sarasota	\$18.82
City of Sarasota Debt Service	\$1.12
City of Venice	\$1,769.01
City of Venice Debt Service	\$190.44
Sarasota Memorial Hospital	\$6,744.99
Sarasota School Board - State	\$19,581.12
Sarasota School Board - Local	\$21,031.58
Southwest Florida Water Management District	\$1,463.92
Town of Longboat Key Bayside Debt	\$1.29
Town of Longboat Key Debt	\$0.36
Town of Longboat Key General Revenue	\$14.40
West Coast Inland Navigation District	\$256.07

Governing Board Meeting

September 26, 2023

4. RESOURCE MANAGEMENT COMMITTEE

4.1	Discussion: Information Item: Consent Item(s) Moved to Discussion	161
4.2	Discussion: Action Item: Boyd Hill Nature Preserve Project - Increased Funding Request for Construction Bid (W303)	162

RESOURCE MANAGEMENT COMMITTEE

September 26, 2023

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

Staff Recommendation:

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

Presenter:

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

RESOURCE MANAGEMENT COMMITTEE**September 26, 2023****Discussion: Action Item: Boyd Hill Nature Preserve Project - Increased Funding Request for Construction Bid (W303)***Purpose*

Staff requests approval of a budget transfer in the amount of \$196,800 in order to apply a Tampa Bay Estuary Program (TBEP) grant to the Boyd Hill Nature Preserve Project (W303) to cover project cost increase.

Background/History

The Boyd Hill Nature Preserve Project (Project) is a Fiscal Year (FY) 2018 Cooperative Funding Initiative (CFI) project with the City of St. Petersburg to create, restore, and enhance approximately 30 acres of freshwater wetlands and coastal uplands within the City-owned Boyd Hill Nature Preserve. The Board approved the District leading the design and construction with the City reimbursing the District for fifty percent of the cost. The Board originally approved \$900,000 for the design and construction of the project with the District and the City each contributing \$450,000. Subsequently, the District was successful in obtaining a \$200,000 grant from the Tampa Bay Environmental Restoration Fund administered by the Tampa Bay Estuary Program (TBEP) to equally reduce the District and City shares.

Design and permitting are complete. The original budget included \$700,000 for construction. The request for construction bids was advertised on June 2, 2023 and bids were received on July 11, 2023. There was only one responsive bid received that totaled \$926,800. District staff negotiated with the contractor and reduced costs by \$30,000 for a total construction cost of \$896,800. The increase is consistent with the construction market trends observed since the project was approved in FY2018.

Consistent with the CFI Policy, the TBEP grant will cover the \$196,800 project cost increase, and the remaining grant funds will equally reduce the District and City shares. As the lead party, the District budgets the total project costs and the City and TBEP reimburse the District for their shares. This requires a budget transfer to increase the total budget from \$900,000 to \$1,096,800, with the District and City each contributing \$448,400 and \$200,000 from TBEP.

Funds are available for the budget transfer from the Quads Park Habitat Restoration Project (W648), a FY2023 CFI project with Sarasota County and the Conservation Foundation of the Gulf Coast. The project was withdrawn at the request of the cooperators prior to entering into a cooperative funding agreement. The District had budgeted \$478,217 for this project.

Benefit/Costs

The Boyd Hill Nature Preserve Project will create, restore and enhance approximately 30 acres of freshwater wetlands and coastal uplands that ultimately discharge to Tampa Bay, a Surface Water Improvement and Management (SWIM) priority water body. The project is consistent with the objectives of the District's Tampa Bay SWIM plan and the TBEP's Tampa Bay Comprehensive Conservation Management Plan. The project remains cost-effective at \$29,893/acre which is below the historical average.

Staff Recommendation:

1. Approve the budget transfer of \$196,800 from the withdrawn Quads Park Habitat Restoration Project (W648) to the Boyd Hill Nature Preserve Project (W303).
2. Authorize staff to amend the Boyd Hill Nature Preserve Project (W303) cooperative funding agreement to increase the total project budget to \$1,096,800, with the District and City each contributing \$448,400 and \$200,000 from TBEP.

Presenter:

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

Governing Board Meeting
September 26, 2023

5. OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

5.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion.....164

OPERATIONS, LANDS, AND RESOURCE MONITORING COMMITTEE

September 26, 2023

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

Staff Recommendation:

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

Presenter:

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

Governing Board Meeting

September 26, 2023

6. REGULATION COMMITTEE

- 6.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion.....165
- 6.2 **Discussion:** Action Item: Denials Referred to the Governing Board.....166

REGULATION COMMITTEE

September 26, 2023

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

Staff Recommendation:

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

Presenter:

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

REGULATION COMMITTEE

September 26, 2023

Discussion: Action Item: Denials Referred to the Governing Board

District Rule 40D-1.6051, Florida Administrative Code, provides that if District staff intends to deny a permit application, the applicant will be advised of the opportunity to request referral to the Governing Board for final action. Under these circumstances, if an applicant or petitioner requests their application or petition be referred to the Governing Board for final action, that application or petition will appear under this agenda item for consideration. As these items will be presented at the request of an outside party, specific information may not be available until just prior to the Governing Board meeting.

Staff Recommendation:

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

Presenter:

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

Governing Board Meeting
September 26, 2023

7. GENERAL COUNSEL'S REPORT

7.1 **Discussion:** Information Item: Consent Item(s) Moved to Discussion.....167

GENERAL COUNSEL'S REPORT

September 26, 2023

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

Staff Recommendation:

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

Presenter:

Chris Tumminia, General Counsel, Office of General Counsel

COMMITTEE/LIAISON REPORTS

September 26, 2023

Discussion: Information Item: Industrial Advisory Committee

Staff Recommendation:

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

Presenter:

James Holton, Board Member

COMMITTEE/LIAISON REPORTS

September 26, 2023

Discussion: Information Item: Public Supply Advisory Committee

Staff Recommendation:

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

Presenter:

Robert Stern, Board Member

EXECUTIVE DIRECTOR'S REPORT

September 26, 2023

Discussion: Information Item: Executive Director's Report

Staff Recommendation:

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

Presenter:

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

CHAIR'S REPORT

September 26, 2023

Discussion: Information Item: Chair's Report

Staff Recommendation:

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

Presenter:

Ed Armstrong, Chair

CHAIR'S REPORT

September 26, 2023

Discussion: Information Item: Employee Milestones

Staff Recommendation:

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

Presenter:

Ed Armstrong, Chair

Years of Service	Seniority Date	Preferred Full Name	Position Title	Office Location	Bureau	Anniversary Year	Next Milestone
5	09/04/2018	Christin Callahan	Engineering Supervisor	Tampa	Environment Res Perm	2023	09/04/2023
5	09/10/2018	Kara Ramsey	Staff Field Technician	Tampa	Data Collection	2023	09/10/2023
10	09/30/2013	Katie Carswell	Compliance Inspector 5	Brooksville	Regulatory Support	2023	09/30/2023
15	09/02/2008	Jeremy McKay	Video Production Engineer	Brooksville	Commun Board Svc	2023	09/02/2023
25	09/21/1998	Ray Strickland	Senior Heavy Equipment Operator	Brooksville	Operations	2023	09/21/2023

CHAIR'S REPORT

September 26, 2023

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

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

After the September Governing Board meeting, each board member will have an opportunity to complete a separate performance input form for the executive director and the inspector general reflecting that Governing Board member's assessment of the employee's performance for the year. Those forms should be provided to Human Resources Office Chief, Teresa Jepma by October 10th. In accordance with Board Policy 710-2, the Human Resources Office shall compile and distribute a *Performance Evaluation Summary* from the forms submitted by the individual members.

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

Staff Recommendation:

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

Presenter:

Ed Armstrong, Chair