



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

August 17, 2023

9:00 AM

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
 - August Employee of the Month: Robert Schaeffer, Section Leader, Real Estate
 - August Team of the Month: Drone/UAS Program Lead Team
 - 25-Year Service Award: Michael Cilli, Assistant Superintendent
 - 30-Year Service Award: Larry Latour, Scada Instrumentation Supervisor
4. Agenda Revisions
5. Agenda Item Abstentions by Board Members
6. Consider Approval of the Minutes for the July 13, 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. Land Acquisition, Shingle Creek Project, Orange County (Staff contact, Ray Palmer)

Agenda Item Background:

Shingle Creek is located in southern Orange County and is generally considered to be the headwaters for the Everglades. The District has been acquiring land on a willing seller basis to preserve and protect this resource. The District's ownership within the Shingle Creek Project is currently configured in a scattered pattern. Staff is seeking Governing Board approval to acquire a 1.22-acre property from a willing seller for a purchase price of \$25,000, which is below appraised value. This proposed acquisition will be funded from the Wetland Mitigation Fund and the seller will be responsible for all closing costs.

Recommended Action:

Resolution No. 2023 - 0801 Acquire land interests containing 1.22 acres, more or less, located in the Shingle Creek Project Area in Orange County, in the amount of \$25,000, for which dedicated funds (Wetland Mitigation Fund) are budgeted in Fiscal Year 2022-2023.

[Resolution No. 2023-0801](#)

[Resolution Exhibit A](#)

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

Agenda Item Background:

The District has certain reserved rights to construct canal and road 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 by a District-wide routing that there is no present or future need for the reservations listed below, therefore, staff recommends approval of the following:

Palm Beach County

Release District canal and road reservations for Westgate/Belvedere Homes Community Redevelopment Agency, a Florida public body corporate and politic created pursuant to Section 163.356, Florida Statutes (File No. 18930) for 0.87 +/- acre; release value exempt (government).

Recommended Action:

Resolution No. 2023 - 0802 Release District canal and road reservations.

[Memorandum Exhibit A](#)

[Resolution No. 2023-0802](#)

[Resolution Exhibit A](#)

[Maps](#)

15. Cattle Grazing Lease, Highlands & Okeechobee Counties (Staff contact, Ray Palmer)

Agenda Item Background:

Staff is seeking Governing Board authorization to issue a cattle grazing lease for lands located in Highlands and Okeechobee Counties for five years. The District received seven bids in response to the solicitation. After review, All Seasons Welding, Inc. was determined to be the highest 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 \$25,024.

Recommended Action:

Resolution No. 2023 - 0803 Authorize entering into a five-year cattle grazing lease with All Seasons Welding, Inc., on 406.42 acres, more or less, in Highlands and Okeechobee counties. (Contract No. 4600004824)

[Resolution No. 2023-0803](#)

[Resolution Exhibit A](#)

16. Parking Lease with South Florida Stadium, LLC, Miami-Dade County (Staff contact, Ray Palmer)

Agenda Item Background:

The District owns certain real property located in Miami-Dade County known as Encumbrance ID AR10E-003. The property is located within the C-9 Right of Way. The District acquired the property for the C-9 Canal. The District desires to lease two segments of the right of way totaling 14.24 acres to South Florida Stadium, LLC for periodic event parking for a period of five years. The approximate annual revenue will be \$63,450.

Recommended Action:

Resolution No. 2023 - 0804 Authorize a five-year parking lease with South Florida Stadium, LLC, on 14.24 acres, more or less, in Miami-Dade County. (Contract No. 4600004801)

[Resolution No. 2023-0804](#)

[Resolution Exhibit A](#)

17. Orlando Service Center Office Lease (Staff contact, Candida Heater)

Agenda Item Background:

This request is to authorize entering into an agreement and funding for a 5-year lease with one 5-year renewal option with Sand Lake West Business Park Inc., for the Orlando Service Center. This contract is necessary to allow operations of the Service Center to continue once the lease on the current premises expires in September 2023.

Recommended Action:

Resolution No. 2023 - 0805 Authorize entering into a 5-year lease with one 5-year renewal option with Sand Lake West Business Park Inc., for the Orlando Service Center in an amount not-to-exceed \$2,072,176.44 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004838)

[Resolution No. 2023-0805](#)

18. Changes to the Administrative Policies (Staff contact, Jennifer Smith)

Agenda Item Background:

The South Florida Water Management District Governing Board adopts policies for the administration and operations of the agency. This agenda item provides administrative fixes and other updates to previously adopted Governing Board policies to support efficient and effective agency operations. A full listing of all adopted Board policies is available at

https://library.municode.com/fl/south_florida_water_management_district/codes/adminis

Recommended Action:

Resolution No. 2023 - 0806 Approve administrative changes to District Policies.

[Resolution No. 2023-0806](#)

[Resolution Attachment A](#)

19. Legal Services Contract Amendment with Kirwin Norris, P.A. (Staff contact, Maricruz R. Fincher)

Agenda Item Background:

Kirwin Norris, P.A. provides ongoing legal counsel to the District in construction law matters. The Office of Counsel is requesting the authority to increase funds in the amount of \$250,000 for the District's contract with Kirwin Norris, P.A.

Recommended Action:

Resolution No. 2023 - 0807 Authorize an amendment to Contract No. 4600004519 with Kirwin Norris, P.A. to authorize the General Counsel to increase the contract by \$250,000.00 to defend the District's interests and fully prosecute its claims related to the C-43 West Caloosahatchee Basin Storage Reservoir. (Contract No. 4600004519-A04)

[Resolution No. 2023-0807](#)

20. Letter Recommending Reconfirmation of the Executive Director and Employment Agreement (Staff contact, Lourdes Woytek)

Agenda Item Background:

Section 373.079(4)(a), Florida Statutes, authorizes the Governing Board of the South Florida Water Management District to employ an executive director, subject to the approval by the Governor and confirmation by the Senate. The executive director of the South Florida Water Management District is employed by the Governing Board to oversee the day-to-day operations of the agency and carry out the Board's directives. Andrew Bartlett was appointed by the Governing Board on March 14, 2019 and

subsequently confirmed by the Florida Senate on March 13, 2020. In 2022, Governor Ron DeSantis was reelected as Governor of Florida. Following each gubernatorial election, an executive director must be confirmed by the Senate during the second regular session of the Legislature. This agenda item authorizes the Chairman of the Governing Board to provide a letter of recommendation to the Governor of Florida for Andrew (“Drew”) Bartlett to be approved by the Governor and confirmed by the Florida Senate during the upcoming regular session of the Legislature. It also authorizes an employment agreement with the Executive Director, effective immediately.

Recommended Action:

Resolution No. 2022 - 0808 Approve a Letter of Recommendation for reconfirmation of Andrew Bartlett as Executive Director of the South Florida Water Management District and approve an Employment Agreement made and entered into as of the 17th day of August 2023, by and between the Governing Board of the South Florida Water Management District and Andrew Bartlett.

[Resolution No. 2023-0808](#)

21. C-139 Flow Equalization Basin Project, Change Order No. 2, Hendry County (Staff contact, Lucine Dadrian)

Agenda Item Background:

As part of Restoration Strategies, the C-139 Flow Equalization Basin (FEB) Project works in conjunction with the existing Everglades STA-5/6 to meet the Water Quality Based Effluent Limit to achieve compliance with the State of Florida’s numeric phosphorus criterion for the Everglades Protection Area outlined in Rule 62-302.540, Florida Administrative Code, enforced by the U.S. Environmental Protection Agency.

The C-139 FEB is intended to assist in managing source basin runoff from the C-139 Basin by attenuating peak flows and temporarily storing a portion of stormwater runoff prior to it being conveyed to STA-5/6. Flows to the FEB are received via the Deer Fence Canal from the west and via the L-2 Canal from the North. This 11,000 acre-foot FEB includes construction of a 690 cfs Inflow Pump Station that will allow water to be pumped into the FEB when it is available from the C-139 Basin to temporarily capture and detain excessive peak flows at a maximum depth of four feet. The project will include approximately eleven miles of embankment and a 690 cfs outflow structure to move water through the C-139 FEB. The project also includes the replacement of the 800 cfs G-711E structure and improvement of over two miles of the Deer Fence Canal and six miles of the L-3 Canal.

The Board approved awarding the contract to Condotte-Ryan Joint Venture in the amount of \$79,933,411 and 900 days at its December 2020 meeting. The Notice to Proceed was issued in February of 2021 to construct the nearly 3,000-acre impoundment under Contract No. 4600004345. The property is a former citrus grove with various threatened, endangered and protected wildlife species, specifically the burrowing owl. A previously approved change order added \$1,598,367.19 and 60 days to the contract, executed under the existing board authority, to expand the southeast boundary by realigning the levee and adding 200 additional acres and 500 acre-feet of storage to the project. Change Order No. 2 is a combination of independent modifications resulting in a contract schedule revision of 22 additional days and a net cost increase of \$144,176.59.

Recommended Action:

Resolution No. 2023 - 0809 Authorize issuing Change Order No. 2 to Contract No. 4600004345 with Condotte-Ryan Joint Venture, for the C-139 Flow Equalization Basin Project in an amount not-to-exceed \$144,176.59 for which dedicated funds (Land Acquisition Trust Fund) are budgeted in Fiscal Year 2022-2023.

[Resolution No. 2023-0809](#)
[Backup Document](#)

22. Tower Inspection Program (Staff contact, Lucine Dadrian)

Agenda Item Background:

The Tower Inspection Program (TIP) includes 58 towers that carry communication antennas that are the backbone of the District's microwave communication system managed by IT. The communication system provides connection between District facilities and infrastructure allowing the Operation Control Room staff to remotely operate over 900 pump stations and water control structures across 16 counties. The program systematically conducts inspections to identify deficiencies. The inspections culminate in a report that District staff uses for prioritizing repairs in order to maintain the structural integrity of the District's microwave communication towers.

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 - 0810 Authorize entering into a 3-year contract with two 1-year extensions with Civil Services Inc., the lowest responsive and responsible bidder for the Tower Inspection Program, in an amount not-to-exceed \$720,000 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004817)

[Resolution No. 2023-0810](#)

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

Agenda Item Background:

Home Away From Home, LLC (Applicant), is applying for a Right of Way Occupancy Permit to construct a private 4-slip marina within the C-17 Canal adjacent to an existing office building located at 533 Northlake Boulevard in North Palm Beach. The applicant is the owner of the submerged lands upon which the marina will be constructed. The District has an easement over the submerged lands which provides flowage rights.

The District's Criteria Manual for use of the right of way defines a docking facility with mooring for four or more watercraft is a "marina". Marinas are authorized by issuing a Standard Right of Way Occupancy Permit which is a permit type that must be approved by the District's Governing Board.

The proposed marina complies with all District rules and does not require any waivers.

If approved, the proposed marina will not limit the District's ability to perform routine or emergency operations, maintenance, or construction activities within the right of way.

Recommended Action:

Approve issuance of Standard Right of Way Occupancy Permit 16772-R (Application No. 220811-35523).

[Backup Document](#)

24. Lock Tender Services, Glades, Hendry, Martin, Okeechobee, Osceola and Polk Counties (Staff contact, Rich Virgil)

Agenda Item Background:

The District is responsible for the operation of eleven navigational boat locks, five of which are located on the Kissimmee River Waterway from Lake Tohopekaliga to Lake Okeechobee and six are located around the perimeter of Lake Okeechobee. The boat locks provide for boating access for local, winter residence and hosts of business interests.

Recommended Action:

Resolution No. 2023 - 0811 Authorize entering into a five-year contract with Advanced Lock Tender Division, LLC, the lowest responsive and responsible bidder for Lock Tender services in Glades, Hendry, Martin, Okeechobee, Osceola, and Polk counties, in an amount not-to-exceed \$5,896,640 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004833)

[Resolution No. 2023-0811](#)

[Backup Document](#)

25. Canal and Levee Grading Service - West Palm Beach Field Station Area of Responsibility (Palm Beach County) and Clewiston Field Station Area of Responsibility (Broward, Palm Beach, Hendry, and Glades Counties) (Staff contact, Rich Virgil)

Agenda Item Background:

Maintenance of District lands is required to ensure roads and ditches are in the proper shape and surface condition to promote ridability, good drainage, and minimal maintenance cost for the West Palm Beach and Clewiston Field Stations. This project for the West Palm Beach Field Station and Clewiston Field Station areas of responsibility provides for the annual grading of approximately 1,642 miles of District lands located in Broward, Palm Beach, Hendry, and Glades counties.

Recommended Action:

Resolution No. 2023 - 0812 Authorize entering into a 3-year contract with two 1-year renewal options with Huurr Homes, LLC, the lowest responsive and responsible bidder for grading services of various District lands in the West Palm Beach Field Station and Clewiston Field Station areas of responsibility for Broward, Palm Beach, Hendry, and Glades counties, in an amount not-to-exceed \$1,107,561.84 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004831)

[Resolution No. 2023-0812](#)

[Backup Document](#)

26. Mowing Contract for Various Canal and Levee Rights of Way (Staff contact, Rich Virgil)

Maintenance of District lands and rights of way is required to ensure that vegetation is controlled at the appropriate height to provide for optimal performance and operational efficiency of the District's flood control system.

A. Homestead Field Station Area of Responsibility, Miami-Dade County

Agenda Item Background:

This project for the Homestead Field Station area of responsibility provides for the annual right of way mowing of approximately 10,257 acres of canals and levees in Miami-Dade County.

Recommended Action:

Resolution No. 2023 - 0813 Authorize entering into a 3-year contract with two 1-year renewal options with Godwin's Lawn and Landscape Services, Inc., the lowest responsive and responsible bidder for mowing services of various canal and levee rights of way in the Homestead Field station area of responsibility in Miami-Dade County, in an amount not-to-exceed \$1,093,294 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004835)

[Resolution No. 2023-0813](#)

[Backup Document](#)

B. Fort Lauderdale Field Station Area of Responsibility, Broward County

Agenda Item Background:

This project for the Fort Lauderdale Field Station area of responsibility provides for the annual slope mowing of approximately 1,372 acres of canals and levees in Broward County.

Recommended Action:

Resolution No. 2023 - 0814 Authorize entering into a 3-year contract with two 1-year renewal options with Toler Enterprises, Inc., the lowest responsive and responsible bidder for the slope mowing services of various canal and levee rights of way in the Fort Lauderdale Field station area of responsibility in Broward County, in an amount not-to-exceed \$1,169,630 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004819)

[Resolution No. 2023-0814](#)

[Backup Document](#)

C. Miami Field Station Area of Responsibility, Miami-Dade County

Agenda Item Background:

This project for the Miami Field Station area of responsibility provides for the annual slope mowing of approximately 556 acres of canals and levees in Miami-Dade County.

Recommended Action:

Resolution No. 2023 - 0815 Authorize entering into a 3-year contract with two 1-year renewal options with Coco Tree Service Corporation, the lowest responsive and responsible bidder for slope mowing services of various canal and levee rights of way in the Miami Field station area of responsibility in Miami-Dade County, in an amount not-to-exceed \$513,744 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004822)

[Resolution No. 2023-0815](#)

[Backup Document](#)

D. West Palm Beach Field Station Area of Responsibility, Palm Beach County

Agenda Item Background:

This project for the West Palm Beach Field Station area of responsibility provides for the annual slope mowing of 384 acres of canals and levees in Palm Beach County.

Recommended Action:

Resolution No. 2023 - 0816 Authorize entering into a 3-year contract with two 1-year renewal options with Toler Enterprises, Inc., the lowest responsive and responsible bidder for slope mowing services of various canal and levee rights of way in the West Palm Beach Field Station area of responsibility in Palm Beach County, in an amount not-to-exceed \$359,040 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004820)

[Resolution No. 2023-0816](#)

[Backup Document](#)

Discussion Agenda

- 27. Lake Okeechobee Component A Storage Reservoir (LOCAR) Update (Staff contact, Jennifer Leeds)

Agenda Item Background:

To meet the goals of Executive Order 23-06 issued January 10, 2023, the District has initiated planning for an aboveground storage reservoir north of Lake Okeechobee known as the Lake Okeechobee Component A Storage Reservoir (LOCAR). Component A, as described in the Central and Southern Florida Comprehensive Review Study of 1999 (the Yellow Book), is an approximate 200,000-acre foot storage reservoir north of Lake Okeechobee. The LOCAR project is being planned under Section 203 of the Water Resources Development Act (WRDA) 1986, as amended, which authorizes non-federal sponsors such as the District to undertake feasibility studies and then submit a technically and policy-compliant document to the Assistant Secretary of the Army for Civil Works for inclusion in WRDA. Once authorized in WRDA, LOCAR would then become part of the Comprehensive Everglades Restoration Plan.

The District is implementing the LOCAR feasibility study and environmental impact statement (EIS) as a section 203 planning study. The LOCAR project is a 200,000-

acre feet aboveground storage reservoir that will benefit Lake Okeechobee and its ecosystem and reduce discharges to the St. Lucie and Caloosahatchee estuaries. The reservoir will reduce high lake stages and store water during wet periods or when there is excess water in the system, and later use the water during dry periods when Lake Okeechobee water levels are low. The increased storage capacity will help to keep Lake Okeechobee within the ecological preferred band and benefit the Lake's ecosystems. In addition, the project will benefit the Caloosahatchee and St. Lucie estuaries by reducing discharges from the Lake that impact their ecosystems.

Technical Reports

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

Staff Reports

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

Presentations for item numbers 27, 28, and 29, NEEPP Project Update, and USACE Projects Update

Agenda Item Background:

- [27 Leeds LOCAR](#)
- [28 Mitnik Water Conditions Report](#)
- [29 Glenn Ecological Conditions Report](#)
- [NEEPP Project Update](#)
- [USACE Projects 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: August 17, 2023
SUBJECT: Land Acquisition, Shingle Creek Project, Orange County

Agenda Item Background:

Shingle Creek is located in southern Orange County and is generally considered to be the headwaters for the Everglades. The District has been acquiring land on a willing seller basis to preserve and protect this resource. The District's ownership within the Shingle Creek Project is currently configured in a scattered pattern. Staff is seeking Governing Board approval to acquire a 1.22-acre property from a willing seller for a purchase price of \$25,000, which is below appraised value. This proposed acquisition will be funded from the Wetland Mitigation Fund and the seller will be responsible for all closing costs.

Additional Item Background:

Core Mission and Strategic Priorities:

This proposed acquisition of 1.22 acres of privately-owned land within the Shingle Creek Project allows the District to achieve ownership consistent with its environmental goals.

Funding Source:

The acquisition of this Tract is from a willing seller. The purchase price of \$25,000 is below the appraised value of \$45,000. The closing costs will be paid by the seller. All costs, including acquisition and associated costs, were or will be funded from the District's Wetland Mitigation Fund.

Staff Contact and/or Presenter:

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

ATTACHMENTS:

[Resolution No. 2023-0801](#)

[Resolution Exhibit A](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District to acquire land interests containing 1.22 acres, more or less, located in the Shingle Creek Project Area in Orange County, in the amount of \$25,000, for which dedicated funds (Wetland Mitigation Fund) are budgeted in Fiscal Year 2022-2023; providing an effective date.

WHEREAS, the South Florida Water Management District is currently acquiring land from willing sellers in connection with the implementation of the Shingle Creek Project in Orange County; and

WHEREAS, the South Florida Water Management District desires to purchase land interests containing 1.22 acres, more or less, for the Shingle Creek Project, as shown on the location map Exhibit "A," attached hereto and made a part hereof, in the amount of \$25,000, and declare surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose for the original land acquisition; and

WHEREAS, all costs are to be funded from the District's Wetland Mitigation Fund for the acquisition and associated costs; and

WHEREAS, the South Florida Water Management District is authorized to acquire land, or interests or rights in land, pursuant to Section 373.139, Florida Statutes; 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 the acquisition of land interests containing 1.22 acres, more or less, for the Shingle Creek Project in Orange County, in the amount of \$25,000, together with associated costs, for which dedicated funds (Wetland Mitigation Fund) have been budgeted as follows:

Owner	Tract No.	Interest	Acres	Appraised Value	Purchase Price
Vickie Stenfors, as Executor of the Estate of Katherene Mitalas	26104-185	Fee	1.22	\$45,000	\$25,000

Amount	Fund	Fund Center	Functional Area	GL Account #	Account Description
\$ 25,000	409025	3510144000	AA05	580020	Acquisition

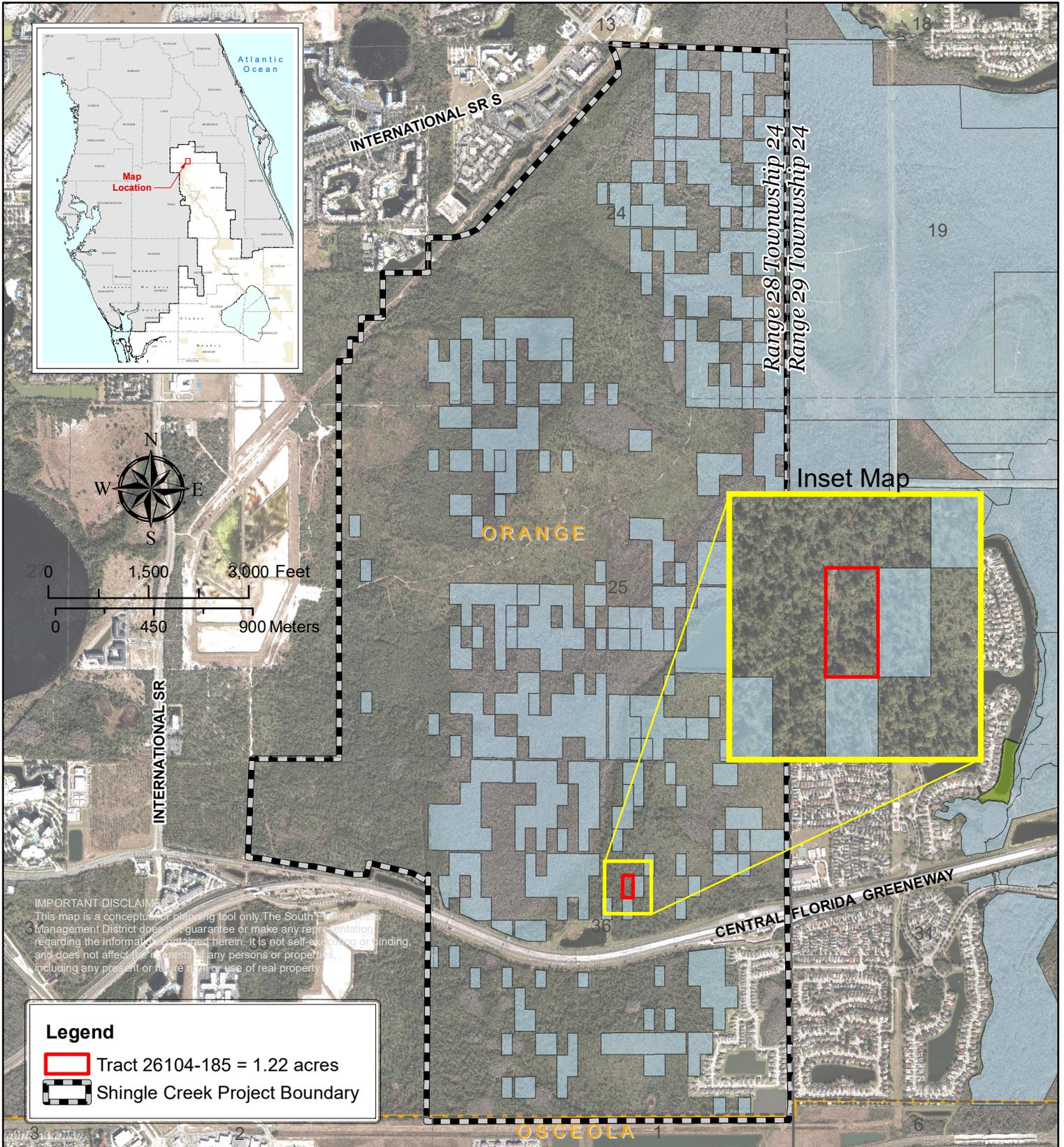
Section 2. The Governing Board of the South Florida Water Management District hereby further approves declaring surplus, disposal of and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition.

Section 3. The Governing Board of the South Florida Water Management District hereby authorizes the Chairman or Vice Chairman to execute the Agreement for Sale and Purchase instrument. The Governing Board of the South Florida Water Management District hereby authorizes the Executive Director or the Executive Director's designee to make any determinations 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 17th day of August, 2023.

Exhibit "A"





Tract 26104-185 Mitalas Estate
 Shingle Creek
 Orange County, Florida



MEMORANDUM

TO: Governing Board Members
FROM: Ray Palmer, Real Estate
DATE: August 17, 2023
SUBJECT: Release of Reservations

Agenda Item Background:

The District has certain reserved rights to construct canal and road 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 by a District-wide routing that there is no present or future need for the reservations listed below, therefore, staff recommends approval of the following:

Palm Beach County

Release District canal and road reservations for Westgate/Belvedere Homes Community Redevelopment Agency, a Florida public body corporate and politic created pursuant to Section 163.356, Florida Statutes (File No. 18930) for 0.87 +/- acre; release value exempt (government).

Additional Item Background:

See Memorandum Exhibit "A" and maps attached hereto and made a part hereof, which contain the details and locations 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. 2023-0802](#)

Resolution Exhibit A

Maps

MEMORANDUM – EXHIBIT “A”

Palm Beach County

File No: 18930
Applicant: Westgate/Belvedere Homes Community Redevelopment Agency, a Florida public body corporate and politic created pursuant to Section 163.356 F.S.
Reserving Deed: E-45 (DB 677-112, 1/4/1944)
Application Fee Paid: \$250.00
Release Value: Exempt - Government
Action: Release District canal and road reservations
Acres: 0.87 acre, more or less
Legal Description: Lots 1 through 13, Block 16, WESTGATE ESTATES, PB 8-38, Section 30, Township 43 South, Range 43 East
Location: 2610 Chickamauga Avenue, Westgate, Palm Beach County
Reviewed By: Field Operations Division, Water Supply Development Section, Right of Way Section, Environmental Recourse Permitting Bureau, Ecosystem Restoration, Capital Projects Division and Palm Beach County Public Works Roadway Division

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

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

WHEREAS, the applicant has requested that the South Florida Water Management District release certain District canal and road 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 and road 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 17th day of August, 2023.

RESOLUTION – EXHIBIT “A”

Palm Beach County

File No: 18930
Applicant: Westgate/Belvedere Homes Community Redevelopment Agency, a Florida public body corporate and politic created pursuant to Section 163.356 F.S.
Reserving Deed: E-45 (DB 677-112, 1/4/1944)
Release Value: Exempt - Government
Action: Release District canal and road reservations
Acres: 0.87 acre, more or less
Legal Description: Lots 1 through 13, Block 16, WESTGATE ESTATES, PB 8-38, Section 30, Township 43 South, Range 43 East
Location: 2610 Chickamauga Avenue, Westgate, Palm Beach County



OKEECHOBEE BLVD.

CHICKAMAUGA AVE.

release parcel; 0.87+/- acre

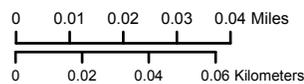
parent tract
7.09+/- acres

WESTGATE BLVD.

18930 - 0.87+/- acre



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.



OKEECHOBEE BLVD.

WESTGATE BLVD.

S 19
T 43
R 43

S 20
T 43
R 43

S 30
T 43
R 43

S 29
T 43
R 43

18930 - 0.87+/- acre



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.

MEMORANDUM

TO: Governing Board Members

FROM: Ray Palmer, Real Estate

DATE: August 17, 2023

SUBJECT: Cattle Grazing Lease, Highlands & Okeechobee Counties

Agenda Item Background:

Staff is seeking Governing Board authorization to issue a cattle grazing lease for lands located in Highlands and Okeechobee Counties for five years. The District received seven bids in response to the solicitation. After review, All Seasons Welding, Inc. was determined to be the highest 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 \$25,024.

Additional Item Background:

The District initially acquired the properties in June 1990 and February 1962 for the purpose of restoring wetlands and increasing water storage capacity. The property was previously leased for cattle grazing. The anticipated construction schedule for the Lake Okeechobee Watershed Restoration Project within five years may result in an early termination notice. All leased lands are inspected on a semi-annual basis at a minimum and the annual rent is based on the commodity price index and beef cattle stocking rate formula.

Core Mission and Strategic Priorities:

The objective of this Lease is to obtain assistance in the stewardship and maintenance of this land. The Lessee will maintain the fence and keep the property free of debris. 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 \$125,120 over the five-year term.

Staff Contact and/or Presenter:

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

ATTACHMENTS:

[Resolution No. 2023-0803](#)

[Resolution Exhibit A](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a five-year cattle grazing lease with All Seasons Welding, Inc., on 406.42 acres, more or less, in Highlands and Okeechobee counties as more particularly described herein; providing an effective date. (Contract No. 4600004824)

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 3910E-031, contract number 4600004824 (the "Lease Agreement") for five years; and

WHEREAS, the Lessee's main use of the Premises is cattle grazing, which will assist in the stewardship of pastures and native range; 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 above to All Seasons Welding, Inc., the highest and responsive and responsible bidder to Solicitation No. 6000001444 for a new five-year cattle grazing lease on 406.42 acres, in Highlands and Okeechobee counties (Exhibit "A") (the "premises), with the first year anticipated revenue in the amount of \$25,024.

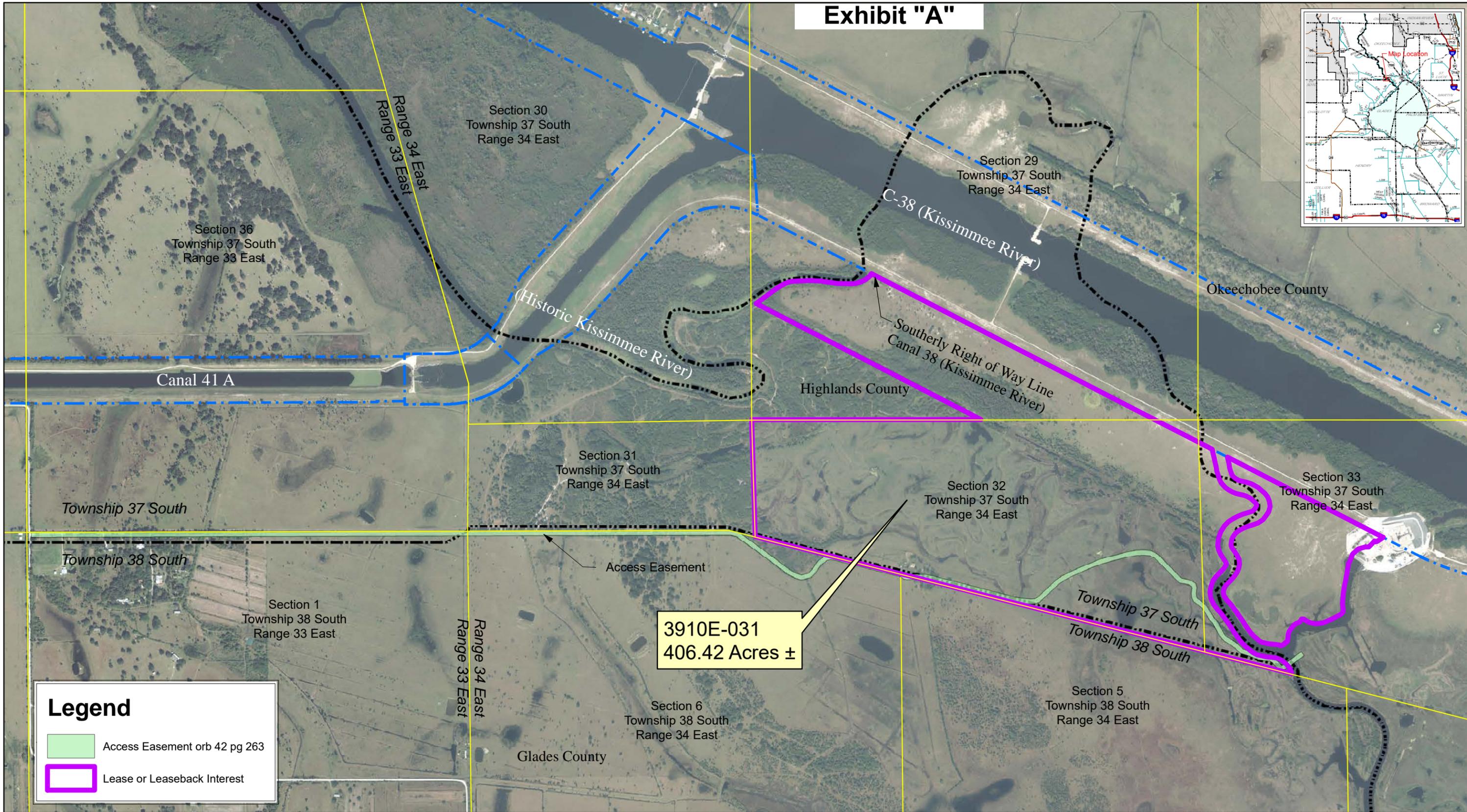
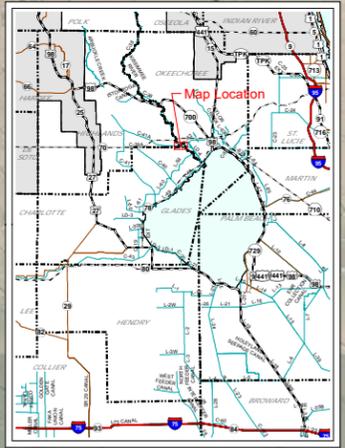
NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes entering into a five-year cattle grazing lease with All Seasons Welding, Inc. for a five-year cattle grazing lease on approximately 406.42 acres, in Highlands and Okeechobee counties.

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

PASSED and ADOPTED this 17th day of August, 2023.

Exhibit "A"



3910E-031
406.42 Acres ±

Legend

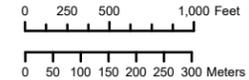
- Access Easement orb 42 pg 263
- Lease or Leaseback Interest

BASE CREDITS:

- Base map from South Florida Water Mgmt. District, February 2017
- State Plane Projection, Florida East Zone, NAD 83-HARN, US feet
- Highlands 2020 6IN Aerial

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

Encumbrance 3910E-031 Highlands County, Florida



Map Date: Oct 2022

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MEMORANDUM

TO: Governing Board Members

FROM: Ray Palmer, Real Estate

DATE: August 17, 2023

SUBJECT: Parking Lease with South Florida Stadium, LLC, Miami-Dade County

Agenda Item Background:

The District owns certain real property located in Miami-Dade County known as Encumbrance ID AR10E-003. The property is located within the C-9 Right of Way. The District acquired the property for the C-9 Canal. The District desires to lease two segments of the right of way totaling 14.24 acres to South Florida Stadium, LLC for periodic event parking for a period of five years. The approximate annual revenue will be \$63,450.

Additional Item Background:

South Florida Stadium, LLC requested the temporary use of the north right of way of the C-9 located west of NW 37th Avenue for short term parking during 23 different events to be held at the stadium located in close proximity to the District's property. The proposed lease is for a five-year term. Due to the infrequent, short-term nature of the parking events, there is only one party qualified to lease the property depicted in Exhibit "A"; therefore, no bids were solicited.

Core Mission and Strategic Priorities:

The revenues generated from this lease will assist Land Management in managing District lands.

Funding Source:

There are no District costs associated with this item other than the cost of administering the lease. This lease is estimated to bring in \$317,250 revenue to the District over the five-year term.

Staff Contact and/or Presenter:

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

ATTACHMENTS:

[Resolution No. 2023-0804](#)

[Resolution Exhibit A](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize a five-year parking lease with South Florida Stadium, LLC, on 14.24 acres, more or less, in Miami-Dade County as more particularly described herein; providing an effective date. (Contract No. 4600004801)

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

WHEREAS, there is only one party qualified to lease the District's right-of-way in this location; and

WHEREAS, pursuant to Section 140-85(d)(3) of the District's Property Acquisition, Disposition, and Leasing policy requests for bids were not sought for this transaction; and

WHEREAS, the District and South Florida Stadium, LLC, Lessee desire to lease the premises for five years under Contract number 4600004801 (the "Lease Agreement"); and

WHEREAS, the Lessee's main use of the Premises will be for occasional event parking; and

WHEREAS, the Governing Board of the South Florida Water Management District deems it appropriate and in the public interest to approve South Florida Stadium, LLC for a five-year lease, Contract number 4600004801, a parking lease on approximately 14.24 acres in Miami-Dade County (Exhibit "A") (the "premises") in the gross amount of \$63,450 annual rent.

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

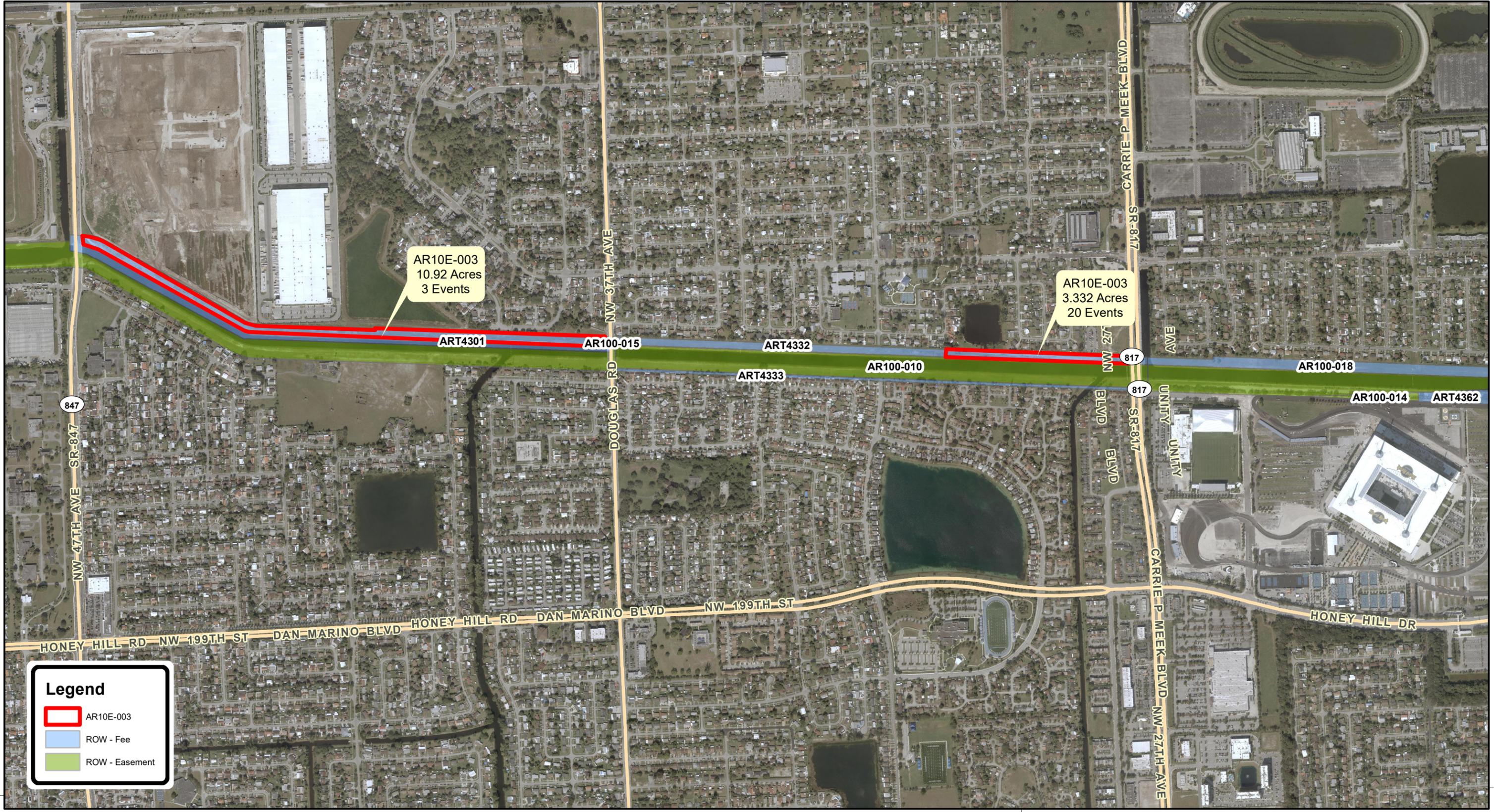
Section 1. The Governing Board of the South Florida Water Management District hereby authorizes a five-year parking lease with South Florida Stadium, LLC on approximately 14.24 acres in Miami-Dade County. (Contract No. 4600004801)

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

PASSED and ADOPTED this 17th day of August, 2023.

Exhibit "A"

80°15'0"W



Legend

- AR10E-003
- ROW - Fee
- ROW - Easement

25°57'0"N

80°15'0"W

25°57'0"N



Dolphins Stadium Parking Lease Request C-9

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MEMORANDUM

TO: Governing Board Members

FROM: Candida Heater, Administrative Services, Facilities Bureau

DATE: August 17, 2023

SUBJECT: Orlando Service Center Office Lease

Agenda Item Background:

This request is to authorize entering into an agreement and funding for a 5-year lease with one 5-year renewal option with Sand Lake West Business Park Inc., for the Orlando Service Center. This contract is necessary to allow operations of the Service Center to continue once the lease on the current premises expires in September 2023.

Additional Item Background:

This request is to authorize entering into an agreement and funding for a 5-year lease with one 5-year renewal option with Sand Lake West Business Park Inc, for the Orlando Service Center at 7345 Greenbriar Parkway, Orlando, FL 32819 for 7,859 square feet. The Orlando Service Center facilitates partnerships with local governments and community groups, provides direct and responsive access to agency functions, implements District-wide and local water resource initiatives and creates a better understanding of local water resource issues through outreach and education activities. The service area of this office includes parts of Orange, Osceola, and Polk counties. Staff work in administration, planning, environmental permitting, right-of-way permitting and operations and maintenance. Tasks related to Comprehensive Everglades Restoration Plan (CERP) project management, including Kissimmee River Restoration, are also conducted in this office.

Core Mission and Strategic Priorities:

This item supports the District's need to provide regional support located in the northern areas of the District. The General Services Section in the Administrative Services Division will be responsible for implementing this contract.

Staff Contact and/or Presenter:

Candida Heater, cheater@sfwmd.gov

ATTACHMENTS:

[Resolution No. 2023-0805](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 5-year lease with one 5-year renewal option with Sand Lake West Business Park Inc., for the Orlando Service Center, in an amount not-to-exceed \$2,072,176.44 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets; providing an effective date. (Contract No. 4600004838)

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 5-year lease with one 5-year renewal option with Sand Lake West Business Park Inc., for 7,859 square feet of office space at 7345 Greenbriar Parkway, Orlando, FL 32819, for the Orlando Service Center, in an amount not-to-exceed \$2,072,176.44.

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 5-year lease with one 5-year renewal option with Sand Lake West Business Park Inc., for the Orlando Service Center, in an amount not-to-exceed \$2,072,176.44 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004838)

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

PASSED and **ADOPTED** this 17th day of August, 2023.

MEMORANDUM

TO: Governing Board Members
FROM: Jennifer Smith, Executive Office
DATE: August 17, 2023
SUBJECT: Changes to the Administrative Policies

Agenda Item Background:

The South Florida Water Management District Governing Board adopts policies for the administration and operations of the agency. This agenda item provides administrative fixes and other updates to previously adopted Governing Board policies to support efficient and effective agency operations. A full listing of all adopted Board policies is available at https://library.municode.com/fl/south_florida_water_management_district/codes/administrative_

Staff Contact and/or Presenter:

Jennifer Smith, jsmith@sfwmd.gov, 561-682-6285

ATTACHMENTS:

[Resolution No. 2023-0806](#)

[Resolution Attachment A](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District approving administrative changes to District Policies; providing an effective date.

WHEREAS, the Policies and Procedures of the South Florida Water Management District (District) are codified and published by Municode and are readily accessible at https://library.municode.com/fl/south_florida_water_management_district/codes/administrative_policies; and

WHEREAS, the Policies and Procedures provide a valuable tool in the day-to-day administration of the District's affairs; and

WHEREAS, certain policies require administrative updates; and

WHEREAS, the proposed updates to the District's Policies are attached as Attachment A.

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 updates to District Policies as per Attachment A.

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

PASSED and **ADOPTED** this 17th day of August, 2021.

Proposed Policy Change to Article IX Economic Stabilization Fund

ARTICLE IX. ECONOMIC STABILIZATION FUND

Sec. 110-181. Purpose.

The District, with its core flood control and emergency response mission, is exposed to risks that could potentially limit and/or divert resources from other core mission thereby reducing the level of service provided to its constituents. The purpose of this policy is to provide the authority for establishing an Economic Stabilization Fund in order to set aside resources to address unforeseen and unexpected events and emergencies and to meet unforeseen demand in service delivery costs or unexpected expenditure increases subsequent to budget adoption.

(Res. No. 2012-232, § 1, 2-9-2012)

Sec. 110-182. Definitions.

"GASB 54" means Governmental Accounting Standards Board Statement No. 54 Fund Balance Reporting and Governmental Fund Type Definitions.

(Res. No. 2012-232, § 1, 2-9-2012)

Sec. 110-183. Economic stabilization fund.

- (a) The District hereby designates an Economic Stabilization Fund in the amount of at least \$60,000,000.00 in the aggregate within all ad valorem governmental funds. This fund will be included in the District budget each year in the reserves category.
- (b) Utilization of the Economic Stabilization Fund is limited to the following circumstances:
 - (1) When a state of emergency is declared by the Governor of Florida or the President of the United States; or
 - (2) When the Governing Board determines through adoption of a resolution that an emergency or other circumstance has arisen that creates an unanticipated need for additional resources that cannot be addressed within existing division budgets;
 - (3) The emergency or unanticipated need directly impacts the citizens and/or environment within District boundaries; and
 - (4) Structural emergencies for which remedial action cannot wait until the next fiscal year; and
 - (5) Unforeseen demand in service delivery costs or unexpected expenditure increases subsequent to budget adoption, that may not be addressed within the Districts existing divisions budgets.
- (c) The Economic Stabilization Fund shall not be appropriated for recurring expenditures or other expenditures that can be addressed through the normal budgeting process.
- (d) If funds are appropriated from the Economic Stabilization Fund, the District must restore the amount appropriated beginning in the third fiscal year that in which the expenditure was made, subject to availability

~~of ad valorem governmental fund balances and FEMA reimbursements, shall make it an immediate priority to replenish the fund within a three fiscal year period following the last year in which funds were utilized.~~

- (e) The Economic Stabilization Fund will be considered as restricted or committed depending on the fund where the balances reside in accordance with GASB 54.

(Res. No. 2012-232, § 1, 2-9-2012; Res. No. 2021-1208 , Att. A, 12-9-2021)

Chapter 155 Procurement and Contracting

Chapter 155 PROCUREMENT AND CONTRACTING¹

Sec. 155-1. Scope.

The scope of this policy shall apply to all District purchasing and contracting activities authorized by the Governing Board. Purchasing and contracting activities not covered by this policy are listed below:

- (1) Transactions involving real estate interests governed by Sections 373.089 and 373.139, Florida Statutes, and/or by Chapters 40E-7 and 40E-9, Florida Administrative Code.
- (2) Reimbursement for purchases of selected small items, which are covered under the Petty Cash Policy and Disbursement Policy, Chapter 210, *Finance*, District Policies and Procedures Code.
- (3) Regulated item purchases, which are covered under the Disbursement Policy, Chapter 210, *Finance*, District Policies and Procedures Code.
- (4) Disposal of surplus property, which is governed by Chapter 274, Florida Statutes and the Fixed Assets Policy, Chapter 210, *Finance*, District Policies and Procedures Code.
- (5) Transactions involving Procurement Card purchases, which are covered under Chapter 255, Procurement and Contracting, District Policies and Procedures Code.
- (6) Travel Services, which are covered under Chapter 101, District Policies and Procedures Code.
- (7) Leases of District land shall be administered as set forth under Chapter 140, District Policies and Procedures Code.

(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006; Res. No. 2012-801, 8-9-2012; Res. No. 2021-1208 , Att. A, 12-9-2021)

Sec. 155-2. Purpose.

- (1) The purpose of this policy is to provide an efficient, effective, economical and equitable means of procuring needed commodities, equipment and services.
- (2) This policy incorporates the provisions of Chapter 40E-7, Florida Administrative Code, and the provisions of F.S. § 287.055, Consultants' Competitive Negotiation Act (CCNA).

(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006; Res. No. 2012-801, 8-9-2012)

¹Editor's note(s)—Res. No. 2003-867, adopted Aug. 13, 2003, and Res. No. 2004-1081, adopted Oct. 13, 2004, amended ch. 155 in its entirety to read as herein set out. Former ch. 155, pertained to similar subject matter, and was derived from R.M. No. 27 and R.M. No. 60.

Cross reference(s)—Procurement and contracting procedures, ch. 255; procurement card procedures, § 255-21 et seq.

Sec. 155-3. Effective Date.

- (1) All transactions not initiated as of the effective date shall be subject to the provisions of this revised policy for the entire process of competition (as applicable), transaction authority and execution authority.

(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006; Res. No. 2012-801, 8-9-2012)

Sec. 155-4. Statements of Policy.

The following policy statements govern the procurement of all commodities, equipment and services by the District:

- (1) The District embraces diversity and is committed to ensuring that the District's vendors reflect the full diversity of the communities we serve.
- (2) The District shall follow generally accepted public procurement practices, and to the extent practicable and applicable, implement the legislative intent of Section 287.001, Florida Statutes.
- (3) The District shall conduct contract negotiations in a manner that ensures that the District receives fair value for its money, and that vendors and contractors receive fair compensation for their commodities, equipment and services.
- (4) The District shall actively encourage the participation of certified Small Business Enterprises in the procurement process in accordance with Chapter 40E-7, Part VI, Florida Administrative Code, the "Small Business Enterprise Contracting Rule." The purpose of the program is to spur economic development and support small businesses, including women-owned and minority-owned businesses to successfully encourage expansion in the marketplace.
- (5) District employees shall refrain from making representations or entering into any oral agreements unless they have delegated procurement authority.
- (6) District employees shall neither solicit nor accept privileges, benefits, gifts or exemptions for themselves or for others and shall adhere to the Code of Ethics for Public Officers and Employees Part III, Chapter 112, Florida Statutes.
- (7) District solicitations are valid as the basis of a contract for a period of one year from the date of solicitation opening; unless otherwise stated in the solicitation document.
- (8) The dollar amount required for the procurement of particular commodities, equipment or services from one source shall not be intentionally divided among two or more procurements as a means of avoiding competition requirements.
- (9) Pursuant to Rule 40E-7, Part II, Florida Administrative Code., the District's Governing Board may temporarily or permanently suspend contractors from doing business with the District whenever a contractor materially breaches its contract with the District.

(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006; Res. No. 2007-327, § 1, 3-15-2007; Res. No. 2012-801, 8-9-2012; Res. No. 2021-1208 , Att. A, 12-9-2021)

Sec. 155-5. Competitive Procurement—Methods.

The following competition methods and thresholds govern District procurements and shall be implemented according to procedures outlined in the Procurement Procedure Manual. Note that all dollar thresholds refer to

the "total procurement amount," which is defined as the full amount of the individual transaction regardless of the cost of each item procured. Professional services are subject to the requirements of the Consultants' Competitive Negotiation Act (CCNA), pursuant to Florida Law.

Competition Methods

- (1) Written Requests for Quote
- (2) Requests for Bids
- (3) Requests for Proposals
- (4) Design-Build
- (5) Request for Information or Request for Qualifications
- (6) [Invitation to Negotiate](#)

**Competition Thresholds
Commodities and Contractual Services**

No Competition Required	Written Quotes Min. of 3 Required	Formal Competition
< or = \$50,000.00	> \$50,000.00 to \$150,000.00	> \$150,000.00

Construction Procurements

No Competition Required	Written Quotes Min. of 3 Required	Formal Competition
< or = \$100,000.00	> \$100,000.00 to \$300,000.00	> \$300,000.00

(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006; Res. No. 2007-327, § 1, 3-15-2007; Res. No. 2012-231, § 1, 2-9-2012; Res. No. 2012-306, § 1(Exh. A), 3-15-2012; Res. No. 2012-801, 8-9-2012; Res. No. 2021-1208 , Att. A, 12-9-2021)

Sec. 155-6. Exceptions to Competitive Solicitation.

The following services or commodities are not subject to competitive solicitation as set forth in F.S. § 287.057 (which the District follows but is not bound by) and District policy:

- (1) Artistic services;
- (2) Lectures by individuals;
- (3) Auditing services;
- (4) Legal services, including attorney, paralegal, expert witness, appraisal, court reporting, mediator, arbitrator, or dispute resolution services;
- (5) Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration;
- (6) Services or commodities provided between government agencies;
- (7) Commodities or contractual services available only from a single source (must follow District Procurement Procedures for sole source procurements and waivers of competition);

-
- (8) Commodities and contractual services from purchasing agreements/contracts which have been procured pursuant to competitive bid, request for proposal, request for qualification, competitive selection, or competitive negotiation, pursuant to Florida Law.
 - (9) If the District only receives one responsive and responsible bid, proposal, or reply for commodity or contractual services in response to a solicitation, the District may negotiate on the best price, terms and conditions. This exception also applies when an administrative protest results in a final ruling that only one bidder was responsive and responsible. The District shall document the reasons that such action is in the best interest of the District in lieu of re-soliciting competitive sealed bids, proposals or replies;
 - (10) Office space leases less than 5,000 square feet in privately owned buildings for District purposes;
 - (11) Away-from-base or unscheduled or emergency aircraft services/repairs in order to keep the aircraft airworthy and operational (pilot to use most practicable local procurement);
 - (12) Licensing, warranty, compatibility requirements that limit the selection to the manufacturer, including purchases of parts, repairs, or maintenance services for field equipment from the original equipment manufacturer, seller, or authorized repair facility (e.g. pumps generators, and specialized field equipment);
 - (13) Insurance in abnormal market conditions (determined by Executive Director);
 - (14) Services or commodities required from entities which are prohibited from competing by law (e.g., utilities);
 - (15) Services or commodities where the state or federal law prescribes with whom the agency must contract or if the rate of payment is established funding in the appropriations process;
 - (16) Renewals for maintenance and licensing of proprietary computer software;
 - (17) Services from universities, colleges, including community colleges, and Non-Government Organizations for research, education, studies or training.

(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006; Res. No. 2012-231, § 2, 2-9-2012; Res. No. 2012-306, § 1(Exh. A), 3-15-2012; Res. No. 2012-801, 8-9-2012; Res. No. 2021-1208 , Att. A, 12-9-2021)

Sec. 155-7. Emergency Procurement.

Under emergency circumstances, an agreement may be executed without competitive selection as follows:

- (1) If the Executive Director or the Executive Director's delegate determines that the procurement of services without competition is necessitated in order to respond to an immediate danger to the public health, safety, welfare or other substantial loss to the public, the Executive Director or the Executive Director's delegate may proceed with such procurement accordingly. However, such procurement shall not exceed the amount of \$1,000,000.00. The need for such procurement without competition shall be evidenced in writing. In order to make procurement of services in an amount greater than \$1,000,000.00, the Governing Board must make a determination that emergency conditions exist. All procurements made pursuant to this paragraph shall be reported to the Governing Board within 30 days.
- (2) Whenever the President of the United States, or the Governor of the State of Florida, or the head of the Department of Environmental Protection shall formally declare that a major disaster area exists anywhere within the boundaries of the District, or issues an emergency order temporarily suspending the application of any specified laws otherwise applicable to the operations of the District, then the

Executive Director of the District shall have the authority to undertake all such actions, without competition, regarding the procurement of commodities, equipment and services so required to deal with the emergency conditions up to the next meeting of the Governing Board notwithstanding that such authority resides in the Governing Board. At the next Governing Board meeting, the Board shall determine if the further emergency procurement of commodities, equipment and services is still required. However, all emergency procurements shall be made with such competition as is practicable under the circumstances. The Executive Director shall report to the Governing Board all actions taken pursuant to this exception within 30 days.

(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006; Res. No. 2012-801, 8-9-2012; Res. No. 2021-1208 , Att. A, 12-9-2021)

Sec. 155-8. Transactions Requiring Governing Board Approval.

The following commodities and services require Governing Board approval:

- (1) Commodities in excess of the Division/Program approved annual District budget.
- (2) Single award to a single vendor for one or more of the same commodity or one or more pieces of equipment with a total combined value exceeding \$1,000,000.00 even if such commodities or equipment have been approved as part of the annual District budget.
- (3) Unbudgeted services, commodities or equipment funded from capital outlay savings in excess of the amounts specified in the table below.
- (4) Transactions consisting of both commodities (or equipment) and services require Governing Board approval if the services dollar amount exceeds the thresholds noted in the table below or thresholds relating to commodities and/or equipment are exceeded.

Dollar Thresholds by category for a total award shall apply as follows:

Table of Governing Board Thresholds

> \$250,000.00	> \$1,000,000.00
Commodities and Contractual Services Including: <ul style="list-style-type: none"> • Waivers of Competition • Exceptions to Competition 	New Construction Contracts (Services and Materials)
	Construction Change Orders: \$1,000,000.00 or 2% of the total contract amount, whichever is greater (threshold applies to aggregate amount)
	Emergency Procurements
	Single vendor/single award of one or more of the same commodity or equipment

(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006; Res. No. 2007-327, § 1, 3-15-2007; Res. No. 2012-801, 8-9-2012; Res. No. 2021-1208 , Att. A, 12-9-2021)

Sec. 101-22. - Chapter 120, Florida Statutes, Administrative
Proceedings Delegations

Sec. 101-22. - Chapter 120, Florida Statutes, Administrative Proceedings Delegations.
[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

(a) The Governing Board delegates to the Executive Director and General Counsel authority for the following matters relating to Chapter 120, Florida Statutes, Administrative Proceedings, including administrative hearings:

(1) Ruling on motions to extend the deadline for filing a petition for administrative hearing.

(2) Referral of petitions for administrative hearing for bid protests filed pursuant to Section 120.57(3), Florida Statutes, to the Division of Administrative Hearings (D.O.A.H.).

(3) Referral of petitions for administrative hearing to the Division of Administrative Hearings filed subsequent to the Executive Director [or designee](#), or the Governing Board, acting upon the permit application or other agency action being challenged.

(4) Entry of orders determining whether a petition for administrative hearing is timely filed or meets required pleading requirements.

(5) Entry of final orders approving or rejecting administrative actions related to settlements, withdrawn petitions, voluntary case closures, and other undisputed procedural matters associated with the initiation or closure of administrative proceedings.

(6) Responding to Section 403.412, Florida Statutes, petitions (petitions to enforce District actions).

(b) The Governing Board delegates to the Executive Director and General Counsel authority to execute final orders [issuing final agency action](#). ~~following Governing Board action~~

Sec. 101-41. Agency Administration Delegations

Sec. 101-41. Agency Administration Delegations.

- (a) The Governing Board delegates to the Executive Director its authority to employ an Ombudsman.
- (b) *The Governing Board delegates to the Executive Director, Chief of Staff and General Counsel the authority to:*
 - (1) Accept donations of property to the District, including real property, interests in real property, and personal property.
 - (2) Grant rights of entry onto District property and accepting rights of entry onto non-District property.
 - (3) Execute all permit applications for permits sought by the District.
 - (4) Certify rules for filing with the Department of State or the District Clerk.
 - (5) Certify, pursuant to Section 112.31901, Florida Statutes, that investigatory records of the Inspector General require an exemption from disclosure under the Public Records Law, [Chapter 119, Florida Statutes](#), to protect the integrity of an investigation or avoid unwarranted damage to an individual's good name or reputation.
- (c) *The Governing Board delegates to the General Counsel, and Office of Counsel Attorneys the authority to:*
Accept service of process for the District or staff acting in their official capacity.

(R.M. No. 216; Res. No. 2009-614, § 1, 6-11-2009; Res. No. 2011-904, § 1, 9-8-2011; Res. No. 2012-306, § 1(Exh. A), 3-15-2012; Res. No. 2014-0707, § 1, 7-10-2014; Res. No. 2016-0918, § 1, 9-8-2016; Res. No. 2021-1208 , Att. A, 12-9-2021)

Proposed Policy Change to Sec. 101-43

Sec. 101-43. Claims Settlement and Litigation.

- (a) *The Governing Board delegates to the Executive Director, with written concurrence of General Counsel or designate, the following:*
 - (1) Authority to approve the settlement of any claims or lawsuits, except whistle-blower or discrimination claims, in the amount of \$250,000.00 or less.
 - (2) *Authority to initiate any legal proceeding or claim in the following situations:*
 - a. Where there exists an immediate and significant threat of: harm to a natural resource; danger to the public health, safety and welfare; or financial loss or liability.
 - b. Any legal proceedings for a violation of Chapter 373, Florida Statutes, including violations of District permits.
 - c. Where there exists a significant threat of: harm to a natural resource; danger to the public health, safety and welfare; or financial loss or liability. The matter shall be submitted to the Governing Board for concurrence at its next regularly scheduled meeting.
- (b) *The Governing Board delegates to the General Counsel or designate the authority to:*

Approve the settlement of any claims or lawsuits, except whistle-blower or discrimination claims, in the amount of \$75,000.00 or less.
- (c) *The Governing Board delegates to the Executive Director the authority to:*

Adjust and pay all claims covered by the District's Self-Insurance Programs in the amount of \$250,000.00 or less.
- (d) *The Governing Board delegates to the Executive Director the authority to,*
 - (1) ~~Authority to~~ approve settlement of any pre-suit or pending eminent domain action in the amount of \$150,000.00 or less for the valuation of the property taken.
 - (2) For properties with an appraised value between \$150,000.00 and \$500,000.00, ~~the authority to~~ approve settlement of up to 30% above the appraised value of the property (based upon the most recent appraisal prepared at the District's request).
 - (3) For properties with an appraised value above \$500,000.00, ~~the authority to~~ approve settlement up to \$100,000.00 over the appraised value of the property (based upon the most recent appraisal prepared at the District's request).
 - (4) Authority to agree to pay the property owner's costs and attorney's fees in connection with any pre-suit or pending eminent domain action to the extent that Florida Statutes authorize such fees and costs.

(R.M. No. 216; Res. No. 2012-306, § 1(Exh. A), 3-15-2012; Res. No. 2021-1208 , Att. A, 12-9-2021; Res. No. 2023-0304 , § 1(Att. A), 3-9-2023)

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Proposed Policy Change to Sec. 101-73

Sec. 101-73. Statements of Policy.

- (a) The District's General Counsel, or designee, may authorize settlement of any claims or lawsuits (except whistle-blower or discrimination claims) in the amount of \$75,000.00 or less without the approval of the District's Governing Board.
- (b) The District's Executive Director, or designee, with the written concurrence of the General Counsel, or designee, may authorize settlement of claims and lawsuits (except whistle-blower or discrimination claims) in the amount of \$~~100~~250,000.00 or less without approval of the District's Governing Board.
- (c) The payment of judgments ordered by a Court and associated expenses, either ordered by a Court or required by statute or rule, are not subject to approval by the District's Governing Board, regardless of amount.
- (d) The District's Risk Manager, or designee, has the authority to adjust and pay all claims covered by the District's Self-Insurance Program, in the amount of \$50,000.00 or less without approval of the District's Governing Board. The District's Executive Director, or designee, has the authority to, with the written concurrence of the General Counsel, or designee, authorize settlement of claims (except whistle-blower or discrimination claims) in the amount of \$~~100~~250,000.00 or less without the approval of the District's Governing Board.
- (e) Claims or settlements in excess of \$~~100~~250,000.00, or any claims or settlements, regardless of amount, directly involving the General Counsel or Executive Director, as well as any whistle-blower or discrimination claims or settlements, shall require approval of the District's Governing Board.
- (f) The Executive Director, or designee, with concurrence of the General Counsel, or designee, has the authority, without approval of the District's Governing Board, to initiate any legal proceeding in situations in which there exists an immediate and significant threat of: harm to the natural resource; danger to the public health, safety and welfare; or financial loss or liability; initiate legal proceedings for a violation of chapter 373, including violations of District permits. This authority shall also be broadly construed to include the filing of any counter-claims, cross-claims, or other such claims in existing litigation.
- (g) The General Counsel and Executive Director shall keep the District's Governing Board appropriately informed as to settlements and actions taken pursuant to this section.
- (h) The policy set forth in this section includes all delegated authority set forth in Section 101-43, Claims Settlement and Litigation.

(R.M. No. 154; Res. No. 2021-1208 , Att. A, 12-9-2021)

Sec. 101-45. Human Resources Related Delegations

Sec. 101-45. Human Resources Related Delegations.

The Governing Board delegates to the Executive Director the following powers, duties and functions related to the District's human resources policies:

(1) *Conflict Resolution:*

- a. The authority to make final decision upon an employee appeal of a workplace conflict resolution.
- b. The authority to approve administrative leave.

- c. The authority to make decisions upon an appeal of a workplace conflict resolution by a Division Director.
- d. The authority to make decisions upon an appeal of a workplace conflict resolution by an immediately preceding level of supervision.
- e. The authority to make decisions regarding a workplace conflict.
- f. The authority to administer policy.

(2) *Education Reimbursement:*

- a. The authority to calculate and publish the undergraduate and graduate tuition reimbursement limits at the beginning of each fiscal year.
- b. The authority to administer the Education Reimbursement Program.

(3) *Emergency Pay Practices:*

The authority to administer this policy, including the ability to declare an emergency, authorize administrative paid leave, and waive sections of the policy, as required.

(4) *Employee Recognition:*

The authority to administer this policy, including the authority to recognize accomplishments and achievements and approve paid leave.

(5) *Employee Relocation:*

The authority to administer this policy, including the authority to approve non-reimbursable relocation expense exceptions upon recommendation of Division Directors.

(6) *Management Employment:*

- a. The authority to develop, communicate and administer management employment procedures.
- b. The authority to designate all management jobs according to policy guidelines.
- c. The authority to approve appointment and termination of all employees in a management employment job. EXCEPTION: The authority to appoint, discipline, or terminate the Inspector General shall rest with the Governing Board.
- d. The authority to suspend, demote, transfer, dismiss or take other personnel action against management appointees.
- e. The authority to determine if any management appointee should be terminated for gross negligence or misconduct, or willful disregard for the District's public image. EXCEPTION: The authority to discipline the Inspector General shall rest with the Governing Board.

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- f. The authority to receive physician medical statements regarding an employee's ability to perform assigned duties.
- (7) *Military Leave of Absence:*
- The authority to implement this policy, including the reemployment of employees from military service.
- (8) *Nepotism:*
- a. The authority to administer the nepotism policy and to adopt procedures to implement the policy.
 - b. The authority to make a final determination as to what action to take to resolve outstanding issues of nepotism, after consultation with affected employees, the Division Director, and the Bureau Chief of Human Resources.
- (9) *Standards of Conduct and Corrective Action:*
- a. The authority to administer the Standards of Conduct and Corrective Action Policy and to adopt procedures to implement the policy.
 - b. The authority to extend the deadline for taking corrective action beyond 20 working days from the date the Supervisor or Manager becomes aware of misconduct, provided a written request for extension is submitted by the Supervisor or Manager and approved within the 20-working-day time period.
 - c. The authority to authorize administrative leave.
 - d. The authority to review, prior to any action, all corrective action to be taken against an employee who is convicted of a felony or a misdemeanor of the first degree, as defined under state and federal law.
 - e. The authority to order corrective action by oral reprimand, written reprimand, reassignment of responsibilities, transfer, suspension, demotion and dismissal.
- (10) *Remote Workplace:*
- a. The authority to direct the administration, interpretation, development, control and maintenance of the policy.
 - b. The authority to approve employees for participation in the programs.
 - c. The authority to administer the programs and to maintain appropriate records.
 - d. The authority to execute remote workplace agreements.
 - e. The authority to assure equity, compliance, productivity, and sound fiscal management of the program.
 - f. The authority to approve requests for employees requiring District equipment and services for remote workplace.
 - g. The authority to refer legal compliance issues to the Office of Counsel.
 - h. The authority to conduct periodic reviews to maintain competitive posture and legal compliance.
- (11) *Temporary Assignment:*
- a. The authority to approve requests for temporary assignment to non-appointed positions.
 - b. The authority to approve temporary assignment to appointed positions.

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- c. The authority to approve requests for temporary assignment to appointed positions.
 - d. The authority to establish a temporary position with work activities associated with special projects that will not exceed one year in duration.
 - e. The authority to review requests for assignment to non-appointed positions.

(12) *Training:*

- a. The authority to conduct training needs assessments for their staff using the Performance Planning and Evaluation System.
- b. The authority to prepare agency-wide and division level training plans and budget requirements.

(13) Employee Deferred Compensation Plan:

The authority to amend the Plan to the Bureau Chief-HR and the Benefits Plan Administrator of the Employer.

(R.M. No. 216; Res. No. 2003-626, 6-12-2003; Res. No. 2012-306, § 1(Exh. A), 3-15-2012; Res. No. 2021-1208 , Att. A, 12-9-2021)

Cross reference(s)—Human resources policies, ch. 120; human resources procedures, ch. 220.

Sec. 110-142. Purpose

Sec. 110-142. Purpose.

- (a) The District recognizes the confidential nature of attorney work product regarding litigation in progress. Such work product is not subject to disclosure under the Public Records Act, Section 119.07(3)(l), Florida Statutes.
- (b) The District recognizes the need to periodically inform the Governing Board, the Executive Director, and appropriate staff members of the current status of litigation in process, plus the need to provide funding resources where appropriate.
- (c) The District also recognizes the need to record and/or disclose contingent liabilities in the accounts and financial statements in accordance with Generally Accepted Accounting Principles (GAAP).
- (d) The categories of potential financial exposure in litigation include:
 - (1) Condemnation.
 - (2) Inverse condemnation.
 - (3) Contracts.
 - (4) Negligence.
 - (5) Regulatory.
 - (6) Real property.
 - (7) Miscellaneous.

(R.M. No. 23)

Sec. 110-143. Statements of Policy

Sec. 110-143. Statements of Policy.

- (a) The District shall prepare a Litigation Financial Assessment Report which shall describe and provide the current status of each outstanding case. Such report shall not be subject to disclosure under the Florida Public Records ~~Act~~Law.
- (b) The District shall periodically review the status of all outstanding litigation with a designated member of the Governing Board Audit Committee, the Executive Director, appropriate Deputy Executive Directors, and the Chief Financial Officer.
- (c) The District shall consider and, if necessary, record and/or disclose any contingent liability in the District's financial statements in accordance with GAAP.
- (d) The District shall annually provide its external auditors with information related to pending or threatened litigation, claims and assessments whether asserted or unasserted, which may have a material impact on the District's financial statements.
- (e) The District shall consider potential funding which may be needed to settle litigation, claims or assessments, and include an appropriate contingency in the annual budget.

(R.M. No. 23)

Sec. 120-62. Standards of Conduct

Sec. 120-62. Standards of Conduct.

- (a) *Statement of Policy:* District employees shall conduct themselves in a manner that is in the best interests of the District and its employees. More specifically, District employees shall observe all District Policies and Procedures and shall not engage in any conduct that is not in the best interest of the District including, but not limited to:
- (1) Disclosing confidential information or employee information to unauthorized parties;
 - (2) Engaging in behavior that results in complaints from members of the public, employees, contractors or vendors;
 - (3) Supplying false or misleading information or falsifying any District record;
 - (4) Possessing weapons on District property or in District vehicles or while performing duties for the District except as authorized by law or as approved by the Executive Director;
 - (5) Engaging in inappropriate, improper, or indecent conduct or soliciting persons for immoral purposes;
 - (6) Engaging in insubordination, including but not limited to, refusing to obey an order or directive of a supervisor or other District official;
 - (7) Engaging in disruptive conduct, including but not limited to: gambling; fighting; horseplay; coercion; intimidation or threats against District employees; vulgarity; or abusive treatment to the public or fellow employees;
 - (8) Taking or receiving unauthorized possession of or removing property or money belonging to the District, employees or a third party;
 - (9) Making or publishing false, vicious or malicious statements concerning a customer, employee, supervisor, other District official or its services;
 - (10) Failing to report a criminal conviction within five calendar days;
 - (11) Falsifying or destroying a District record;
 - (12) Failing to observe scheduled work times (excessive tardiness), leaving a workstation without proper authorization or being excessively absent;
 - (13) Failing to promptly report the suspension or revocation of a required license or certification;
 - (14) Violating a safety policy, procedure or practice or acting in an unsafe manner;
 - (15) Destroying or misusing property;
 - (16) Possessing, using or selling illegal drugs or unlawfully using lawful substances, including alcohol and prescription drugs, during an employee's working hours, at a District facility, in a District vehicle, or at any District function; or
 - (17) Engaging in conduct that does not comply with the requirements of those statutes and regulations that prescribe standards of conduct for public officers, employees of agencies, and local government attorneys.
 - (18) Failing to uphold the duties and responsibilities ~~under Chapter 119, F.S.~~ for the production of Public Records specifically including District-related communications sent via text and email.
- (b) *Authorities:*
- (1) The Executive Director is charged with the overall responsibility for ensuring compliance with this policy. The Executive Director shall designate staff to administer this policy; administration includes,

but is not limited to, the design and implementation of procedural guidelines and associated materials and the management of this policy on a day-to-day basis.

- (2) The Governing Board reserves the responsibility for ensuring compliance with this policy as it affects the Executive Director and the Inspector General.

(Res. No. 2005-617, art. 120.305, 6-8-2005; Res. No. 2011-919, § 1, 9-8-2011; Res. No. 2021-1208 , Att. A, 12-9-2021)

Reference—Florida Statutes § 112.313, and such other federal, state and local laws or ordinances as may from time to time be enacted.

Sec. 130-4. Responsibilities

Sec. 130-4. Responsibilities.

- (a) Employees and other users of District IT resources shall comply with all of the District's Policies and Procedures and shall make a conscientious effort to keep informed of changes as they occur. The Executive Director is responsible for ensuring compliance with this policy and has directed Information Technology staff to oversee the information technology cycle to locate, foster, and monitor key issues, opportunities, and investments in all information technology infrastructure, systems, and services. The Executive Director shall designate staff to administer and manage this policy including, but not limited to designing and implementing procedures and other materials. The Governing Board is responsible for ensuring compliance with this policy by the Executive Director and the Inspector General.
- (b) Users of IT resources shall ensure that:
- (1) IT resources are operated in a manner that reasonably minimizes the threat of internal or external compromises to the security, confidentiality, or integrity of SFWMD systems information;
 - (2) IT resources are protected by strong passwords;
 - (3) Passwords are protected in a responsible fashion;
 - (4) IT resources are used primarily to conduct District business;
 - (5) At all times they use IT resources in a responsible, efficient, professional, and ethical manner in compliance with all laws and District policies and procedures.
 - (6) Employees whose job requires them to dispense, receive, and store confidential information, and personally identifiable information (PII), must take necessary actions to prevent it from disclosure, modification, destruction, and unauthorized access, whether accidental or intentional.
- (c) Users of District IT resources must not:
- (1) Interfere with the intended use of information technology resources;
 - (2) Seek to gain unauthorized access to information technology resources;
 - (3) Destroy, alter, dismantle, disfigure, prevent rightful access to, or otherwise interfere with the integrity of information and/or information resources;
 - (4) Infringe upon intellectual property protected by copyright, patent, license or other contract;
 - (5) Violate any laws, including ~~Florida laws regarding~~ Government in the Sunshine [Law](#) and Public Records [Law](#);
 - (6) Use IT resources for private commercial purposes, financial gain, the promotion of "for profit" or privately owned businesses, except for limited use allowed through the Employee Bulletin Board;
 - (7) Use IT resources in a manner that interferes with or disrupts network users, services or equipment including distributing unsolicited advertising, propagating computer worms or viruses, and using the network to make unauthorized entry to other computational, information, or communication devices or resources;
 - (8) Communicate or act under the guise, name, identification, email address, signature, or indicia of another person without proper authorization;
 - (9) Use IT resources in any manner that could damage, disable, overburden, or impair any equipment or place the District at risk or loss;

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- (10) Use IT resources to reproduce or distribute copyrighted or patented materials regardless of whether the materials are licensed to the District as District property. Exceptions must be approved by Information Technology Management;
 - (11) Circumvent data protection schemes or uncover security loopholes;
 - (12) Buy, procure, or contractually bind the District for any IT resources, systems, or services without the approval of IT Management; or
 - (13) Access, store, possess, download, view, or otherwise communicate inappropriate material in any form. Inappropriate material includes, but is not limited to, material that is sexual, pornographic, harassing, debasing, intimidating, racist, sexist, or disrespectful based on race, color, religion, sex, age, pregnancy, disability, marital status, sexual orientation, or other status protected by law.
- (d) Users of IT resources may undertake the following activities under the conditions described:
- (1) Users of District IT resources may use them for limited personal use, provided the use 1) is lawful, and 2) does not negatively impact upon the user's work performance, hinder the work of other users, burden the District with incremental costs, or damage the reputation, image, or operations of the District. The District accepts no responsibility for loss or damage arising from personal use of the District's IT Resources.
 - (2) Employees and other users of IT resources may access IT resources with their personally owned device, as long as they remain in continuous compliance with all laws and this policy.

(Res. No. 2015-0106, § 1, 1-15-2015)

Sec. 140-86. Releases and Non-Use Commitments

Sec. 140-86. Releases and Non-Use Commitments.

- (a) *General.* In addition to the sale or exchange of easements as surplus lands in the manner and procedure as set forth in section 140-83, the District may release or agree not to exercise any easement, reservation or right-of-way interest as provided herein.
- (b) *Application.* Applications for releases and non-use commitments shall be made on forms provided by the District, accompanied by the fee required in Rule 40E-9.965, Florida Administrative Code. All such applications shall include the following information:
- (1) The applicant's name and address;
 - (2) An accurate legal description, including the acreage, of the land;
 - (3) A survey, sketch or recorded plat;
 - (4) The name of any unit of local government within which the land is located. Units of local government include counties, municipalities and drainage or county water management Districts;
 - (5) The current and proposed land uses;
 - (6) The current and proposed zoning, including a description of the pertinent zoning classifications;
 - (7) A certificate of ownership which shall provide satisfactory evidence that the applicant is the owner of record of the subject land. Such evidence shall consist of either a current title insurance policy, title commitment issued by a title insurance company authorized to do business in the State of Florida, or an opinion of title prepared by a member of the Florida Bar. The burden shall be on the applicant to demonstrate, to the satisfaction of the District, the applicant's status as underlying fee owner or agent. The word "current" as used in this paragraph shall mean no more than six months old;
 - (8) In the event that the applicant is any person or entity holding the real property which is the subject of the release in the form of a partnership, limited partnership, corporation, trust, or any form of representative capacity whatsoever for others, the applicant shall provide an affidavit disclosing all persons and entities having a beneficial interest in the property in the form required by the District; and
 - (9) A copy of the easement, reserving deed, or other information relating to the easement or reserving deed, including number, date, recording data and grantee.
- (c) *Terms and Conditions Specific to Canal Reservations, Right-of-Way Interests, Canal Easements and Canal Maintenance Easements.*
- (1) District Canal Reservations, Right-of-Way Interests, Canal Easements and Canal Maintenance Easements. The District may release, upon application of the underlying fee owner or its agent, any District canal reservations, right-of-way interests, canal easements, and canal maintenance easements in whole or in part under the following circumstances:
 - a. The District determines that the lands in the requested release are not required in the overall flood control project, or any District project, or for use in an area in which there is not an existing secondary plan of water control; or
 - b. The lands are in an area with a secondary plan of water control that has been designed and approved and the right-of-way requested to be released is not required in said plan; and
 - c. The District determines that such reservation or easement, or portion thereof, to be released has no other present or apparent future use to the District.

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- (2) Trustees of the Internal Improvement Trust Fund and State School Board Canal Reservations. Rule 15Q 011(2), Florida Administrative Code, requires District approval prior to releases of canal reservations reserved by the Trustees of the Internal Improvement Trust Fund or the State School Board. Upon receipt of a copy of a Department of Environmental Protection release application, accompanied by the fee required in Rule 40E-9.965, Florida Administrative Code, the District will process such application in the same manner and with the same criteria as an application for release of District canal reservations. However, since the District holds no interest in these reservations, with respect to parcels that are less than five acres, approval may be determined by the Executive Director, or the Director's designee, without the necessity of obtaining Board action.
 - (3) Upon receipt of an application, the District will seek the concurrence of appropriate governmental entities having a possible use for the canal reservations, right-of-way interests, canal easements or canal maintenance easements to be released. The governmental entities shall have 30 days from date of notice to respond. Failure of any such governmental entity to respond within the allotted time frame shall constitute an indication of no objection.
 - (4) All releases shall be according to terms and conditions approved by the Board. Such conditions may include:
 - a. With respect to releases applicable to any right-of-way interests, canal easements or canal maintenance easements for which the District originally paid consideration to obtain, it may be a condition of such release that the applicant pay to the District at least the pro rata share of that portion of the right-of-way interest, canal easement or canal maintenance easement to be released originally paid by the District, or pay to the District the appraised value of interests to be released.
 - b. In the event the District only releases a portion of the right-of-way interest, canal easement or canal maintenance easement applicable to the applicant's land, the District, as a condition of such partial release, may require the applicant to execute such documents and instruments required by the District in order to clarify, further define and/or improve the quality of title of the interest to be retained by the District. In such event, the applicant will be required to provide title assurance acceptable to the District.
 - c. The District may require the applicant to make such improvements and to assume ongoing maintenance responsibilities to the canal, canal bank and any overbank areas, such as installation of sea walls, rip-rap and other structures and improvements determined to be appropriate by the Board.
 - d. With respect to releases of canal reservations, not part of a right-of-way, approved by the Governing Board, payment for the release equal to ~~34~~31% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be required. A maximum of ~~34~~31% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be paid even if the applicant is also receiving releases of road reservations and/or non-use commitments as herein provided. Government, not-for-profit conservation entities, as well as homesteaded properties, shall be exempt from this requirement.
 - e. The District may require such other terms and conditions which are determined by the Board to be appropriate in connection with a specific release, including but not limited to requiring payment of appraised value of interests to be released.

(5) Non-Use Commitments. The District may agree not to exercise rights under Canal Reservations according to terms and conditions approved by the Board. The District may issue a non-use commitment under the following conditions:

Commented [ZM1]: Only applies to canal reservations

a. The District determines that the lands in the requested release are not required for any current District project;

b. The District determines that such reservation, or portion thereof, to be included in the non-use commitment has no present or apparent future use to the District, within the succeeding fifteen (15) year period;

c. The landowner has applied for and obtained any permits required from the District;

d. With respect to non-use commitments approved by the Governing Board, payment for the non-use commitment equal to 3% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be required. A maximum of 3% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be paid even if the applicant is receiving releases of canal reservations and/or road reservations as herein provided. Government, not-for-profit conservation entities, as well as homesteaded properties, shall be exempt from this requirement; and

e. In the event the land is conveyed by the landowner, the non-use commitment shall thereupon become extinguished and the right to make use of the reserved interest in the District shall revert.

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(d) *Terms and Conditions Specific to Road Reservations.* The District may release road reservations in whole or in part under the following conditions:

- (1) *State Road Reservations.* The Florida Department of Transportation has approved the requested release.
- (2) *County Road Reservations.* The County Engineer of the affected county has approved the requested release.
- (3) With respect to releases of road reservations approved by the Governing Board, payment for the release equal to 3.4% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be required. A maximum of 3.4% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be paid even if the applicant is receiving releases of canal reservations and/or non-use commitments as herein provided. Government, not-for-profit conservation entities, as well as homesteaded properties, shall be exempt from this requirement.

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(e) *Terms and Conditions Specific to Oil, Gas and Mineral Reservations.*

(1) *Releases.*

~~a. In connection with applications made by non-governmental entities or persons, the District may release oil, gas and mineral reservations under the following conditions:~~

~~1. The lands will be used for residential purposes; and~~

~~2. The surface area is not greater than two acres.~~

a.b. In connection with applications made by governmental entities, the District may release oil, gas and mineral reservations regardless of the size of the parcel, provided the lands will be used for governmental purposes, including conservation and preservation purposes.

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(2) *Non-Use Commitments.* The District may agree not to exercise rights of ingress and egress reserved with oil, gas and mineral reservations if the lands do not qualify for a release under section 140-86(e)(1). The District may issue a non-use commitment under the following conditions:

a. In the event oil, gas or minerals shall be produced from the land, the non-use commitment shall thereupon become extinguished and the right to make use of the reserved interest in the District in oil, gas and other minerals shall revert;

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(Supp. No. 19, Upd. 1)

- b. The lands are 20 acres or greater and will be used for residential, industrial, commercial, conservation, governmental, ~~or~~ preservation or agricultural purposes;
- c. The landowner has applied for and obtained any permits required from the District; ~~and~~
- d. With respect to non-use commitments approved by the Governing Board, payment for the non-use commitment equal to 3.4% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be required. A maximum of 3.4% of the appraised value of the land as reflected in the County's tax records in the County where the property is located shall be paid even if the applicant is receiving releases of canal reservations and/or road reservations as herein provided. Government, not-for-profit conservation entities, as well as homesteaded properties, shall be exempt from this requirement; and
- e. The provisions of this section 140-86(e) shall not apply to oil, gas and mineral reservations to be reserved pursuant to Section 270.11, Florida Statutes, which are released pursuant to section 140-83(c)(6). If such oil, gas and mineral reservations to be reserved pursuant to Section 270.11, Florida Statutes, are not released pursuant to said section 140-83(c)(6), then any subsequent application made by an applicant for release thereof shall be treated in accordance with the procedures and provisions of this section 140-86(e).

Commented [ZM4]: Change to mirror 270.11 change

(f) *Terms and Conditions Specific to Easements Other Than Those Referenced in Section 140-86(c), (d) and (e).* In addition to the sale or exchange of easements as surplus lands in the manner and procedure as set forth in section 140-83, easements acquired by the District, other than those easements and reservations referenced in section 140-86(c), (d) and (e), may be released, upon application of the underlying fee owner or its agents, under the procedure provided for the sale or exchange of District surplus lands as set forth in section 140-83. Since a release made in response to an application by the underlying fee owner, or its agents, is not considered a sale of District lands, the provisions of section 140-83(d)(1) shall not be applicable. As a condition of such release, the applicant shall be required to pay to the District the appraised value of the easement to be released as determined in accordance with section 140-83(c)(2).

(R.M. No. 42; Res. No. 2012-306, § 1(Exh. A), 3-15-2012; Res. No. 2016-0407, § 1, 4-14-2016; Res. No. 2017-1217, § 1, 12-14-2017)

Sec. 160-4. Statements of Policy

Sec. 160-4. Statements of Policy.

- (a) The District shall be protected against fortuitous loss or losses which, in the aggregate, during any financial period, would significantly affect District personnel, property, budget, or the ability for the District to continue to fulfill its mission.
- (b) In no event shall any loss of life or personal injury to its employees or members of the public be acceptable to the District.
- (c) In no event shall any loss of property to either the District or the public be acceptable to the District. Any such loss shall be reported immediately to Risk Management, Human Resources Bureau.
- (d) The District shall apply the following risk management process to risk of fortuitous loss~~to risk of fortuitous loss the risk management process, which includes:~~
 - (1) A systematic and continuous identification and analysis of loss exposures.
 - (2) Selecting the best combination of techniques for preventing and financing losses consistent with District financial resources.
 - (3) Implementing these techniques.
 - (4) Monitoring the results to control the program.
- (e) The District shall, in evaluating the insurability of specific areas of exposure, evaluate the availability, premium cost, breadth of coverage, market stability and effect on the District's Sovereign Immunity status before purchasing an insurance product. In those areas where the purchase of insurance is most cost-effective and efficient~~not possible or cost effective~~ (e.g., premium/coverage vs. expense), then said exposure should be considered a part of the District's Self-Insurance Program. At minimum, the District recognizes the following liability exposures which shall be financed through the purchase of commercial insurance or self-insurance:
 - (1) Real and personal property.
 - (2) Boiler and machinery.
 - (3) Electronic data processing.
 - (4) Aircraft.
 - (5) Director and Officer liability.
 - (6) Workers' Compensation.
 - (7) General liability.
 - (8) Automobile liability.
 - (9) Public employee bond.
- (f) The District shall provide a safe, healthy, and productive work environment for all of its employees.
- (g) The District shall train each employee in District-approved safety work practices for any operation the employee is asked to perform. Employees shall follow the instructed safe work practices at all times unless deviation in writing has been specifically approved by their Supervisors.
- (h) Care shall be exercised in the conservation of District property and the avoidance of potentially harmful situations to staff and the public.
- (i) Any injury which occurs at work, no matter how slight, or any accident which causes damage to property shall be reported immediately to the affected employee's Supervisor.

-
- (j) The District, through its risk management function, shall utilize principles of financial management to contain the cost of managing risk, defined as the sum of insurance premiums, self-insured losses, risk control expenses, and the cost of risk management administration.
 - (k) New programs or projects shall be reviewed for potential risk situations prior to entering into contractual relations which could put the District at risk.
 - (l) Except as authorized by law, no one will bring firearms, ammunition or other weapons onto District properties unless approved by the Executive Director.
 - (m) The District prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances on District property or while conducting District business. (Exception—medically necessary prescriptions.)
 - (n) The District prohibits the possession and use of alcoholic beverages on District property unless prior written approval is granted by the Executive Director or designee.
 - (o) No District employee shall be permitted to operate a District vehicle unless the employee possesses a valid driver's license suitable for the type of vehicle being driven, as defined under the state's Driver's License Law. If an employee who is required to drive a District vehicle has had driving privileges suspended or license revoked, the employee must report this condition to the employee's Supervisor immediately.
 - (p) The District shall develop and maintain those policies, procedures and standards necessary to protect the District and its employees.
 - (q) The District shall inspect at least annually all District facilities for reasonable compliance with safety regulations and practices.
 - (r) Each employee shall safeguard such employee's own personal belongings.
 - (s) The District shall conduct an actuarial study at a minimum once every three years to determine the funding requirements on all self-insured liabilities, known, suspected and incurred but not reported (IBNR).
 - (t) The District shall require that the appropriate personal protective equipment be utilized by those employees who are exposed to hazards which cannot be engineered out of the work environment.
 - (u) The District shall perform an environmental risk assessment on any land prior to its acquisition.
 - (v) The District shall inform employees of the toxic substances to which they are exposed in the workplace and to provide the necessary training in the safe handling practices and emergency procedures.
 - (w) Each employee shall make frequent inspections of tools, vehicle, and other equipment to ensure such are in good physical condition.
 - (x) The District shall employ staff as needed to develop and maintain a risk identification, avoidance and control program; a loss prevention program; a Worker's Compensation program and an agency-wide security plan.

(R.M. No. 157; Res. No. 2004-124, § 1, 1-15-2004; Res. No. 2011-919, § 2, 9-8-2011; Res. No. 2012-306, § 1(Exh. A), 3-15-2012)

MEMORANDUM

TO: Governing Board Members

FROM: Maricruz R. Fincher, Office of Counsel

DATE: August 17, 2023

SUBJECT: Legal Services Contract Amendment with Kirwin Norris, P.A.

Agenda Item Background:

Kirwin Norris, P.A. provides ongoing legal counsel to the District in construction law matters. The Office of Counsel is requesting the authority to increase funds in the amount of \$250,000 for the District's contract with Kirwin Norris, P.A.

Additional Item Background:

Kirwin Norris, P.A. is serving as lead trial counsel for the District in a pending case between the District and C-43 Water Management Builders, JV, The Lane Construction Corporation, and Webuild S.p.A Inc f/k/a Salini Impregilo ("Contractor") regarding their failure to timely finish the C-43 West Caloosahatchee Basin Storage Reservoir - Part 2, Hendry County, FL Project ("Project"). The Office of Counsel is requesting the authority to increase funds by \$250,000.00 for the District's contract with Kirwin Norris, P.A.

In March 2019, the District contracted with Contractor to build the Project. Contractor did not adhere to the contract's required schedule, which set forth a mandatory substantial completion date and final completion date. Contractor also refused to make the necessary changes to get back on schedule or prevent further delay. As a result, the District terminated Contractor for defaulting on the contract. Damages to the District resulting from this breach of contract include, without limitation, compensatory damages, consequential damages, damages for delay, and liquidated damages. Therefore, on May 19, 2023, the District filed a breach of contract suit against the Contractor.

The case is a multi-million-dollar complex construction dispute that is being vigorously litigated by the parties. As such, the District hired Kirwin Norris P.A., a law firm with seven (7) Florida Bar Board Certified Construction Lawyers specializing in construction law to serve as lead counsel in this case.

Core Mission and Strategic Priorities:

This item will allow the District to resolutely pursue its claims against Contractor and defend itself against Contractor's claims. The Office of Counsel is primarily responsible for this item. However, the Engineering and Construction Bureau and the Procurement Bureau are providing assistance.

Staff Contact and/or Presenter:

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

ATTACHMENTS:

Resolution No. 2023-0807

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District authorizing an amendment to Contract No. 4600004519 with Kirwin Norris, P.A. to authorize the General Counsel to increase the contract by \$250,000.00 to defend the District's interests and fully prosecute its claims related to the C-43 West Caloosahatchee Basin Storage Reservoir; providing an effective date. (Contract No. 4600004519-A04)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest, to authorize the General Counsel to increase the contract spending amount of Contract No. 4600004519 with Kirwin Norris, P.A. by \$250,000.00 in the defense of the District's interests and to fully prosecute the District's claims in this matter.

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 Contract No. 4600004519 with Kirwin Norris, P.A. authorizing the General Counsel to increase Contract No. 4600004519 with Kirwin Norris, P.A., for legal services by \$250,000.00. (Contract No. 4600004519-A04)

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

PASSED and ADOPTED this 17th day of August, 2023.

MEMORANDUM

TO: Governing Board Members

FROM: Lourdes Woytek, Human Resources

DATE: August 17, 2023

SUBJECT: Letter Recommending Reconfirmation of the Executive Director and Employment Agreement

Agenda Item Background:

Section 373.079(4)(a), Florida Statutes, authorizes the Governing Board of the South Florida Water Management District to employ an executive director, subject to the approval by the Governor and confirmation by the Senate. The executive director of the South Florida Water Management District is employed by the Governing Board to oversee the day-to-day operations of the agency and carry out the Board's directives. Andrew Bartlett was appointed by the Governing Board on March 14, 2019 and subsequently confirmed by the Florida Senate on March 13, 2020. In 2022, Governor Ron DeSantis was reelected as Governor of Florida. Following each gubernatorial election, an executive director must be confirmed by the Senate during the second regular session of the Legislature. This agenda item authorizes the Chairman of the Governing Board to provide a letter of recommendation to the Governor of Florida for Andrew ("Drew") Bartlett to be approved by the Governor and confirmed by the Florida Senate during the upcoming regular session of the Legislature. It also authorizes an employment agreement with the Executive Director, effective immediately.

Staff Contact and/or Presenter:

Lourdes Woytek, lwoytek@sfwmd.gov, 561-682-6361

ATTACHMENTS:

[Resolution No. 2023-0808](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District approving a Letter of Recommendation for reconfirmation of Andrew Bartlett as Executive Director of the South Florida Water Management District and approving an Employment Agreement made and entered into as of the 17th day of August 2023, by and between the Governing Board of the South Florida Water Management District and Andrew Bartlett; providing an effective date.

WHEREAS, Section 373.079(4)(a), Florida Statutes, authorizes the Governing Board of the South Florida Water Management District (“Board”) to employ an executive director subject to the approval by the Governor and confirmation by the Senate;

WHEREAS, Andrew Bartlett (“Executive Director”) was appointed as Executive Director by the Governing Board on March 14, 2019 and initially confirmed by the Senate on March 13, 2020;

WHEREAS, following a gubernatorial election, the Executive Director must be reconfirmed by the Senate during the second regular session of the Legislature;

WHEREAS, the Board recommends reconfirmation of the Executive Director during the next regular session of the Legislature;

WHEREAS, Section 373.079(4), Florida Statutes, authorizes the Board to determine the terms and conditions of the Executive Director’s employment, and to delegate all or part of its authority as provided in Florida Statutes;

WHEREAS, Section 373.083(1), Florida Statutes, authorizes the Board to enter into contracts with public agencies, private corporations, or other persons, as well as to appoint and remove agents and employees; and

WHEREAS, the Board desires to formalize the current employment relationship by entering into the attached Agreement with the Executive Director;

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 attached Letter of Recommendation for Andrew Bartlett.

Section 2. The Governing Board of the South Florida Water Management District hereby approves the attached Employment Agreement with Andrew Bartlett.

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

PASSED and ADOPTED this 17th day of August, 2023.

August 17, 2023

The Honorable Ron DeSantis
Governor, State of Florida
The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001

Subject: Drew Bartlett, Executive Director, South Florida Water Management District
Senate Confirmation Process Initiation Request

Dear Governor DeSantis:

Pursuant to South Florida Water Management District Governing Board Resolution No. 2023-0808, I am writing to respectfully request the initiation of the Senate confirmation process to reconfirm Mr. Andrew Bartlett as the Executive Director of the South Florida Water Management District. As provided by Chapter 373.079(4)(a), Florida Statutes, the executive director must be reconfirmed by the Senate during the second regular session of the Legislature following a gubernatorial election.

We look forward to your favorable consideration and the Senate's confirmation during the upcoming legislative session.

Sincerely,

Chauncey P. Goss, II
Chairman, SFWMD Governing Board

cc: Shawn Hamilton, Secretary, Florida Department of Environmental Protection
The Honorable Danny Burgess, Chair, Senate Ethics and Elections Committee

**AGREEMENT FOR PERSONAL SERVICES OF THE EXECUTIVE DIRECTOR
OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

This Agreement was made and entered into as of August 17, 2023, by and between the Governing Board hereinafter referred to as the "Board") of the South Florida Water Management District (hereinafter referred to as the "District"), an agency of the State of Florida, and Andrew Bartlett (hereinafter referred to as the "Executive Director ").

WITNESSETH THAT:

WHEREAS, pursuant to section 373.079(4)(a), Florida Statutes, the Board is authorized to employ an executive director under such terms and conditions as it may determine, to terminate such employment, and to delegate all or part of its authority as provided in Florida Statutes to the executive director. Further, the appointment of an executive director is subject to approval by the Governor and confirmed by the Florida Senate; and

WHEREAS, section 373.083(1), Florida Statutes, authorizes the Board to enter into contracts with public agencies, private corporations, or other persons, as well as to appoint and remove agents and employees; and

WHEREAS, the Board and the Executive Director desire to formalize the employment relationship by entering into this Agreement.

NOW THEREFORE, in consideration of the mutual covenants set forth herein and the benefits flowing from each to the other, the parties agree as follows:

SECTION 1: DUTIES

The Executive Director shall perform duties described in the District's job description for its executive director (Job I.D. No. MG 113) as may be amended. The District's job description is attached and incorporated into this Agreement. (Appendix A) The Executive Director shall be responsible for the day-to-day administration and management of the District and its employees. The Executive Director shall carry out this responsibility in accordance with adopted policies, procedures, directives, and resolutions of the Board, as well as all applicable laws of the State of Florida. The Executive Director shall represent the District before federal, state, and local governmental agencies as often as is appropriate and necessary. In addition, the Executive Director shall perform such other duties as the Board shall from time to time direct. The Executive Director shall devote as much time as may be necessary to each duty to perform the responsibilities of the executive director or any other duties that the Board may lawfully assign fully and professionally in the reasonable exercise of its discretion without claim for any additional salary or compensatory time beyond the compensation provided for under this Agreement.

SECTION 2: TERM OF THE AGREEMENT

- A. This Agreement shall be effective August 17, 2023, and is terminable at will by either party subject to the provisions of Section 5 below.
- B. The Executive Director shall remain in the exclusive employment of the District for the duration of this Agreement until this Agreement is terminated pursuant to Section 5 below. Aside from the activities authorized under Section 3 below, the Executive Director will not accept employment from any other employer during the term of this Agreement.
- C. The Executive Director shall serve at the will and pleasure of the Board and is ultimately accountable to the Board for performance under this Agreement.
- D. For purposes of this Agreement, the "Termination Date" is the last day of employment of the Executive Director under this Agreement. The "Date of Notice" is the day on which either party receives written notice of the other party's intent to terminate this Agreement in accordance with the provisions of this Agreement.
- E. This Agreement shall be a continuing contract and shall continue in full force and effect unless terminated by either party in accordance with the terms of this Agreement.

SECTION 3: HOURS OF WORK AND OUTSIDE ACTIVITIES

A. Hours of Work

The District recognizes that the Executive Director must devote a great deal of time beyond normal office hours to the official business of the District, and to that end, the Executive Director is free to apportion time at the Executive Director's discretion, so long as the Executive Director's schedule does not interfere with the ability to fully and professionally perform the responsibilities of the job or any other duties that the Board may lawfully assign in the reasonable exercise of its discretion.

B. Outside activities

For this subsection, outside activities shall include but are not necessarily limited to, writing, teaching, lecturing, consulting, or serving on a governing or advisory Board, as well as governmental commissions, task forces, and committees.

B.1. The Board recognizes that participation by the Executive Director in outside activities promotes improved public relations and communications between the District, private entities, and the public at large.

B.2. The Board also recognizes that an essential official function of the Executive Director is interacting and contacting public officials and other leaders in areas of common concern.

Accordingly, such interaction is included among the duties listed in the job description (Appendix A) and is not considered an outside activity governed by this Section.

B.3. The Executive Director shall not engage in any outside activities: (1) that create a conflict of interest, as defined under Chapter 112, Florida Statutes, or under District Policy, (2) that constitute unlawful discrimination based on race, religion, sex, national origin, marital status or physical impairment, (3) that bring discredit to the District; or (4) that interfere with the full and faithful performance of the Executive Director's official duties

B.4. Notwithstanding the preceding, the Executive Director shall comply with all laws governing compensation or remuneration from political action committees, lobbyists, or other persons or organizations and shall accept no compensation or remuneration from same.

B.5. The Executive Director shall be authorized to receive reasonable reimbursement for travel and incidental expenses associated with the Executive Director's participation in permitted outside activities pursuant to the provisions of Section 112.061, Florida Statutes.

SECTION 4: SENATE CONFIRMATION

When applicable, the Executive Director must be confirmed and reconfirmed by the Florida Senate, pursuant to section 373.079 (4)(a), Florida Statutes. Should the confirmation or reconfirmation be denied, the Executive Director shall be entitled to severance in accordance with Section 6 of this Agreement and applicable laws.

SECTION 5: TERMINATION OF AGREEMENT

This Agreement may be terminated with or without cause by either party. The Board may terminate this Agreement when a majority of the Board members request the resignation or termination of the Executive Director. The Executive Director may terminate this Agreement upon giving the Board written notice of intent to terminate at least thirty (30) days in advance of the proposed termination unless otherwise agreed to by the Board. The Board may suspend the Executive Director with or without cause when it is in the District's best interest to do so. Suspension without cause shall be with pay. Suspension for cause may be with or without pay at the discretion of the Board.

SECTION 6: SEVERANCE

The Executive Director shall receive four (4) weeks of severance pay plus four weeks of paid health insurance and life insurance coverage, in addition to any other benefits contemplated in this Agreement and District policy regarding employees or as provided for pursuant to section 373.079(4)(a), Florida Statutes, and any other applicable Florida Statutes if this Agreement is terminated or if the Florida Senate denies the Executive Director's confirmation or reconfirmation,

except the Executive Director will not be entitled to severance pay if he is terminated for misconduct, as defined in section 443.036, Florida Statutes.

SECTION 7: **COMPENSATION AND BENEFITS**

A. The Board shall pay the Executive Director for personal services rendered pursuant to this Agreement an annual base salary of **\$199,472.00**, payable in the same administrative manner and concurrently with the timetable for payment to other executives of the District, but, in any event, payable in equal payments not less frequently than bi-weekly.

B. The District shall provide the Executive Director with leave and benefits currently provided to other District managers and as provided by the Florida Retirement System, Senior Management Service Class.

C. Salary adjustments will be approved annually at the Board's discretion as part of the budget approval process.

D. All District rules, regulations, and policies which are not inconsistent or in conflict with this Agreement relating to fringe benefits, cost of living adjustments, duties, and working conditions as they are now contained in the District's policies and procedures or may hereafter be amended shall apply equally to the Executive Director. In case of inconsistency or conflict, the terms of this Agreement shall prevail.

SECTION 9: **AMENDMENT**

This Agreement shall be amended only upon mutual Agreement in writing between the Board and Executive Director.

SECTION 10: **GENERAL PROVISIONS**

A. The text herein shall constitute the entire Agreement between the parties hereto on the subjects herein and supersedes any prior written or oral agreements or understandings. This Agreement may only be amended in writing by the Executive Director and the Board.

B. If any provision or portion of this Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable and shall not be affected and shall remain in full force and effect. In the event of any such ruling, the parties agree to discuss alternatives for any portion of this Agreement that may have been held unconstitutional, invalid, or unenforceable. In any action to enforce the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and court costs.

C. Notices pursuant to this Agreement shall be given in writing and either hand delivered or mailed by U.S. Postal Service, postage prepaid, return receipt requested, addressed as follows:

Chairman of the Governing Board
South Florida Water Management District
c/o District Counsel
3301 Gun Club Road
West Palm Beach, FL 33416-4680

D. Notice shall be deemed given as of the date of personal service or the date of the receipt of such written notice in the course of transmission in the United States Postal Service.

E. The laws of the State of Florida shall govern all aspects of this Agreement.

F. To the extent permitted by law, each party knowingly, voluntarily, and intentionally waives its right to a trial by jury in any action or other legal proceeding arising out of or relating to this Agreement and the transactions it contemplates. This waiver applies to an action or legal proceeding, whether sounding in contract, tort or otherwise.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

BY: _____
NAME: Chauncey Goss
AS ITS: Chairman
DATE: _____

ATTEST:

District Clerk
Date: _____

BY: _____
NAME: Andrew Bartlett
DATE: _____

APPENDIX A



Job Profile

EXECUTIVE DIRECTOR

JOB SUMMARY AND ACCOUNTABILITIES

Top executive that functions as the District's Chief Executive Officer by executing all strategies, initiatives and programs required to meet the agency's core mission of flood control, restoration and water supply. In accordance with adopted policy, makes all final decisions for the operation of the District.

Functions as the principal agent of the Board in implementing policies the Board adopts to fully effect its charge as prescribed by the Florida Water Resources Act of 1972 (FL Statute 373) and other applicable Florida statutes, federal statutes, the Governor and Legislature or their agents, as well as the general public of the District at large.

Accountable for the overall leadership of the agency, the development and administration of annual operational budgets, and the management of assigned staff. Directs overall District operations, reviews and evaluates annual and long-term business results and implements strategy changes or improvements. Develops and implements strategies in response to directives received from the Governing Board and /or the Governor's Office.

Establishes an organization hierarchy and leadership team that supports the agency's core mission throughout the District. Submits to the Board on a regular basis, statements of policy, annual and future plans, and budgets for consideration and approval. Develops adequate procedures and controls to accurately and timely measure progress toward attainment of agency objectives.

Drives a fiscally-conservative organization for managing capital, financial resources and human resources. Directs and coordinates financial programs to provide funding for new and continuing operations.

Responds to inquiries from the Governing Board, the Governor's office and senior executives from other federal or state agencies associated with the agency's core mission. This includes explaining or defending agency operating results, business decisions, and strategy changes. Proactively influences such entities to the "preferred decision" in support of the District's core mission and best interests. Maintains tact and diplomacy during difficult situations and resolves disagreement in public settings.

Manages strong business alliances and open communication with other federal and state agencies associated with our core mission. This includes sharing best practices, completing joint ventures and initiatives in the best interest of the public and resolving operational differences (where appropriate).

Provides direct feedback to leadership team members on their personal effectiveness for executing strategies, resolving conflict, and influencing key stakeholders to support the District's best interests.

APPENDIX A

Incumbent models the District's Core Values and demonstrates a leadership style that supports the agency's reputation as the premier water management district and an employer of choice. Superior leadership competence to manage a large organization during periods of financial austerity and change. Encourages staff to take risks. Ensures personal accountability for work results and sets expectations for all managers to require personal accountability for same.

Appointment Conditions: The Executive Director is appointed by and serves at the pleasure of the Governor-appointed nine-member Governing Board. The appointment of the Executive Director is subject to approval of the Governor and must initially be confirmed by the Florida Senate upon employment. The Executive Director must be confirmed or reconfirmed by the Senate during the second regular session of the Legislature following a gubernatorial election.

Other Duties as Assigned

EDUCATION AND EXPERIENCE

Bachelor's Degree in a related discipline with a Graduate Degree preferred and 15+ years' experience that demonstrates measurable career progression in discipline and leadership roles that can be applied to support the District's business plans and strategies. Typically, this includes ten (10) years natural resource management experience managing a major department/operating group of an organization. Prior experience with a Water Management District, local government or state agency strongly preferred. Significant experience leading an organization through change and managing the expectations of all internal and external stakeholders. Significant experience representing an organization to elected officials, all levels of government agencies, the public, and media organizations.

LICENSES AND CERTIFICATIONS

Florida Driver's License

MEMORANDUM

TO: Governing Board Members

FROM: Lucine Dadrian, Engineering, Construction & Modeling

DATE: August 17, 2023

SUBJECT: C-139 Flow Equalization Basin Project, Change Order No. 2, Hendry County

Agenda Item Background:

As part of Restoration Strategies, the C-139 Flow Equalization Basin (FEB) Project works in conjunction with the existing Everglades STA-5/6 to meet the Water Quality Based Effluent Limit to achieve compliance with the State of Florida's numeric phosphorus criterion for the Everglades Protection Area outlined in Rule 62-302.540, Florida Administrative Code, enforced by the U.S. Environmental Protection Agency.

The C-139 FEB is intended to assist in managing source basin runoff from the C-139 Basin by attenuating peak flows and temporarily storing a portion of stormwater runoff prior to it being conveyed to STA-5/6. Flows to the FEB are received via the Deer Fence Canal from the west and via the L-2 Canal from the North. This 11,000 acre-feet FEB includes construction of a 690 cfs Inflow Pump Station that will allow water to be pumped into the FEB when it is available from the C-139 Basin to temporarily capture and detain excessive peak flows at a maximum depth of four feet. The project will include approximately eleven miles of embankment and a 690 cfs outflow structure to move water through the C-139 FEB. The project also includes the replacement of the 800 cfs G-711E structure and improvement of over two miles of the Deer Fence Canal and six miles of the L-3 Canal.

The Board approved awarding the contract to Condotte-Ryan Joint Venture in the amount of \$79,933,411 and 900 days at its December 2020 meeting. The Notice to Proceed was issued in February of 2021 to construct the nearly 3,000-acre impoundment under Contract No. 4600004345. The property is a former citrus grove with various threatened, endangered and protected wildlife species, specifically the burrowing owl. A previously approved change order added \$1,598,367.19 and 60 days to the contract, executed under the existing board authority, to expand the southeast boundary by realigning the levee and adding 200 additional acres and 500 acre-feet of storage to the project. Change Order No. 2 is a combination of independent modifications resulting in a contract schedule revision of 22 additional days and a net cost increase of \$144,176.59.

Additional Item Background:

Core Mission and Strategic Priorities:

The C-139 FEB Project supports the District's ecosystem restoration mission.

Staff Contact and/or Presenter:

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

ATTACHMENTS:

Resolution No. 2023-0809

Backup Document

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize issuing Change Order No. 2 to Contract No. 4600004345 with Condotte-Ryan Joint Venture, for the C-139 Flow Equalization Basin Project in an amount not-to-exceed \$144,176.59 for which dedicated funds (Land Acquisition Trust Fund) are budgeted in Fiscal Year 2022-2023; 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 issue Change Order No. 2 to Contract No. 4600004345 with Condotte-Ryan Joint Venture for the C-139 Flow Equalization Basin Project.

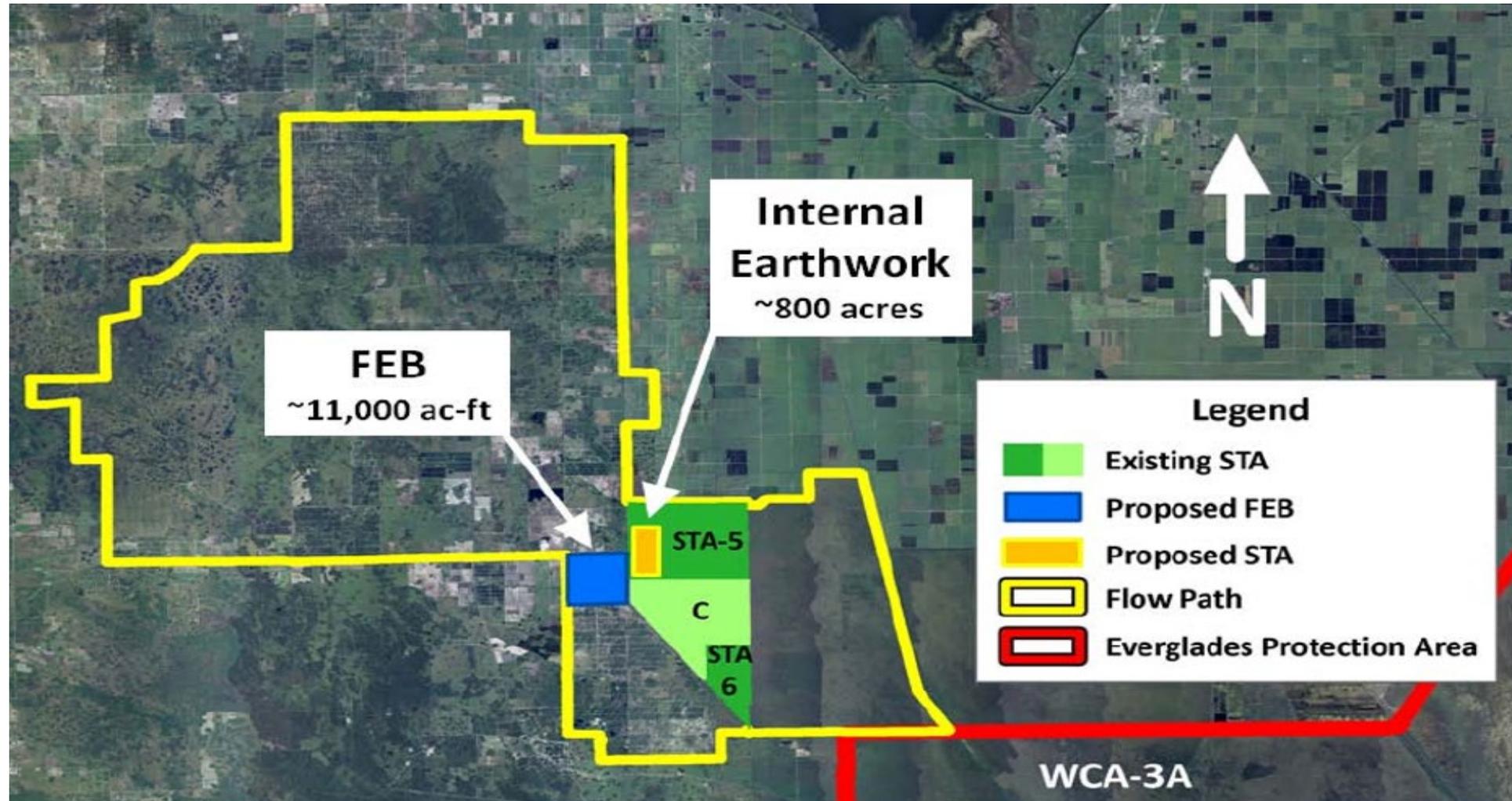
NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes the issuance of Change Order No. 2 to Contract No. 4600004345 with Condotte-Ryan Joint Venture, for the C-139 Flow Equalization Basin Project in an amount not-to-exceed \$144,176.59 for which dedicated funds (Land Acquisition Trust Fund) are budgeted in Fiscal Year 2022-2023.

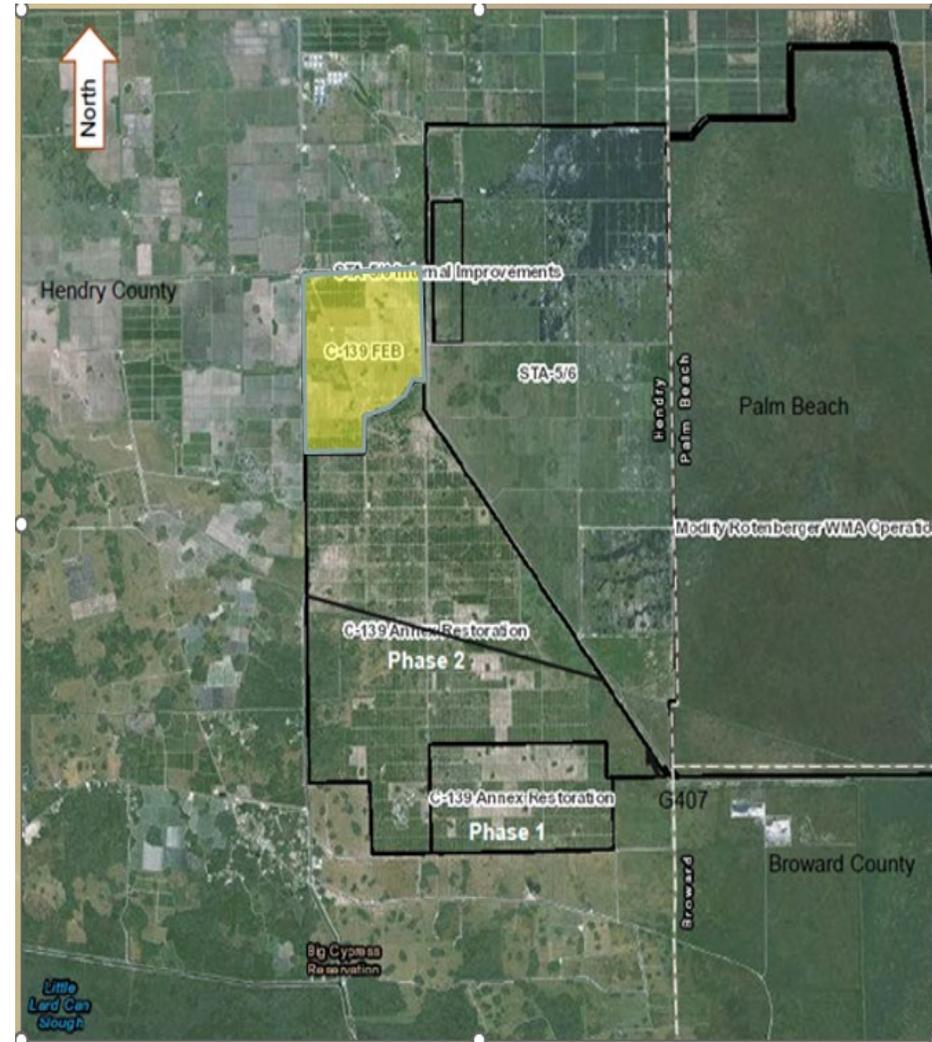
Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 17th day of August, 2023.

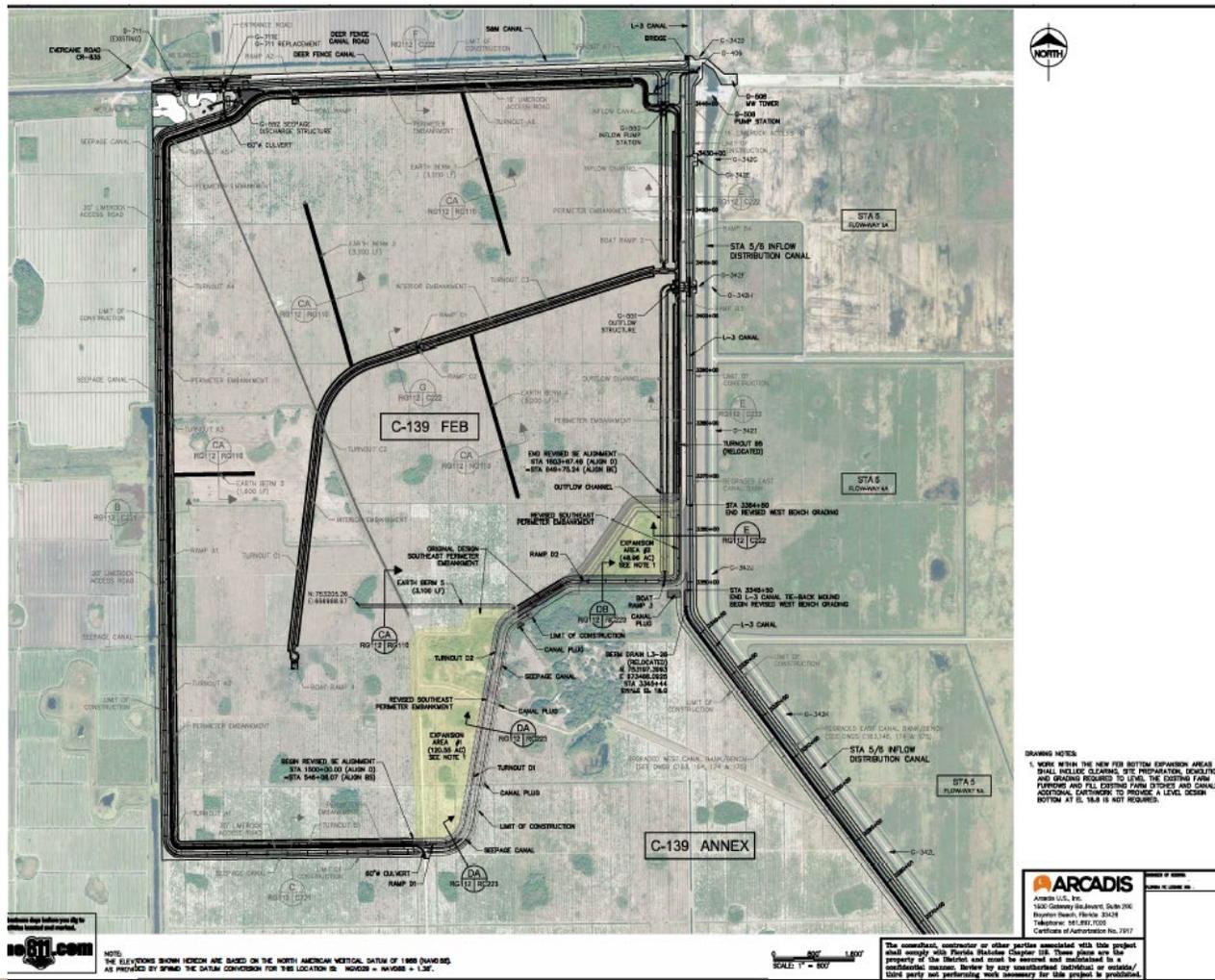
Western Flow Path



Located in Hendry County west of STA 5/6



Overall Site Plan



MEMORANDUM

TO: Governing Board Members

FROM: Lucine Dadrian, Engineering, Construction & Modeling

DATE: August 17, 2023

SUBJECT: Tower Inspection Program

Agenda Item Background:

The Tower Inspection Program (TIP) includes 58 towers that carry communication antennas that are the backbone of the District's microwave communication system managed by IT. The communication system provides connection between District facilities and infrastructure allowing the Operation Control Room staff to remotely operate over 900 pump stations and water control structures across 16 counties. The program systematically conducts inspections to identify deficiencies. The inspections culminate in a report that District staff uses for prioritizing repairs in order to maintain the structural integrity of the District's microwave communication towers.

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 Tower Inspection Program supports the District's core missions of flood control, water supply, water quality, and ecosystem restoration.

Funding Source:

The \$720,000 represents a not-to-exceed estimate for the five-year term of all work order contracts combined and is subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets.

Staff Contact and/or Presenter:

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

ATTACHMENTS:

[Resolution No. 2023-0810](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3-year contract with two 1-year extensions with Civil Services Inc., the lowest responsive and responsible bidder for the Tower Inspection Program, in an amount not-to-exceed \$720,000 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets; providing an effective date. (Contract No. 4600004817)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to enter into a 3-year contract with two 1-year extensions with Civil Services Inc., the lowest responsive and responsible bidder for the Tower Inspection Program, in an amount not-to-exceed \$720,000 for which \$120,000 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.

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 3-year contract with two 1-year extensions, with Civil Services Inc., the lowest responsive and responsible bidder for the Tower Inspection Program, in an amount not-to-exceed \$720,000 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004817)

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

PASSED and **ADOPTED** this 17th day of August, 2023.

MEMORANDUM

TO: Governing Board Members
FROM: Rich Virgil, Field Operations Division
DATE: August 17, 2023
SUBJECT: Request for Right of Way Occupancy Permit

Agenda Item Background:

Home Away From Home, LLC (Applicant), is applying for a Right of Way Occupancy Permit to construct a private 4-slip marina within the C-17 Canal adjacent to an existing office building located at 533 Northlake Boulevard in North Palm Beach. The applicant is the owner of the submerged lands upon which the marina will be constructed. The District has an easement over the submerged lands which provides flowage rights.

The District's Criteria Manual for use of the right of way defines a docking facility with mooring for four or more watercraft is a "marina". Marinas are authorized by issuing a Standard Right of Way Occupancy Permit which is a permit type that must be approved by the District's Governing Board.

The proposed marina complies with all District rules and does not require any waivers. If approved, the proposed marina will not limit the District's ability to perform routine or emergency operations, maintenance, or construction activities within the right of way.

Staff Contact and/or Presenter:

Rich Virgil, rvirgil@sfwmd.gov, 561-682-6759
John Hixenbaugh, jhixenba@sfwmd.gov, 561-682-2797

ATTACHMENTS:

[Backup Document](#)

TABLE OF CONTENTS

RIGHT OF WAY OCCUPANCY CONSENT AGENDA FOR GOVERNING BOARD APPROVAL

August 17, 2023

	PAGES
I RIGHT OF WAY OCCUPANCY PERMIT (ROW PERMIT) REQUESTS:	
Governing Board action is required for routine requests for permits which conform to applicable rules for utilization of Works and Lands of the District. Items are placed on this Consent Agenda when the staff's recommendation is for approval.	2

RIGHT OF WAY OCCUPANCY PERMIT (ROW PERMIT) REQUESTS

Applicant	Home Away From Home, LLC
Application Number	220811-35523
Canal	C-17
Location	South Right of Way Adjacent to 533 Northlake Boulevard
Proposed Improvements to be Authorized by ROW Permit 16722-R	4-Slip Private Marina with (4) Boat Lifts, Water and Electrical Service, and Rip-Rap Slope Protection
Required Waiver(s)	No Waivers are Required
ROW Permit Number (proposed)	16722-R

SUMMARY

Home Away From Home, LLC (Applicant), is applying for a Right of Way Occupancy Permit to construct a private 4-slip marina within the C-17 Canal adjacent to an existing office building located at 533 Northlake Boulevard in North Palm Beach. The applicant is the owner of the submerged lands upon which the marina will be constructed. The District has an easement over the submerged lands which provides flowage rights.

The District's Criteria Manual for use of the right of way defines a docking facility with mooring for (4) or more watercraft is a "marina". Marinas are authorized by issuing a Standard Right of Way Occupancy Permit which is a permit type that must be approved by the District's Governing Board.

The proposed marina complies with all District rules and does not require any waivers. If approved, the proposed marina will not limit the District's ability to perform routine or emergency operations, maintenance, or construction activities within the right of way.

RECOMMENDATION

Staff recommends **approval** of issuance of Standard Right of Way Occupancy Permit 16722-R (Application No. 220811-35523).

(Easement)

**Proposed Private 4-Slip Marina
Home Away From Home, LLC, Applicant
C-17 Canal – Palm Beach County**

Right of Way Occupancy Permit No. 16722-R

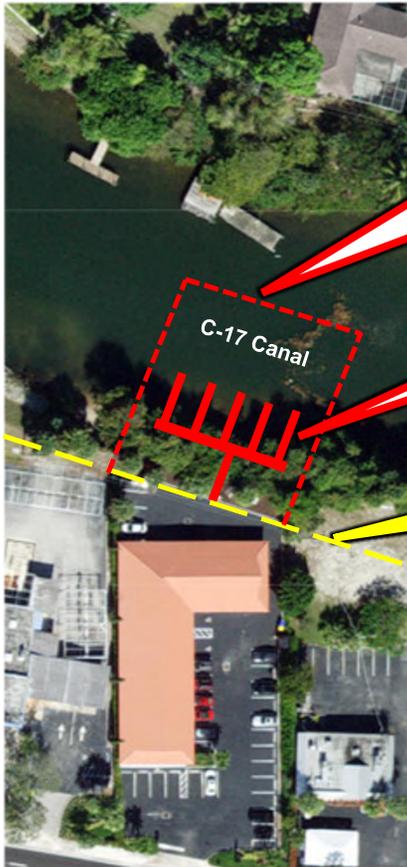
**John R. Hixenbaugh, J.D., AICP
Right of Way Section Administrator
South Florida Water Management District
Governing Board Meeting
August 17, 2023**

Application Information and Location Map

- **Applicant:** Home Away From Home, LLC
- **Application Number:** 220811-35523
- **Canal:** C-17 Canal
- **Location:** Within the south right of way of the C-17 Canal adjacent to 533 Northlake Boulevard.
- **Request:** Issuance of Standard Right of Way Occupancy Permit No. 16722-R to construct a private use 4-slip marina.



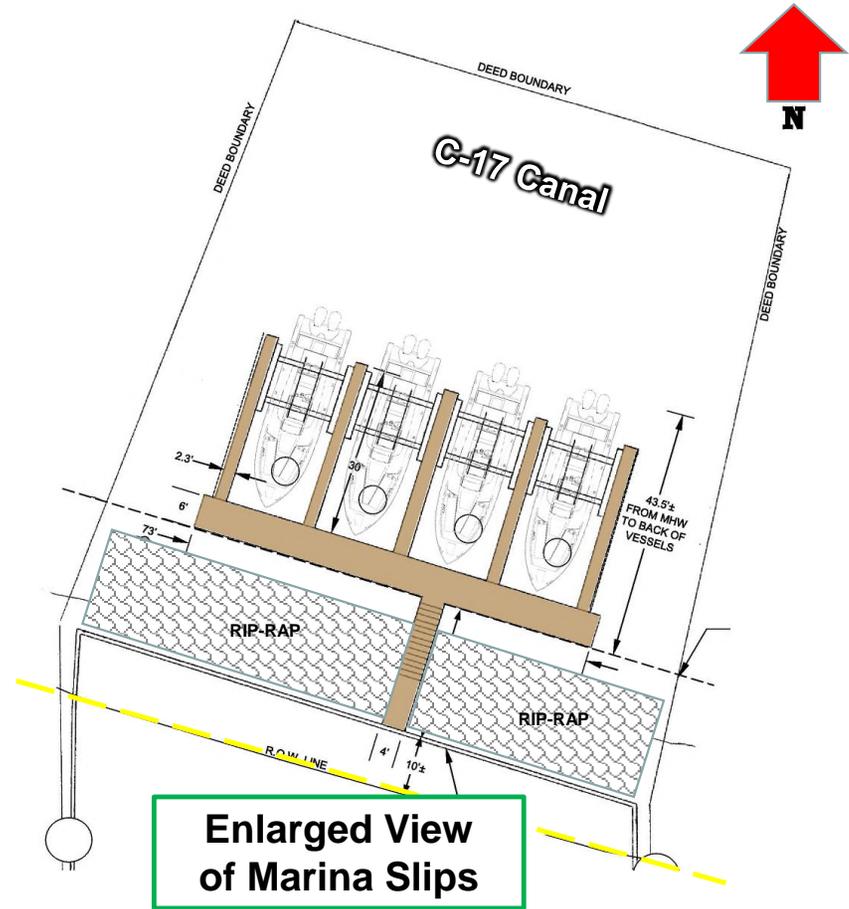
Site Plan



Applicant owns the submerged lands. District only has flowage rights for canal located within Applicant's property.

Proposed 4-Slip Marina

Right of Way Line



Enlarged View of Marina Slips

Findings

- The proposed marina complies with all District ROW rules and criteria. No waivers are required.
- Construction of the proposed marina will not result in any adverse impacts to District routine or emergency operations or maintenance.

MEMORANDUM

TO: Governing Board Members

FROM: Rich Virgil, Field Operations Division

DATE: August 17, 2023

SUBJECT: Lock Tender Services, Glades, Hendry, Martin, Okeechobee, Osceola and Polk Counties

Agenda Item Background:

The District is responsible for the operation of eleven navigational boat locks, five of which are located on the Kissimmee River Waterway from Lake Tohopekaliga to Lake Okeechobee and six are located around the perimeter of Lake Okeechobee. The boat locks provide for boating access for local, winter residence and hosts of business interests.

Additional Item Background:

Core Mission and Strategic Priorities:

The U. S. Army Corps of Engineers constructed these boat locks as part of the Central and Southern Florida (C&SF) Flood Control District to provide access to local, winter residence and business interests.

Staff Contact and/or Presenter:

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

ATTACHMENTS:

[Resolution No. 2023-0811](#)

[Backup Document](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a five-year contract with Advanced Lock Tender Division, LLC, the lowest responsive and responsible bidder for Lock Tender services in Glades, Hendry, Martin, Okeechobee, Osceola, and Polk counties in an amount not-to-exceed \$5,896,640 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets; providing an effective date. (Contract No. 4600004833)

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 five-year contract with Advanced Lock Tender Division, LLC, the lowest responsive and responsible bidder, for Lock Tender services in Glades, Hendry, Martin, Okeechobee, Osceola, and Polk Counties in an amount not-to-exceed \$5,896,640.

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 five-year contract with Advanced Lock Tender Division, LLC, the lowest responsive and responsible bidder for Lock Tender services in Glades, Hendry, Martin, Okeechobee, Osceola, and Polk counties, in an amount not-to-exceed \$5,896,640 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004833)

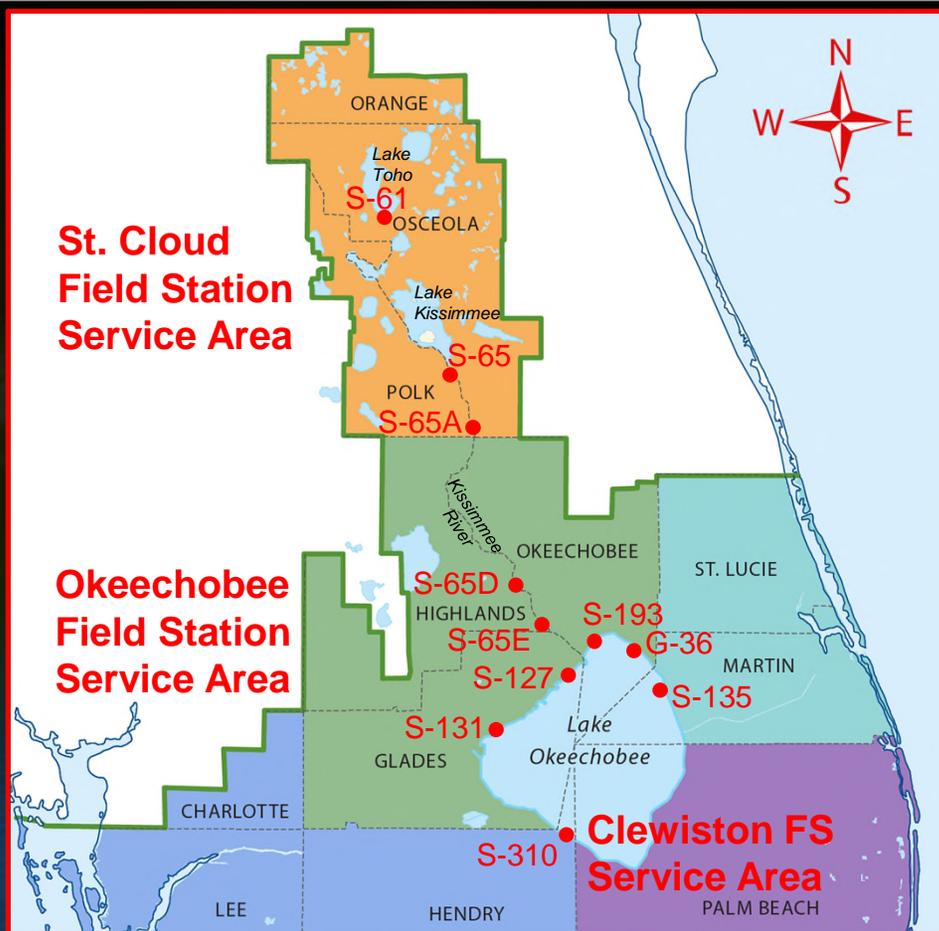
Section 2. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 17th day of August, 2023.

Introduction

- Work area includes: Operations of 11 Navigational Boat Locks
 - St. Cloud Field Station
 - Lake Tohopekaliga S-61
 - Kissimmee River S-65 & S-65A
 - Okeechobee Field Station
 - Kissimmee River S-65D & S-65E
 - Lake Okeechobee S-127, S-131, S-135, S-193, & G-36
 - Clewiston Field Station
 - Lake Okeechobee S-310

Location Map



LEGEND

- Navigational Boat Lock

Kissimmee River Sector Gate Boat Lock S-61



sfwmd.gov

Kissimmee River Sector Gate Boat Lock S-65A



Lake Okeechobee Sector Gate Boat Lock S-193



Lake Okeechobee Slide Gate Boat Lock S-135



Bid Summary

- **RFB Advertised: May 11, 2023**
- **Bid Opening: June 20, 2023**
- **Number of Bids Received: 1**
- **Bid Amount: \$5,896,640.00**
- **Negotiated Down from Initial Bid of \$8,209,257.50 for a cost savings of \$2,312,617.50**

MEMORANDUM

TO: Governing Board Members

FROM: Rich Virgil, Field Operations Division

DATE: August 17, 2023

SUBJECT: Canal and Levee Grading Service - West Palm Beach Field Station Area of Responsibility (Palm Beach County) and Clewiston Field Station Area of Responsibility (Broward, Palm Beach, Hendry, and Glades Counties)

Agenda Item Background:

Maintenance of District lands is required to ensure roads and ditches are in the proper shape and surface condition to promote ridability, good drainage, and minimal maintenance cost for the West Palm Beach and Clewiston Field Stations. This project for the West Palm Beach Field Station and Clewiston Field Station areas of responsibility provides for the annual grading of approximately 1,642 miles of District lands located in Broward, Palm Beach, Hendry, and Glades counties.

Additional Item Background:

Core Mission and Strategic Priorities:

Proper grading of District levees must be provided to ensure that levees perform the flood control purpose for which they were designed, and to make sure that the tops of levees are suitable for motor vehicles and equipment used to maintain, operate, and access the flood control system and stormwater treatment areas.

Staff Contact and/or Presenter:

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

ATTACHMENTS:

[Resolution No. 2023-0812](#)

[Backup Document](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3-year contract with two 1-year renewal options with Huurr Homes, LLC, the lowest responsive and responsible bidder for grading services of various District lands in the West Palm Beach Field Station and Clewiston Field Station areas of responsibility for Broward, Palm Beach, Hendry, and Glades counties, in an amount not-to-exceed \$1,107,561.84 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets; providing an effective date. (Contract No. 4600004831)

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 with Huurr Homes, LLC, for grading services of various District lands in the West Palm Beach Field Station and Clewiston Field Station areas of responsibility for Broward, Palm Beach, Hendry, and Glades Counties in an amount not-to-exceed \$1,107,561.84.

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 3-year contract with two 1-year renewal options with Hurr Homes, LLC, for grading services of various District lands in the West Palm Beach Field Station and Clewiston Field Station areas of responsibility in an amount not-to-exceed \$1,107,561.84 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004831)

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

PASSED and ADOPTED this 17th day of August, 2023.

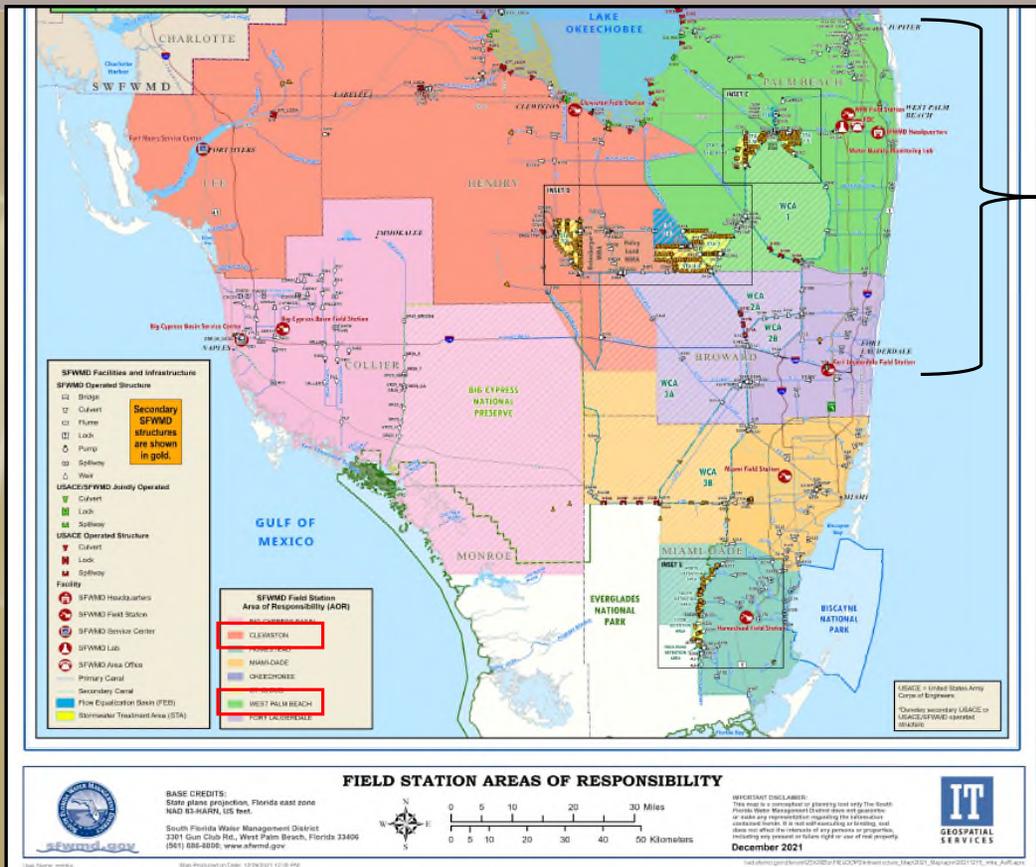
Introduction



Clewiston and West Palm Beach Field Stations roadway grading work area includes approximately:

- **1,642 miles of roadways and levees.**
 - **Maintain roads and ditches to the proper shape.**
 - **Maintain surface condition to promote ride-ability, good drainage, and low maintenance cost for the Clewiston and West Palm Beach Field Station's areas of responsibilities.**

CLEWISTON AND WEST PALM BEACH FS AREA OF RESPONSIBILITY



West Palm Beach & Clewiston
Field Stations
Areas of Responsibility
Palm Beach, Hendry, Glades &
Broward Counties, Florida

Roadway Grading of the System



Bid Summary



- **Request for Bids (RFB): 6000001430**
- **RFB Advertised: May 3, 2023**
- **Bid Opening: June 5, 2023**
- **Number of Bids Received: 4**
- **Bid Range: \$ 122.64 per acre to \$ 594.00 per acre**

M E M O R A N D U M

TO: Governing Board Members
FROM: , Field Operations Division
DATE: August 17, 2023
SUBJECT: A. Homestead Field Station Area of Responsibility, Miami-Dade County

Agenda Item Background:

This project for the Homestead Field Station area of responsibility provides for the annual right of way mowing of approximately 10,257 acres of canals and levees in Miami-Dade County.

Additional Item Background:

Core Mission and Strategic Priorities:

Mowing the District's rights of way reduces and controls vegetative growth along canal banks which can impede operations, inspections, and access to the District's water control facilities.

Staff Contact and/or Presenter:

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

Staff Contact and/or Presenter:

ATTACHMENTS:

[Resolution No. 2023-0813](#)

[Backup Document](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3-year contract with two 1-year renewal options with Godwin’s Lawn and Landscape Services, Inc., the lowest responsive and responsible bidder for mowing services of various canal and levee rights of way in the Homestead Field station area of responsibility in Miami-Dade County, in an amount not-to-exceed \$1,093,294 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets; providing an effective date. (Contract No. 4600004835)

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 with Godwin’s Lawn and Landscape Services, Inc., for mowing services of various canal and levee rights of way in the Homestead Field Station area of responsibility in Miami-Dade County in an amount not-to-exceed \$1,093,294.

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 3-year contract with two 1-year renewal options with Godwin’s Lawn and Landscape Services, Inc., for mowing services of various canal and levee rights of way in the Homestead Field Station area of responsibility in Miami-Dade County in an amount not-to-exceed \$1,093,294 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004835)

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

PASSED and ADOPTED this 17th day of August, 2023.

Mowing of the System



Bid Summary

- **Request for Bids (RFB): 6000001419**
- **RFB Advertised: May 12, 2023**
- **Bid Opening: June 15, 2023**
- **Number of Bids Received: 4**
- **Bid Range: \$19.38 per acre to \$74.00 per acre**

M E M O R A N D U M

TO: Governing Board Members

FROM: , Field Operations Division

DATE: August 17, 2023

SUBJECT: B. Fort Lauderdale Field Station Area of Responsibility, Broward County

Agenda Item Background:

This project for the Fort Lauderdale Field Station area of responsibility provides for the annual slope mowing of approximately 1,372 acres of canals and levees in Broward County.

Additional Item Background:

Core Mission and Strategic Priorities:

Mowing the District's rights of way reduces and controls vegetative growth along canal banks which can impede operations, inspections, and access to the District's water control facilities.

Staff Contact and/or Presenter:

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

Staff Contact and/or Presenter:

ATTACHMENTS:

[Resolution No. 2023-0814](#)

[Backup Document](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3-year contract with two 1-year renewal options with Toler Enterprises, Inc., the lowest responsive and responsible bidder for the slope mowing services of various canal and levee rights of way in the Fort Lauderdale Field station area of responsibility in Broward County, in an amount not-to-exceed \$1,169,630 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets; providing an effective date. (Contract No. 4600004819)

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 with Toler Enterprises, Inc., for slope mowing services of various canal and levee rights of way in the Fort Lauderdale Field Station area of responsibility in Broward County in an amount not-to-exceed \$1,169,630.

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 3-year contract with two 1-year renewal options with Toler Enterprises Services, Inc., for the slope mowing services of various canal and levee rights of way in the Fort Lauderdale Field Station area of responsibility in Broward County, in an amount not-to-exceed \$1,169,630 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004819)

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

PASSED and ADOPTED this 17th day of August, 2023.

Slope Mowing of the System



Bid Summary

- **RFB Advertised: 05/22/2023**
- **Bid Opening: 06/21/2023**
- **Number of Bids Received: 5**
- **Bid Range: \$155.00- \$249.00 per acre**

M E M O R A N D U M

TO: Governing Board Members
FROM: , Field Operations Division
DATE: August 17, 2023
SUBJECT: C. Miami Field Station Area of Responsibility, Miami-Dade County

Agenda Item Background:

This project for the Miami Field Station area of responsibility provides for the annual slope mowing of approximately 556 acres of canals and levees in Miami-Dade County.

Additional Item Background:

Core Mission and Strategic Priorities:

Mowing the District's rights of way reduces and controls vegetative growth along canal banks which can impede operations, inspections, and access to the District's water control facilities.

Staff Contact and/or Presenter:

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

Staff Contact and/or Presenter:

ATTACHMENTS:

[Resolution No. 2023-0815](#)

[Backup Document](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3-year contract with two 1-year renewal options with Coco Tree Service Corporation, the lowest responsive and responsible bidder for slope mowing services of various canal and levee rights of way in the Miami Field station area of responsibility in Miami-Dade County, in an amount not-to-exceed \$513,744 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets; providing an effective date. (Contract No. 4600004822)

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 with Coco Tree Service Corporation for slope mowing services of various canal and levee rights of way in the Miami Field Station area of responsibility in Miami-Dade County in an amount not-to-exceed \$513,744.

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

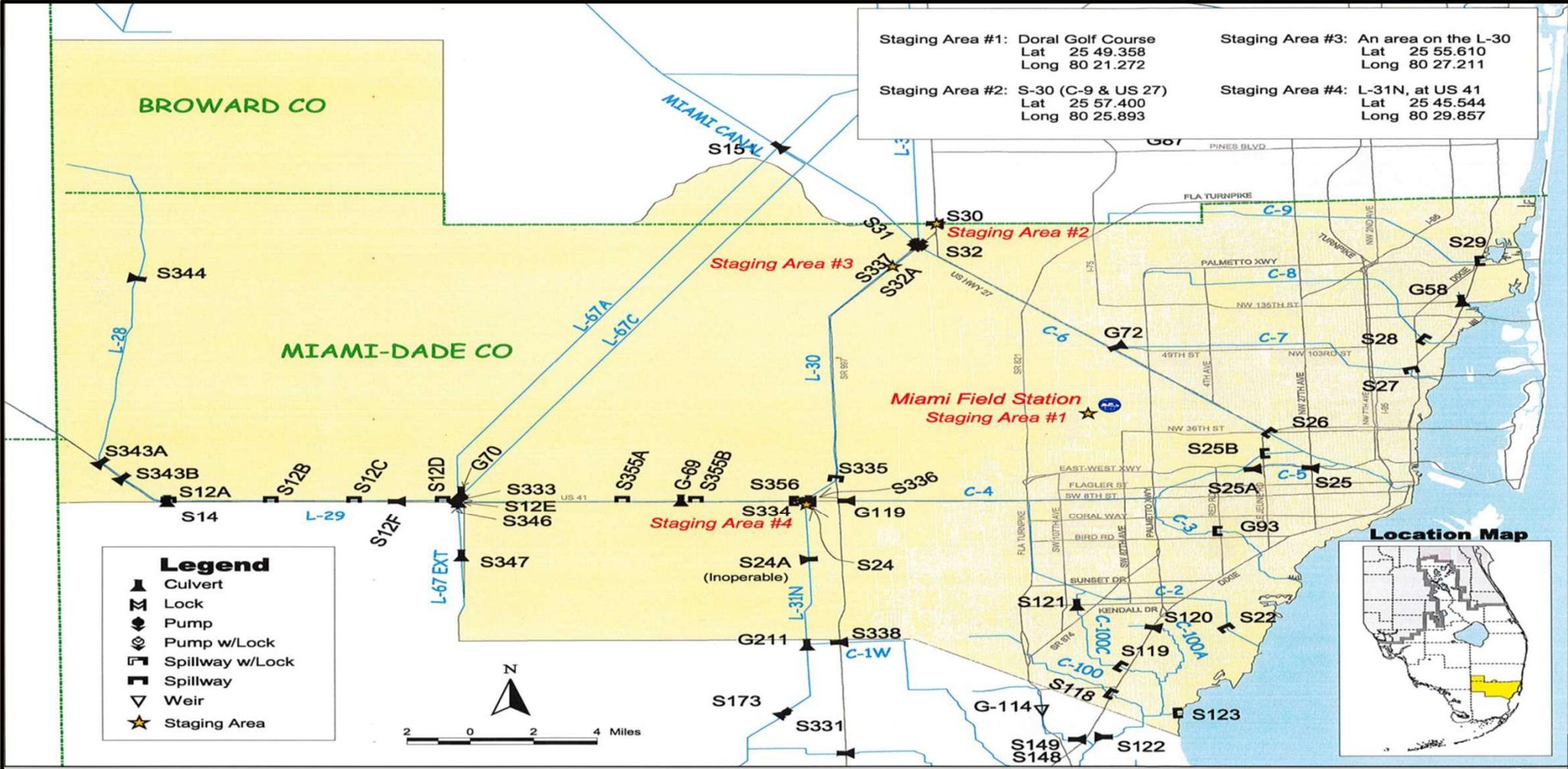
Section 1. The Governing Board of the South Florida Water Management District hereby authorizes entering into a 3-year contract with two 1-year renewal options with Coco Tree Service Corporation for slope mowing services of various canal and levee rights of way in the Miami Field Station area of responsibility in Miami-Dade County in an amount not-to-exceed \$513,744 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004822)

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

PASSED and **ADOPTED** this 17th day of August, 2023.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

MIAMI FIELD STATION AREA OF RESPONSIBILITY



Mowing of the System



Bid Summary



- Request for Bids (RFB): 6000001416
- RFB Advertised: May 5, 2023
- Bid Opening: June 6, 2023
- Number of Bids Received: 3
- Bid Range: \$168.00 per acre to \$239.85 per acre

M E M O R A N D U M

TO: Governing Board Members

FROM: , Field Operations Division

DATE: August 17, 2023

SUBJECT: D. West Palm Beach Field Station Area of Responsibility, Palm Beach County

Agenda Item Background:

This project for the West Palm Beach Field Station area of responsibility provides for the annual slope mowing of 384 acres of canals and levees in Palm Beach County.

Additional Item Background:

Core Mission and Strategic Priorities:

Mowing the District's rights of way reduces and controls vegetative growth along canal banks which can impede operations, inspections, and access to the District's water control facilities.

Staff Contact and/or Presenter:

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

Staff Contact and/or Presenter:

ATTACHMENTS:

[Resolution No. 2023-0816](#)

[Backup Document](#)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2023 - 08XX

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3-year contract with two 1-year renewal options with Toler Enterprises, Inc., the lowest responsive and responsible bidder for slope mowing services of various canal and levee rights of way in the West Palm Beach Field Station area of responsibility in Palm Beach County, in an amount not-to-exceed \$359,040 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets; providing an effective date. (Contract No. 4600004820)

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 with Toler Enterprises, Inc., for slope mowing services of various canal and levee rights of way in the West Palm Beach Field Station area of responsibility in Palm Beach County, in an amount not-to-exceed \$500,000.

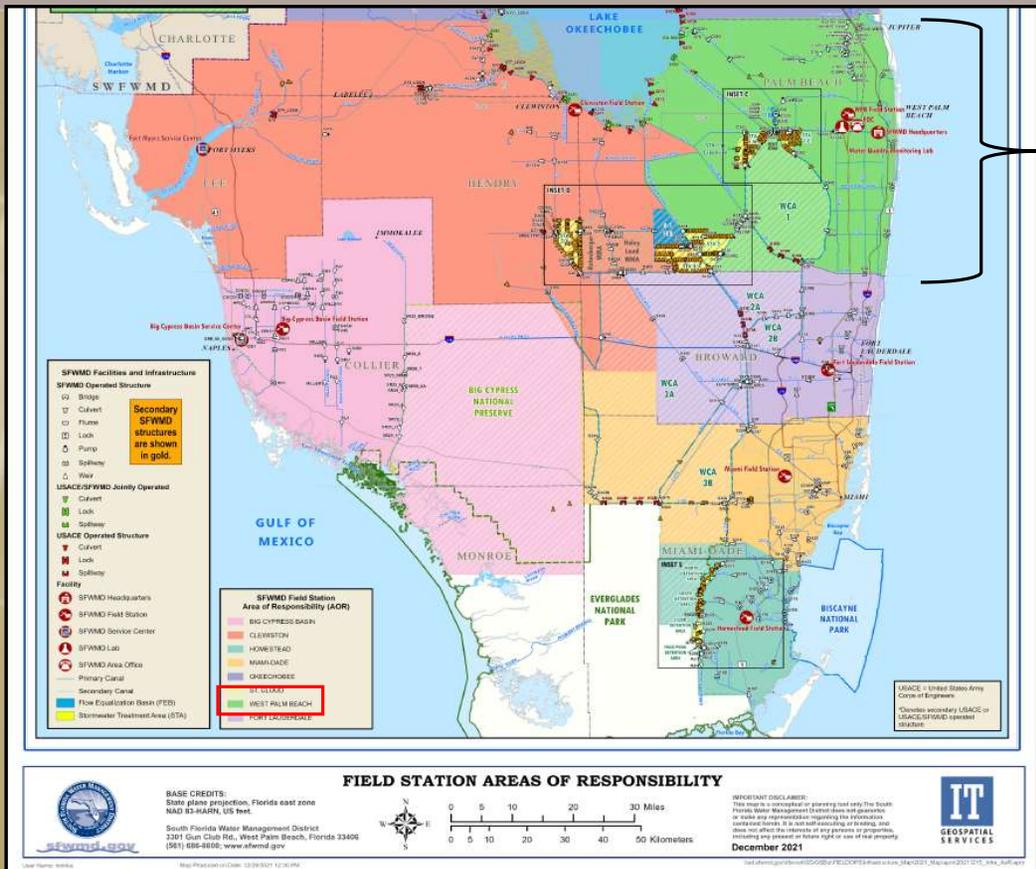
NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes entering into a 3-year contract with two 1-year renewal options with Toler Enterprises, Inc., for slope mowing services of various canal and levee rights of way in the West Palm Beach Field Station area of responsibility in Palm Beach County, in an amount not-to-exceed \$359,040 subject to Governing Board approval of the Fiscal Year 2023-2024 Adopted Budget and future years budgets. (Contract No. 4600004820)

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

PASSED and ADOPTED this 17th day of August, 2023.

WEST PALM BEACH FS AREA OF RESPONSIBILITY



West Palm Beach Field Station
Area of Responsibility
Palm Beach County, Florida

Slope Mowing of the System



Bid Summary



- **Request for Bids (RFB): 6000001418**
- **RFB Advertised: May 30, 2023**
- **Bid Opening: June 28, 2023**
- **Number of Bids Received: 3**
- **Bid Range: \$ 170.00 per acre to \$325.00 per acre**

MEMORANDUM

TO: Governing Board Members

FROM: Jennifer Leeds, Ecosystem Restoration & Capital Projects

DATE: August 17, 2023

SUBJECT: Lake Okeechobee Component A Storage Reservoir (LOCAR) Update

Agenda Item Background:

To meet the goals of Executive Order 23-06 issued January 10, 2023, the District has initiated planning for an aboveground storage reservoir north of Lake Okeechobee known as the Lake Okeechobee Component A Storage Reservoir (LOCAR). Component A, as described in the Central and Southern Florida Comprehensive Review Study of 1999 (the Yellow Book), is an approximate 200,000-acre foot storage reservoir north of Lake Okeechobee. The LOCAR project is being planned under Section 203 of the Water Resources Development Act (WRDA) 1986, as amended, which authorizes non-federal sponsors such as the District to undertake feasibility studies and then submit a technically and policy-compliant document to the Assistant Secretary of the Army for Civil Works for inclusion in WRDA. Once authorized in WRDA, LOCAR would then become part of the Comprehensive Everglades Restoration Plan.

The District is implementing the LOCAR feasibility study and environmental impact statement (EIS) as a section 203 planning study. The LOCAR project is a 200,000-acre feet aboveground storage reservoir that will benefit Lake Okeechobee and its ecosystem and reduce discharges to the St. Lucie and Caloosahatchee estuaries. The reservoir will reduce high lake stages and store water during wet periods or when there is excess water in the system, and later use the water during dry periods when Lake Okeechobee water levels are low. The increased storage capacity will help to keep Lake Okeechobee within the ecological preferred band and benefit the Lake's ecosystems. In addition, the project will benefit the Caloosahatchee and St. Lucie estuaries by reducing discharges from the Lake that impact their ecosystems.

Additional Item Background:

Core Mission and Strategic Priorities:

The project supports the District's core mission of restoring South Florida's water resources and ecosystems, protecting communities from flooding and meeting the region's water needs.

Staff Contact and/or Presenter:

Jennifer Leeds, jleeds@sfwmd.gov, 561-682-6088

ATTACHMENTS:

MEMORANDUM

TO: Governing Board Members

FROM: , Office of Communications & Public Engagement

DATE: August 17, 2023

SUBJECT: Presentations for item numbers 27, 28, and 29, NEEPP Project Update, and USACE Projects Update

Agenda Item Background:

Staff Contact and/or Presenter:

ATTACHMENTS:

[27 Leeds LOCAR](#)

[28 Mitnik Water Conditions Report](#)

[29 Glenn Ecological Conditions Report](#)

[NEEPP Project Update](#)

[USACE Projects Update](#)

**North of Lake Okeechobee Storage Reservoir
Section 203 Feasibility Study
Project Update and Proposed Tentatively Selected Plan**

Governing Board Meeting August 17, 2023
Jennifer Leeds, Bureau Chief
Ecosystem Restoration Planning



Executive Order 23-06

Achieve *Even More* Now for Florida's Environment

“Make every effort to advance Everglades restoration projects undertaken by the U.S. Army Corps of Engineers (Corps) to ensure meaningful progress over the next four years, including any component of the Everglades Agricultural Area (EAA) Reservoir Project, all CERP storage components within the Lake Okeechobee watershed, and any component of the Indian River Lagoon-South project reservoirs.”

Presenter: Jennifer Leeds



EXECUTIVE ORDER 23-06

Achieving *Even More* Now for Florida's Environment

WHEREAS, on January 10, 2019, I signed Executive Order 19-12, which laid out a bold plan to achieve more now for Florida's environment, and in the last four years, we have made incredible progress, entering into a golden era for conservation and protection of our treasured natural resources; and

WHEREAS, we secured unprecedented funding for the protection of our natural resources, including over \$3.3 billion in state funding for Everglades restoration and protection of our water resources, far surpassing our goal of \$2.5 billion; and

WHEREAS, we expedited Everglades restoration to reduce harmful discharges and send more water south, with more than 50 Everglades restoration projects being completed, breaking ground, or hitting a major milestone, and helped Florida Bay reach salinity goals for the first time in decades; and

WHEREAS, in 2020, I signed into law Senate Bill 712, which was the most consequential environmental legislation in decades and included a wide range of water quality protections aimed at minimizing the impact of known nutrient pollution sources, realigning the State's resources to better protect Florida's environment, and strengthening our environmental regulatory requirements; and

WHEREAS, we invested \$1.6 billion in water quality improvements, created the Wastewater Grant Program to construct, upgrade, or expand wastewater facilities, provide advanced wastewater treatment, and convert septic-to-sewer, and dedicated historic funding to increase alternative water supply and restore and protect Florida's springs; and

WHEREAS, we dedicated funding to enhance our state's water quality monitoring and identify new and innovative ways to treat, predict, and respond to blue-green algal blooms, including more than \$45 million to the Innovative Technology Grant Program and funding 20 different innovative technology projects to date; and

WHEREAS, the State, with the coordination of the Chief Science Officer, ensured that science is at the forefront of environmental protection and policy, with enhanced monitoring, innovative research, and modern data analytics to support water quality restoration and ensure that high quality, scientific data are readily available to citizens and state agencies; and

WHEREAS, we provided support to local governments for red tide cleanup efforts and established the Center for Red Tide Research within the Florida Fish and Wildlife Conservation Commission's (FWC) Fish and Wildlife Research Institute, which brings together state and local governments, universities, private sector partners, and community scientists to enhance statewide red tide monitoring and conduct applied research associated with tracking, predicting, and mitigating the effects of red tide; and

WHEREAS, the State, with the coordination of the Chief Resilience Officer, invested more than \$1.1 billion in resilience projects to protect our communities from flooding and sea level rise; and

WHEREAS, we established the Florida Wildlife Corridor and committed more than \$600 million to the Florida Forever Program and acquired more than 170,000 acres for conservation, nearly four times that acquired in the previous four years; and

WHEREAS, while the achievements of the first four years are historic, protecting our water resources, investing to make our communities more resilient, and preserving our conservation lands are essential to our economy and way of life, and we must continue the momentum of the last four years to achieve even more now for Florida's environment and ensure that we leave Florida to God better than we found it.



Signing of Executive Order 19-12 on January 10, 2019.



Gov. DeSantis signs Senate Bill 712.



Dr. Mark Rains, Chief Science Officer.



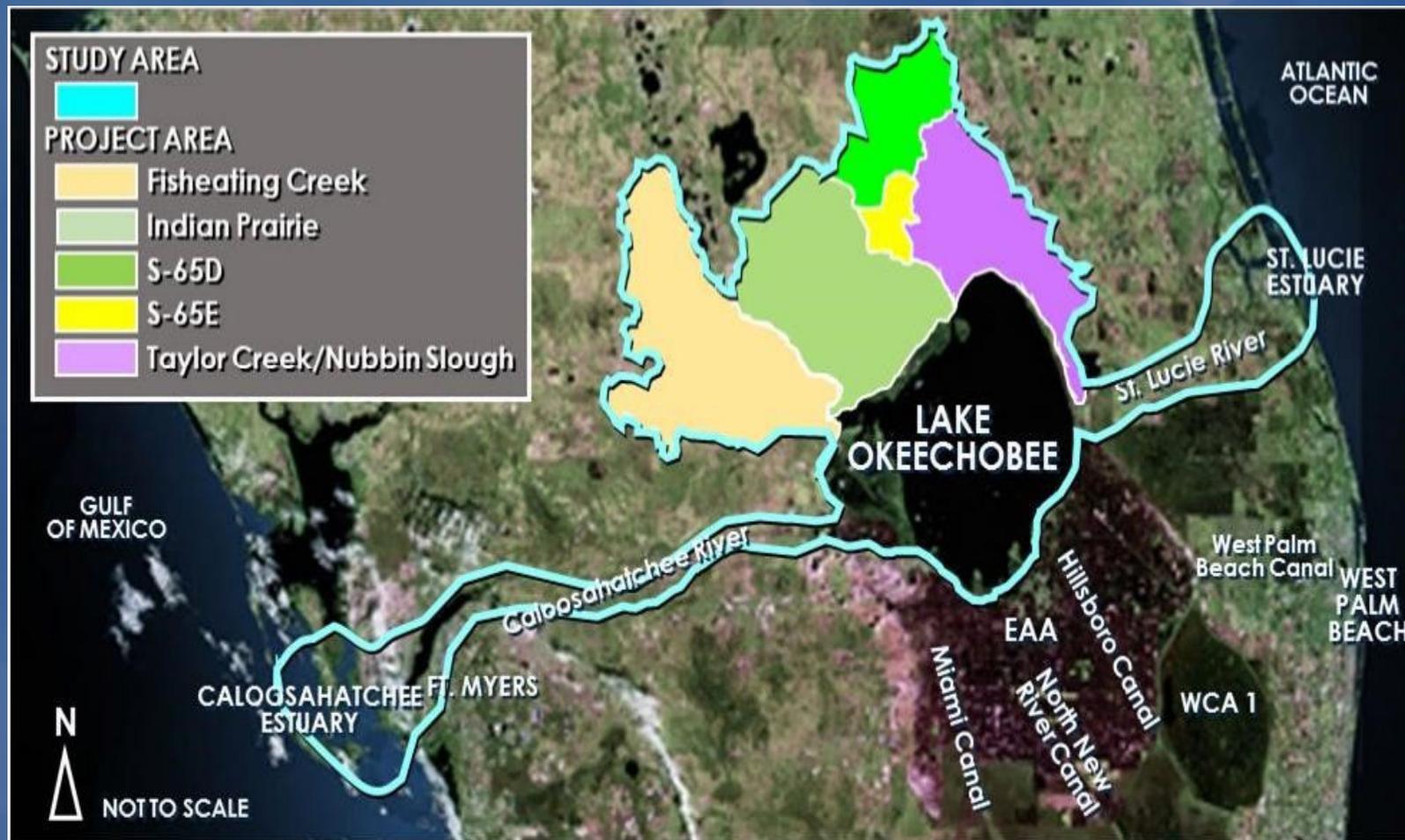
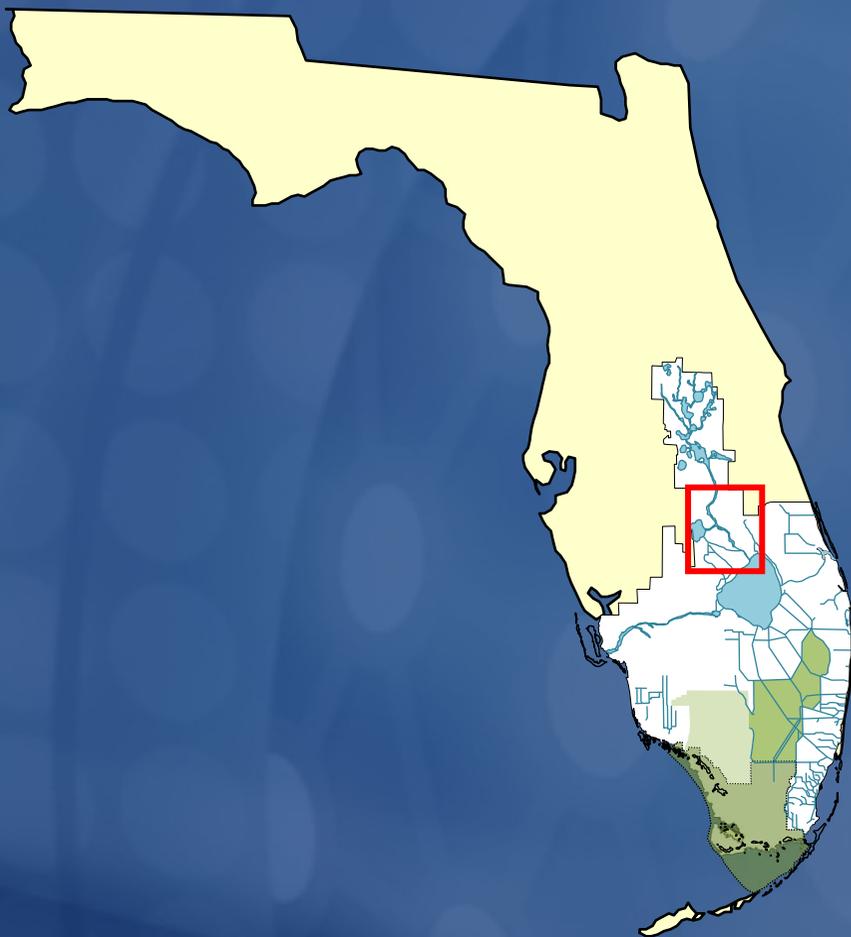
Dr. Wes Brooks, Chief Resilience Officer.



Section 203 Feasibility Study Purpose

- SFWMD initiated planning of the *North of Lake Okeechobee Storage Reservoir Section 203 Study* in 2023
 - Also known as the *Lake Okeechobee Component A Storage Reservoir (LOCAR) Section 203 Study*
- Must be technically and policy compliant with federal planning process
- SFWMD will transmit it to the Assistant Secretary of the Army (ASA) for submission to Congress

Study Area

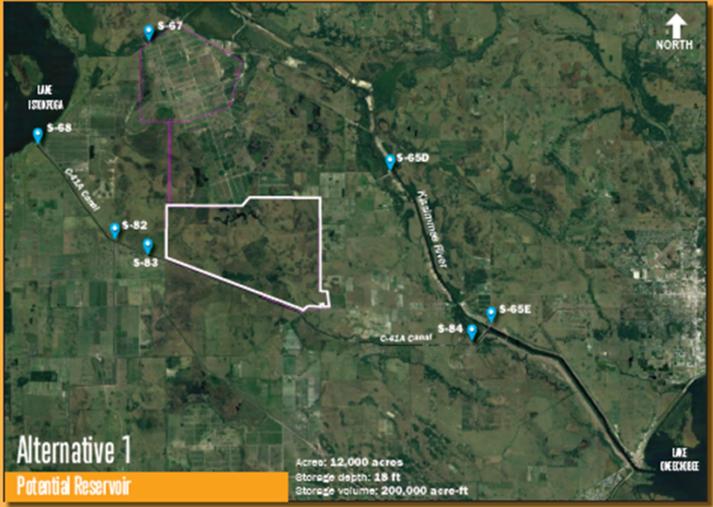


LOCAR Project Overview

- **Component A of CERP: a storage reservoir north of Lake Okeechobee with ~200,000 ac-ft of storage.**
- **Store excess water during wet periods.**
- **Reduce high and low water level events in Lake Okeechobee.**
- **Reduce large discharges to the downstream estuaries.**
- **Keep more water in the system for environmental and water supply uses.**

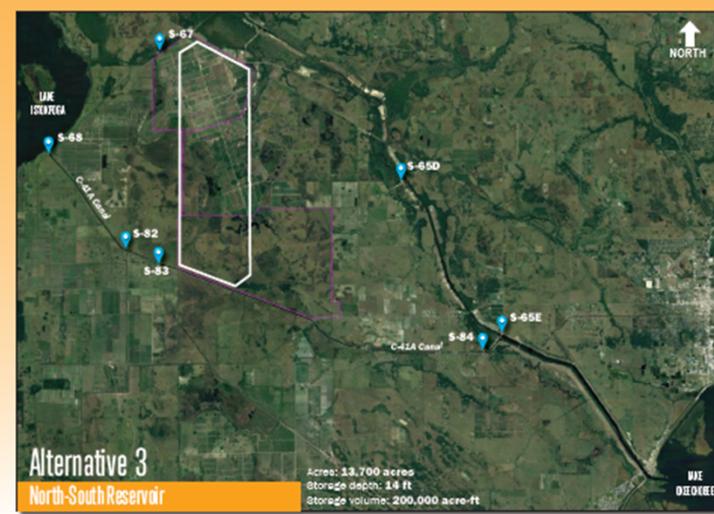


Storage Reservoir Alternatives Considered



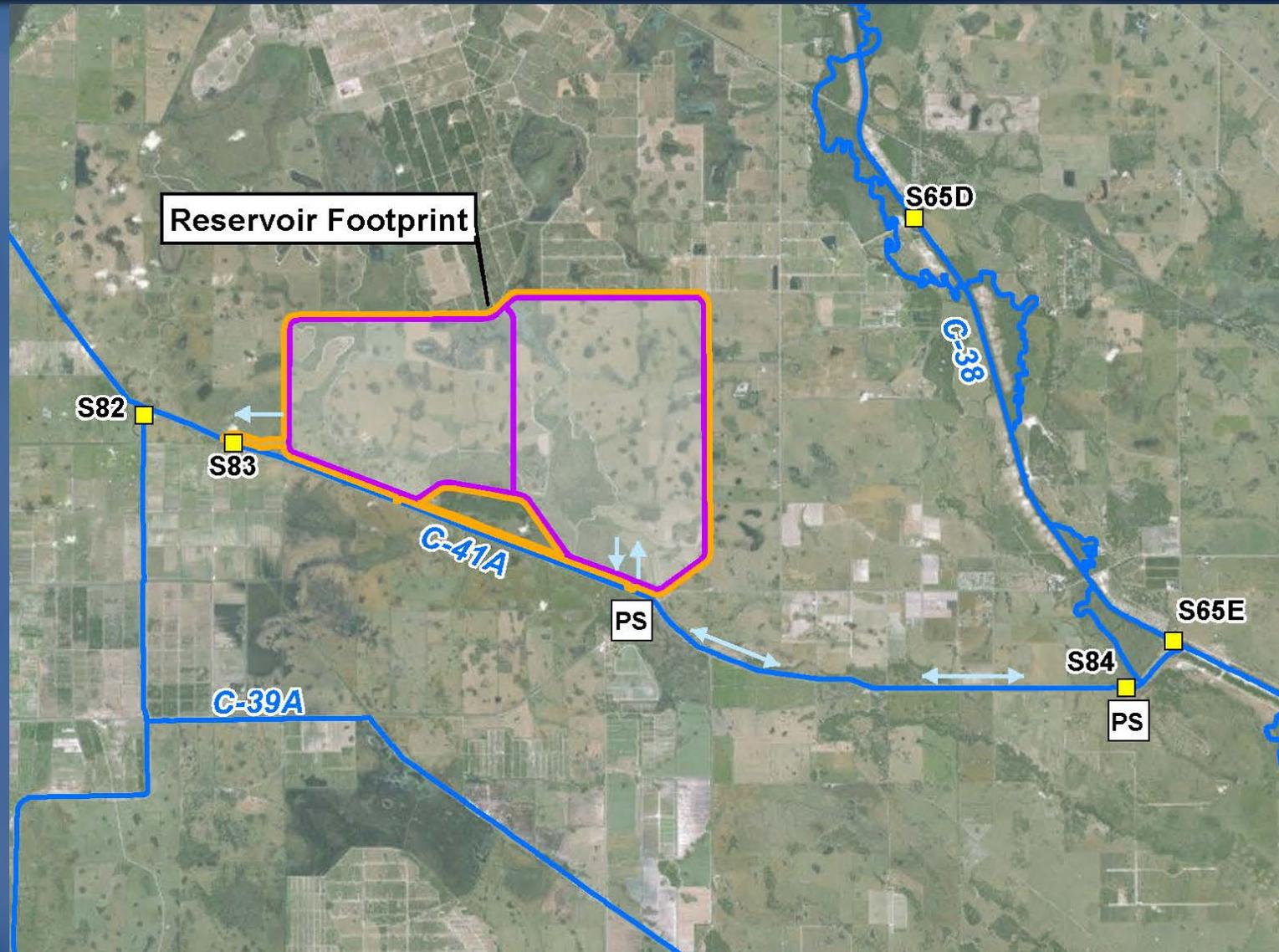
Legend

- Proposed Reservoir Boundary
- Other Alternative Reservoir Boundary



Proposed Tentatively Selected Plan (TSP) – Alternative 1

- 2 cells, 12,000 acres total
- 200,000 ac-ft of storage
- Average depth of 19 ft
- 18 miles of embankment
- 2 pump stations
- Improve canal conveyance

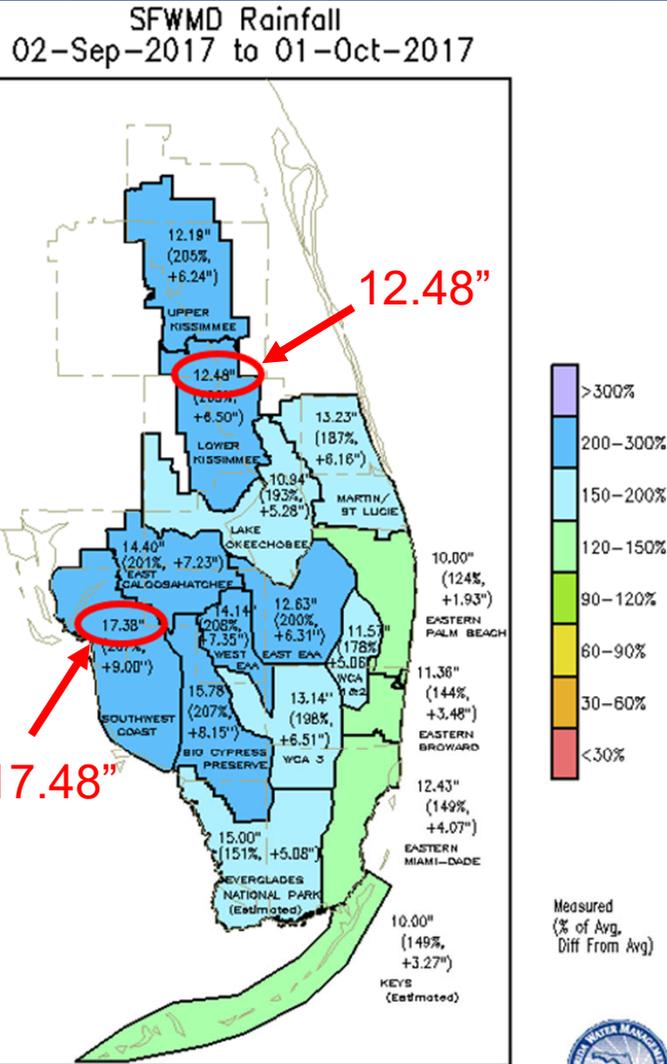


Reservoir Design Features

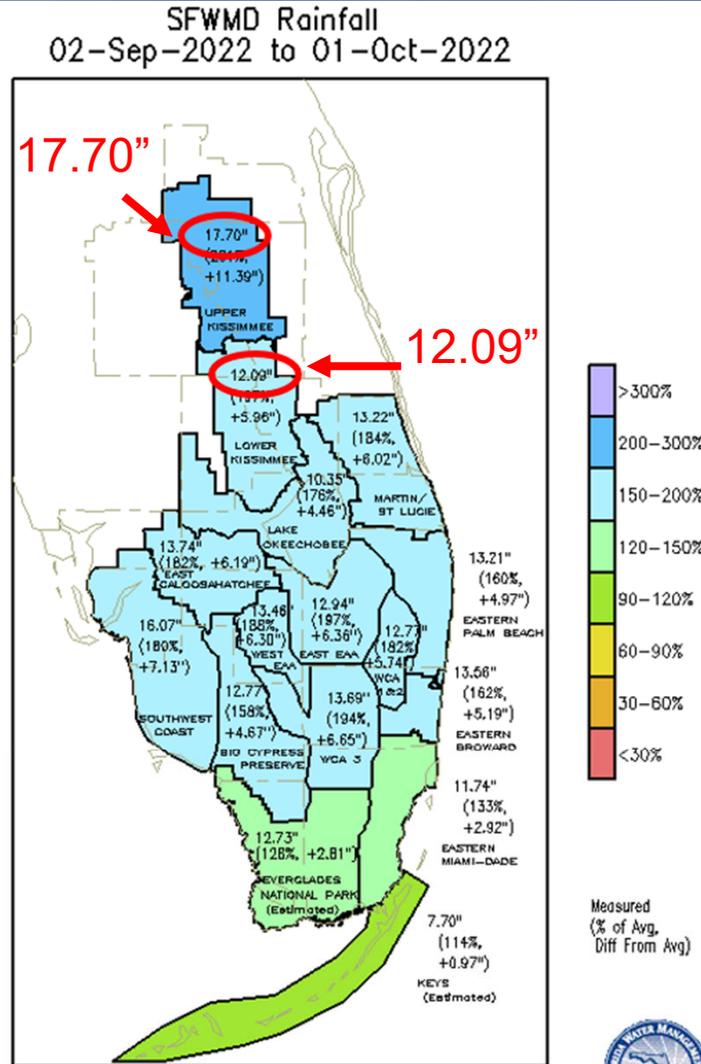
- **Designed to current USACE Dam Safety Requirements**
 - **Robust, Redundant and Resilient**
 - **Maintains Flood Protection and Water Supply**
- **Capture extreme storm events, including Probable Maximum Precipitation (PMP) and protected against Hurricane generated waves**
 - **Designed to capture and control PMP which is 54 inches of rainfall**
 - **Designed to control waves in Category 5 storm**
- **Possible recreational features could include: boat ramps, nature areas and other passive use features**

Recent Storm Rainfall Amounts

Category 2 Hurricane Irma impacted this area in September 2017



DISTRICT-WIDE: 13.27" (190%, +6.30")



DISTRICT-WIDE: 13.52" (185%, +6.21")

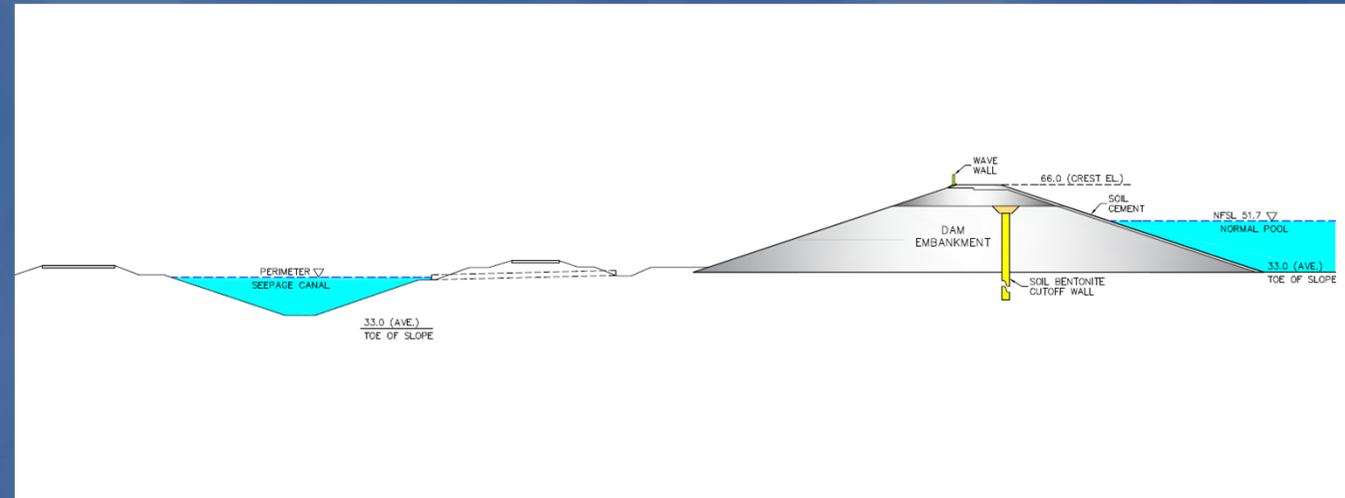
Category 3 Hurricane Ian impacted this area in September 2022

Freeboard – Designed for Extreme Storm Events

- Dam crest set at elevation 66.00' NAVD; 33' in height
- Normal full storage level (NFSL) set at elevation 51.70' NAVD; 19' average water depth
- Interior surface protected with Soil Cement Surface
- 14' freeboard available for a 54 in rain event, setup and wave containment
 - 54 in rain = 4.5 ft in reservoir
 - Storm event category 5 = 1.5 ft
 - Wave Height = 8 ft +/-
 - Includes wave wall for overwash containment

Typical Embankment and Seepage Management

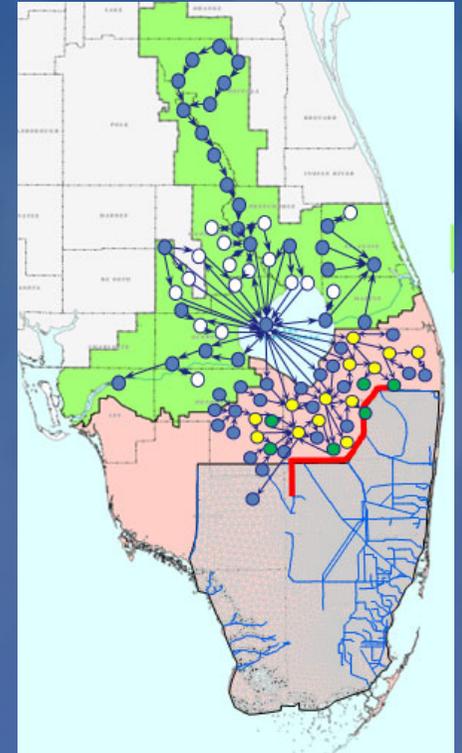
- Control offsite seepage to avoid impacts to neighboring water levels
- Incorporates bentonite seepage cutoff wall to minimize storage loss and control seepage
- Incorporates perimeter canal and pumping to return excess seepage and collects stormwater to send back to reservoir
- Internal seepage management system within the embankment



Modeling Storage

Used the approved regional models in CERP and standard RECOVER performance metrics to highlight the benefits of adding storage:

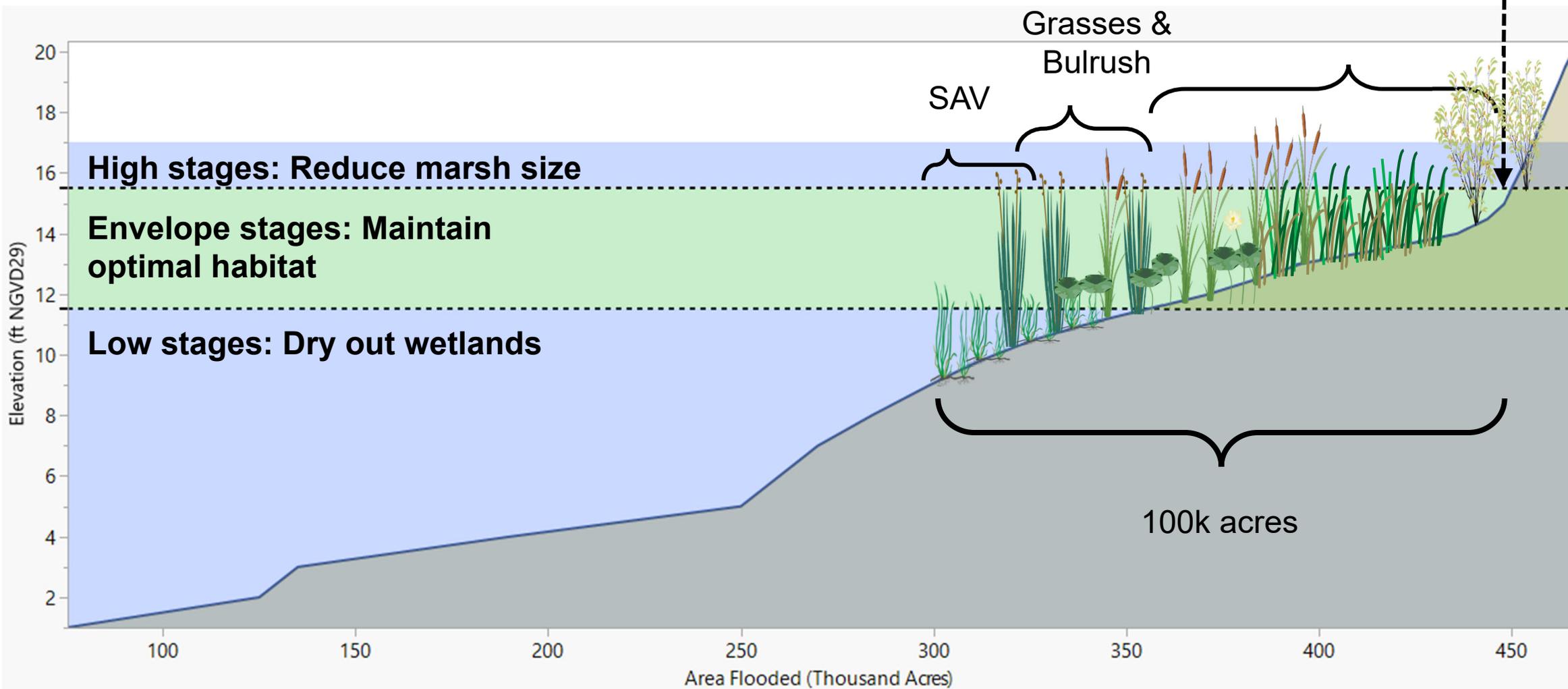
- **Existing Condition Baseline (ECB23L)**
 - Key assumptions: Lake Okeechobee System Operating Manual (LOSOM), C-44 Reservoir & STA, Interim Kissimmee Operations, Combined Operating Plan (COP)
- **Projected Future Without Project (PA_FWOLL)**
 - Key assumptions: EAA Reservoir & STA, C-43 Reservoir, Full IRL, Kissimmee Headwaters Operations, Central Everglades Project, LOSOM
- **Projected Future with Project – LOCAR (LCR1)**
 - Key assumptions: added LOCAR 200,000 ac-ft above ground storage reservoir



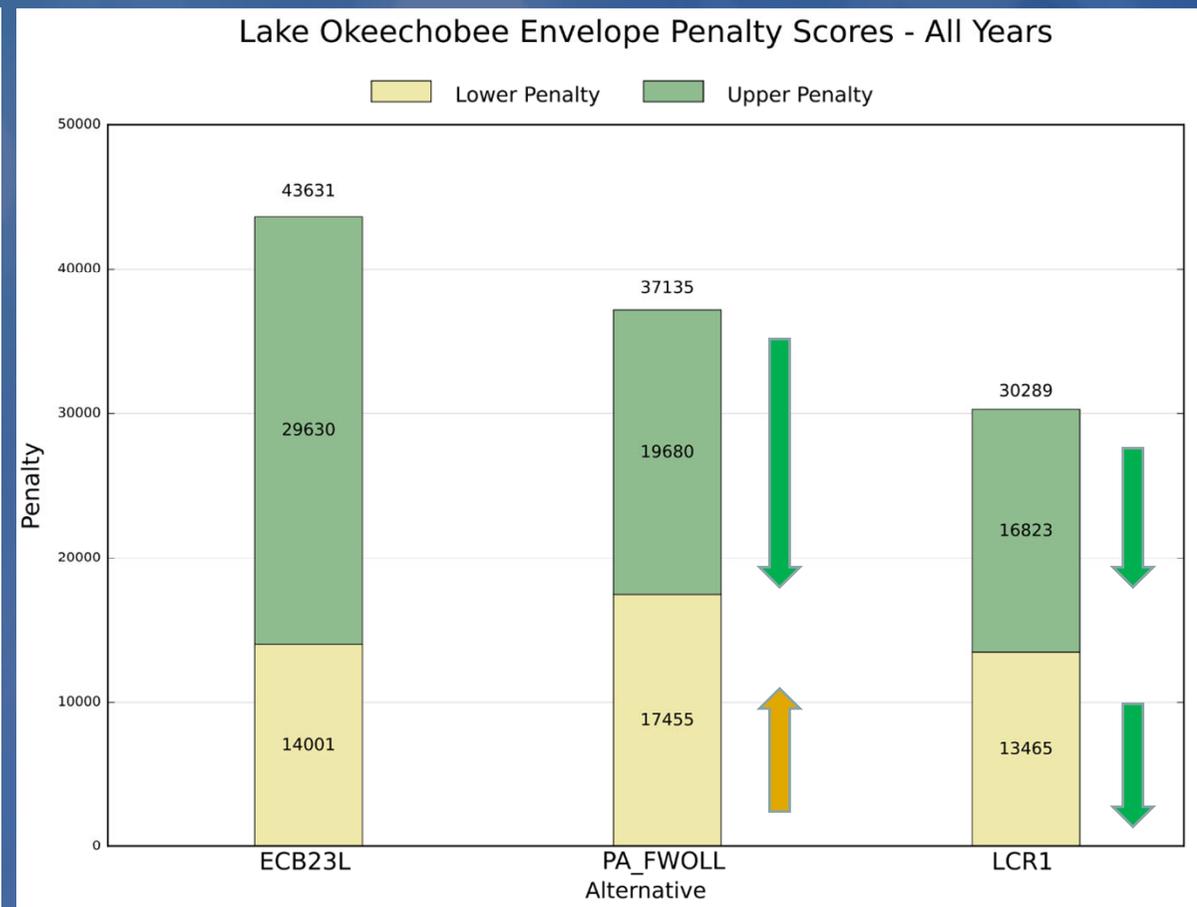
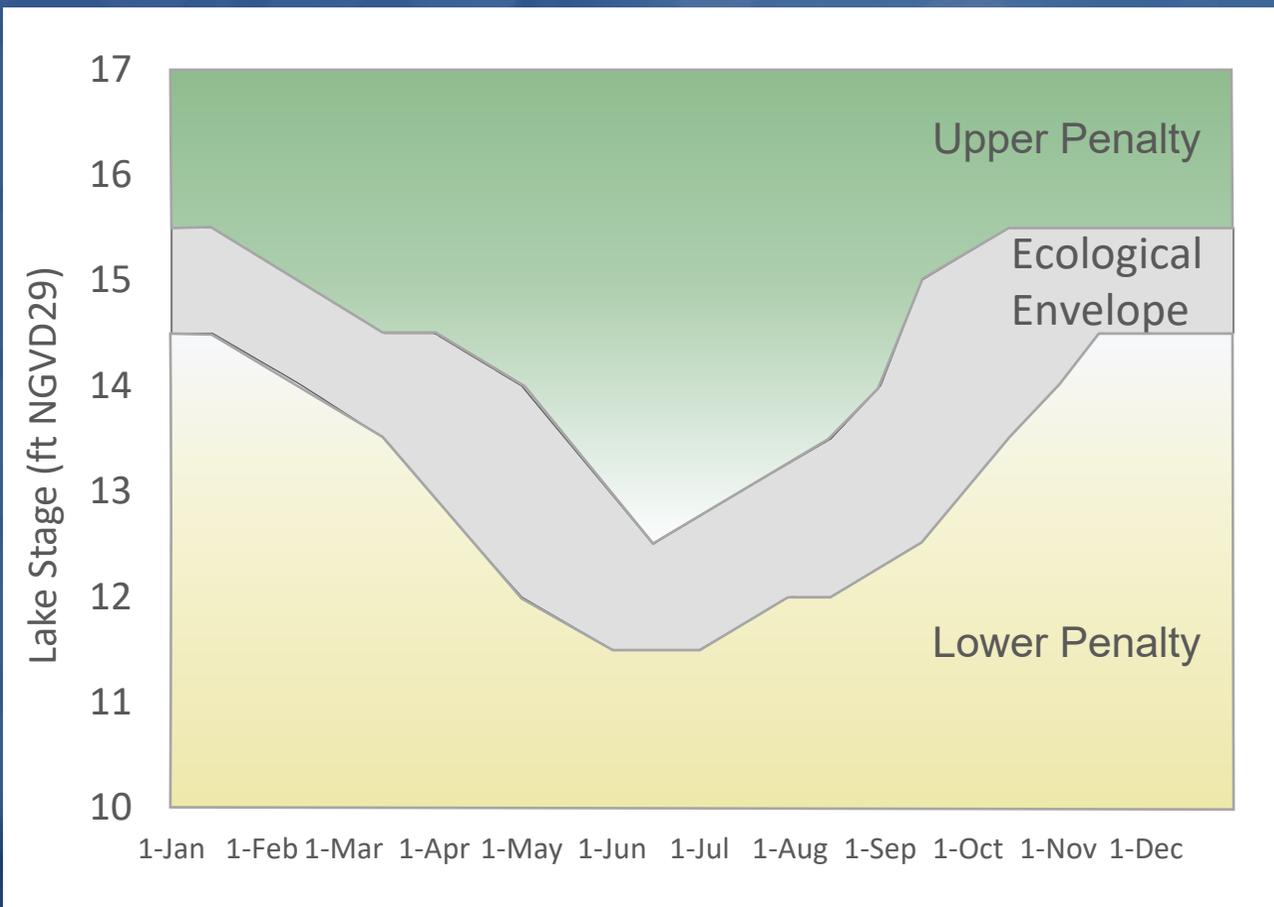
- Project Features
- Land Use/Land Cover
- Water Demands
- Operating Criteria

Lake Okeechobee Water Levels

Ideal Marsh Conditions



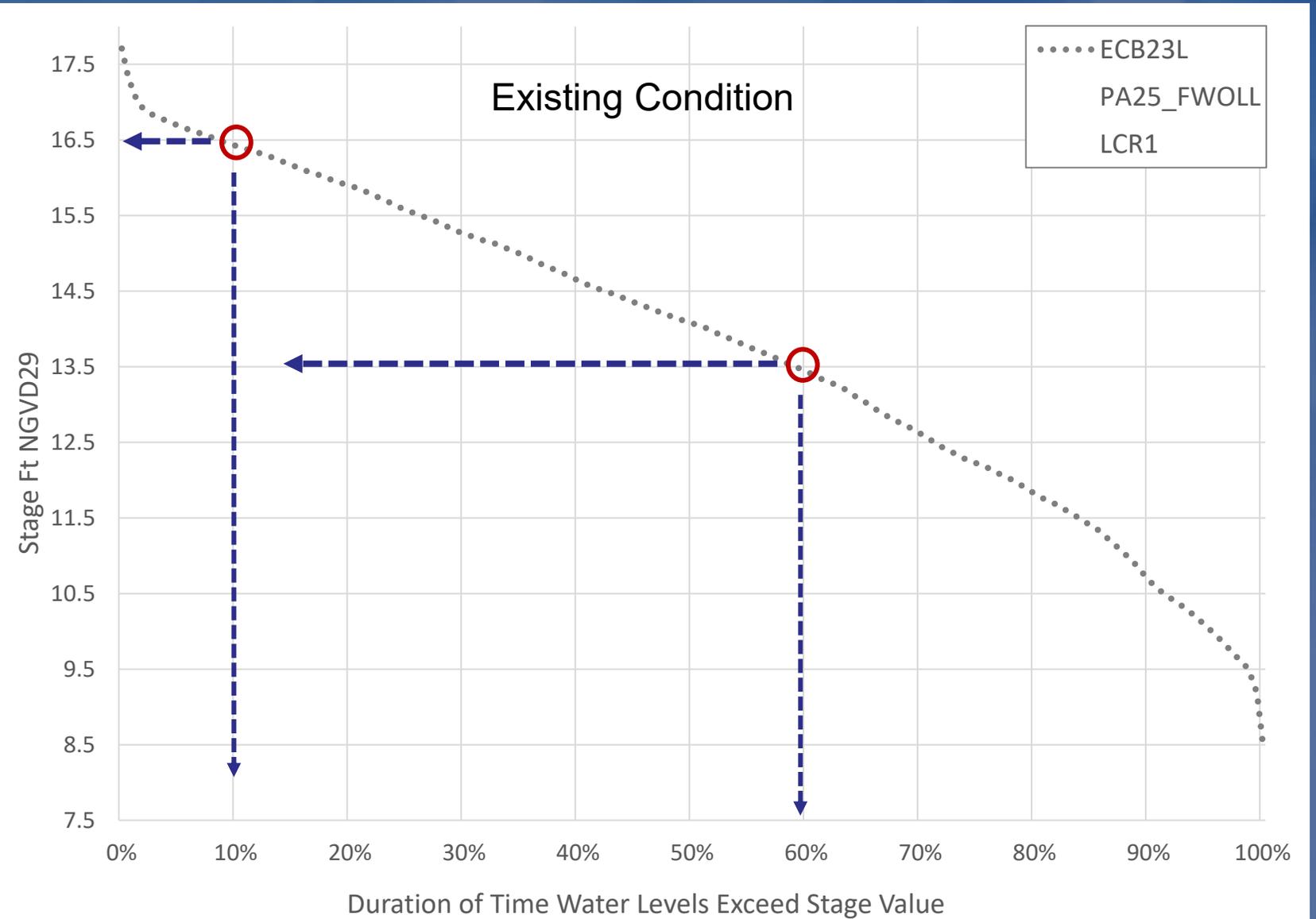
Lake Okeechobee LOCAR Effects



Lake Okeechobee LOCAR Effects

Stage Duration Curve

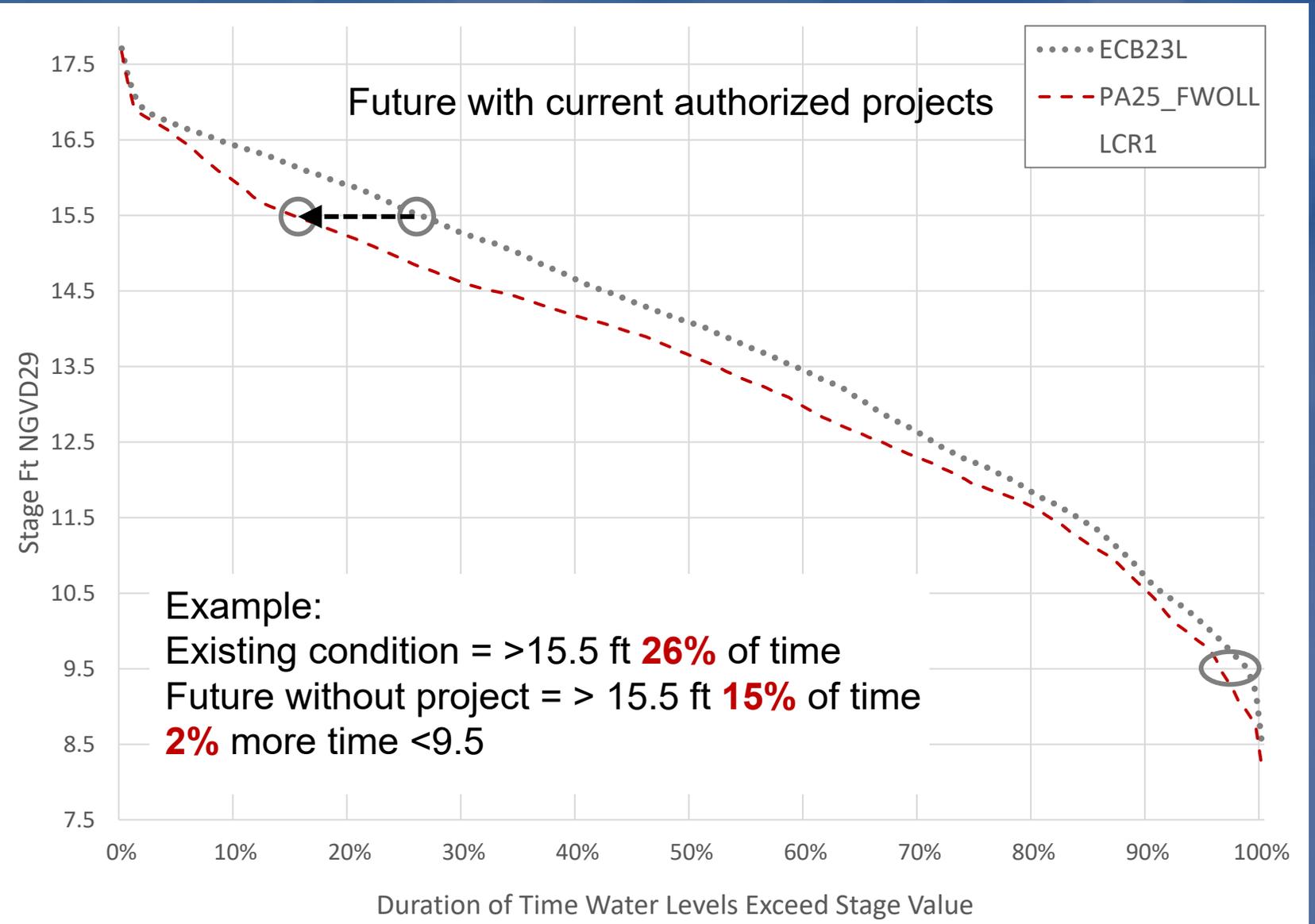
- Percent of time the lake is higher than a given stage
- Example: ECB = Stages higher than 16.5 ft about 10% of the POR
- Higher than 13.5 ft for about 60% of the POR



Lake Okeechobee LOCAR Effects

Stage Duration Curve

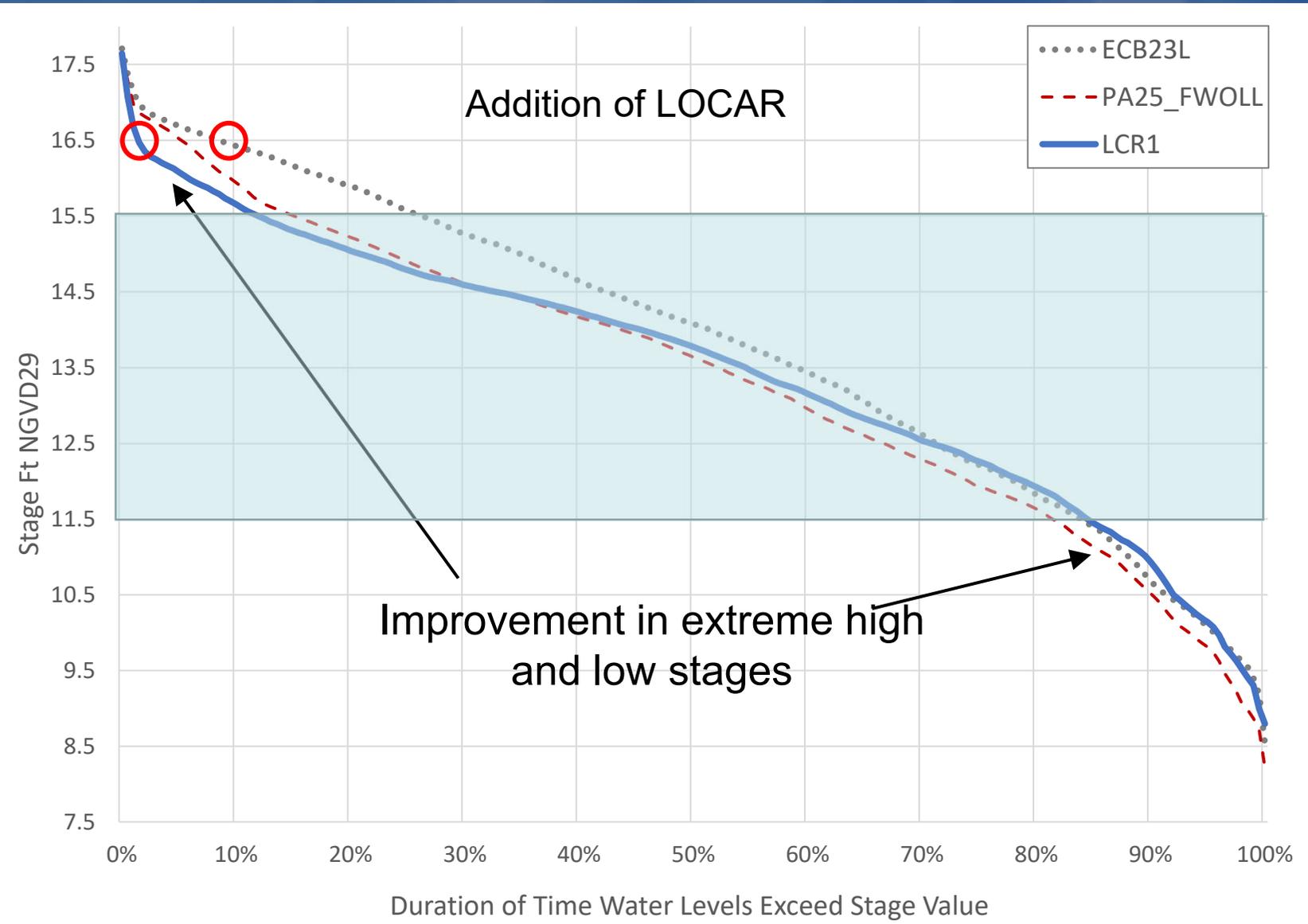
- Future without – Same extreme highs (17ft or greater)
- Much lower duration at high stages
- Lower stages overall, mostly at moderate high stages



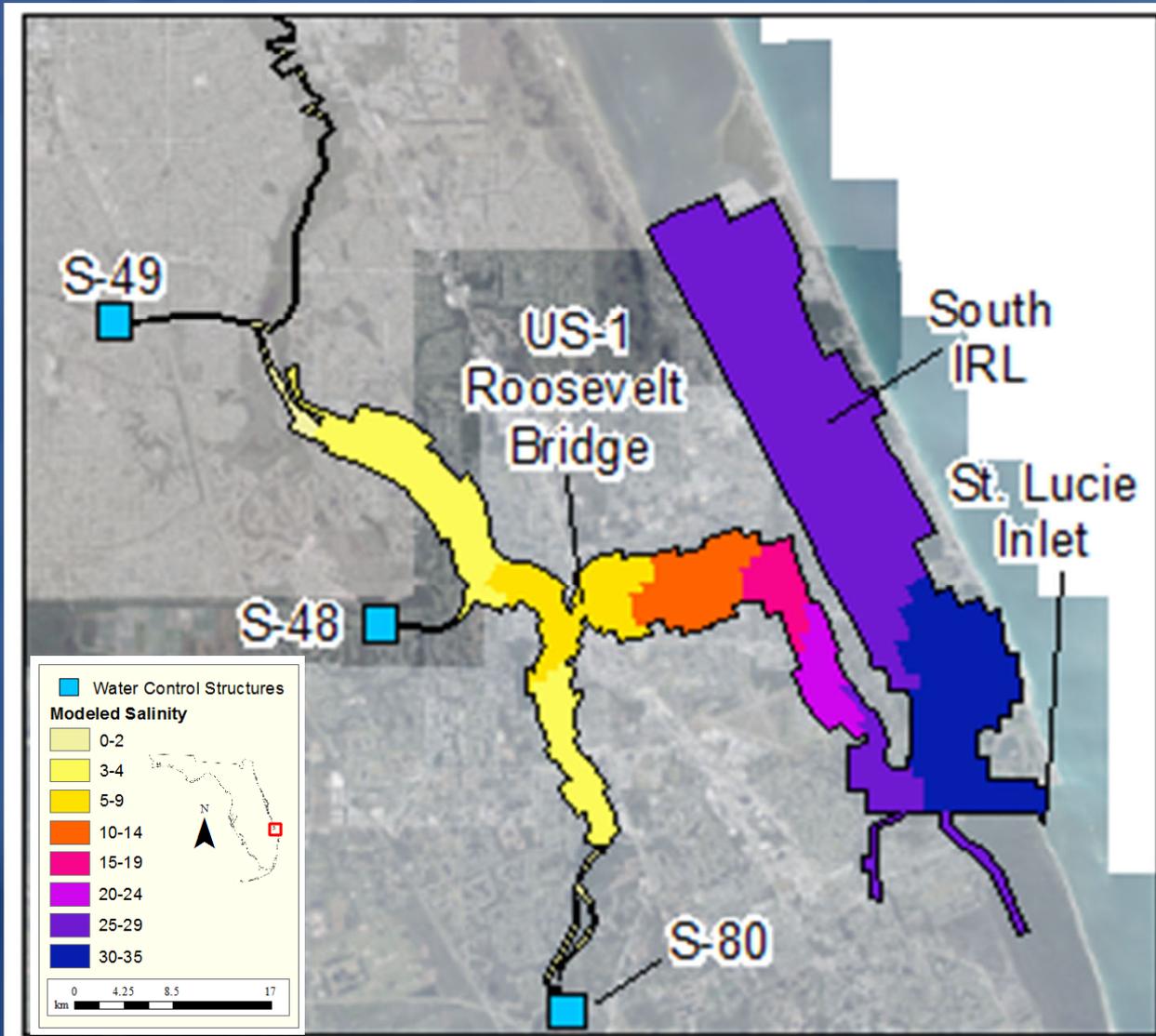
Lake Okeechobee LOCAR Effects

Stage Duration Curve

- LOCAR – More improvement at time >15 ft and extreme high stages
- Decrease from 10% to 2% at extreme high stage
- Less time at low stages
- Further flattening of curve: more time at average levels



St. Lucie Estuary – Benefits of LOCAR on Lake Okeechobee Triggered Flow Events



Reservoir capturing water that would have been sent to tide

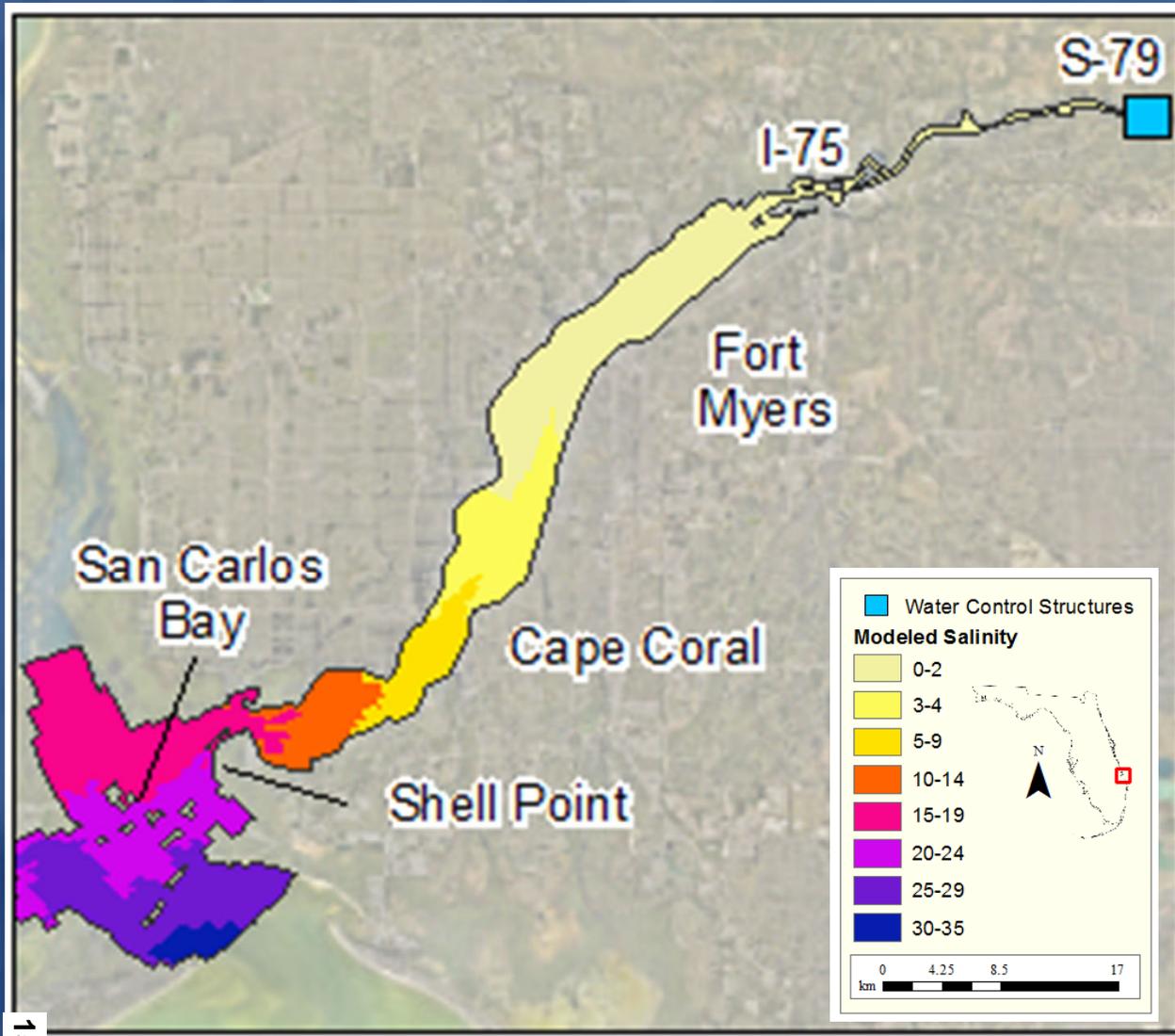
STRESS Flows (1400-1700 cfs)

- 33% decrease in Lake-triggered stressful flow events
- Existing condition = 30 events
- LOCAR = 20 events

DAMAGING Flows (>1700 cfs)

- 30% decrease in Lake-triggered damaging flow events with LOCAR
- Existing condition = 41 events
- LOCAR = 29 events

Caloosahatchee Estuary – Benefits of LOCAR on Lake Okeechobee Triggered Flow Events



Reservoir capturing water that would have been sent to tide

STRESS Flows (2100-2600 cfs)

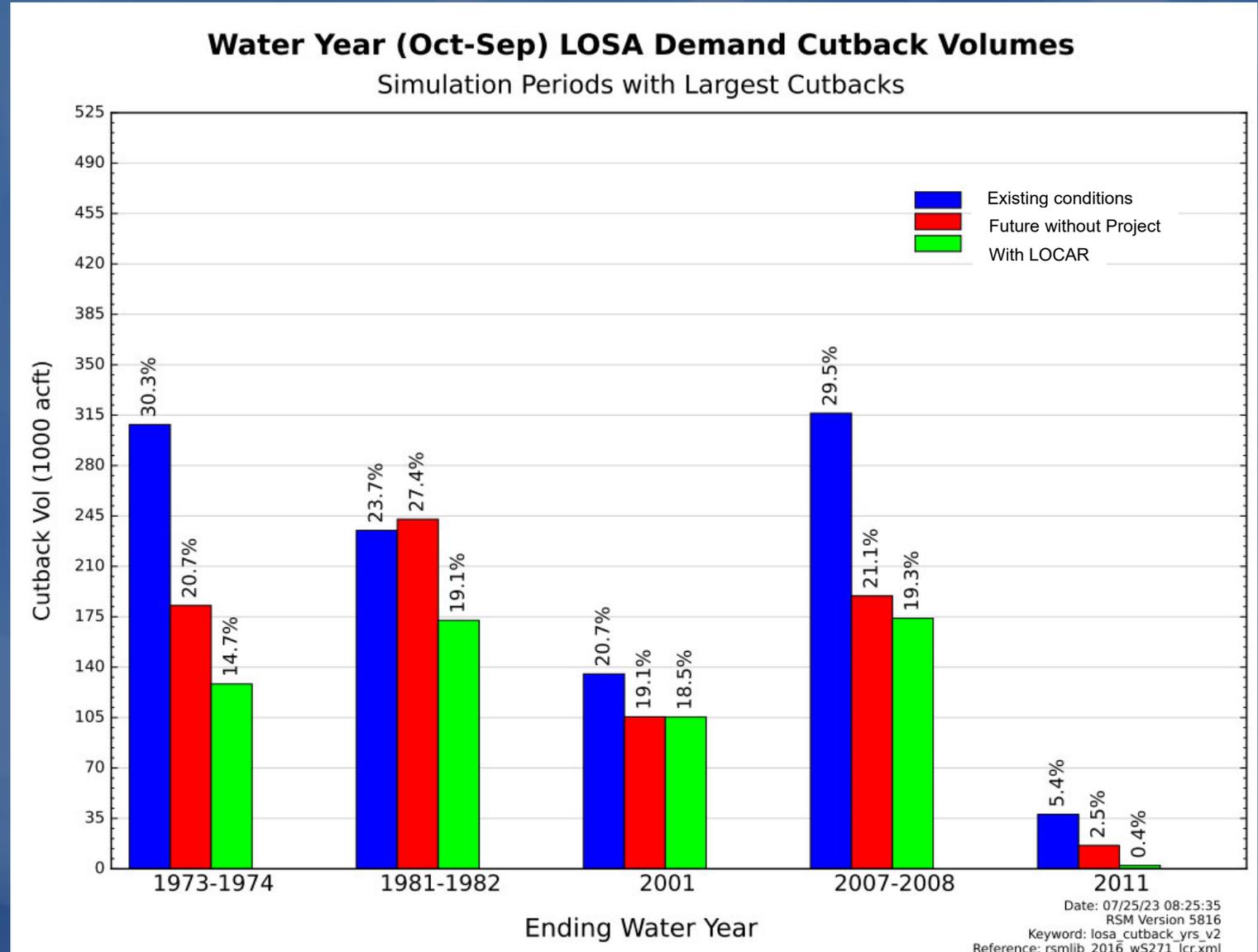
- 45% decrease of Lake-triggered stressful flow events with LOCAR
- Existing condition = 77 events
- LOCAR = 42 events

DAMAGING Flows (>2600 cfs)

- 36% decrease of Lake-triggered damaging flow events with LOCAR
- Existing condition = 86 events
- LOCAR = 55 events

LOCAR Water Supply/Cutbacks

LOCAR alternatives show reduced cutbacks relative to existing conditions and future without



LOCAR Project Timeline



Discussion/Questions

➤ www.sfwmd.gov/LOCAR

Home >> Our Work >> Lake Okeechobee Component Reservoir LOCAR

- Flood Control
- Water Supply Planning
- Water Quality Improvement
- Ecosystem Restoration - By Region
- Ecosystem Restoration - Projects and Programs
- MFLs & Water Reservations, & SAs
- Land Management
- Local Projects and Programs
- Addressing Blue-Green Algae

Lake Okeechobee Component A Reservoir (LOCAR)

On January 10, 2023, Governor Ron DeSantis signed [Executive Order 23-06](#) (Achieving Even More Now for Florida's Environment) to further expedite restoration projects and advance the protection of Florida's natural resources. In the order, the South Florida Water Management District is directed to make every effort to advance Everglades restoration projects to ensure meaningful progress over the next four years, including all Comprehensive Everglades Restoration Plan (CERP) storage components within the Lake Okeechobee watershed. The South Florida Water Management District continues its efforts to implement all on-going CERP storage projects like the EAA Reservoir, Lake Okeechobee Watershed Restoration Project, Caloosahatchee (C-43) Reservoir, and Indian River Lagoon-South reservoirs.

The South Florida Water Management District, as the non-Federal sponsor for CERP, is also conducting a Feasibility Study and Environmental Impact Statement (EIS) for the Lake Okeechobee Component A Reservoir (LOCAR) under Section 203 of the federal Water Resources Development Act (WRDA) of 1986, as amended. The Feasibility Study and EIS will explore opportunities for aboveground water storage north of Lake Okeechobee with an estimated water storage capacity of 200,000 acre-feet. The study area covers a large portion of the Lake Okeechobee Watershed north of Lake Okeechobee and will provide ecological benefits to the lake and the



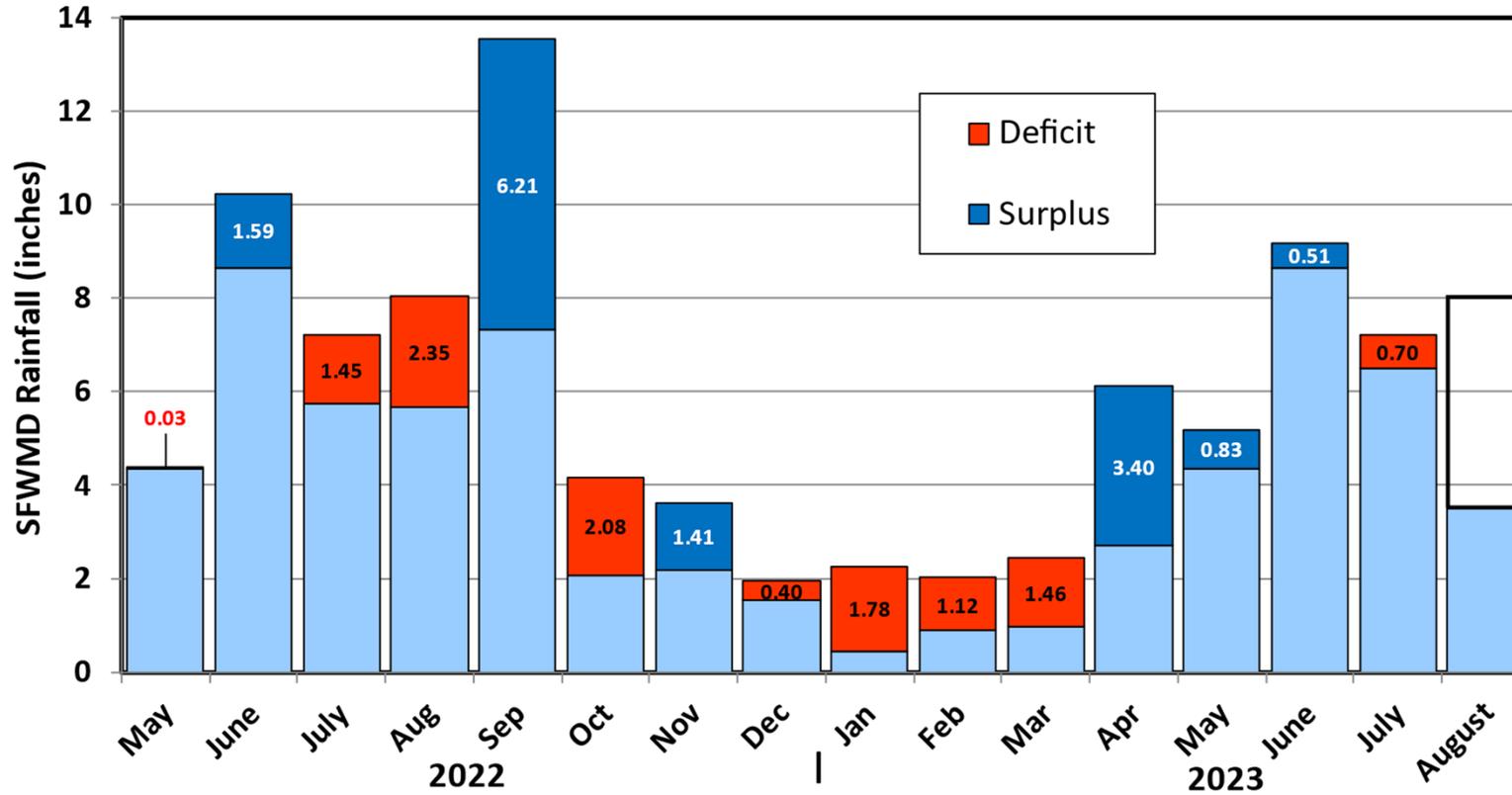
Water Conditions Summary

**South Florida Water Management District
Governing Board Meeting
August 17, 2023**



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

SFWMD Rainfall Distribution Comparison (May 2022 - August 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

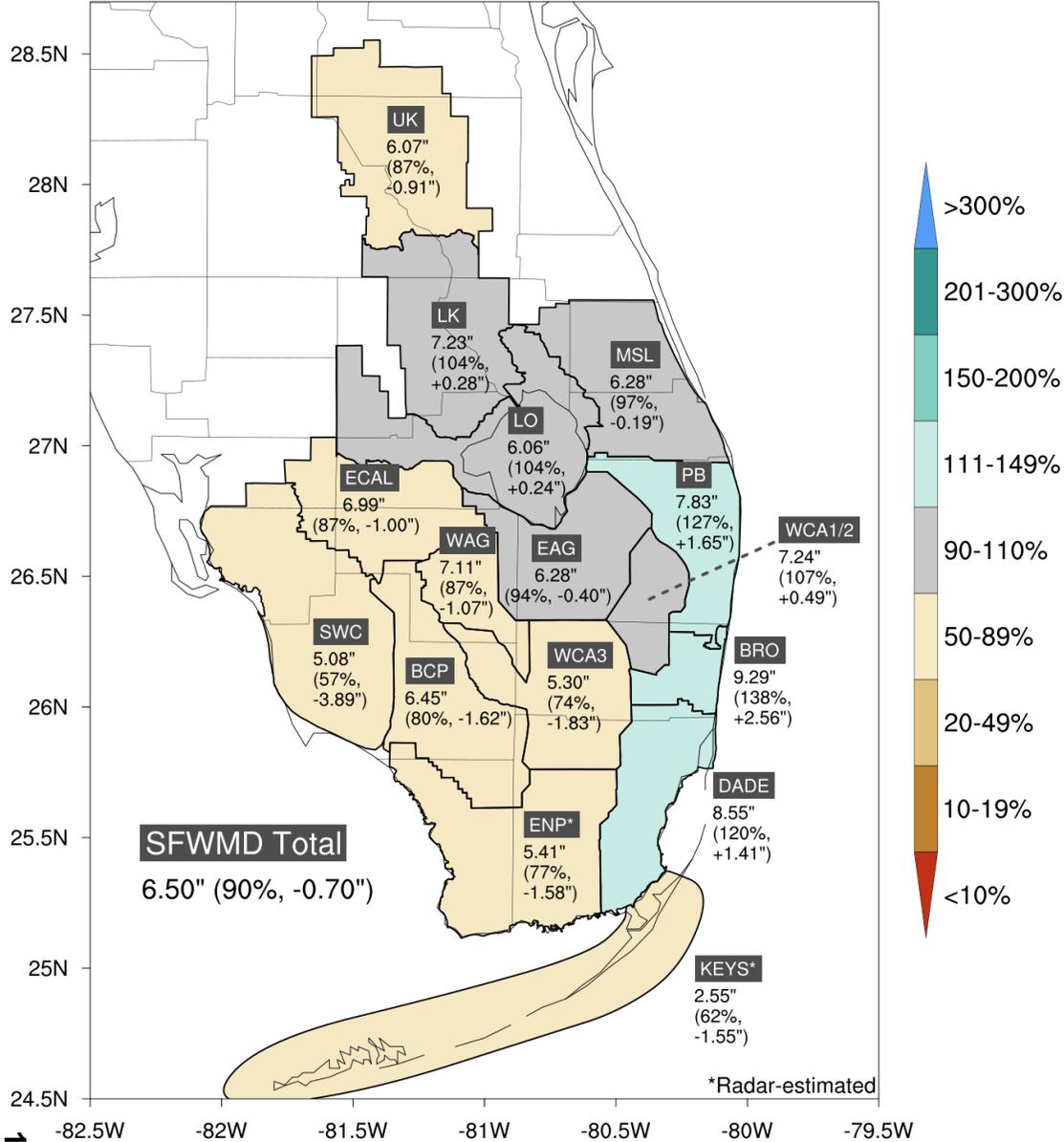
- Started 9/29/2022 and ended 5/13/2023
- Including October, 5/6 full months are below Normal
- 4/6 full months are more than 50% below Normal
- April was ~ 225% normal.

2023 WET SEASON

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

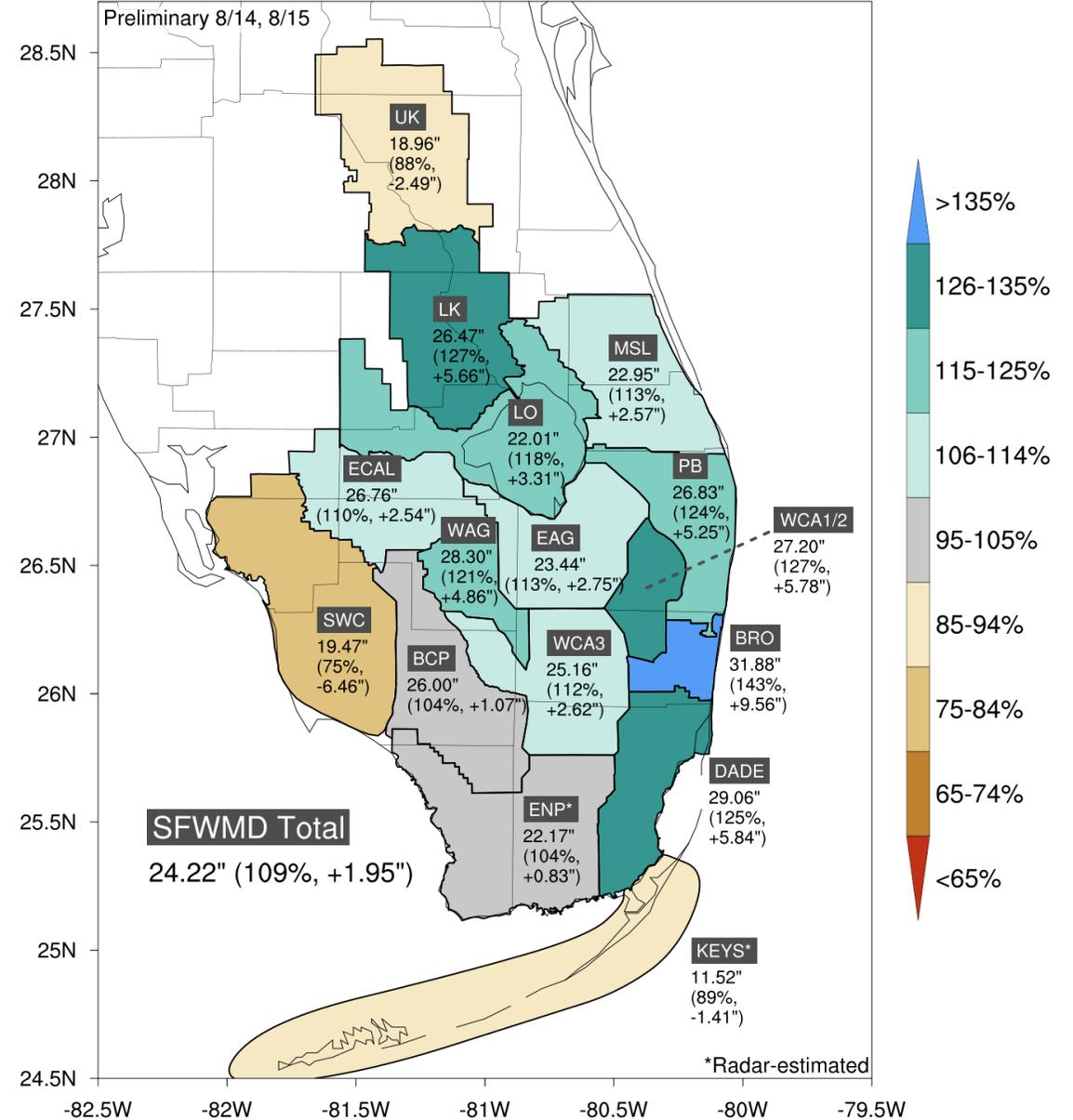
July 2023

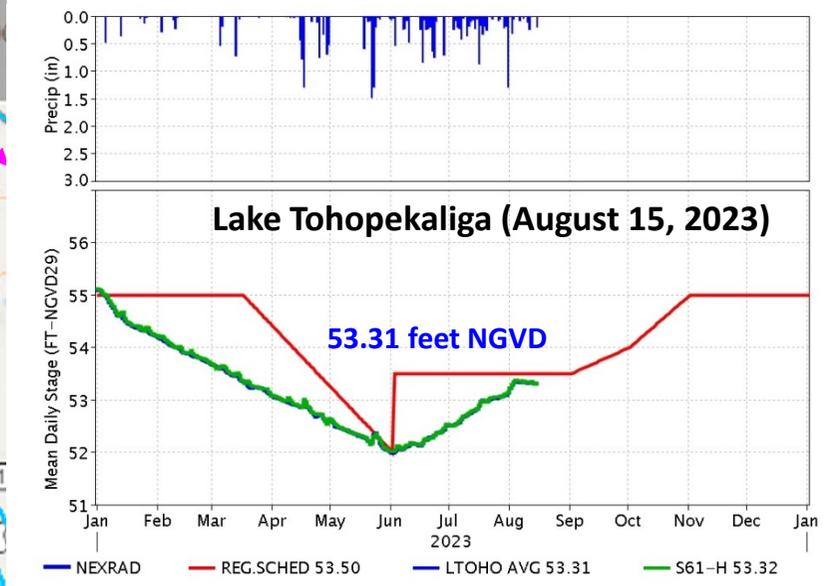
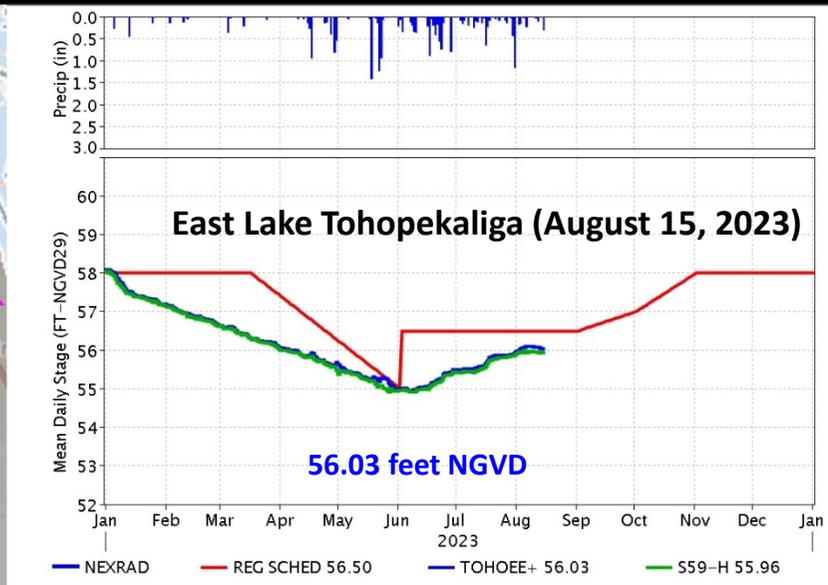
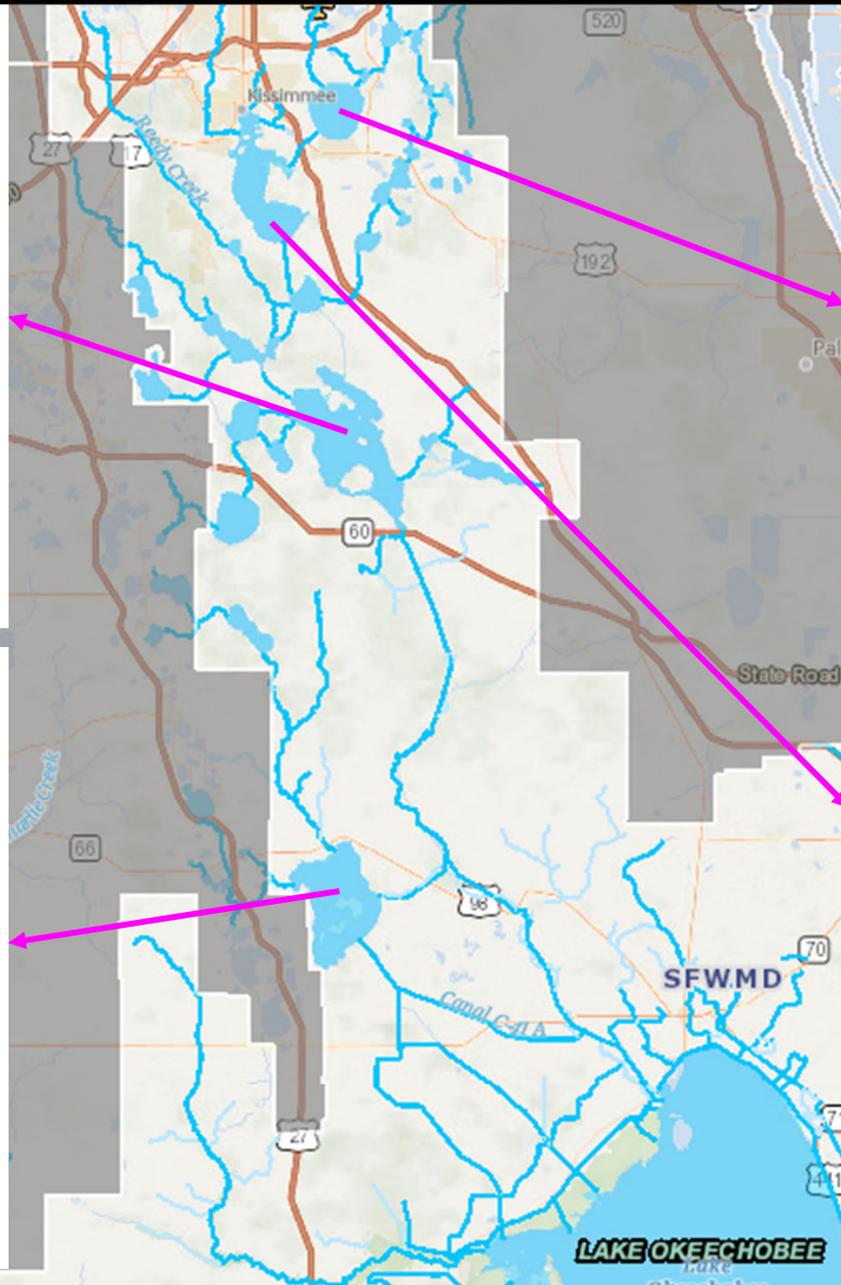
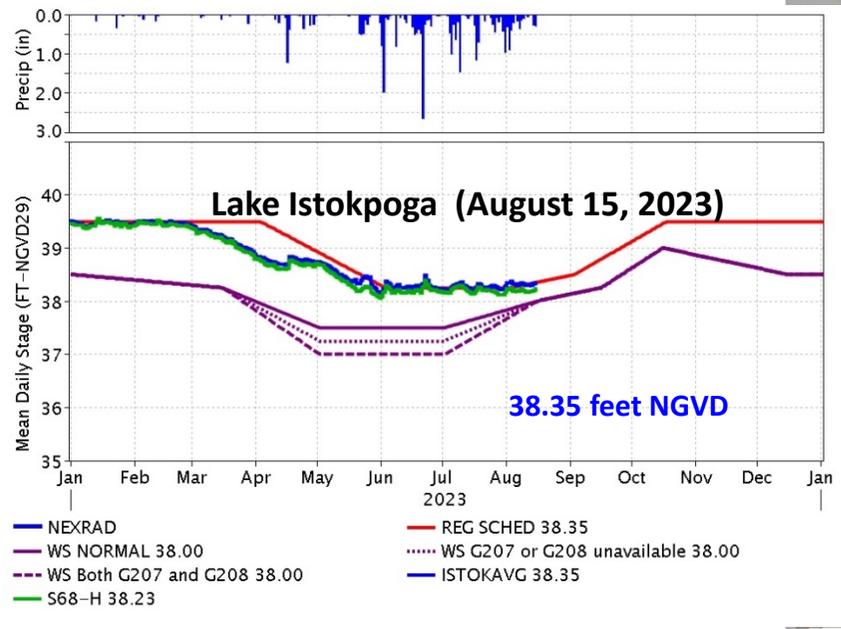
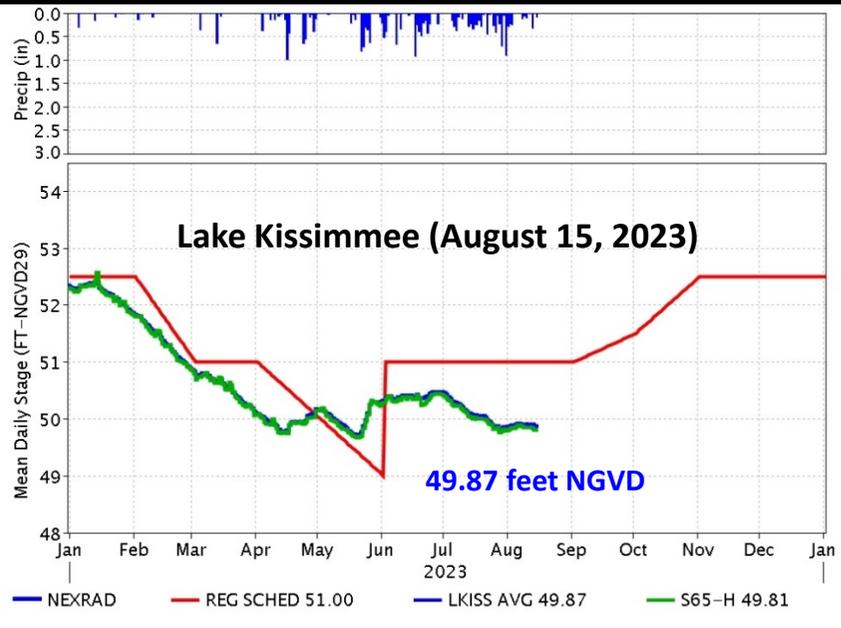
Rainfall, Percent of Normal, and Departures



2023 Dynamic Wet Season (5/14/23 to 8/15/23)

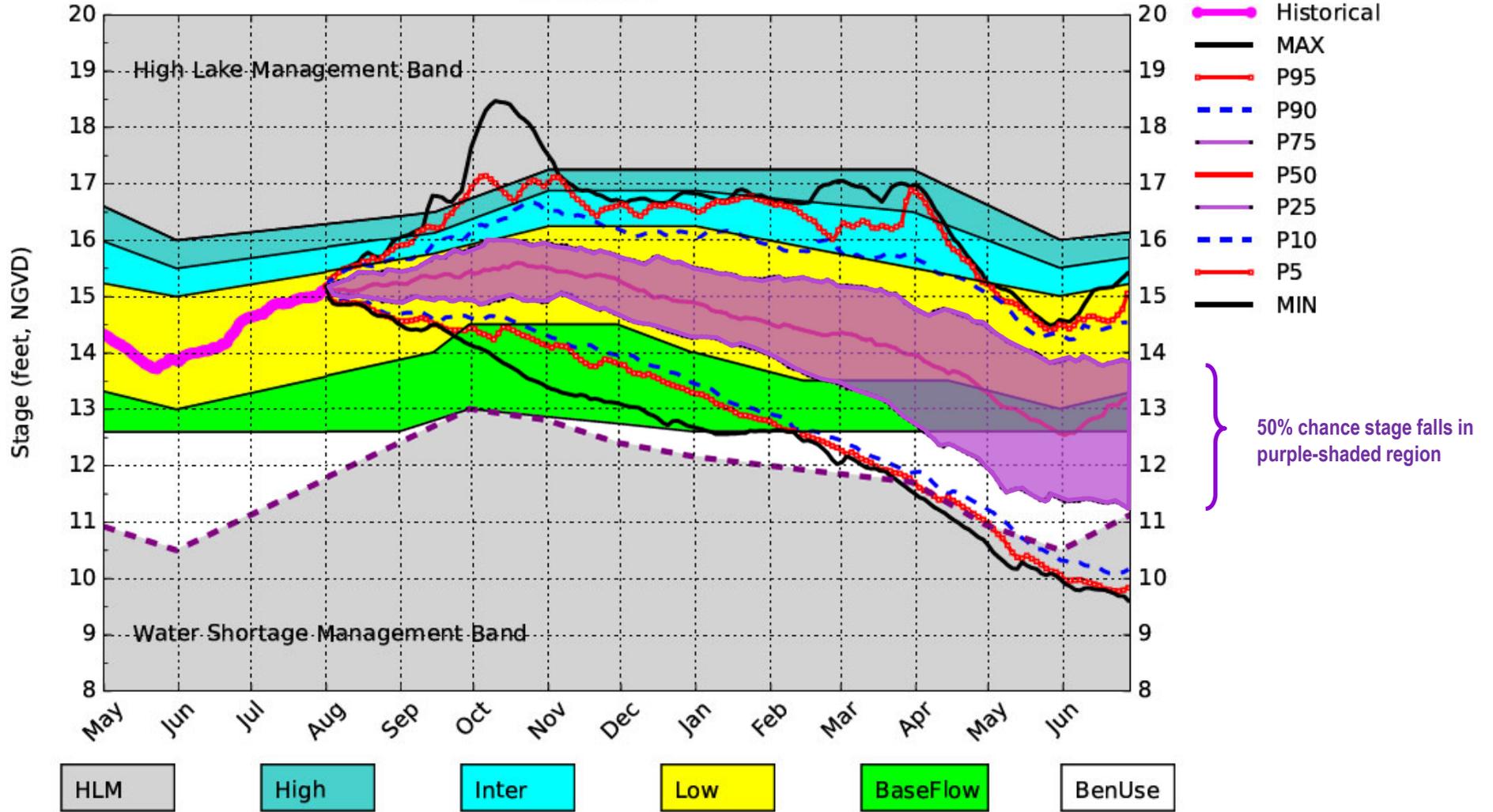
Rainfall, Percent of Normal, and Departures





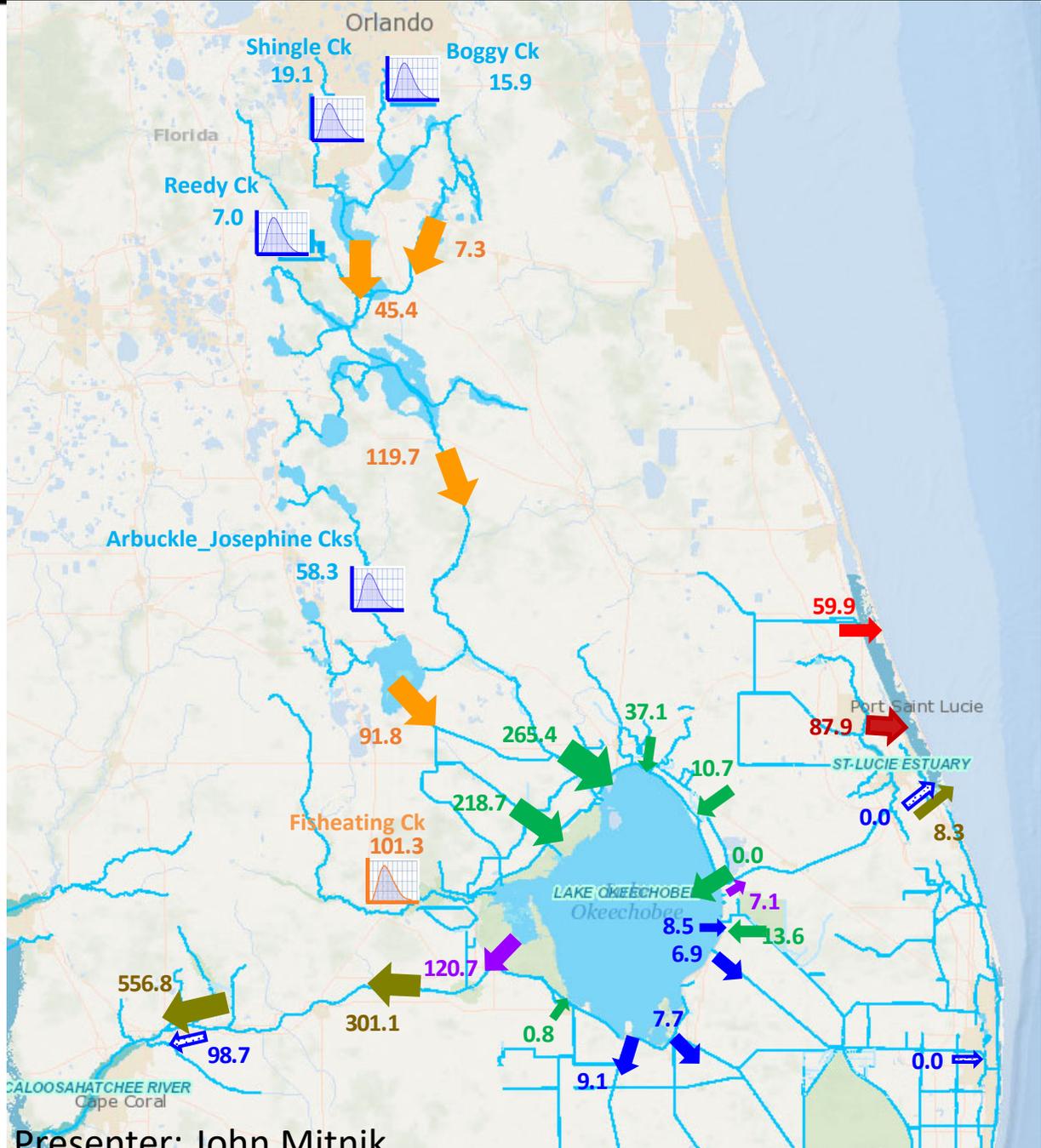
Lake Okeechobee SFWMM August 2023 Position Analysis

Percentiles PA



(See assumptions on the Position Analysis Results website)

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SFWMD – Selected Release Volumes for the Period May 1, 2023 to August 15, 2023
(volumes in 1,000 acre-feet)

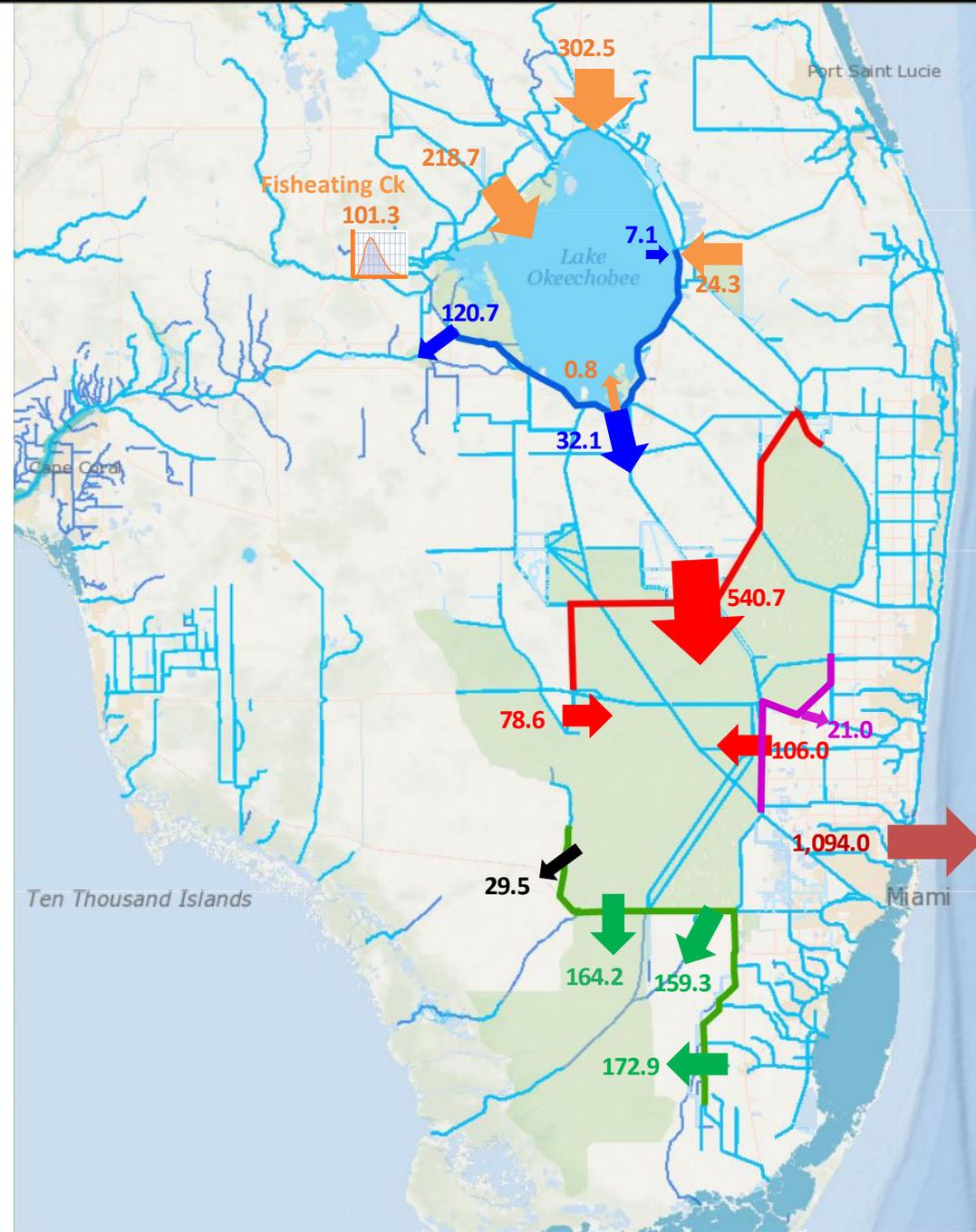
Symbol	Description	Volume (1,000 acre- feet)	
		WYR2024	Last Month
	Upper Kissimmee to Lower Kissimmee	119.7	34.1
	Inflows to Lake Okeechobee (including Fisheating Creek)	647.6	253.8
	Lake Releases and Basin Runoff	565.1	177.0
	Lake Releases East and West	127.8	21.6
	Lake Flood Control to Estuaries	98.7	16.2
	Total Lake Releases South	32.1	0.7
	Releases to Indian River Lagoon	59.9	32.8
	Upper East Coast discharges to St. Lucie Estuary	87.9	36.3
	Uncontrolled flows - Creeks (does not include Fisheating Creek)	100.3	43.6

1,000 acre-feet = 325.9 Million Gallons

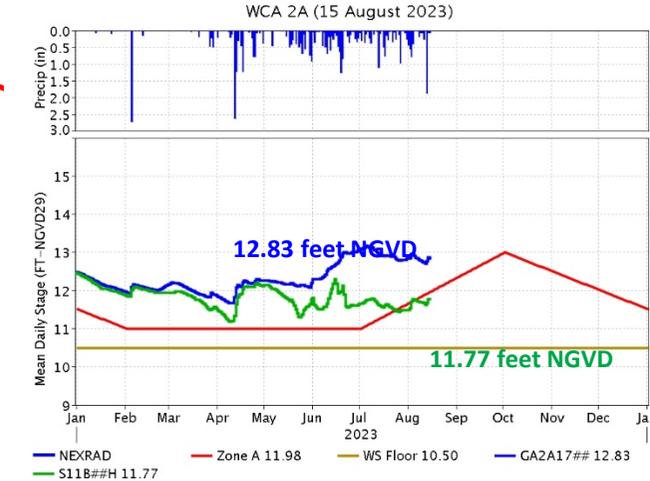
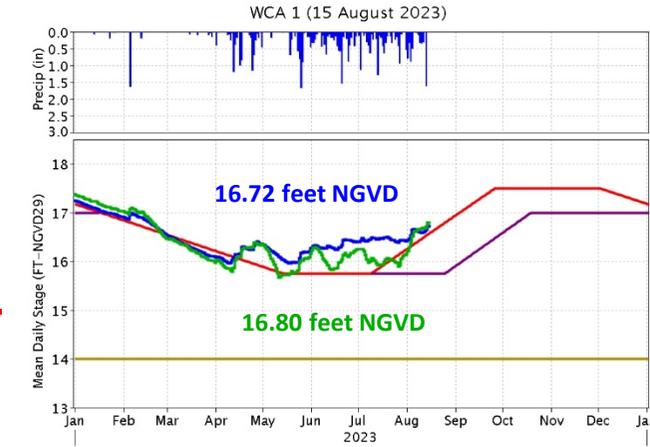
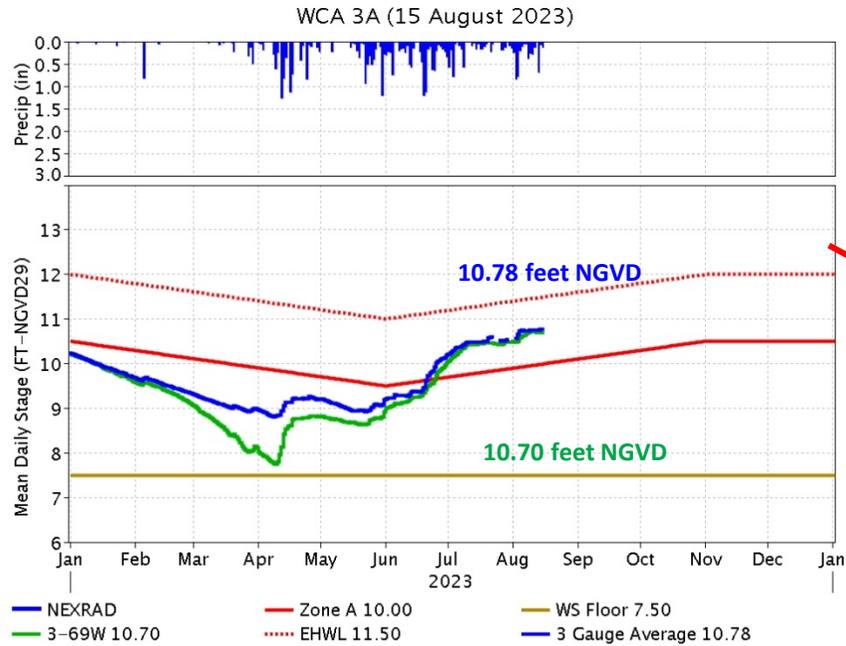
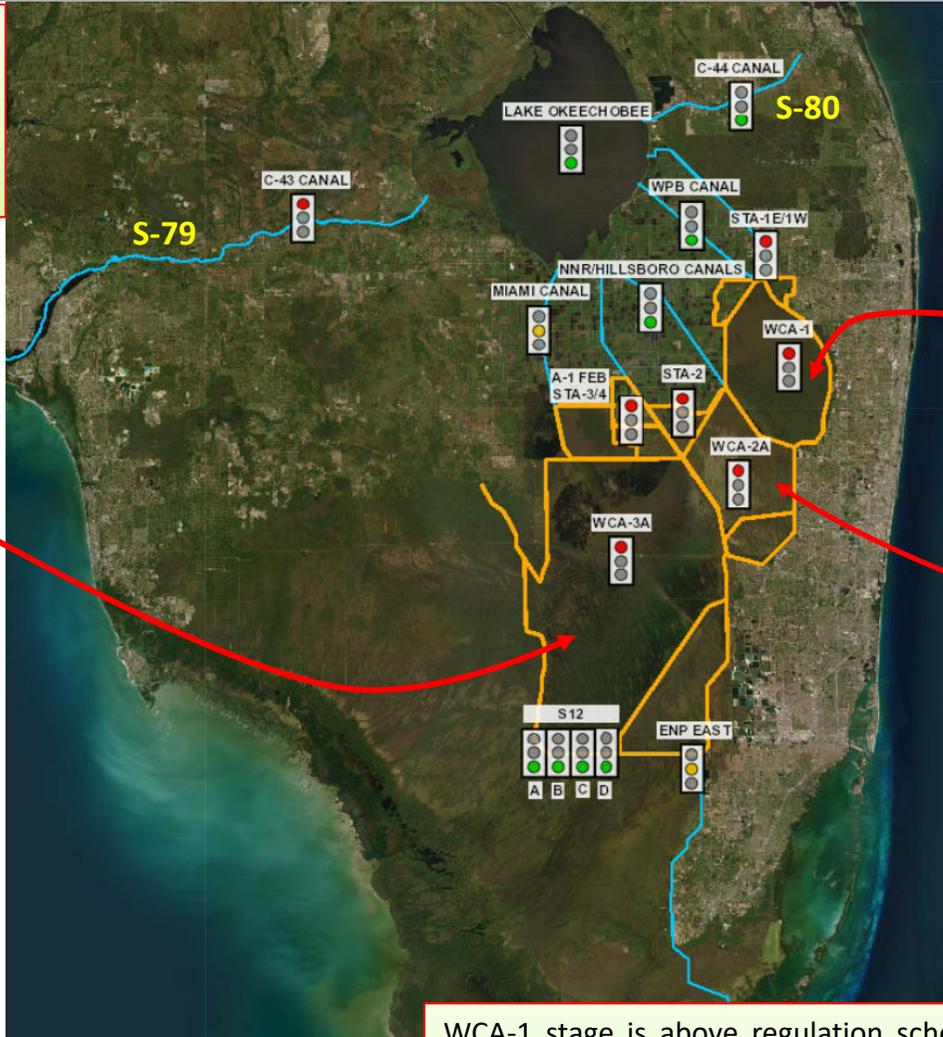
**SFWMD –Volumes Flowing
Down the System for the
Period May 1, 2023 to August 15, 2023**
(volumes in 1,000 acre-feet)

Symbol	Description	Volume (1,000 acre- feet)	
		WYR 2023	Last Month
	Lake Okeechobee Inflows	647.6	253.8
	Lake Okeechobee Outflows	159.9	22.3
	WCAs Inflows	725.3	248.2
	ENP / Detention Cell Inflows	496.4	201.2
	WCAs to East	21.0	11.0
	Flows to Intracoastal	1094.0	387.2

1,000 acre-feet = 325.9 Million Gallons



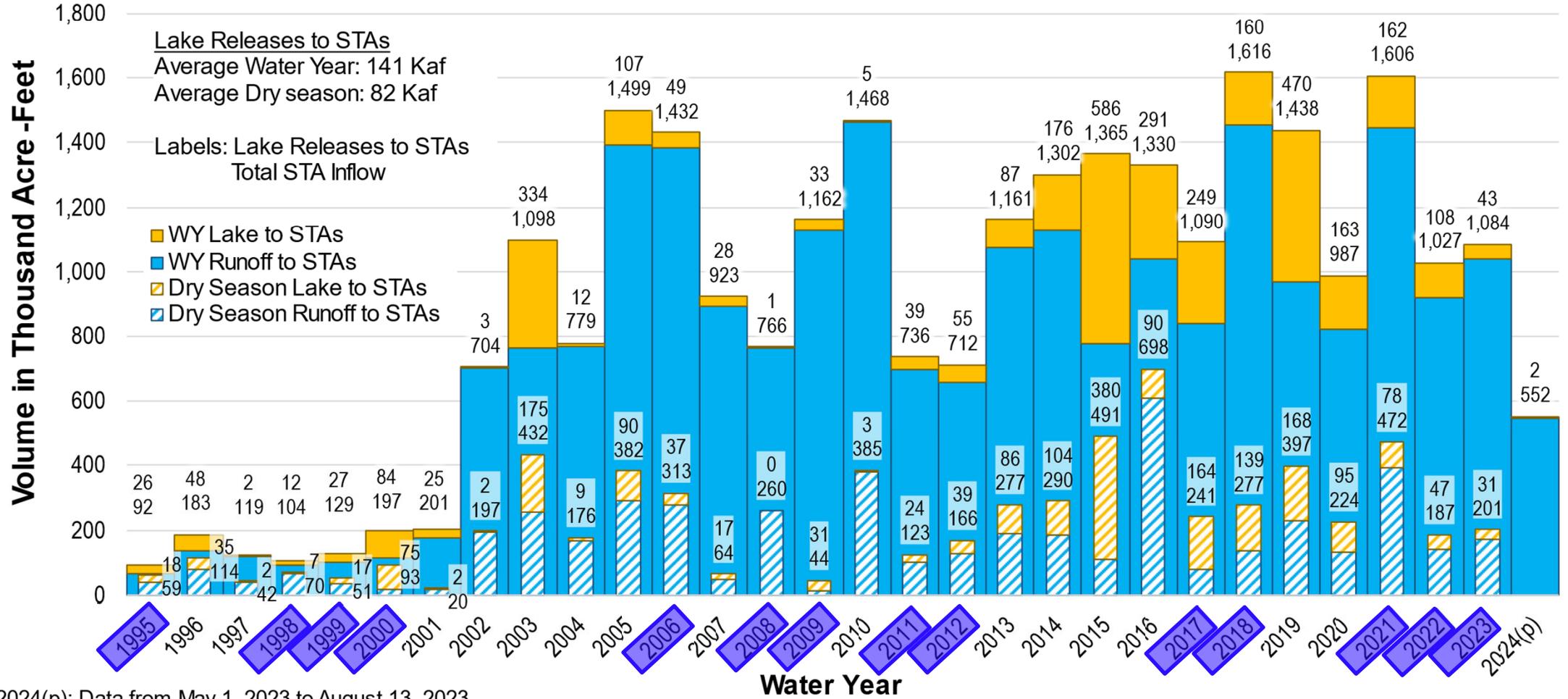
Lake Okeechobee stage is in the Low Sub-band of the LORS-2008 Regulation schedule. LORS release guidance suggests up to Maximum Practicable to the WCAs if desirable or with minimum Everglades impact; otherwise, no releases to WCAs. S-79 up to 3,000 cfs and S-80 up to 1,170 cfs.



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 is closed. S-177 and S-18C are 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 above regulation schedule in Zone A; WCA-2A stage is above regulation schedule; WCA-3A stage is above regulation schedule in Zone A. S-10s and S-11s are open, passing ~ 680 and ~ 1,200 cfs, respectively. S-12A and S-12 B opened July 15th, S-12C and S-12D are fully open. Total S-12s discharge is ~ 1,500 cfs. S-333 and S-333N ~ 720 cfs. S-343 A and B opened July 15th, discharging ~ 400 cfs. S-344 is open passing ~120 cfs. Interior structures to WCA-3A S-339 and S-340 are open. WCA-2A releases to tide through S-34E and S-38 whenever possible.

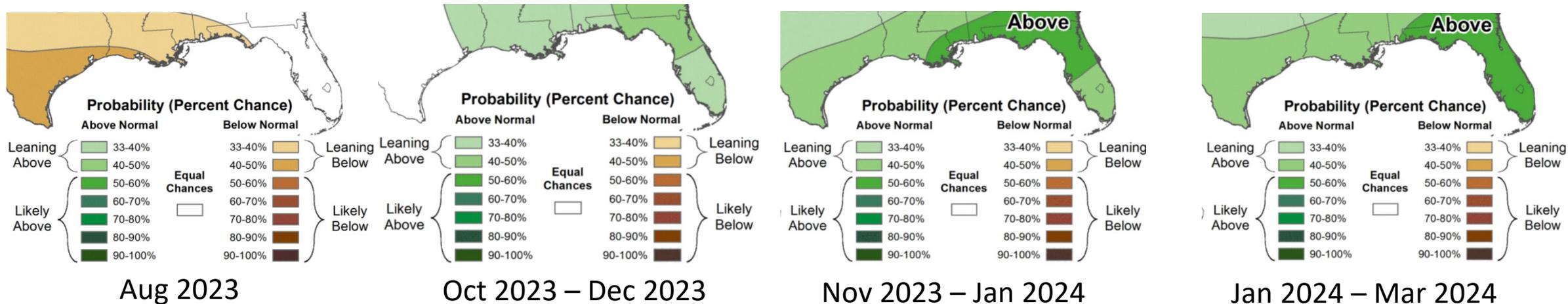
Total STA Inflow and Lake Releases to STAs



2024(p): Data from May 1, 2023 to August 13, 2023.

La Niña Water Years

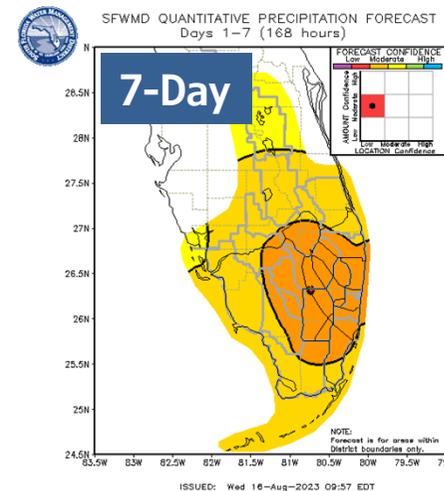
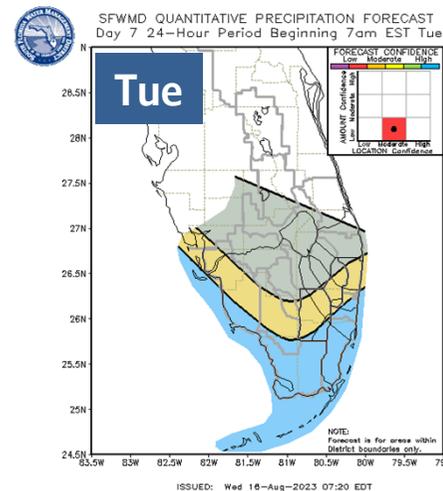
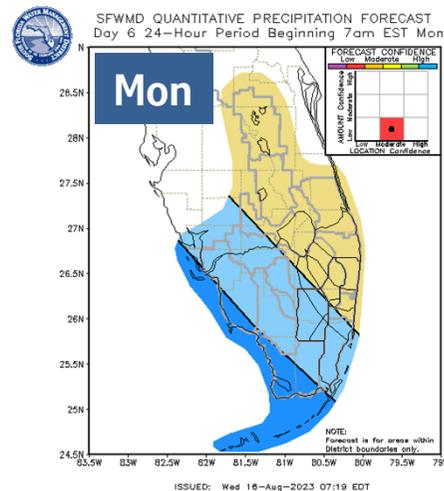
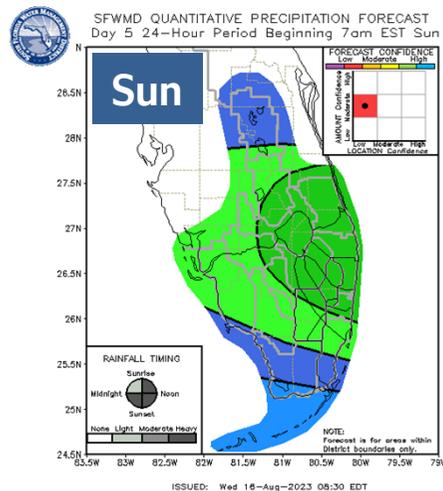
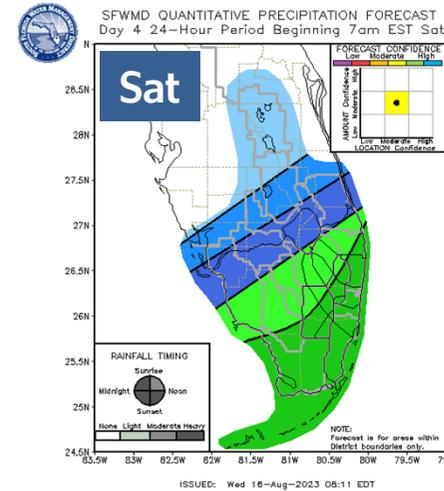
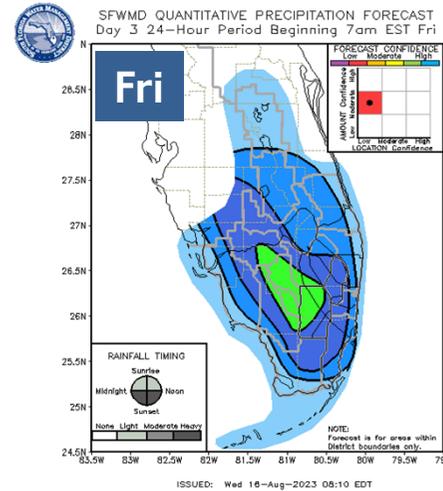
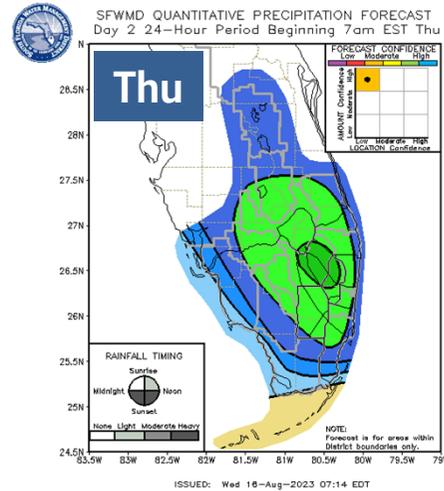
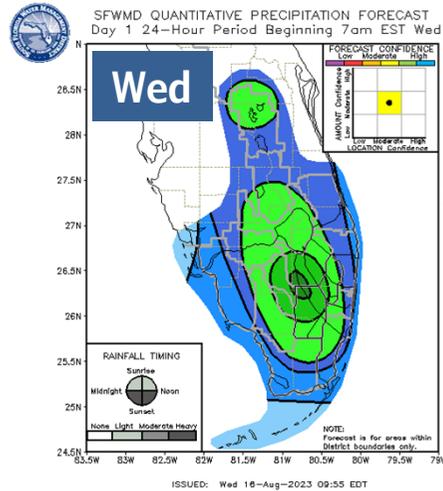
CPC Precipitation Outlook for South Florida



- The most recent CPC precipitation outlooks for South Florida for August 2023 and the 3-month window Aug-Oct are 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 Oct 2024 indicate equal chances of below normal, normal and above normal rainfall.

Updated July 31, 2023

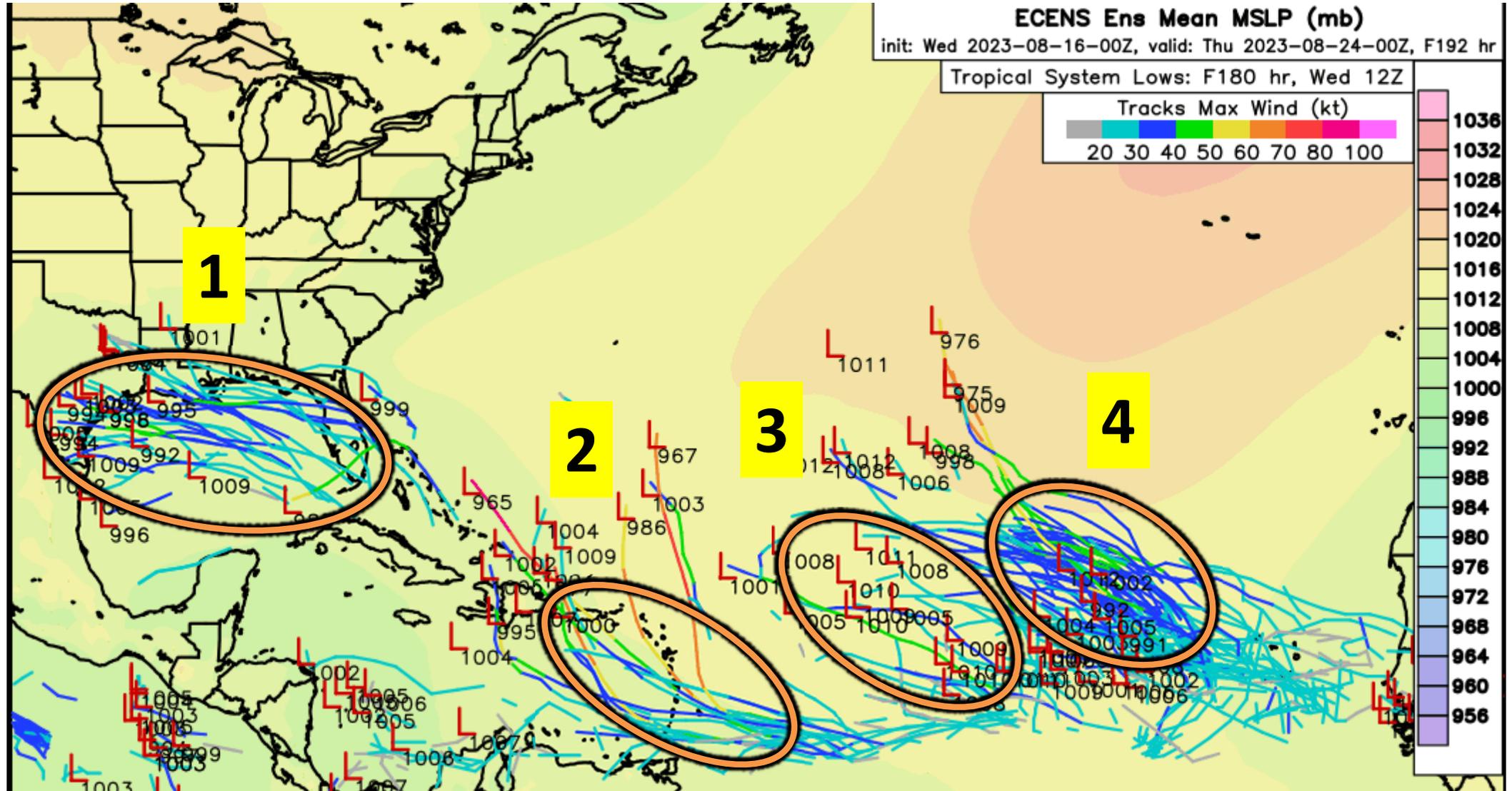
Short-, Medium-, & Extended-Range Outlooks



Weekly Summary

Week 1 (Historical Avg: 1.87"): Above to much above normal
 Week 2 (Historical Avg: 2.02"): Above normal

It's About to Get Busy



Ecological Conditions Update

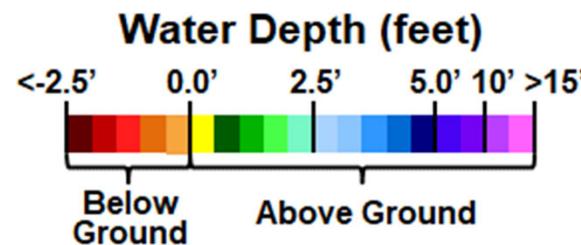
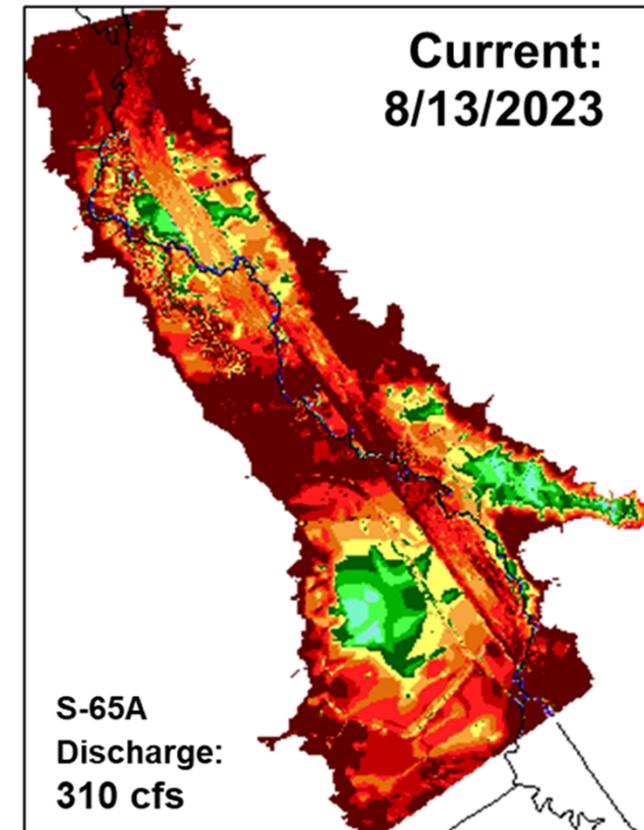
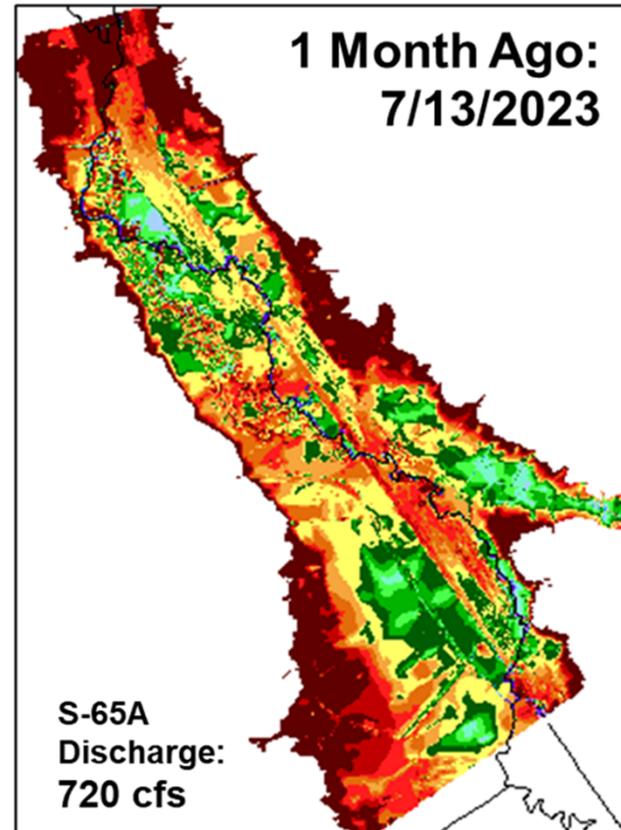
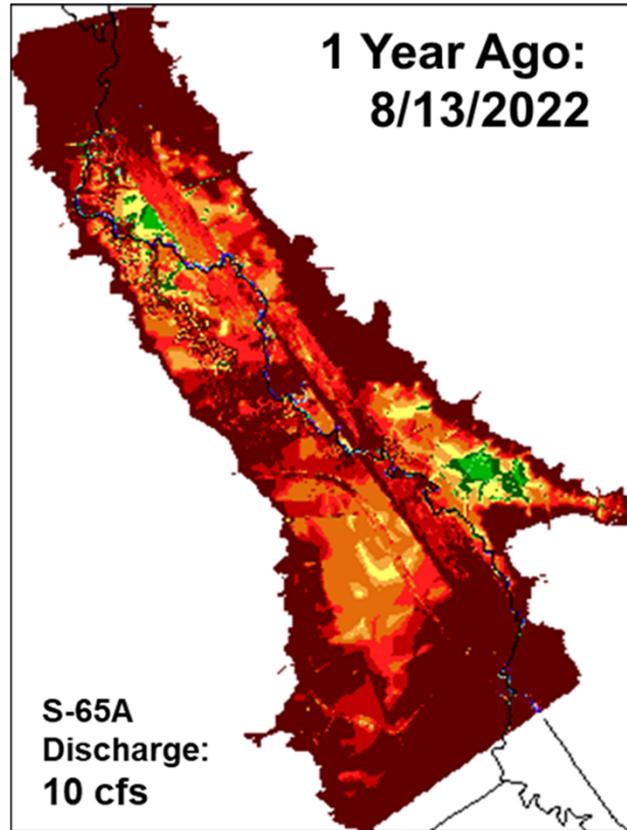
Governing Board Meeting
August 17, 2023



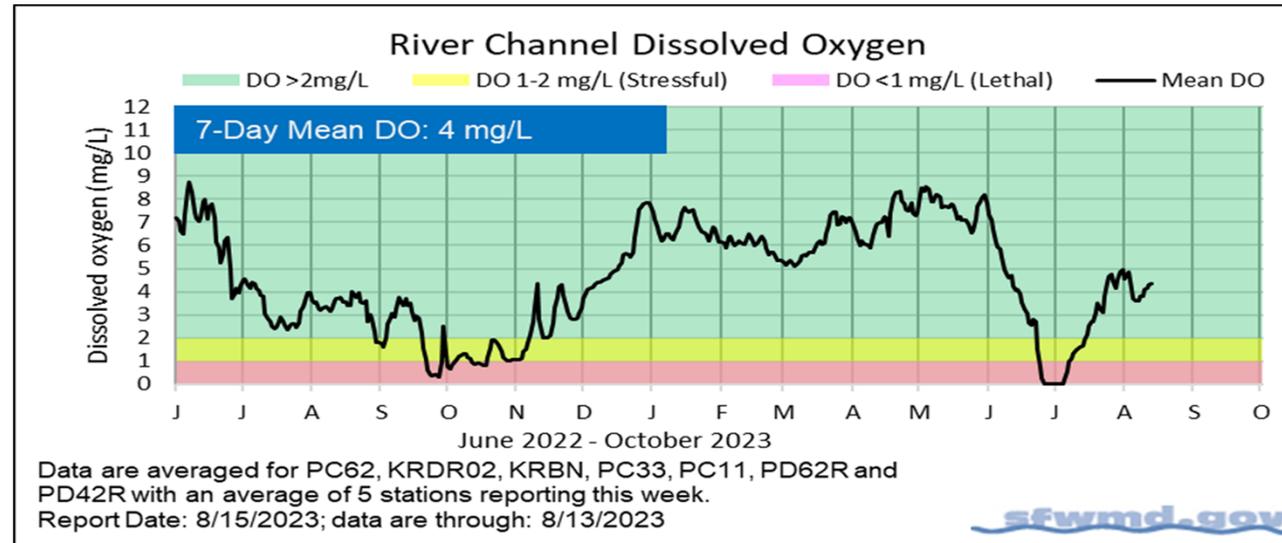
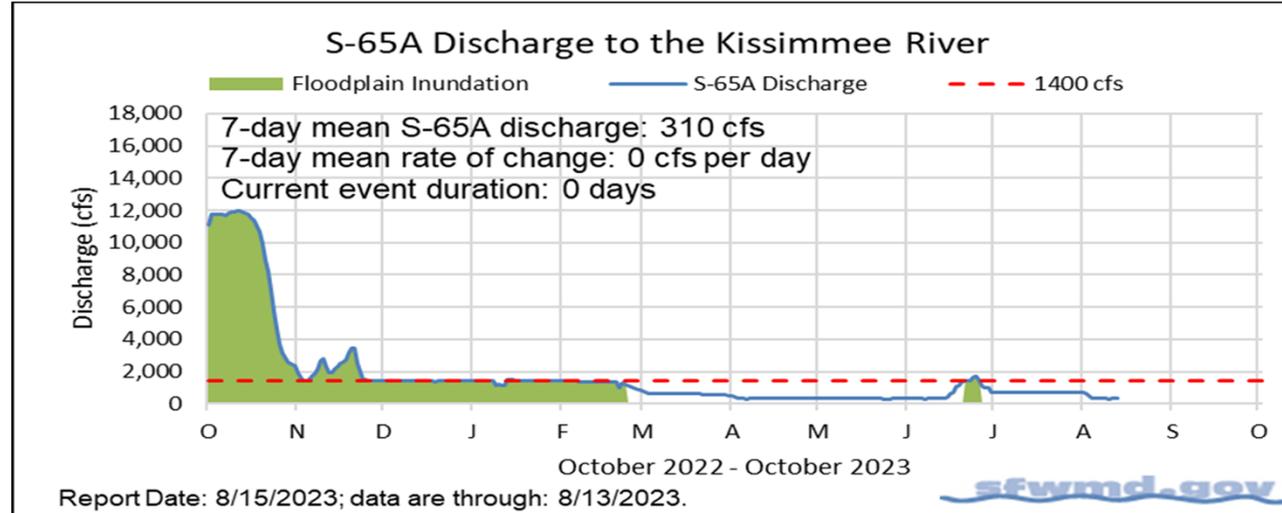
Lawrence Glenn
Division Director
Water Resources

Lemon Shark (*Negaprion brevirostris*) in Florida Bay
Photograph courtesy Mark Cook

Kissimmee River (Phase I) Floodplain Water Depth Maps

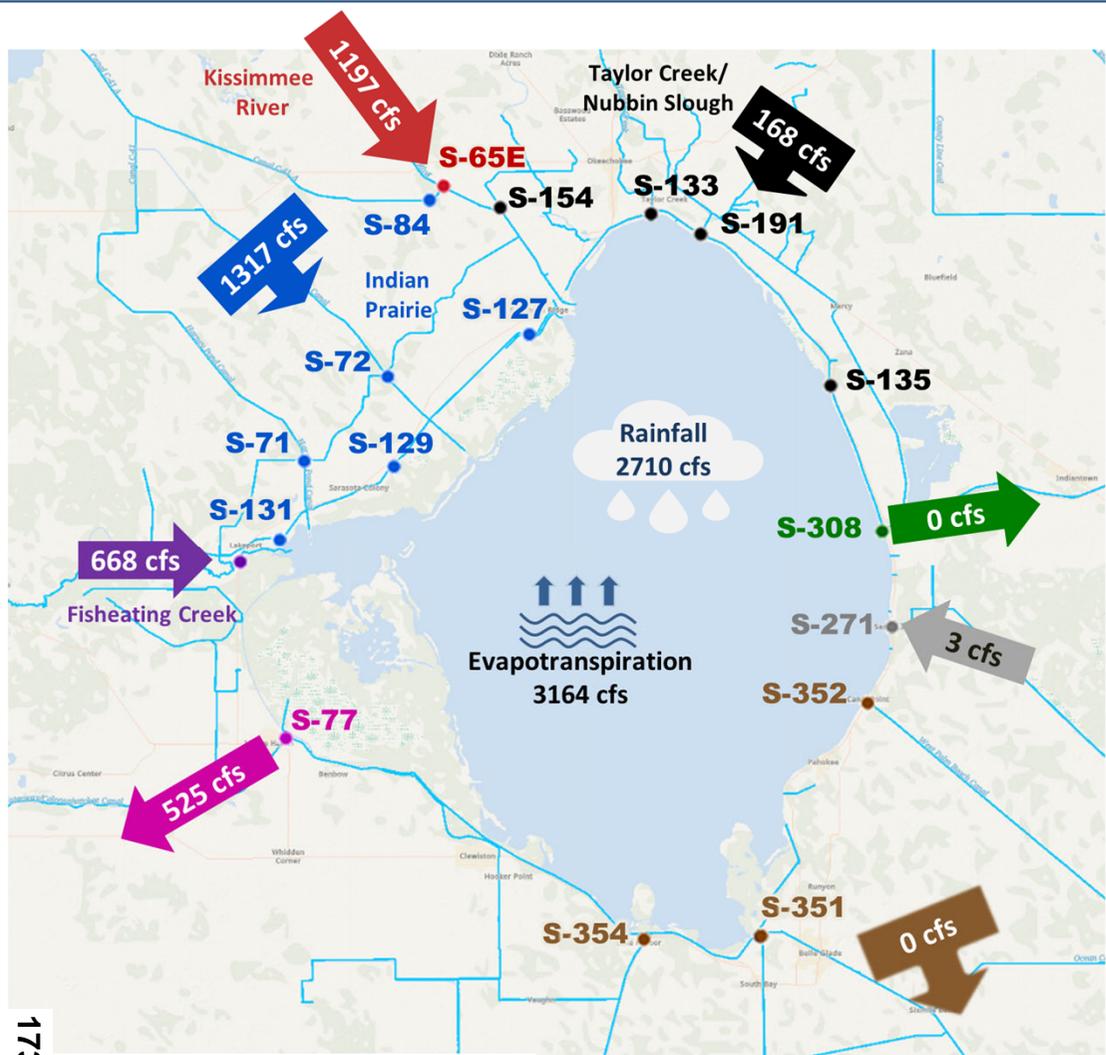


Kissimmee River Discharge and Dissolved Oxygen

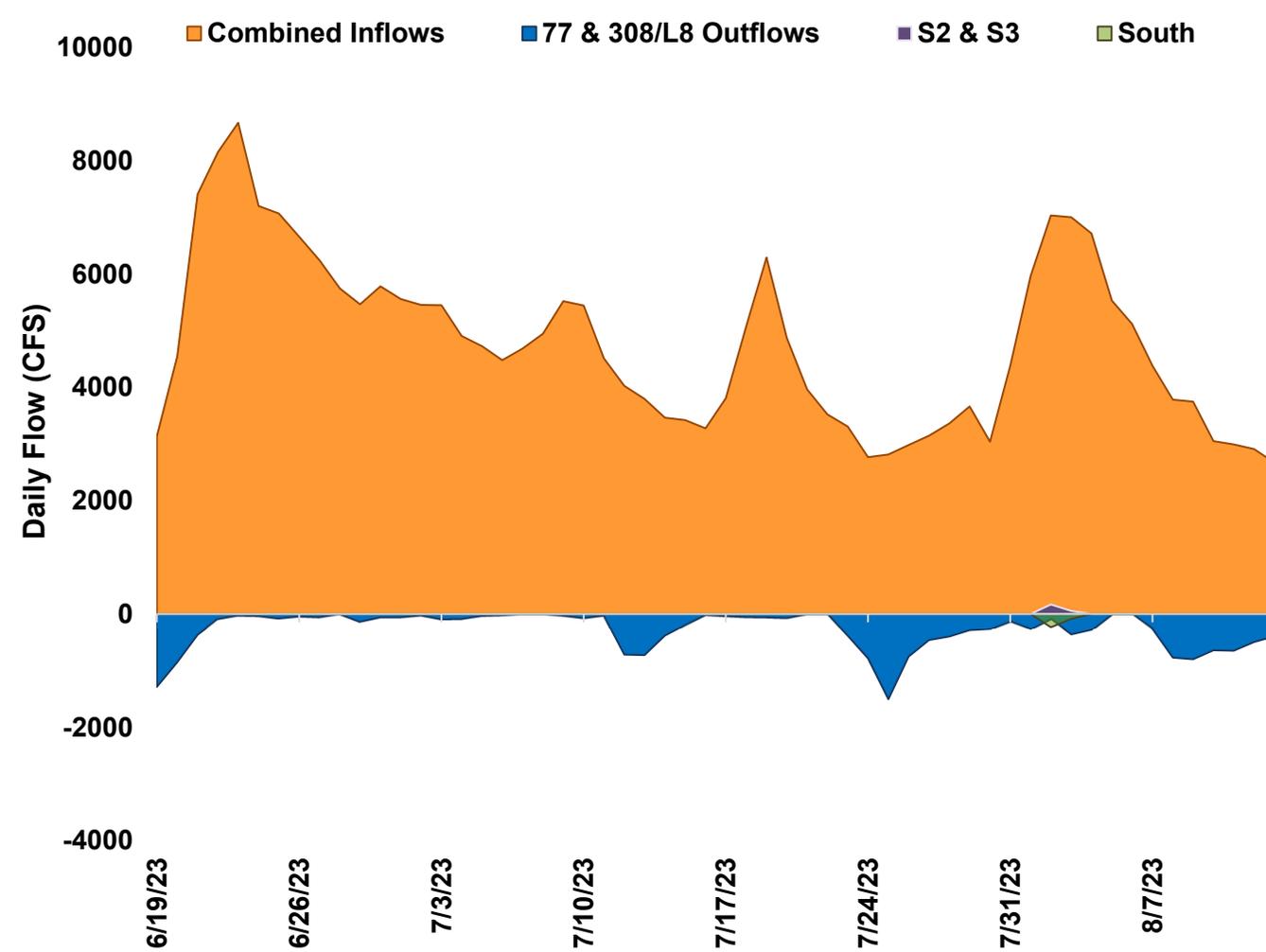


Lake Okeechobee Hydrology (*Provisional Data)

August 07 – 13, 2023 Inflows and Outflows

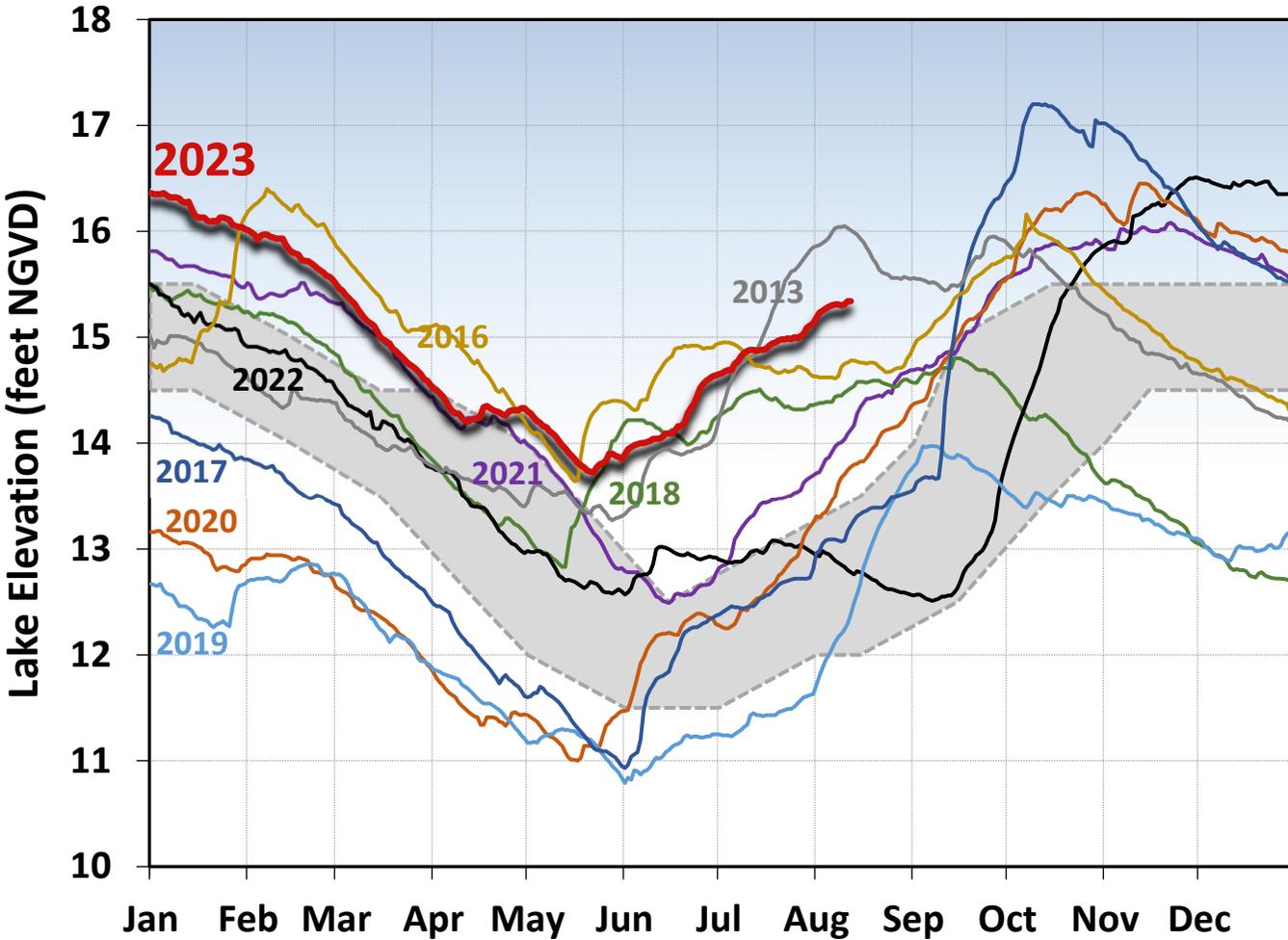


Prior 8 Weeks Inflows and Outflows

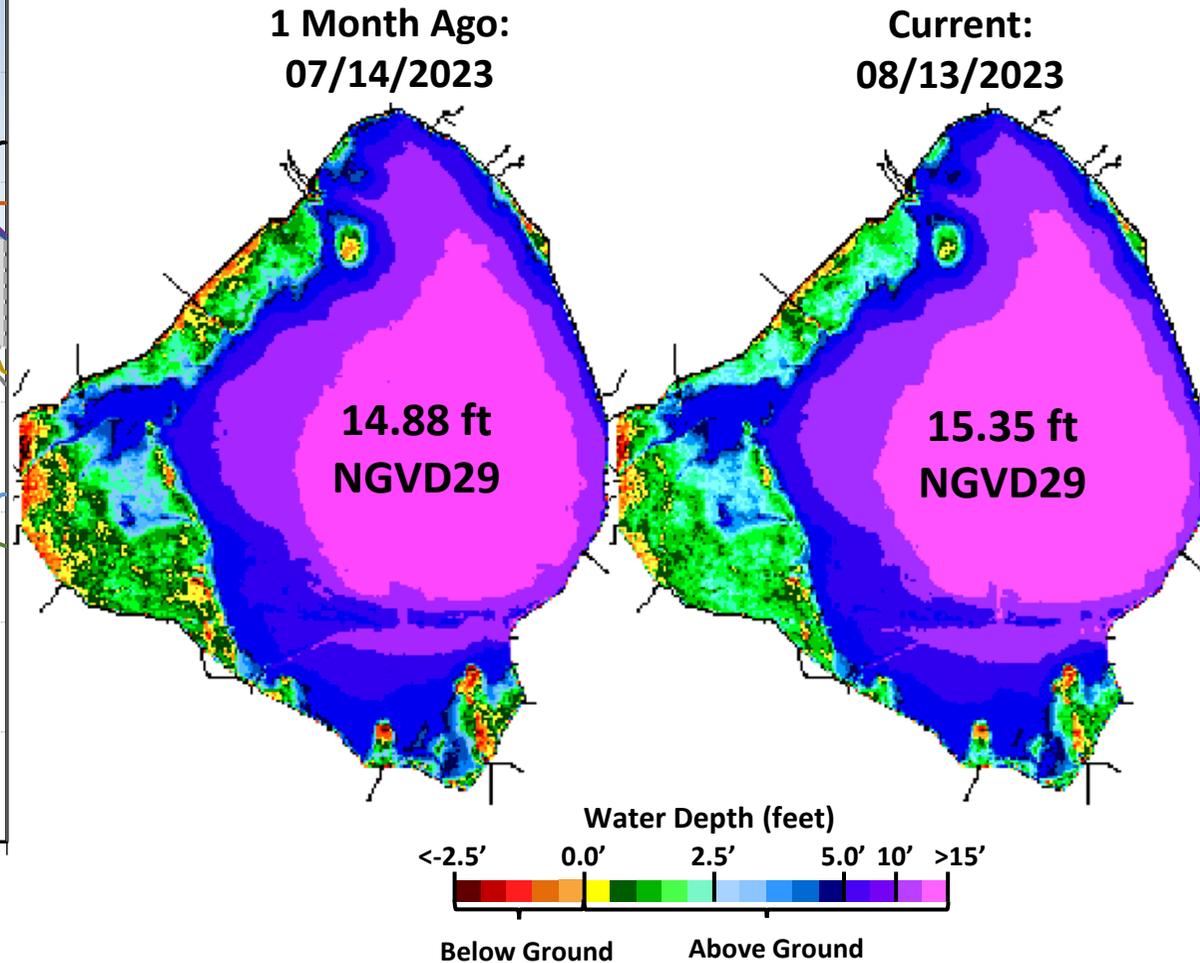


Ecological Envelope and Water Depths

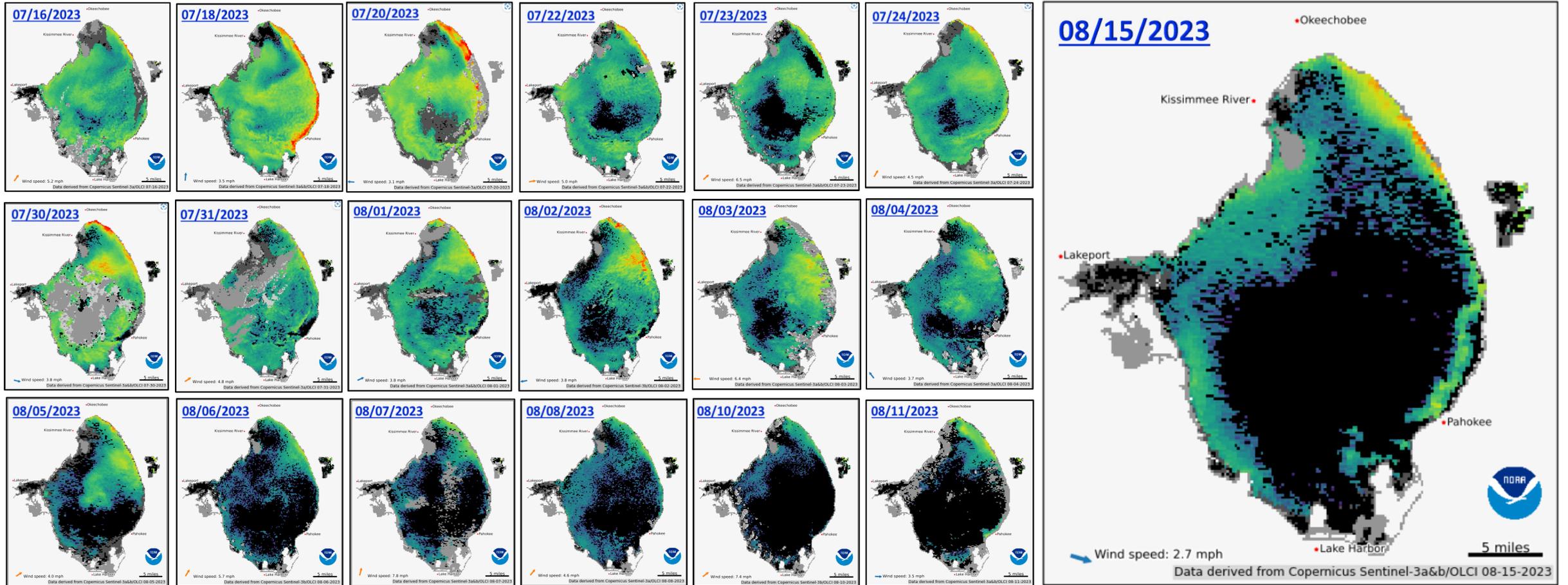
Lake Okeechobee Stage vs Ecological Envelope



Changes in Water Depth

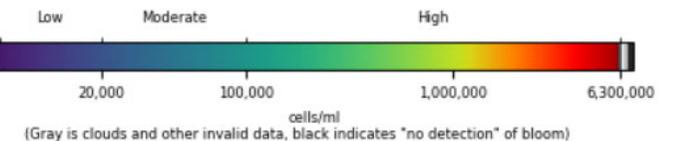


Cyanobacteria Bloom Distribution and Intensity

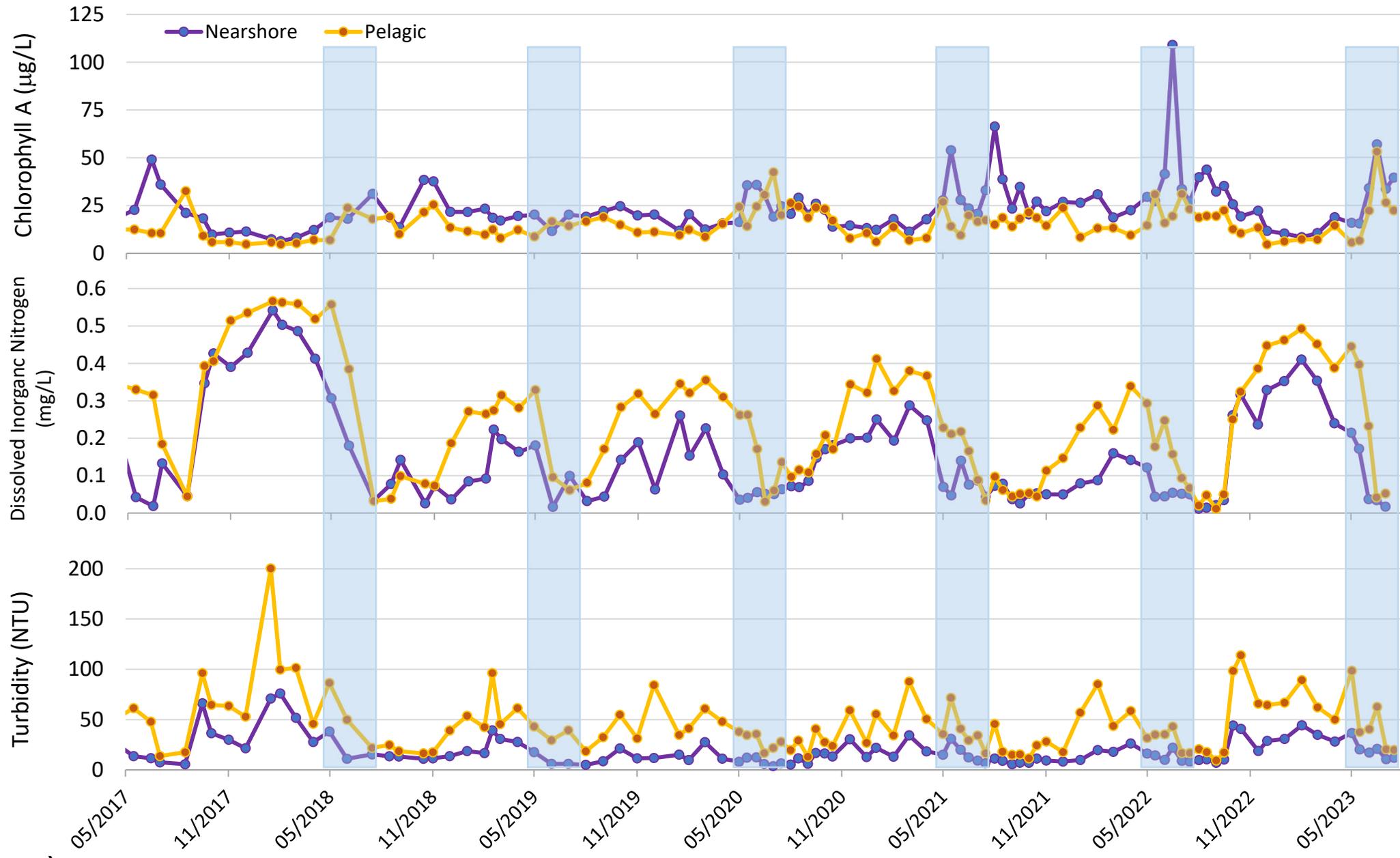


NOAA cyanobacteria product derived from Copernicus Sentinel-3 OLCI data from EUMETSAT

Source: [Cyanobacteria Algal Bloom from Satellite in Lake Okeechobee, FL - NCCOS Coastal Science Website \(noaa.gov\)](https://www.noaa.gov/education/outreach-and-communication/2023/08/01/cyanobacteria-algal-bloom-from-satellite-in-lake-okeechobee-fl-nccos-coastal-science-website)



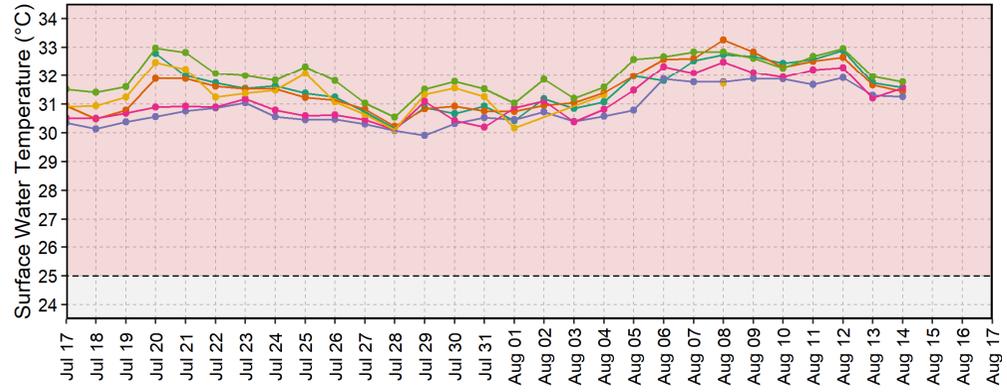
Lake Okeechobee Water Quality Time Series 2017-Present (Provisional Data)



Current time period (May - Jul)

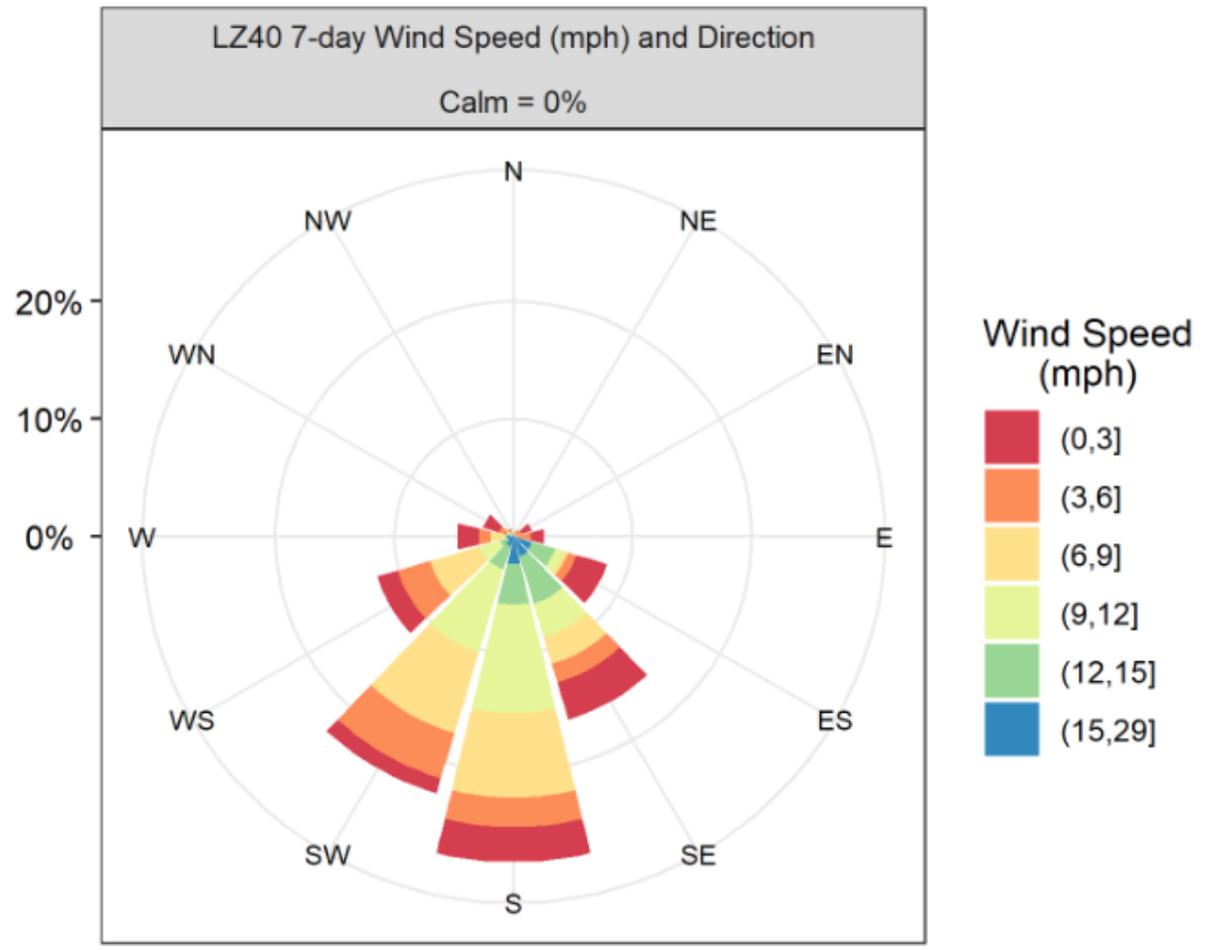
Weather and Surface Water Temperature Conditions

—●— L001 —●— L006 —●— POLESOUT1
—●— L005 —●— LZ40 —●— POLESOUT3



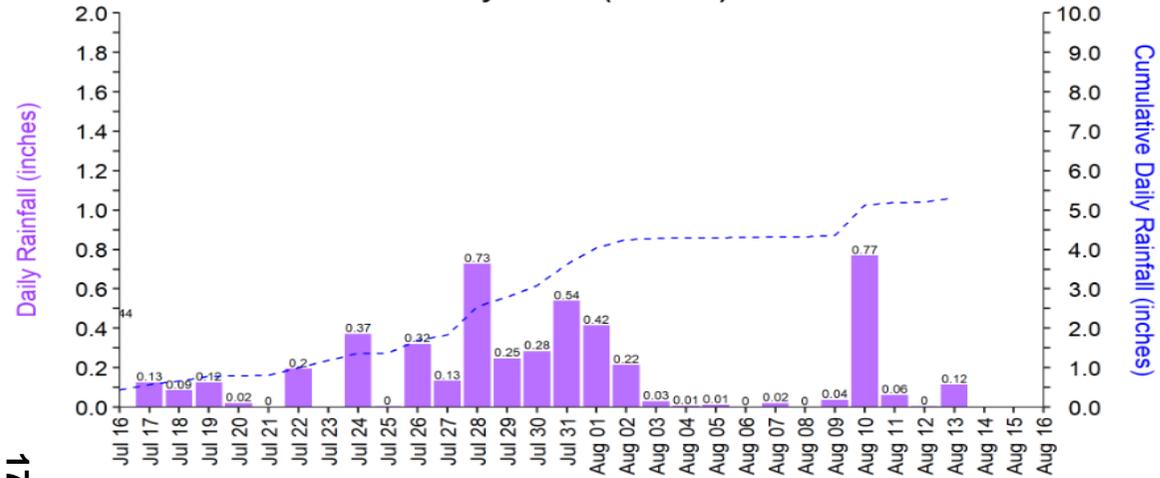
*Water temperatures >25 °C are considered optimal for cyanobacterial growth (Paerl, H. W., & Huisman, J. (2008); Reynolds, C. S. (2006)).

Lake Okeechobee Wind Data from 2023-08-07 to 2023-08-13



Source: SFWMD Provisional Data

Daily Rainfall (NEXRAD)



Lake Okeechobee

Chlorophyll *a*, Total Microcystins, and Dominant Taxa

*Provisional Data

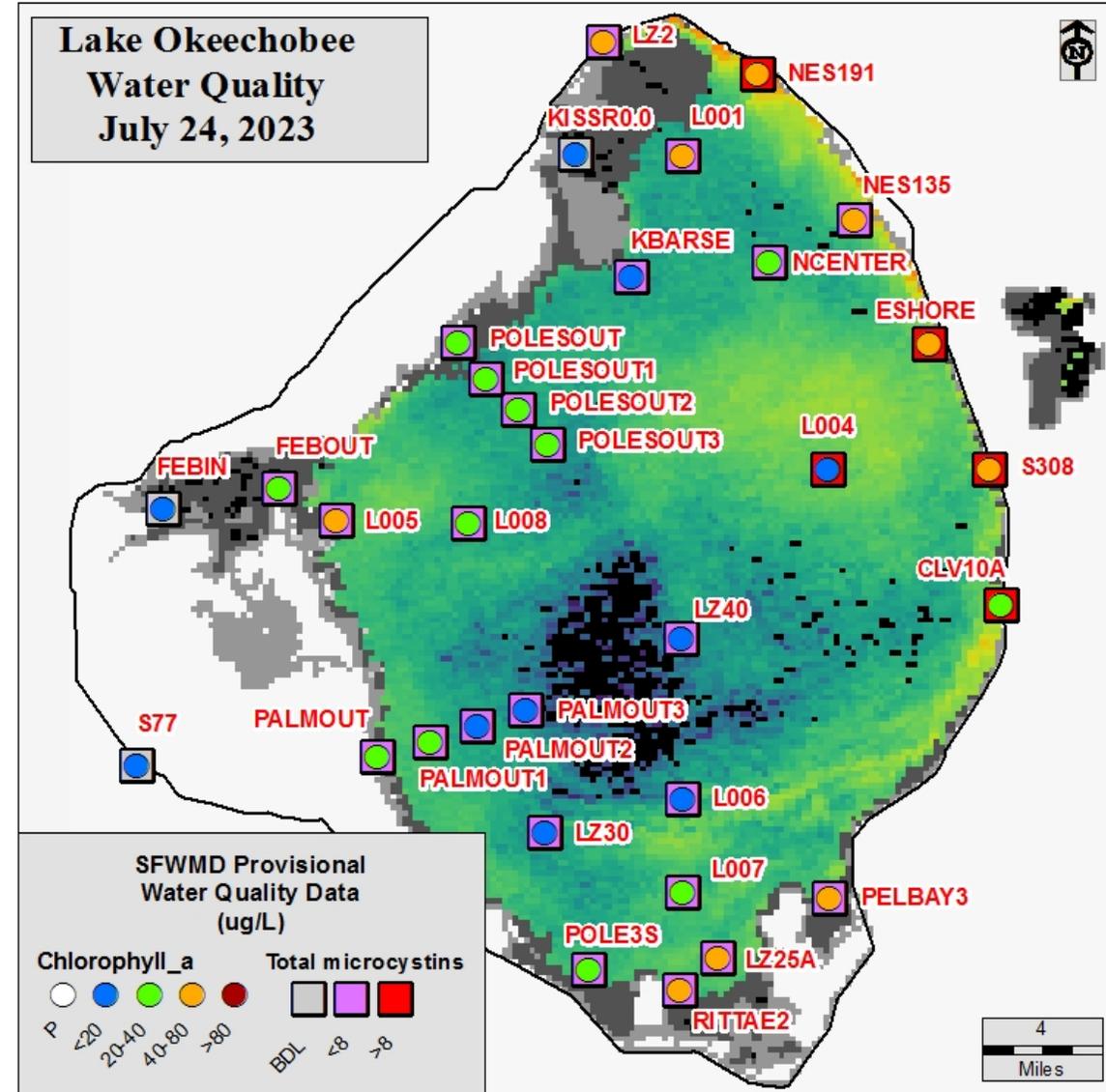
Collection Date: July 24-26, 2023

Station	CHL <i>a</i> (ug/L)	TOXIN (ug/L)	TAXA
FEBIN ^{07/17}	1.1	BDL	<i>mixed</i>
FEBOUT ^{07/17}	37.2	1.1	<i>mixed</i>
KISSR0.0	16.4	BDL	<i>mixed</i>
L005	45.4	0.6	<i>Microcys</i>
LZ2	47.1	0.9	<i>Microcys</i>
KBARSE	17.8	0.5	<i>Microcys</i>
RITTAE2	44.8	1.4	<i>Micro/Plank</i>
PELBAY3	50.8	6.4	<i>Microcys</i>
POLE3S	36.0	1.6	<i>Micro/Plank</i>
LZ25A	50.2	2.7	<i>Micro/Plank</i>
PALMOUT	38.1	0.8	<i>Microcys</i>
PALMOUT1	26.5	2.7	<i>Microcys</i>
PALMOUT2	14.3	2.8	<i>Microcys</i>
PALMOUT3	10.3	1.3	<i>Microcys</i>
POLESOUT	26.6	2.1	<i>Microcys</i>
POLESOUT1	28.8	0.7	<i>Microcys</i>
POLESOUT2	30.6	0.6	<i>Microcys</i>
POLESOUT3	29.0	1.1	<i>Microcys</i>
EASTSHORE	48.0	18.0	<i>Microcys</i>
¹⁷⁸ IES135	57.0	6.9	<i>Microcys</i>
NES191	54.6	16.0	<i>Microcys</i>

Station	CHL <i>a</i> (ug/L)	TOXIN (ug/L)	TAXA
L001	43.1	0.4	<i>Microcys</i>
L004	13.6	21.0	<i>Microcys</i>
L006	8.9	1.6	<i>Microcys</i>
L007	22.5	5.8	<i>Microcys</i>
L008	31.8	1.2	<i>Microcys</i>
LZ30	18.3	3.8	<i>Microcys</i>
LZ40	8.7	0.3	<i>Microcys</i>
CLV10A	31.6	8.3	<i>Microcys</i>
NCENTER	36.3	0.7	<i>Microcys</i>
S308C	77.2	18.0	<i>Microcys</i>
S77	2.8	BDL	<i>mixed</i>

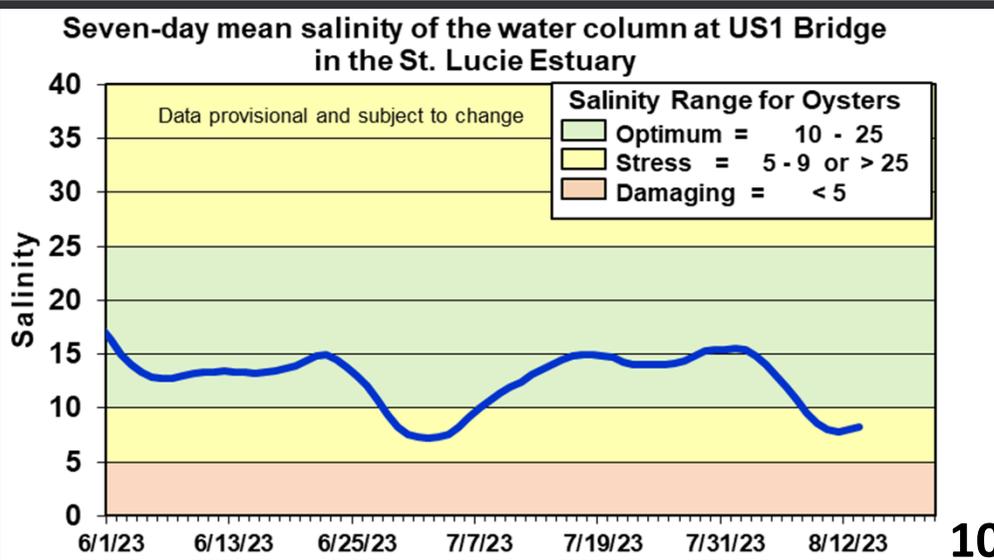
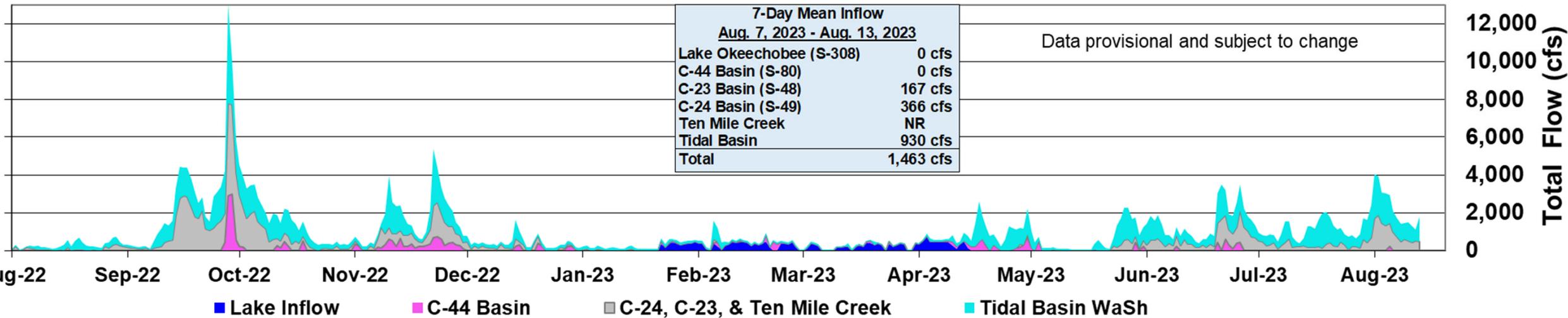
- SFWMD considers >40 µg/L Chlorophyll *a* (Chl*a*) an algal bloom
 - BDL – Below Detectable Limit of 0.25 µg/L
 - ND – No Dominant taxa
 - P – Pending (white squares)
 - NS – Not Sampled
 - Station bold font – crew observed possible BGA
 - Chlorophyll *a* analyzed by SFWMD
 - Toxin and Taxa analyzed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

Presenter: Lawrence Glenn

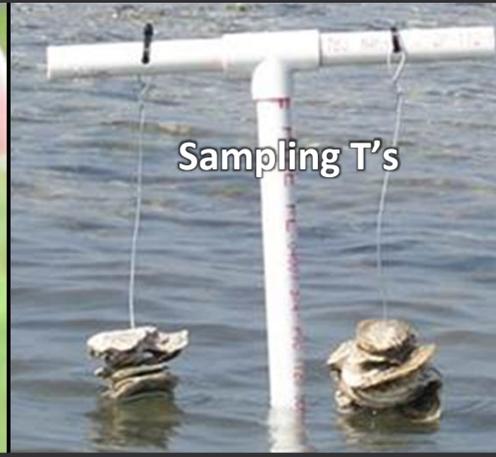


St. Lucie Inflows and Salinity Conditions

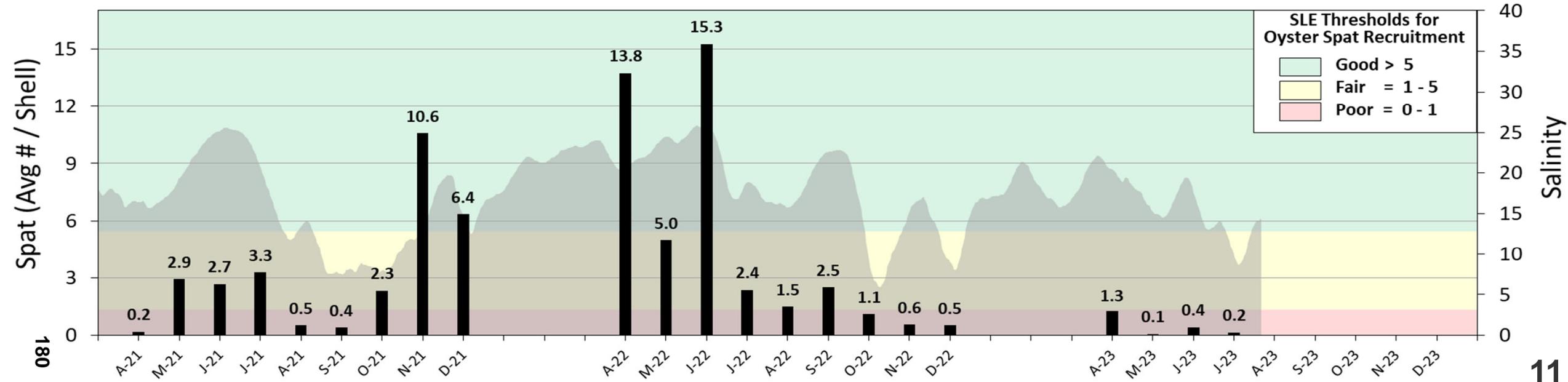
Total Daily Inflow into the St. Lucie Estuary



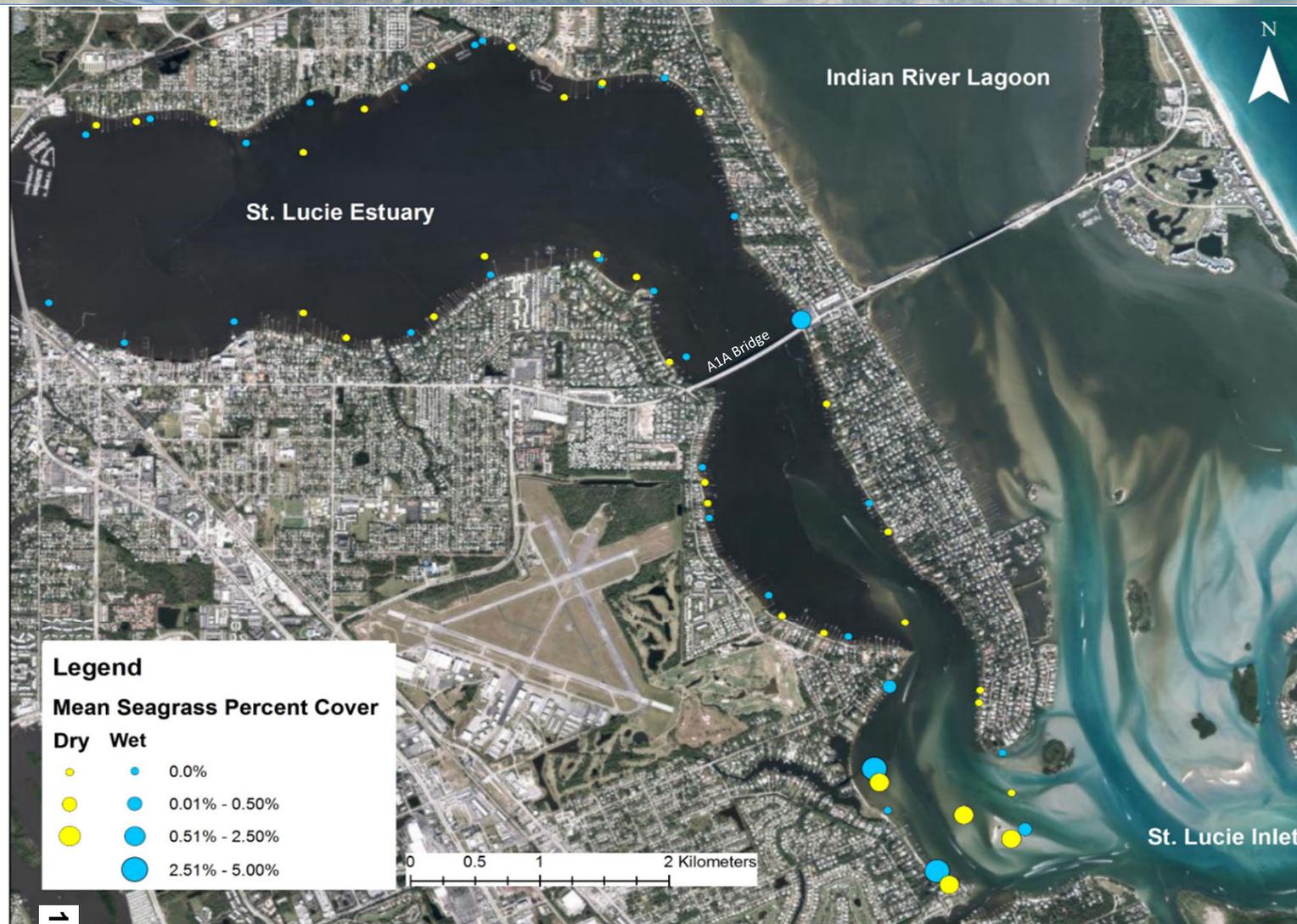
St. Lucie Estuary – Oyster Recruitment



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

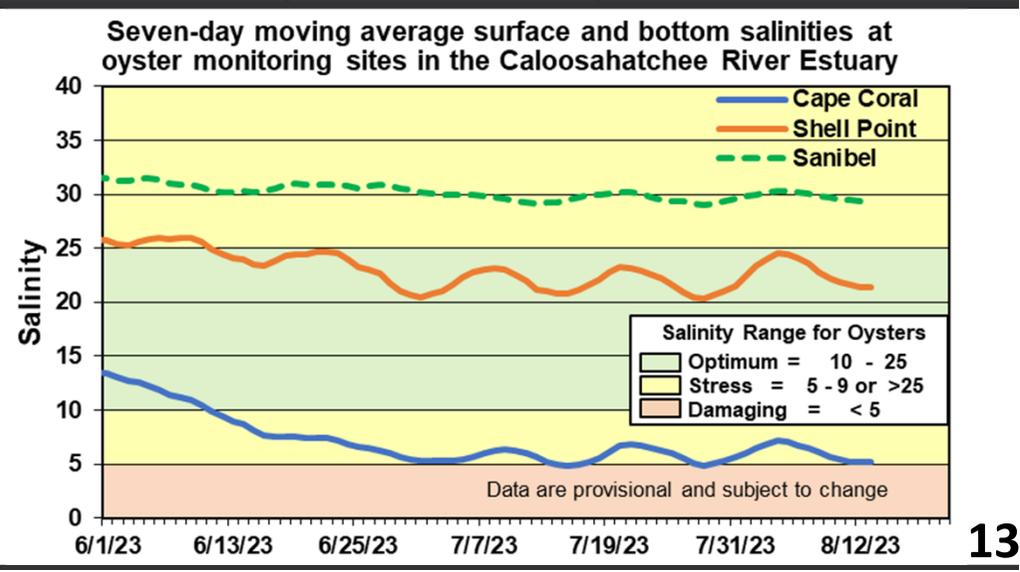
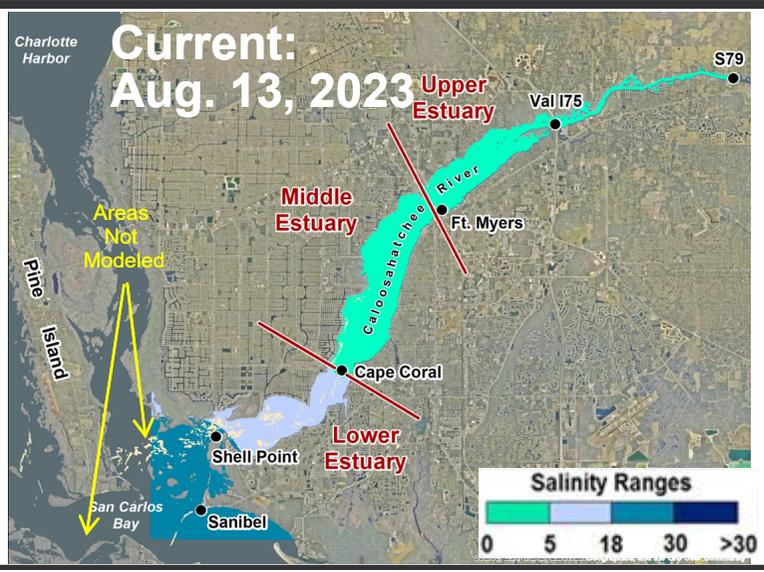
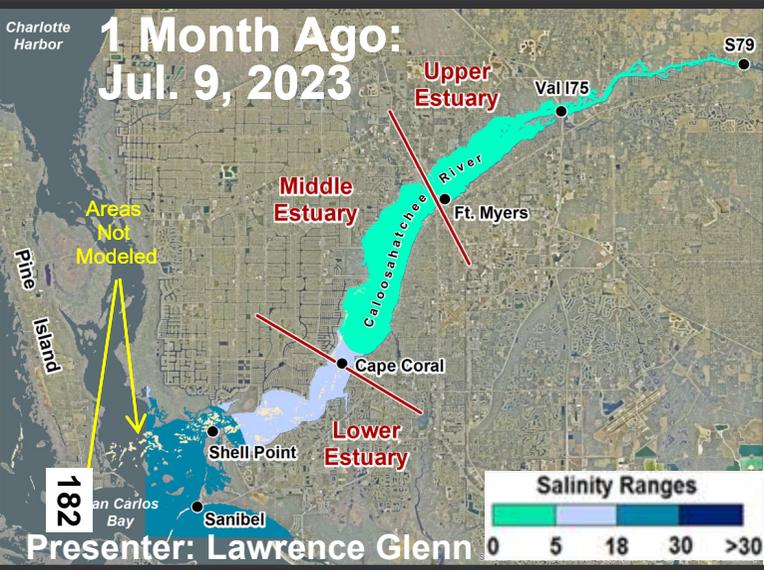
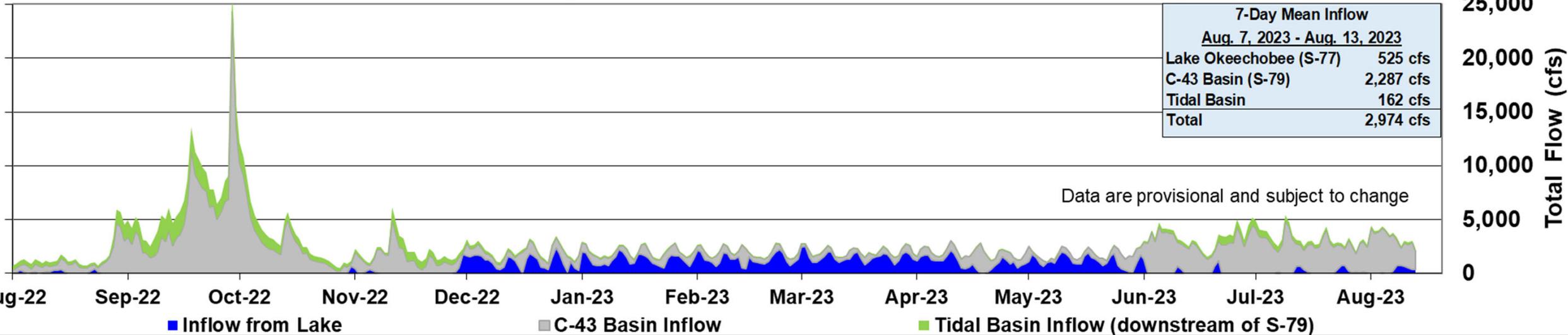


St. Lucie Estuary Submerged Aquatic Vegetation

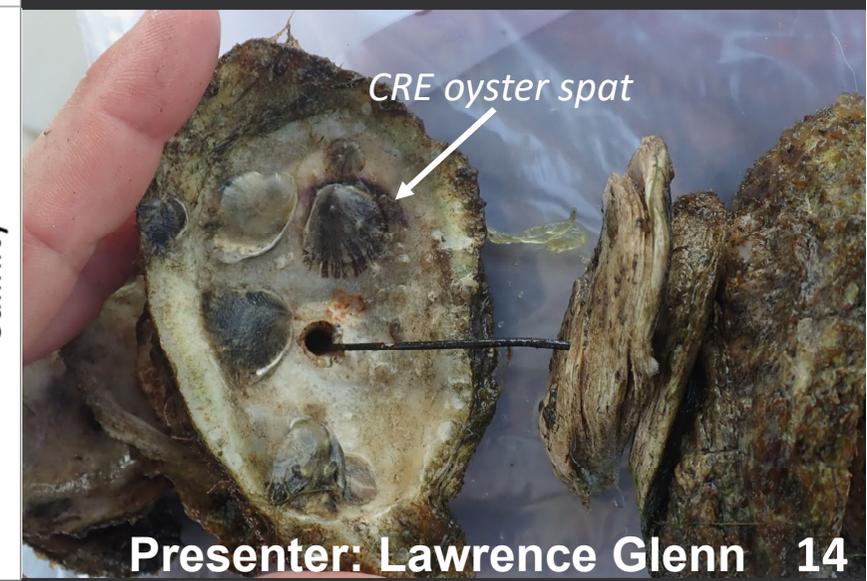
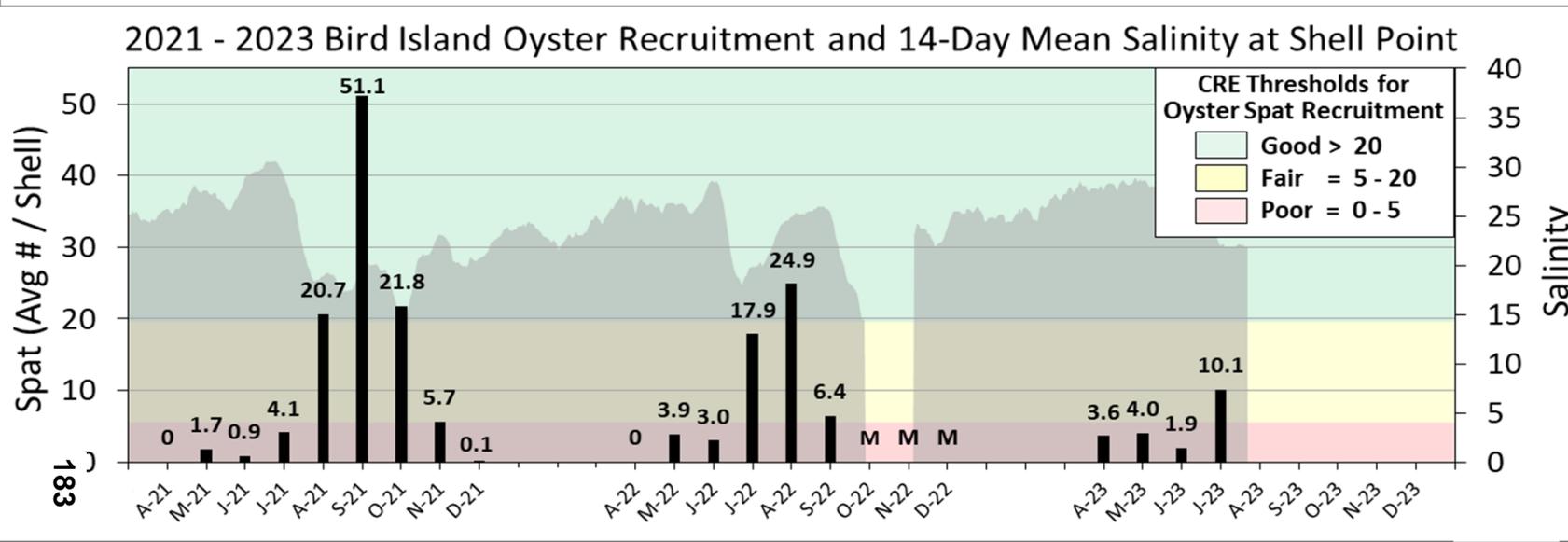
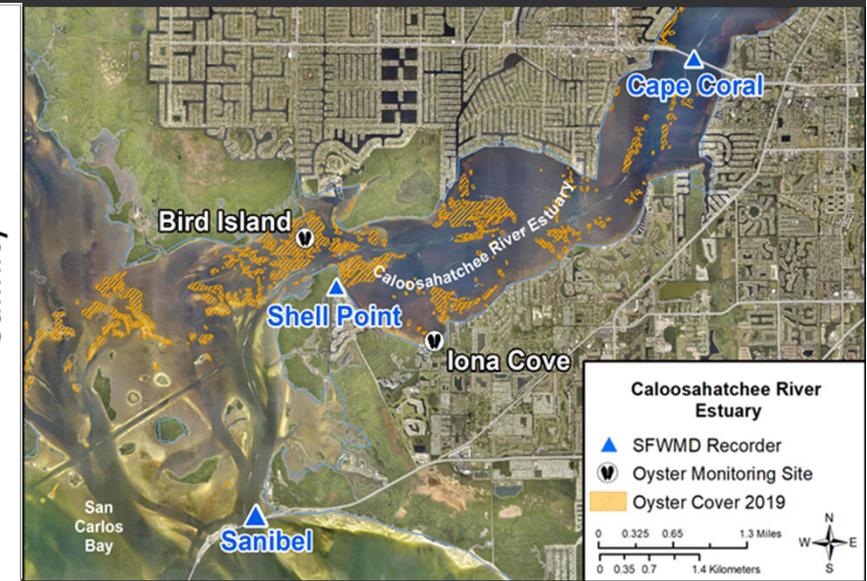
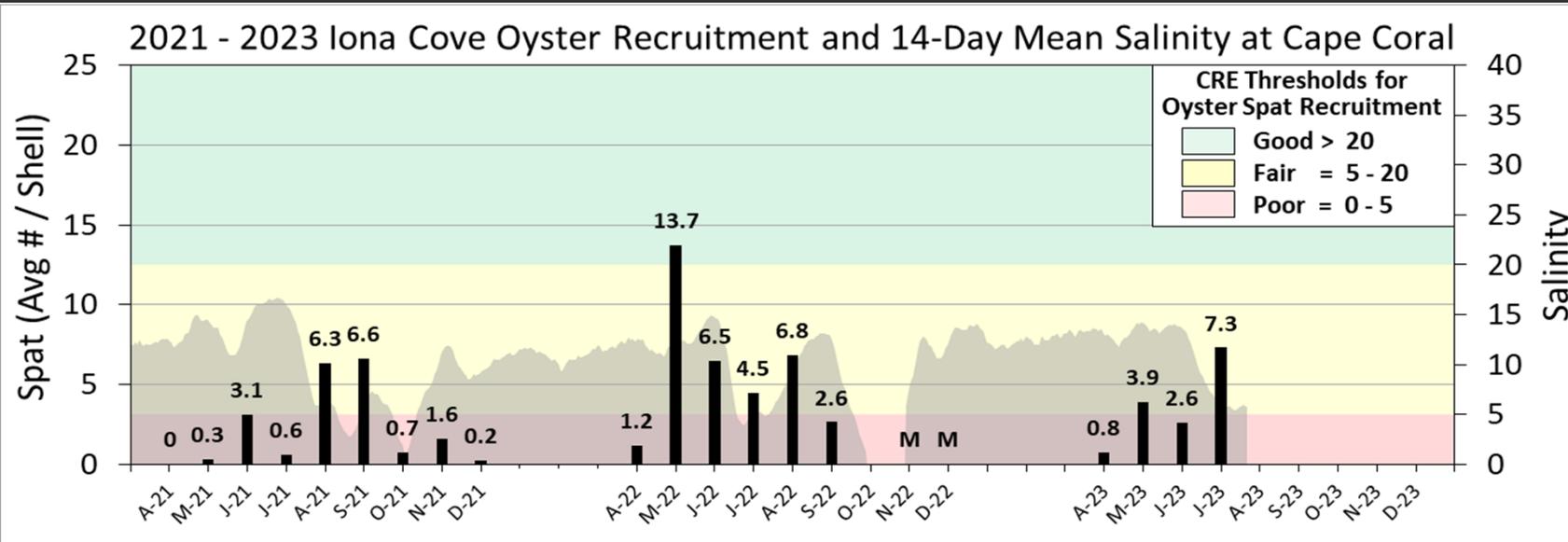


Caloosahatchee Inflows and Salinity Conditions

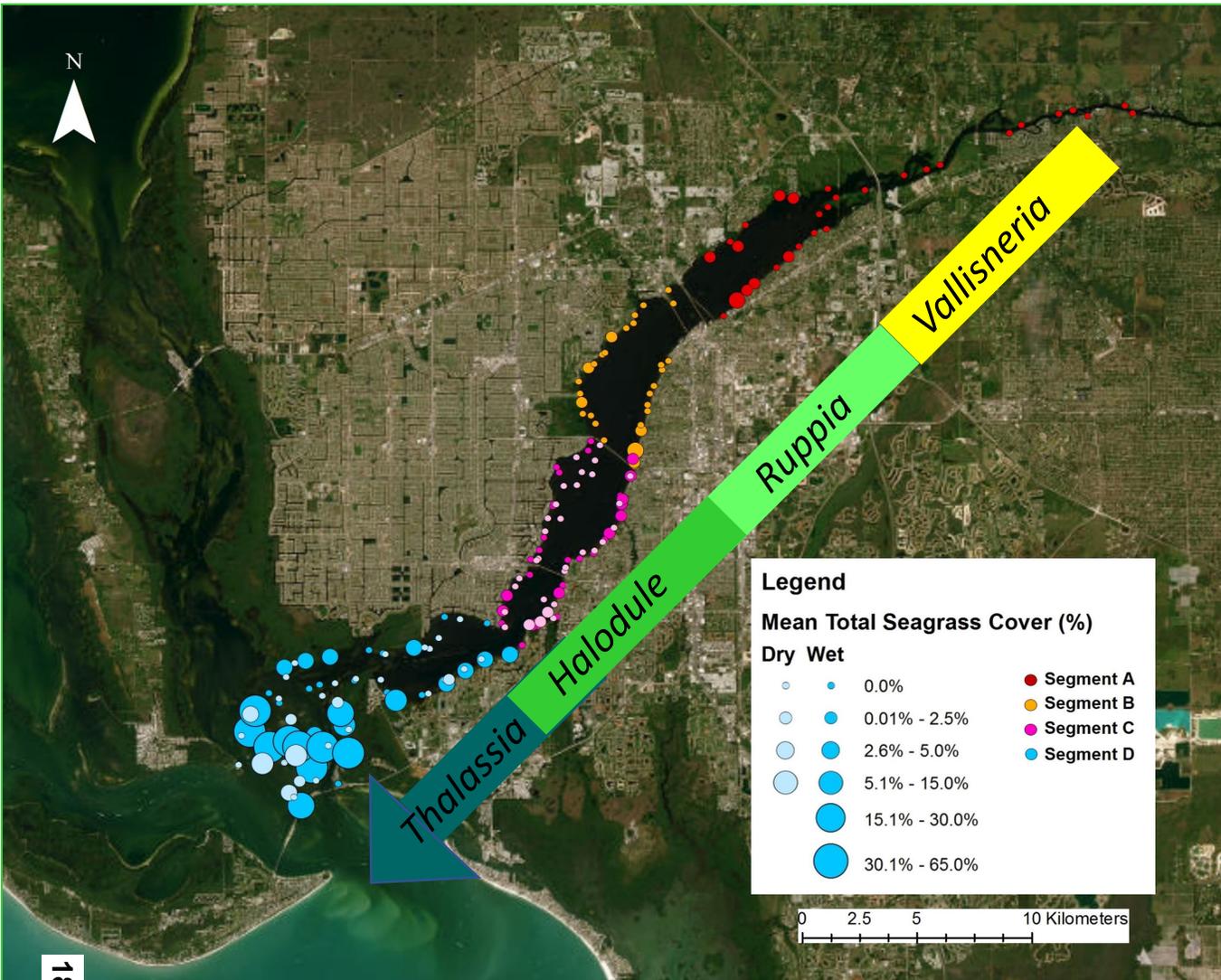
Total Daily Inflow into the Caloosahatchee River Estuary



Caloosahatchee Estuary – Oyster Recruitment



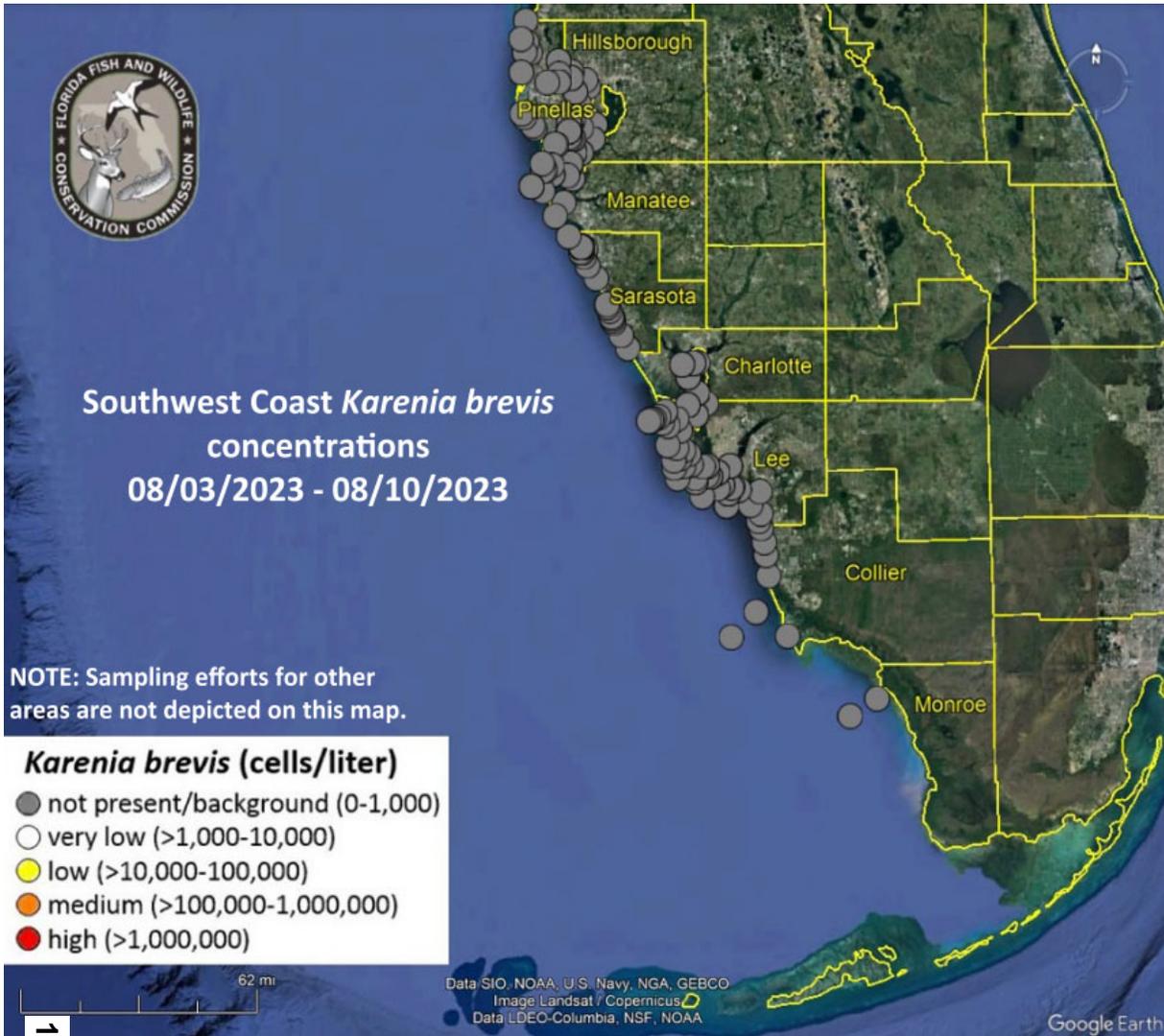
Caloosahatchee Estuary – Submerged Aquatic Vegetation



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Florida Fish and Wildlife Research Institute Red Tide Status

August 11, 2023

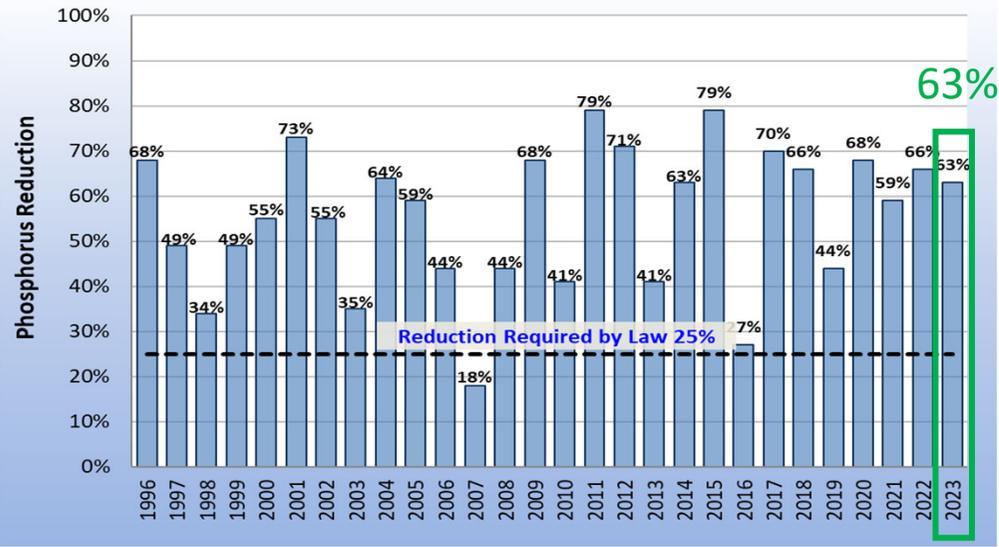


- *Karenia brevis* was not observed at bloom concentrations (>100,000 cells/liter) in any samples collected from within the District region.
- Respiratory irritation and fish kills (suspected to be related to red tide) were not reported within the District region.

Everglades Agricultural Area Basin Source Control Program

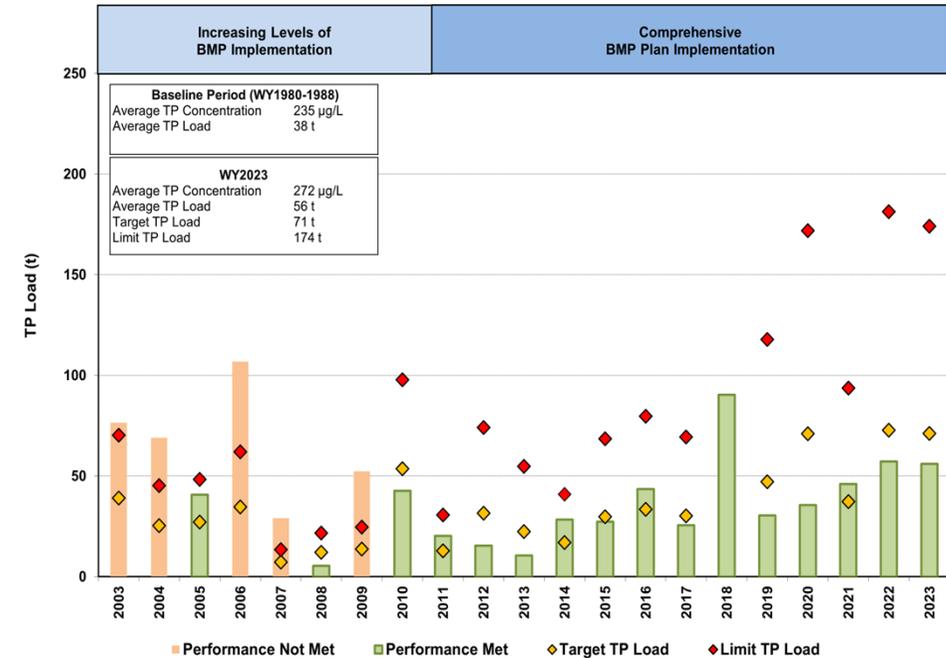
EAA Basin Monitoring & Performance Results

The SFWMD monitors Basin discharges to collectively quantify TP loads from the EAA Basin. The TP load for the current Water Year is compared to a period before the BMP Program to determine compliance with the 25% reduction requirement. The Rule adopted compliance methodology is a 2-part test to account for statistical uncertainty. For example, if the 25% reduction is not met in a single year, the basin is considered to have achieved the expected performance level unless it is exceeded for three consecutive years.



*Water year 2007 phosphorus reduction was below 25%, however due to the 2-part test, the EAA Basin was in compliance.

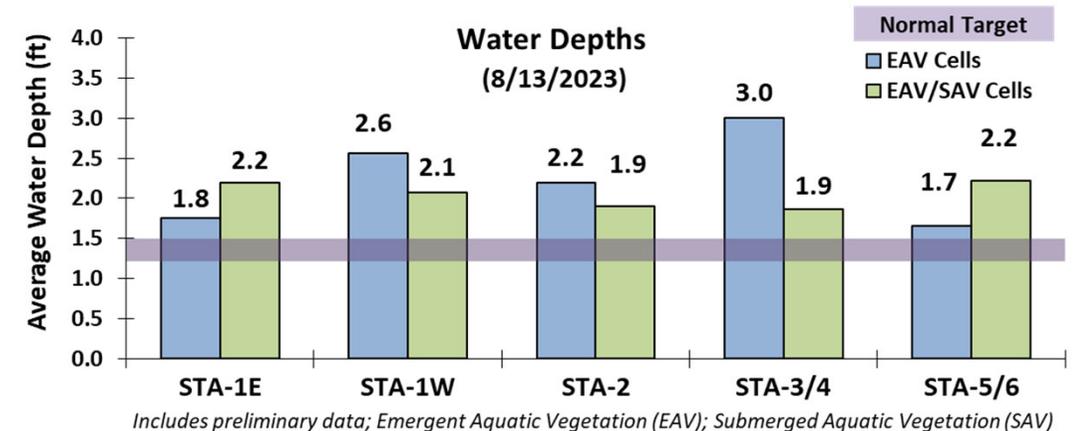
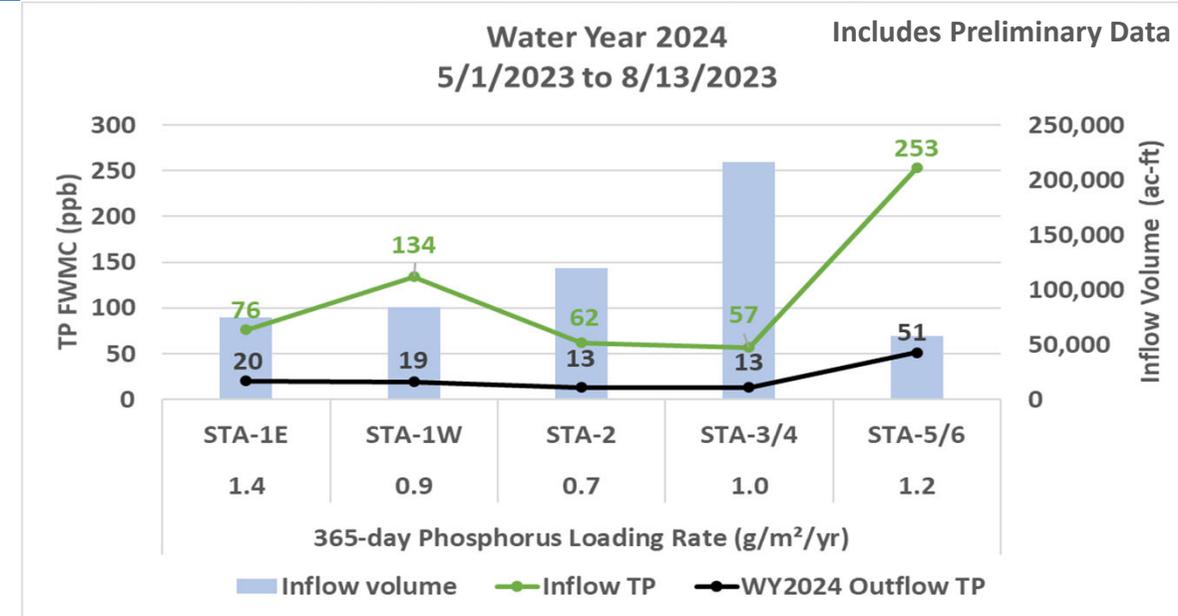
C-139 Basin Monitoring & Performance



*WY2018 Target and Limit TP loads are off-scale.

Everglades Stormwater Treatment Areas (STAs)

- STAs treated basin runoff in July and early August
- Total WY2024 inflows to STAs (5/1/2023 to 8/13/2023): ~552,000 ac-ft
- Lake Okeechobee releases to FEB/STAs in WY2024: ~2,000 ac-ft
- Extensive vegetation management activities underway to address stressed and highly stressed vegetation especially in EAV cells
- Most treatment cells are above target depth



Everglades Stormwater Treatment Areas (STAs)

Partial Water Year	Inflow Concentration	STA-1E	STA-1W	STA-2	STA-3/4	STA-5/6
Water Year 2023 5/1/2022 to 8/7/2022	TP Concentration (ppb)	108	189	126	82	211
Water Year 2024 5/1/2023 to 8/13/2023	TP Concentration (ppb)	76	134	62	57	253

Includes preliminary data; all concentrations are flow-weighted means

Partial Water Year	Outflow Concentration	STA-1E	STA-1W	STA-2	STA-3/4	STA-5/6
Water Year 2023 5/1/2022 to 8/7/2022	TP Concentration (ppb)	23	24	33	15	52
Water Year 2024 5/1/2023 to 8/13/2023	TP Concentration (ppb)	20	19	13	13	51

Includes preliminary data; all concentrations are flow-weighted means

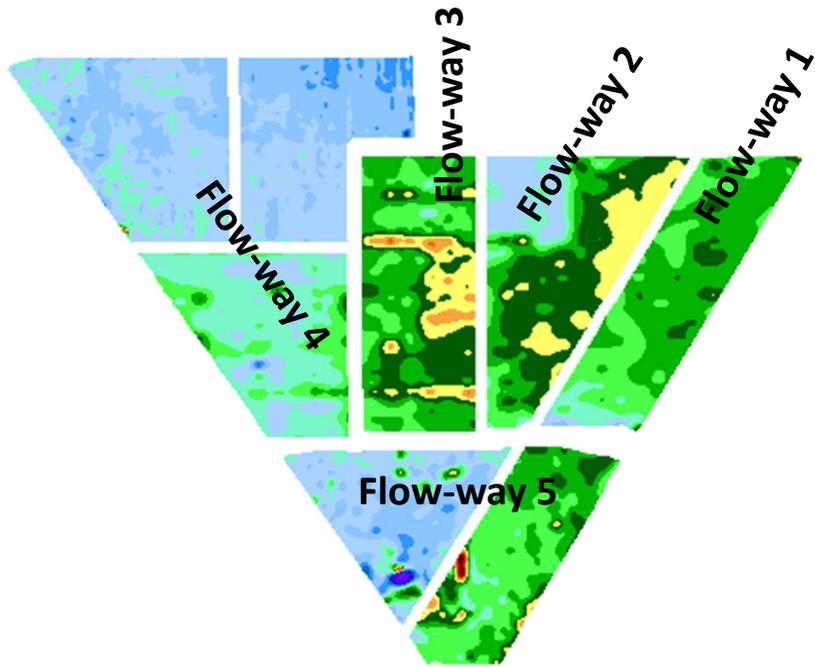


STA-3/4 Cell 2B SAV Mixed Marsh



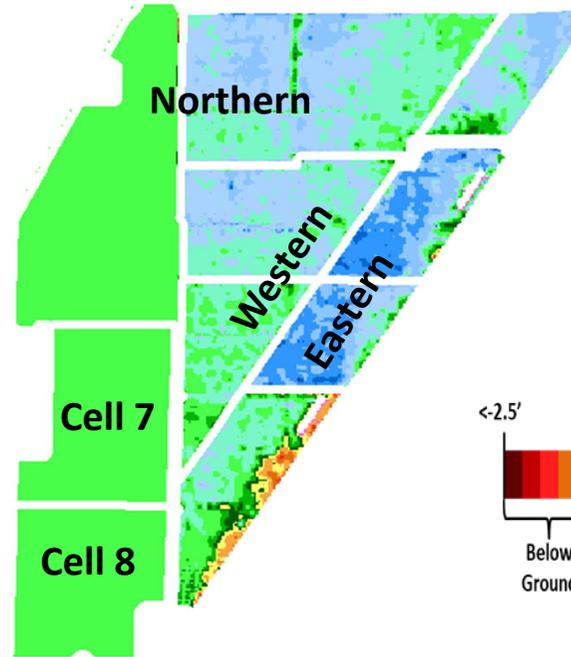
STA-5/6 Cell 5B Emergent Mixed Marsh

Stormwater Treatment Area Water Depths



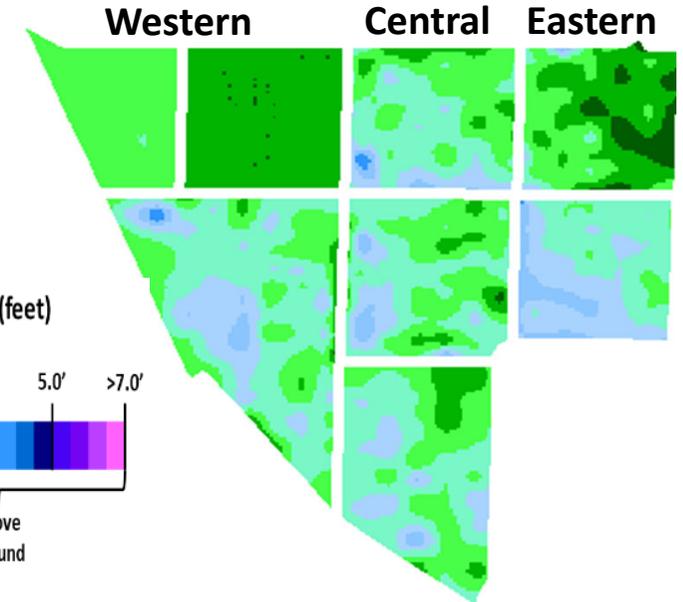
Flow-Way	Restrictions
1	On-line
2	On-line; vegetation management
3	On-line; refurbishment - canal plug construction
4	On-line; vegetation management
5	On-line

STA-2



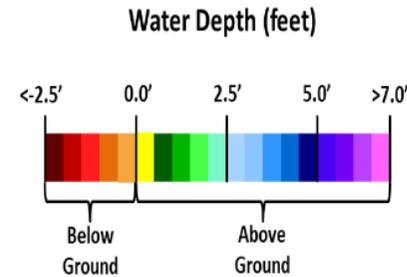
Flow-way	Restrictions
Northern	On-line; vegetation management
Eastern	On-line
Western	On-line
Cell 7	On-line
Cell 8	On-line; construction activities

STA-1W

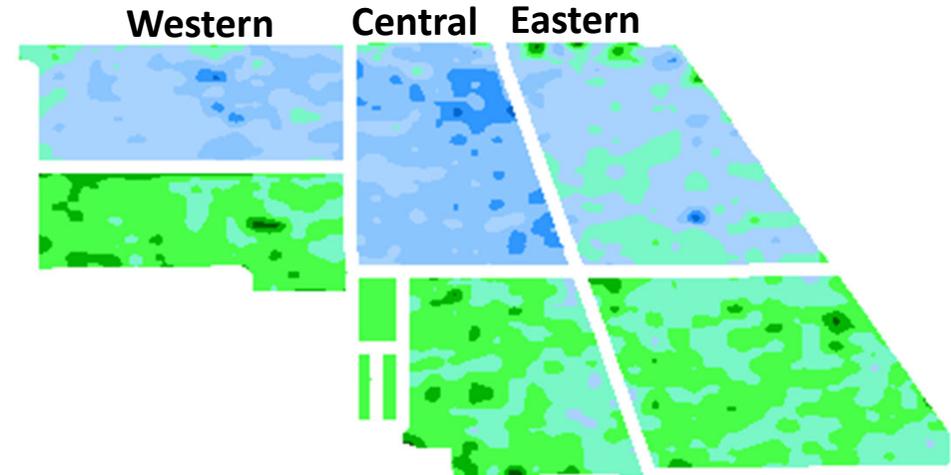
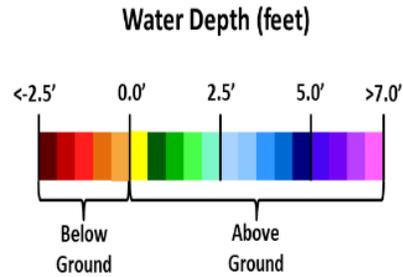
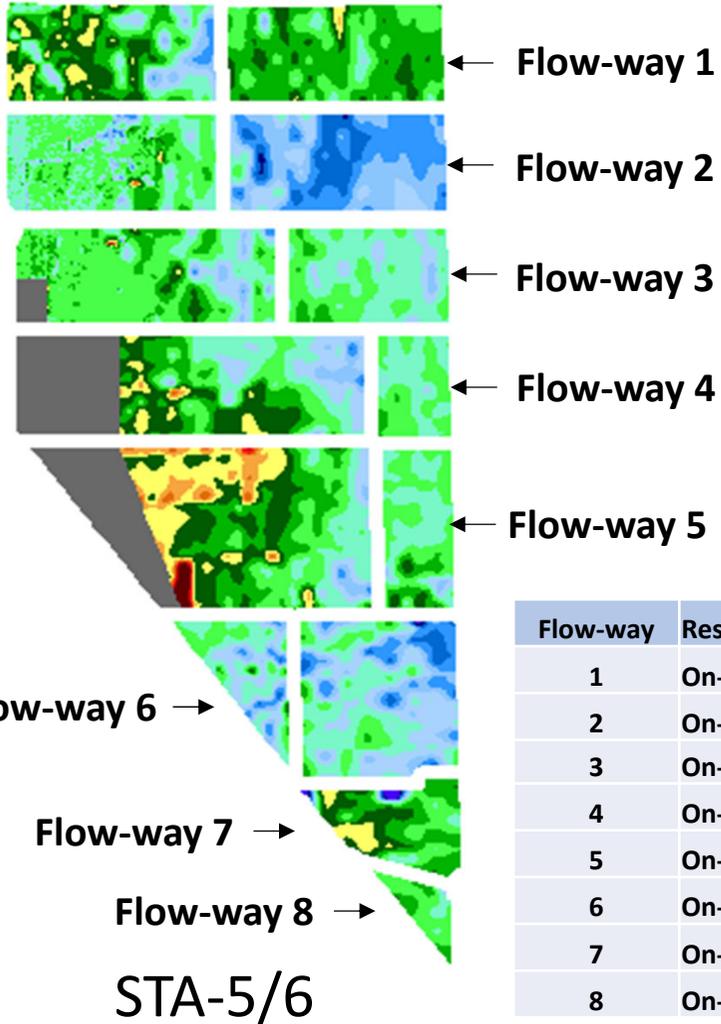


Flow-way	Restrictions	Back on-line
Western	Off-line ; post-construction grow in	August
Central	On-line	
Eastern	On-line	

STA-1E



Stormwater Treatment Area Water Depths

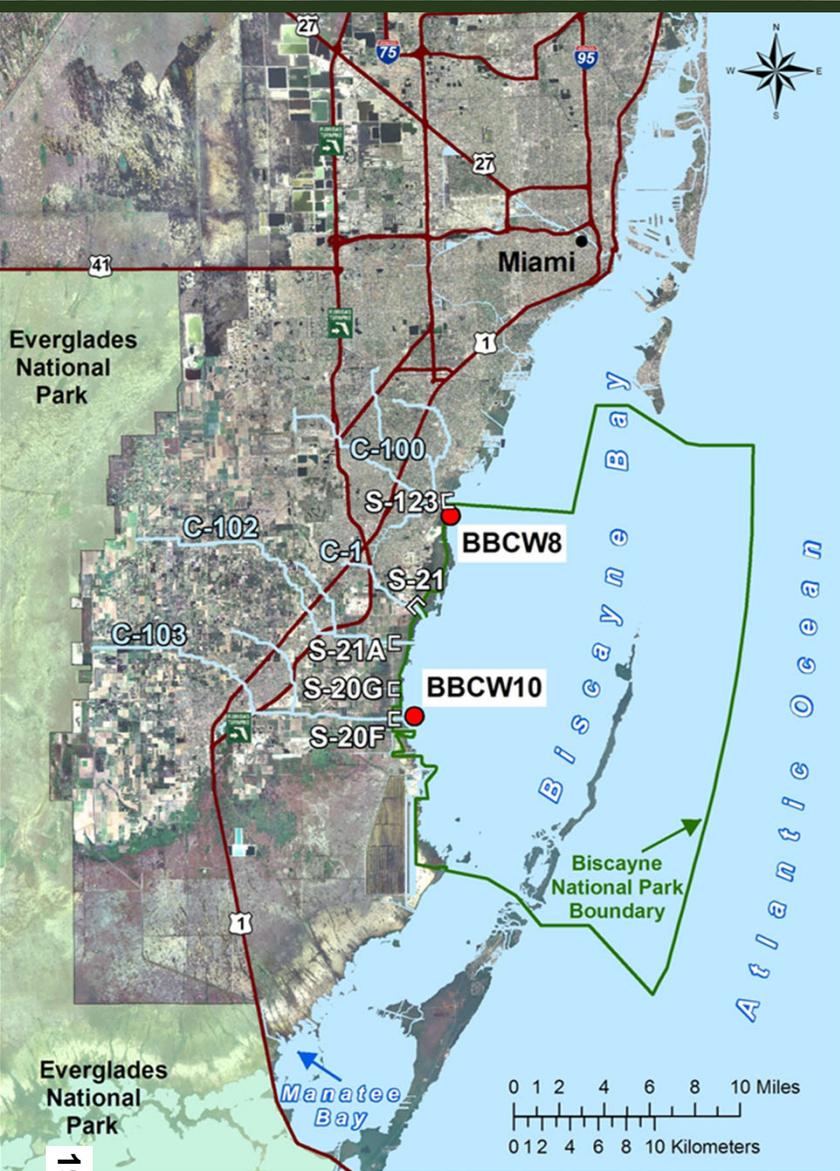


Flow-way	Restrictions
1	On-line
2	On-line
3	On-line
4	On-line
5	On-line
6	On-line
7	On-line
8	On-line

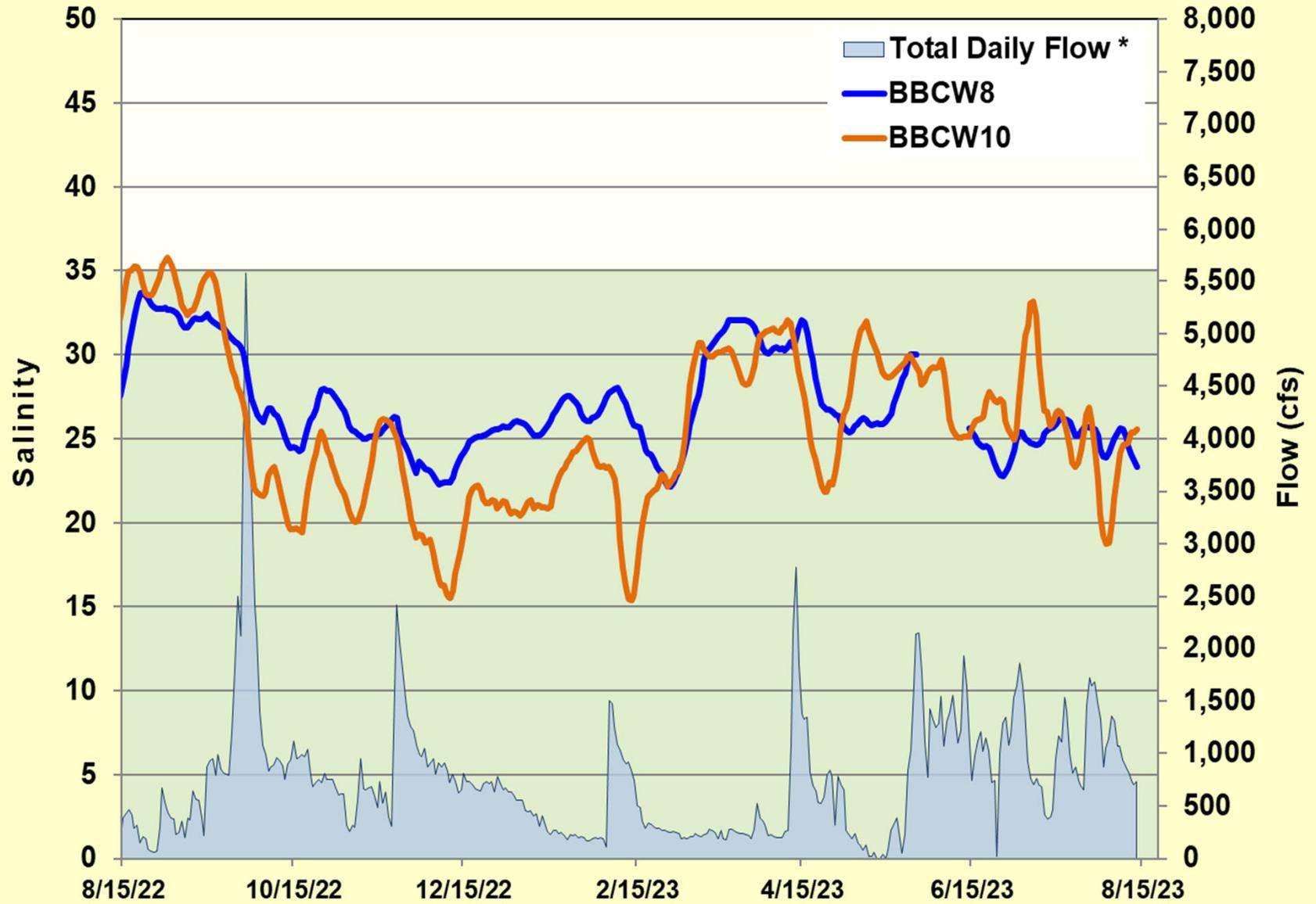
Flow-way	Restrictions	Back on-line
Western	On-line	
Central	On-line	
Eastern	Off-line; vegetation rehabilitation	August

STA-3/4

Biscayne Bay

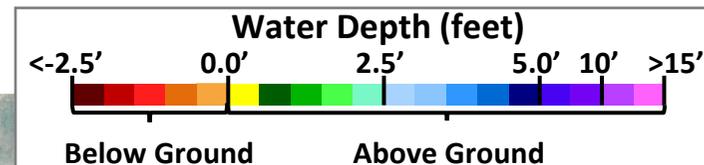
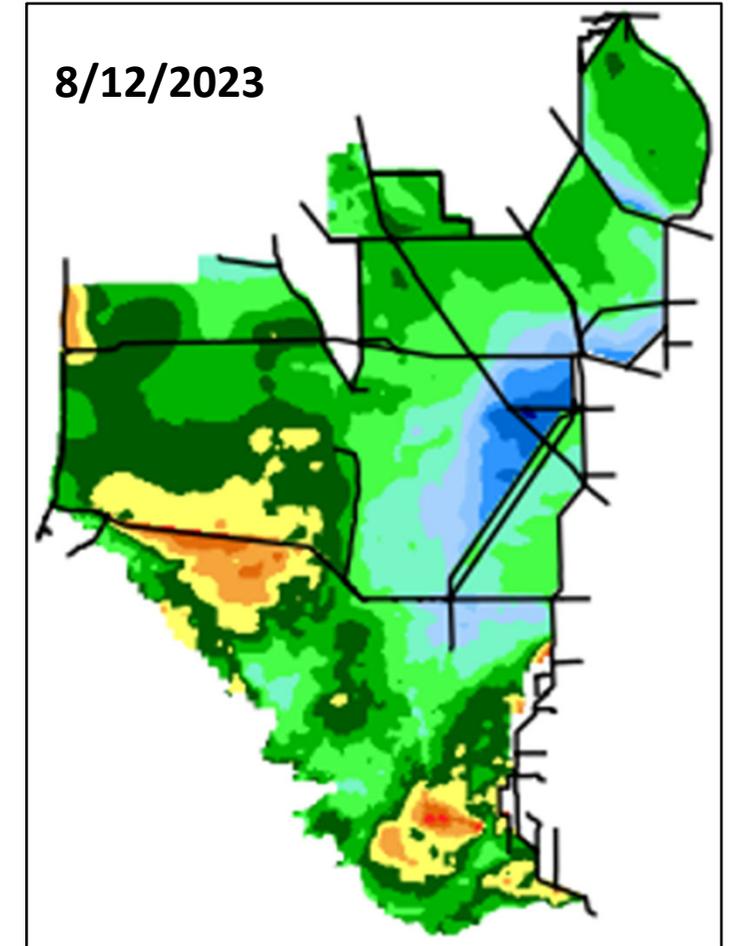
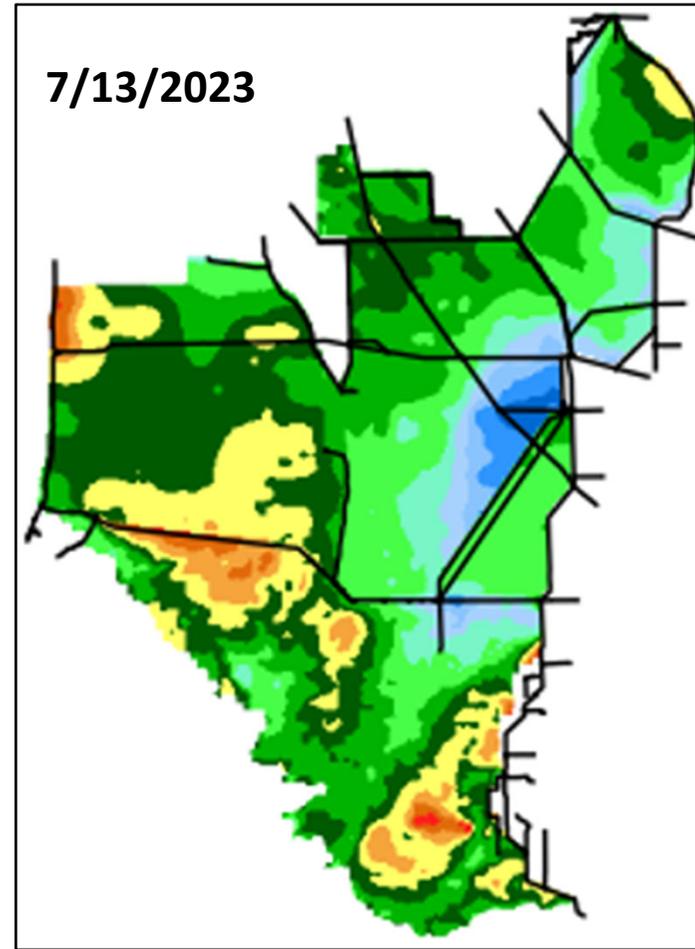
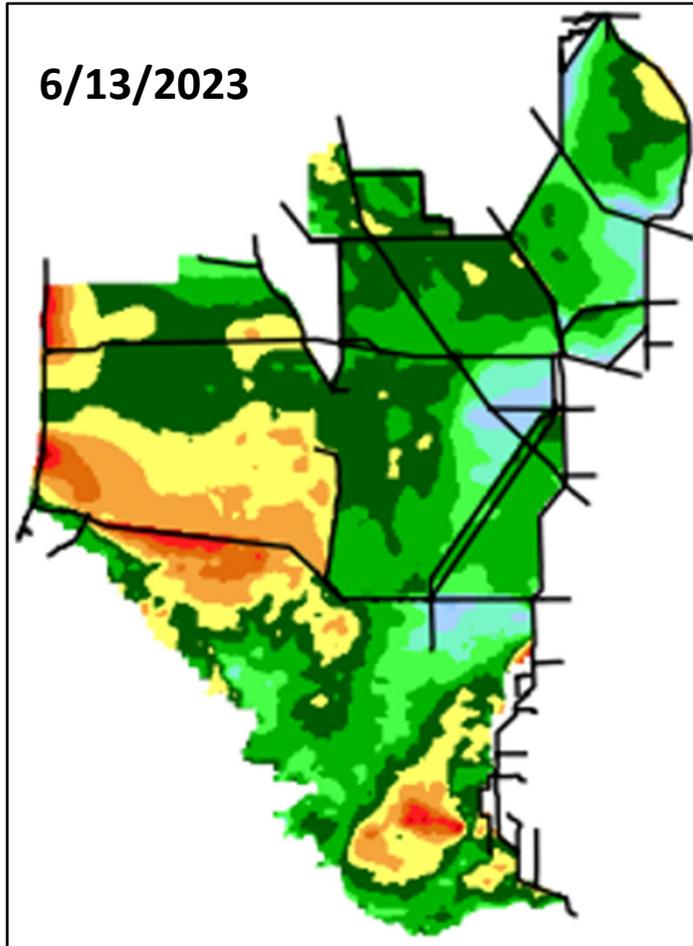


Seven-Day Mean Salinity (BBCW8 & BBCW10) & Total Daily Flow



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

Everglades Water Depths

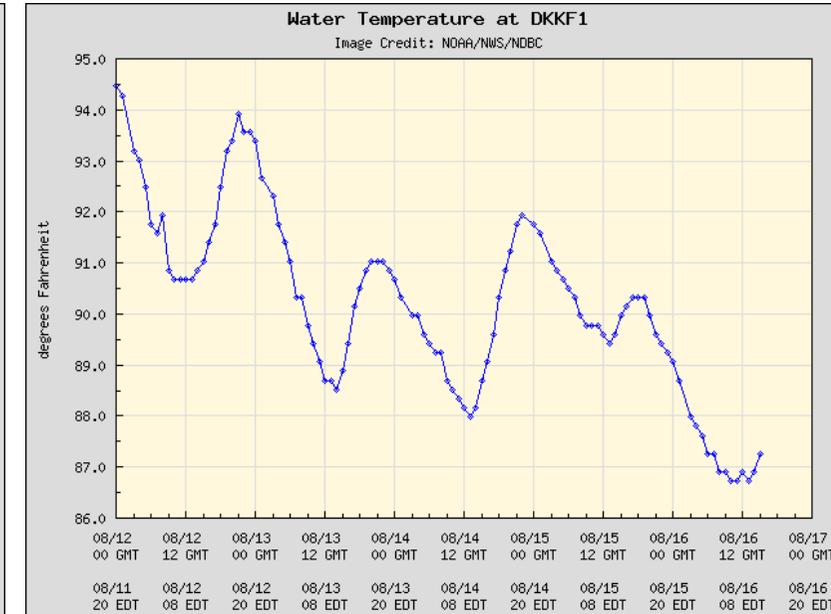
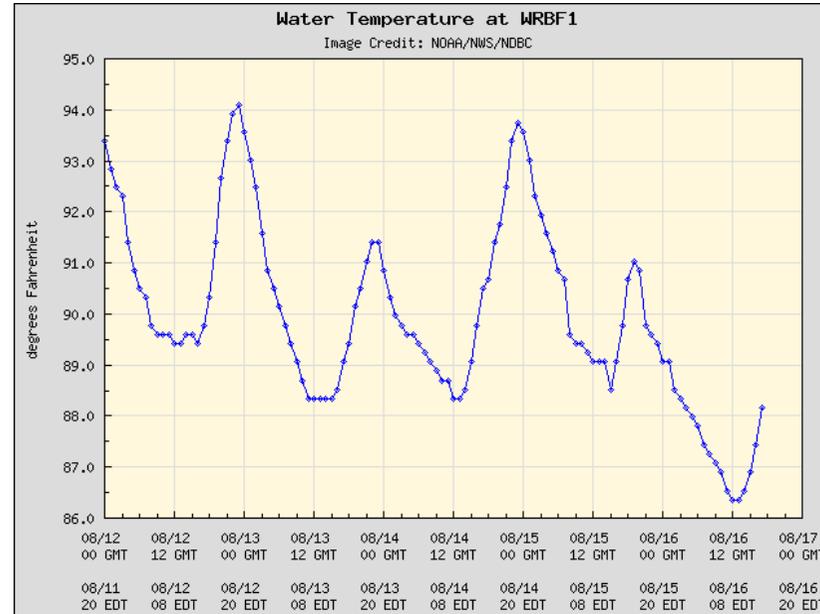
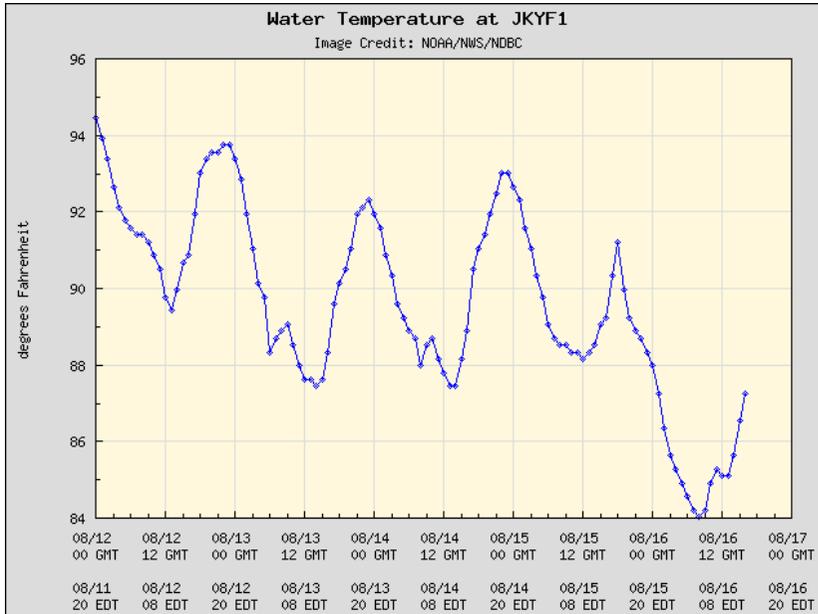


Water Temperature in Florida Bay 8/11-17/23

Johnson Key- West

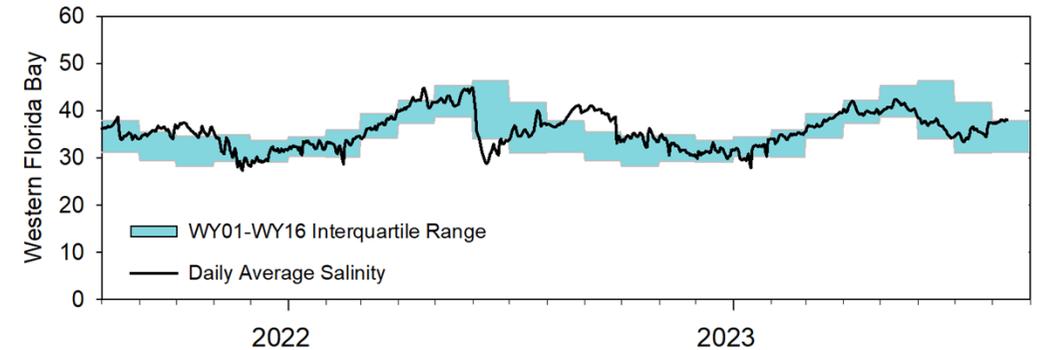
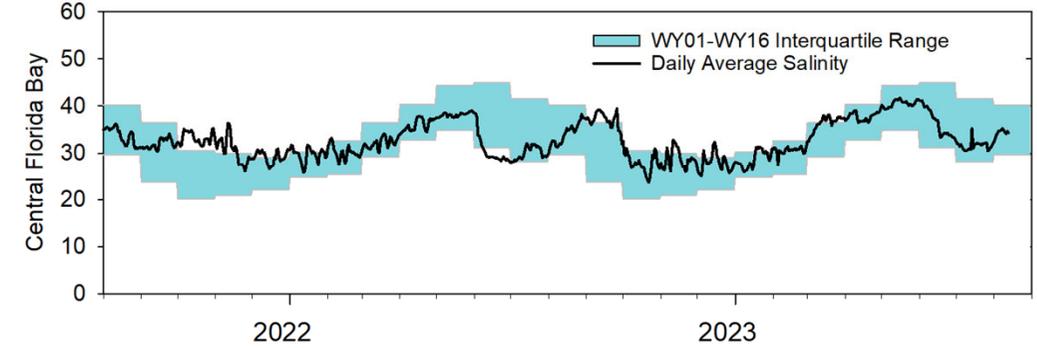
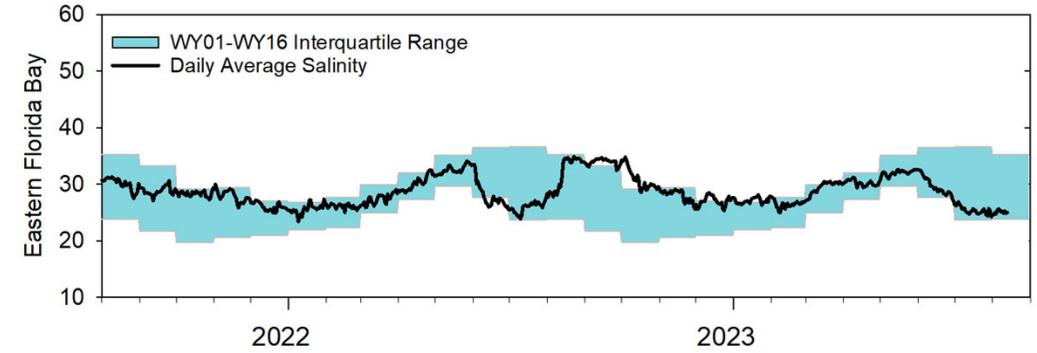
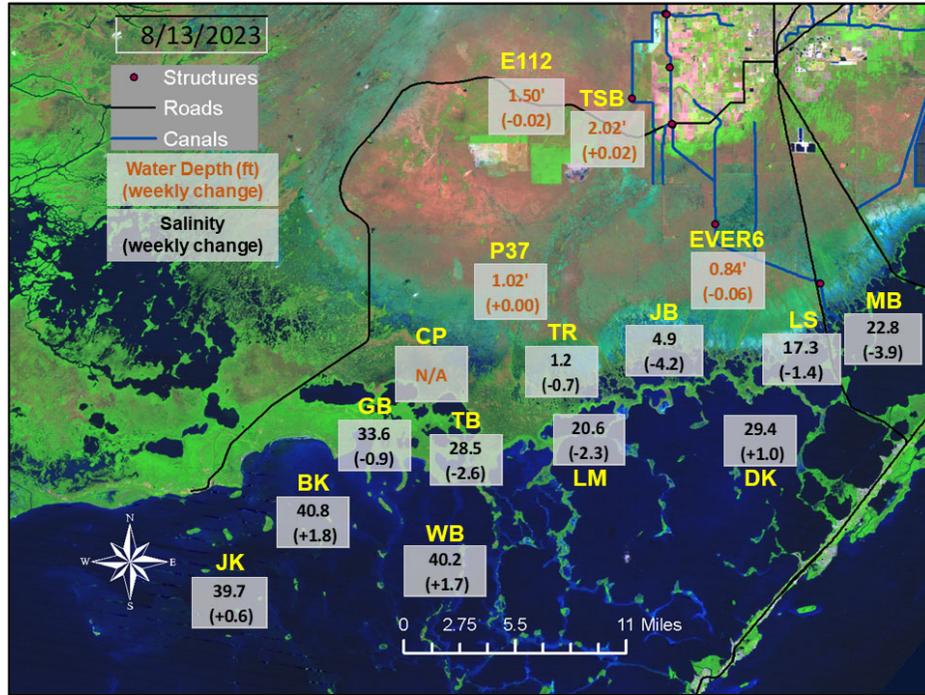
Whipray Basin- Central

Duck Key- East



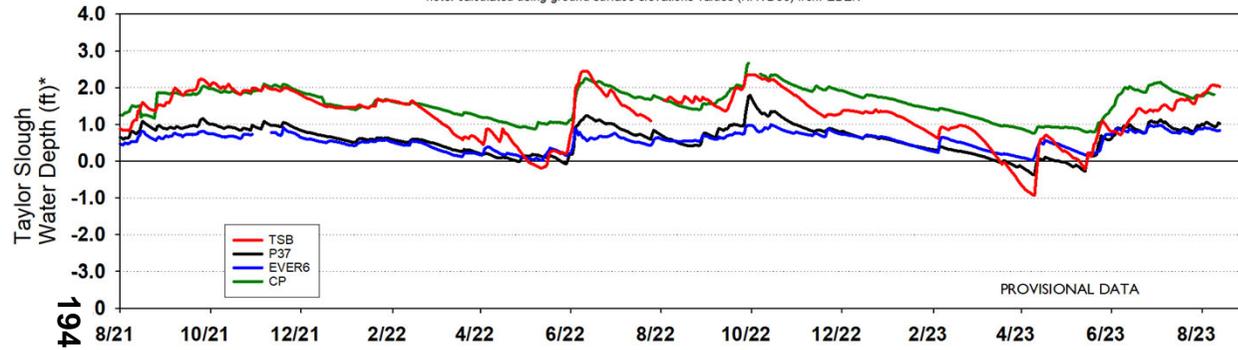
Seagrass blade shedding

Florida Bay Salinity

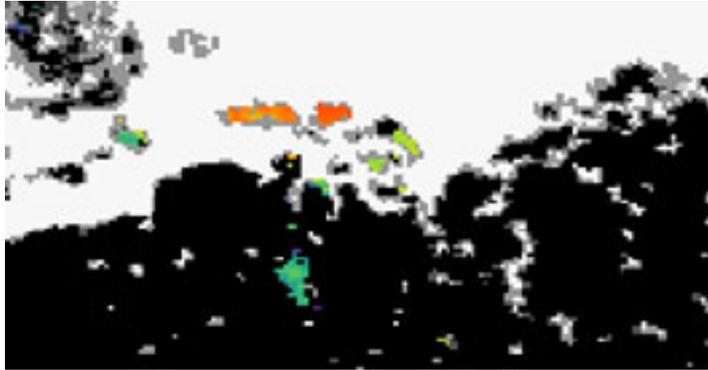


Taylor Slough Water Depths

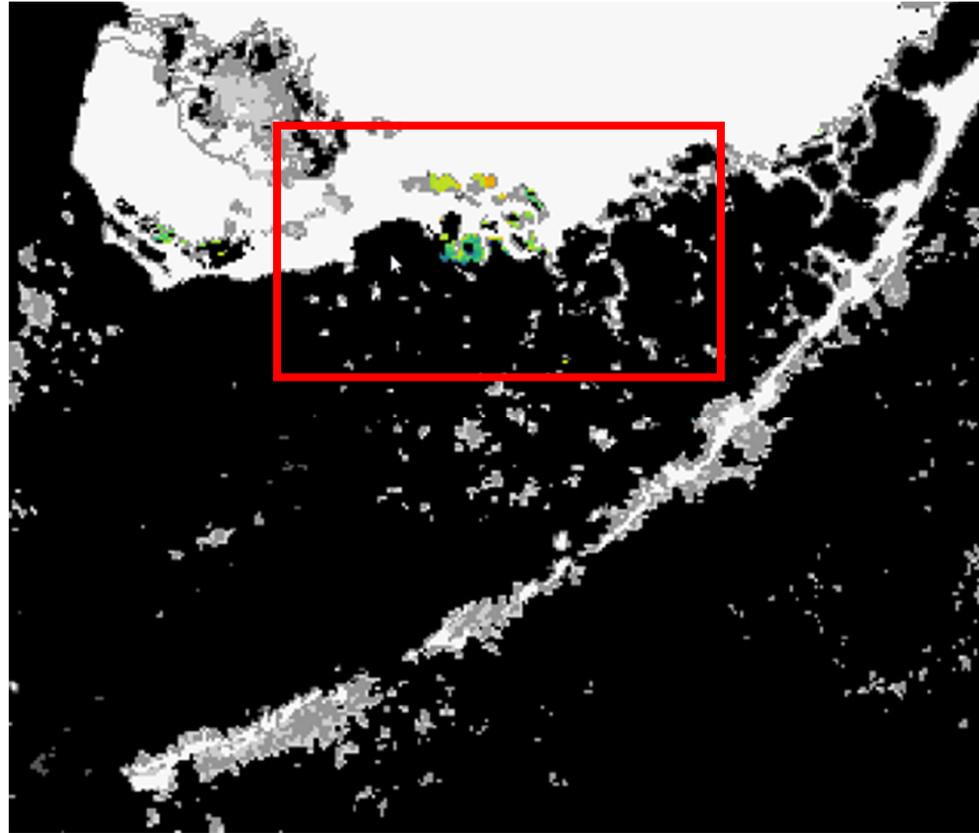
*note: calculated using ground surface elevations values (NAVD88) from EDEN



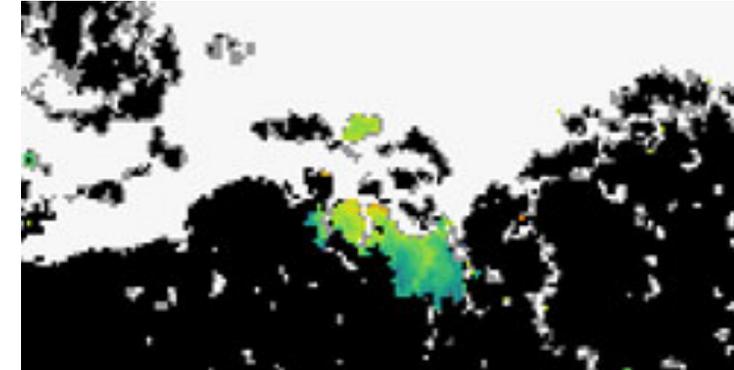
Florida Bay Algal Blooms



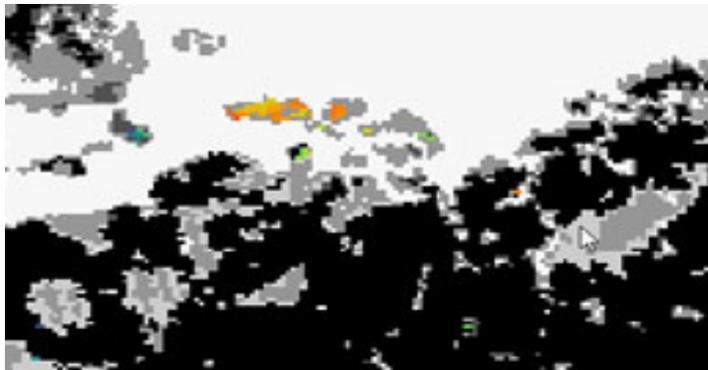
April 25, 2023



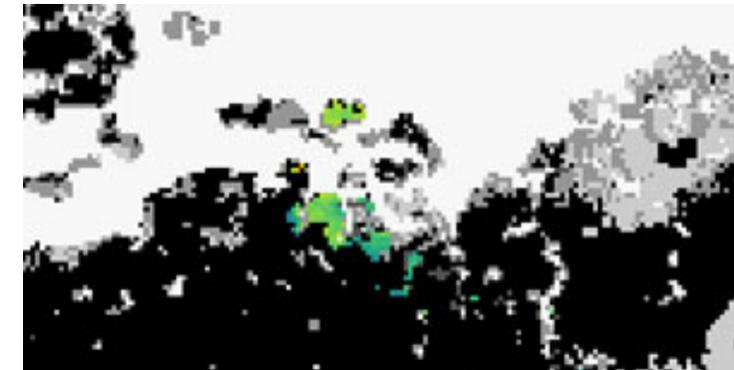
June 28, 2023



July 14, 2023



June 6, 2023



August 14, 2023

Questions



Least Bittern (*Ixobrychus exilis*), Palm Beach County Natural Area
Photograph courtesy of Jake Dombrowski



Progress Update on Northern Everglades and Estuaries Protection Program (NEEPP)

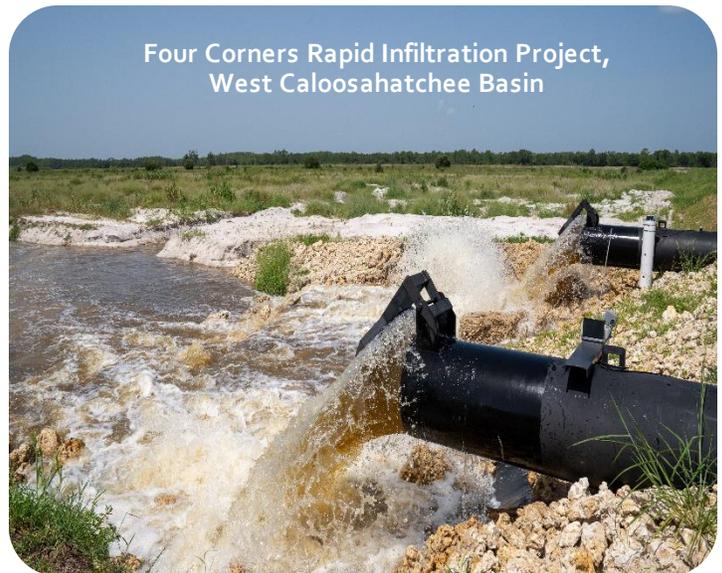
August 17, 2023 Governing Board

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 ([SFWMD.gov/SFER](https://www.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](https://www.sfwmd.gov/WPPs).

SFWMD Progress Update

- In the Caloosahatchee River Watershed, a ribbon-cutting ceremony for the Four Corners Rapid Infiltration project in Lee County was held on July 25, 2023, following construction completion this past month. This new project will increase water and nutrient retention by operating a ~366-acre above-ground impoundment including a 22-acre rapid infiltration area, 97-acre seepage area, 3 inflow pump stations totaling 200-cfs capacity, and associated water control structures and ditch improvements necessary to facilitate project inflow from Cypress Creek, Babcock Ranch, County Line Ditch, and other County Line Drainage District areas. The operational project will provide an estimated average water quality benefit of 1.23 metric tons of TP and 39.3 metric tons of TN, and an average water quantity benefit of 20,000 acre-feet per year.





Progress Update on Northern Everglades and Estuaries Protection Program (NEEPP)

August 17, 2023 Governing Board

DEP Progress Update

- DEP is in the process of collecting 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. In July 2023, DEP also published a [Q&A document](#) covering key stakeholder information on CWA requirements for WWTP and OSTDS Remediation Plans. This is part of closely coordinated efforts with affected stakeholders, following DEP's informational webinar on these plans held in June 2023. Related materials can be found at: <https://floridadep.gov/dear/water-quality-restoration/content/clean-waterways-act-requirements-wastewater-onsite-sewage>.
- 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, 75 agricultural parcels (representing less than 1,600 acres) remain out of compliance. The majority of these parcels are less than 15 acres and only four are greater than 50 acres. DEP will continue enforcement action until all parcels referred to the agency are in compliance.

FDACS Progress Update

- As of July 1, 2023, FDACS has completed 84% 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

- October 2, 2023: *Draft 2024 SFER – Volume I* web release for public and peer review ([SFWMD.gov/SFER](https://sfwmd.gov/SFER)).
- The next Lake Okeechobee BMAP 5-Year Review process will be kicking off later this year. The 5-Year Review will cover progress made within the BMAP over the last 10 years and include water quality analyses as well as recommendations for the upcoming Lake Okeechobee BMAP update.



South Florida Ecosystem Restoration Projects including the Comprehensive Everglades Restoration Plan (CERP) are authorized when a planning study is approved by Congress as part of a Water Resource Development Act (WRDA).

Responsibility for design and construction of CERP and other federal restoration projects is shared between the US Army Corps of Engineers (USACE) and the South Florida Water Management District (SFWM), based on coordination between the two agencies, the Integrated Delivery Schedule (IDS), and the Project Partnership Agreement for each project.

As directed by Governor DeSantis in Executive Order 23-06, this document reports the USACE's progress on CERP efforts for the restoration of the Greater Everglades.



US Army Corps of Engineers Led CERP Construction and Planning Projects

Update – August 2023

PLANNING STUDIES

- **Lake Okeechobee System Operating Manual (LOSOM)**

Next Milestone: USACE released the Draft Final Water Control Plan (WCP) to the public on 18 July and held a project delivery team meeting 24 July. The Final Environmental Impact Statement (EIS) is scheduled to be completed October 2023 with Record of Decision projected to be signed December 2023.

- **Lake Okeechobee Watershed Restoration Project (LOWRP)**

The 3x3x3 waiver was transmitted with projected USACE Headquarters approval in late August. Pending waiver approval, the Corps is targeting a Chief's Report in 2024 for the wetland restoration components.

Next Milestone: USACE Study Waiver Approval (August).

- **Western Everglades Restoration Project (WERP)**

The 3x3x3 planning study waiver request, for schedule and budget to revise the Tentatively Selected Plan (TSP) is expected to be approved by USACE Headquarters in August. WERP team is finalizing the revised TSP and preparing to release the draft Planning Implementation Report (PIR) in October.

Next Milestone: Confirmation of the revised TSP - September 2023, USACE Study Waiver Approval - August 2023, targeting a Chief's Report in 2024.

- **Biscayne Bay and Southeastern Everglades Ecosystem Restoration (BBSEER)**

The project team is continuing to refine alternatives for Round Three modeling. A Project Delivery Team Meeting is scheduled for 14 August.

Next Milestone: Confirmation of a Tentatively Selected Plan is scheduled on 11 Jun 24.

- **Southern Everglades**

Study kickoff was planned for 2023 per the 2022 IDS update. The 2023 IDS update is now underway and the study timeline will be updated.



CERP ENGINEERING DESIGN EFFORTS BY USACE

- **Central Everglades Planning Project (CEPP)- Everglades Agricultural Area (EAA) Phase**

Contract 11B- Embankment, outlet structures and spillway – Final design is expected to be completed in November 2023, with construction award expected at the end of FY2024.

Contract 11C- S-626 Seepage Pump Station – Design began in March 2023, construction award expected September 2026.

- **CEPP- South Phase**

Contract 2A- Pump Station S-356E and S-334E Gated Spillway – Final Design is complete with Contract Award rescheduled from December 2023 to March 2024. The delay is because coordination with the FDOT for right of way access to U.S. 41 is taking longer than forecasted. SFWMD, USACE, and FDOT are making progress with development of the draft construction agreement. Execution of the agreement is targeted for the end of August 2023.

Contract 3B- S-355W Gated Spillway in L-29 Canal – Final Design is complete. Contract Award has been rescheduled from September 2023 to December 2023. Coordination with FDOT for right of way access to U.S. 41 is taking longer than forecasted, which has delayed advertisement and award of the construction contract. SFWMD, USACE, and FDOT are making progress with development of the draft construction agreement. Execution of the agreement is targeted for the end of August 2023.

Contract 5- Blue Shanty Flowway – Preliminary design began in FY22. Final design is scheduled to be complete in FY26 and contract award is scheduled for FY26.

Contract 6- L-29 Levee Removal – Design is scheduled to begin in FY24 and contract award is scheduled for FY28.

- **Indian River Lagoon South (IRL-South)**

C-23/24 North Reservoir – Contract 1 (S-426 Pump Station, Afterbay, S-425 Culvert, PC-37 Canal and Structure) draft final design is complete with contract award in Q2 FY 2024.

Contract 2 (Reservoir Embankment Construction) draft final design expected May 2024.

- **Broward County Water Preserve Areas (BCWPA)**

Contract 2 C-11 Impoundment Embankment – Final Design is in progress and construction award expected in Q4 FY2024.

Contract 3 C-11 Impoundment Pump Station – Design in progress, construction award expected late FY2025.

Contract 4 WCA3A Seepage Management Area – Design to begin Q1 FY2024.

Contract 5 C-9 Impoundment – Design to begin Q3 FY2024.

USACE CERP CONSTRUCTION

- **CEPP- EAA Phase**

Contract 10A, Seepage Inflow/Outflow Canal

Contractor:	Phillips & Jordan, Inc.	Contract Award Date:	23-Sep-2021
Notice to Proceed:	16-Nov-2022	Current Contract Completion Date:	15-Nov-2024
Current Contract Cost:	\$79,880,538	Percent Complete:	5%

Status: Environmental monitoring and pre-construction survey work continues. Dewatering within the footprint of the inflow/outflow canal is ongoing. De-mucking, clearing, and grubbing activities began on 31 March 2023 and are approximately 42% complete. Test blasting canal areas is complete, and contractor is excavating the blast sites.

Contract 11A Foundation Preparation & Cutoff Wall

Contractor:	Forgen-Odin JV	Contract Award Date:	28-Sep-2022
Notice to Proceed:	30-Nov-2022	Current Contract Completion Date:	10-Oct-2028
Current Contract Cost:	\$430,464,980	Percent Complete:	1%

Status: Options 1 and 2 were awarded 3 April 2023. Current work consists of submittals.

USACE CERP CONSTRUCTION (continued)

• **CEPP- South Phase**

Contract 1AR- L-67A Culverts

Contractor:	Herve Cody, LLC	Contract Award Date:	19-Dec-2022
Notice to Proceed:	6-Feb-2023	Current Contract Completion Date:	2-Apr-2026
Current Contract Cost:	\$64,846,760	Percent Complete:	0%

Status: Contractor development and coordination of submittals with USACE is nearing completion. Contractor mobilization to begin August 2023.

• **IRL-South**

C-44 Reservoir

Contractor:	Barnard Construction Company, Inc.	Contract Award Date:	11-Sep-2015
Notice to Proceed:	28-Oct-2015	Current Contract Completion Date:	31-Aug-2021
Current Contract Cost:	\$227,589,998	Percent Complete:	100%

Status: USACE and SFWMD are progressing through the Operation Testing and Monitoring Period (OTMP). Repairs to S-402 structure underway. Designing additional seepage management feature to be constructed under separate contract starting in 2024.

C-44 Inflow Canal Bank Stabilization

Contractor:	Herve Cody Contractor, LLC	Contract Award Date:	30-Aug-2019
Notice to Proceed:	11-Oct-2019	Current Contract Completion Date:	4-Nov-2022
Current Contract Cost:	\$22,306,777	Percent Complete:	100%

Status: In OTMP. SFWMD and USACE working on finalizing OTMP plan to evaluate recently completed work and to transfer project.

C-23/24 Stormwater Treatment Area

Contractor:	Kiewit Infrastructure South Co.	Contract Award Date:	28-Sep-2021
Notice to Proceed:	27-Oct-2021	Current Contract Completion Date:	12-Nov-2025
Current Contract Cost:	\$137,972,588	Percent Complete:	31%

Status: Nine of 17 water control structures underway. Contractor is completing embankment around cells 1 and 2. Levee construction in Cell 5 has started.

• **Picayune Strand Restoration Project (PSRP)**

Miller Tram and Road Removal

Contractor:	LJ Clark Construction, Inc.	Contract Award Date:	12-Sep-2019
Notice to Proceed:	8-Nov-2019	Current Contract Completion Date:	29-Sep-2023
Current Contract Cost:	\$11,618,827.14	Percent Complete:	80%

Status: Road removal on-going and nearing completion. Several areas inspected and accepted by SFWMD and USACE. Completion projected by end of September 2023, dependent on weather; areas must be dry to complete road removal.

Southwest Protection Feature Levee

Contractor:	Quality Enterprises USA, Inc.	Contract Award Date:	25-Sep-2020
Notice to Proceed:	20-Oct-2020	Current Contract Completion Date:	28-June-2024
Current Contract Cost:	\$24,296,105	Percent Complete:	54%

Status: Contractor efforts currently consist of hauling and placement of fill material, and testing rework areas. Three of six lifts for the full seven miles are complete.

USACE CERP CONSTRUCTION (continued)

• **Picayune Strand Restoration Project (PSRP)**

Conveyance Features (Design/Build Contract)

Contractor:	Douglas N. Higgins Inc.	Contract Award Date:	28-Sep-2020
Notice to Proceed:	3-Nov-2020	Current Contract Completion Date:	4-Mar-2024
Current Contract Cost:	\$8,256,364	Percent Complete:	56%

Status: Construction completion expected mid-August 2023 for construction efforts under US41. Final Design will be complete for CR-92 in August 2023, with construction start September 2023. Overall construction completion is expected in June 2024.

• **Biscayne Bay Coastal Wetlands (BBCW) L-31 East Flow-way**

Contract 4 Pump Station S-709

Contractor:	Kiewit Infrastructure South Co.	Contract Award Date:	13-May-2020
Notice to Proceed:	5-Jun-2020	Current Contract Completion Date:	24-Aug-2023
Current Contract Cost:	\$10,270,946	Percent Complete:	100%

Status: Construction is complete. The 12-month Operation Testing and Monitoring Period began May 2023. The ribbon cutting ceremony is scheduled for 22 August 2023.

Contract 5A: Pump Station S-705

Contractor:	Harry Pepper & Associates, Inc.	Contract Award Date:	25-Sep-2020
Notice to Proceed:	16-Feb-2021	Current Contract Completion Date:	22-Nov-2023
Current Contract Cost:	\$10,623,676.77	Percent Complete:	99%

Status: Contractor is still working with FPL to install permanent power. Ongoing work on addressing in-house punch list and pre-checks/field testing. Once pre-checks/field testing are complete the commissioning will be scheduled followed by the prefinal inspection.

Contract 5B: Pump Station S-703 and Recreational Sites

Contractor:	Kiewit Infrastructure South Co.	Contract Award Date:	20-Aug-2021
Notice to Proceed:	22-Sep-2021	Current Contract Completion Date:	28-Feb-2024
Current Contract Cost:	\$10,248,161.16	Percent Complete:	10%

Status: Excavation of the intake vault is complete. In addition, the installation of all sheet piles and king piles are completed, spreader canal excavation is ongoing and forming work for the caps continues.

Contract 5C: Pump Stations S-710 and S-711, Seepage Canal C-711W

Contractor:	Kiewit Infrastructure South Co.	Contract Award Date:	14-Sep-2021
Notice to Proceed:	14-Oct-2021	Current Contract Completion Date:	12-Feb-2025
Current Contract Cost:	\$24,654,719.01	Percent Complete:	20%

Status: Piling and auguring are ongoing. Clearing and grubbing for the spreader canal continues. Seepage Canal berm construction is substantially complete. Seepage Canal excavation is ongoing.