



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

September 14, 2023

2:00 PM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

FINAL

1. Call to Order - Chauncey Goss, Chairman, Governing Board
2. Pledge of Allegiance
3. Employee Recognitions
 - September Employee of the Month: Alexandra Onisko, Invasive Species Biologist Senior
 - September Team of the Month: Lower West Coast Hydrogeology Update Team
 - 25-Year Service Award: Akin Owosina, Bureau Chief - Hydrology and Hydraulics
4. Agenda Revisions
5. Agenda Item Abstentions by Board Members
6. Consider Approval of the Minutes for the August 17, 2023 Meeting
7. Executive Director's Report - Drew Bartlett
8. General Public Comment
9. Board Comment
10. Move Consent Agenda Items to Discussion Agenda

11. Public Comment on Consent Agenda Items
12. Board Vote on Consent Agenda

Consent Agenda

13. Exchange Agreement with Florida Power & Light Company, C-23/C-24 North Reservoir Component of the Indian River Lagoon - South Project, St. Lucie County (Staff contact, Ray Palmer)

Agenda Item Background:

The District, together with the United States Army Corps of Engineers, is commencing the construction process for implementation of the C-23/C-24 North Reservoir Component of the Indian River Lagoon - South Project. The Project Component requires electrical power lines to convey power to District structures. Pursuant to an Exchange Agreement between Florida Power & Light Company (FPL) and the District, in exchange for FPL's removal of certain existing electrical power line improvements and termination of associated easement interests within the Project Component, the District will convey to FPL a new utility easement within the Project Component that will service the District structures. The Exchange Agreement provides that for the purposes of the exchange, the value of the new utility easement is equal to the value of the terminated easement interests.

Recommended Action:

Resolution No. 2023 - 0901 Approve surplus for exchange and conveyance to Florida Power & Light Company easement interests encumbering 2.27 acres, more or less, in exchange for Florida Power & Light Company terminating existing easement interests within the Indian River Lagoon - South Project, C-23/C-24 North Reservoir Component, located in St. Lucie County.

[Resolution No. 2023-0901](#)

[Resolution Exhibit "A" Map](#)

14. Release of Reservations (Staff contact, Ray Palmer)

Agenda Item Background:

The District has certain reserved rights to construct canal right of ways. Applications requesting release of these reservations are received as they constitute a defect on title which must be resolved prior to a property sale, especially when financing is involved. Applications are reviewed to determine if there is a present or future need for the reservations. If it has been determined there is no present or future need, staff recommend that the reservations are released for payment of a value equal to one percent of the appraised value of the land on the Property Appraiser's website in the County where the property is located.

Additional Item Background:

It has been determined that there is no present or future need for the reservations listed below, therefore staff recommends approval of the following:

Broward County

Release District canal reservations for Woodlands Fund Holdings, LP, a Delaware limited partnership (File No. 18934) for 1.01 +/- acre; release value of \$5,288.90 has been paid.

Recommended Action:

Resolution No. 2023 - 0902 Release District canal reservations.

[Memorandum Exhibit A](#)

[Resolution No. 2023-0902](#)

[Resolution Exhibit A](#)

[Maps](#)

15. PBD Training Corp., Equestrian Lease, Palm Beach County (Staff contact, Ray Palmer)

Agenda Item Background:

Staff is seeking Governing Board authorization to issue an equestrian lease for lands located in Palm Beach County for ten years. The District received one bid in response to the solicitation. After review, PBD Training Corp. was the sole responsive and responsible bidder. The lease has a provision for termination by the District for convenience of 180 days. The approximate annual revenue will be \$185,000.

Recommended Action:

Resolution No. 2023 - 0903 Authorize entering into a ten-year equestrian lease with PBD Training Corp., on 97.01 acres, more or less, in Palm Beach County. (Contract No. 4600004846)

[Resolution No. 2023-0903](#)

[Resolution Exhibit "A"](#)

16. Adoption of the 2022 Broward County Enhanced Local Mitigation Strategy (ELMS) Plan (Staff contact, Carolina Maran)

Agenda Item Background:

The purpose of the Broward County Local Mitigation Strategy (LMS) is to develop and execute an ongoing methodology for reducing the community's vulnerability to natural, technological, and human caused hazards (i.e., hurricanes, tornados, wildfires, thunderstorms, marine hazards, floods, man-made hazards, lightning, etc.) and to identify a comprehensive list of goals, objectives, plans, programs and/or projects in an effort to decrease or eliminate the effects of those vulnerabilities. The LMS provides a rational, managed basis for considering and prioritizing mitigation options, and for developing and executing sound, cost-effective mitigation projects. The LMS provides a basis for justifying the solicitation and use of local, state, and federal funding sources to support hazard mitigation projects and initiatives. Formal adoption of the 2022 ELMS Plan by the District's Governing Board is required to receive federal hazard mitigation grant program funding, administered by the Federal Emergency Management Agency (FEMA), to the District's projects in Broward County. There is no cost for the District associated with the formal adoption of this plan.

Recommended Action:

Resolution No. 2023 - 0904 Adopt the 2022 Broward County Enhanced Local Mitigation Strategy Plan for the purpose of hazard mitigation funding eligibility;

effective July 31, 2023.

[Resolution No. 2023-0904](#)

17. Geographic Information Systems Software Enterprise Agreement (Staff contact, Duane Piper)

Agenda Item Background:

The Environmental Systems Research Institute (Esri) geographic information systems (GIS) software allows the District to manage, deliver, and analyze spatial data and provide map-based applications supporting District programs. For example, the enterprise GIS software provides tools to map and print permit exhibits, visualize water operations alerts, track missions during emergency operations, and map and analyze invasive species. In addition, desktop and web-based tools are provided to District staff for ad hoc spatial analysis. The GIS software provides tools to visualize data that are not possible with other software.

This request is to authorize amending a geographical information systems software enterprise license agreement with Environmental Systems Research Institute, for an additional three years in the amount of \$1,611,285 for a revised contract total of \$2,952,786. Esri is the only manufacturer of this proprietary software which has been used to create many map-based products, applications, and business workflows that are used daily at the District and is the same Esri software used by all partnering State government agencies; therefore, this contract will be executed through a special procurement under Section 155-6, South Florida Water Management District's Policies and Procedures. This policy provides that licensing, warranty, compatibility requirements that limit the selection to the manufacturer, including purchases of parts, repairs or maintenance services from the original equipment manufacturer, seller or authorized repair facility are exempt from competition.

Recommended Action:

Resolution No. 2023 - 0905 Authorize amending a contract with Environmental Systems Research Institute extending the enterprise license agreement for three years, and increasing the amount \$1,611,285, for a revised contract total of \$2,952,786 for geographic information systems software, for which \$537,095 of Ad Valorem funds are subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004297-A01)

[Resolution No. 2023-0905](#)

18. Cisco Systems Network Hardware Maintenance (Staff contact, Duane Piper)

Agenda Item Background:

Presidio Technology Capital, LLC will provide a three-year support contract for the Cisco Systems network hardware. By executing a three-year contract for hardware maintenance, the District locks in the pricing and is protected from annual price increases for the next three years. This network hardware supports the Supervisory Control and Data Acquisition and internal networks, our ability to monitor and control water levels, internet connectivity, the telephone system, and connections between all District offices and microwave network sites.

This request is to enter into a three-year contract with Presidio Technology Capital, LLC for Cisco Systems network hardware maintenance in the amount of \$845,424, using the National Association of State Procurement Officials ValuePoint Contract Number 43220000-NASPO-19-ACS. This contract was competed by another government agency.

Recommended Action:

Resolution No. 2023 - 0906 Authorize entering into a three-year contract with Presidio Technology Capital, LLC for network hardware maintenance, using the National Association of State Procurement Officials ValuePoint Contract Number 43220000-NASPO-19-ACS, in the amount of \$845,424 for which \$281,808 of Ad Valorem funds are subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004855)

[Resolution No. 2023-0906](#)

19. SAP Technical Resources (Staff contact, Duane Piper)

Agenda Item Background:

This item is for two resources to provide SAP S/4 expertise to design, code, configure, and implement SAP business support solutions and code management. In addition to providing daily operational support, these resources will assist with future software implementations.

This request is to amend Purchase Order Number 4500121605 with Digital Intelligence Systems LLC extending the services for four years, annually renewable, and increasing the amount by \$1,695,120 for a revised purchase order total of \$2,924,600 for two SAP technical resources, using the State of Florida Information Technology Staff Augmentation Services Contract Number 80101507-22-STC-ITSA. This contract was competed by another government agency.

Recommended Action:

Resolution No. 2023 - 0907 Authorize an amendment to Purchase Order Number 4500121605 with Digital Intelligence Systems LLC extending the services for four years, renewable annually, and increasing the amount of the purchase order by \$1,695,120 for a revised purchase order total of \$2,924,600 for two SAP technical resources, using the State of Florida Information Technology Staff Augmentation Services Contract Number 80101507-22-STC-ITSA, for which \$423,360 in Ad Valorem funds is subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and the remainder is subject to Governing Board approval of future years budgets. (Purchase Order Number 4500121605)

[Resolution No. 2023-0907](#)

20. Approve the District's 2023/2024 Annual Regulatory Plan and Authorize Publication of Notices of Rule Development (Staff contact, Maricruz R. Fincher)

Agenda Item Background:

Florida law requires agencies to complete an annual regulatory plan to inform the Legislature and the public of agency rulemaking. The District's Governing Board and

General Counsel must certify that they reviewed the plan and that the District regularly reviews its rules to determine if the rules remain consistent with the agency's rulemaking authority and the laws implemented by the agency's rules. The District must submit its certification along with the plan to the Joint Administrative Procedures Committee each year. The District publishes notice of the plan in the Florida Administrative Register and provides notice and access to the plan on its website for 10 years after the date of initial publication. In the plan, there are non-substantive changes proposed for several rules to ensure congruity with statutory authority and state-wide rules. Therefore, staff requests approval to publish Notices of Rule Development for those rules, specifically, Rules 40E-1.602, 40E-1.6058, 40E-1.659, 40E-1.715, 40E-2.091, 40E-2.101, 40E-7.216 and 40E-7.217, F.A.C.

Recommended Action:

Resolution No. 2023 - 0908 Certify to the Joint Administrative Procedures Committee that the Governing Board and General Counsel reviewed the District's 2023/2024 Annual Regulatory Plan and that the District reviewed its rules to determine if the rules remain consistent with the District's rulemaking authority and the laws implemented.

Authorize publication of Notices of Rule Development to clarify or update several rules listed on the Regulatory Plan, specifically Rules 40E-1.602, 40E-1.6058, 40E-1.659, 40E-1.715, 40E-2.091, 40E-2.101, 40E-7.216 and 40E-7.217, F.A.C.

[Resolution No. 2023-0908](#)
[2023-2024 Regulatory Plan](#)
[JAPC Certification](#)
[40E-1 Notice of Rule Development](#)
[40E-2 Notice of Rule Development](#)
[40E-7 Notice of Rule Development](#)

21. Governing Board Concurrence on Emergency Orders 2023-041-DAO and 2023-042-DAO and Termination Order SFWMD 2023-046-DAO (Staff contact, Maricruz R. Fincher)

Agenda Item Background:

The District issued Emergency Orders Nos 2023-041-DAO and 2023-042-DAO on August 28 and 29, 2023, to prepare for and respond to Hurricane Idalia. Both Emergency Orders temporarily closed District lands that Hurricane Idalia may have impacted to ensure the health, safety, and welfare of the community during and after the storm. After the storm, District staff ensured that the temporarily closed District lands were safe for the public, and the District issued Order No. 2023-046-DAO on August 30, 2023, terminating the Emergency Orders and reopening the District lands. This item requests the Governing Board's concurrence with the issuance of Emergency Orders 2023-041-DAO, 2023-042-DAO, and 2023-046-DAO in accordance with section 373.119(2) of the Florida Statutes.

Recommended Action:

Resolution No. 2023 - 0909 Concur with the Executive Director's issuance of Emergency Orders SFWMD 2023-041-DAO, SFWMD 2023-042-DAO, and SFWMD 2023-046-DAO, to protect the public health, safety, and welfare due to Hurricane

Idalia.

[Resolution No. 2023-0909](#)
[Emergency Order 2023-041-DAO](#)
[Emergency Order 2023-042-DAO](#)
[Order 2023-046-DAO](#)

22. Janitorial Services for the South Florida Water Management District Headquarters (Staff contact, Candida Heater)

Agenda Item Background:

This request is to authorize entering into an agreement and funding for a 3-year contract with two 1-year renewal options with Zaharaly Cleaners, Inc., for the janitorial services for the South Florida Water Management District Headquarters located in Palm Beach County. This contract is necessary to continue janitorial services for the South Florida Water Management District Headquarters once the current contract expires October 31, 2023. The contract provides professional cleaning service equipped with the necessary staffing, tools, and formalized cleaning procedures and practices that result in sanitary, well-maintained office facilities. The scope of this contract provides these services at the District's Headquarters campus that includes three office buildings, the District's Emergency Operations Center, offices in a warehouse building, and the support building for a microwave antenna onsite, encompassing a total of 278,470 square feet.

The search for a suitable janitorial contractor service provider was solicited by District procurement procedures using the competitive bid process that resulted in Zaharaly Cleaners, Inc. being the lowest responsive responsible bidder and met all minimum requirements as a janitorial services provider at the South Florida Water Management District Headquarters.

Recommended Action:

Resolution No. 2023 - 0910 Authorize entering into a contract with Zaharaly Cleaners, Inc. to provide janitorial services at South Florida Water Management District Headquarters, Palm Beach County for a 3-year contract with two 1-year renewal options in an amount not to exceed \$1,461,115, for which \$267,872 of Ad Valorem funds are subject to the Governing Board approval of the Fiscal Year 2023-2024 budget and the remainder is subject to Governing Board approval of future year budgets. (Contract No. 4600004850)

[Resolution No. 2023-0910](#)

23. Authorize the Executive Director or Designee to Request the Florida Department of Environmental Protection to Release and Transfer Funds to the District Everglades Trust Fund (Staff contact, Candida Heater)

Agenda Item Background:

The annual Florida Legislative Session concludes with the approval of the General Appropriations Act, the law providing Florida with annual funding to operate. The Governor signed into the Laws of Florida, Chapter 2023-239 Senate Bill No. 2500 General Appropriations Act (GAA). Within includes Specific Appropriation 1685 Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay Everglades Restoration that included \$64,000,000 in recurring funds from the Land

Acquisition Trust Fund to transfer to the Everglades Trust Fund within the South Florida Water Management District pursuant to section 375.041(3)(b)4., Florida Statutes. This resolution advises the Secretary of the Florida Department of Environmental Protection of the appropriations and authorizes the Executive Director of the South Florida Water Management District, or Designee to request the transfer of funds.

Recommended Action:

Resolution No. 2023 - 0911 Approve a Resolution of the Governing Board of the South Florida Water Management District recognizing from Chapter 2023-239 Senate Bill No. 2500 General Appropriations Act (GAA) Specific Appropriation 1685 as enacted by the Legislature of the State of Florida authorizing the Executive Director of the South Florida Water Management District, or Designee to request the Florida Department of Environmental Protection to release and transfer \$64,000,000 to the District Everglades Trust Fund Pursuant to Section 375.041(3)(b)4., Florida Statutes.

[Resolution No. 2023-0911](#)

24. Request for Right of Way Occupancy Permit (Staff contact, Rich Virgil)

Agenda Item Background:

Collier County Transportation Engineering Division (Applicant) requests approval of Standard Right of Way Occupancy Permit Number 16774-R (ROW Permit) to construct a bridge over the Golden Gate Main Canal for the extension of 16th Street N.E. which presently terminates at the canal. The work will also include rip-rap bank stabilization and four drainage culverts. Applicant requests a waiver of District criteria to construct the bridge with a vertical clearance of 2.3 feet in lieu of the required 4.0 feet above the design water surface elevation, resulting in a waiver of 1.7 feet. The County asserts that raising the bridge to meet District criteria would require reconstruction of the existing roadways for a distance of approximately 260 feet on each side of the canal. If approved, the reduced vertical clearance will not interfere with or adversely impact the District's routine or emergency operations, maintenance, or future construction activities.

Recommended Action:

Approve issuance of Standard Right of Way Occupancy Permit Number 16774-R and the associated petition for waiver to minimum required vertical clearance (Application No. 230501-38473).

[Backup Document](#)

25. Enhanced Law Enforcement Patrol on District Lands (Staff contact, Rich Virgil)

Agenda Item Background:

In March 1999, the District entered into a 25-year cooperative agreement with the Florida Fish and Wildlife Commission (FWC) to patrol and provide law enforcement services on fourteen specific District properties. The purpose of these patrols is and has been to enforce Rule 40E-7, Florida Administrative Code, which is the District's Public Use Rule, and State and Federal Rules and regulations pertaining to resource protection, access, and public use on District lands. These patrols have been effective in addressing and preventing illegal activities such as target shooting, dumping,

unauthorized vehicle use, illegal taking of wildlife, and vandalism on District property. The services provided under this agreement include providing law enforcement patrols and special details on District lands that FWC could not otherwise provide due to staffing limitations and competing priorities for environmental law enforcement support. Since 1999, the agreement has been amended numerous times for matters including the Statement of Work, funding, and the addition of lands as they opened for public use and activities.

The current agreement will expire on March 11, 2024. The last full year of funding for this agreement ends on September 30, 2023. To maximize efficiency, we are seeking to consolidate the beginning of the new agreement with the beginning of the Fiscal Year 2023-2024 budget year. Accordingly, District staff seek the Board's approval to restate and replace the District's expiring agreement with FWC by approving a new 25-year agreement. The new agreement will include the funding necessary for the first three years of the agreement.

Recommended Action:

Resolution No. 2023 - 0912 Authorize the execution of a 25-year Cooperative Agreement No. 4600004719 with the Florida Fish and Wildlife Conservation Commission to provide law enforcement service on District lands and to provide funding for the first 3 years of the contract (Fiscal Year 2023-2024 thru Fiscal Year 2025-2026) for law enforcement services on District acquired lands in an amount not-to-exceed \$1,716,883.

[Resolution No. 2023-0912](#)

26. S-6 Pump Station Bridge Project, Palm Beach County (Staff contact, Lucine Dadrian)

Agenda Item Background:

As part of the Operations and Maintenance Capital Improvement Program, the S-6 Pump Station Bridge Project consists of constructing a bridge crossing to support the future construction of the new G-6A Pump Station for Stormwater Treatment Area (STA)-2 and the refurbishment of the existing S-6 Pump Station on the L-15 Canal.

The intake of the new G-6A Pump Station will draw water from the L-15 Canal via the existing Spur Canal. Currently, a box culvert provides access over the Spur Canal to the S-6 Pump Station. The District is proposing to replace this box culvert with a bridge and widen the channel of the Spur Canal to significantly increase its flow capacity.

The plan is to construct a new (one-lane HL-93) four-span bridge over the Spur Canal and excavate a portion of the Spur Canal to the specified design cross section in the immediate vicinity of the bridge. The new bridge will be designed in accordance with Florida Department of Transportation Plans Preparation Manual and Structure Design Guidelines that incorporate American Association of State Highway Transportation Officials Load Resistance Factor Bridge Design Specifications.

The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids procurements, this item was competitively bid through a sealed bid process.

Recommended Action:

Resolution No. 2023 - 0913 Authorize entering into a 600-day contract with Cone & Graham, Inc., the lowest responsive and responsible bidder for the S-6 Pump Station Bridge Project, in the amount of \$3,725,497.02, for which \$300,000.00 in Ad Valorem funds are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets. (Contract No. 4600004778)

[Resolution No. 2023-0913
Backup Document](#)

27. Design Build for the Clewiston Field Station Relocation Project (Staff contact, Lucine Dadrian)

Agenda Item Background:

The Clewiston Field Station Relocation, located in Hendry County, consists of the design and construction of a new Clewiston Field Station. The new facility will be located on District land located in Hendry County. The existing Field Station has reached the end of its useful life and requires replacement with facilities that meet current code requirements and facility needs.

The new facility will consolidate and centrally locate the works and services provided in support of the District's mission for existing infrastructure operations as well as support new infrastructure that are in design and construction in the CERP, CEPP, NEEPP and Restoration Strategies programs. They include critical projects such as the C-43 Caloosahatchee Reservoir, A2 STA and Reservoir, Boma FEB, Lake Hicpochee FEB Phase 1 and 2, C-139 FEB, and CEPP North Features.

The District is using the Progressive Design/Build procurement method to work in collaboration with the Design/Builder from the conceptual phase through construction phase. The current Contract provides for the Design/Builder to deliver the Phase One Services Technical Exhibits through Intermediate Design (60%). The District chooses to make modifications to the design beyond the Intermediate Design, and the Design/Builder shall be compensated for such advancement as Additional Services. Amendment 5 advances the Technical Exhibits Final Design (90%) and Corrected Final Design/RTA (100%) under the Phase One Services and removes that work from Phase Two (construction).

Recommended Action:

Resolution No. 2023 - 0914 Authorize an amendment to the design/build contract with State Contracting and Engineering Corporation, for the Phase One Services advancement of the design to 100% for the Clewiston Field Station Building Relocation project in an amount not-to-exceed \$1,147,308.00, for which \$1,147,308.00 in dedicated funds (Land Acquisition Trust Fund) is subject to Governing Board approval of Fiscal Year 2023-2024 Adopted Budget. (Contract No. 4600004535-A05)

[Resolution No. 2023-0914](#)

Discussion Agenda

28. C-43 Reservoir (Staff contact, Lucine Dadrian)

Agenda Item Background:

The Comprehensive Everglades Restoration Plan (CERP) will restore and improve freshwater deliveries to the natural system and provide water for other related needs of the system. The C-43 West Basin Storage Reservoir was approved by Congress in 2014 and provides 170,000 acre-feet of water storage to improve ecological conditions in the Caloosahatchee River and Estuary. The reservoir will capture excess water in the river originating from local run-off and Lake Okeechobee, reducing discharges to the Caloosahatchee River and Estuary.

The Bid Package 4 Civil Works project (BP4) is the last remaining construction package to complete the 170,000-acre-foot reservoir by constructing the earthen embankment dam, multiple water control structures, bridges, perimeter canal, maintenance and access roads, an irrigation pump station, and recreation access features. In March 2019, the District contracted with a contractor to build the BP4. The contractor did not adhere to the contract's required schedule, which set forth a mandatory substantial completion date and final completion date. The contractor also refused to make the necessary changes to get back on schedule or prevent further delay. As a result, the District terminated the contractor for defaulting on the contract. The District is proceeding with construction of BP4.

Staff to provide a project update and seek authorization for additional budgetary authority in the amount of \$104,500,000 in furtherance of completing construction of BP4.

Recommended Action:

Resolution No. 2023 - 0915 Authorize additional budgetary authority in the amount of \$104,500,000 to complete construction of the C-43 Caloosahatchee Basin Storage Reservoir.

[Resolution No. 2023-0915](#)

Technical Reports

29. Water Conditions Report - John P. Mitnik
30. Ecological Conditions Report - Lawrence Glenn

Staff Reports

31. Monthly Financial Report - Candida Heater, Division Director - Administrative Services
32. General Public Comment
33. Board Comment
34. Adjourn

Final presentations for item numbers 28, 29, and 30, and NEEPP Project Update

Agenda Item Background:

- 28 Dadrian C43 Caloosahatchee Reservoir
- 29 Mitnik Water Conditions Report
- 30 Glenn Ecological Conditions Report
- NEEPP Project Update

Public Comment Procedure

The South Florida Water Management District Governing Board encourages the public to provide comment and input to the Governing Board. Public comment is accepted at the two dedicated General Public Comment periods at the beginning and the end of the meeting. Public comment is also accepted on the Consent Agenda and each Discussion Agenda item.

MEMORANDUM

TO: Governing Board Members

FROM: Ray Palmer, Real Estate

DATE: September 14, 2023

SUBJECT: Exchange Agreement with Florida Power & Light Company, C-23/C-24 North Reservoir Component of the Indian River Lagoon - South Project, St. Lucie County

Agenda Item Background:

The District, together with the United States Army Corps of Engineers, is commencing the construction process for implementation of the C-23/C-24 North Reservoir Component of the Indian River Lagoon - South Project. The Project Component requires electrical power lines to convey power to District structures. Pursuant to an Exchange Agreement between Florida Power & Light Company (FPL) and the District, in exchange for FPL's removal of certain existing electrical power line improvements and termination of associated easement interests within the Project Component, the District will convey to FPL a new utility easement within the Project Component that will service the District structures. The Exchange Agreement provides that for the purposes of the exchange, the value of the new utility easement is equal to the value of the terminated easement interests.

Additional Item Background:

Core Mission and Strategic Priorities:

As a part of the CERP Indian River Lagoon - South Project, the C-23/C-24 North Reservoir Component, located in St. Lucie County, will assist with the reduction of harmful discharges to the southern portion of the Indian River Lagoon and St. Lucie River and Estuary. The C-23/C-24 North Reservoir component supports the District's core mission of ecosystem restoration and water quality improvement. The C-23/C-24 North Reservoir will be comprised of an approximately 2,438-acre reservoir capable of storing approximately 30,000 acre/feet of water and will allow stormwater originating in the C-23 and C-24 basins to be directed into the C-23/C-24 STA to be treated before returning to the C-23 or C-24 canals to reclaim storage capacity or meet a water supply demand.

Funding Source:

As this is an even exchange, there is no purchase price to fund. The only closing costs the District will incur will be for recording the easement instrument.

Staff Contact and/or Presenter:

Ray Palmer, rpalmer@sfwmd.gov, 561-682-2246

ATTACHMENTS:

[Resolution No. 2023-0901](#)

Resolution Exhibit "A" Map

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023- 09XX

A Resolution of the Governing Board of the South Florida Water Management District approving surplus for exchange and conveyance to Florida Power & Light Company easement interests encumbering 2.27 acres, more or less, in exchange for Florida Power & Light Company terminating existing easement interests within the Indian River Lagoon - South Project, C-23/C-24 North Reservoir Component, located in St. Lucie County; providing an effective date.

WHEREAS, the Indian River Lagoon - South Project, C-23/C-24 North Reservoir Component (“Project Component”), located in St. Lucie County, will assist with the reduction of harmful discharges to the southern portion of the Indian River Lagoon and St. Lucie River and Estuary; and

WHEREAS, the District is currently implementing the Project Component, which includes the construction of electrical power lines to convey power to District structures; and

WHEREAS, the District is authorized to exchange lands, or interests or rights in lands, pursuant to Section 373.089, Florida Statutes; and

WHEREAS, the District desires to enter into an Agreement for Exchange of Real Property Interests (“Exchange Agreement”) whereby the District will convey easement interests containing 2.27 acres, more or less, (the “New Easement Interest”), in exchange for FPL removing certain existing electrical power line improvements and terminating any applicable easement interests of FPL (“Terminated Easement Interests”), all as shown on Exhibit “A”; and

WHEREAS, the Exchange Agreement provides that for purposes of the exchange the value of the New Easement Interest is equal to the value of the Terminated Easement Interests; and

WHEREAS, the Governing Board has determined that it is in the public interest to declare the New Easement Interest surplus; and

WHEREAS, pursuant to Section 373.089(6), Florida Statutes, the Governing Board shall be required, by at least a two-thirds majority, to make a determination that the New Easement Interest is consistent with conservation purposes.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District

hereby approves declaring surplus for exchange and conveyance to Florida Power & Light Company easement interests encumbering 2.27 acres, more or less, in exchange for Florida Power & Light Company removing certain existing electrical power line improvements and terminating any applicable easement interests of Florida Power & Light Company, as identified in the attached Exhibit "A", all within the Indian River Lagoon - South Project, C-23/C-24 North Reservoir Component. The value of the Terminated Easement Interests is deemed equal to the value of the New Easement Interest for purposes of the exchange.

New Easement Interest

Owner	Tract No.	Interest	Acres
South Florida Water Management District	KE10E-094	Electrical Utility Easement	2.27

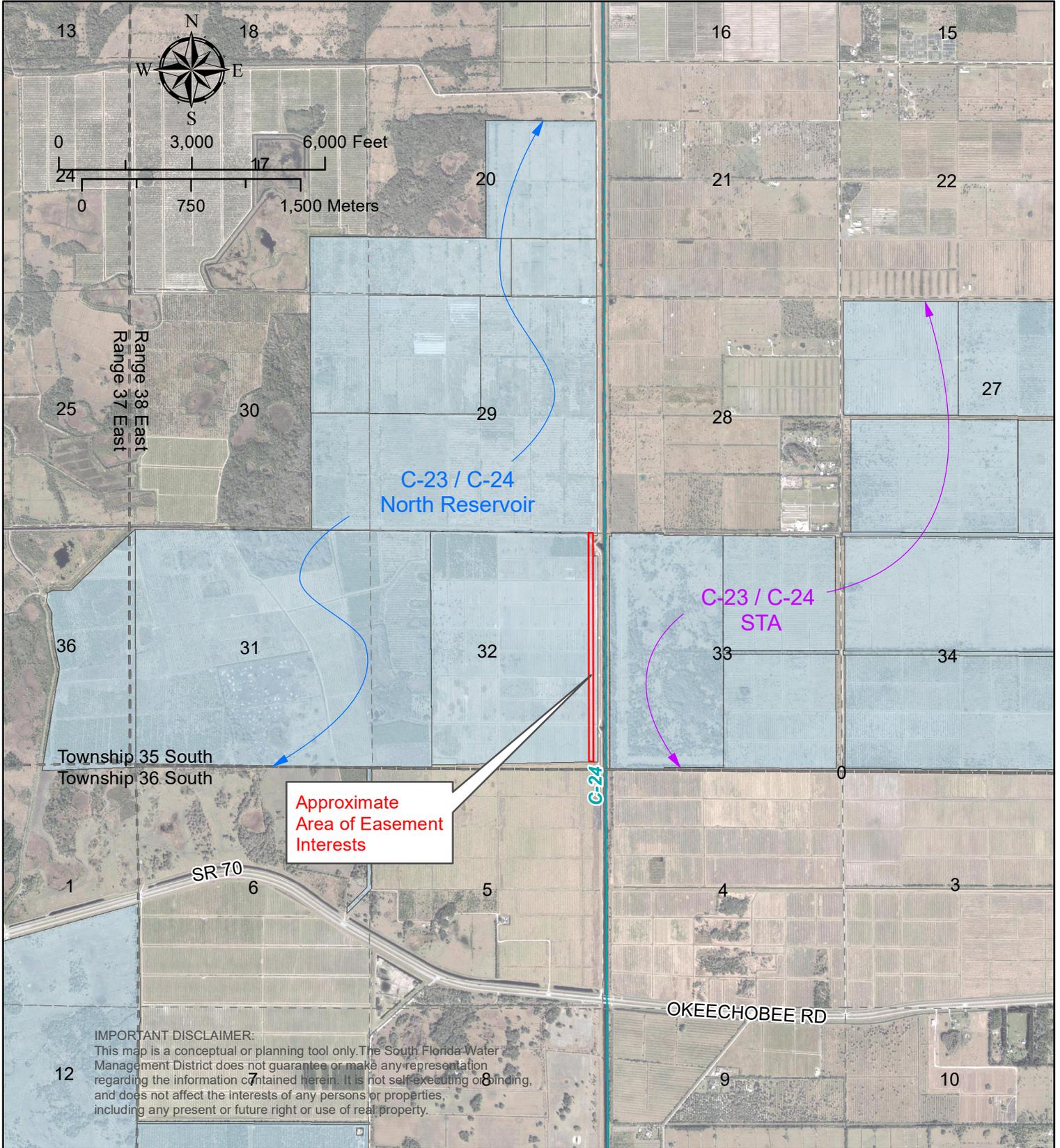
Section 2. Consistent with the requirements of Section 373.089(6), Florida Statutes, as the conveyance of the New Easement Interest supports and is needed for the implementation of the Indian River Lagoon - South Project, C-23/C-24 North Reservoir Component, the Governing Board hereby determines that the New Easement Interest is no longer needed for conservation purposes, and this Resolution was approved by the Governing Board by at least a two-thirds vote.

Section 3. The Governing Board hereby authorizes the Chairman or Vice Chairman to execute the Exchange Agreement and any instrument(s) of conveyance required to consummate the transaction contemplated therein. The Governing Board hereby authorizes the Executive Director or the Executive Director’s designee to make any determination in connection with the transaction and execute all other documents necessary to consummate this transaction.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of September, 2023.

Exhibit "A"





IRL South C23 / C24 North Reservoir St. Lucie County



South Florida Water Management District
 3301 Gun Club Rd, West Palm Beach, FL 33406
 (561) 686-8800; www.sfwmd.gov

BASE CREDITS:
 • Base map from South Florida Water Mgmt. District, February 2023
 • State Plane Projection, Florida East Zone, NAD 83-HARN, US feet
 • St. Lucie 2021 6IN Aerial

MEMORANDUM

TO: Governing Board Members
FROM: Ray Palmer, Real Estate
DATE: September 14, 2023
SUBJECT: Release of Reservations

Agenda Item Background:

The District has certain reserved rights to construct canal right of ways. Applications requesting release of these reservations are received as they constitute a defect on title which must be resolved prior to a property sale, especially when financing is involved. Applications are reviewed to determine if there is a present or future need for the reservations. If it has been determined there is no present or future need, staff recommend that the reservations are released for payment of a value equal to one percent of the appraised value of the land on the Property Appraiser's website in the County where the property is located.

Additional Item Background:

It has been determined that there is no present or future need for the reservations listed below, therefore staff recommends approval of the following:

Broward County

Release District canal reservations for Woodlands Fund Holdings, LP, a Delaware limited partnership (File No. 18934) for 1.01 +/- acre; release value of \$5,288.90 has been paid.

Additional Item Background:

See Memorandum Exhibit "A" and maps attached hereto and made a part hereof, which contains the details and location of the release to be issued.

Core Mission and Strategic Priorities:

Pursuant to Section 373.096 of the Florida Statutes, the Governing Board of the District may release any reservation for which it has no present or apparent use under terms and conditions determined by the Board.

Staff Contact and/or Presenter:

Ray Palmer, rpalmer@sfwmd.gov, 561-682-2246

ATTACHMENTS:

[Memorandum Exhibit A](#)

[Resolution No. 2023-0902](#)

Resolution Exhibit A

Maps

MEMORANDUM - EXHIBIT "A"

Broward County

File No: 18934
Applicant: Woodlands Fund Holdings, LP, a Delaware limited partnership
Reserving Deed: E-590 (DB 10-74, 8/12/1919)
Application Fee Paid: \$250.00
Release Value: \$5,288.90 (paid)
Action: Release District canal reservations
Acres: 1.01 acre, more or less
Legal Description: Portion of Tract 16, FORT LAUDERDALE TRUCK FARMS
SUBDIVISION, PB 4-31, Section 14, Township 49 South, Range 41 East
Location: 4431 Rock Island Road, Tamarac, Broward County
Reviewed By: No routing due to size

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 09XX

A Resolution of the Governing Board of the South Florida Water Management District to release District canal reservations; providing an effective date.

WHEREAS, the applicant has requested that the South Florida Water Management District release certain District canal reservations; and

WHEREAS, the District is empowered to grant such release pursuant to Section 373.096, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby approves the release of District canal reservations, as described in Resolution Exhibit "A" attached hereto and made a part hereof.

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of September, 2023.

RESOLUTION - EXHIBIT "A"

Broward County

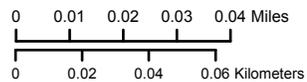
File No: 18934
Applicant: Woodlands Fund Holdings, LP, a Delaware limited partnership
Reserving Deed: E-590 (DB 10-74, 8/12/1919)
Release Value: \$5,288.90 (paid)
Action: Release District canal reservations
Acres: 1.01 acre, more or less
Legal Description: Portion of Tract 16, FORT LAUDERDALE TRUCK FARMS
SUBDIVISION, PB 4-31, Section 14, Township 49 South, Range 41 East
Location: 4431 Rock Island Road, Tamarac, Broward County



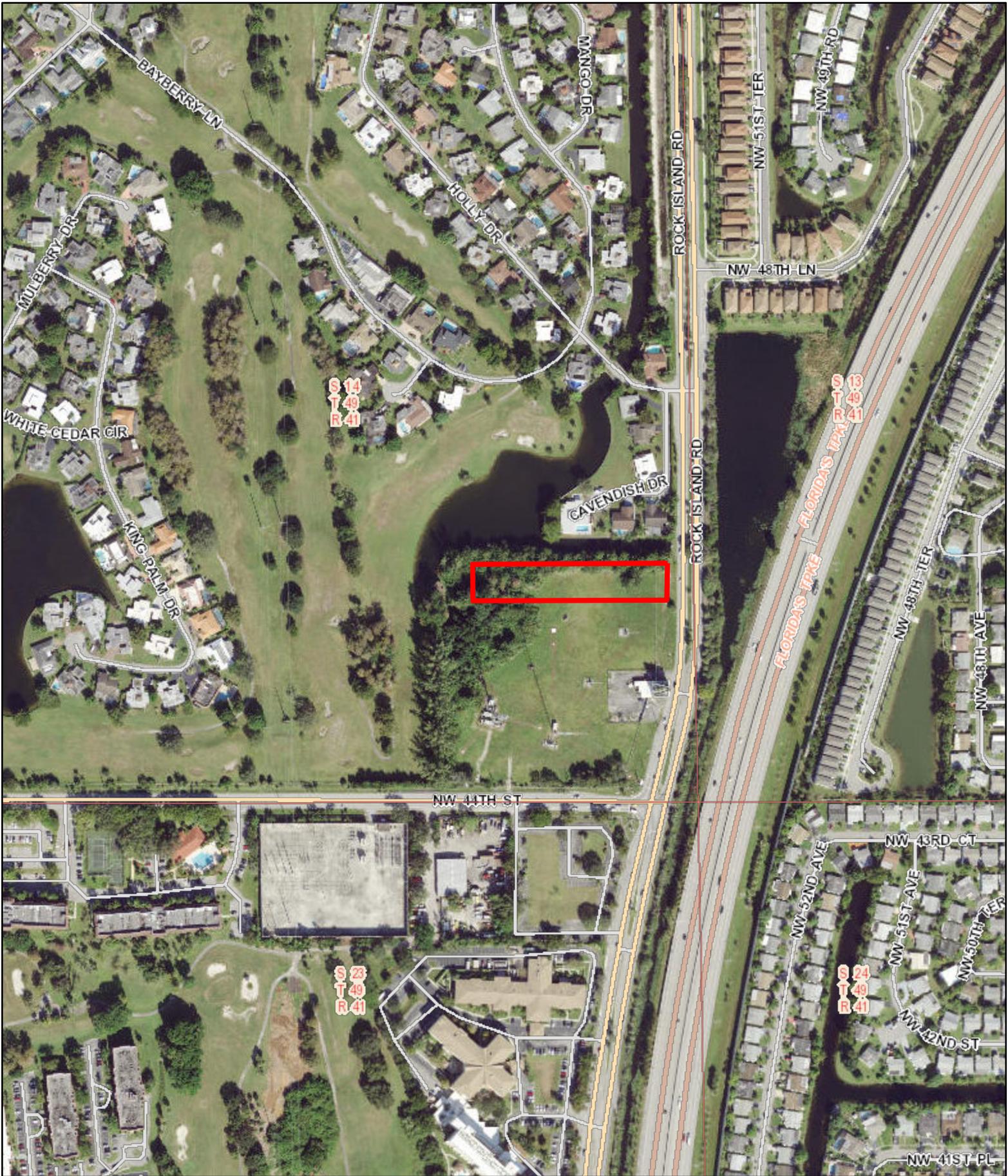
18934



South Florida Water Management District
 3301 Gun Club Road, West Palm Beach, Florida 33406
 561-686-8800; www.sfwmd.gov



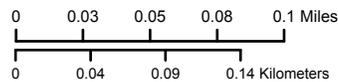
DISCLAIMER:
 This map is a conceptual or planning tool only. The South Florida Water Management District does not guarantee or make any representation regarding the information contained herein. It is not self-executing or binding, and does not affect the interests of any persons or properties, including any present or future right or use of real property and is exempt from public records disclosure and confidential under Section 119.071(3)(a)(1), Florida Statute.



18934



South Florida Water Management District
 3301 Gun Club Road, West Palm Beach, Florida 33406
 561-686-8800; www.sfwmd.gov



DISCLAIMER:
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MEMORANDUM

TO: Governing Board Members

FROM: Ray Palmer, Real Estate

DATE: September 14, 2023

SUBJECT: PBD Training Corp., Equestrian Lease, Palm Beach County

Agenda Item Background:

Staff is seeking Governing Board authorization to issue an equestrian lease for lands located in Palm Beach County for ten years. The District received one bid in response to the solicitation. After review, PBD Training Corp. was the sole responsive and responsible bidder. The lease has a provision for termination by the District for convenience of 180 days. The approximate annual revenue will be \$185,000.

Additional Item Background:

The District acquired the property in August 2002 as part of the planned PBC Agricultural Reserve Reservoir Project which was afterwards determined to be non-viable. The property has been leased to the original owner for its continued use for equestrian boarding and training. All leased lands are inspected on a semi-annual basis at a minimum. The annual rent will be based on the actual bid amount. An appraisal was estimated at \$115,000, and the minimum bid as published in the bid solicitation was \$86,250 annually. Several potential bidders inspected the property but the current lessee, PBD Training Corp., submitted the sole bid response.

Core Mission and Strategic Priorities:

The objective of this Lease is to obtain assistance in the stewardship and maintenance of this property as improved. The Lessee will maintain the property and will pay real estate taxes if any are due. The revenues generated from this Lease will assist Land Stewardship in managing this and other District-owned lands.

Funding Source:

There are no District costs associated with this item other than the cost of administering the lease. The Lease is estimated to bring in anticipated revenue of approximately \$1,850,000 over the ten-year term subject to annual increases based upon the Consumer Price Index.

Staff Contact and/or Presenter:

Ray Palmer, rpalmer@sfwmd.gov, 561-682-2246

ATTACHMENTS:

[Resolution No. 2023-0903](#)

[Resolution Exhibit "A"](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2023 - 09XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a ten-year equestrian lease with PBD Training Corp., on 97.01 acres, more or less, in Palm Beach County as more particularly described herein; providing an effective date. (Contract No. 4600004846)

WHEREAS, the Governing Board, pursuant to Section 373.093, Florida Statutes, may lease lands or interests in land under terms and conditions determined by the Governing Board; and

WHEREAS, the District and the Lessee desire to enter into a Lease Agreement on the premises known as Lease Encumbrance ID W910E-012, contract number 4600004846 (the "Lease Agreement") for ten years; and

WHEREAS, the Lessee's main use of the Premises is equestrian boarding and training, which will assist in the stewardship of the property; and

WHEREAS, the Governing Board of the South Florida Water Management District deems it appropriate and in the public interest to authorize the lease contract to PBD Training Corp., the sole responsive and responsible bidder to Solicitation No. RFB 6000001465 for a new ten-year equestrian lease on 97.01 acres, in Palm Beach County (Exhibit "A") (the "premises"), with the first year anticipated revenue in the amount of \$185,000.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes entering into a ten-year equestrian lease with PBD Training Corp. on approximately 97.01 acres, in Palm Beach County.

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of September, 2023.

EXHIBIT "A"





EXHIBIT "A"
Encumbrance W910E-012
Palm Beach County, FL



MEMORANDUM

TO: Governing Board Members

FROM: Carolina Maran, Executive Office

DATE: September 14, 2023

SUBJECT: Adoption of the 2022 Broward County Enhanced Local Mitigation Strategy (ELMS) Plan

Agenda Item Background:

The purpose of the Broward County Local Mitigation Strategy (LMS) is to develop and execute an ongoing methodology for reducing the community's vulnerability to natural, technological, and human caused hazards (i.e., hurricanes, tornados, wildfires, thunderstorms, marine hazards, floods, man-made hazards, lightning, etc.) and to identify a comprehensive list of goals, objectives, plans, programs and/or projects in an effort to decrease or eliminate the effects of those vulnerabilities. The LMS provides a rational, managed basis for considering and prioritizing mitigation options, and for developing and executing sound, cost-effective mitigation projects. The LMS provides a basis for justifying the solicitation and use of local, state, and federal funding sources to support hazard mitigation projects and initiatives. Formal adoption of the 2022 ELMS Plan by the District's Governing Board is required to receive federal hazard mitigation grant program funding, administered by the Federal Emergency Management Agency (FEMA), to the District's projects in Broward County. There is no cost for the District associated with the formal adoption of this plan.

Additional Item Background:

- The ELMS is developed in accordance with the Disaster Mitigation Act of 2000 and Title 44 of the Code of Federal Regulations 201.67 and was approved for a period of five (years) by FEMA on March 8, 2021.
- The ELMS allows communities to identify hazards and prioritize unfunded projects to mitigate those hazards when funding becomes available from local, state and federal sources.
- The ELMS adoption is required in order to become eligible to receive hazard mitigation grant programs funding administered by FEMA, before and after a disaster strikes, including:
 - Hazard Mitigation Grant Program (HMGP)
 - Flood Mitigation Assistance (FMA)
 - Building Resilient Infrastructure and Communities (BRIC)

Funding Source:

There are no associated costs for the adoption of the 2022 Broward County Enhanced Local Mitigation Strategy Plan.

Core Mission and Strategic Priorities:

The adoption of the 2022 Broward County Enhanced Local Mitigation Strategy Plan supports the District's strategic priority of Flood Control, as well as hazard mitigation strategies in

general, by advancing coordination with local, state, and federal partners and becoming compliant with the requirements of the FEMA mitigation grant programs.

Staff Contact and/or Presenter:

Carolina Maran, cmaran@sfwmd.gov, (561) 682-6868

ATTACHMENTS:

[Resolution No. 2023-0904](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 – 09XX

A Resolution of the Governing Board of the South Florida Water Management District to adopt the 2022 Broward County Enhanced Local Mitigation Strategy Plan for the purpose of hazard mitigation funding eligibility; effective July 31, 2023

WHEREAS, Broward County is susceptible to a variety of natural, technological, and human-caused disasters as well as climate change impacts that causes increased inundation and erosion, and expedited loss of critical habitats; and

WHEREAS, the Disaster Mitigation Act of 2000, was enacted to establish a national disaster hazard mitigation program to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from disasters, and to assist state, local, and tribal governments in implementing effective hazard mitigation measures to ensure the continuation of critical services and facilities after a natural disaster; and

WHEREAS, the Disaster Mitigation Act of 2000, as a condition for qualifying for and receiving future Federal mitigation assistance funding as well as reimbursement for Presidentially Declared Disasters, requires such governments to have Federal Emergency Management Agency approved hazard mitigation plans in place that identify the hazards that could impact their jurisdictions, identify actions and activities to mitigate the effects of those hazards, and establish a coordinated process to implement plans; and

WHEREAS, Broward County, in coordination with governmental and non-governmental stakeholders having an interest in reducing the impact of disasters, and with input from the private sector and other members of the public, developed and revised the Broward County Local Mitigation Strategy; and

WHEREAS, the 2022 Broward County Enhanced Local Mitigation Strategy (ELMS) Plan has been approved by the Florida Division of Emergency Management and the Federal Emergency Management Agency; and

WHEREAS, the LMS Steering Committee recommends the formal adoption of the 2022 Broward County Enhanced Local Mitigation Strategy Plan, including planned future enhancements described therein, by the County, all 31 participating municipalities, and other partner agencies.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby adopts the 2022 Broward County Enhanced Local Mitigation Strategy Plan, in its entirety, as revised by the LMS Steering Committee as submitted to the Broward County Board of County Commissioners, the Florida Division of Emergency Management and the Federal Emergency Management Agency.

Section 2. The Governing Board of the South Florida Water Management District authorizes the appropriate District Officials to pursue available funding opportunities for implementation of proposed mitigation initiatives described in the Local Mitigation Strategy, and upon receipt of such funding or other necessary resources, seek to implement the actions in accordance with the mitigation strategies set out by the Local Mitigation Strategy.

Section 3. The Governing Board of the South Florida Water Management District will continue to support and participate in the Local Mitigation Strategy planning and implementation process as required by Federal Emergency Management agency, the Florida Division of Emergency Management, and the Broward County Local Mitigation Strategy Steering Committee.

Section 4. The Governing Board of the South Florida Water Management District directs the District Clerk to transmit an original of the executed Resolution to the Broward County Division of Emergency Management, attention Local Mitigation Strategy Coordinator, for filing in the Office of the Clerk & Comptroller.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of September, 2023.

MEMORANDUM

TO: Governing Board Members

FROM: Duane Piper, Information Technology

DATE: September 14, 2023

SUBJECT: Geographic Information Systems Software Enterprise Agreement

Agenda Item Background:

The Environmental Systems Research Institute (Esri) geographic information systems (GIS) software allows the District to manage, deliver, and analyze spatial data and provide map-based applications supporting District programs. For example, the enterprise GIS software provides tools to map and print permit exhibits, visualize water operations alerts, track missions during emergency operations, and map and analyze invasive species. In addition, desktop and web-based tools are provided to District staff for ad hoc spatial analysis. The GIS software provides tools to visualize data that are not possible with other software.

This request is to authorize amending a geographical information systems software enterprise license agreement with Environmental Systems Research Institute, for an additional three years in the amount of \$1,611,285 for a revised contract total of \$2,952,786. Esri is the only manufacturer of this proprietary software which has been used to create many map-based products, applications, and business workflows that are used daily at the District and is the same Esri software used by all partnering State government agencies; therefore, this contract will be executed through a special procurement under Section 155-6, South Florida Water Management District's Policies and Procedures. This policy provides that licensing, warranty, compatibility requirements that limit the selection to the manufacturer, including purchases of parts, repairs or maintenance services from the original equipment manufacturer, seller or authorized repair facility are exempt from competition.

Staff Contact and/or Presenter:

Duane Piper, dpiper@sfwmd.gov, 561-682-2150

ATTACHMENTS:

[Resolution No. 2023-0905](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 09XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize amending a contract with Environmental Systems Research Institute extending the enterprise license agreement for three years, and increasing the amount \$1,611,285, for a revised contract total of \$2,952,786 for geographic information systems software, for which \$537,095 of Ad Valorem funds are subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and the remainder is subject to Governing Board approval of future years budgets; providing an effective date. (Contract Number 4600004297-A01)

WHEREAS, the Environmental Systems Research Institute geographic information systems software allows the District to manage, deliver, and analyze spatial data and applications supporting all of the District's programs; and,

WHEREAS, the District obtained this contract through a special procurement under Section 155-6, South Florida Water Management Districts Policies and Procedures; and

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize amending a contract with Environmental Systems Research Institute, by increasing the contract by \$1,611,285.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes amending a contract with Environmental Systems Research Institute by increasing the amount \$1,611,285, for a revised contract total of \$2,952,786, for a geographic information systems software enterprise license agreement. (Contract Number 4600004297-A01)

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 14th day of September, 2023.

M E M O R A N D U M

TO: Governing Board Members

FROM: Duane Piper, Information Technology

DATE: September 14, 2023

SUBJECT: Cisco Systems Network Hardware Maintenance

Agenda Item Background:

Presidio Technology Capital, LLC will provide a three-year support contract for the Cisco Systems network hardware. By executing a three-year contract for hardware maintenance, the District locks in the pricing and is protected from annual price increases for the next three years. This network hardware supports the Supervisory Control and Data Acquisition and internal networks, our ability to monitor and control water levels, internet connectivity, the telephone system, and connections between all District offices and microwave network sites.

This request is to enter into a three-year contract with Presidio Technology Capital, LLC for Cisco Systems network hardware maintenance in the amount of \$845,424, using the National Association of State Procurement Officials ValuePoint Contract Number 43220000-NASPO-19-ACS. This contract was competed by another government agency.

Staff Contact and/or Presenter:

Duane Piper, dpiper@sfwmd.gov, 561-682-2150

ATTACHMENTS:

[Resolution No. 2023-0906](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 09XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year contract with Presidio Technology Capital, LLC for network hardware maintenance, using the National Association of State Procurement Officials ValuePoint Contract Number 43220000-NASPO-19-ACS, in the amount of \$845,424 for which \$281,808 of Ad Valorem funds are subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and the remainder is subject to Governing Board approval of future years budgets; providing an effective date. (Contract No. 4600004855)

WHEREAS, the network hardware supports the Supervisory and Data Acquisition and internal networks; and

WHEREAS, the District will procure this agreement through a special procurement using the National Association of State Procurement Officials ValuePoint Contract Number 43220000-NASPO-19-ACS; and

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize entering into a three-year contract with Presidio Technology Capital, LLC for network hardware maintenance, in the total amount of \$845,424.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes entering into three-year contract with Presidio Technology Capital, LLC for network hardware maintenance, using the National Association of State Procurement Officials ValuePoint Contract Number 43220000-NASPO-19-ACS, in the total amount of \$845,424. (Contract No. 4600004855)

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of September, 2023.

M E M O R A N D U M

TO: Governing Board Members

FROM: Duane Piper, Information Technology

DATE: September 14, 2023

SUBJECT: SAP Technical Resources

Agenda Item Background:

This item is for two resources to provide SAP S/4 expertise to design, code, configure, and implement SAP business support solutions and code management. In addition to providing daily operational support, these resources will assist with future software implementations.

This request is to amend Purchase Order Number 4500121605 with Digital Intelligence Systems LLC extending the services for four years, annually renewable, and increasing the amount by \$1,695,120 for a revised purchase order total of \$2,924,600 for two SAP technical resources, using the State of Florida Information Technology Staff Augmentation Services Contract Number 80101507-22-STC-ITSA. This contract was competed by another government agency.

Staff Contact and/or Presenter:

Duane Piper, dpiper@sfwmd.gov, 561-682-2150

ATTACHMENTS:

[Resolution No. 2023-0907](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 09XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Purchase Order Number 4500121605 with Digital Intelligence Systems LLC extending the services for four years, renewable annually, and increasing the amount of the purchase order by \$1,695,120 for a revised purchase order total of \$2,924,600 for two SAP technical resources, using the State of Florida Information Technology Staff Augmentation Services Contract Number 80101507-22-STC-ITSA, for which \$423,360 in Ad Valorem funds is subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and the remainder is subject to Governing Board approval of future years budgets; providing an effective date. (Purchase Order Number 4500121605)

WHEREAS, Information Technology requires technical expertise for SAP S/4HANA; and

WHEREAS, the District obtained this purchase order through a special procurement using the State of Florida Information Technology Staff Augmentation Services Contract Number 80101507-22-STC-ITSA; and

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize an amendment to Purchase Order 4500121605 with Digital Intelligence Systems LLC by increasing the purchase order by \$1,695,120.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes an amendment to Purchase Order Number 4500121605 with Digital Intelligence Systems LLC by increasing the amount of the purchase order by \$1,695,120 for a revised purchase order total of \$2,924,600 for two SAP technical resources, using the State of Florida Information Technology Staff Augmentation Services Contract Number 8010507-22-STC-ITSA. (Purchase Order Number 4500121605)

Section 2. This Resolution shall take effect immediately upon adoption

PASSED and **ADOPTED** this 14th day of September, 2023.

MEMORANDUM

TO: Governing Board Members

FROM: Maricruz R. Fincher, Office of Counsel

DATE: September 14, 2023

SUBJECT: Approve the District's 2023/2024 Annual Regulatory Plan and Authorize Publication of Notices of Rule Development

Agenda Item Background:

Florida law requires agencies to complete an annual regulatory plan to inform the Legislature and the public of agency rulemaking. The District's Governing Board and General Counsel must certify that they reviewed the plan and that the District regularly reviews its rules to determine if the rules remain consistent with the agency's rulemaking authority and the laws implemented by the agency's rules. The District must submit its certification along with the plan to the Joint Administrative Procedures Committee each year. The District publishes notice of the plan in the Florida Administrative Register and provides notice and access to the plan on its website for 10 years after the date of initial publication. In the plan, there are non-substantive changes proposed for several rules to ensure congruity with statutory authority and state-wide rules. Therefore, staff requests approval to publish Notices of Rule Development for those rules, specifically, Rules 40E-1.602, 40E-1.6058, 40E-1.659, 40E-1.715, 40E-2.091, 40E-2.101, 40E-7.216 and 40E-7.217, F.A.C.

Additional Item Background:

The District proposes to amend Rule 40E-1.602 to delete obsolete language and update rule reference; 40E-1.6058 to clarify use of the District's ePermitting system; 40E-1.659 to repeal an unnecessary rule; 40E-1.715 to increase the civil penalty in accordance with section 373.129, F.S. and remove the incorporated civil penalty matrices; 40E-2.091 and 40E-2.101 to include North American Vertical Datum as an alternative to National Geodetic Vertical Datum; and Rules 40E-7.216 and 40E-7.217 to clarify delivery methods by removing requirement for certified mail/return receipt.

Core Mission and Strategic Priorities:

The Governing Board has authority to adopt rules to administer the provisions of Chapter 373, Florida Statutes. This item supports the District's core mission and strategic goals by ensuring that District rules are consistent with the District's rulemaking authority and the laws implemented.

Funding Source:

Staff time will be used to implement the 2023-2024 Annual Regulatory Plan. Office of Counsel and the respective divisions will share the publication costs of the notices.

Staff Contact and/or Presenter:

Maricruz R. Fincher, mfincher@sfwmd.gov, 561-682-6457
Alexa Menashe, amenashe@sfwmd.gov, 561-682-2598

ATTACHMENTS:

Resolution No. 2023-0908

2023-2024 Regulatory Plan

JAPC Certification

40E-1 Notice of Rule Development

40E-2 Notice of Rule Development

40E-7 Notice of Rule Development

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2023 - 09XX

A Resolution of the South Florida Water Management District (District) Governing Board certifying to the Joint Administrative Procedures Committee that the Governing Board and General Counsel reviewed the District's 2023/2024 Annual Regulatory Plan and that the District reviewed its rules to determine if the rules remain consistent with the District's rulemaking authority and the laws implemented, effective immediately.

WHEREAS, the District must annually complete and certify a rulemaking plan to the Legislature's Joint Administrative Procedures Committee. The annual regulatory plan is required by section 120.74, Florida Statutes, to inform the Legislature and the public of agency rulemaking; and

WHEREAS, the Governing Board and General Counsel must certify that they reviewed the plan and that the District regularly reviews its rules to determine if the rules remain consistent with the agency's rulemaking authority and the laws implemented; and

WHEREAS, the District must submit its certification and annual regulatory plan to the Legislature's Joint Administrative Procedures Committee, publish notice of its annual regulatory plan in the Florida Administrative Register, and publish and maintain the plan on the District's website for 10 years after the date of initial publication.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. In accordance with the requirements of section 120.74(1)(d)1., Florida Statutes, the Governing Board certifies to the Joint Administrative Procedures Committee that it reviewed the District's 2023/2024 Annual Regulatory Plan.

Section 2. In accordance with the requirements of section 120.74(1)(d)2., Florida Statutes, the Governing Board certifies that the District reviewed its rules to determine if the rules remain consistent with the District's rulemaking authority and the laws implemented in July 2023.

Section 3. A copy of the District's 2023/2024 Annual Regulatory Plan is attached hereto and made a part hereof.

Section 4. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 14th day of September, 2023.

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
2023-2024 Regulatory Plan**

Law Implemented	Rule Number (No chapters or subsections)	For all other rulemaking the agency expects to implement by July 1, 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.	Was the law to be implemented enacted or amended within the last 12 months?	Was the law listed in a previous regulatory plan as requiring rulemaking to implement a law enacted or amended within the previous 12 months of that plan?	Is rulemaking necessary to implement the new law?	For a new law, if rulemaking is necessary, has notice of rule development been published in the FAR? If yes, which FAR issue? (include date, Vol/No)	For a new law, if rulemaking is not necessary, explain why the new law may be implemented without rulemaking.	For a new law, when is notice of a proposed rule expected to be published?
120.54(5), 120.569, 120.57, 120.60, 373.079, 373.083, 373.146, 373.413, 373.427, 668.003, 668.004, 668.50, F.S.	40E-0.109, F.A.C.	Clarify points of entry	No	No	N/A	N/A	N/A	N/A

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
2023-2024 Regulatory Plan**

Law Implemented	Rule Number (No chapters or subsections)	For all other rulemaking the agency expects to implement by July 1, 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.	Was the law to be implemented enacted or amended within the last 12 months?	Was the law listed in a previous regulatory plan as requiring rulemaking to implement a law enacted or amended within the previous 12 months of that plan?	Is rulemaking necessary to implement the new law?	For a new law, if rulemaking is necessary, has notice of rule development been published in the FAR? If yes, which FAR issue? (include date, Vol/No)	For a new law, if rulemaking is not necessary, explain why the new law may be implemented without rulemaking.	For a new law, when is notice of a proposed rule expected to be published?
373.085, 373.4595, F.S.	40E-1.602, F.A.C.	1) Clarify reference in (10) should be 40E-6 instead of 40E-62; and 2) Clarify reference to 40E-61 in (9)	No	No	N/A	N/A	N/A	N/A
120.60(3), 373.116, 373.118, 668.50, F.S.	40E-1.6058, F.A.C.	1) Increase efficiency by stating that persons may use ePermitting to be notified of applications, notices of intent, etc; and 2) Delete (5) as inapplicable	No	No	N/A	N/A	N/A	N/A

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
2023-2024 Regulatory Plan**

Law Implemented	Rule Number (No chapters or subsections)	For all other rulemaking the agency expects to implement by July 1, 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.	Was the law to be implemented enacted or amended within the last 12 months?	Was the law listed in a previous regulatory plan as requiring rulemaking to implement a law enacted or amended within the previous 12 months of that plan?	Is rulemaking necessary to implement the new law?	For a new law, if rulemaking is necessary, has notice of rule development been published in the FAR? If yes, which FAR issue? (include date, Vol/No)	For a new law, if rulemaking is not necessary, explain why the new law may be implemented without rulemaking.	For a new law, when is notice of a proposed rule expected to be published?
218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06, F.S.	40E-1.659, F.A.C.	Repeal rule as unnecessary because it is simply a list of forms that are incorporated by reference in other District rules	No	No	N/A	N/A	N/A	N/A
120.69, 373.129, 373.209(3), 373.430, 373.603, F.S.	40E-1.715, F.A.C.	Amend (1) and (2) to clarify that 373.129, F.S. authorizes \$15,000 per day/violation and remove penalty matrices	No	No	N/A	N/A	N/A	N/A
373.042, 373.0421, 373.083, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250, F.S.	40E-2.061, F.A.C.	Increase efficiency by amending rule to address local groundwater concerns to prevent significant harm to Sandstone Aquifer	No	No	N/A	N/A	N/A	N/A

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
2023-2024 Regulatory Plan**

Law Implemented	Rule Number (No chapters or subsections)	For all other rulemaking the agency expects to implement by July 1, 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.	Was the law to be implemented enacted or amended within the last 12 months?	Was the law listed in a previous regulatory plan as requiring rulemaking to implement a law enacted or amended within the previous 12 months of that plan?	Is rulemaking necessary to implement the new law?	For a new law, if rulemaking is necessary, has notice of rule development been published in the FAR? If yes, which FAR issue? (include date, Vol/No)	For a new law, if rulemaking is not necessary, explain why the new law may be implemented without rulemaking.	For a new law, when is notice of a proposed rule expected to be published?
373.083, 373.118, 373.219, 373.223 F.S.	40E-2.071, F.A.C.	Increase efficiency by amending rule to address local groundwater concerns to prevent significant harm to Sandstone Aquifer	No	No	N/A	N/A	N/A	N/A
373.042, 373.0421, 373.083, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250, F.S.	40E-2.091, F.A.C.	Increase efficiency by amending rule to address local groundwater concerns to prevent significant harm to Sandstone Aquifer	No	No	N/A	N/A	N/A	N/A

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
2023-2024 Regulatory Plan**

Law Implemented	Rule Number (No chapters or subsections)	For all other rulemaking the agency expects to implement by July 1, 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.	Was the law to be implemented enacted or amended within the last 12 months?	Was the law listed in a previous regulatory plan as requiring rulemaking to implement a law enacted or amended within the previous 12 months of that plan?	Is rulemaking necessary to implement the new law?	For a new law, if rulemaking is necessary, has notice of rule development been published in the FAR? If yes, which FAR issue? (include date, Vol/No)	For a new law, if rulemaking is not necessary, explain why the new law may be implemented without rulemaking.	For a new law, when is notice of a proposed rule expected to be published?
373.042, 373.0421, 373.083, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250, F.S.	40E-2.091, F.A.C.	Clarify to allow for North American Vertical Datum (NAVD) in addition to National Geodetic Vertical Datum (NGVD)	No	No	N/A	N/A	N/A	N/A
373.083, 373.103, 373.116, 373.219, 373.223, 373.229 FS.	40E-2.101, F.A.C.	Clarify to allow for North American Vertical Datum (NAVD) in addition to National Geodetic Vertical Datum (NGVD)	No	No	N/A	N/A	N/A	N/A
373.016, 373.036, 373.042, 373.0421, 373.709, F.S.	40E-3.:XXX, F.A.C.	Increase efficiency by developing new rule to address local groundwater concerns to prevent significant harm to Sandstone Aquifer	No	No	N/A	N/A	N/A	N/A

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
2023-2024 Regulatory Plan**

Law Implemented	Rule Number (No chapters or subsections)	For all other rulemaking the agency expects to implement by July 1, 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.	Was the law to be implemented enacted or amended within the last 12 months?	Was the law listed in a previous regulatory plan as requiring rulemaking to implement a law enacted or amended within the previous 12 months of that plan?	Is rulemaking necessary to implement the new law?	For a new law, if rulemaking is necessary, has notice of rule development been published in the FAR? If yes, which FAR issue? (include date, Vol/No)	For a new law, if rulemaking is not necessary, explain why the new law may be implemented without rulemaking.	For a new law, when is notice of a proposed rule expected to be published?
373.610, F.S.	40E-7.216 and 40E-7.217, F.A.C.	Clarify delivery methods specified in the rule.	No	No	N/A	N/A	N/A	N/A
373.085, 373.086, F.S.	40E-7.700 through 40E-7.704, F.A.C.	Increase efficiency by developing new rules to reduce vegetation, trash and other debris discharged into the Works of the District and Central & Southern Florida system to protect flood control, navigation, and water supply	No	No	N/A	N/A	N/A	N/A

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
2023-2024 Regulatory Plan**

Law Implemented	Rule Number (No chapters or subsections)	For all other rulemaking the agency expects to implement by July 1, 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.	Was the law to be implemented enacted or amended within the last 12 months?	Was the law listed in a previous regulatory plan as requiring rulemaking to implement a law enacted or amended within the previous 12 months of that plan?	Is rulemaking necessary to implement the new law?	For a new law, if rulemaking is necessary, has notice of rule development been published in the FAR? If yes, which FAR issue? (include date, Vol/No)	For a new law, if rulemaking is not necessary, explain why the new law may be implemented without rulemaking.	For a new law, when is notice of a proposed rule expected to be published?
373.046, 373.413, 373.4131, 373.414, 373.4142, 373.416, 373.418, 373.426, 373.441 F.S.	40E-4.091, F.A.C.	Increase efficiency by updating stormwater design and operation regulations as required by section 373.413(6), F.S. (2020).	No	Yes	Yes	Yes 12/18/20 Vol. 46 No. 245	N/A	Notice of Proposed Rule published 4/21/23
373.046, 373.413, 373.4131, 373.414, 373.4142, 373.416, 373.418, 373.426, 373.441 F.S.	40E-4.091, F.A.C.	Improve coordination with other agencies by updating DEP/SFWMD Operating Agreement	No	No	N/A	N/A	N/A	N/A

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
2023-2024 Regulatory Plan**

Law Implemented	Rule Number (No chapters or subsections)	For all other rulemaking the agency expects to implement by July 1, 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.	Was the law to be implemented enacted or amended within the last 12 months?	Was the law listed in a previous regulatory plan as requiring rulemaking to implement a law enacted or amended within the previous 12 months of that plan?	Is rulemaking necessary to implement the new law?	For a new law, if rulemaking is necessary, has notice of rule development been published in the FAR? If yes, which FAR issue? (include date, Vol/No)	For a new law, if rulemaking is not necessary, explain why the new law may be implemented without rulemaking.	For a new law, when is notice of a proposed rule expected to be published?
373.016, 373.085(1)(b) and (2), 373.086(1), 373.451(6) and (7), 373.453(1)(b) and (c), (2) and (4), and 373.4592(3), (4) and (10), F.S.	40E-63.500 through 40E-63.520, F.A.C.	Increase efficiency by developing new rules to implement portions of the Long-Term Plan for the Everglades Program	No	No	N/A	N/A	N/A	N/A
New Laws								
215.85, F.S.	N/A	N/A	Yes (HB 3) Government and Corporate Activism	No	No	N/A	Self-implementing	N/A

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
2023-2024 Regulatory Plan**

Law Implemented	Rule Number (No chapters or subsections)	For all other rulemaking the agency expects to implement by July 1, 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.	Was the law to be implemented enacted or amended within the last 12 months?	Was the law listed in a previous regulatory plan as requiring rulemaking to implement a law enacted or amended within the previous 12 months of that plan?	Is rulemaking necessary to implement the new law?	For a new law, if rulemaking is necessary, has notice of rule development been published in the FAR? If yes, which FAR issue? (include date, Vol/No)	For a new law, if rulemaking is not necessary, explain why the new law may be implemented without rulemaking.	For a new law, when is notice of a proposed rule expected to be published?
112.313 and 112.3142, F.S.	N/A	N/A	Yes (HB 199) Ethics Requirements for Officers and Employees of Special Tax Districts	No	No	N/A	Self-implementing	N/A
286.001, F.S.	N/A	N/A	Yes (SB 234) Statutorily Required Reports	No	No	N/A	Self-implementing	N/A
213.1366, F.S.	N/A	N/A	Yes (SB 242) Fiscal Accountability	No	No	N/A	Self-implementing	N/A
125.023, 166.0335, 252.35, 252.363, 353.391, 252.40, 287.055, 288.066, 366.98, 489.117, 553.7922, 553.80, F.S.	N/A	N/A	Yes (SB 250) Natural Emergencies	No	No	N/A	Self-implementing	N/A

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
2023-2024 Regulatory Plan**

Law Implemented	Rule Number (No chapters or subsections)	For all other rulemaking the agency expects to implement by July 1, 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.	Was the law to be implemented enacted or amended within the last 12 months?	Was the law listed in a previous regulatory plan as requiring rulemaking to implement a law enacted or amended within the previous 12 months of that plan?	Is rulemaking necessary to implement the new law?	For a new law, if rulemaking is necessary, has notice of rule development been published in the FAR? If yes, which FAR issue? (include date, Vol/No)	For a new law, if rulemaking is not necessary, explain why the new law may be implemented without rulemaking.	For a new law, when is notice of a proposed rule expected to be published?
381.00316, F.S.	N/A	N/A	Yes (SB 252) Protection from Discrimination Based on Health Care Choices	No	No	N/A	Self-implementing	N/A
447.301, 447.303, 447.305, 447.509, 110.14, 447.507(6)(a), F.S.	N/A	N/A	Yes (SB 256) Employee Organizations Representing Public Employees	No	No	N/A	Self-implementing	N/A
112.22, F.S.	N/A	N/A	Yes (SB 258) Prohibited Applications on Government-Issued Devices	No	No	N/A	Self-implementing	N/A
286.29, F.S.	N/A	N/A	Yes (SB 284) Energy	No	No	N/A	Self-implementing	N/A

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
2023-2024 Regulatory Plan**

Law Implemented	Rule Number (No chapters or subsections)	For all other rulemaking the agency expects to implement by July 1, 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.	Was the law to be implemented enacted or amended within the last 12 months?	Was the law listed in a previous regulatory plan as requiring rulemaking to implement a law enacted or amended within the previous 12 months of that plan?	Is rulemaking necessary to implement the new law?	For a new law, if rulemaking is necessary, has notice of rule development been published in the FAR? If yes, which FAR issue? (include date, Vol/No)	For a new law, if rulemaking is not necessary, explain why the new law may be implemented without rulemaking.	For a new law, when is notice of a proposed rule expected to be published?
218.735, F.S.	N/A	N/A	Yes (SB 346) Public Construction	No	No	N/A	Self-implementing	N/A
287.058, F.S.	N/A	N/A	Yes (SB 1188) Contract Liability	No	No	N/A	Self-implementing	N/A
112.219, 287.057, F.S.	N/A	N/A	Yes (SB 1310) Substitution of Work Experience	No	No	N/A	Self-implementing	N/A
373.469; 373.501, F.S.	N/A	N/A	Yes (HB1379) Environmental Protection	No	No	N/A	Self-implementing	N/A

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
2023-2024 Regulatory Plan**

Law Implemented	Rule Number (No chapters or subsections)	For all other rulemaking the agency expects to implement by July 1, 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.	Was the law to be implemented enacted or amended within the last 12 months?	Was the law listed in a previous regulatory plan as requiring rulemaking to implement a law enacted or amended within the previous 12 months of that plan?	Is rulemaking necessary to implement the new law?	For a new law, if rulemaking is necessary, has notice of rule development been published in the FAR? If yes, which FAR issue? (include date, Vol/No)	For a new law, if rulemaking is not necessary, explain why the new law may be implemented without rulemaking.	For a new law, when is notice of a proposed rule expected to be published?
State Budget	N/A	N/A	Yes (SB 2500) Appropriations	No	No	N/A	Self-implementing	N/A



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

CERTIFICATION PURSUANT TO PARAGRAPH 120.74(1)(d), FLORIDA STATUTES

Pursuant to section 120.74(1)(d)., Florida Statutes, the Governing Board and General Counsel certify that they reviewed the South Florida Water Management District's 2023/2024 Annual Regulatory Plan. The Governing Board and General Counsel further certify that the South Florida Water Management District regularly reviews its rules to determine if they remain consistent with the agency's rulemaking authority and the laws implemented. The South Florida Water Management District completed its most recent review for this purpose in July 2023.

Dated this _____ day of September 2023.

A handwritten signature in blue ink, appearing to read "Maricruz R. Fincher", is written over a horizontal line.

MARICRUZ R. FINCHER
GENERAL COUNSEL

CHAUNCEY P. GOSS, II
GOVERNING BOARD CHAIRMAN

NOTICE OF RULE DEVELOPMENT

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RULE NO.: RULE TITLE:

40E-1.602 Permits Required

40E-1.6058 Posting, Publication and Requests for Notification of Permit Applications or Notices of Intent.

40E-1.659 Forms and Instructions

40E-1.715 Civil Penalty Calculation

PURPOSE AND EFFECT: The purpose and effect will be to delete obsolete language, update rule references and noticing options for permit applications, repeal unnecessary rules, and update the civil penalties calculation rule.

SUBJECT AREA TO BE ADDRESSED: The District proposes to amend: 1) Rule 40E-1.602 to delete obsolete language and update a rule reference; 2) Rule 40E-1.6058 to clarify use of the District’s ePermitting system; 3) Rule 40E-1.659 to repeal an unnecessary rule; 4) and Rule 40E-1.715 to increase the civil penalty in accordance with section 373.129, F.S., and remove the incorporated civil penalty matrices.

RULEMAKING AUTHORITY (formerly “Specific Authority”): 120.53(1), 218.075, 373.044, 373.113, 373.116, 373.118, 373.171, 373.333(1), 373.4131, 373.4135, 373.4136, 373.416, 695.03, 704.06, FS

LAW IMPLEMENTED: 120.60, 120.60(3), 120.69, 218.075, 373.085, 373.106, 373.113, 373.116, 373.118, 373.119, 373.129, 373.171, 373.209(3), 373.216, 373.309, 373.323, 373.413, 373.4135, 373.4135, 373.414, 373.416, 373.430, 373.603, 668.50, 704.06, FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Natalie Cole, Environmental Section Administrator, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561) 682-6033, ncole@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: NOT AVAILABLE

NOTICE OF RULE DEVELOPMENT

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RULE NO.: RULE TITLE:

40E-2.091 Publications Incorporated by Reference

40E-2.101 Content of Application

PURPOSE AND EFFECT: The purpose and effect will be to update forms to include North American Vertical Datum as an alternative to National Geodetic Vertical Datum.

SUBJECT AREA TO BE ADDRESSED: This rule development will update South Florida Water Management District's Water Use Permit forms to include North American Vertical Datum as an alternative to National Geodetic Vertical Datum.

RULEMAKING AUTHORITY (formerly "Specific Authority"): 373.044, 373.113, 373.118, 373.171, 373.216 FS

LAW IMPLEMENTED: 373.042, 373.0421, 373.083, 373.103(1), 373.109, 373.116, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jan Sluth, Paralegal Specialist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561) 682-6299, jsluth@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: NOT AVAILABLE

NOTICE OF RULE DEVELOPMENT

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RULE NO.: RULE TITLE:

40E-7.216 Cure Notice

40E-7.217 Termination for Default Notice

PURPOSE AND EFFECT: The purpose and effect will be to delete certified U.S. Mail, return receipt as a delivery option for cure notices and termination for default notices.

SUBJECT AREA TO BE ADDRESSED: This rule development will delete certified U.S. Mail, return receipt as a delivery option for cure notices and termination for default notices.

RULEMAKING AUTHORITY (formerly "Specific Authority"): 373.610, FS

LAW IMPLEMENTED: 373.610, FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jan Sluth, Paralegal Specialist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561) 682-6299, jsluth@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: NOT AVAILABLE

MEMORANDUM

TO: Governing Board Members

FROM: Maricruz R. Fincher, Office of Counsel

DATE: September 14, 2023

SUBJECT: Governing Board Concurrence on Emergency Orders 2023-041-DAO and 2023-042-DAO and Termination Order SFWMD 2023-046-DAO

Agenda Item Background:

The District issued Emergency Orders Nos 2023-041-DAO and 2023-042-DAO on August 28 and 29, 2023, to prepare for and respond to Hurricane Idalia. Both Emergency Orders temporarily closed District lands that Hurricane Idalia may have impacted to ensure the health, safety, and welfare of the community during and after the storm. After the storm, District staff ensured that the temporarily closed District lands were safe for the public, and the District issued Order No. 2023-046-DAO on August 30, 2023, terminating the Emergency Orders and reopening the District lands. This item requests the Governing Board's concurrence with the issuance of Emergency Orders 2023-041-DAO, 2023-042-DAO, and 2023-046-DAO in accordance with section 373.119(2) of the Florida Statutes.

Staff Contact and/or Presenter:

Maricruz R. Fincher, mfincher@sfwmd.gov, 561-682-6457

ATTACHMENTS:

[Resolution No. 2023-0909](#)

[Emergency Order 2023-041-DAO](#)

[Emergency Order 2023-042-DAO](#)

[Order 2023-046-DAO](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2023- 09XX

A Resolution of the Governing Board of the South Florida Water Management District concurring with the Executive Director's issuance of Emergency Orders SFWMD 2023-041-DAO, SFWMD 2023-042-DAO, and SFWMD 2023-046-DAO, to protect the public health, safety, and welfare due to Hurricane Idalia; providing an effective date.

WHEREAS, on August 26, August 28, and 29, 2023, the Governor of Florida issued Executive Orders 23-171, 23-172, 23-174, and 23-175, declaring that a state of emergency existed for 6 of the 16 counties within the District's jurisdiction based upon the serious threat to the public health, safety, and welfare posed by Hurricane Idalia ("the Hurricane"); and

WHEREAS, on August 28, 2023, the Executive Director issued Emergency Order, SFWMD Order No. 2023-041-DAO, which authorized temporarily closing SFWMD management lands due to the threat posed by the Hurricane. A copy of this Order is attached and incorporated by reference as Exhibit A;

WHEREAS, on August 29, 2023, the Executive Director issued an Amended Emergency Order, SFWMD Order No. 2023-042-DAO, which authorized temporarily closing additional SFWMD management lands due to the threat posed by the Hurricane. A copy of this Order is attached and incorporated by reference as Exhibit B; and

WHEREAS, on August 30, 2023, the Executive Director issued an Order Terminating Emergency Orders, SFWMD Order No. 2023-046-DAO, which terminated the previous emergency orders, temporarily closing SFWMD management lands. A copy of this Order is attached and incorporated by reference as Exhibit C; and

WHEREAS, the Governing Board concurs with the above Emergency Orders and subsequent order terminating them; and

WHEREAS, Section 373.119(2) of the Florida Statutes requires Governing Board concurrence when the Executive Director issues an emergency authorization to protect the public health, safety, and welfare during an emergency.

BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby concurs with the Executive Director's issuance of Emergency Orders SFWMD 2023-041-DAO, SFWMD 2023-042-DAO, and SFWMD 2023-046-DAO, to protect the public health, safety, and welfare due to Hurricane Idalia.

Section 2. Copies of the Emergency Order, Amended Emergency Order, and Order Terminating Emergency Orders are attached hereto and made a part hereof.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of September, 2023.

08:59 pm Aug 28, 2023

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT *o m s*

In Re:

ORDER NO. 2023-041-DAO

EMERGENCY AUTHORIZATION
TEMPORARILY CLOSING DISTRICT LANDS
MADE NECESSARY BY
HURRICANE IDALIA

_____ /

EMERGENCY FINAL ORDER

Under the authority of the State of Florida Executive Order Nos. 23-171 and 23-172, incorporated herein by reference, and sections 120.569(2)(n), 373.016, 373.119(2), 373.1391, Florida Statutes, and Rule 40E-7.523(3)(a), Florida Administrative Code, the South Florida Water Management District ("District") enters this Order temporarily closing certain District Lands due to the impacts of Hurricane Idalia ("the Hurricane").

FINDINGS OF FACT

1. On August 26, 2023, the Governor of Florida issued Executive Order 23-171 and on August 28, 2023 issued Executive Order 23-172, amending Executive Order 23-171 ("the Executive Orders"), declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Hurricane. The following areas are included in the Executive Orders and within the District's jurisdiction: Collier, Lee, and Polk counties ("Emergency Areas").

2. The Hurricane has the potential to cause widespread damage and poses an immediate danger to the lives and property of persons throughout the Emergency Areas.

3. "District Lands" means any real property owned, leased, managed, or controlled by the District and includes lands or water areas defined in Rule 40E-7.521,

F.A.C., as Management Areas, Stormwater Treatment Areas, Impoundment Areas, Rights of Way, and vacant undesignated lands.

4. In preparation for the imminent weather conditions posed by the Hurricane, it is necessary to close certain District Lands to protect the public health, safety, and welfare.

5. The District finds that the actions authorized under this Order are narrowly tailored to address the immediate need for action and are procedurally fair under the circumstances.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

6. The Executive Director of the District is authorized to issue emergency orders with concurrence of the Governing Board by sections 120.569(2)(n) and 373.119(2), Florida Statutes, and to immediately employ any remedial means necessary to meet the emergency when immediate action is necessary to protect public health, safety, or welfare.

7. Section 373.1391(1)(a), Florida Statutes, requires lands titled to the District's Governing Board be "managed and maintained, to the extent practicable, in such a way as to ensure a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition."

8. Section 373.1391(6), Florida Statutes, authorizes the District to adopt rules specifying management of District Lands. The District adopted rules for this purpose set forth in Chapter 40E-7, Florida Administrative Code.

9. In accordance with Rule 40E-7.523(3)(a), Florida Administrative Code, the District may temporarily close District Lands to public use under certain circumstances,

including, “[w]hen necessary during emergency conditions such as floods, severe weather events, or wildfire for public safety and the protection of natural resources.”

10. Based on the above findings of fact, and to protect the public's immediate health, safety, and welfare interests, it is both reasonable and appropriate to close District Lands in the counties of Collier, Lee, and Polk beginning August 29, 2023, at 12:00 PM.

THEREFORE, IT IS ORDERED that:

11. All District Lands in the counties of Collier, Lee, and Polk are hereby closed for public access from August 29, 2023 at 12:00PM through September 29, 2023 at 12:00PM, unless terminated earlier by amendment or further order.

12. Failure to comply with the terms of this Order shall constitute a violation of a District Final Order under Chapter 373, Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

DONE AND ORDERED on this 28 day of August, 2023, in West Palm Beach, Florida.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT



Drew Bartlett
Executive Director

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under section 120.68, Florida Statutes, by filing a written notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the District at 3301 Gun Club Road, West Palm Beach 33406, 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 30 days after this Order is filed with the Clerk of the District.

12:08 pm Aug 29, 2023

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
3301 Gun Club Road
West Palm Beach, Florida

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

amb

In Re:

ORDER NO. 2023-042-DAO

AMENDED ORDER
EMERGENCY AUTHORIZATION TEMPORARILY
CLOSING DISTRICT
LANDS MADE NECESSARY
BY HURRICANE IDALIA

AMENDED EMERGENCY FINAL ORDER

Under the authority of sections 120.569(2)(n), 373.016, 373.119(2), 373.1391, Florida Statutes, and Rule 40E-7.523, Florida Administrative Code, the South Florida Water Management District ("District") enters this Amended Emergency Final Order regarding the temporary closure of District Lands due to the impacts of Hurricane Idalia ("the Hurricane").

FINDINGS OF FACT

1. On August 28, 2023, the District issued Order No. 2023-041- DAO ("the Closure Order"), which ordered the temporary closure of District Lands¹ in Collier, Lee, and Polk counties due to the serious threat to public health, safety, and welfare from the Hurricane.
2. The Hurricane has the potential to cause widespread damage and poses an immediate danger to areas in Orange and Osceola counties.

¹ "District Lands" means any real property owned, leased, managed, or controlled by the District and includes lands or water areas defined in Rule 40E-7.521, F.A.C., as Management Areas, Stormwater Treatment Areas, Impoundment Areas, Rights of Way, and vacant undesignated lands.

3. In preparation for these imminent weather conditions posed by the Hurricane, it is also necessary to close District Lands in Orange and Osceola counties.

CONCLUSIONS OF LAW

4. In accordance with Rule 40E-7.523(3)(a), Florida Administrative Code, the District may temporarily close District Lands to public use under certain circumstances, including, “[w]hen necessary during emergency conditions such as floods, severe weather events, or wildfire for public safety and the protection of natural resources.”

5. Based on the above findings of fact, and to protect the public's immediate health, safety, and welfare interests, it is both reasonable and appropriate to close District Lands in the counties of Orange and Osceola beginning August 29, 2023, at 12:00 PM.

ORDER

THEREFORE IT IS ORDERED that:

1. The Closure Order is amended to close District lands in Collier, Lee, Orange, Osceola, and Polk counties from public access from August 29, 2023 at 12:00PM through September 29, 2023 at 12:00PM, unless terminated earlier by amendment or further order.

2. The Closure Order is ratified and reaffirmed in all other respects.

DONE AND ORDERED on this 29 day of August, 2023, in West Palm Beach, Florida.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT



Drew Bartlett
Executive Director

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under section 120.68, Florida Statutes, by filing a written notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the District at 3301 Gun Club Road, West Palm Beach 33406, 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 30 days after this Order is filed with the Clerk of the District.

2:18 pm Aug 30, 2023

STATE OF FLORIDA
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

AMS

In re:

SFWMD ORDER NO. 2023-046-DAO

TERMINATION OF EMERGENCY
ORDERS FOR TEMPORARILY
CLOSING DISTRICT LANDS
MADE NECESSARY BY HURRICANE IDALIA

_____ /

**ORDER TERMINATING EMERGENCY FINAL ORDERS FOR
TEMPORARILY CLOSING DISTRICT LANDS**

Under sections 120.569(2)(n), 373.016, 373.119(2), 373.1391, Florida Statutes ("F.S."), and Rule 40E-7.523, Florida Administrative Code, the South Florida Water Management District ("SFWMD") enters this Order terminating Emergency Final Orders that temporarily closed certain District Lands due to the impacts of Hurricane Idalia ("the Hurricane").

FINDINGS OF FACT

1. On August 28, 2023, SFWMD issued SFWMD Order No. 2023-041-DAO closing District Lands in Collier, Lee, and Polk counties.
2. On August 29, 2023, SFWMD issued SFWMD Order No. 2023-042, amending the previous Emergency Order to include District Lands in Orange and Osceola counties.
3. Conditions affecting the SFWMD Lands in Collier, Lee, Polk, Orange, and Osceola counties have improved such that a serious threat to public health, safety, and welfare on these lands from the Hurricane no longer exists.

CONCLUSIONS OF LAW

4. Pursuant to Rule 40E-7.523 and 40E-7.537(9), F.A.C., and sections 120.569(2)(n) and 373.119(2), Fla. Stat., the Executive Director of the SFWMD, with concurrence of the Governing Board, is authorized to close District Lands under certain circumstances, including, “[w]hen necessary during emergency conditions such as floods, severe weather events, or wildfire for public safety and the protection of natural resources.”

ORDER

THEREFORE, IT IS ORDERED that:

5. SFWMD Order Nos. 2023-041-DAO and SFWMD 2023-042-DAO are hereby terminated.

6. This Order is effective August 30, 2023, at 5:00 p.m.

DONE AND SO ORDERED in West Palm Beach, Florida, on this 30th day of August, 2023.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
By its Executive Director



DREW BARTLETT
Executive Director

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under section 120.68, Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach, Florida 33406, 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 SFWMD.

MEMORANDUM

TO: Governing Board Members

FROM: Candida Heater, Administrative Services, Facilities Bureau

DATE: September 14, 2023

SUBJECT: Janitorial Services for the South Florida Water Management District Headquarters

Agenda Item Background:

This request is to authorize entering into an agreement and funding for a 3-year contract with two 1-year renewal options with Zaharaly Cleaners, Inc., for the janitorial services for the South Florida Water Management District Headquarters located in Palm Beach County. This contract is necessary to continue janitorial services for the South Florida Water Management District Headquarters once the current contract expires October 31, 2023. The contract provides professional cleaning service equipped with the necessary staffing, tools, and formalized cleaning procedures and practices that result in sanitary, well-maintained office facilities. The scope of this contract provides these services at the District's Headquarters campus that includes three office buildings, the District's Emergency Operations Center, offices in a warehouse building, and the support building for a microwave antenna onsite, encompassing a total of 278,470 square feet.

The search for a suitable janitorial contractor service provider was solicited by District procurement procedures using the competitive bid process that resulted in Zaharaly Cleaners, Inc. being the lowest responsive responsible bidder and met all minimum requirements as a janitorial services provider at the South Florida Water Management District Headquarters.

Additional Item Background:

Core Mission and Strategic Priorities:

This item supports the District by maintaining clean offices that are conducive District staff performing at their peak in support of the core mission of the District. The General Services Section in the Administrative Services Division is responsible for implementing this contract.

Staff Contact and/or Presenter:

Candida Heater, cheater@sfwmd.gov, 561-682-6486

ATTACHMENTS:

[Resolution No. 2023-0910](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2023 - 09XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a contract with Zaharaly Cleaners, Inc. to provide janitorial services at South Florida Water Management District Headquarters, Palm Beach County for a 3-year contract with two 1-year renewal options in an amount not to exceed \$1,461,115, for which \$267,872 of Ad Valorem funds are subject to the Governing Board approval of the Fiscal Year 2023-2024 budget and the remainder is subject to Governing Board approval of future year budgets; providing an effective date. (Contract No. 4600004850)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize entering into a 3-year contract with two 1-year renewal options (Contract No. 4600004850) with Zaharaly Cleaners, Inc., for janitorial services for the South Florida Water Management District Headquarters, Palm Beach County in an amount not to exceed \$1,461,115 of which \$267,872 of Ad Valorem funds are subject to the Governing Board approval of the Fiscal Year 2023-2024 budget and the remainder is subject to Governing Board approval of future year budgets.

WHEREAS, the current contract with Image Janitorial Services, Inc. will expire on October 31, 2023.

WHEREAS, the search for a suitable janitorial contractor service provider was solicited by District procurement procedures using competitive bid process that resulted in Zaharaly Cleaners, Inc. being the lowest responsive responsible bidder and met all minimum requirements as a janitorial services provider at the South Florida Water Management District Headquarters.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby approves the Contract with Zaharaly Cleaners, Inc., for janitorial services for the South Florida Water Management District Headquarters, Palm Beach County in an amount not to exceed \$1,461,115 subject to Governing Board approval of future year budgets. (Contract No. 4600004850)

Section 2. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 14th day September 2023.

MEMORANDUM

TO: Governing Board Members

FROM: Candida Heater, Administrative Services, Budget Bureau

DATE: September 14, 2023

SUBJECT: Authorize the Executive Director or Designee to Request the Florida Department of Environmental Protection to Release and Transfer Funds to the District Everglades Trust Fund

Agenda Item Background:

The annual Florida Legislative Session concludes with the approval of the General Appropriations Act, the law providing Florida with annual funding to operate. The Governor signed into the Laws of Florida, Chapter 2023-239 Senate Bill No. 2500 General Appropriations Act (GAA). Within includes Specific Appropriation 1685 Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay Everglades Restoration that included \$64,000,000 in recurring funds from the Land Acquisition Trust Fund to transfer to the Everglades Trust Fund within the South Florida Water Management District pursuant to section 375.041(3)(b)4., Florida Statutes. This resolution advises the Secretary of the Florida Department of Environmental Protection of the appropriations and authorizes the Executive Director of the South Florida Water Management District, or Designee to request the transfer of funds.

Additional Item Background:

Core Mission and Strategic Priorities:

This action will secure funds for District activities that are consistent with District's mission Restoration of Water Resources and Ecosystems: Safeguarding and Restoring South Florida's Delicate Ecosystem as well as the laws and regulations governing the use of the state funding.

Funding Source:

The funding source is the 2023 Specific Appropriation 1685 Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay Everglades Restoration from the Land Acquisition Trust Fund.

Staff Contact and/or Presenter:

Candida Heater, cheater@sfwmd.gov, 561-682-6486

ATTACHMENTS:

[Resolution No. 2023-0911](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 – 09xx

A Resolution of the Governing Board of the South Florida Water Management District recognizing from Chapter 2023-239 Senate Bill No. 2500 General Appropriations Act (GAA) Specific Appropriation 1685 as enacted by the Legislature of the State of Florida authorizing the Executive Director of the South Florida Water Management District, or Designee to request the Florida Department of Environmental Protection to release and transfer \$64,000,000 to the District Everglades Trust Fund Pursuant to Section 375.041(3)(b)4., Florida Statutes; providing an effective date.

WHEREAS, The Governor signed into the Laws of Florida, Chapter 2023-239 Senate Bill No. 2500 which includes, Specific Appropriation 1685 Grants and Aids to Local Governments and Nonstate Entities - Fixed Capital Outlay Everglades that included \$64,000,000 in recurring funds from the Land Acquisition Trust Fund to transfer to the Everglades Trust Fund within the South Florida Water Management District pursuant to section 375.041(3)(b)4., Florida Statutes; and

WHEREAS, the Executive Director of the South Florida Water Management District, or Designee, is authorized to request release and transfer through the General Appropriations Acts, consistent with Florida Statutes including Chapter 216, Chapter 373, and Chapter 375; and

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District does hereby authorize the Executive Director of the South Florida Water Management District, or Designee, to request the Florida Department of Environmental Protection to release and transfer \$64,000,000 to the District Everglades Trust Fund Pursuant to Section 375.041(3)(b)4., Florida Statutes

Section 2. Funds transferred from the Florida Department of Environmental Protection to the District to implement Specific Appropriation 1685 shall be subject to the requirements of the Section 215.97, Florida Statutes, (The Florida Single Audit Act) and Section 216.181(16)(b), Florida Statutes.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED and ADOPTED, this 14th day of September, 2023.

MEMORANDUM

TO: Governing Board Members

FROM: Rich Virgil, Field Operations Division

DATE: September 14, 2023

SUBJECT: Request for Right of Way Occupancy Permit

Agenda Item Background:

Collier County Transportation Engineering Division (Applicant) requests approval of Standard Right of Way Occupancy Permit Number 16774-R (ROW Permit) to construct a bridge over the Golden Gate Main Canal for the extension of 16th Street N.E. which presently terminates at the canal. The work will also include rip-rap bank stabilization and four drainage culverts. Applicant requests a waiver of District criteria to construct the bridge with a vertical clearance of 2.3 feet in lieu of the required 4.0 feet above the design water surface elevation, resulting in a waiver of 1.7 feet. The County asserts that raising the bridge to meet District criteria would require reconstruction of the existing roadways for a distance of approximately 260 feet on each side of the canal. If approved, the reduced vertical clearance will not interfere with or adversely impact the District's routine or emergency operations, maintenance, or future construction activities.

Staff Contact and/or Presenter:

Rich Virgil, ext. 6759

ATTACHMENTS:

[Backup Document](#)

TABLE OF CONTENTS

RIGHT OF WAY OCCUPANCY CONSENT AGENDA FOR GOVERNING BOARD APPROVAL

September 14, 2023

	PAGES
I RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA:	
Governing Board action is required on petitions received requesting a waiver of District criteria. Section 120.542, F.S. and Rule 28-104.002, F.A.C., requires agencies to grant variances and waivers to their own rules when a person subject to the rules files a petition and demonstrates that he or she can achieve, or has achieved, the purpose of the underlying statute by other means and when application of rule would create a substantial hardship or would violate principles of fairness. A "substantial hardship" is defined as a demonstrated economic, technological, legal or other type of hardship to the person requesting the waiver. "Principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule. A "waiver" is defined as an agency decision not to apply all or part of a rule to the person subject to the rule.	2

RIGHT OF WAY OCCUPANCY PERMIT REQUESTS WITH WAIVER OF DISTRICT CRITERIA

Applicant	Collier County Transportation Engineering Division
Application Number	230501-38473
Canal	Golden Gate Main Canal
Location	16th Street N.E.
Proposed Improvements to be Authorized by ROW Permit 16774-R	Two-lane vehicle bridge with rip-rap bank stabilization and four (4) drainage culverts
Required Waiver	Waiver to Minimum Required Vertical Clearance for the Bridge
ROW Permit Number (Proposed)	16774-R

DISCUSSION

Collier County Transportation Engineering Division (Applicant) requests approval of Standard Right of Way Occupancy Permit Number 16774-R (ROW Permit) to construct a bridge over the Golden Gate Main Canal for the extension of 16th Street N.E. which presently terminates at the canal. Along with the bridge, the work will include rip-rap bank stabilization and four (4) drainage culverts.

At this location, the bridge is required to have a vertical clearance of 4.0 feet above the design water surface elevation. The County is requesting a waiver to this requirement to allow the bridge to be 2.3 feet above the water, resulting in a waiver of 1.7 feet.

The waiver is justified by a hardship. The County asserts it is unable to raise the bridge elevation because doing so would require reconstruction of the existing roadway for a distance of approximately 260 feet on each side of the canal, which would adversely impact existing residential driveways.

To improve maintenance access within the Golden Gate Main Canal near the proposed bridge, Collier County will construct a maintenance access point (e.g., boat ramp) for District use. Construction of the boat ramp will be a condition of the ROW Permit. If approved, the reduced vertical clearance will not interfere with or adversely impact the District's routine or emergency operations, maintenance, or future construction activities.

LEGAL NOTICE

The petition for waivers was reviewed by the Office of Counsel for compliance with applicable legal requirements. Pursuant to Section 120.542(6), Florida Statutes, notice of the petition was provided to the Department of State and published in Volume 49, Number 159 of the Florida Administrative Register on August 16, 2023. No public comments were received.

RECOMMENDATION

Staff recommends **approval** of issuance of Standard Right of Way Occupancy Permit Number 16774-R and the associated petition for waiver to minimum required vertical clearance. (Application No. 230501-38473)

(Easement)

**16th Street N.E. Bridge
Waiver to Required Vertical Clearance
Collier County Transportation Engineering Division, Applicant
Golden Gate Main Canal – Collier County**

Right of Way Occupancy Permit No. 16774-R

**John R. Hixenbaugh, J.D, AICP
Right of Way Section Administrator
South Florida Water Management District
Governing Board Meeting
September 14, 2023**

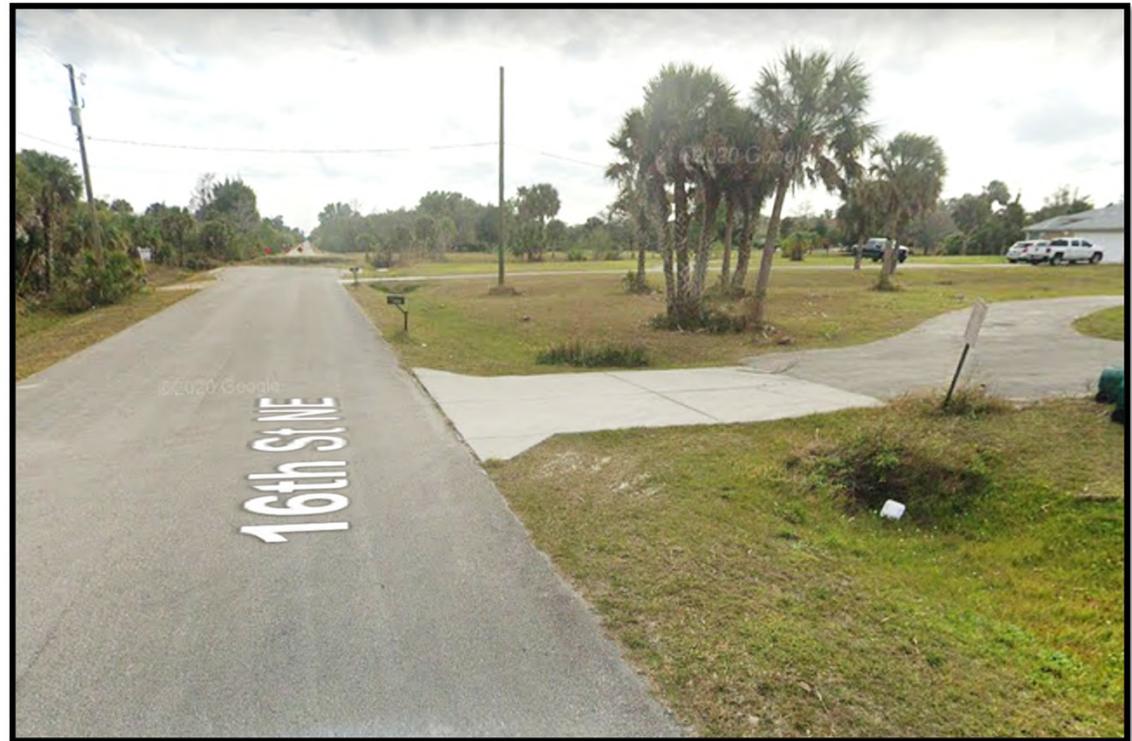
Application Information and Location Map

- **Applicant:** Collier County Transportation Engineering Division
- **Permit No:** 16774-R
- **Application No:** 230501-38473
- **Canal:** Golden Gate Main
- **Location:** 16th Street N.E.
- **Request:** Approval of Standard Right of Way Occupancy Permit Number 16774-R With a Waiver to the Required Vertical Clearance over the Canal.



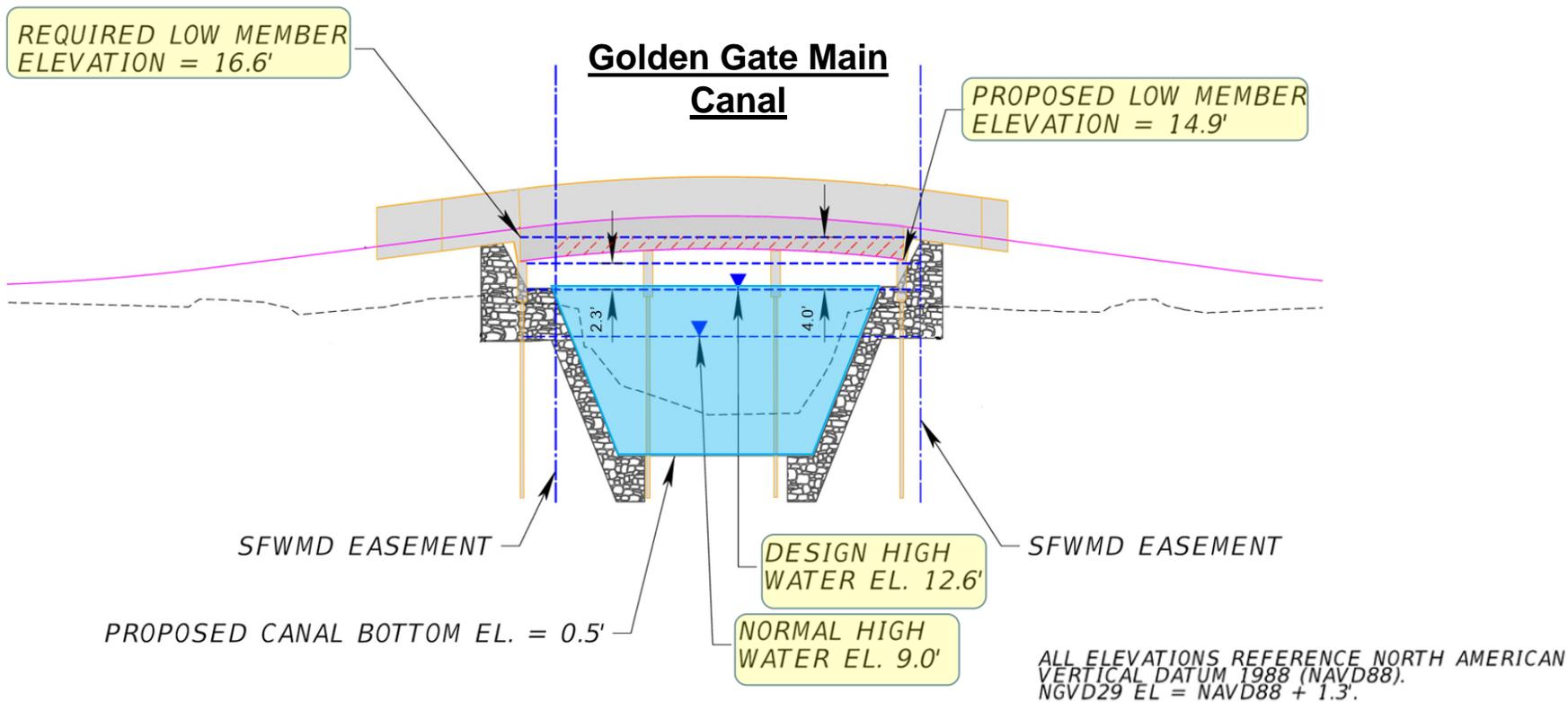
Project Description and Waiver

- Collier County is requesting a ROW Permit to construct a two-lane vehicle bridge crossing the Golden Gate Main Canal. The work will also include rip-rap bank stabilization and four (4) drainage culverts.
- District criteria requires the bridge to have a minimum vertical clearance of 4.0 feet above the design water surface elevation.
- Collier County is requesting a waiver of criteria to construct the bridge with a vertical clearance of 2.3 feet, resulting in a waiver of 1.7 feet.
- The waiver is justified by a hardship. The County asserts that raising the bridge to meet District criteria would require reconstruction of the existing roadways for a distance of approximately 260 feet on each side of the canal.



*Looking south towards Golden Gate Main Canal.
Showing driveways that would be negatively impacted by raising of the roadway to elevate the proposed bridge.*

Proposed Bridge Profile



Conclusion

- To mitigate for the lower bridge, the County will construct an access maintenance point (e.g., boat ramp) for District use at a location near the bridge (to be determined by District staff).
- Construction of the boat ramp will be a condition of the ROW Permit.
- If approved, the reduced vertical clearance will not interfere with or adversely impact the District's routine or emergency operations, maintenance, or future construction activities.



Example of County-constructed maintenance access point for District use. (North side of the Cocohatchee Canal, west of Collier Boulevard)

Discussion

MEMORANDUM

TO: Governing Board Members

FROM: Rich Virgil, Field Operations Division

DATE: September 14, 2023

SUBJECT: Enhanced Law Enforcement Patrol on District Lands

Agenda Item Background:

In March 1999, the District entered into a 25-year cooperative agreement with the Florida Fish and Wildlife Commission (FWC) to patrol and provide law enforcement services on fourteen specific District properties. The purpose of these patrols is and has been to enforce Rule 40E-7, Florida Administrative Code, which is the District's Public Use Rule, and State and Federal Rules and regulations pertaining to resource protection, access, and public use on District lands. These patrols have been effective in addressing and preventing illegal activities such as target shooting, dumping, unauthorized vehicle use, illegal taking of wildlife, and vandalism on District property. The services provided under this agreement include providing law enforcement patrols and special details on District lands that FWC could not otherwise provide due to staffing limitations and competing priorities for environmental law enforcement support. Since 1999, the agreement has been amended numerous times for matters including the Statement of Work, funding, and the addition of lands as they opened for public use and activities.

The current agreement will expire on March 11, 2024. The last full year of funding for this agreement ends on September 30, 2023. To maximize efficiency, we are seeking to consolidate the beginning of the new agreement with the beginning of the Fiscal Year 2023-2024 budget year. Accordingly, District staff seek the Board's approval to restate and replace the District's expiring agreement with FWC by approving a new 25-year agreement. The new agreement will include the funding necessary for the first three years of the agreement.

Additional Item Background:

Core Mission and Strategic Priorities:

This Governing Board item supports the District's core mission and strategic goals by providing law enforcement support to ensure District lands and recreational activities are properly managed for the benefit of the resource and the public in accordance with Section 373.1391, F.S. The General Services Section in the Administrative Services Division will be responsible for implementing this contract.

Staff Contact and/or Presenter:

Richard Virgil, rvirgil@sfwmd.gov, 561-682-6759

ATTACHMENTS:

[Resolution No. 2023-0912](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 09XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize the execution of a 25-year Cooperative Agreement No. 4600004719 with the Florida Fish and Wildlife Conservation Commission to provide law enforcement service on District lands and to provide funding for the first 3 years of the contract (Fiscal Year 2023-2024 thru Fiscal Year 2025-2026) for law enforcement services on District acquired lands in an amount not-to-exceed \$1,716,883.

WHEREAS, the Governing Board of the South Florida Water Management District determines it is necessary, appropriate and in the public interest to authorize the execution of a 25-year Cooperative Agreement No.4600004719 with the Florida Fish and Wildlife Conservation Commission to provide law enforcement services on District lands and to provide funding for the first 3 years of the contract (Fiscal Year 2023-2024 thru Fiscal Year 2025-2026) in an amount not-to-exceed \$1,716,883.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the execution of a 25-year Cooperative Agreement No. 4600004719 with the Florida Fish and Wildlife Conservation Commission for law enforcement services on District lands.

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 14th day of September, 2023.

MEMORANDUM

TO: Governing Board Members

FROM: Lucine Dadrian, Engineering, Construction & Modeling

DATE: September 14, 2023

SUBJECT: S-6 Pump Station Bridge Project, Palm Beach County

Agenda Item Background:

As part of the Operations and Maintenance Capital Improvement Program, the S-6 Pump Station Bridge Project consists of constructing a bridge crossing to support the future construction of the new G-6A Pump Station for Stormwater Treatment Area (STA)-2 and the refurbishment of the existing S-6 Pump Station on the L-15 Canal. The intake of the new G-6A Pump Station will draw water from the L-15 Canal via the existing Spur Canal. Currently, a box culvert provides access over the Spur Canal to the S-6 Pump Station. The District is proposing to replace this box culvert with a bridge and widen the channel of the Spur Canal to significantly increase its flow capacity.

The plan is to construct a new (one-lane HL-93) four-span bridge over the Spur Canal and excavate a portion of the Spur Canal to the specified design cross section in the immediate vicinity of the bridge. The new bridge will be designed in accordance with Florida Department of Transportation Plans Preparation Manual and Structure Design Guidelines that incorporate American Association of State Highway Transportation Officials Load Resistance Factor Bridge Design Specifications.

The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids procurements, this item was competitively bid through a sealed bid process.

Additional Item Background:

Core Mission and Strategic Priorities:

The S-6 Pump Station Bridge Project supports the District's core missions of flood control and water supply.

Funding Source:

Ad Valorem funds in the amount of \$300,000 are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets.

Staff Contact and/or Presenter:

Lucine Dadrian, ldadrian@sfwmd.gov, 561-682-2579

ATTACHMENTS:

[Resolution No. 2023-0913](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 – 09XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 600-day contract with Cone & Graham, Inc., the lowest responsive and responsible bidder for the S-6 Pump Station Bridge Project, in the amount of \$3,725,497.02, for which \$300,000.00 in Ad Valorem funds are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets. (Contract No. 4600004778)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize entering into a 600-day contract with Cone & Graham, Inc., the lowest responsive and responsible bidder for the S-6 Pump Station Bridge Project, in the amount of \$3,725,497.02.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes entering into a 600-day contract with Cone & Graham, Inc., the lowest responsive and responsible bidder, for the S-6 Pump Station Bridge Project, in the amount of \$3,725,497.02, for which \$300,000.00 in Ad Valorem funds are budgeted in Fiscal Year 2022-2023 and the remainder is subject to Governing Board approval of future years budgets. (Contract No. 4600004778)

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 14th day of September, 2023.

MEMORANDUM

TO: Governing Board Members

FROM: Lucine Dadrian, Engineering, Construction & Modeling

DATE: September 14, 2023

SUBJECT: Design Build for the Clewiston Field Station Relocation Project

Agenda Item Background:

The Clewiston Field Station Relocation, located in Hendry County, consists of the design and construction of a new Clewiston Field Station. The new facility will be located on District land located in Hendry County. The existing Field Station has reached the end of its useful life and requires replacement with facilities that meet current code requirements and facility needs.

The new facility will consolidate and centrally locate the works and services provided in support of the District's mission for existing infrastructure operations as well as support new infrastructure that are in design and construction in the CERP, CEPP, NEEPP and Restoration Strategies programs. They include critical projects such as the C-43 Caloosahatchee Reservoir, A2 STA and Reservoir, Boma FEB, Lake Hicpochee FEB Phase 1 and 2, C-139 FEB, and CEPP North Features.

The District is using the Progressive Design/Build procurement method to work in collaboration with the Design/Builder from the conceptual phase through construction phase. The current Contract provides for the Design/Builder to deliver the Phase One Services Technical Exhibits through Intermediate Design (60%). The District chooses to make modifications to the design beyond the Intermediate Design, and the Design/Builder shall be compensated for such advancement as Additional Services. Amendment 5 advances the Technical Exhibits Final Design (90%) and Corrected Final Design/RTA (100%) under the Phase One Services and removes that work from Phase Two (construction).

Additional Item Background:

Core Mission and Strategic Priorities:

The project supports the District's missions of ecosystem restoration, water supply and flood control.

Staff Contact and/or Presenter:

Lucine Dadrian, ldadrian@sfwmd.gov, 561-682-2685

ATTACHMENTS:

[Resolution No. 2023-0914](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 – 09XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to the design-build contract with State Contracting and Engineering Corporation, for the Phase One Services advancement of the design to 100% for the Clewiston Field Station Building Relocation project in an amount not-to-exceed \$1,147,308.00, for which \$1,147,308.00 in dedicated funds (Land Acquisition Trust Fund) is subject to Governing Board approval of Fiscal Year 2023-2024 Adopted Budget. (Contract No. 4600004535-A05)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to amend the contract with State Contracting and Engineering Corporation authorizing Phase One Services advancement of the design to 100% (Final) for the Clewiston Field Station Building Relocation project.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby approves the contract amendment with State Contracting and Engineering Corporation for the Design/Build of the Clewiston Field Station Building Relocation project, in the amount of not-to-exceed \$1,147,308, for which \$1,147,308 in dedicated funds (Land Acquisition Trust Fund) is subject to Governing Board approval of Fiscal Year 2023-2024 Adopted Budget. (Contract No. 4600004535-A05)

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of September, 2023.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 09XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize additional budgetary authority in the amount of \$104,500,000 to complete construction of the C-43 Caloosahatchee Basin Storage Reservoir; providing an effective date.

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize additional funding in furtherance of completing construction of the C-43 Caloosahatchee Basin Storage Reservoir, located in Hendry County, Florida; and

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes additional budgetary authority in the amount of \$104,500,000 to complete construction of the C-43 Caloosahatchee Basin Storage Reservoir.

Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** this 14th day of September, 2023.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD
By:

Chauncey P. Goss, II
Chairman

Attest:

Legal form approved:
By:

Interim District Clerk/Secretary

Office of Counsel

Print name:

Caloosahatchee (C-43) Reservoir

Progress Update May 1 – Present

Lucine Dadrian, P.E.
Division Director, Engineering, Construction & Modeling
South Florida Water Management District
Governing Board
Sept 14, 2023



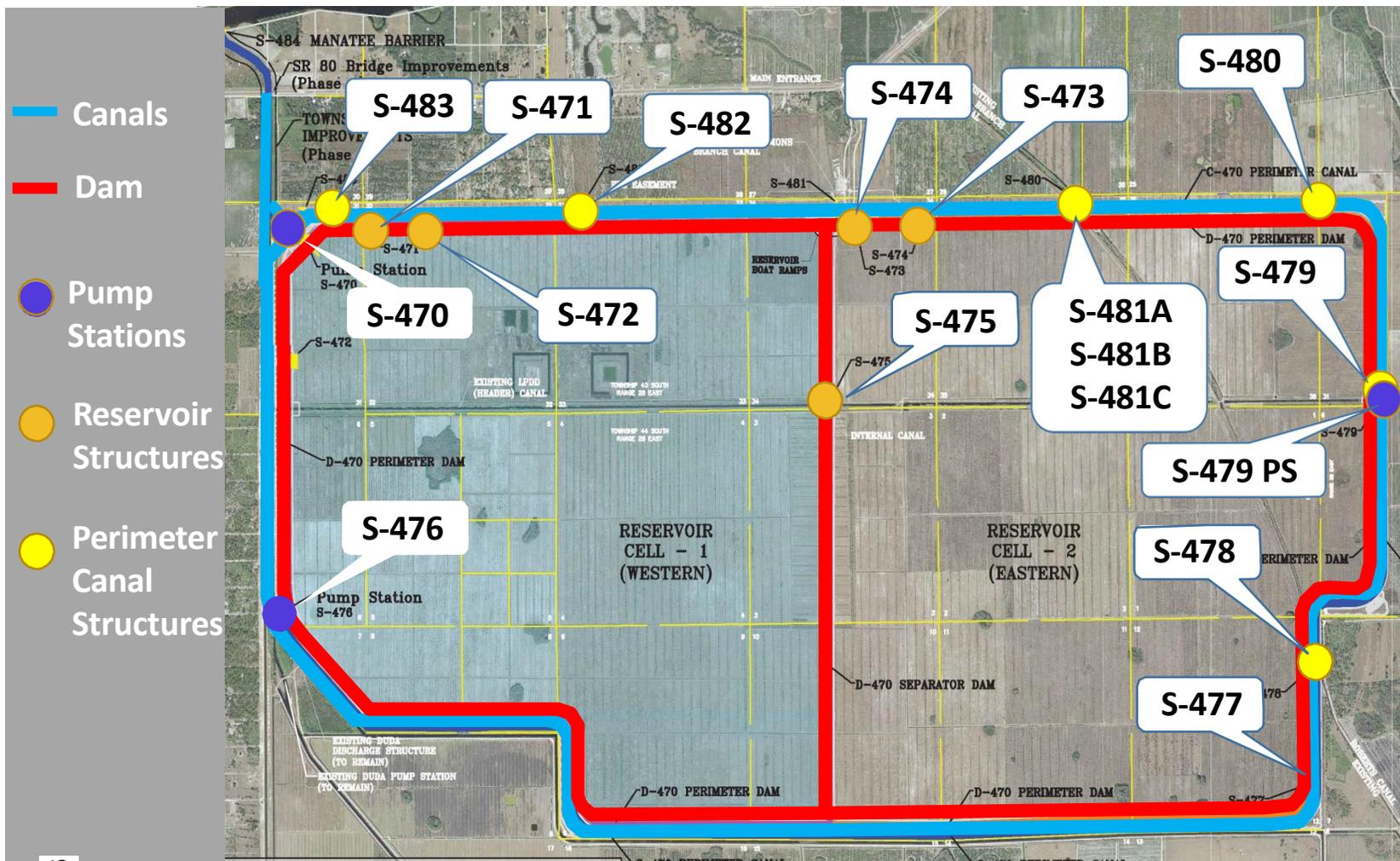
Caloosahatchee (C-43) Reservoir Benefits

- Capture excess basin water
- Capture releases from Lake Okeechobee
- Improve salinity balance for the Caloosahatchee Estuary by capturing peak flows during the wet season and providing essential flows during the dry season



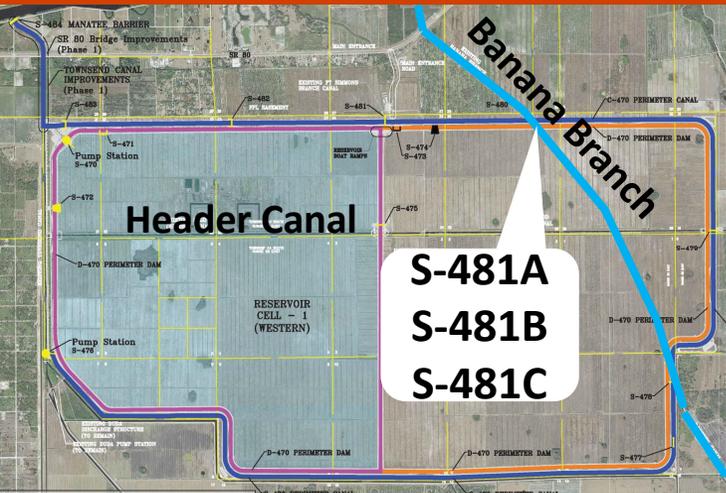
S-470 Pump Station

Site Map



- Package 1 – Embankment Preloading and Demolition
- Package 2 – S-476 Pump Station
- Package 3 – S-470 Pump Station
- Package 4 – Reservoir
 - 19 Miles of Dam Embankment
 - 15 Miles of Perimeter Canal
 - 14 Water Control Structures
 - 1 Pump Station
 - Recreation Features
 - Townsend Canal Improvements
 - Local & Site Access Bridges

Banana Branch at North Embankment – 4/28/23



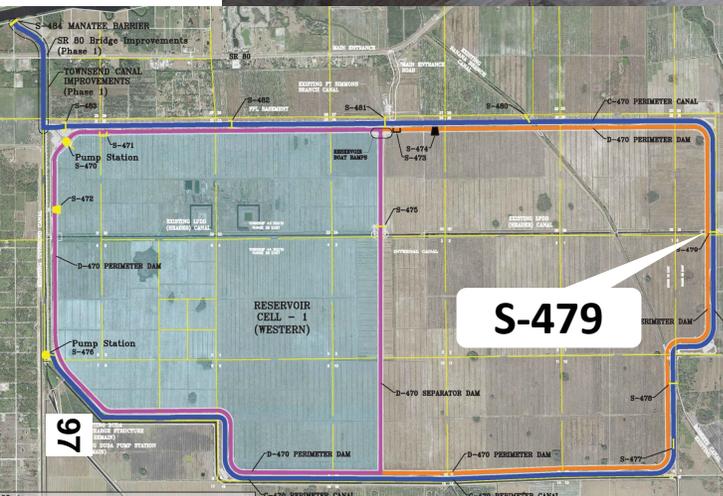
Banana Branch North Embankment – 6/1/23



Banana Branch North Embankment – 8/15/23



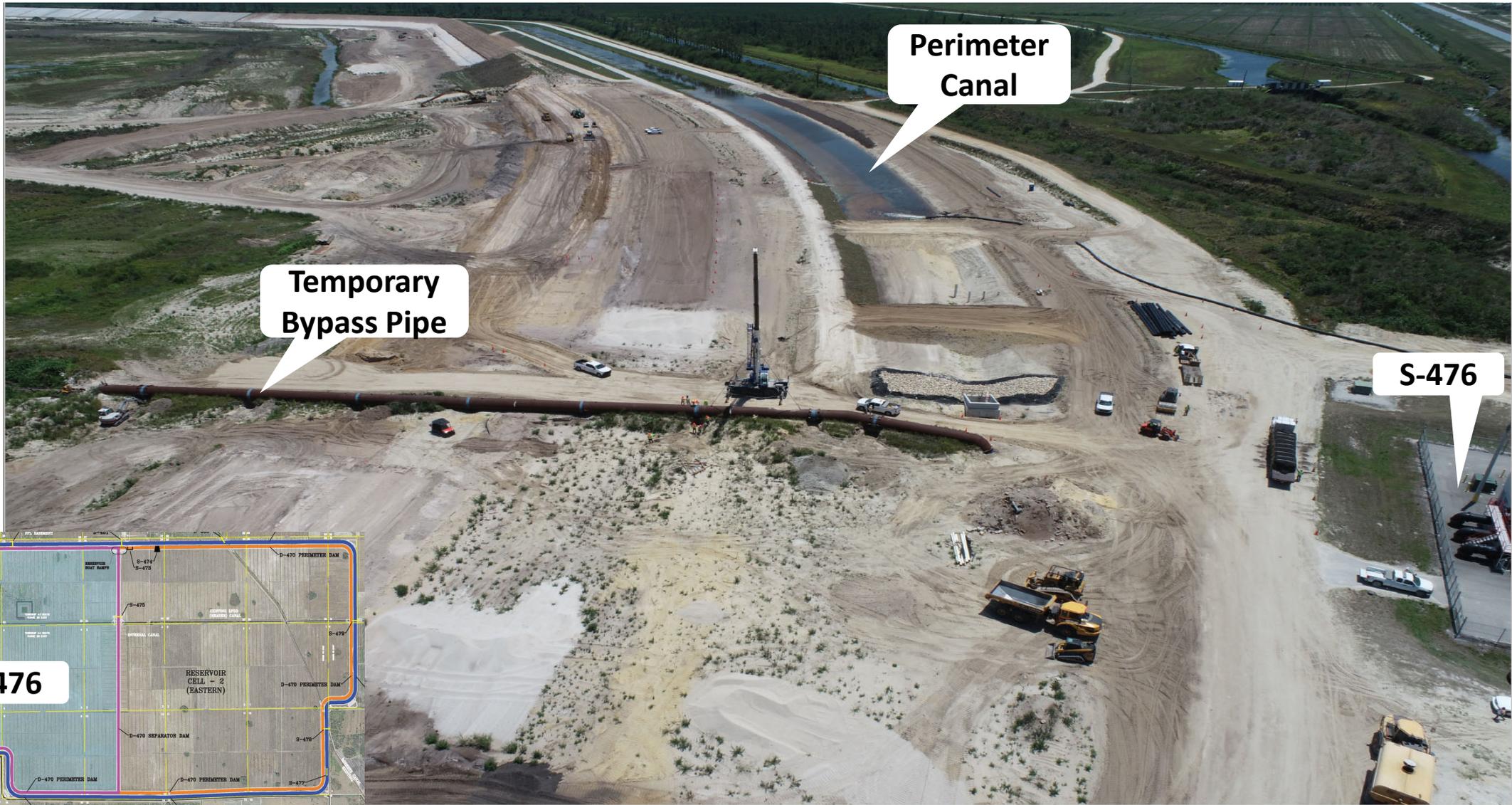
S-479 Ag Pump Station – 4/28/23



S-479 Ag Pump Station – 6/30/23



S-476 Perimeter Canal Discharge – 4/28/23



Perimeter Canal

Temporary Bypass Pipe

S-476



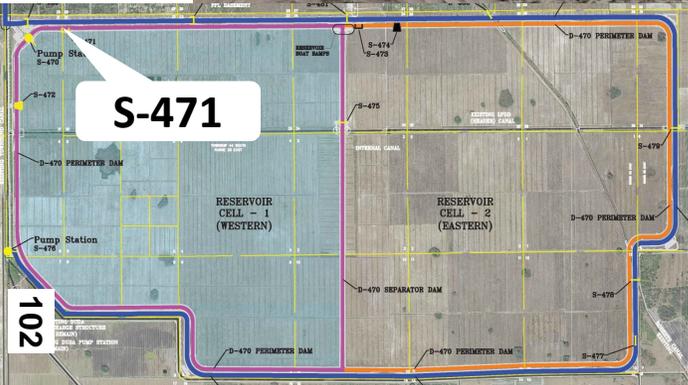
S-476 Perimeter Canal Discharge – 7/1/23



S476 Perimeter Canal Discharge – 8/28/23



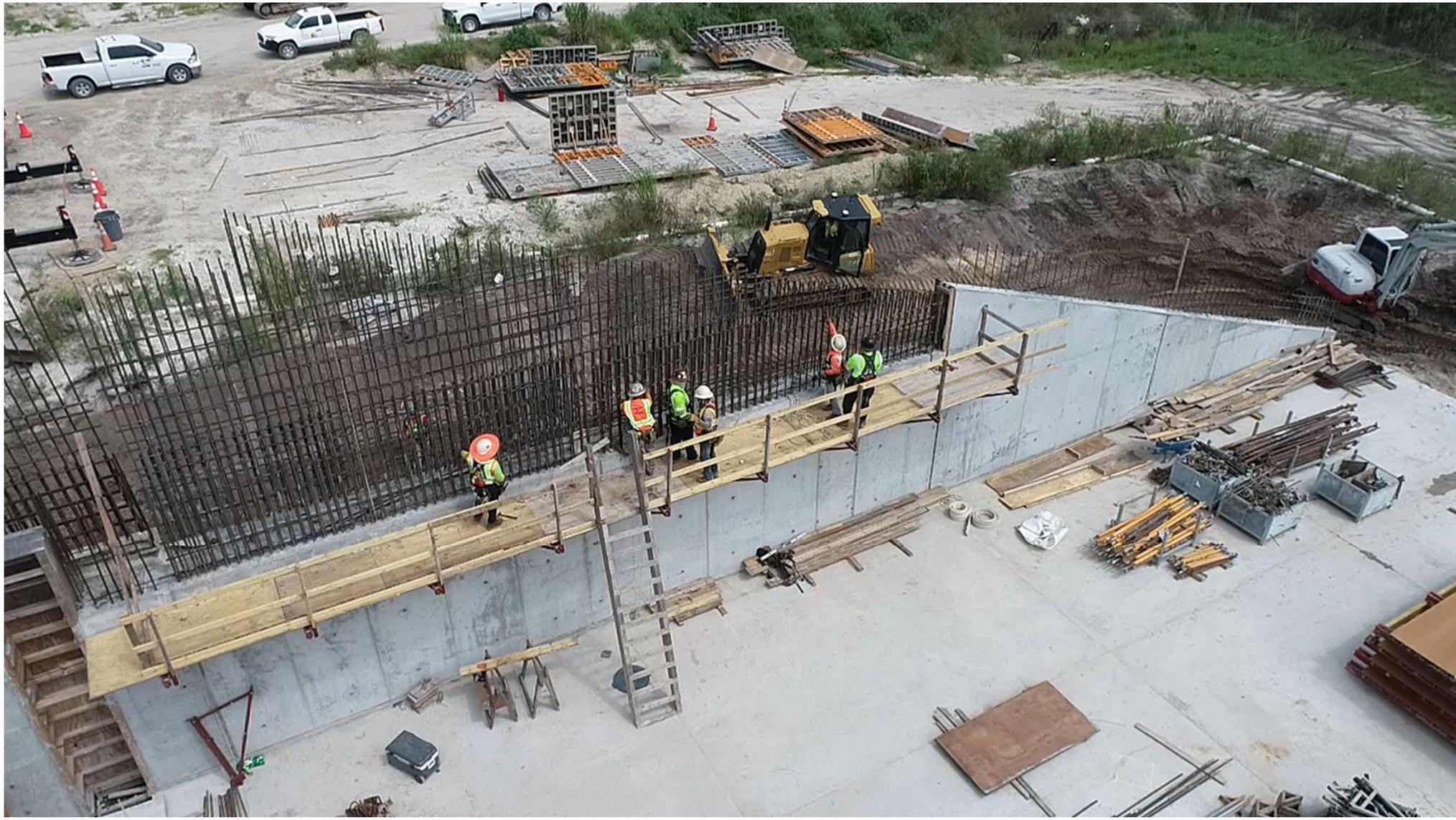
S471 Outflow Structure – 4/28/23



S471 Outflow Structure – 8/25/23



S471 Outflow Structure – 8/28/23



Soil Cement North Batch Plant – 04/28/23



Soil Cement North Batch Plant – 8/28/23



S-475 Divide Structure – 4/28/23



S-475 Divide Structure – 8/25/23



Construction Status

- Package 1 – Embankment Preloading and Demolition ✓
 - Package 2 – S-476 Pump Station ✓
 - Package 3 – S-470 Pump Station ✓
 - Package 4 – Reservoir
- | | |
|---|--|
| <ul style="list-style-type: none"> ➤ 19 Miles of Dam Embankment ➤ 15 Miles of Perimeter Canal ➤ 14 Water Control Structures ➤ 1 Pump Station ➤ Recreation Features ➤ Townsend Canal Improvements ➤ Local & Site Access Bridges | <ul style="list-style-type: none"> ➤ 18 Miles Complete ➤ 10 Miles Complete ➤ 7 Structures Complete ➤ 85% Complete ➤ Not Started ➤ Not Started ➤ 80% Complete |
|---|--|



Site Activity

Northeast Embankment





Resolution

A Resolution of the Governing Board of the South Florida Water Management District to authorize additional budgetary authority in the amount of \$104,500,000 to complete construction of the C-43 Caloosahatchee Basin Storage Reservoir; providing an effective date.

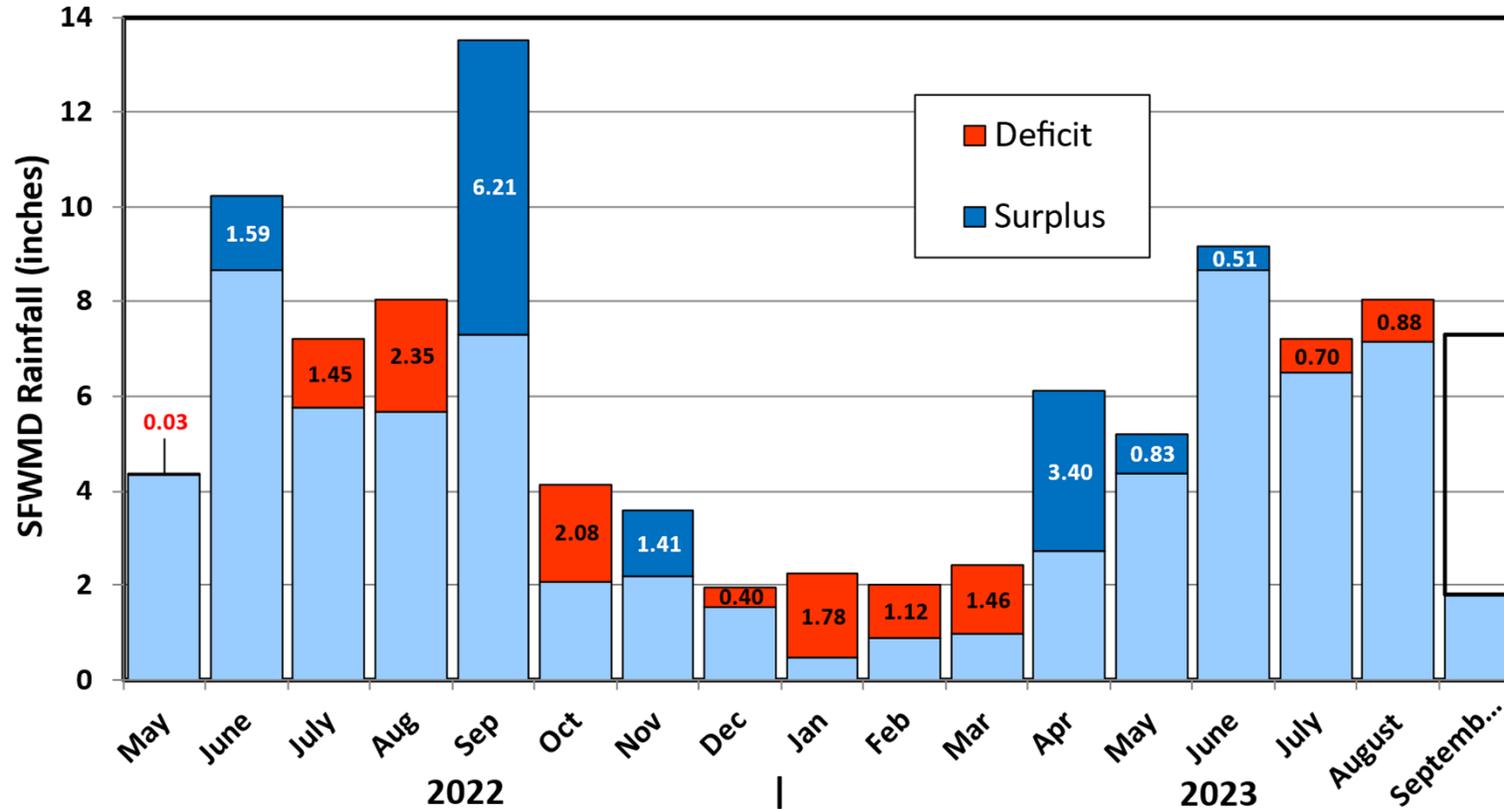
Water Conditions Summary

**South Florida Water Management District
Governing Board Meeting
September 14, 2023**



**John P. Mitnik, PE
Chief District Engineer
Assistant Executive Director**

SFWMD Rainfall Distribution Comparison (May 2022 - September 2023)



District Wide Average Rainfall

Month	Average (inches)
Jan	2.24
Feb	2.01
Mar	2.43
Apr	2.71
May	4.37
Jun	8.65
Jul	7.20
Aug	8.03
Sep	7.31
Oct	4.15
Nov	2.18
Dec	1.94

} Wet Season

2022 WET SEASON

- Started 5/13/2022 – Ended 9/28/2022
- May ~ 100%, Jun ~ 120%, Jul ~ 80%, Aug ~ 65%
- Sep 2022 total 13.52", 191% of Normal
- Sep 26-29, Hurricane Ian ~ 5.3"

2022-2023 DRY SEASON

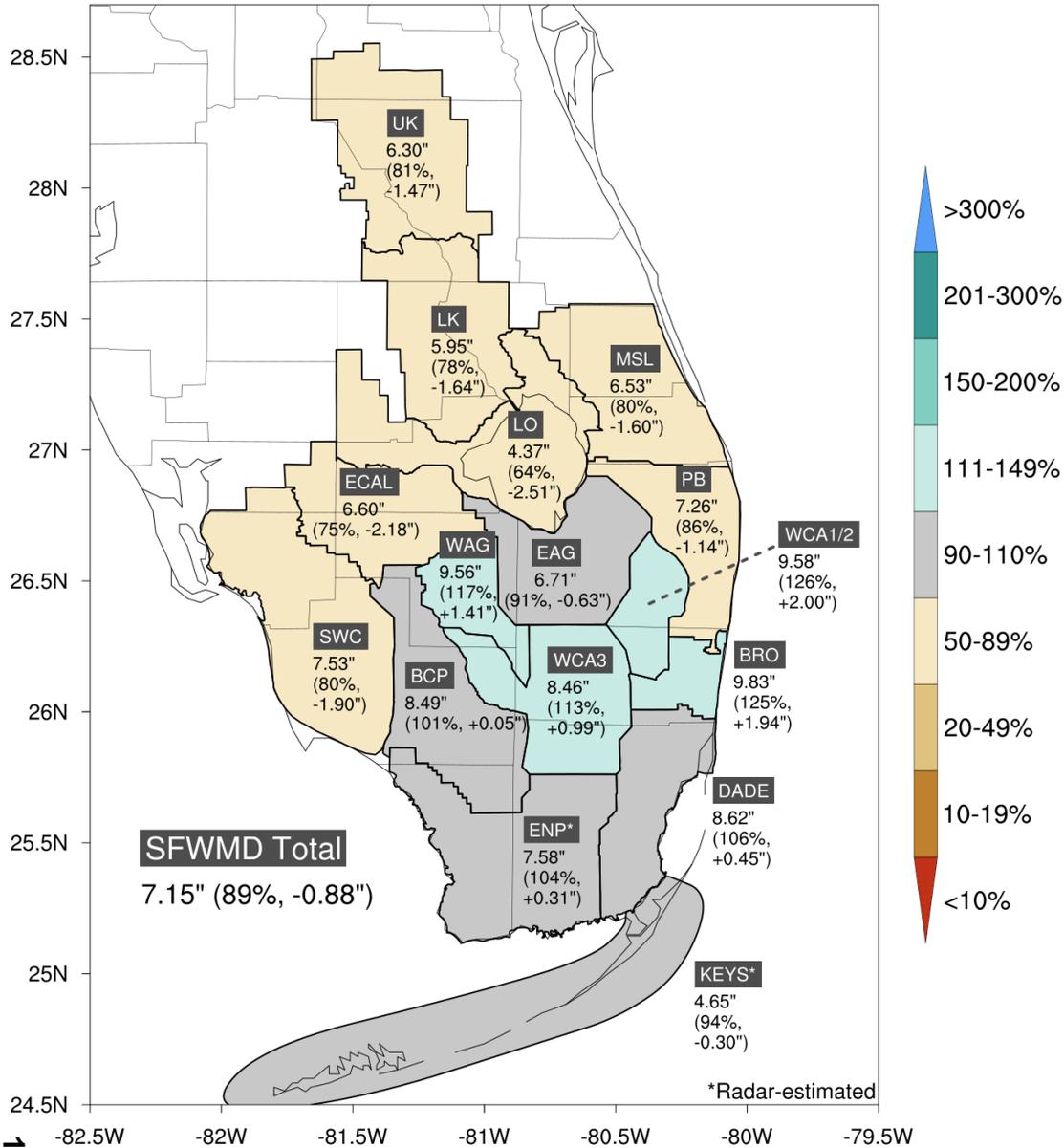
- Started 9/29/2022 and ended 5/13/2023
- Including October, 5/6 full months are below Normal
- 4/6 full months are more than 50% below Normal
- April was ~ 225% normal.

2023 WET SEASON

- Started 5/14/2023
- May was about ~120% Normal
- June was near normal (106% Normal)
- July and Aug were near normal (< 90% Normal)

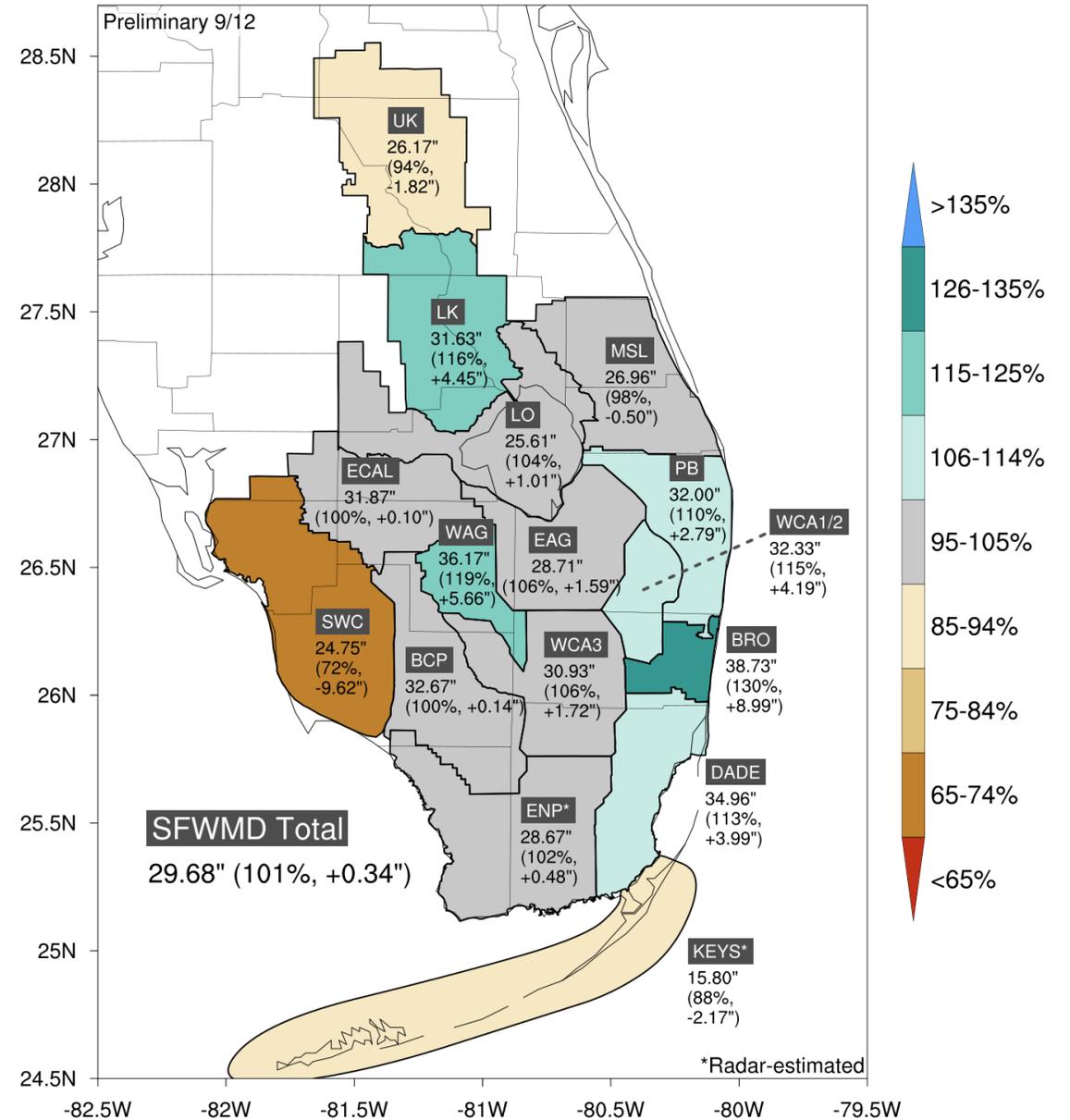
August 2023

Rainfall, Percent of Normal, and Departures



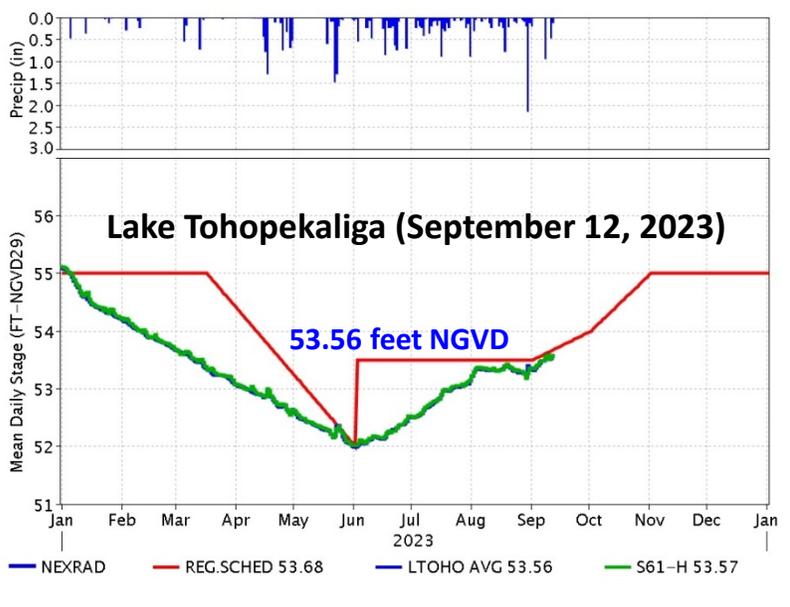
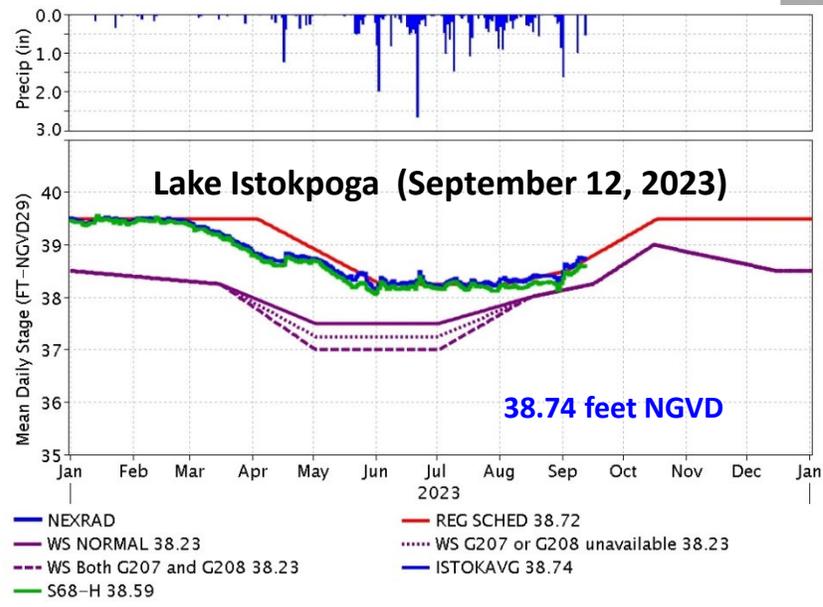
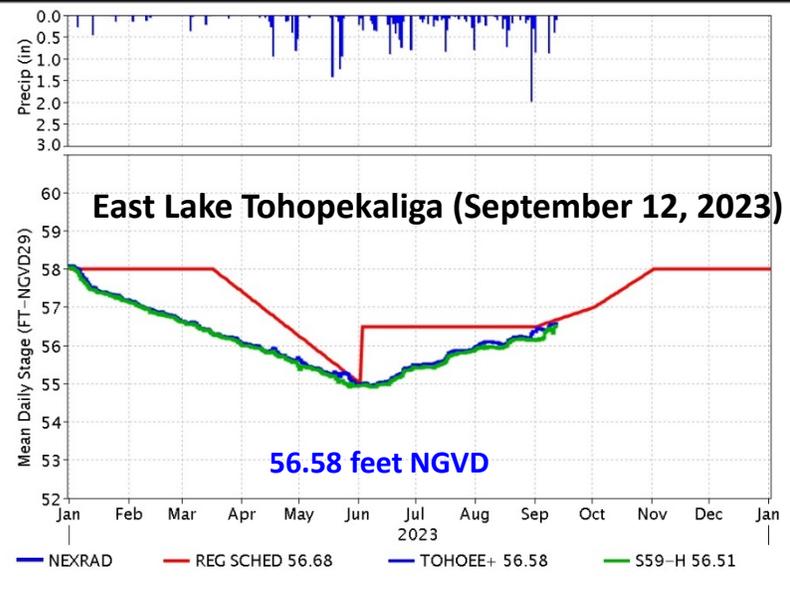
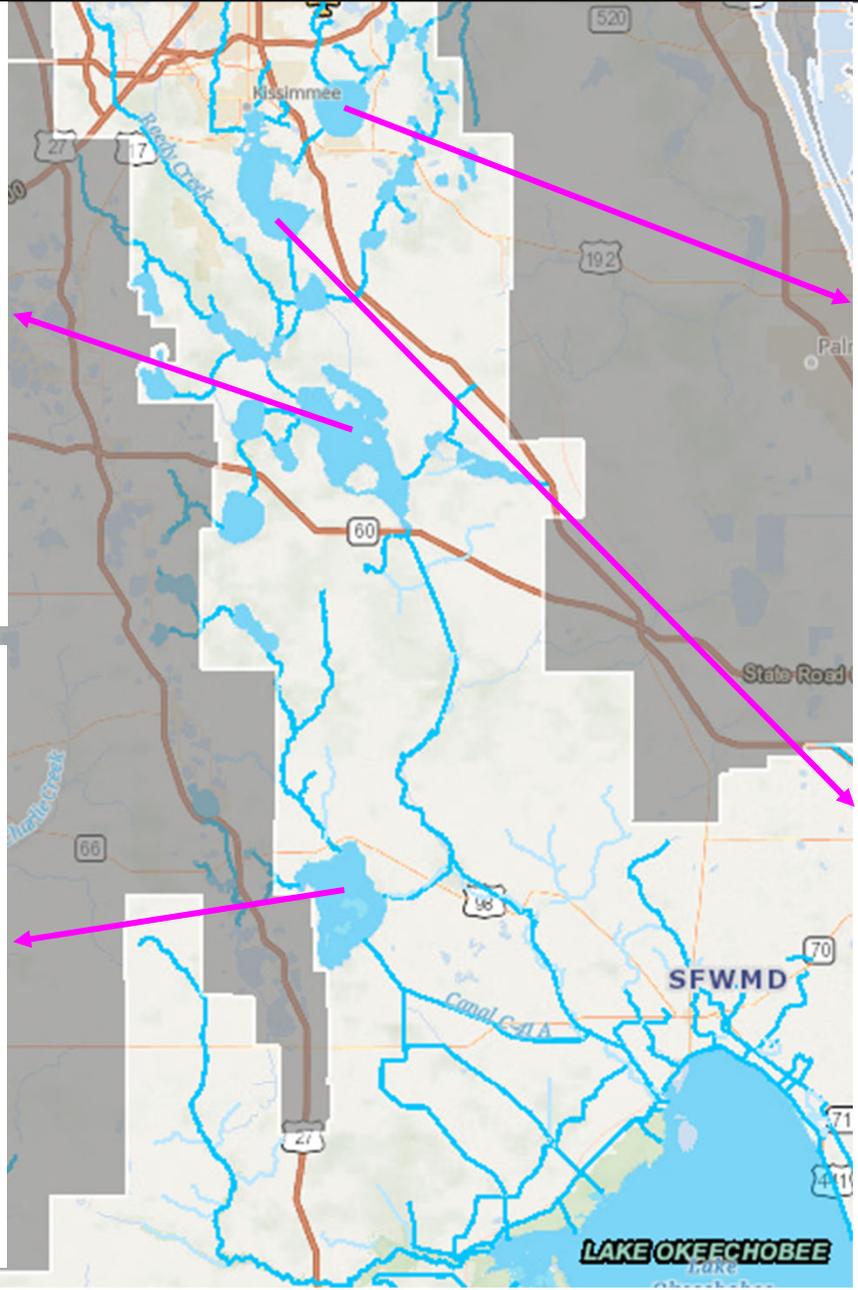
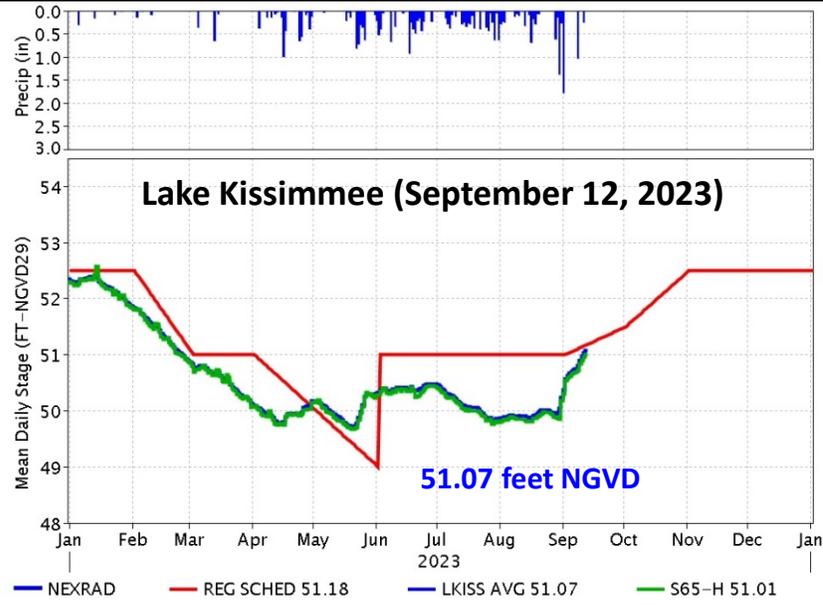
2023 Dynamic Wet Season (5/14/23 to 9/12/23)

Rainfall, Percent of Normal, and Departures

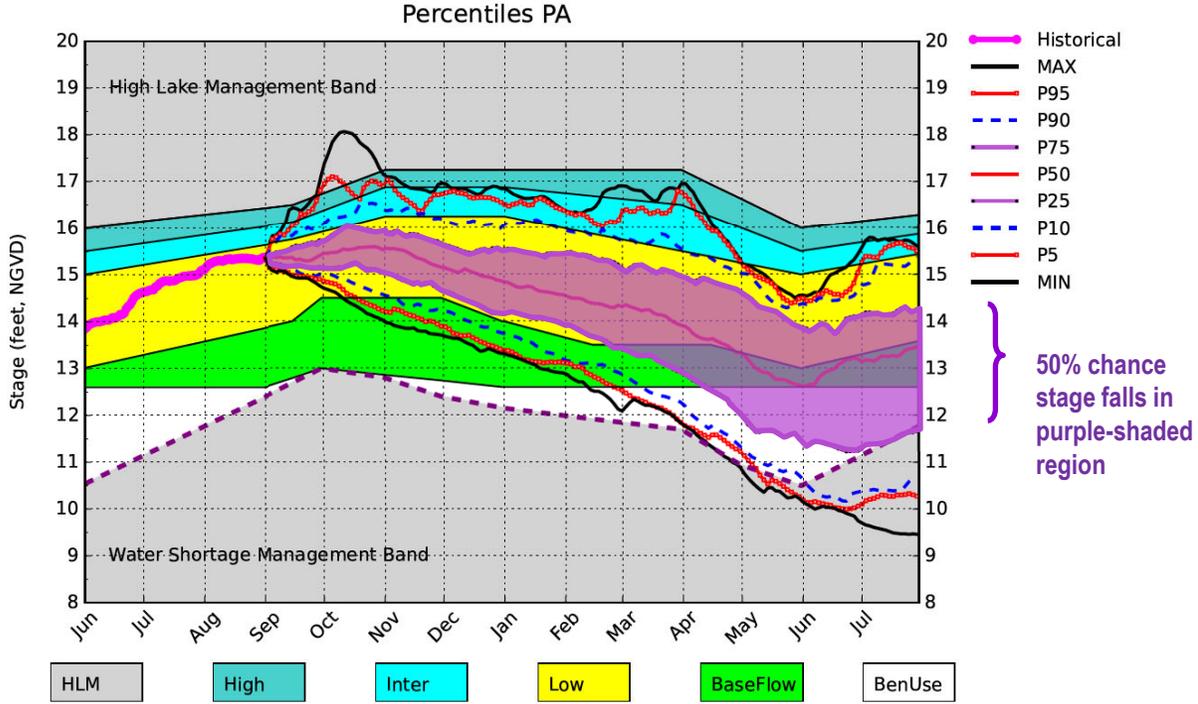


*Radar-estimated

*Radar-estimated



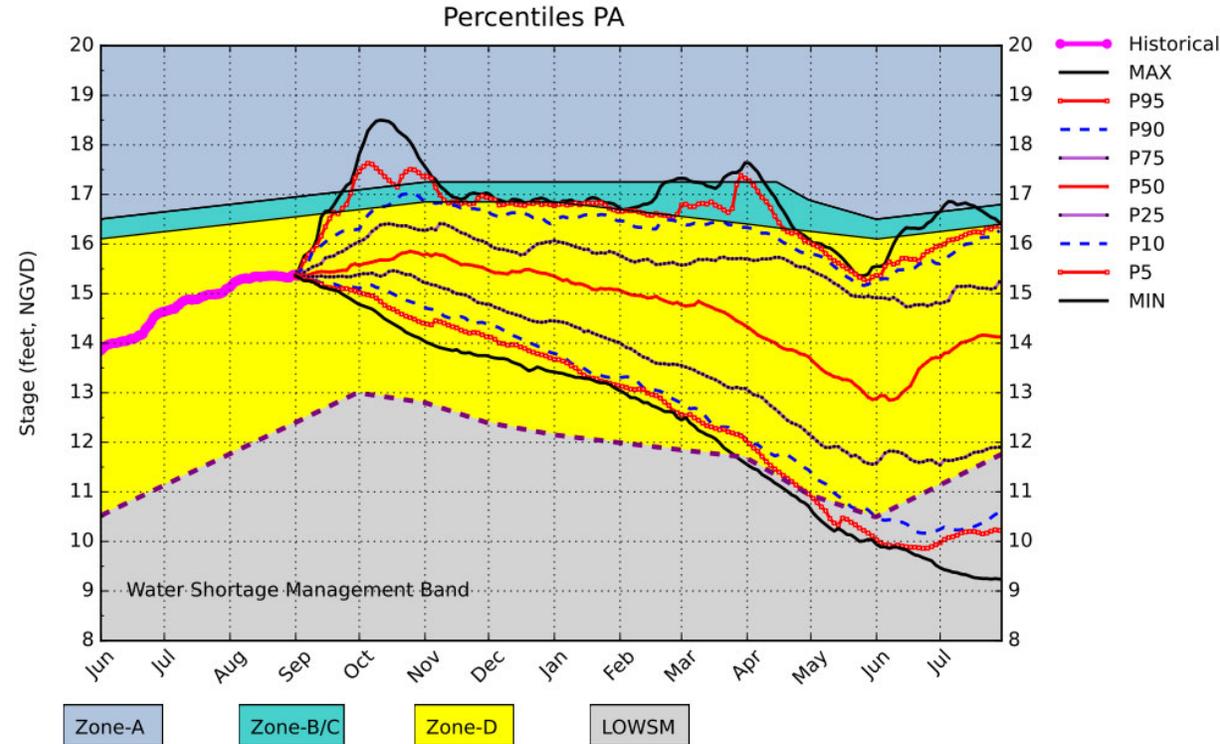
Lake Okeechobee SFWMM September 2023 Position Analysis



Provisional Tool Under Development for the Proposed July 2023 Water Control Plan (LOSOM PA25)



Lake Okeechobee SFWMM September 2023 Position Analysis

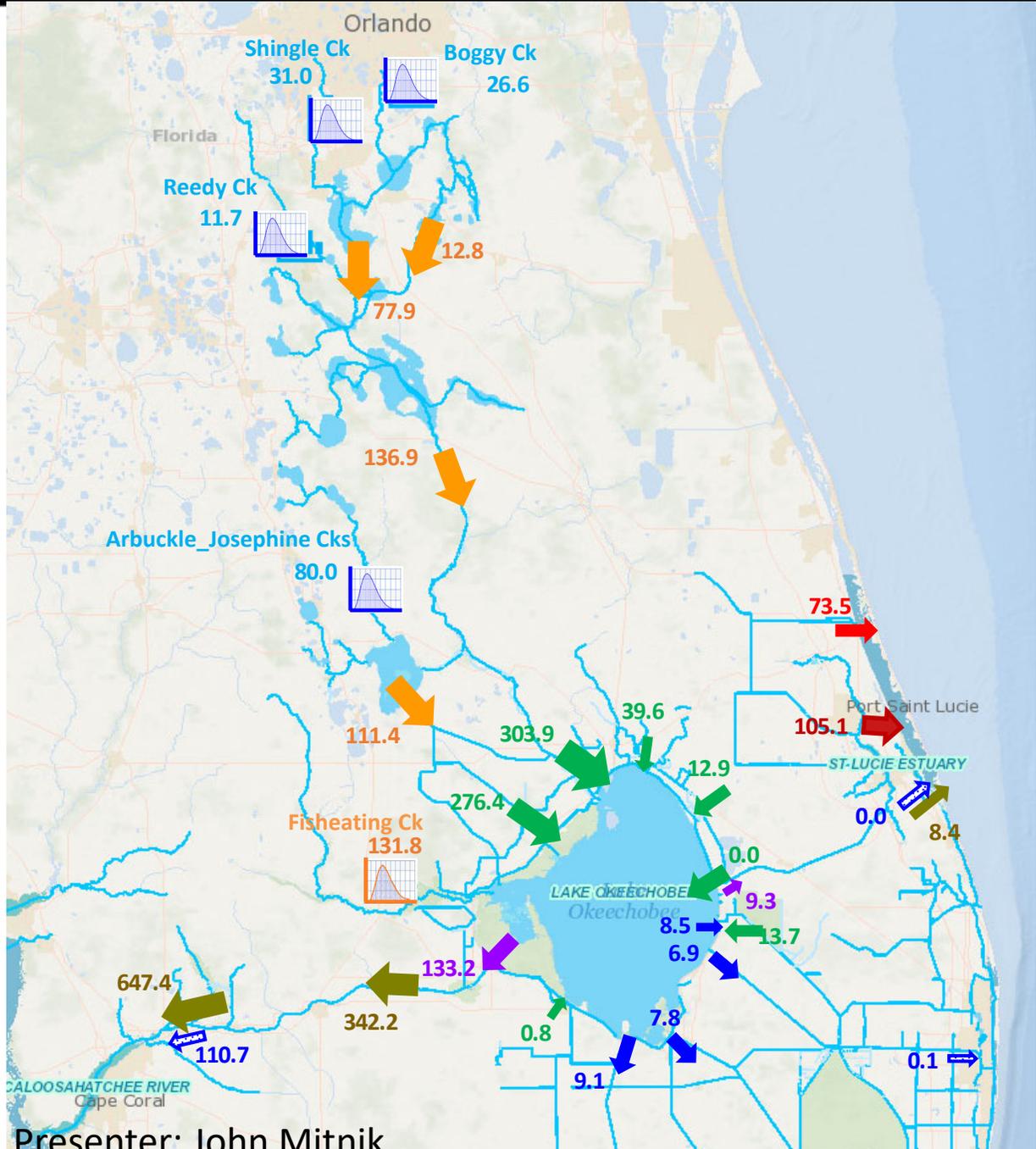


(See assumptions on the Position Analysis Results website)

Current Lake Okeechobee Regulation Schedule (LORS2008)



09/07/23 09:09:25



SFWMD – Selected Release Volumes for the Period May 1, 2023 to September 12, 2023
(Volumes in 1,000 acre-feet)

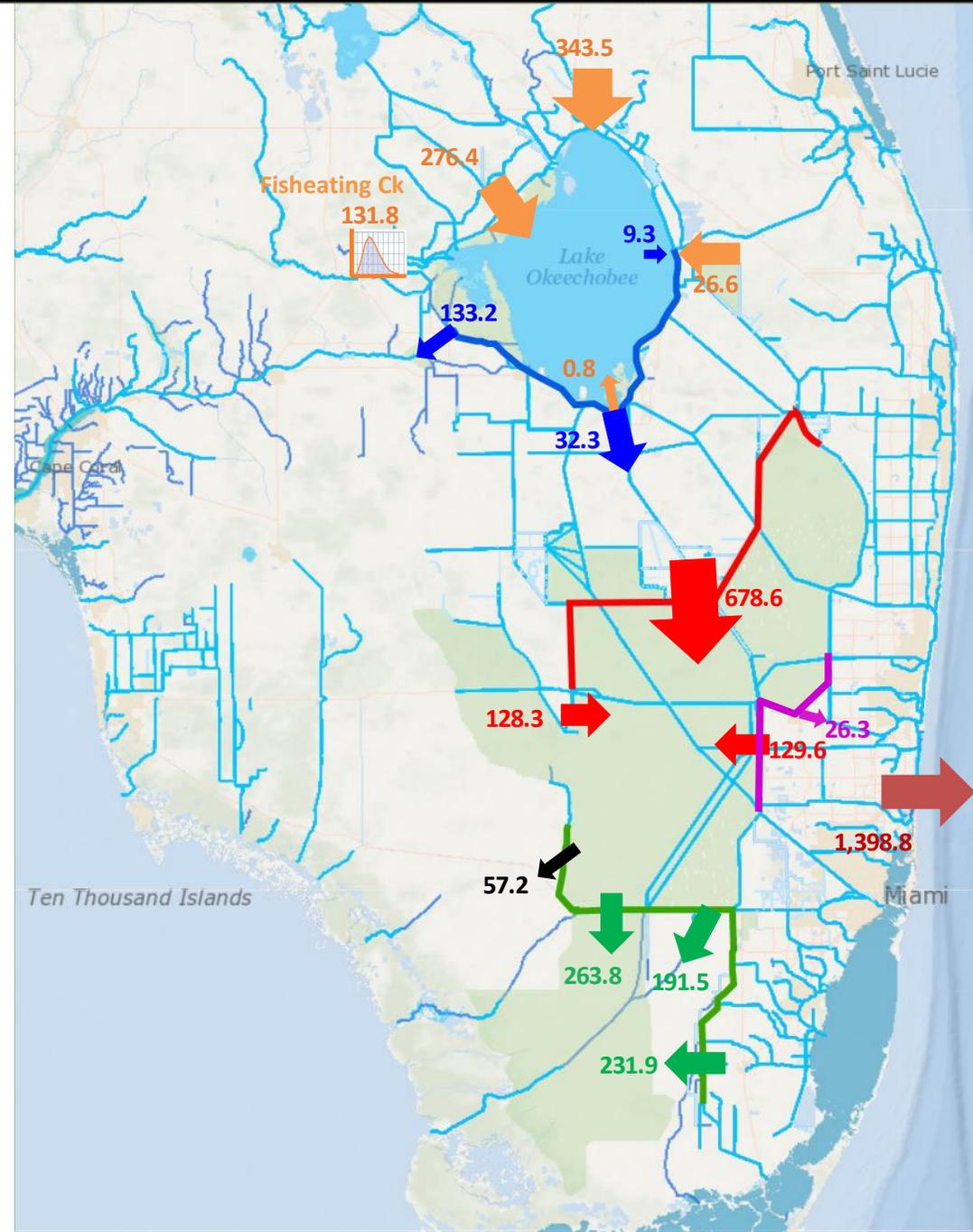
Symbol	Description	Volume (1,000 acre- feet)	
		WYR2024	Last Month
	Upper Kissimmee to Lower Kissimmee	136.9	19.0
	Inflows to Lake Okeechobee (including Fisheating Creek)	779.1	149.5
	Lake Releases and Basin Runoff	655.8	99.7
	Lake Releases East and West	142.5	19.2
	Lake Flood Control to Estuaries	110.7	16.5
	Total Lake Releases South	32.3	0.2
	Releases to Indian River Lagoon	73.5	15.4
	Upper East Coast discharges to St. Lucie Estuary	105.1	20.1
	Uncontrolled flows - Creeks (does not include Fisheating Creek)	149.4	52.0

1,000 acre-feet = 325.9 Million Gallons

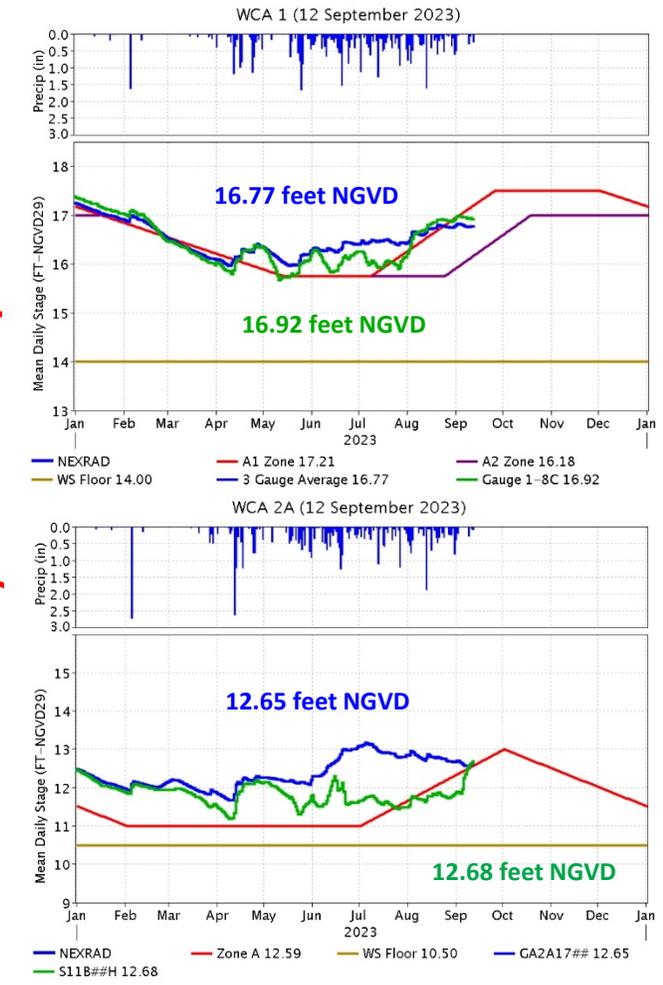
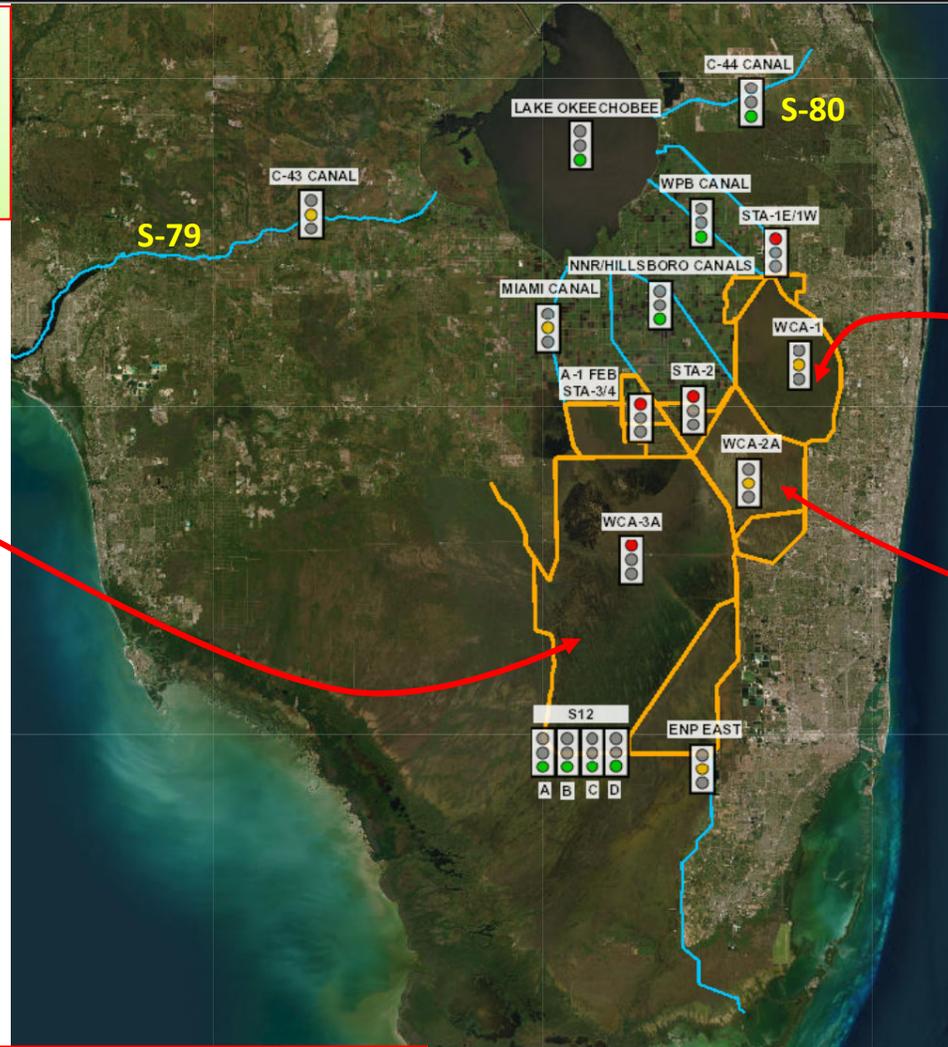
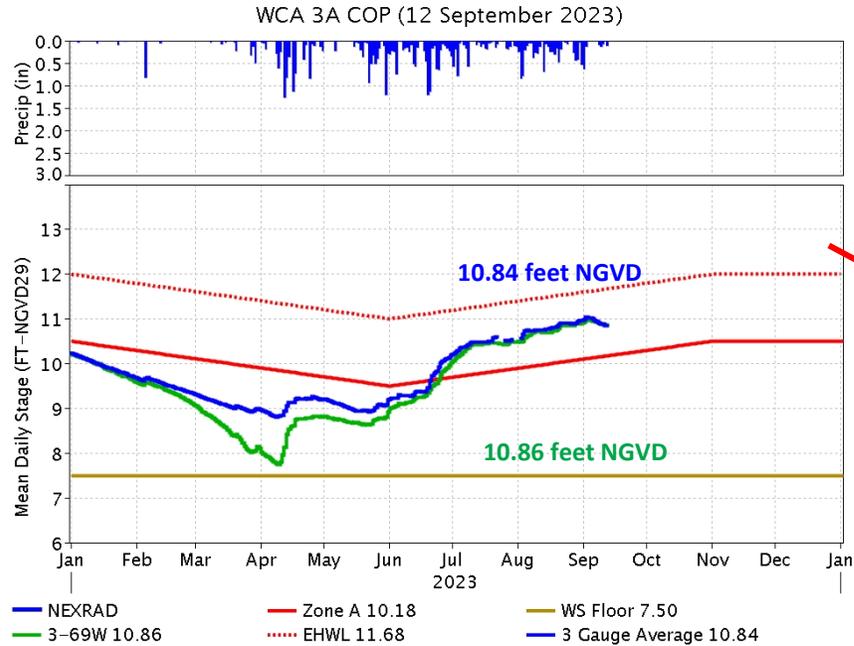
**SFWMD –Volumes Flowing
Down the System for the
Period May 1, 2023 to September 12, 2023**
(Volumes in 1,000 acre-feet)

Symbol	Description	Volume (1,000 acre- feet)	
		WYR 2023	Last Month
	Lake Okeechobee Inflows	779.1	149.5
	Lake Okeechobee Outflows	174.8	19.4
	WCAs Inflows	936.5	239.7
	ENP / Detention Cell Inflows	687.2	210.1
	WCAs to East	26.3	6.6
	Flows to Intracoastal	1398.8	337.1

1,000 acre-feet = 325.9 Million Gallons



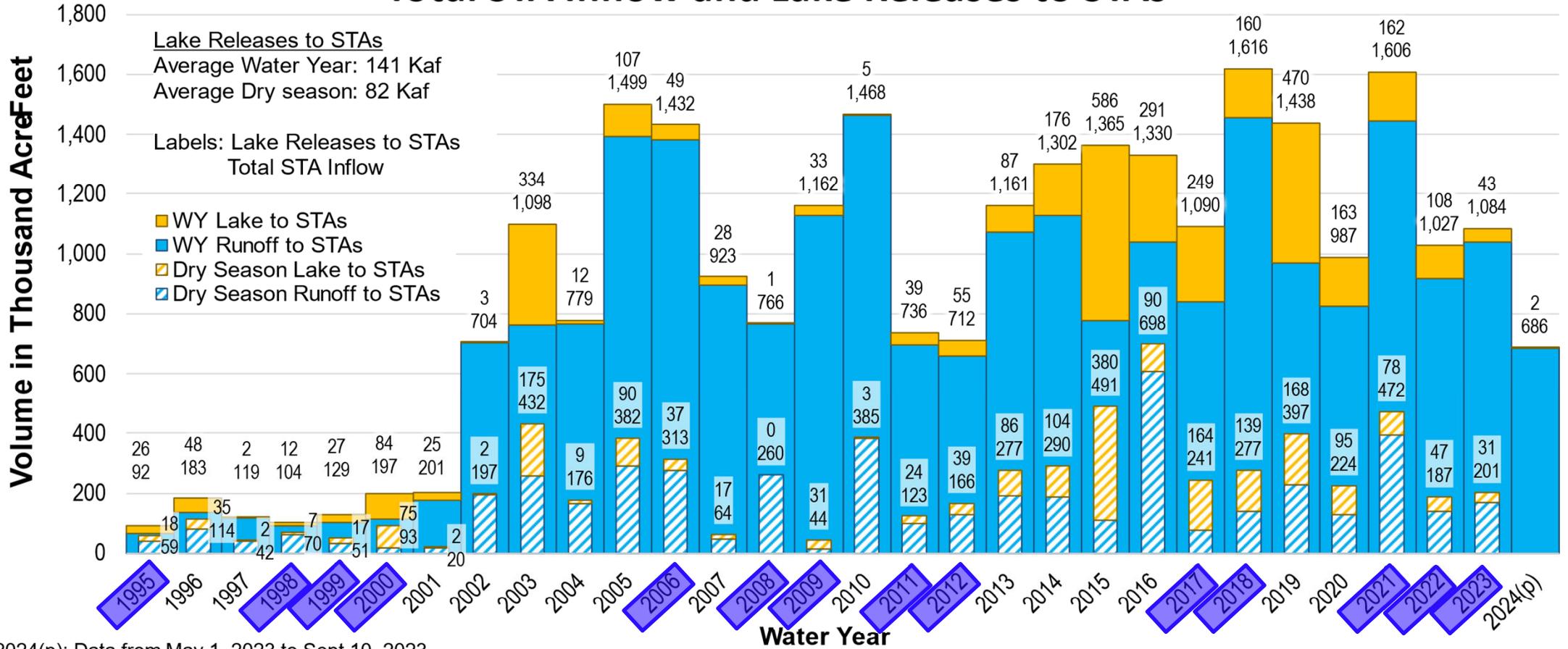
Lake Okeechobee stage is in the Low Sub-band of the LORS-2008 Regulation schedule. LORS release guidance suggests up to Maximum Practicable to the WCAs if desirable or with minimum Everglades impact; otherwise, no releases to WCAs. S-79 up to 3,000 cfs and S-80 up to 1,170 cfs.



For this week, the Tamiami Trail Flow Formula calls maximum releases from WCA-3A to NESRS. Current L-29 stage constraint is at 8.5 feet NGVD. South Dade Conveyance System is stable. S-356 is pumping. S-332s are pumping as needed. S-176 and S-177 are closed. S-18C is currently open and S-197 is closed. LPG-2 stage at 8.5 SMA is below ground. S-357 is pumping as needed to maintain stages 4.5 to 5.0 ft NGVD in the C-357 canal. S-199 and S-200 are pumping (CSSS restrictions ended June 30th).

WCA-1 stage is below regulation schedule in Zone A2; WCA-2A stage is above regulation schedule; WCA-3A stage is above regulation schedule in Zone A. S-10s and S-11s are closed. S-12s (A-D) are fully open. Total S-12s discharge is ~ 1,900 cfs. S-333 and S-333N ~ 670 cfs. S-343 A and B opened July 15th, discharging ~ 330 cfs. S-344 is open passing ~ 130 cfs. Interior structures to WCA-3A S-339 and S-340 are open.

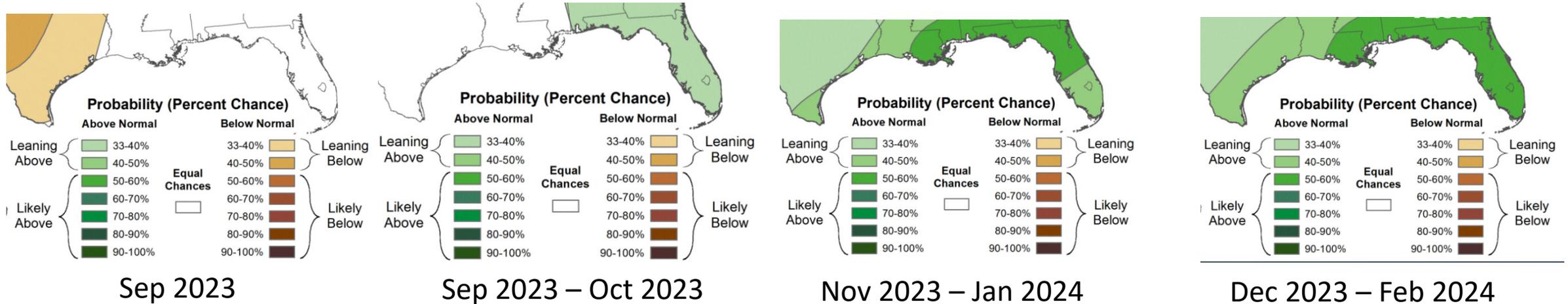
Total STA Inflow and Lake Releases to STAs



2024(p): Data from May 1, 2023 to Sept 10, 2023.

La Niña Water Years

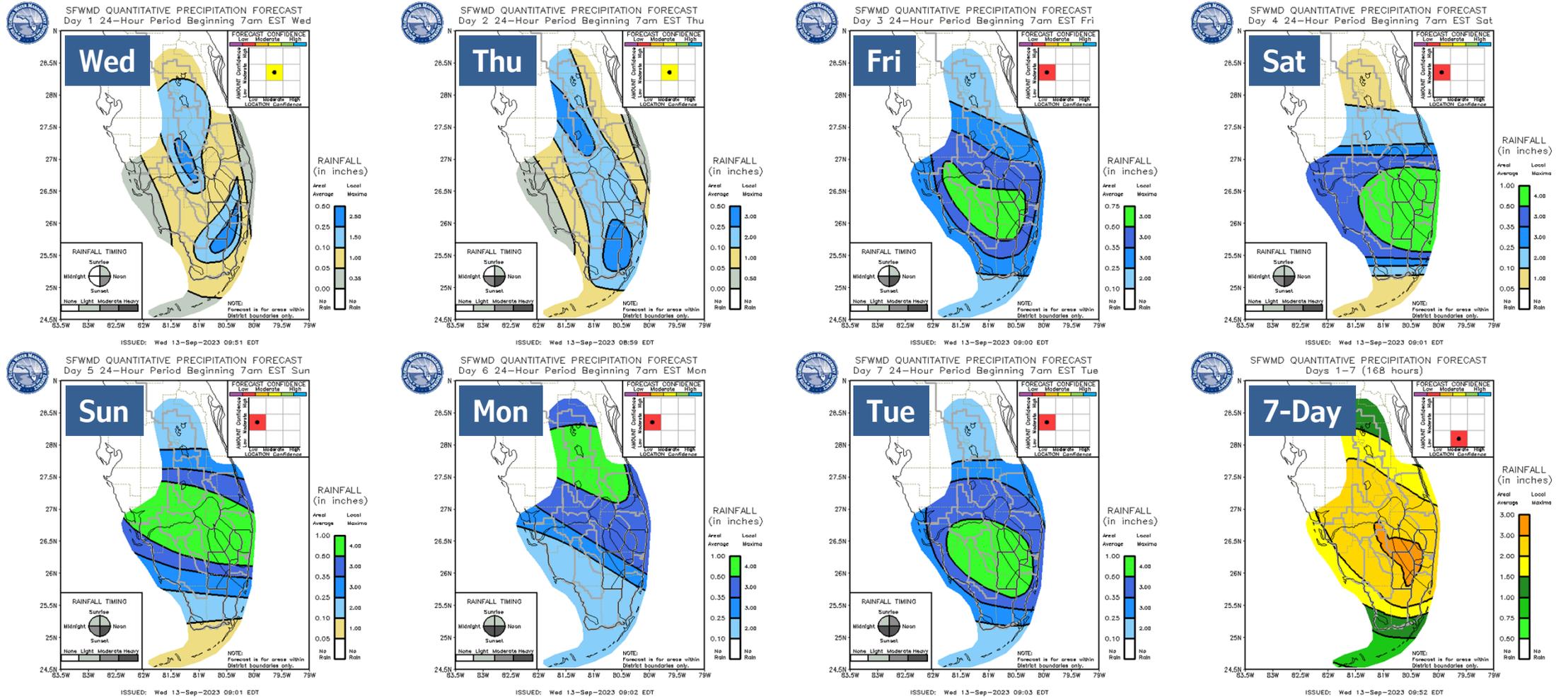
CPC Precipitation Outlook for South Florida



- The most recent CPC precipitation outlooks for South Florida for September 2023 is for equal chances of below normal, normal and above normal rainfall.
- The 3-month windows from Sep-Nov and Oct-Dec show slightly increased chances of above normal rainfall.
- The 3-month window of Nov 2023-Jan 2024 shows increased chances of above normal rainfall.
- The 3-month windows of Dec 2023-Feb 2024 and Jan 2024-Mar 2024 indicate substantially increased chances of above normal rainfall for south Florida.
- The outlook for the 3-month window Feb 2024-Apr 2024 is for increased chances of above normal rainfall.
- The remainder windows ending Nov 2024 indicate equal chances of below normal, normal and above normal rainfall.

Updated August 31, 2023

Short-, Medium-, & Extended-Range Outlooks



Weekly Summary

Week 1 (Historical Avg: 1.66"): Above normal (Near normal in the least)
 Week 2 (Historical Avg: 1.53"): Near to somewhat below normal

Ecological Conditions Update

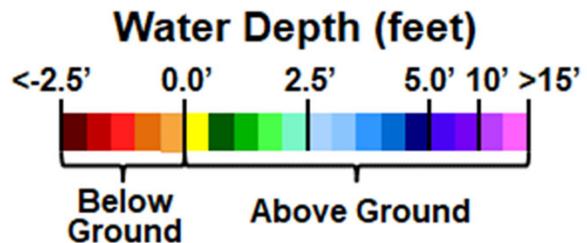
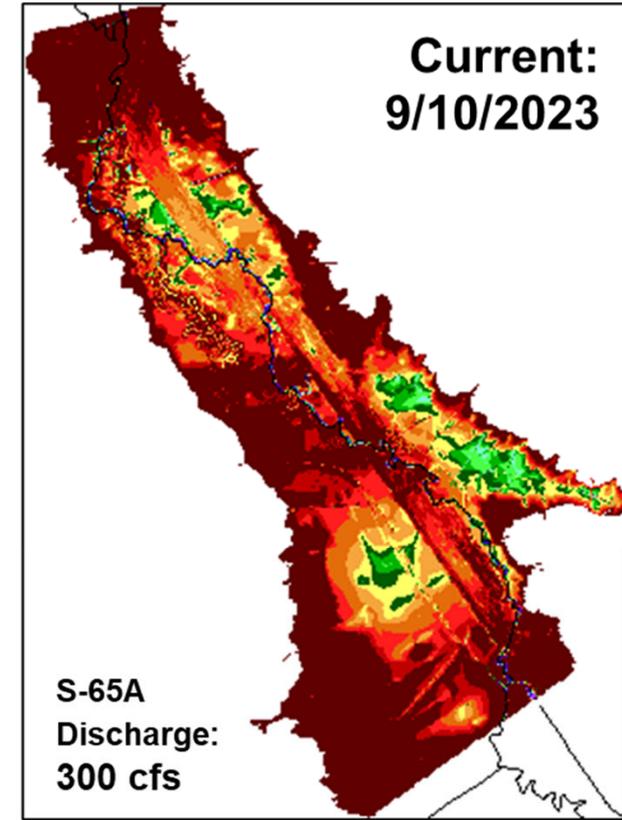
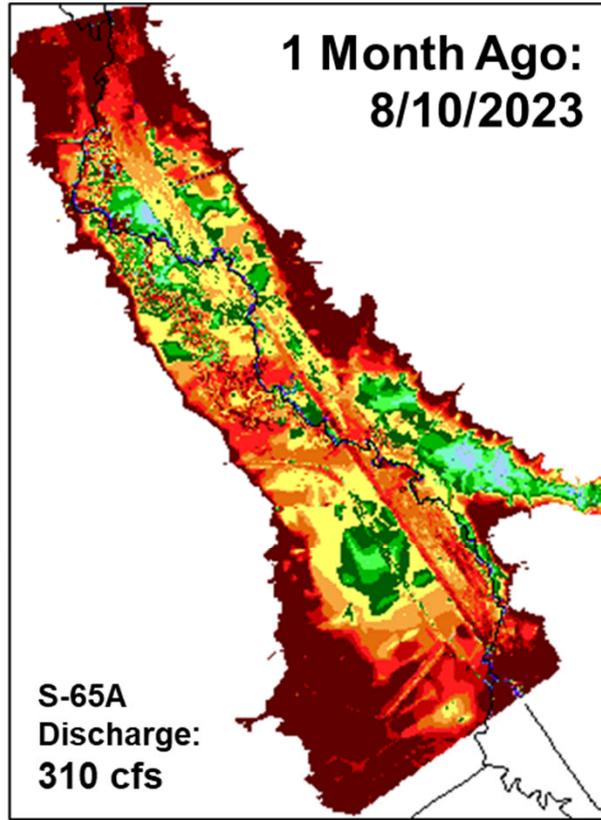
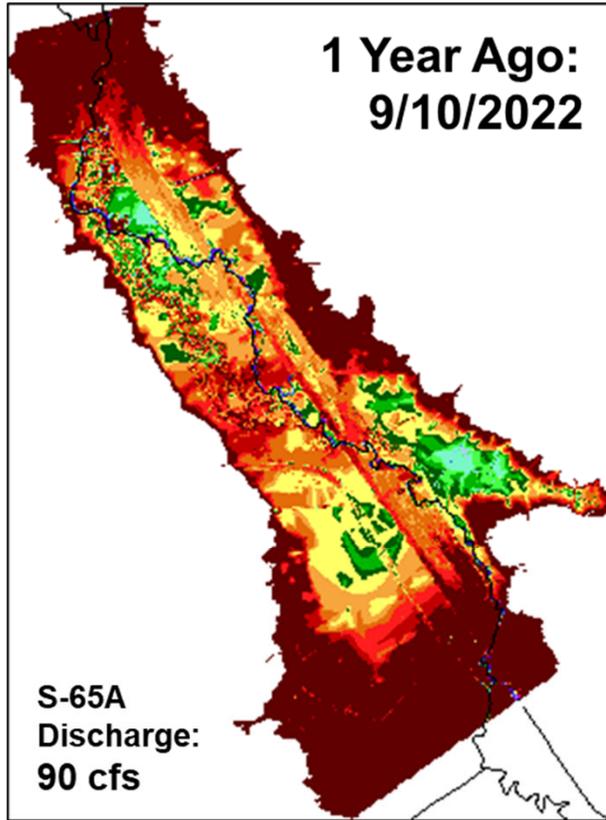
Governing Board Meeting
September 14, 2023



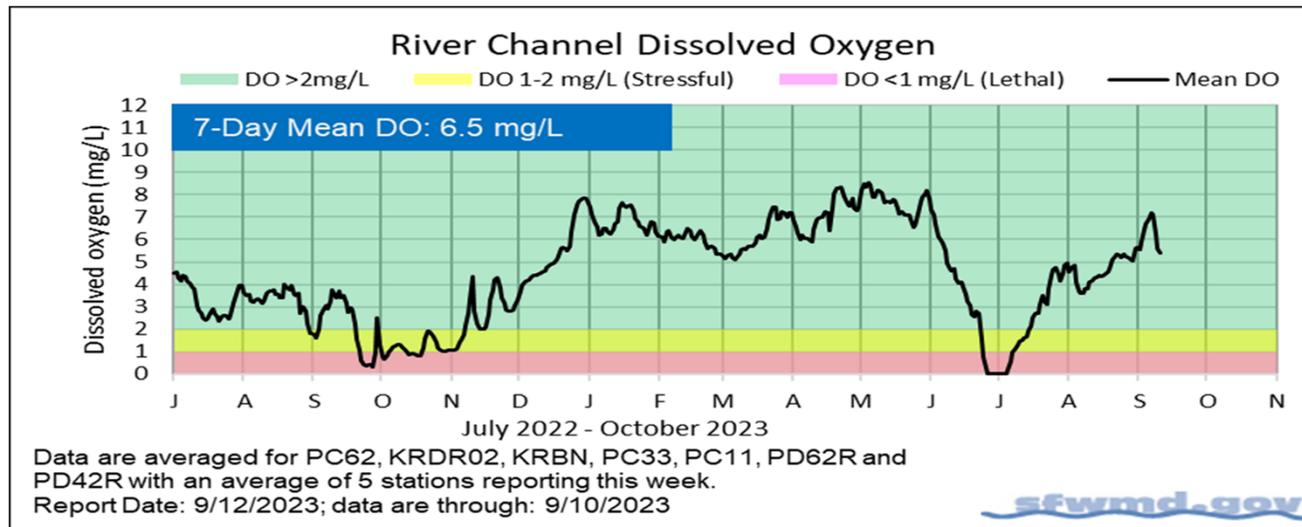
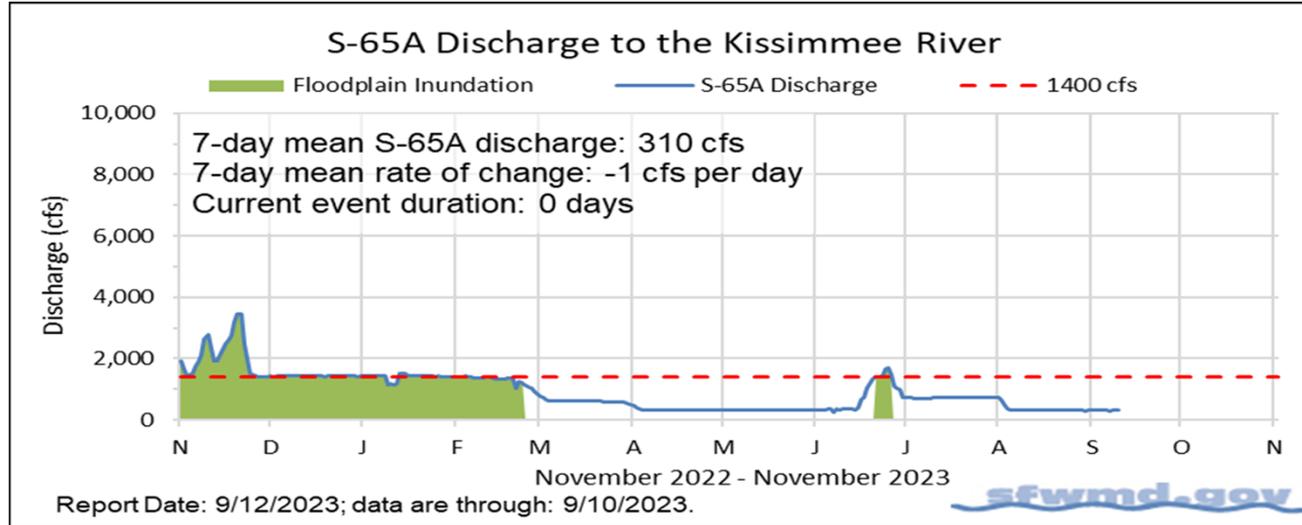
Lawrence Glenn
Division Director
Water Resources

Alligator flag (Thalia geniculata) in the Phase II restoration area of Kissimmee chain of lake area. Photograph courtesy of Brent Anderson.

Kissimmee River (Phase I) Floodplain Water Depth Maps

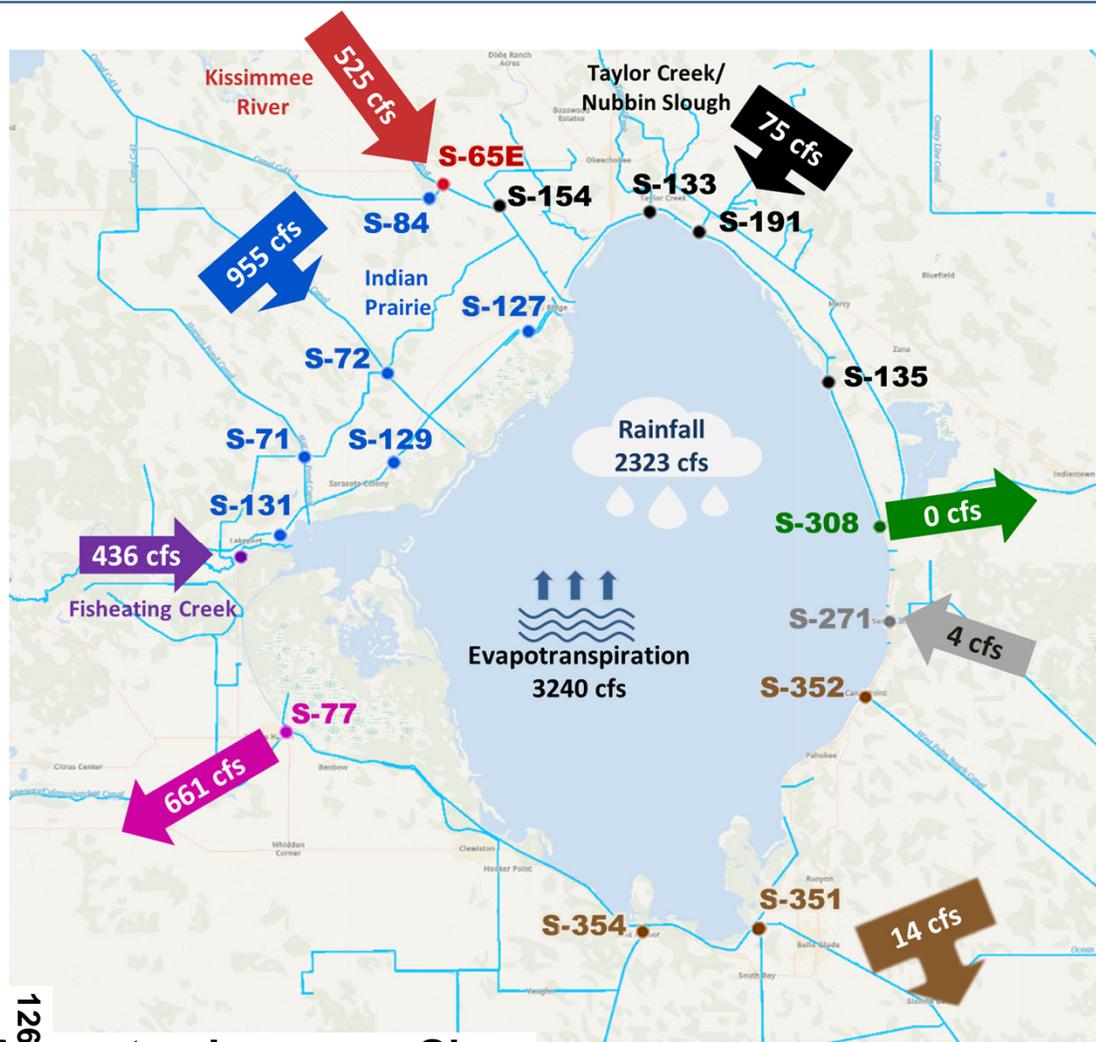


Kissimmee River Discharge and Dissolved Oxygen

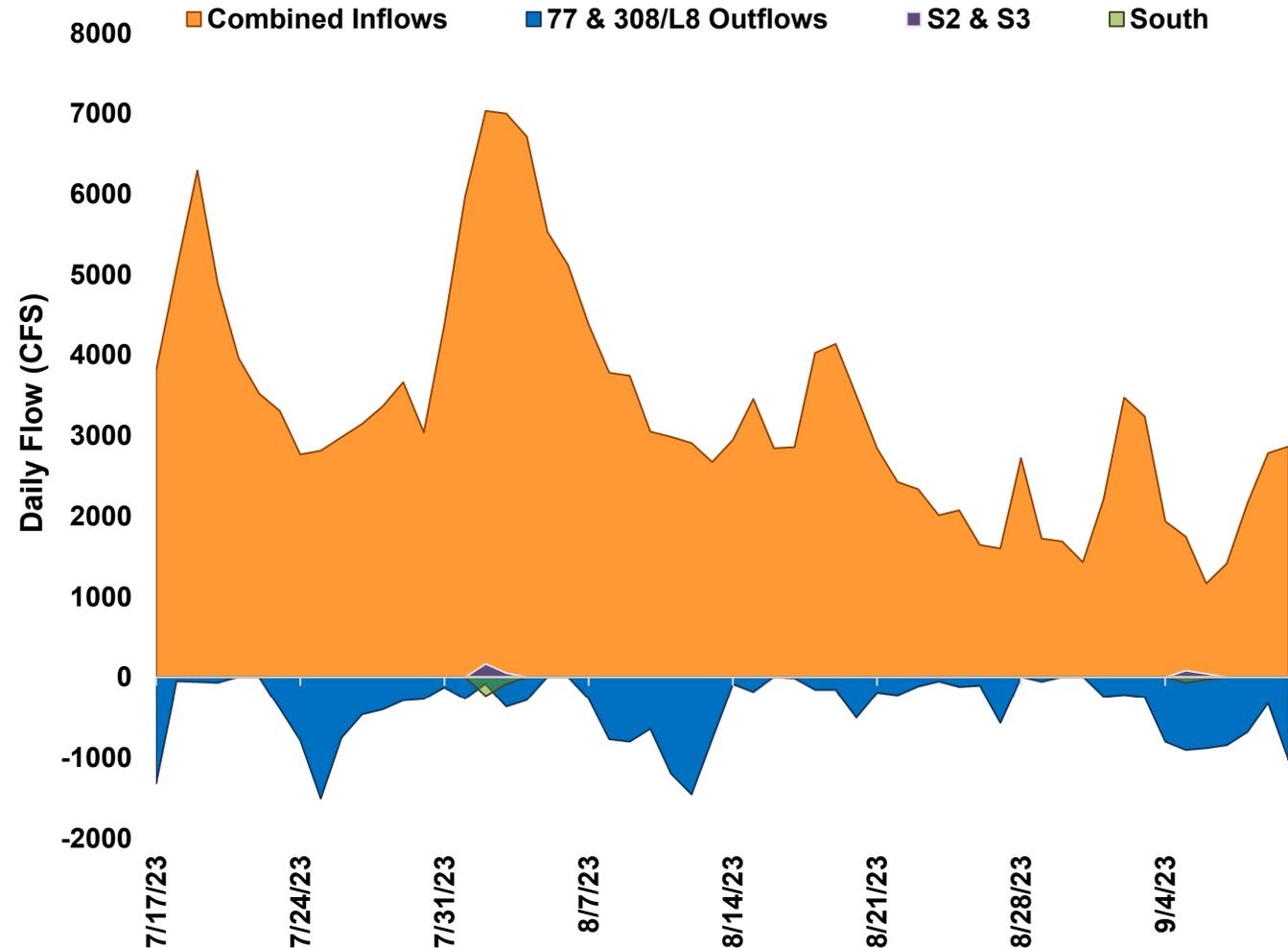


Lake Okeechobee Hydrology (*Provisional Data)

Sep 04 – Sep 10, 2023 Inflows and Outflows

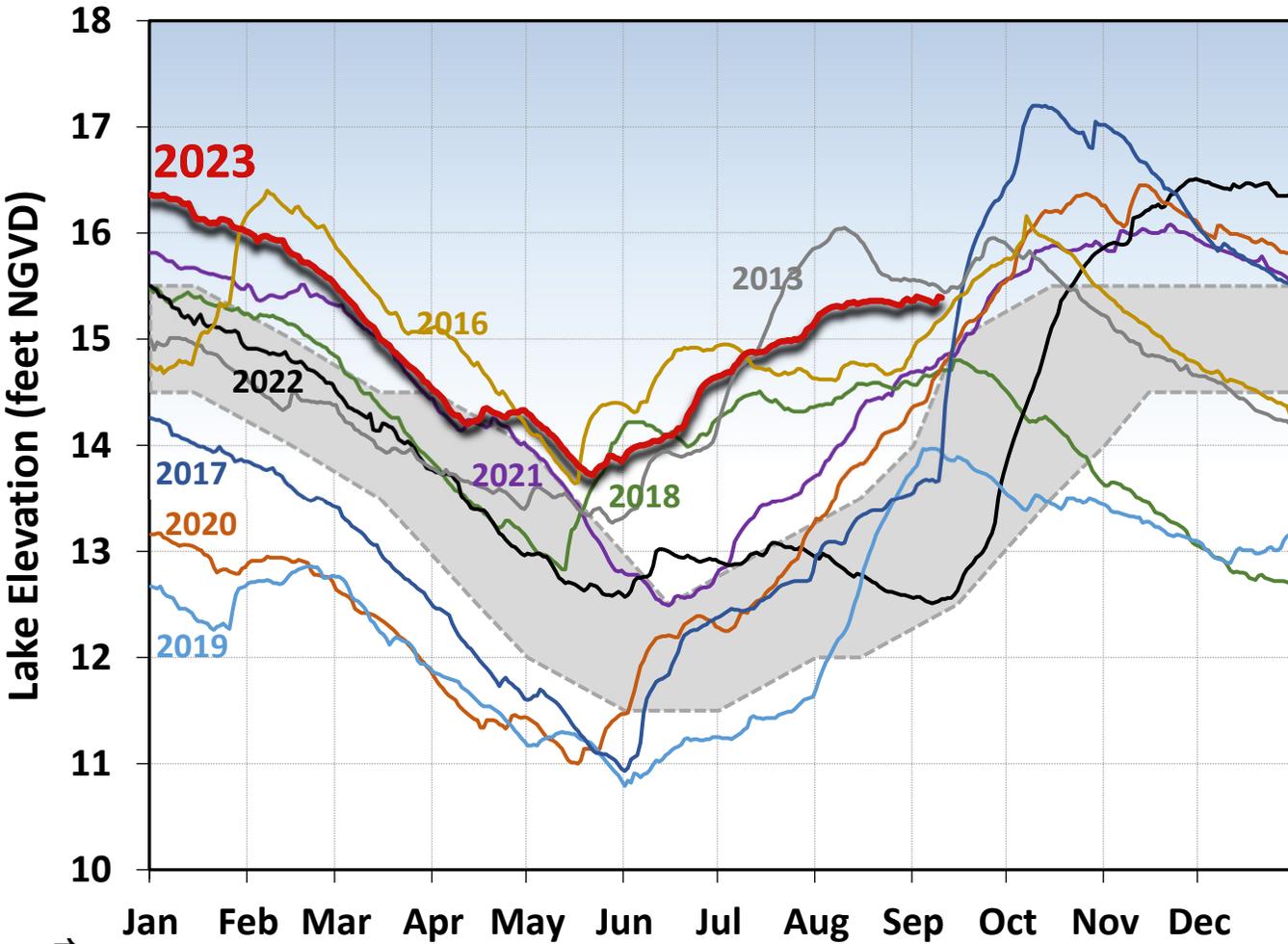


Prior 8 Weeks Inflows and Outflows

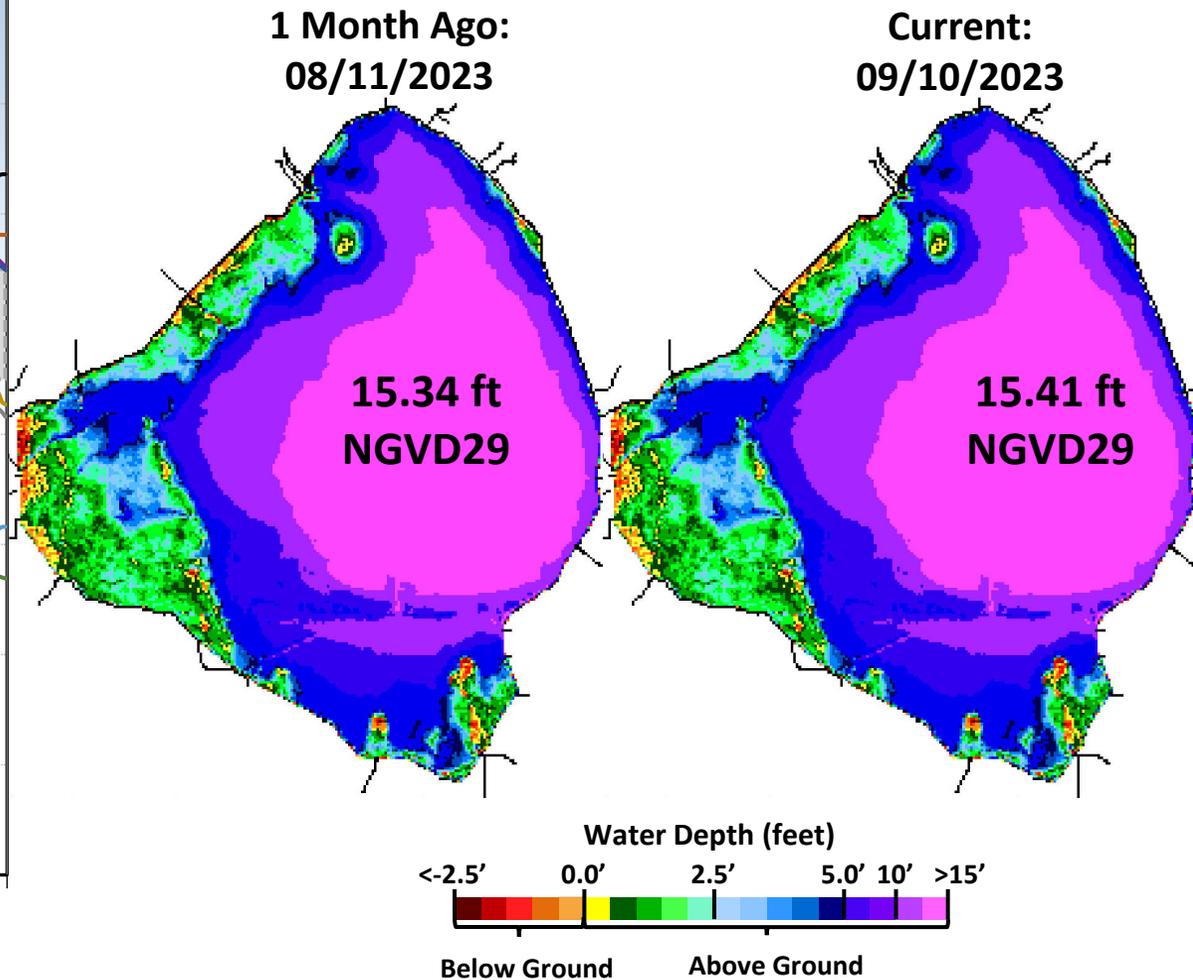


Ecological Envelope and Water Depths

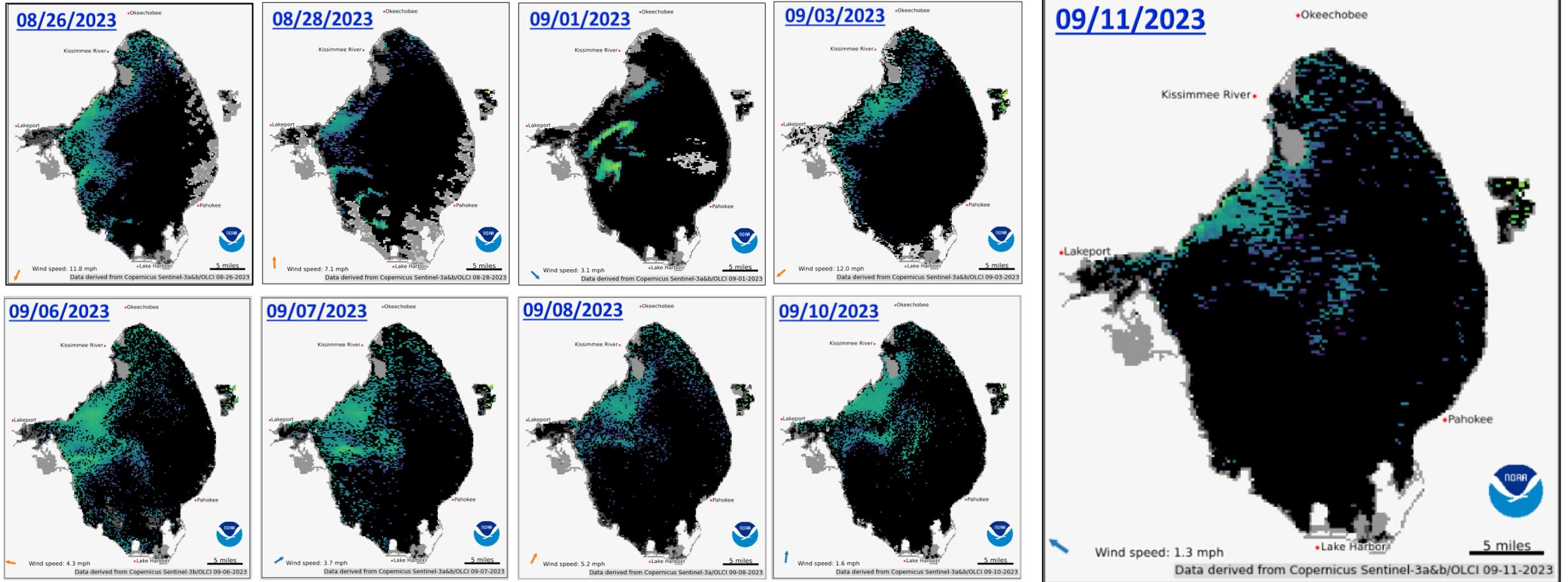
Lake Okeechobee Stage vs Ecological Envelope



Changes in Water Depth

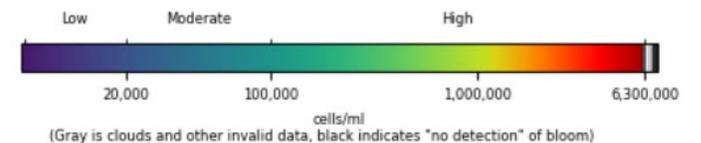


Cyanobacteria Bloom Distribution and Intensity

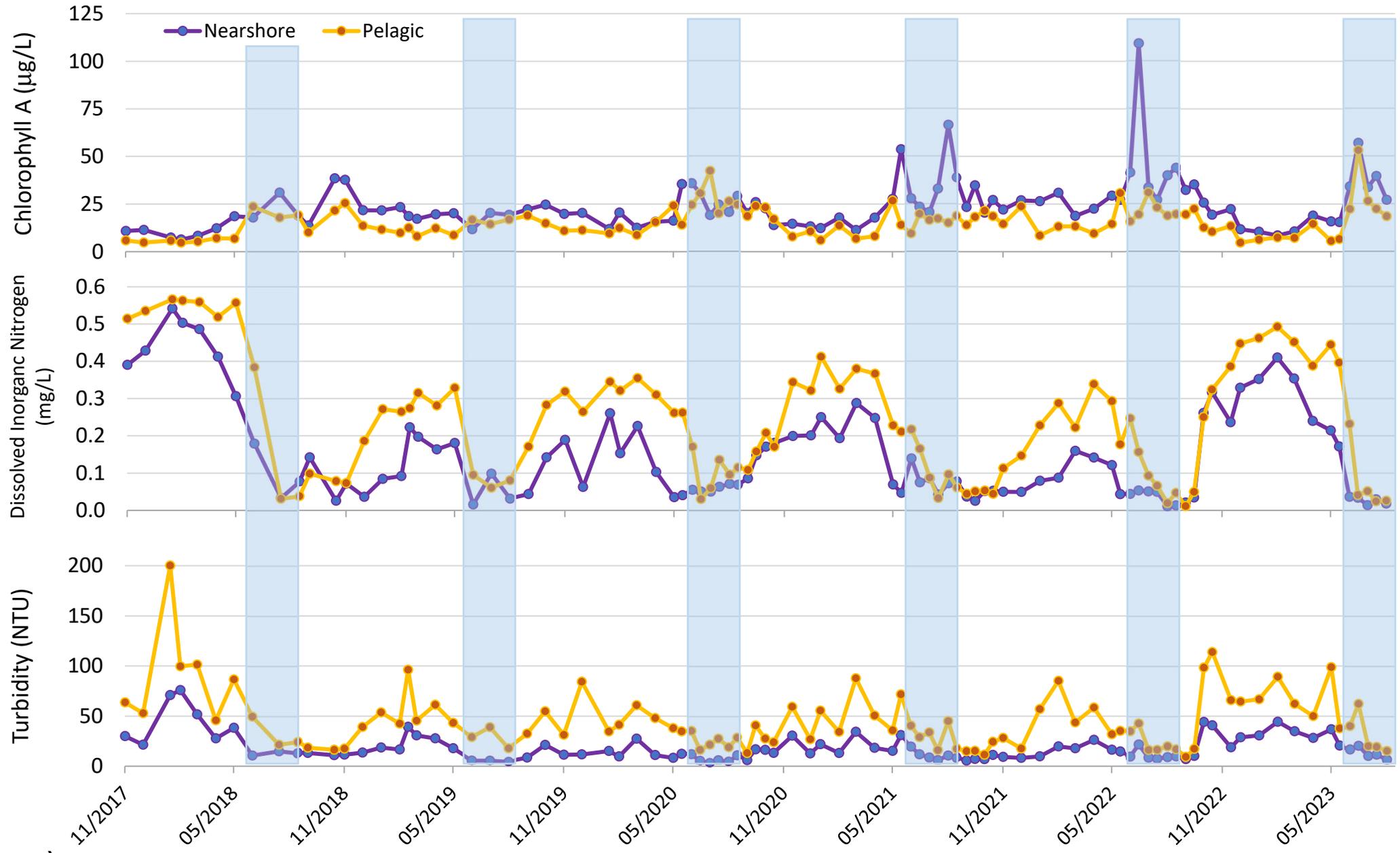


NOAA cyanobacteria product derived from Copernicus Sentinel-3 OLCI data from EUMETSAT

Source: [Cyanobacteria Algal Bloom from Satellite in Lake Okeechobee, FL - NCCOS Coastal Science Website \(noaa.gov\)](https://www.noaa.gov/education/outreach-and-participation/cyanobacteria-algal-bloom-from-satellite-in-lake-okeechobee-fl-nccos-coastal-science-website)



Lake Okeechobee Water Quality Time Series 2017-Present (Provisional Data)



Current time period (Jun - Aug)

Lake Okeechobee

Chlorophyll *a*, Total Microcystins, and Dominant Taxa

*Provisional Data

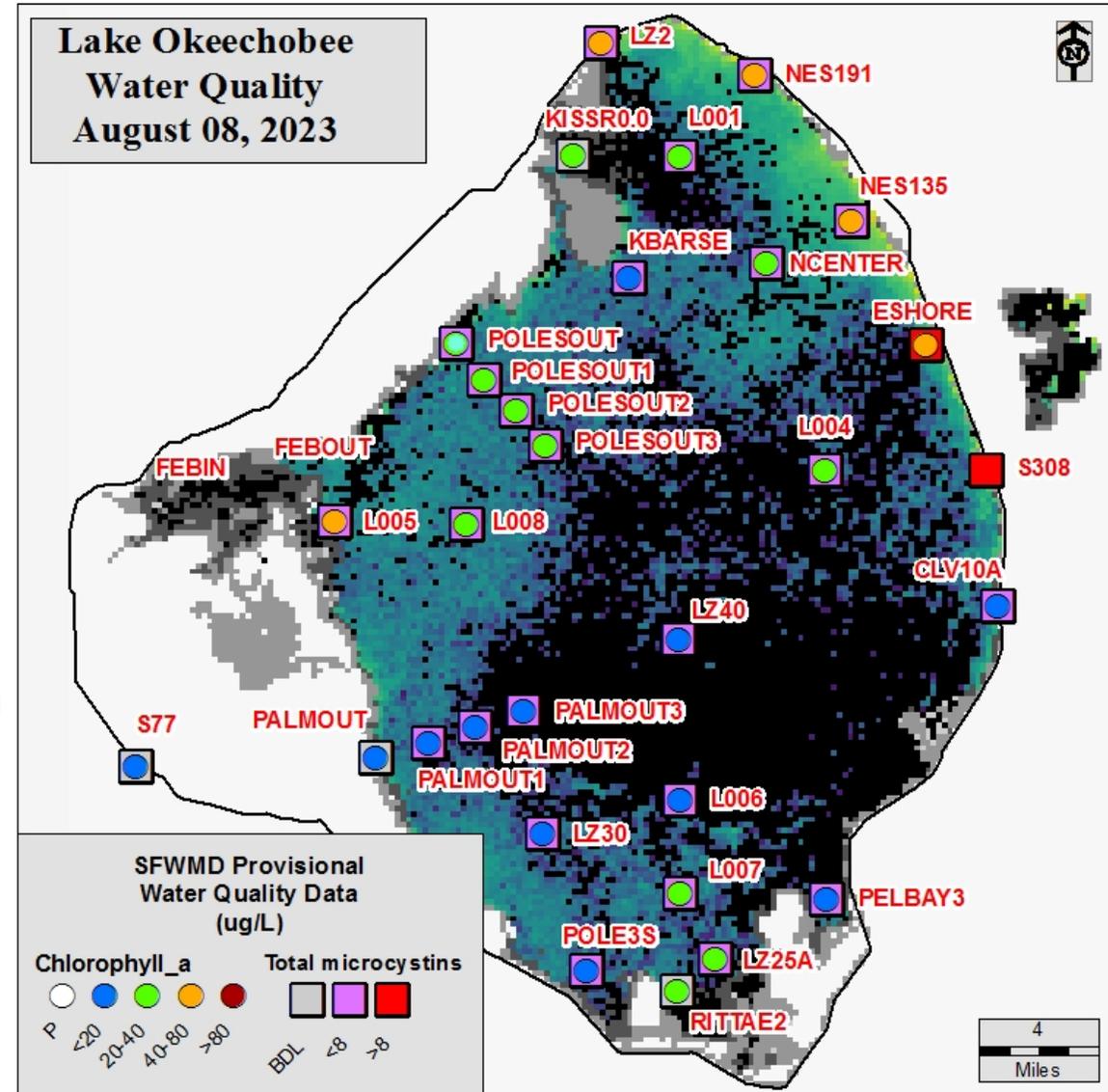
Collection Date: August 07 - 09, 2023

Station	CHLa (ug/L)	TOXIN (ug/L)	TAXA
FEBIN	NS	NS	NS
FEBOUT	NS	NS	NS
KISSR0.0	26.5	BDL	Planktol
L005	51.9	2.7	Microcys
LZ2	44.0	0.9	Microcys
KBARSE	15.4	0.3	Microcys
RITTAE2	24.0	BDL	Micro/Plank
PELBAY3	10.8	0.4	Microcys
POLE3S	19.8	0.4	Micro/Plank
LZ25A	27.5	0.4	Microcys
PALMOUT	16.3	0.3	Microcys
PALMOUT1	17.8	0.4	Microcys
PALMOUT2	13.5	1.4	Microcys
PALMOUT3	8.3	1.2	Microcys
POLESOUT	24.2	0.3	Microcys
POLESOUT1	21.8	0.4	Microcys
POLESOUT2	28.5	0.5	Microcys
POLESOUT3	26.9	0.5	Microcys
EASTSHORE	40.6	14.0	Microcys
IES135	42.4	5.9	Microcys
NES191	68.1	4.0	Microcys

Station	CHLa (ug/L)	TOXIN (ug/L)	TAXA
L001	27.3	0.3	Microcys
L004	23.1	5.4	Microcys
L006	5.6	0.7	Microcys
L007	25.1	1.4	Microcys
L008	27.7	0.4	Microcys
LZ30	18.0	1.0	Microcys
LZ40	9.4	0.3	Microcys
CLV10A	11.3	0.9	Microcys
NCENTER	26.7	0.6	Microcys
S308C	NS	8.9	Microcys
S77	0.4	BDL	mixed

- SFWMD considers >40 µg/L Chlorophyll *a* (Chla) an algal bloom
 - BDL – Below Detectable Limit of 0.25 µg/L
 - ND – No Dominant taxa
 - P – Pending (white squares)
 - NS – Not Sampled
 - Station bold font – crew observed possible BGA
 - Chlorophyll *a* analyzed by SFWMD
 - Toxin and Taxa analyzed by FDEP:
- Microcys = Microcystis; Cylindro = Cylindrospermopsis; Planktol = Planktolyngbya; Dolicho = Dolichospermum

Presenter: Lawrence Glenn



Lake Okeechobee

Chlorophyll *a*, Total Microcystins, and Dominant Taxa

*Provisional Data

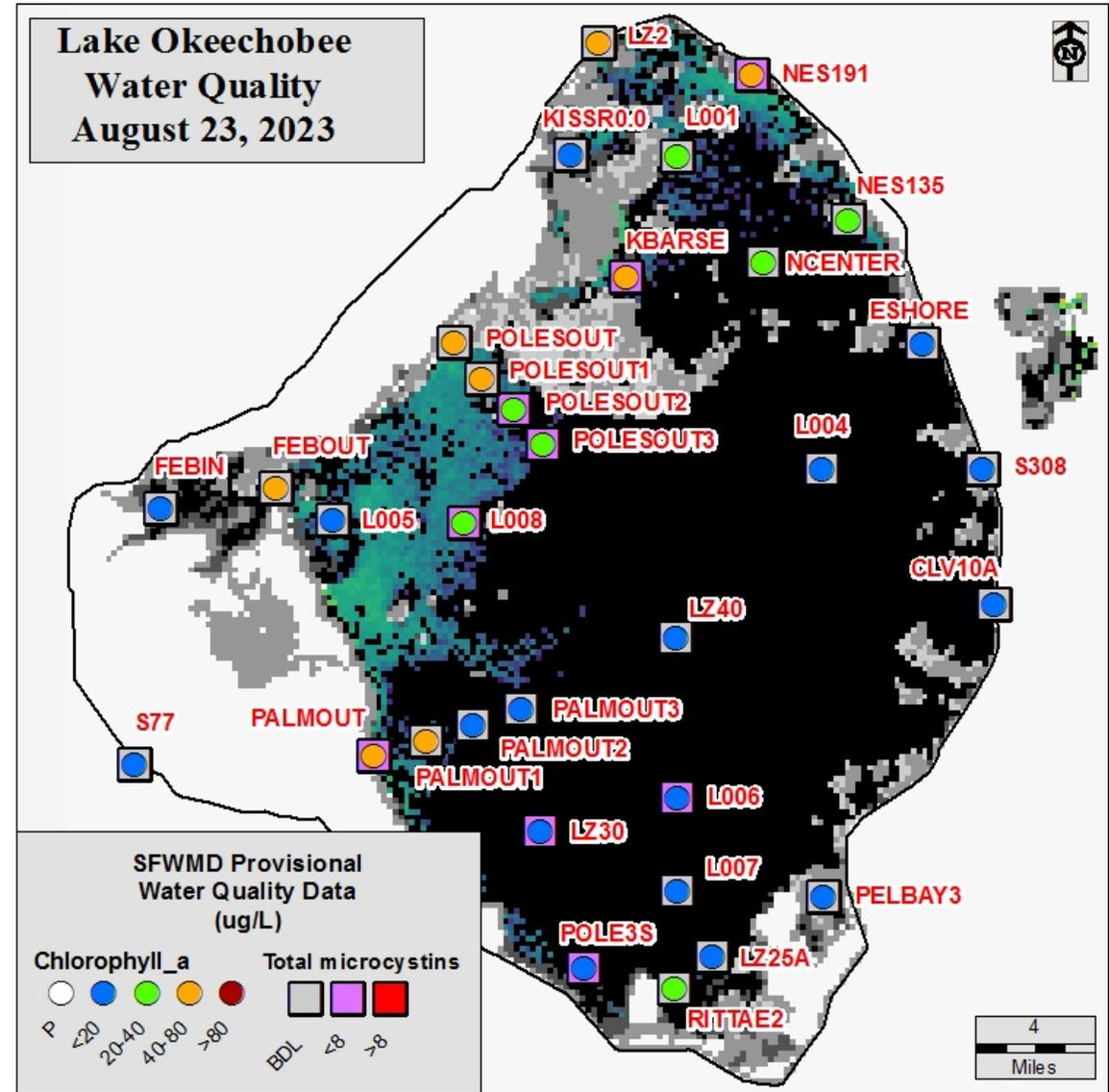
Collection Date: August 21 - 23, 2023

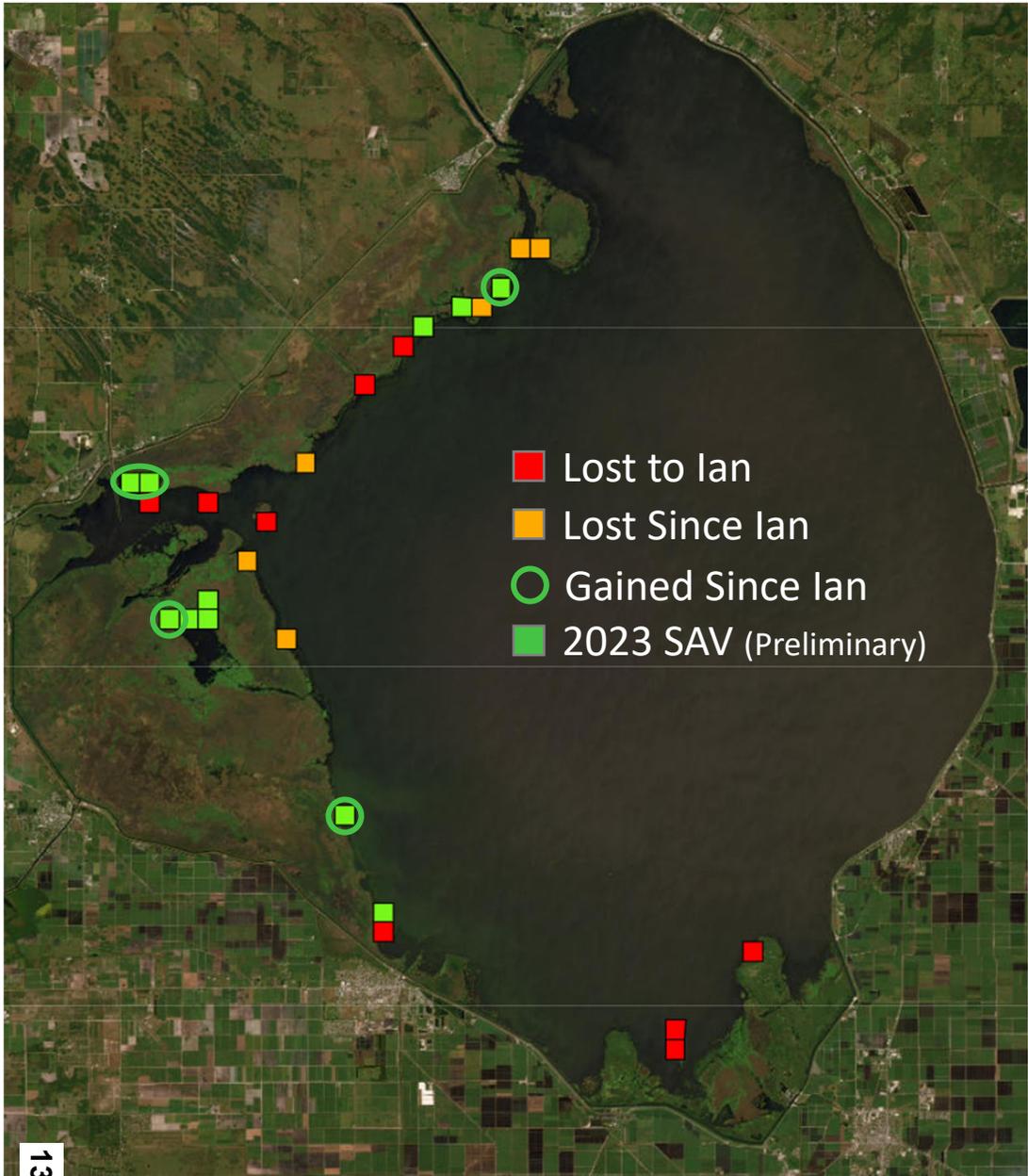
Station	CHLa (ug/L)	TOXIN (ug/L)	TAXA
FEBIN	2.8	BDL	<i>Planktol</i>
FEBOUT	43.9	BDL	<i>Microcys</i>
KISSR0.0	13.9	BDL	<i>mixed</i>
L005	19.6	BDL	<i>mixed</i>
LZ2	40.7	BDL	<i>Microcys</i>
KBARSE	43.9	0.3	<i>Planktol</i>
RITTAE2	29.8	BDL	<i>Micro/Plank</i>
PELBAY3	9.4	BDL	<i>Microcys</i>
POLE3S	10.5	0.3	<i>Microcys</i>
LZ25A	10.7	BDL	<i>Microcys</i>
PALMOUT	49.2	0.3	<i>Microcys</i>
PALMOUT1	45.7	BDL	<i>Microcys</i>
PALMOUT2	9.2	BDL	<i>Microcys</i>
PALMOUT3	4.8	BDL	<i>Microcys</i>
POLESOUT	48.6	BDL	<i>Micro/Plank</i>
POLESOUT1	41.7	BDL	<i>Micro/Plank</i>
POLESOUT2	35.1	0.4	<i>Micro/Micro</i>
POLESOUT3	33.6	0.6	<i>Microcys</i>
EASTSHORE	14.0	BDL	<i>mixed</i>
NES135	20.9	BDL	<i>Microcys</i>
NES191	48.0	0.5	<i>Microcys</i>

Station	CHLa (ug/L)	TOXIN (ug/L)	TAXA
L001	38.5	BDL	<i>Planktol</i>
L004	11.0	BDL	<i>mixed</i>
L006	5.1	0.3	<i>Microcys</i>
L007	5.6	BDL	<i>Microcys</i>
L008	29.2	0.4	<i>Microcys</i>
LZ30	14.5	0.7	<i>Microcys</i>
LZ40	5.9	BDL	<i>mixed</i>
CLV10A	9.8	BDL	<i>Microcys</i>
NCENTER	29.6	BDL	<i>Microcys</i>
S308C	10.2	BDL	<i>mixed</i>
S77	2.2	BDL	<i>mixed</i>

- SFWMD considers >40 µg/L Chlorophyll *a* (Chla) an algal bloom
 - BDL – Below Detectable Limit of 0.25 µg/L
 - ND – No Dominant taxa
 - P – Pending (white squares)
 - NS – Not Sampled
 - Station bold font – crew observed possible BGA
 - Chlorophyll *a* analyzed by SFWMD
 - Toxin and Taxa analyzed by FDEP:
- Microcys* = *Microcystis*; *Cylindro* = *Cylindrospermopsis*;
Planktol = *Planktolyngbya*; *Dolicho* = *Dolichospermum*

Presenter: Lawrence Glenn





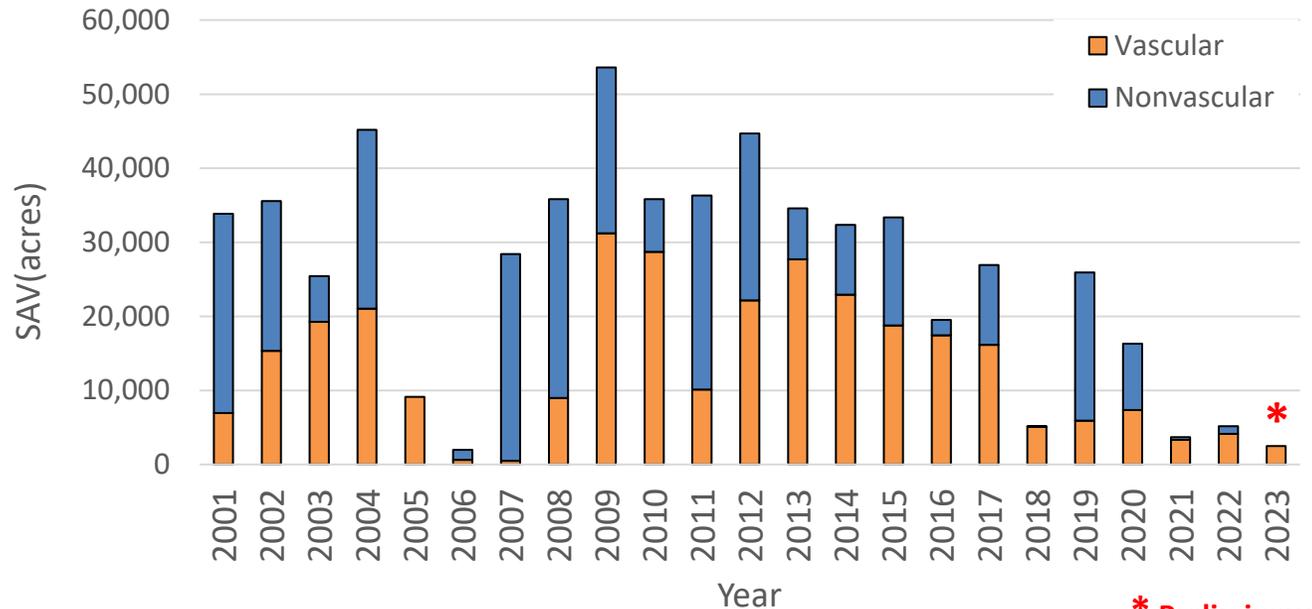
132

2023 Preliminary SAV*

- Only 5,200 ac in 2022
- After Ian, 2700 ac
- So far in 2023 = 2,500 ac
- Similar coverage, some change in areas with and without
- Low densities, small plants

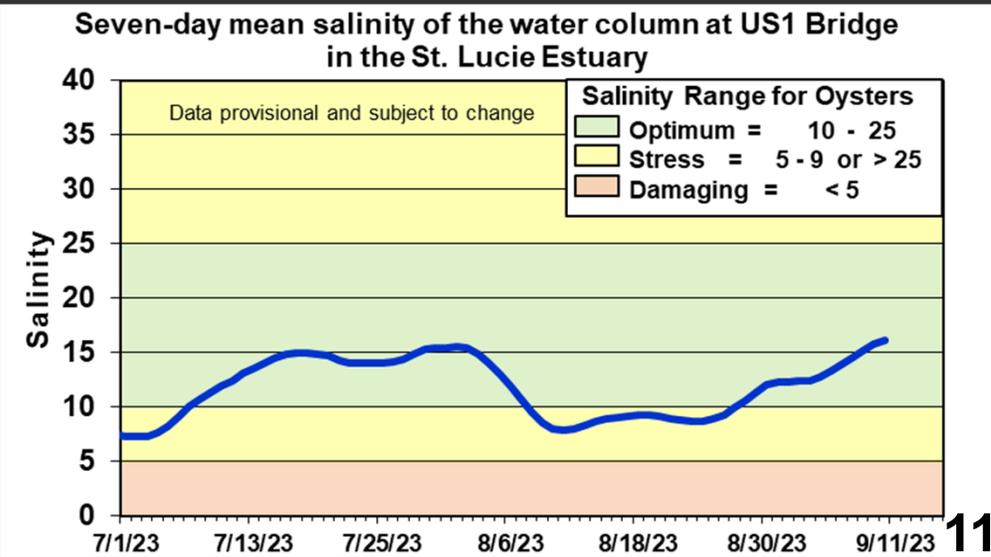
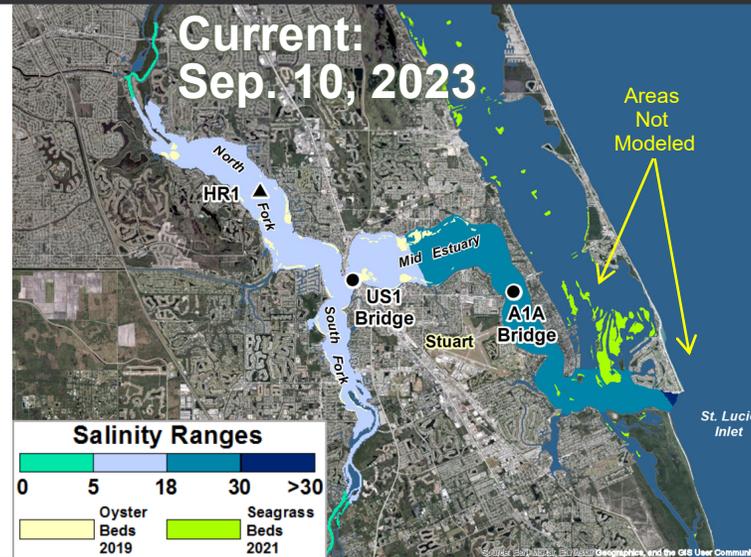
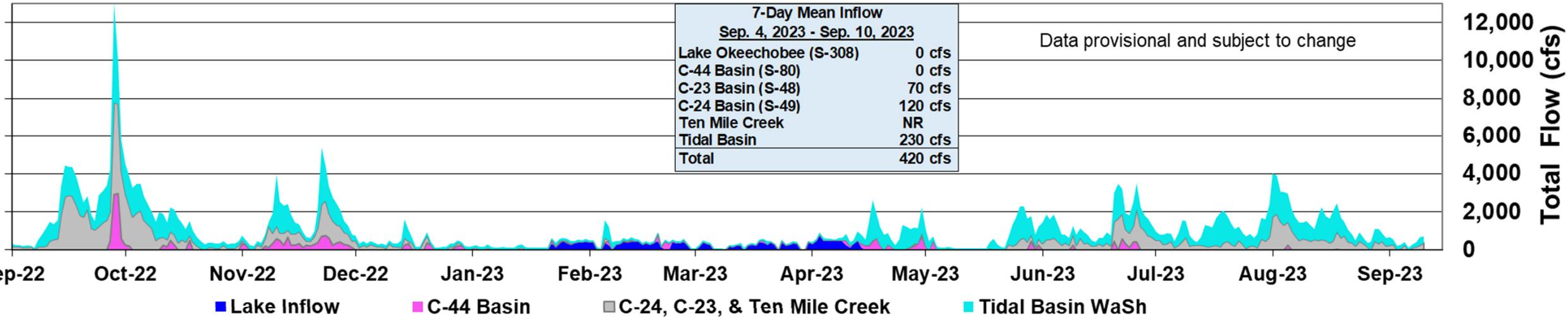


2023 – Similar numbers to post Hurricane Ian

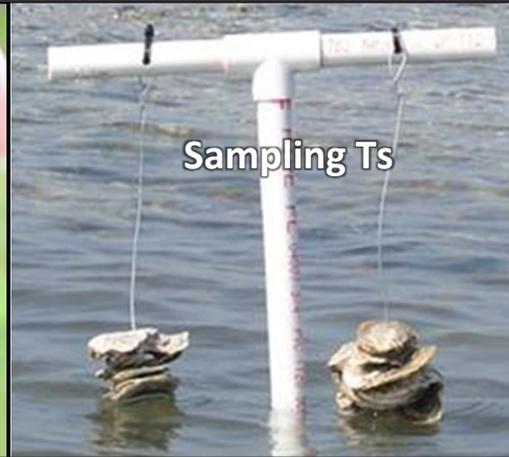


St. Lucie Inflows and Salinity Conditions

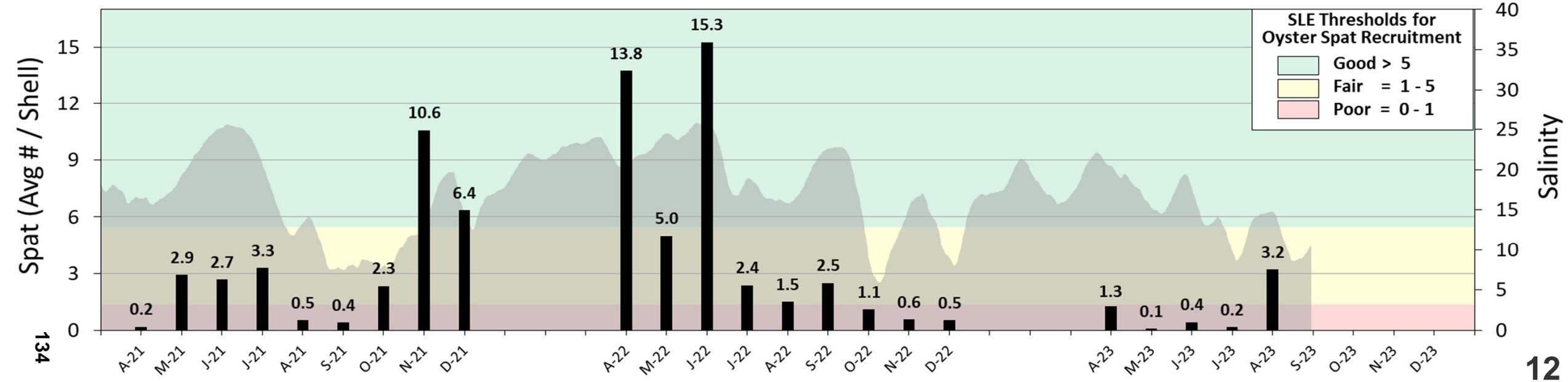
Total Daily Inflow into the St. Lucie Estuary



St. Lucie Estuary – Oyster Recruitment

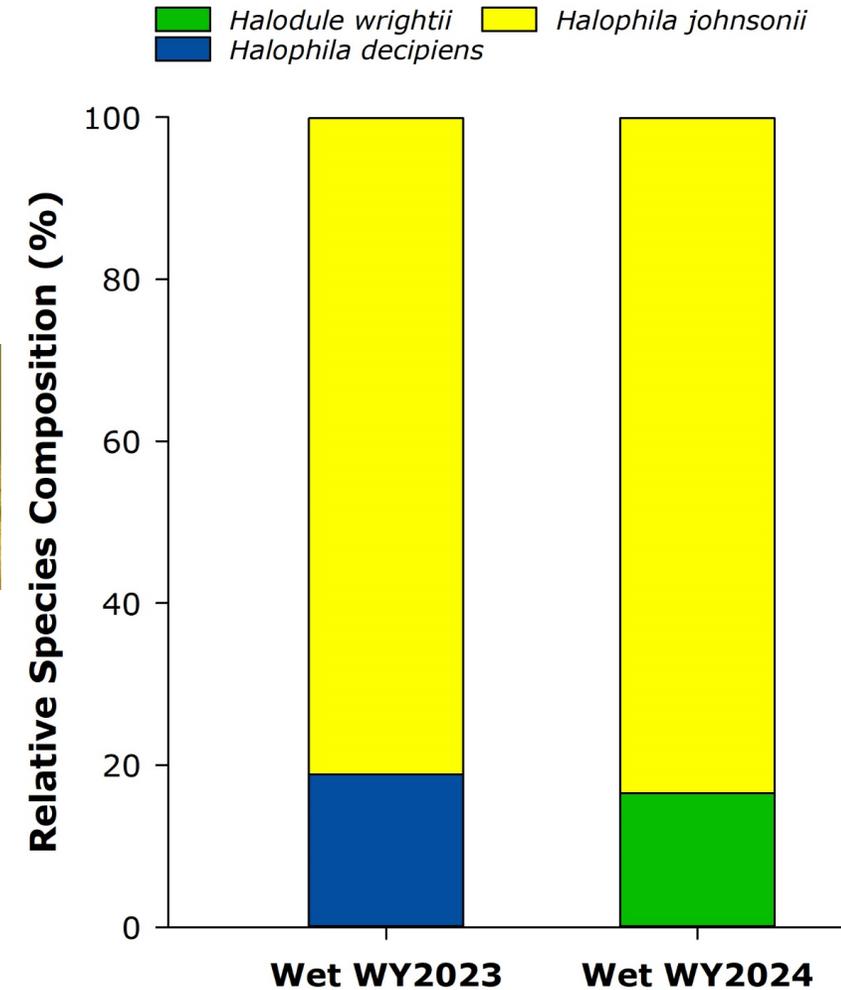
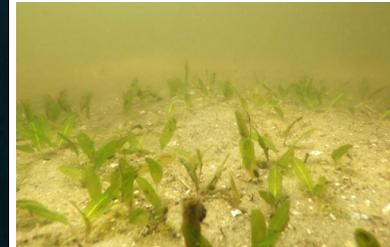
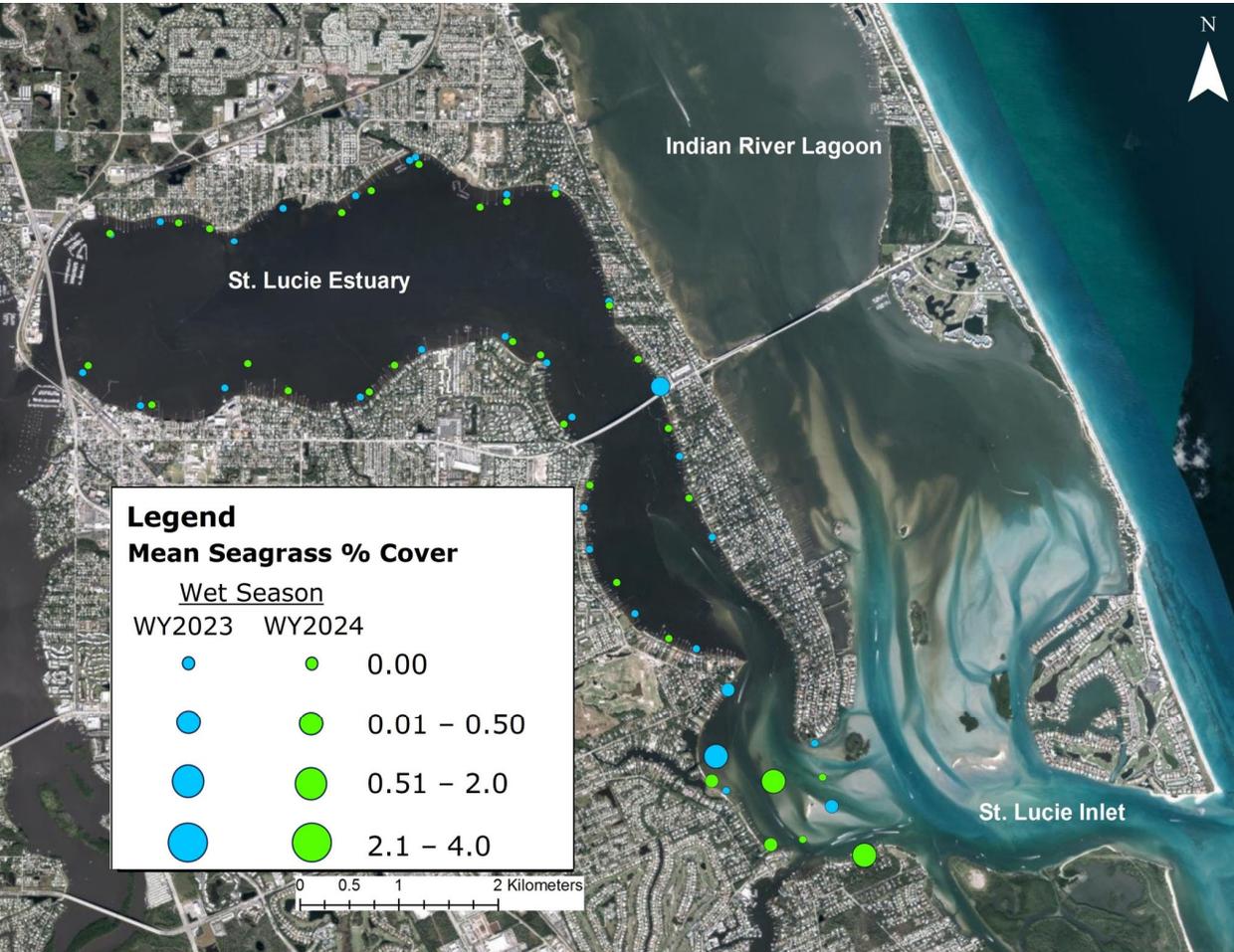


2021 - 2023 Rio Oyster Recruitment and 14-Day Mean Salinity at US1 Bridge



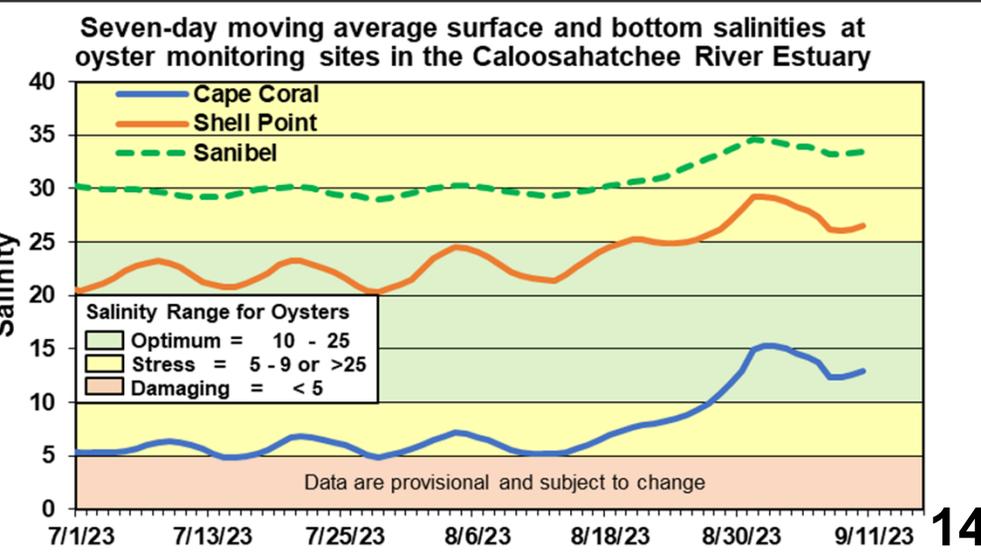
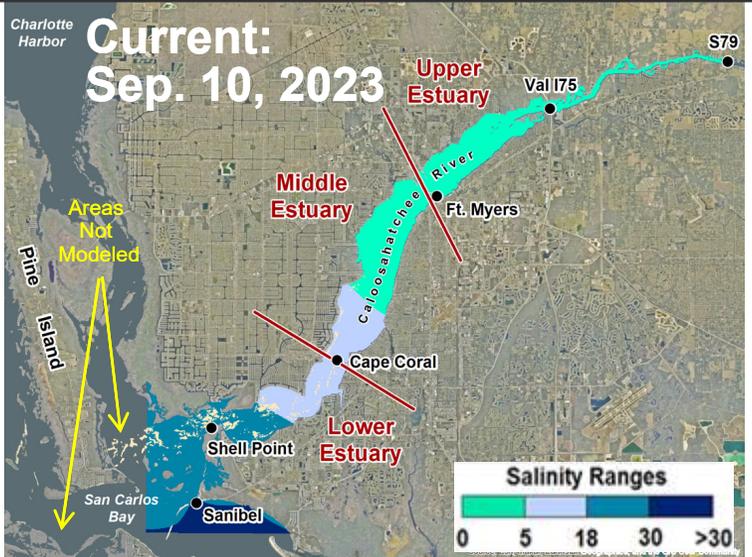
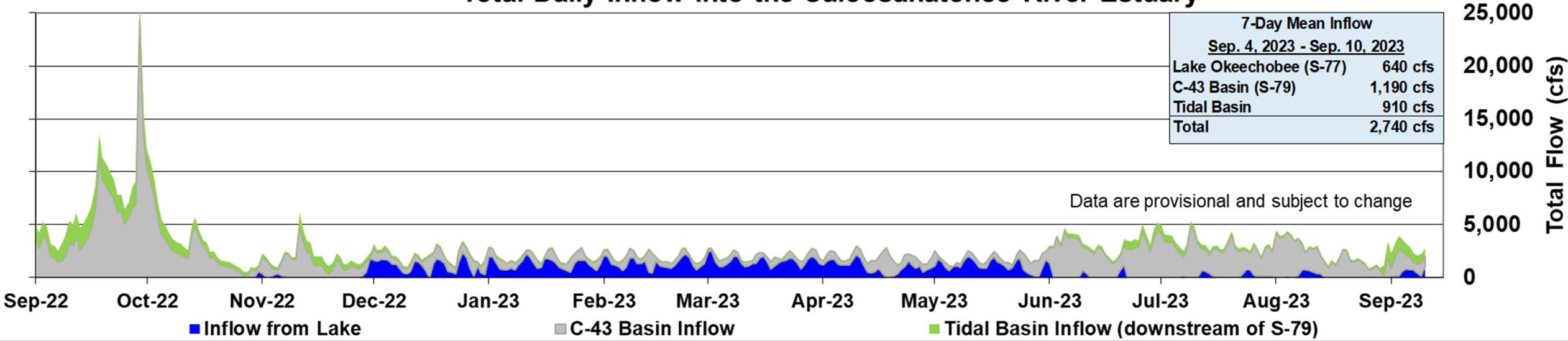
St. Lucie Estuary Submerged Aquatic Vegetation

Wet Season Seagrass Percent Cover in WY2023 and WY2024

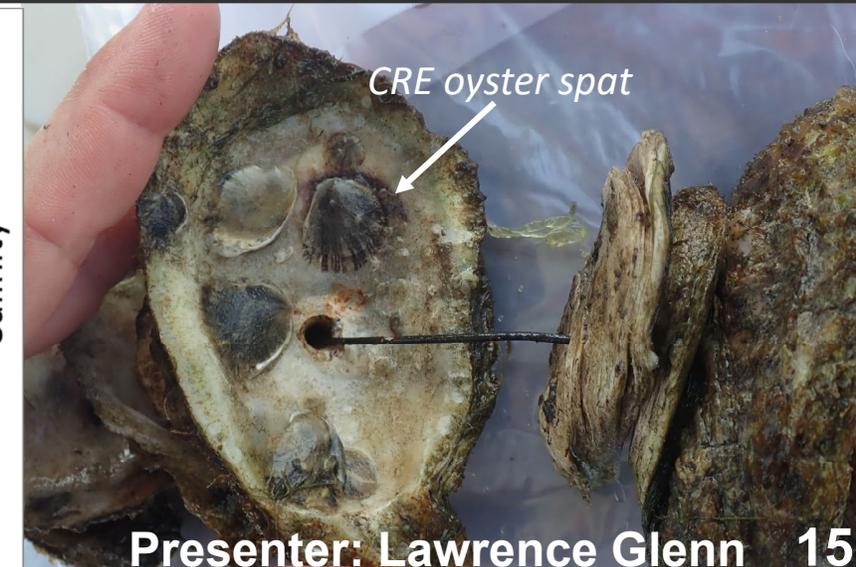
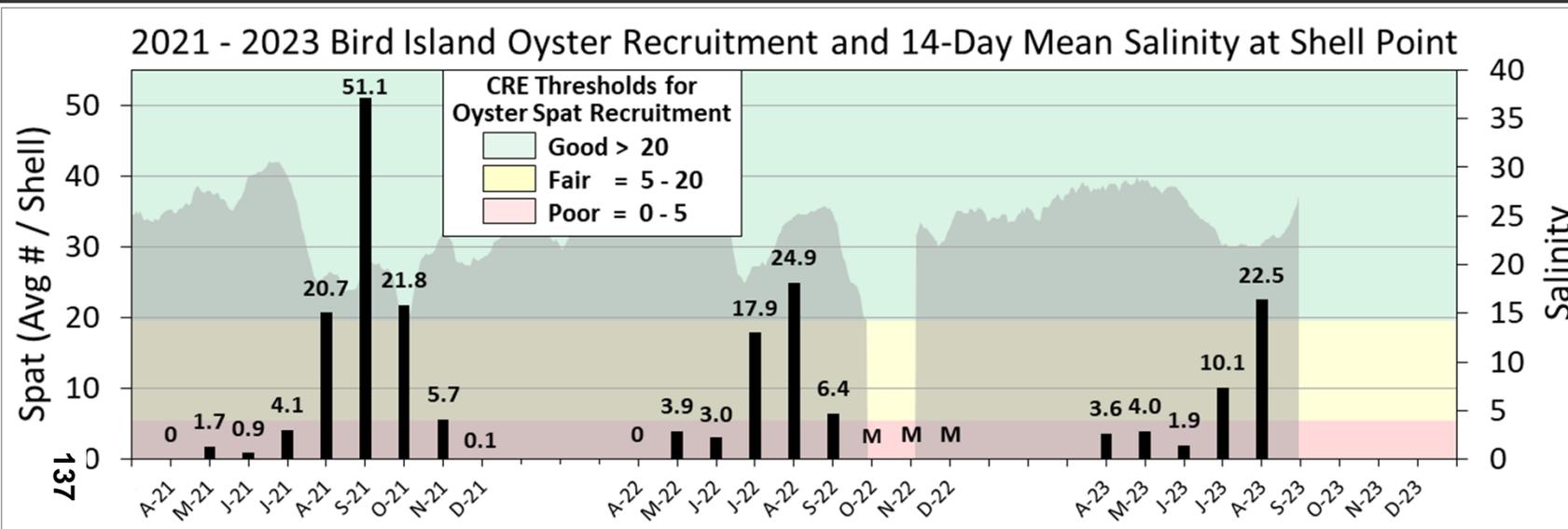
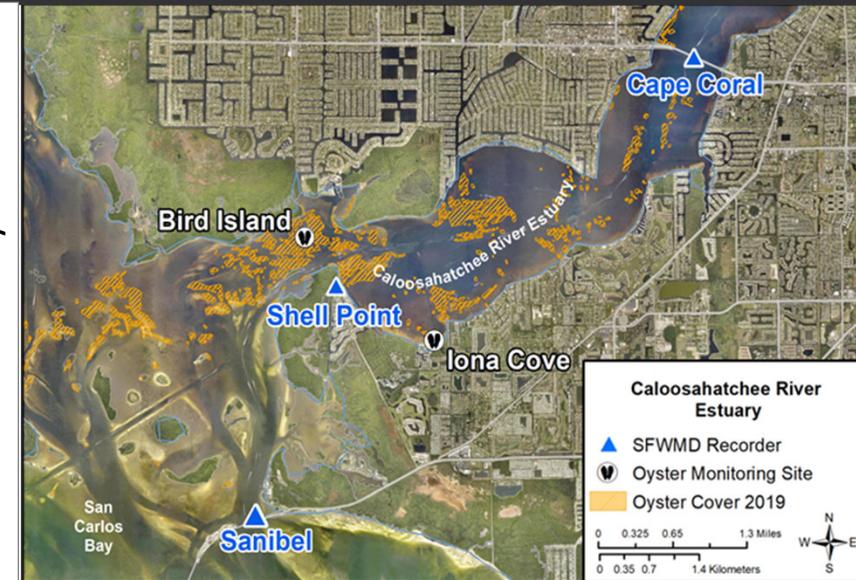
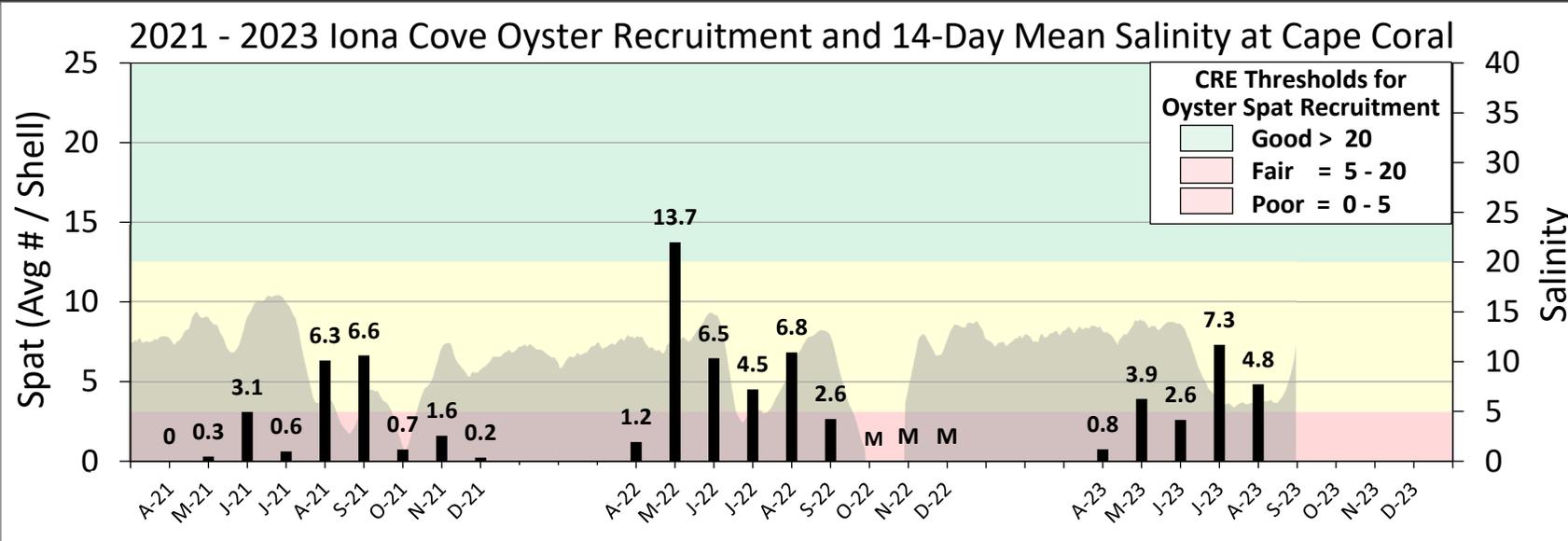


Caloosahatchee Inflows and Salinity Conditions

Total Daily Inflow into the Caloosahatchee River Estuary

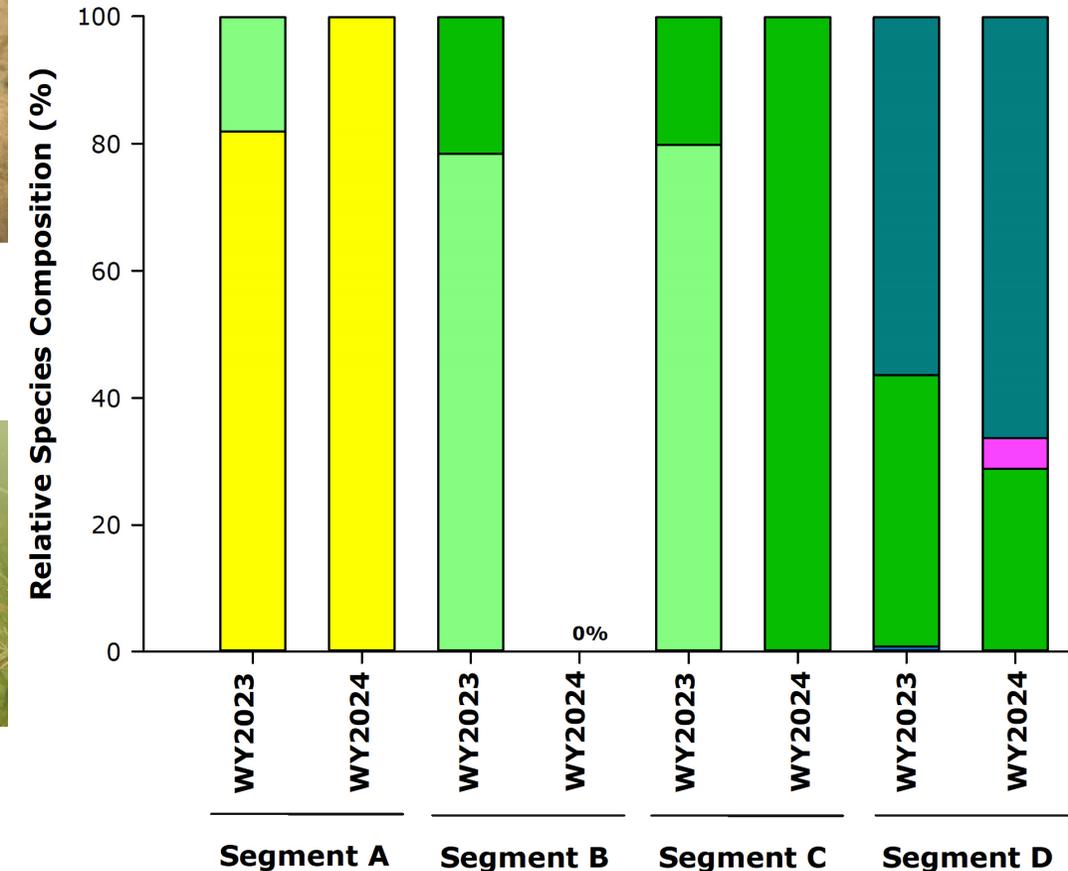
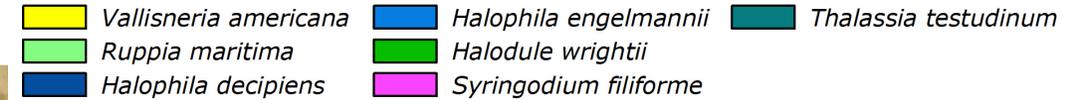
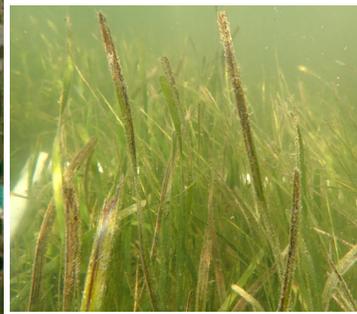
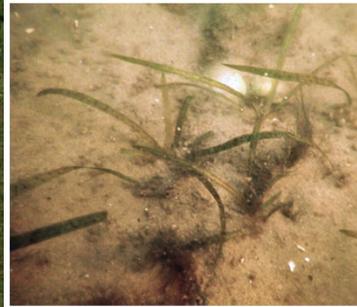
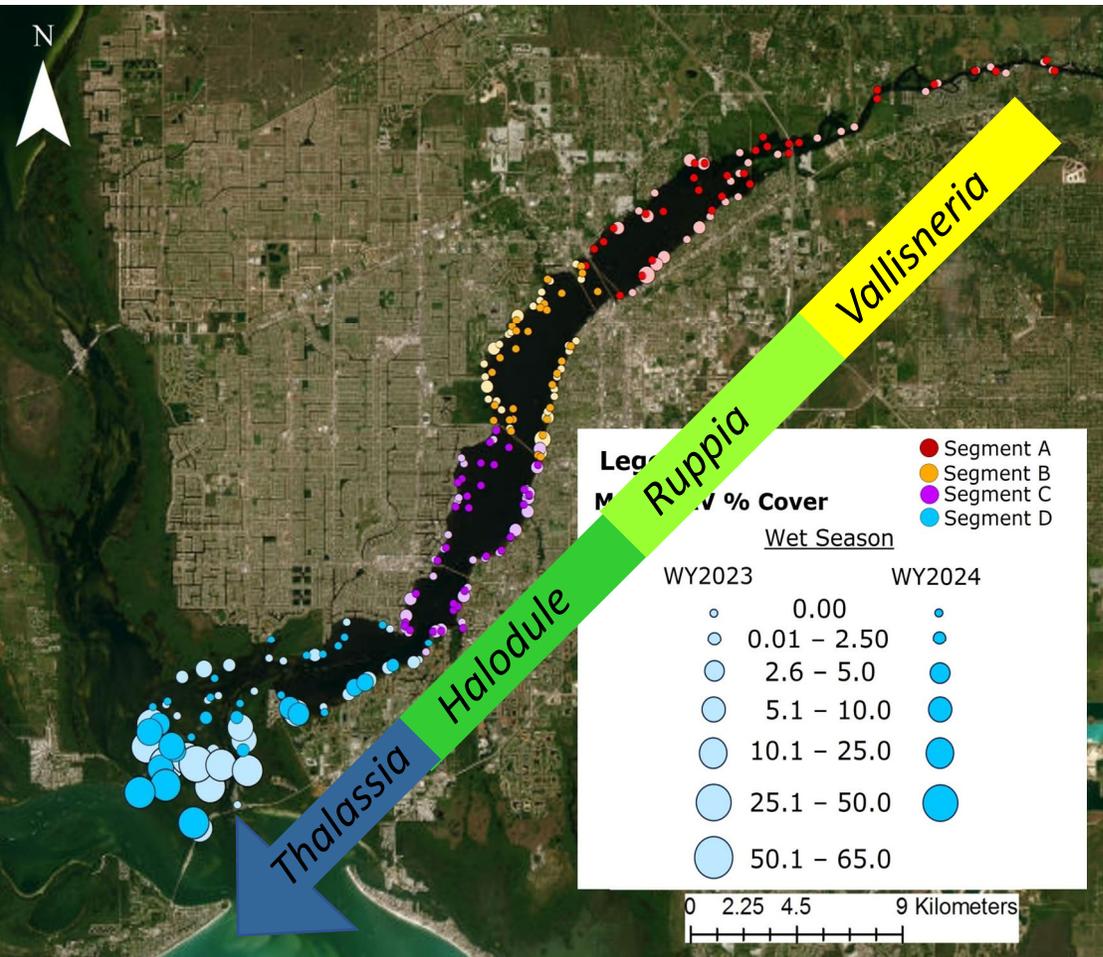


Caloosahatchee Estuary – Oyster Recruitment



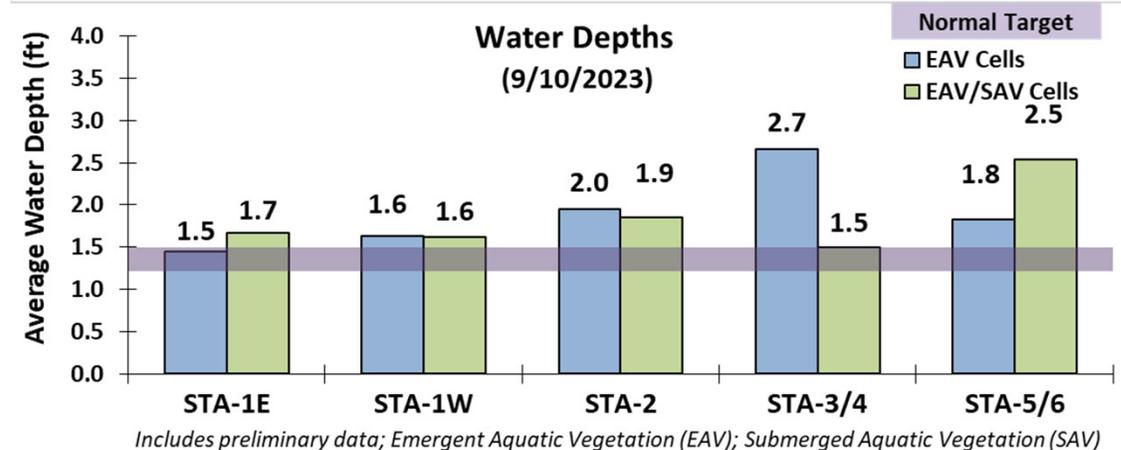
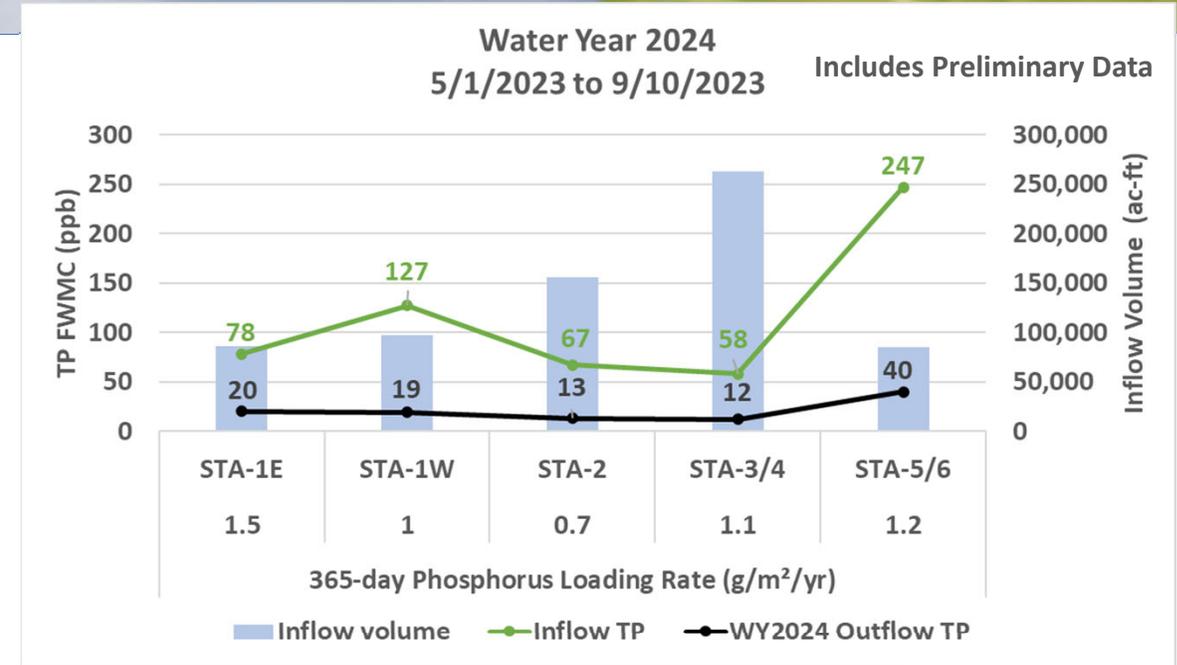
Caloosahatchee Estuary – Submerged Aquatic Vegetation

Wet Season SAV Percent Cover in WY2023 and WY2024

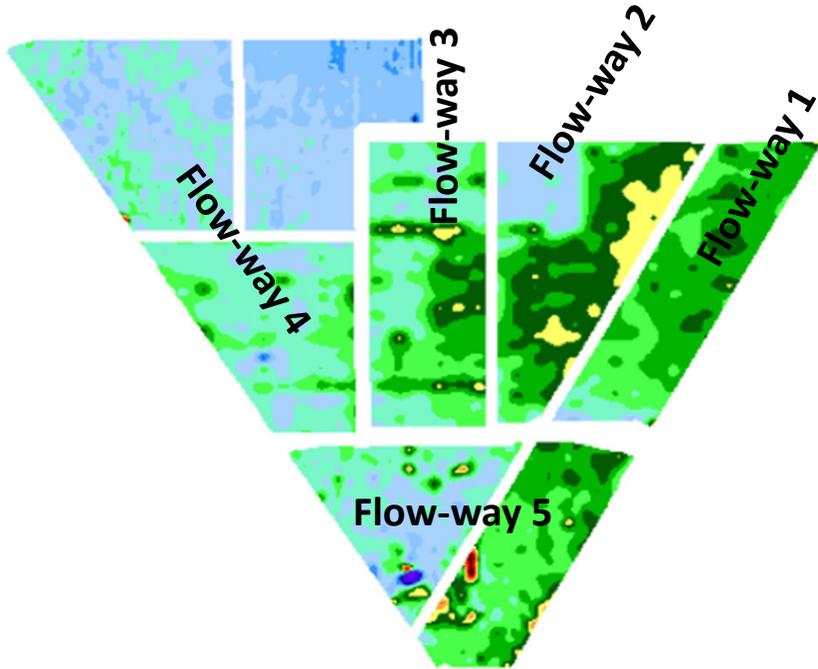


Everglades Stormwater Treatment Areas (STAs)

- STAs treated basin runoff in August
 - Total WY2024 inflows to STAs (5/1/2023 to 9/10/2023): ~686,000 ac-ft
 - Lake Okeechobee releases to FEB/STAs in WY2024: ~2,200 ac-ft
- Extensive vegetation management activities underway to address stressed and highly stressed vegetation especially in EAV cells
- Most treatment cells are at or above target depth

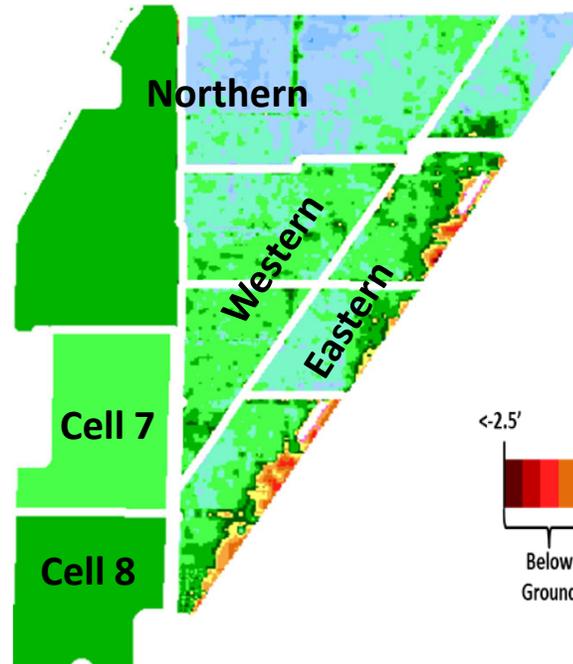


Stormwater Treatment Area Water Depths



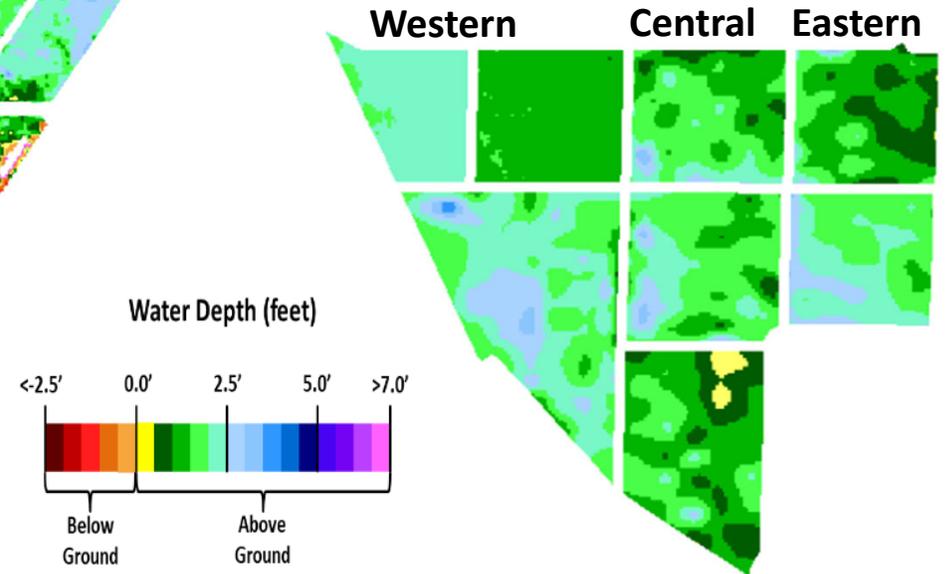
STA-2

Flow-Way	Restrictions
1	On-line
2	On-line; vegetation management
3	On-line; refurbishment - canal plug construction
4	On-line; vegetation management
5	On-line



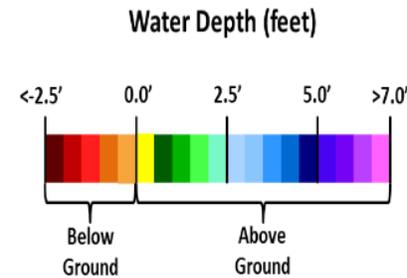
STA-1W

Flow-way	Restrictions
Northern	On-line; vegetation management
Eastern	On-line
Western	On-line
Cell 7	On-line
Cell 8	On-line; construction activities



STA-1E

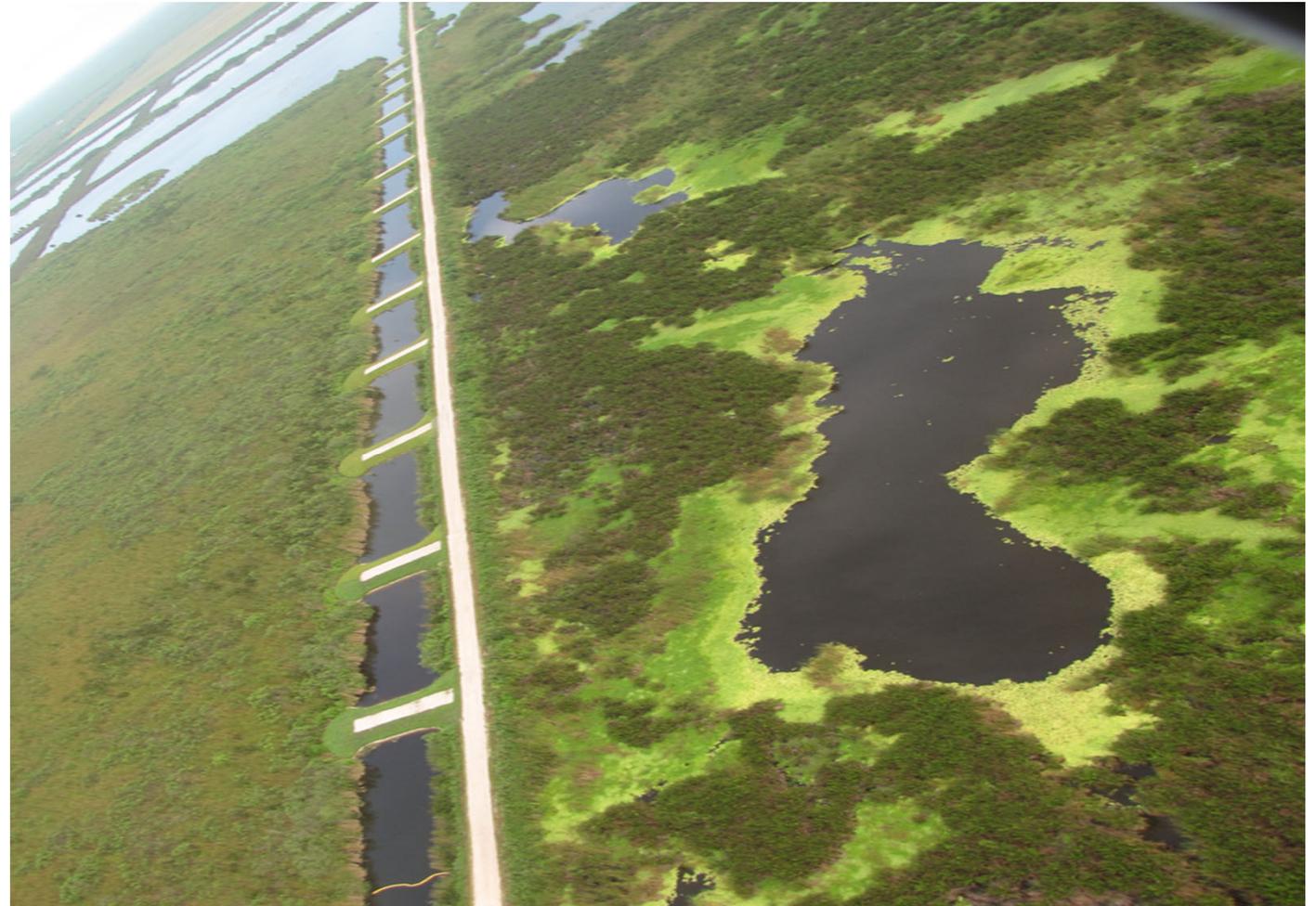
Flow-way	Restrictions	Back on-line
Western	Off-line ; post-construction grow in	September
Central	On-line; Restoration Strategies Science Study	
Eastern	On-line	



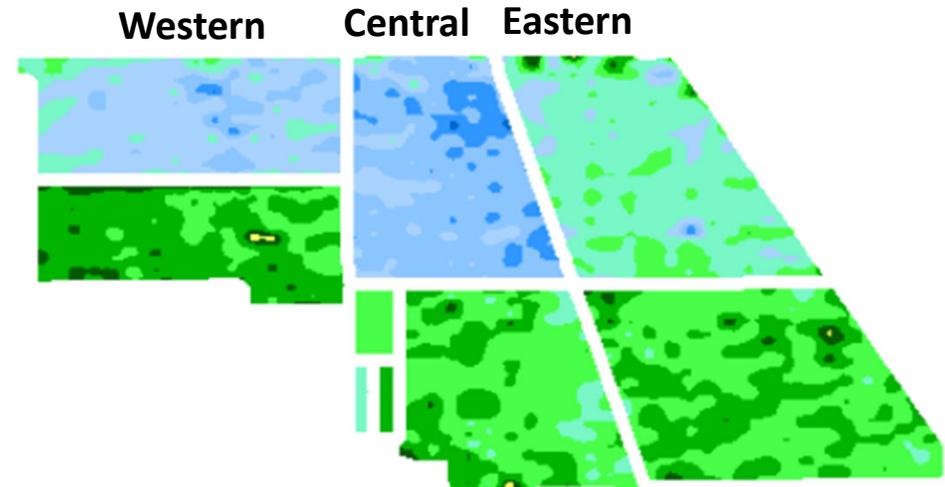
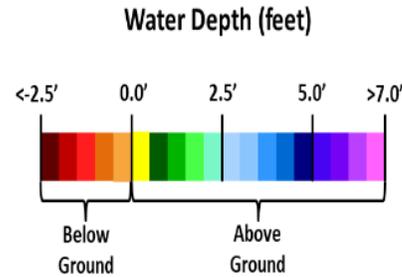
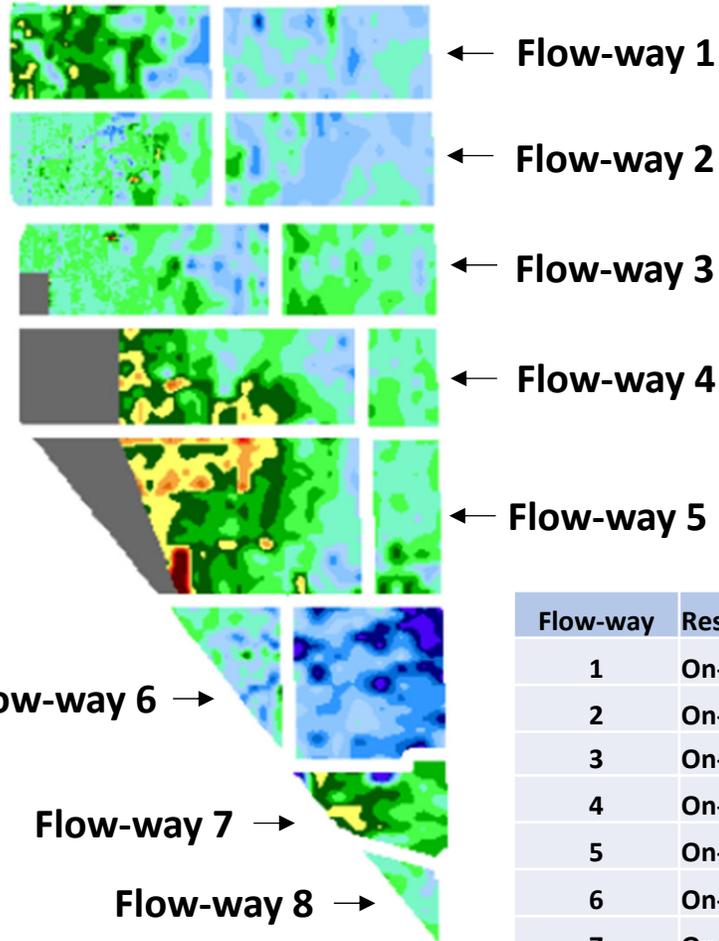
STA 2 Plug Repair

STA – 2 Cell 3

45 of 49 plugs completed (ongoing)



Stormwater Treatment Area Water Depths



Flow-way	Restrictions
1	On-line
2	On-line
3	On-line
4	On-line; vegetation management
5	On-line
6	On-line
7	On-line
8	On-line

Flow-way	Restrictions
Western	On-line
Central	On-line
Eastern	Online; vegetation rehabilitation

STA-3/4

Flow-way 6 →

Flow-way 7 →

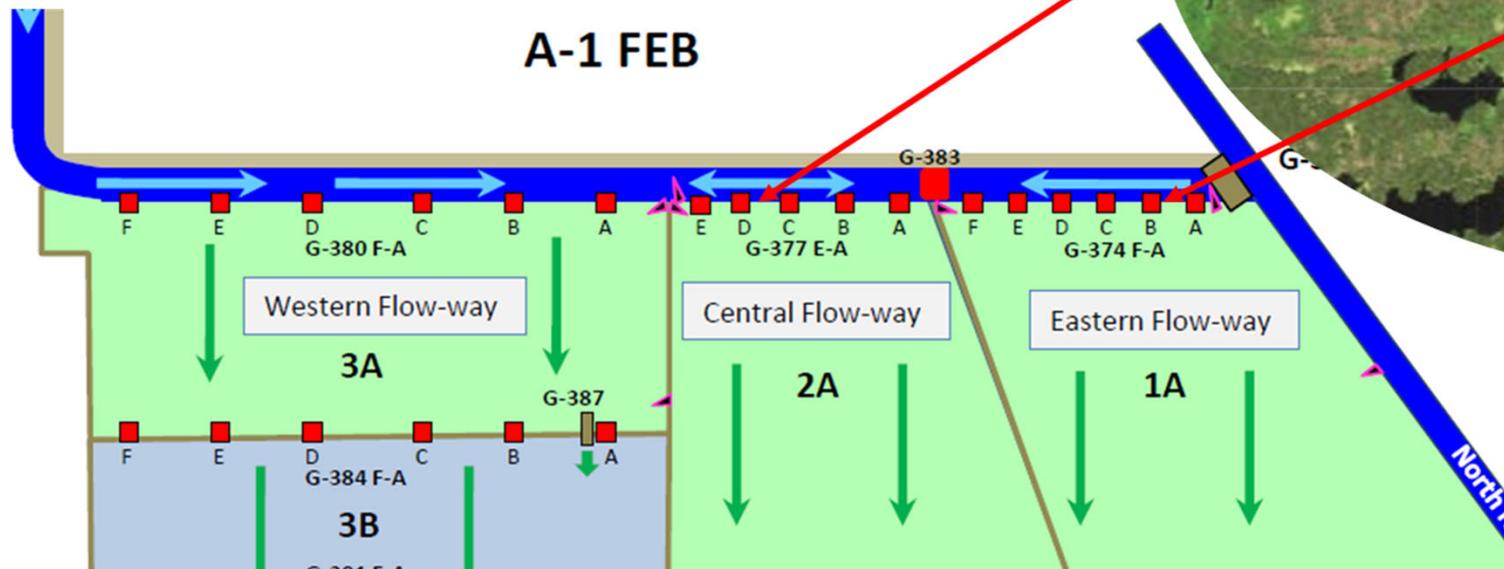
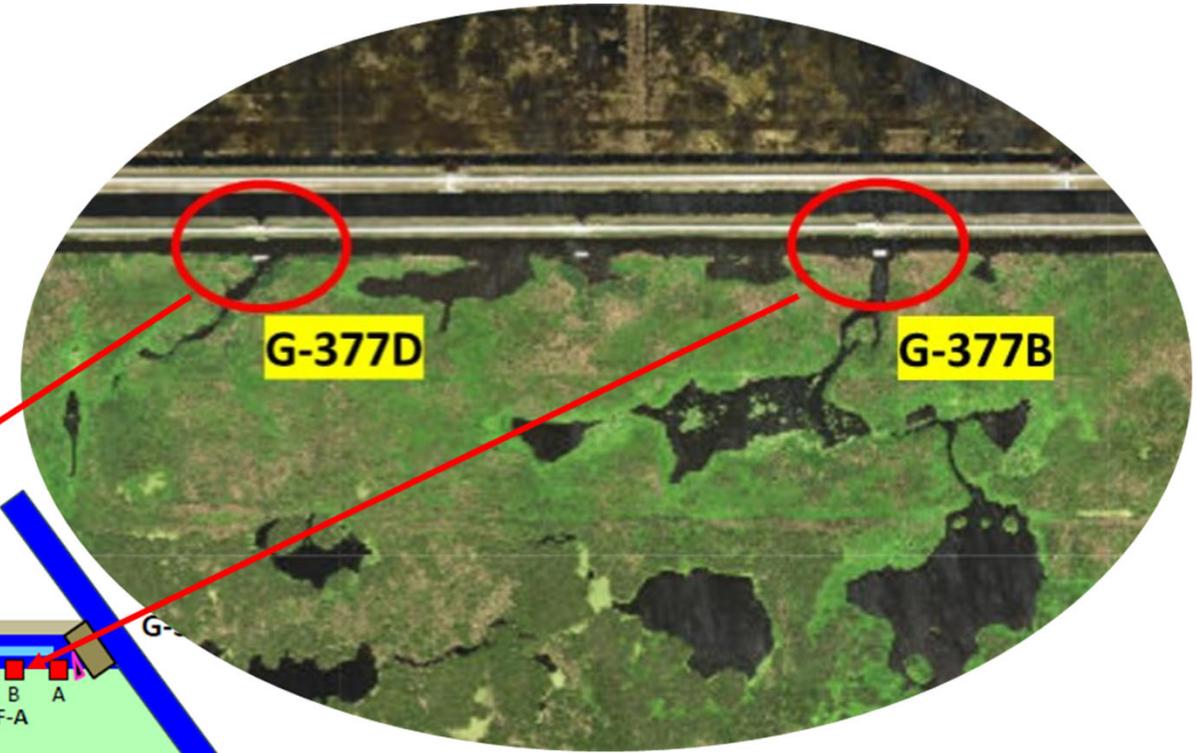
Flow-way 8 →

STA-5/6

STA 3/4 Short Circuit Repair

STA – 3/4 Cells 1A & 2A

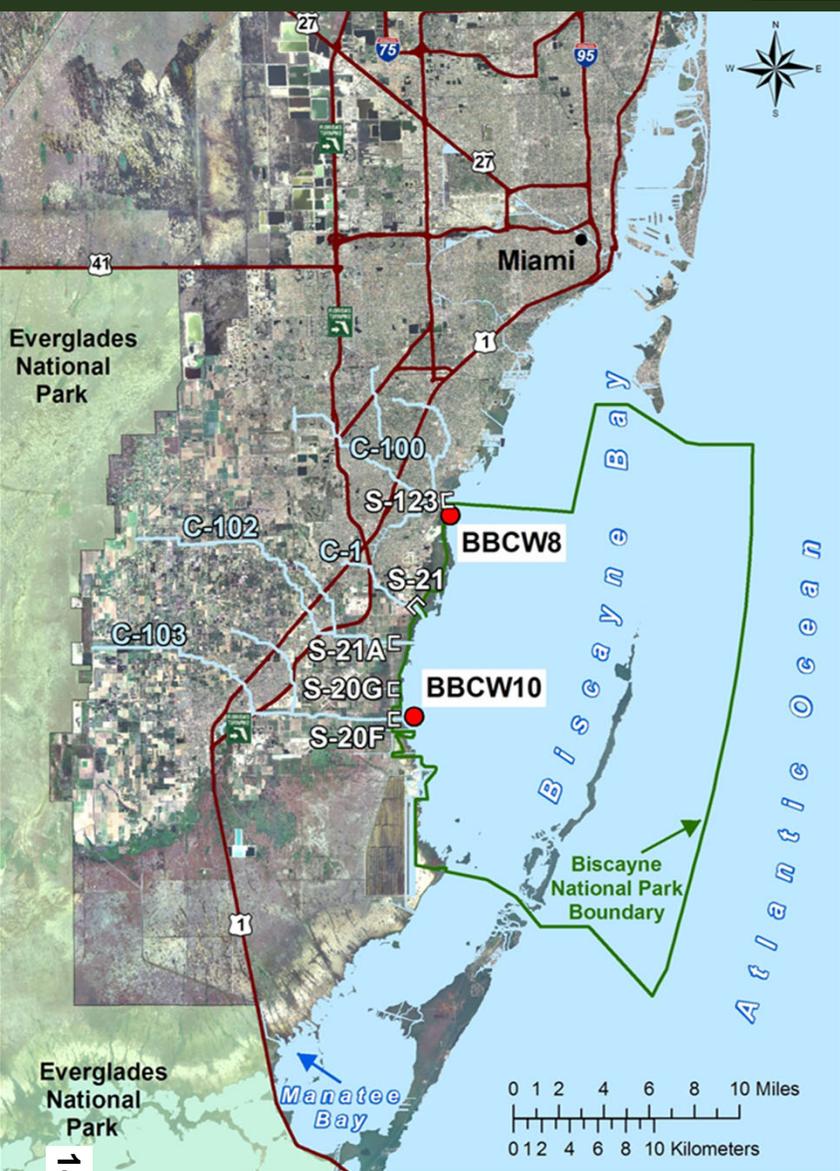
- G-374E, G-377B, & G-377D
- Add rock to retard scour
- Allows trail to heal
- Rock Placement Activity complete



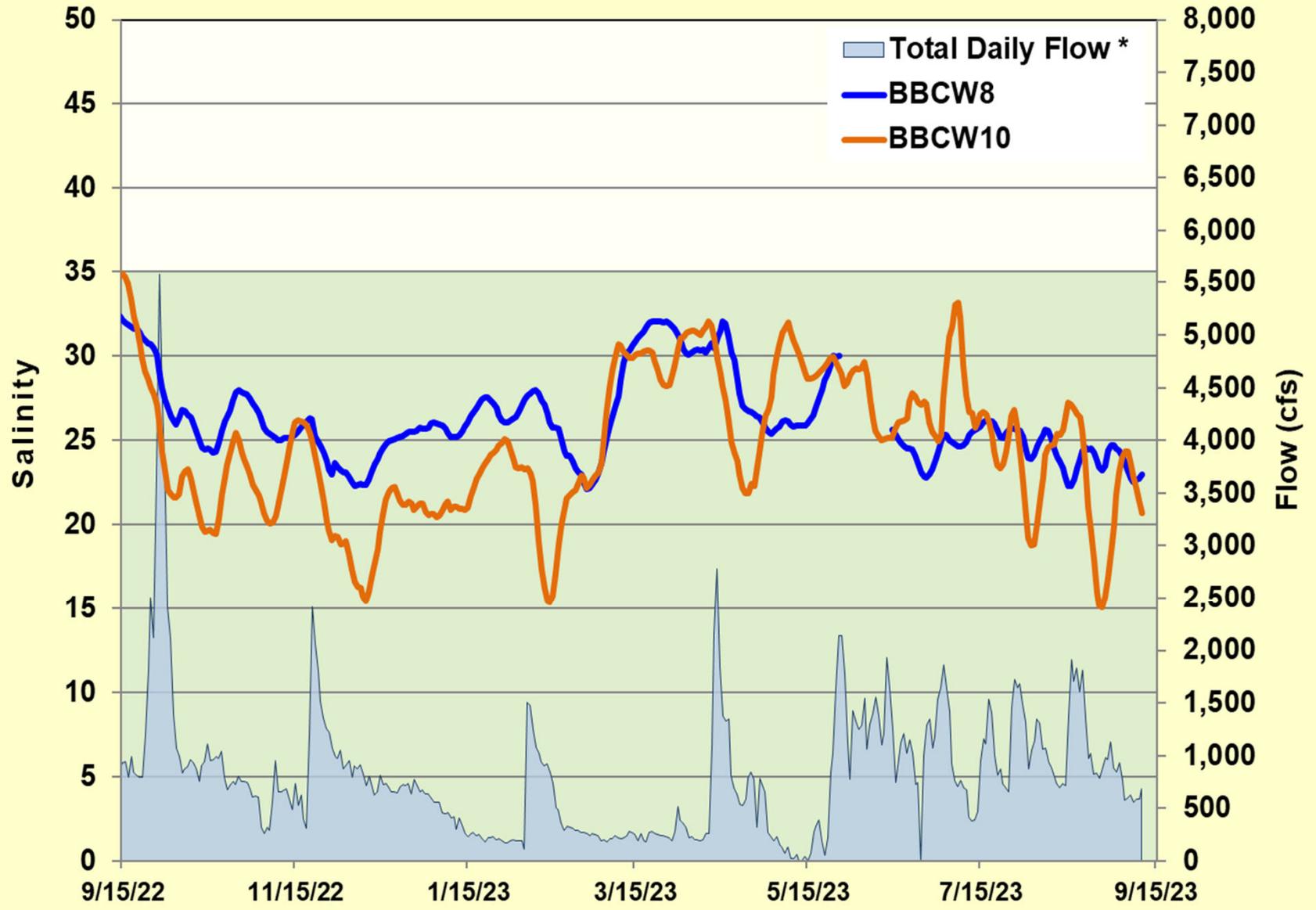
STA 3/4 Short Circuit Repair



Biscayne Bay

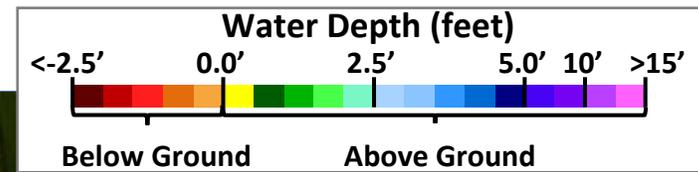
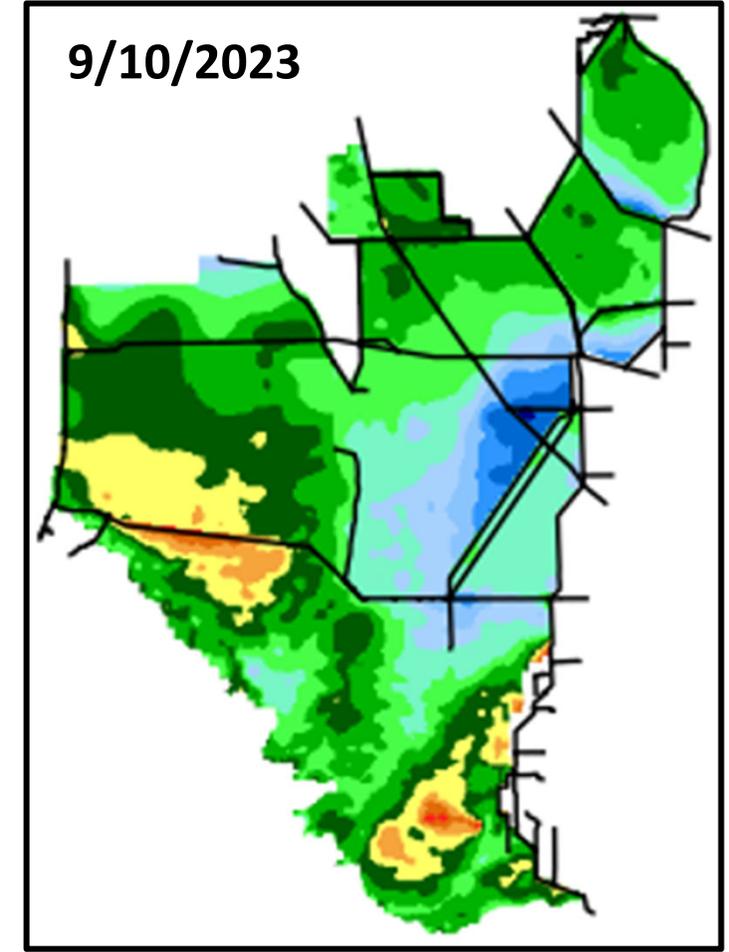
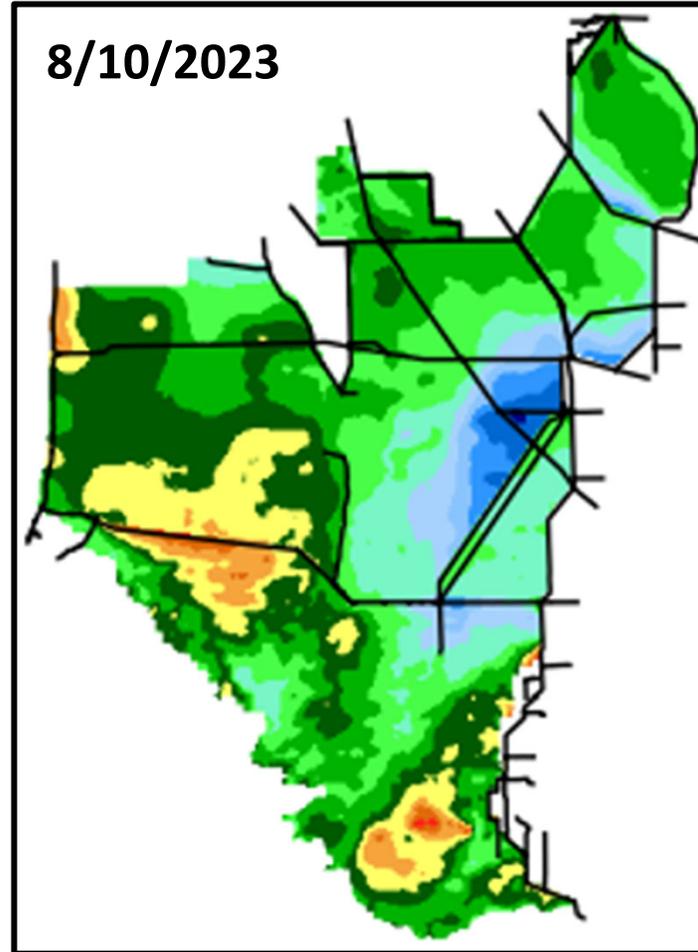
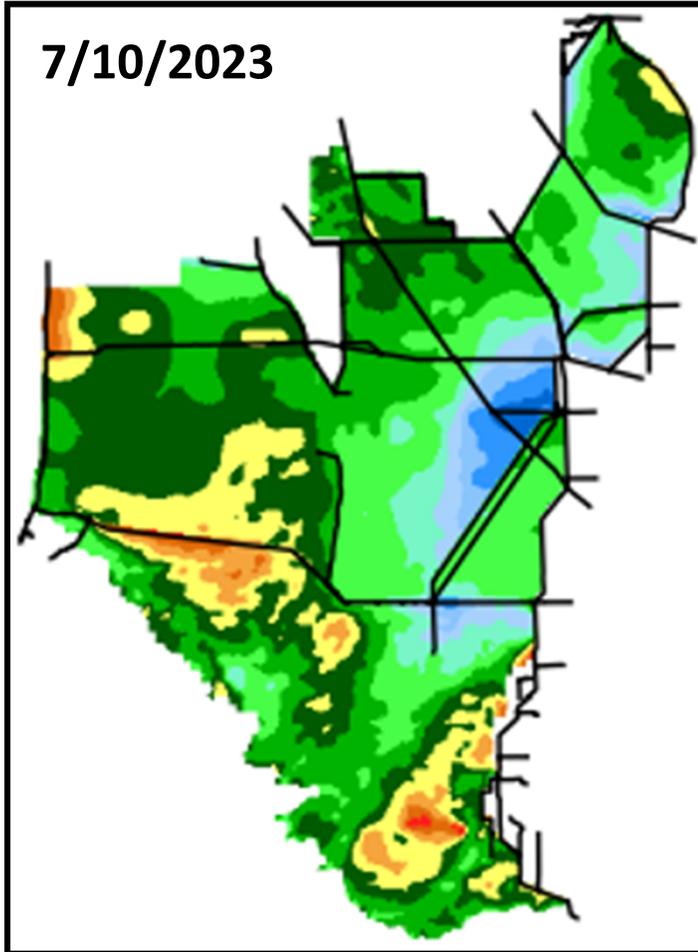


Seven-Day Mean Salinity (BBCW8 & BBCW10) & Total Daily Flow



* Total flow from S20G, S20F, S21, S21A, S123, S700P

Everglades Water Depths

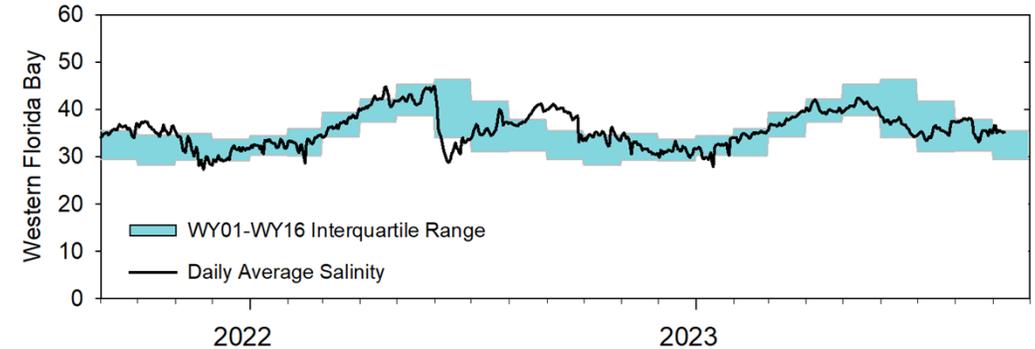
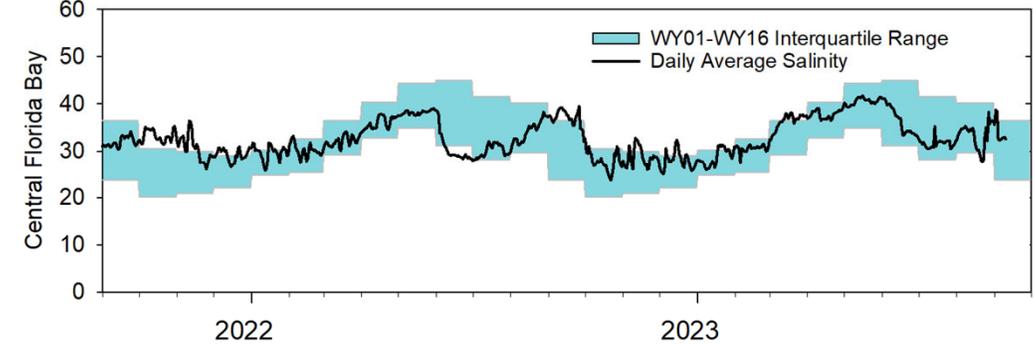
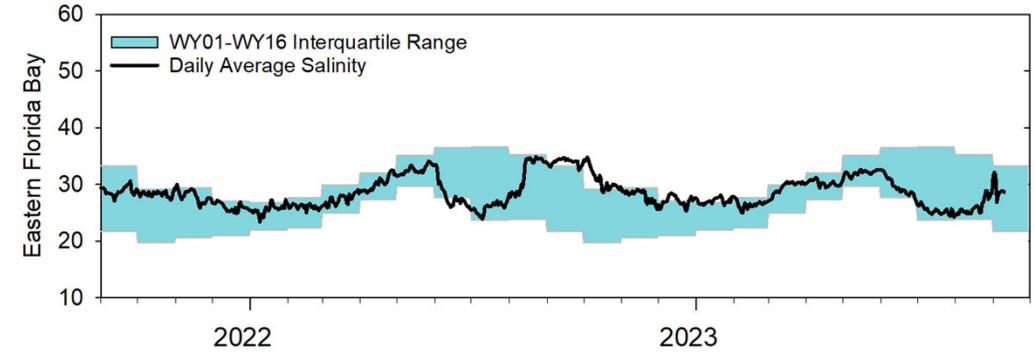
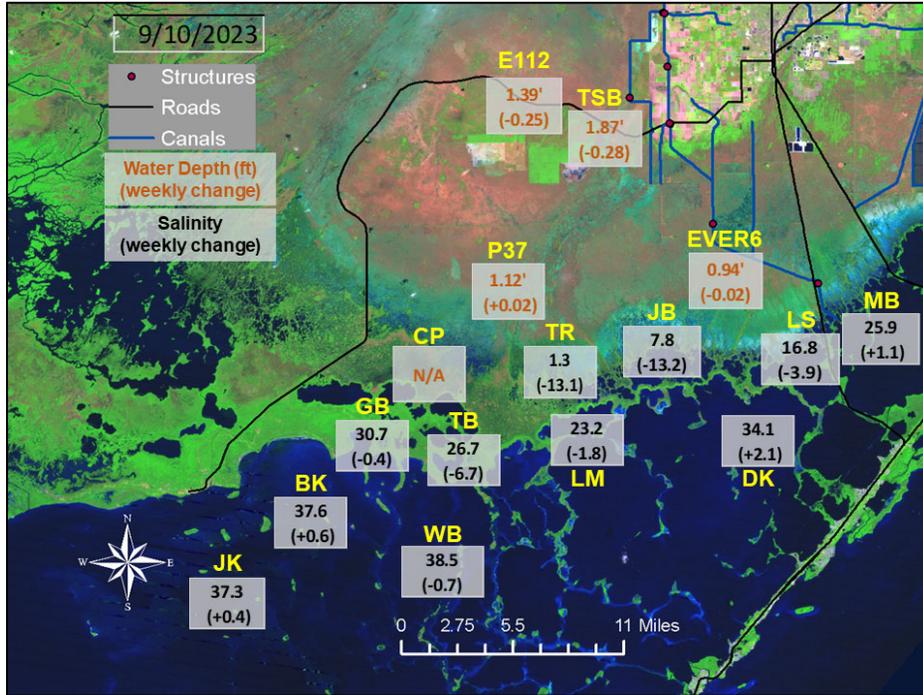


Visitors in WCA 2



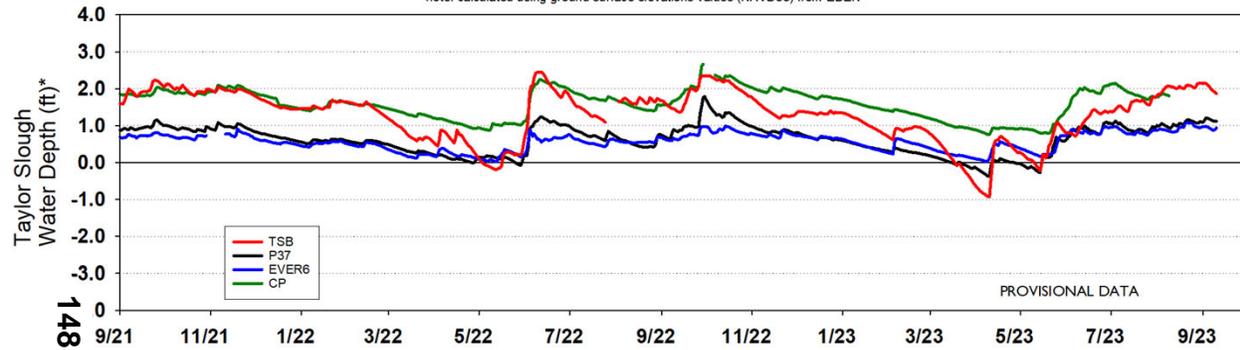
American Flamingos visit the Cattail Habitat Improvement Project (CHIP), in Water Conservation Area 2A, this week and feed in the calcareous floc of the open water slough. *Photos: Michael Manna and Nathan Moreno*

Florida Bay Salinity



Taylor Slough Water Depths

*note: calculated using ground surface elevations values (NAVD88) from EDEN



Questions



American alligator in the Phase I restoration area of Kissimmee chain of lake area. Photograph courtesy of Brent Anderson.

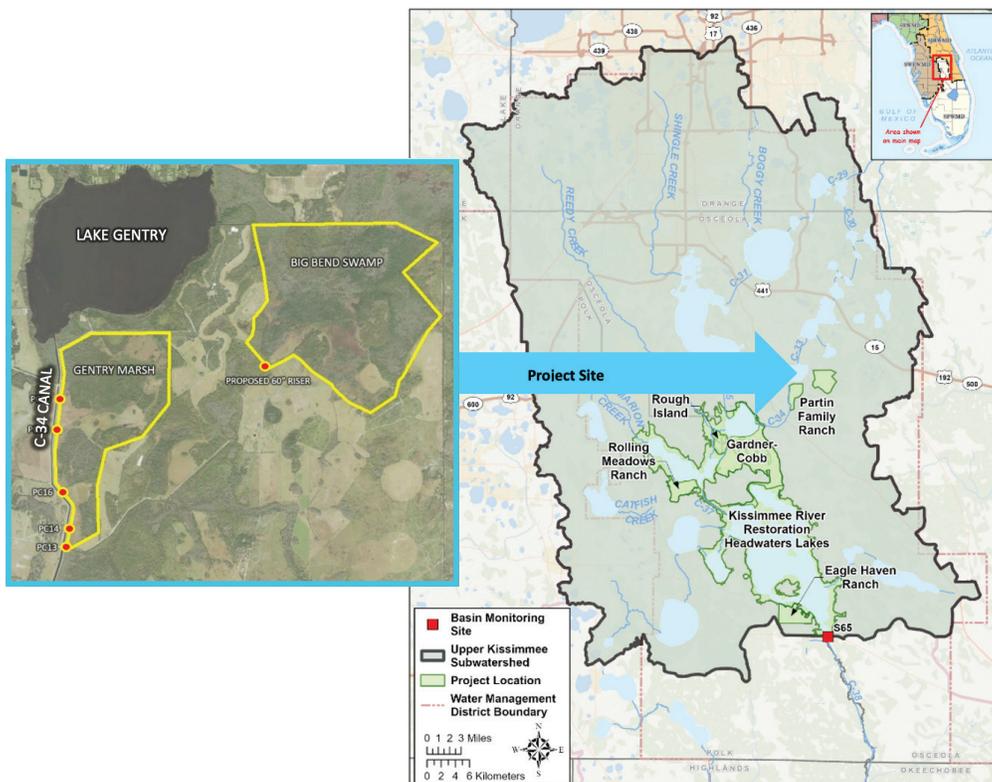


Northern Everglades and Estuaries Protection Program (NEEPP)

Progress Update – September 2023

SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) PROGRESS UPDATE

As part of the **Northern Everglades Water Retention and Nutrient Load Reduction Projects** approved by the Governing Board at the May 2022 Business Meeting, SFWMD executed a 10-year, public-private partnership agreement in May 2023 for the Partin Family Ranch Project. Situated on 3,050 acres of private land in the Upper Kissimmee Subwatershed, this new water storage and nutrient retention project will retain direct rainfall and stormwater runoff within two large detention areas in order to reduce excess discharges to Lake Okeechobee (*see figures, below*). Design efforts are being completed in September 2023 and, once permits are in place, the project is anticipated to be constructed and operational in fall 2023. Once complete, the project will provide an estimated average water quality benefit of 0.4 metric tons of TP and 5.2 metric tons of TN, and an average water quantity benefit of 4,270 acre-feet per year.



INTERAGENCY SPOTLIGHT

The Coordinating Agencies are now preparing the NEEPP Annual Progress Report for the **Draft 2024 South Florida Environmental Report (SFER) – Volume I, Chapter 8A**, along with the Watershed Protection Plan annual reviews for the Lake Okeechobee, St. Lucie River, and Caloosahatchee River Watersheds (Chapters 8B-8C-8D). This year’s flagship report will highlight the many notable accomplishments and successes among our agencies during the 2023 reporting period. The draft will be published in October for public and peer review at SFWMD.gov/SFER.

The Coordinating Agencies are also in the process of planning the **2023 NEEPP Public Workshop** to collaboratively summarize NEEPP key accomplishments and progress made over the past year in achieving program and project-specific goals. This will provide transparency and accountability regarding the implementation of NEEPP and offer the public an opportunity to comment and provide input on the planning process and future agencies’ reporting. More details on the upcoming workshop, once available, will be posted at SFWMD.gov/WPPs.



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) PROGRESS UPDATE

In July, FDEP announced new grant opportunities for FY2023-24 on their web portal for Water Quality Improvement, Indian River Lagoon Water Quality Improvement, Biscayne Bay Water Quality Improvement, Alternative Water Supply, Florida’s Coral Reef Restoration and Recovery Initiative, Nonpoint Source Management, and Innovative Technology for Harmful Algal Bloom grants, totaling approximately \$530 million ([ProtectingFloridaTogether.gov](https://www.floridadep.com/protectingfloridatogether)). Proposals for these grant categories are due by 9/14/2023, and will be evaluated by DEP for further consideration for either state or federal funding. Resilient Florida Planning and Implementation Grants are also open for projects that address risks of flooding or sea level rise identified in a local government vulnerability assessment, with submittals due by 9/15/2023.

DEP continues to collect draft Wastewater Treatment Plans (WWTP) and Onsite Sewage Treatment and Disposal Systems (OSTDS) Remediation Plans to fulfill Clean Waterways Act (CWA) requirements for upcoming nutrient BMAP updates, which will be published by July 1, 2025. DEP has set up a [webpage](#) that includes a [Q&A document](#) covering key stakeholder information on CWA requirements for WWTP and OSTDS Remediation Plans, as well as helpful resources for stakeholders.

DEP has brought more than 98% of agricultural parcels referred to the department into compliance through education and enforcement action. No parcels referred to DEP greater than 100 acres remain out of compliance. Currently, 52 agricultural parcels (representing less than 800 acres) remain out of compliance. Most of these parcels are less than 10 acres and only four are greater than 50 acres. DEP will continue enforcement action until all parcels referred to the agency are in compliance.

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (FDACS) PROGRESS UPDATE

As of August 1, 2023, FDACS has completed 82% of required implementation verifications (IVs) for agricultural operations within NEEPP boundaries (in accordance with IV deferrals). This declined 2% from last month as the deferral of IVs in 31 counties ended in May and site visits in those areas began to be scheduled and conducted. The percentage is expected to increase as the process is reestablished.

A LOOK AHEAD

September 22, 2023

NEEPP Annual Public Workshop

Held by the Coordinating Agencies at the District’s Headquarters in West Palm Beach, FL. During this event, there will also be an Open House where Coordinating Agencies staff will be available to share further information, engage with the public/stakeholders, and answer questions on NEEPP-specific topics of interest.

October 2, 2023

Draft 2024 SFER – Volume I

Web release for public and peer review ([SFWMD.gov/SFER](https://www.sfwmd.gov/SFER)).

UPCOMING (Date TBD)

The Blue-Green Algae Task Force Meeting

This meeting will be held at the SFWMD’s Headquarters Complex in West Palm Beach, FL. Visit [ProtectingFloridaTogether.gov](https://www.protectingfloridatogether.gov) for more information.



Mouth of Caloosahatchee River Estuary San Carlos Bay