



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

June 11, 2020

9:00 AM

via Communications Media Technology

www.SFWMD.gov

FINAL

1. Call to Order - Chauncey Goss, Chairman, Governing Board
2. Pledge of Allegiance
3. Employee Recognitions
 - June Team of the Month: EAA Reservoir Project STA Permitting Team
 - 30-Year Service Award: Calvin Neidrauer, Chief Engineer
4. Agenda Revisions
5. Agenda Item Abstentions by Board Members
6. Big Cypress Basin Board Report - Charlette Roman, Chair
7. Consider Approval of the Minutes for the May 14th Meeting
8. General Public Comment
9. Board Comment

Consent Agenda

10. Move Consent Agenda Items to Discussion Agenda
11. Public Comment on Consent Agenda Items
12. Land Acquisition, Pennsuco Wetlands Project, Miami-Dade County (Staff contact, Stephen M. Collins, ext. 2959)

Agenda Item Background:

The District is acquiring land from willing sellers in the Pennsuco Wetlands Project (Pennsuco) in northwestern Miami-Dade County. A five-acre tract within Pennsuco is to be acquired from a willing seller for \$40,000, which is below appraised value. Funding for the purchase, along with \$1,986.20 for associated costs, will come from the Lake Belt Mitigation Fund. Acquisition and restoration of the Pennsuco wetlands is a key component of the Miami-Dade County Lake Belt Plan.

Recommended Action:

Resolution No. 2020 - 0601 Acquire land interests containing five acres, more or less, in the amount of \$40,000, located in the Pennsuco Wetlands Project in Miami-Dade County, for which dedicated funds (Lake Belt Mitigation Fund) are budgeted in Fiscal Year 2019-2020.

13. Land Acquisition, C-111 South Dade Project, Miami-Dade County (Staff contact, Stephen M. Collins, ext. 2959)

Agenda Item Background:

The District is currently acquiring land from willing sellers for the C-111 South Dade Project in Miami-Dade County. This Project will improve the natural values of Everglades National Park, including Florida Bay and restoration of historic hydrologic conditions in the C-111 Basin, where the South Glades is located. A settlement has been negotiated with six owners at \$319,400 for two tracts containing approximately 20 acres of land including all fees and costs.

Recommended Action:

Resolution No. 2020 - 0602 Acquire land interests on two tracts containing a total of 20 acres, more or less, in the amount of \$319,400, for which dedicated funds (Save Our Everglades Trust Fund and Ad Valorem funds) are budgeted in Fiscal Year 2019-2020, for the C-111 South Dade Project.

14. Lease Extension with Florida Fish and Wildlife Conservation Commission, Miami-Dade County (Staff contact, Stephen M. Collins, ext. 2959)

Agenda Item Background:

The District wishes to extend an existing Lease on 100 acres known as Frog Pond North Dove Field to the Florida Fish and Wildlife Conservation Commission (FWC) in Miami-Dade County. The current Lease will expire on August 10, 2020. FWC currently manages and maintains this parcel, at no cost to the District, as a small game hunting area offering public outdoor recreational activities that are compatible with the preservation of the natural and historical resources of the property. The District would not charge rent on this Lease. Continuation of this Lease expands public use consistent with District policy on use of public lands. The Lease would include automatic annual term extensions. Both the District and FWC would have a Termination for Convenience provision that allows for termination of the Lease with 180 days' notice.

Recommended Action:

Resolution No. 2020 - 0603 Issue an amended and restated lease to the Florida Fish and Wildlife Conservation Commission on 100 acres, more or less, in Miami-Dade County. (Contract Number 4600002123)

15. Emergency Debris Management Site Services (Staff contact, Stephen Collins, ext. 2959)

Agenda Item Background:

Emergency Debris Management Site Services contracts are one component of the District's Emergency Debris Removal Operations Plan for post-storm incident clean-up. This initiative will expedite the processing and disposal of storm related debris. Upon Governing Board approval, the contractors listed below will provide Emergency Debris Management Site Services, as needed, for temporary storage, sorting, recycling, reduction and final disposal of emergency incident generated debris.

Recommended Action:

Resolution No. 2020 - 0604 Authorize the official ranking of short-listed firms and enter into five-year work order contracts, subject to successful negotiations with the four firms selected below for Emergency Debris Management Site Services, in an amount not-to-exceed the amounts authorized by the Governing Board for each emergency incident, available for all four contracts.

DRC Emergency Services, LLC.	Contract Number 4600004238
Ceres Environmental Services, Inc.	Contract Number 4600004239
Arbor Tree and Land, Inc.	Contract Number 4600004240
Southern Disaster Recovery, LLC.	Contract Number 4600004241

16. Canal Easement Partial Release for the C-6 (Miami Canal), Miami Dade County (Staff contact, Stephen M. Collins, ext. 2959)

Agenda Item Background:

Staff seeks Governing Board approval to release approximately 49.32 acres of the C-6 (Miami Canal) canal easement to Florida Department of Transportation, between the Broward - Miami-Dade County line Southeasterly to the Homestead Extension of Florida's Turnpike, and NW 107th Avenue to NW 116th Way, Miami-Dade County. The release is requested due to modifications to U.S. 27/State Road 25 (Okeechobee Road), including realignment and widening, intersection improvements, access modifications (acceleration and deceleration lanes), run-off retention areas, construction of sidewalks, and widening of existing bridges.

Recommended Action:

Resolution No. 2020 - 0605 Release a portion of a canal easement containing 49.32 acres, more or less, located in several Sections in Township 52 South, Ranges 39 and 40 East, Miami-Dade County, C-6 (Miami Canal) Project, to the Florida Department of Transportation, at no cost.

17. Right of Way Waiver Request, Miami-Dade County (Staff contact, Richard Virgil, ext. 6759)

Agenda Item Background:

Staff recommends approval of a waiver (or "relaxation") of the District's rule requiring that above-ground improvements be setback 40 feet from top of bank to allow for the unobstructed travel of District vehicles and equipment. The "relaxation" is requested for the north bank of the C-4 Canal between S.W. 87th Avenue and S.W. 82nd Avenue

because the District does not have an accessible 40-foot wide area along the bank. Instead, the District's accessible clear zone ranges from 17 to 23 feet wide, which corresponds to the limits of the C-4 flood berm project. The area proposed for relaxation is inaccessible for routine maintenance activities and abuts the flood berm project area. The District seeks to issue Right of Way Occupancy Permits (ROW Permits) within the proposed relaxation area for existing above-ground improvements such as fences, sheds, and trees. Since 2015, the District has approved seven identical relaxations along the north bank of the C-4 Canal to accommodate residents in this part of Miami-Dade County. If approved, the relaxation of the 40-foot setback rule will not adversely impact the District's ability to perform operations or maintenance. Approval of the relaxation does not diminish the District's authority to regulate use of the right of way and does not obviate the need to obtain permits. The rule relaxation will allow for ROW Permits to be issued administratively in lieu of having homeowners file individual requests for waivers from the Governing Board. Homeowners will be responsible for maintaining their improvements and the right of way outside the flood berm project area.

Recommended Action:

Approval of a relaxation of the requirement contained in District rules that an unencumbered 40-foot wide strip of right of way be maintained, as measured from the top of bank landward. The rule relaxation will apply to the north right of way of the C-4 Canal from S.W. 87th Avenue to S.W. 82nd Avenue in Miami-Dade County outside the C-4 Flood Berm Project area.

18. Publication of Notice of Proposed Rule and Adoption of Amendments to Rules 40E-7.668 through 40E-7.678, Florida Administrative Code, Small Business Enterprise Contracting Program (Provided no changes are made and no request for public hearing is timely received) (Staff contact, Candida Heater, ext. 6486)

Agenda Item Background:

On April 9, 2020, the Governing Board authorized publication of the Notice of Rule Development to amend Rules 40E-7.668 through 40E-7.678 Florida Administrative Code, for the District's Procurement Process regarding the Small Business Enterprise Contracting Program. This notice was published in the Florida Administrative Register (FAR) on April 30, 2020. There were no public comments or request for a workshop received during this time.

Staff is requesting authorization from the Governing Board to publish a Notice of Proposed Rule in the Florida Administrative Register, and to adopt the proposed rules, provided that no changes are made and no request for public hearing is timely received. Staff will publish notice in newspapers of general circulation in the District's 16 counties informing the public that the Governing Board authorized publication of the Notice of Proposed Rule and adoption of the proposed rules. The newspaper notice will include a link to the Notice of Proposed Rule and provide contact information. All interested and affected persons will directly receive a similar notice in accordance with the statute. Any affected person may request a public hearing on the rule within 21 days of the date the notice is published. If no request for public hearing is timely received and no changes are made to the proposed rules, the District will proceed with filing the proposed rules for adoption with the Department of State.

Recommended Action:

Authorize publication of Notice of Proposed Rule in the Florida Administrative Register, and authorize adoption

of amendments to the Small Business Enterprise Contracting Program Rules 40E-7.668- 40E-7.678, Florida Administrative Code (provided no changes are made and no request for hearing is timely received), to clarify and refine the program for small businesses.

19. Desktop Support Contractor Extension (Staff contact, Duane Piper, ext. 2150)

Agenda Item Background:

The District is in the process of replacing all computers. Information Technology procured contractual services to assist with the deployment. These services include equipment receipt, configuration, deployment, and retrieval of old equipment. Due to COVID-19, the desktop deployment was put on hold and the contractors are assisting customers with equipment needed to work from home and the annual fixed asset inventory.

This request is to amend Purchase Order Number 4500107748 with Tech Army LLC for a desktop support technician for the time period June 26, 2020 through September 30, 2021 using the State of Florida Information Technology Staff Augmentation Services Contract Number 80101507-SA-15-01, in the increased amount of \$80,512 for a revised total of \$213,600. This contract was competed by another government agency.

Recommended Action:

Resolution No. 2020 - 0606 Authorize an amendment to Purchase Order Number 4500107748 with Tech Army LLC by increasing the amount of the purchase order by \$80,512 for a revised purchase order total of \$213,600 for a desktop support contractor, for the time period June 26, 2020 through September 30, 2021, for which \$37,376 in Ad Valorem funds are budgeted in Fiscal Year 2019-2020 and the remainder is subject to Governing Board approval of future years budgets.

20. e-Builder Construction Management Software Subscription Agreement (Staff contact, Duane Piper, ext. 2150)

Agenda Item Background:

The e-Builder Construction Management Software is an efficient cloud-based construction management solution that manages construction program costs, schedules, and documents through workflow and business intelligence. e-Builder provides project managers the capability to measure and manage every step of the construction project delivery process from planning, design, procurement, construction, and operations.

This request is to enter into a contract with e-Builder, Inc. for a 3-year software subscription agreement with two 1-year renewal options, using the GSA Schedule Number GS-35F-408AA in the amount of \$1,476,607. This contract was competed by another government agency.

Recommended Action:

Resolution No. 2020 - 0607 Authorize entering into a contract with e-Builder, Inc. for a 3-year software subscription agreement with two 1-year renewal options, using the General Services Administration Contract Number GS-35F-408AA, in the amount of \$1,476,607, for which \$217,087 of Ad Valorem funds are budgeted in Fiscal Year 2019-2020 and the

remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004236)

21. Temporary Variances from Phase III Landscape Irrigation Restrictions Imposed by SFWMD Order No. 2020-012-DAO-WS (Staff contact, Lawrence Glenn, ext. 6499)

Agenda Item Background:

This item requests entry of a Final Order concurring with the temporary variances issued by the Executive Director to six variance requestors to SFWMD Order No. 2020-012-DAO-WS (Order), imposing modified Phase I and Phase III water shortage restrictions within Lee County in accordance with Rules 40E-21.521 and 40E-21.541, Florida Administrative Code (F.A.C.).

Six users filed applications for a variance pursuant to Rule 40E-21.275, F.A.C. Each variance requested alternative irrigation schedules due to irrigation system limitations. Applications for variances may be approved when an applicant has provided reasonable assurances that the variance will not otherwise be harmful to the water resources of the District, and affirmatively demonstrate compliance with District rules and meets the intent of the Order's restrictions.

Staff determined the variance applications on the attached list met the requirements under subsection 40E-21.275(2), F.A.C., and issued recommendations for approval. The Executive Director reviewed the recommendations and granted temporary variances.

Recommended Action:

Concur with the Temporary Variances from Phase III Landscape Irrigation Restrictions imposed by SFWMD Order No. 2020-012-DAO-WS.

22. Mediated Settlement Agreement (Staff contact, Darren Leiser, ext. 6842)

Agenda Item Background:

In 2018, a former employee sued the District alleging employment discrimination. After the District had the state discrimination claims dismissed and the federal discrimination claims removed to federal court, the parties attended court ordered mediation on April 24, 2020. At the mediation, the parties entered into a proposed settlement agreement that will completely resolve the claims against the District. By settling now, the District will avoid fees, costs and uncertainty associated with a jury trial.

Recommended Action:

Resolution No. 2020 - 0608 Ratify a proposed settlement agreement for the purpose of resolving an employment discrimination case in the U.S. District Court, Southern District of Florida, Case No. 9:19-cv-81400-RLR.

23. Fiscal Year 2019 Comprehensive Annual Financial Report and Audit Management Letter (Staff contact, Tim Beirnes, ext. 6398)

Agenda Item Background:

The District's external audit firm completed its audit of the District's financial statements for the fiscal year ending September 30, 2019. This annual independent financial audit was performed to fulfill the requirements of Part III, Chapter 218, Florida Statutes. The audit examines the financial records and statements of the District in order to form opinions of the District's financial statements. These audits are performed in accordance with generally accepted auditing standards as set forth

by the American Institute of Certified Public Accountants, the rules of the Auditor General of the State of Florida, and the standards for financial audits set forth by the U.S. Office of Management and Budget revised Circular A-133, Audits of State, Local Governments and Non-Profit Organizations.

The external auditors issued an unqualified (i.e., “clean”) opinion on the District’s financial statements, the related notes to the financial statements as well as compliance with the requirements of laws, regulations, contracts and grants applicable to our federal program and state projects. Further, there were neither accounting misstatements detected, nor audit adjustments proposed during the audit. In addition, the auditors did not identify any deficiencies in internal control that could be considered material weaknesses or significant deficiencies and did not indicate any management letter findings or other reportable conditions. The Fiscal Year 2019 Comprehensive Annual Financial Report and Audit Management Letter may be found on the District’s website at www.sfwmd.gov/who-we-are/open-government/budget-finance.

Pursuant to Section 373.536(6)(a)2, Florida Statutes, a copy of the financial audit is to be furnished within 10 days after its acceptance by the Governing Board, to the Governor, President of the Senate, Speaker of the House of Representatives and chairs of all legislative committees and subcommittees having fiscal jurisdiction over the districts, as well as to the Secretary of the Florida Department of Environmental Protection (DEP), Governing Boards of each county in which the District has jurisdiction and the Auditor General.

**Recommended Action:
Accept the Fiscal Year 2019 Comprehensive Annual
Financial Report and Audit Management Letter.**

24. Board Vote on Consent Agenda

Technical Reports

25. Water Conditions Report - John P. Mitnik
26. Ecological Conditions Report - Lawrence Glenn
27. Public Comment

Discussion Agenda

28. Acquisition of Land Interests in Miami-Dade County (Staff contact, Stephen M. Collins, ext. 2959)

Agenda Item Background:

The District is currently acquiring land interests in Miami-Dade County in connection with the Biscayne Bay Coastal Wetlands Project. The District will enter into an Exchange Agreement whereby the District will acquire fee title to approximately 10 adjacent acres within the Bird Drive Project and approximately 83.8 acres within the Biscayne Bay Project needed for a joint District-Corps project. This potentially represents the final land acquisition need for Biscayne Bay Coastal Wetlands depending on final design. In exchange for the acquisition of these lands, the District will convey to iHeartMedia & Entertainment, Inc. (“iHeart”), a Radio Antennae and Access Easement over approximately 60 acres of the District Bird Drive land. The Radio Antennae and Access Easement will enable iHeartMedia to install and operate radio antennae, associated facilities, and an access road, all subject to permitting. All improvements are to be at

adequate elevations to enable the District to flow water across the Easement Lands for environmental restoration and conservation purposes. The easement retains the rights of the District to construct Comprehensive Everglades Restoration Plan (CERP) projects consistent with their final design.

Recommended Action:

Resolution No. 2020 - 0609 Approve acquisition of fee interest of 10 acres, more or less, within the Bird Drive Recharge Area Project in Miami-Dade County and acquisition of fee interest of 83.8 acres, more or less, within the Biscayne Bay Coastal Wetlands Project in Miami-Dade County, in exchange for granting iHeartMedia & Entertainment, Inc., a Radio Antennae and Access Easement encumbering 60 acres, more or less, within the Bird Drive Recharge Area Project in Miami-Dade County; approve declaring 60 acres, more or less, of easement interests as surplus for exchange within the Bird Drive Recharge Area Project in Miami-Dade County.

29. C-44 Stormwater Treatment Area Funding (Staff contact, Alan Shirkey, ext. 2579)

Agenda Item Background:

In 2014, the lowest bidder for the construction of the C-44 Reservoir/STA Project, Stormwater Treatment Area, was awarded the contract at \$100,792,387. The District terminated that contract in November 2018 and is currently in litigation.

On January 10, 2019, the Governing Board authorized the Executive Director to negotiate and execute a new contract to complete the C-44 Reservoir/STA Project, Stormwater Treatment Area, (Contract Number 4600003959). This contract was executed with the second lowest responsive and responsible bidder from the original 2014 solicitation, Bergeron Land Development, Inc. The remaining estimated available contractual budget authority for Fiscal Year 2018-2019 for this Project was \$25,017,003.70, which was used towards the new contract to keep the pace of construction expedited.

Because of the uncertain nature of repairs needed, the new contract is a time and materials contract, which requires payment based on the cost of materials used and the time expended to complete work, rather than a fixed, not-to-exceed amount. Due to the extensive nature of anticipated repairs, District staff expected additional funds would be needed to complete the project once new budget authority became available in Fiscal Year 2019-2020. As such, in December 2019, funding was approved to fulfill the remaining value estimated to complete the work, in an amount of \$14,000,000. Heavy Construction Systems Specialists Software is utilized to provide highly detailed daily cost tracking to ensure accurate accounting and appropriate expenditures by the contractor.

Based on the discovery of additional repairs and earthwork required to address the prior contractor's work, updated cost projections estimated a need for an additional \$9,000,000. This item requests the Governing Board to authorize funding needed to complete the Project. No changes to the terms and conditions of the contract are needed or requested. Any change to the estimated value to complete will be reported to the Governing Board at or before its next scheduled meeting should the need arise.

It should also be noted that the District is seeking recompense from the contractor terminated in 2018. If successful, some or all of the costs associated with project repairs should be defrayed.

Recommended Action:
Resolution No. 2020 - 0610 Authorize additional funding to the Contract, with the second lowest responsive and responsible bidder from the 2014 solicitation, Bergeron Land Development, Inc., to complete the C-44 Reservoir/STA project, Stormwater Treatment Area. This is currently estimated to be \$9,000,000, for which dedicated funds (Save Our Everglades Trust Fund and Land Acquisition Trust Fund) and Ad Valorem funds are budgeted in Fiscal Year 2019-2020. (Contract Number 4600003959)

30. C-43 Reservoir Project Change Order Limit Increase (Staff contact, Jennifer Reynolds, ext. 6672)

Agenda Item Background:

As part of the Comprehensive Everglades Restoration Plan (CERP), the C-43 Reservoir project site in Hendry County covers approximately 10,000 acres. The Governing Board has approved contracts in excess of \$600 million for construction of the project. The Procurement policy currently requires Governing Board approval for change orders in the amount of \$500,000 or greater which is approximately 0.8% of the amount under current contracts. Contractor progress payments are expected to be up to \$10 million per month, or approximately \$500,000 per day. The Package 4 contractor has identified a differing site condition with an estimated cost impact of up to \$6 million. An authorized change order limit increase of a not to exceed amount of \$10,000,000 for this project only will allow staff to negotiate change orders in excess of \$500,000 while avoiding significant delay claims. Staff will report monthly to the Governing Board change orders executed to date.

Recommended Action:
Resolution No. 2020 - 0611 Authorize the District to negotiate change orders with Harry Pepper & Associates, Inc. (Contract Number 4600003780) and C43 Water Management Builders (Contract Number 4600003973) for the C-43 Reservoir Project, for an amount not to exceed \$10,000,000 for which dedicated funds (Save Our Everglades Trust Fund, Land Acquisition Trust Fund, and General Revenue) and Ad Valorem funds are budgeted in Fiscal Year 2019-2020 and any remaining is subject to Governing Board approval of future years budgets.

Staff Reports

31. Monthly Financial Report - Candida Heater
- Emergency Procurements to Respond to COVID-19
32. General Counsel's Report - Paula Cobb
- Extension of Emergency Order to Respond to COVID-19
33. Executive Director's Report - Drew Bartlett

34. General Public Comment
35. Board Comment
36. Adjourn

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MEMORANDUM

TO: Governing Board Members

FROM: Stephen M. Collins, Division Director, Real Estate

DATE: June 11, 2020

SUBJECT: Land Acquisition, Pennsuco Wetlands Project, Miami-Dade County

Agenda Item Background:

The District is acquiring land from willing sellers in the Pennsuco Wetlands Project (Pennsuco) in northwestern Miami-Dade County. Tract No. W9305-911, owned by Haydee Riera, contains approximately five acres within Pennsuco and the purchase price is \$40,000. Funding for the purchase, along with \$1,986.20 for associated costs, will come from the Lake Belt Mitigation Fund. Acquisition and restoration of the Pennsuco wetlands is a key component of the legislatively approved Miami-Dade County Lake Belt Plan.

Core Mission and Strategic Priorities:

Pennsuco serves as a buffer between Lake Belt mining area and the developed areas of Miami-Dade County to the east, and the Everglades to the west. Increased surface water depth and duration in Pennsuco will provide seepage management for the overall benefit of the Everglades by reducing seepage losses from WCA 3B.

Funding Source:

The acquisition of this Tract is from a willing seller. The purchase price of \$40,000 is under the appraised value of \$75,000. The closing costs will be paid by the seller. All costs, including acquisition, associated costs, restoration, and long-term management costs were, or will be, funded from the Lake Belt Mitigation Fund.

Staff Contact and/or Presenter:

Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0601

A Resolution of the Governing Board of the South Florida Water Management District to acquire land interests containing 5.00 acres, more or less, in the amount of \$40,000, located in the Pennsuco Wetlands Project in Miami-Dade County, for which dedicated funds (Lake Belt Mitigation Fund) are budgeted in Fiscal Year 2019-2020; 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 Pennsuco Wetlands Project; and

WHEREAS, the South Florida Water Management District desires to purchase land interests containing 5.00 acres, more or less, for the Pennsuco Wetlands Project, in Miami-Dade County, and as shown on the location map Exhibit "A", attached hereto and made a part hereof, in the amount of \$40,000, 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 Lake Belt 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.

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 purchase of land interests, containing 5.00 acres, more or less, in Miami-Dade County, Pennsuco Wetlands Project, in the amount of \$40,000, together with associated costs, for which dedicated funds (Lake Belt Mitigation Fund) are budgeted in Fiscal Year 2019-2020. Restoration and long-term management costs for which dedicated funds (Lake Belt Mitigation Fund) will be budgeted in the subsequent fiscal year.

Owner	Tract No.	Interest	Acres	Appraised Value	Purchase Price
Haydee Riera	W9305-911	Fee	5.00	\$75,000	\$40,000

Amount	Fund	Fund Center	Functional Area	GL Account #	Account Description
\$ 40,000.00	419000	3510144000	AA05	580020	Acquisition
\$ 1,986.20	419000	3510144000	AA05	580014	Associated Costs

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 11th day of June, 2020.

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

Chauncey P. Goss, II
Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

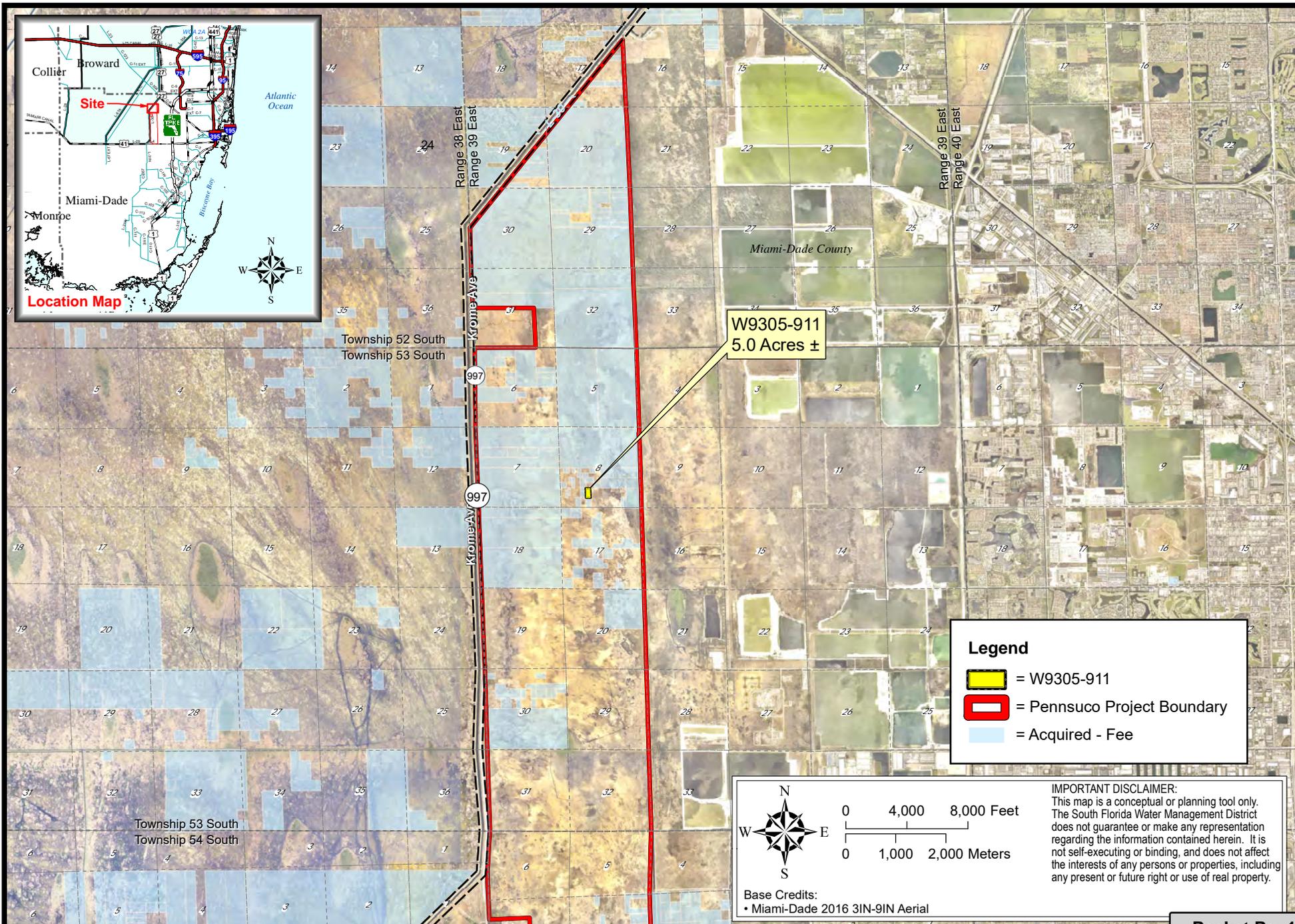
Office of Counsel

Print name:

Exhibit "A"

W9305-911

Pennsuco Wetlands - Miami-Dade County



Attachment: Hall_Map_Riera_Pennsuco_W9305-911 (Resolution No. 2020 - 0601 : Pennsuco Wetlands

MEMORANDUM

TO: Governing Board Members

FROM: Stephen M. Collins, Division Director, Real Estate

DATE: June 11, 2020

SUBJECT: Land Acquisition, C-111 South Dade Project, Miami-Dade County

Agenda Item Background:

The District is currently acquiring land from willing sellers for the C-111 South Dade Project in Miami-Dade County. The Project will improve the natural values of Everglades National Park, including Florida Bay and restoration of historic hydrologic conditions in the C-111 Basin, where the South Glades is located. The six owners of two tracts containing approximately 20.00 acres are represented by an eminent domain attorney. A settlement was negotiated at \$15,970 per acre for both tracts including all attorney's fees and costs. The appraised value is \$6,000 per acre for the 20.00 acres. Staff recommends the acquisition of the tracts at the total purchase price of \$319,400, or 166% over the appraised value, to avoid the risks and added expenses associated with future condemnation action.

Core Mission and Strategic Priorities:

The District is committed to planning, designing and constructing a project that meets the goals and criteria set forth in state law, including Section 373.1501(3), Florida Statutes.

Funding Source:

The acquisition of Tracts is from willing sellers. All costs, including acquisition, associated costs, and closing costs were or will be funded from the Save Our Everglades Trust Fund and Ad Valorem funds.

Staff Contact and/or Presenter:

Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0602

A Resolution of the Governing Board of the South Florida Water Management District to acquire land interests on 2 tracts containing a total of 20.00 acres, more or less, in the amount of \$319,400, for which dedicated funds (Save Our Everglades Trust Fund and Ad Valorem funds) are budgeted in Fiscal Year 2019-2020, for the C-111 South Dade Project in Miami-Dade County; 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 C-111 South Dade Project in Miami-Dade County; and

WHEREAS, pursuant to Resolution No. 2019-0605, the Governing Board of the South Florida Water Management District approved the acquisition of land interests, comprising 61 tracts totaling 351.52 acres, more or less, within the C-111 South Dade Project at the respective approved appraised value for each tract and approved requesting release from the Department of Environmental Protection of Save Our Everglades Trust Funds in connection with the acquisitions; and

WHEREAS, the South Florida Water Management District desires to purchase land interests from 6 different owners of 2 tracts containing a total of 20.00 acres, more or less, for the C-111 South Dade Project, in Miami-Dade County, identified as Tract Nos. GR100-020 and GR100-046 (the "Tracts") shown on the location map Exhibit "A", attached hereto and made a part hereof, in the amount of \$319,400, 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, the aforementioned \$319,400 purchase is above the approved combined appraised value of \$120,000 for the Tracts; and

WHEREAS, all costs are to be funded from the Save Our Everglades Trust Fund and Ad Valorem funds 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.

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 purchase of land interests on 2 tracts, containing a total of 20.00 acres, more or less, in Miami-Dade County, C-111 South Dade Project, together with associated costs, for which dedicated funds (Save Our Everglades Trust Fund and Ad Valorem funds) are budgeted in Fiscal Year 2019-2020. The combined purchase price of \$319,400 exceeds the \$120,000 approved, combined appraised value but is less than the anticipated cost of a future condemnation process. Acquiring the Tracts at the \$319,400 combined

purchase price for 166% over the appraised value, is in the District's best interest to avoid the risks and added expenses associated with a future condemnation process:

Owners	Tract Nos.	Interest	Acres	Appraised Value	Purchase Price
Beverly C. Bittner, Vaughn J. Ziliak, Brenda M. Cross, David C. Ziliak, Lloyd H. Ziliak, Karen L. Mutschler, Jamie B. Ziliak and Loriann M. Ziliak	GR100-020 and GR100-046	Fee	20.00	\$120,000	\$319,400

Amount	Fund	Fund Center	Functional Area	GL Account #	Grant	Account Description
\$319,400	412000	3510144000	PK03	580020	112	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 execute all other documents necessary to consummate this transaction.

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

PASSED and **ADOPTED** this 11th day of June, 2020.

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

Chauncey P. Goss, II
Chairman

Attest:

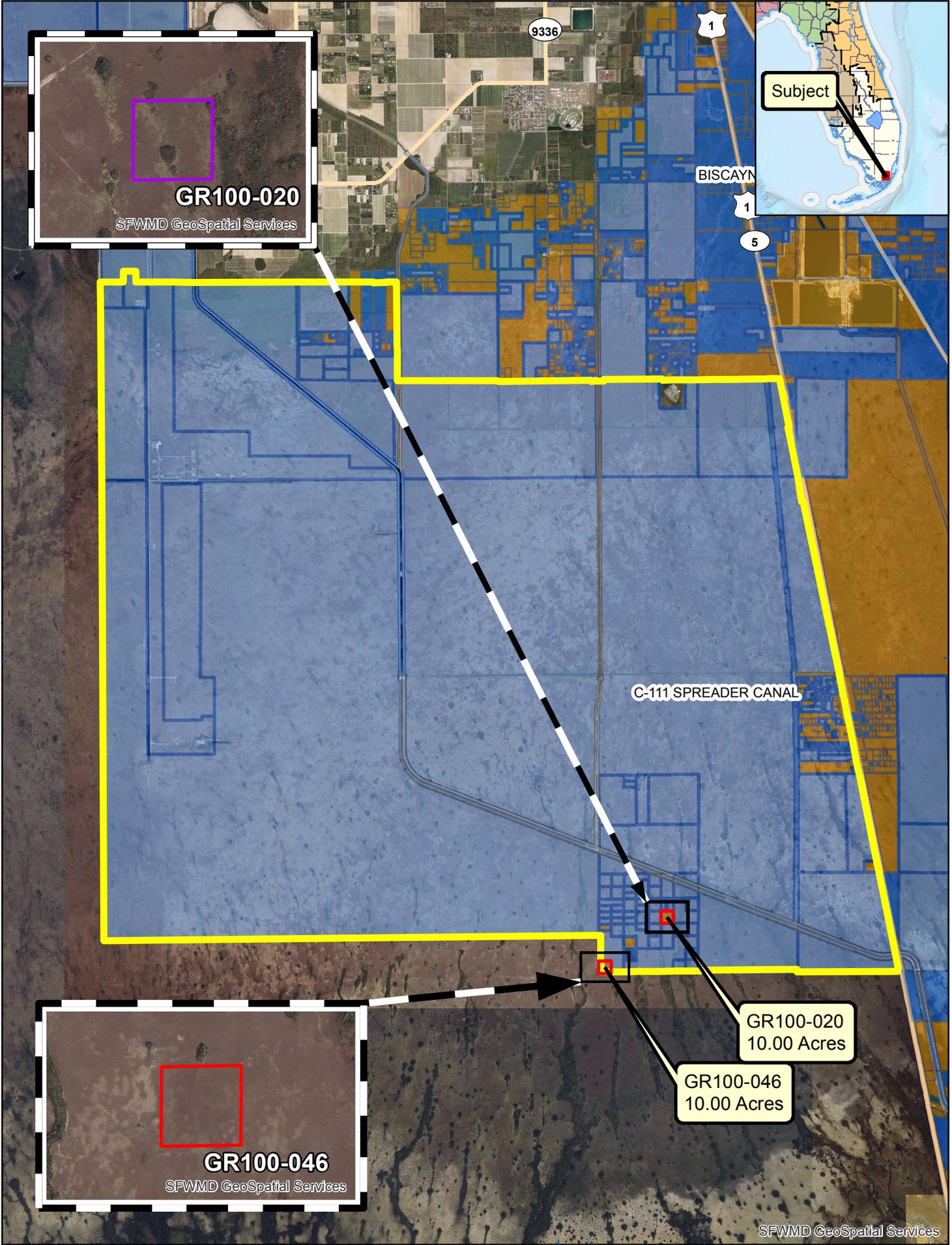
District Clerk/Secretary

Legal form approved:
By:

Office of Counsel

Print name:

Exhibit "A"



Attachment: Martin_Map_C-111_South_Dade_Project_Multiple (Resolution No. 2020 - 0602 : Land Acquisition, C-111 South Dade Project,

MEMORANDUM

TO: Governing Board Members

FROM: Stephen M. Collins, Division Director, Real Estate

DATE: June 11, 2020

SUBJECT: Lease Extension with Florida Fish and Wildlife Conservation Commission, Miami-Dade County

Agenda Item Background:

The District wishes to extend an existing Lease on 100 acres known as Frog Pond North Dove Field to the Florida Fish and Wildlife Conservation Commission (FFWCC) in Miami-Dade County, Florida. The current Lease will expire on August 10, 2020. FFWCC currently manages and maintains this parcel at no cost to the District as a small game hunting area offering public outdoor recreational activities that are compatible with the preservation of the natural and historical resources of the property. The District would not charge rent on this Lease. Continuation of this Lease expands public use consistent with District policy on use of public lands. The Lease would include automatic annual term extensions. Both the District and FFWCC would have a Termination for Convenience provision that allows for termination of the Lease with 180 days' notice.

Core Mission and Strategic Priorities:

The objective of this Lease is to obtain assistance in the stewardship and maintenance of this land.

Funding Source:

There are no District costs associated with this item other than the cost of administering the Lease.

Staff Contact and/or Presenter:

Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0603

A Resolution of the Governing Board of the South Florida Water Management District to issue an amended and restated Lease to the Florida Fish and Wildlife Conservation Commission on 100 acres, more or less, in Miami-Dade County, providing an effective date. (Contract No. 4600002123)

WHEREAS, the Governing Board, pursuant to Section 373.056(4) of the Florida Statutes, may lease lands or interests in land under terms and conditions determined by the Governing Board; and

WHEREAS, the District desires to issue a Lease Contract No. 4600002123 (Encumbrance ID 1610E-001) to the Florida Fish and Wildlife Conservation Commission; and

WHEREAS, the Lease would include a termination provision that requires either the District or the Florida Fish and Wildlife Conservation Commission to provide notice of their desire to terminate the Lease in any given year. If neither party provides termination notice, the Lease would be extended for an additional year; and

WHEREAS, both the District and the Florida Fish and Wildlife Conservation Commission would have a Termination for Convenience provision that allows for termination of the Lease with 180 days' notice.

WHEREAS, the Lessee's main use of the premises is a small game hunting area for public outdoor recreational activities; and

WHEREAS, the Governing Board of the South Florida Water Management District deems it appropriate and in the public interest to approve the Lease to include annual term extensions to a Lease on 100 acres, more or less, in Miami-Dade County (Exhibit "A") (the "premises").

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 Lease Contract No. 4600002123, with the Florida Fish and Wildlife Conservation Commission on 100 acres, more or less, in Miami-Dade County.

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

PASSED and ADOPTED this 11th day of June, 2020.

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

Chauncey P. Goss, II
Chairman

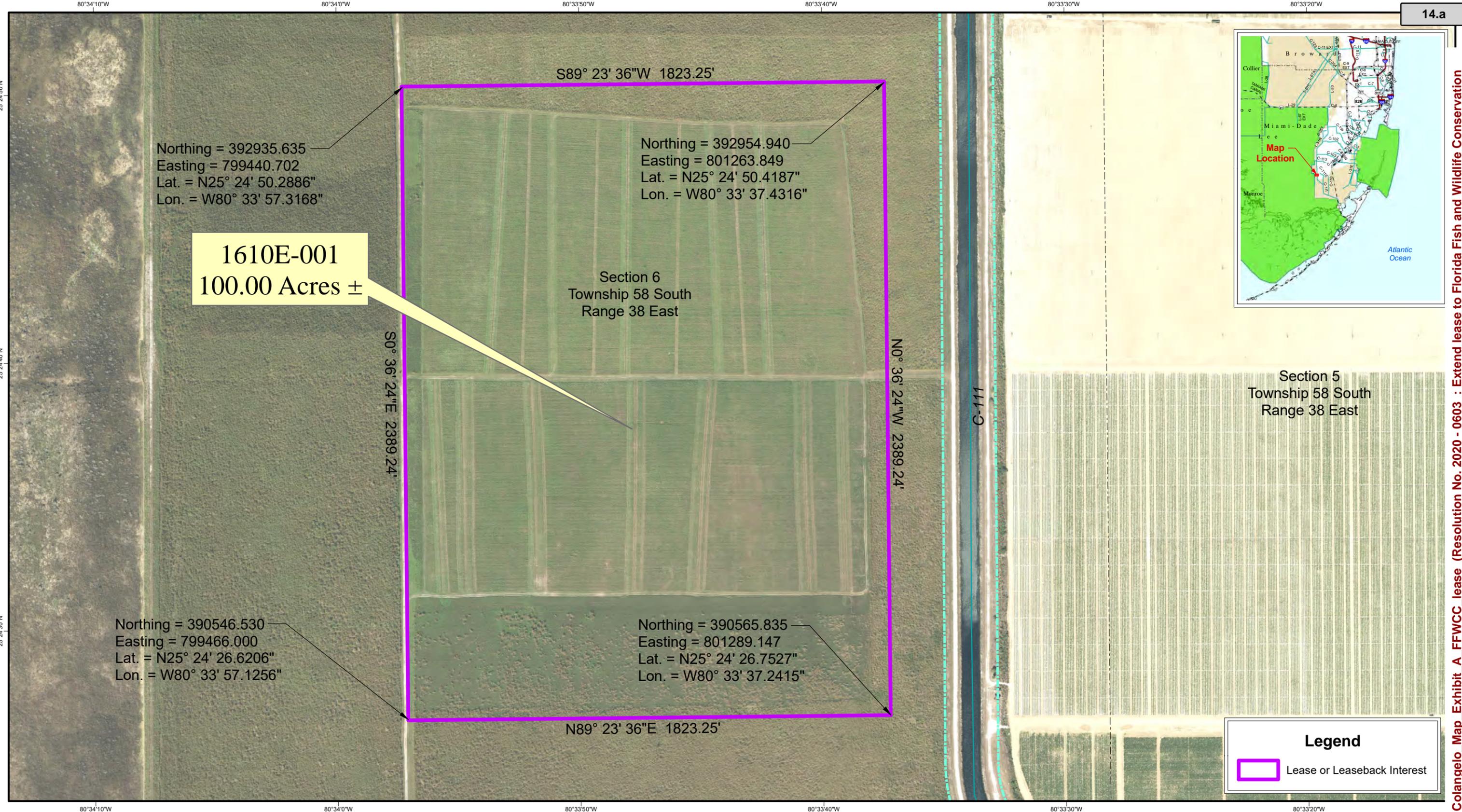
Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

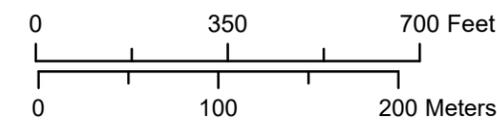
Print name:



BASE CREDITS:
 • Base map from South Florida Water Mgmt. District
 • State Plane Projection, Florida East Zone, NAD 83-HARN, US feet
 • 2018 Miami-Dade County 9in RGB Aerial Imagery

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

Encumbrance 1610E-001 Miami-Dade County, Florida



IMPORTANT DISCLAIMER:
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Map Date: March 2020



Attachment: Colangelo_Map_Exhibit_A_FFWC_lease (Resolution No. 2020 - 0603 : Extend lease to Florida Fish and Wildlife Conservation

M E M O R A N D U M

TO: Governing Board Members

FROM: Stephen M. Collins, Division Director, Real Estate

DATE: June 11, 2020

SUBJECT: Emergency Debris Management Site Services

Agenda Item Background:

Emergency Debris Management Site Services contracts are one component of the District's Emergency Debris Removal Operations Plan for post-storm incident clean-up. This initiative will expedite the processing and disposal of storm related debris. Upon Governing Board approval, the contractors listed below will provide Emergency Debris Management Site Services, as needed, for temporary storage, sorting, recycling, reduction and final disposal of emergency incident generated debris.

DRC Emergency Services, LLC.	Contract Number 4600004238
Ceres Environmental Services, Inc.	Contract Number 4600004239
Arbor Tree and Land, Inc.	Contract Number 4600004240
Southern Disaster Recovery, LLC.	Contract Number 4600004241

Core Mission and Strategic Priorities:

These contracts are for District wide emergency response only.

Funding Source:

The amount of funding for each emergency incident will be approved by the Governing Board.

Staff Contact and/or Presenter:

Stephen Collins, smcollins@sfwmd.gov, (561) 682-2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0604

A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into five-year work order contracts, subject to successful negotiations with four firms selected for Emergency Debris Management Site Services: DRC Emergency Services, LLC. (Contract No. 4600004238), Ceres Environmental Services, Inc. (Contract No. 4600004239), Arbor Tree and Land, Inc. (Contract No. 4600004240) and Southern Disaster Recovery, LLC. (Contract No. 4600004241) in an amount not-to-exceed the amounts authorized by the District's Governing Board for each emergency incident, available for all four contracts; providing an effective date.

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to authorize the official ranking of firms and enter into five-year contracts with DRC Emergency Services, LLC. (Contract No. 4600004238), Ceres Environmental Services, Inc. (Contract No. 4600004239), Arbor Tree and Land, Inc. (Contract No. 4600004240) and Southern Disaster Recovery, LLC. (Contract No. 4600004241) for the purpose of providing Emergency Debris Management Site Services for temporary storage, sorting, recycling, reduction and final disposal of emergency event generated debris.

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 contracts with DRC Emergency Services, LLC. (Contract No. 4600004238), Ceres Environmental Services, Inc. (Contract No. 4600004239), Arbor Tree and Land, Inc. (Contract No. 4600004240) and Southern Disaster Recovery, LLC. (Contract No. 4600004241)

Section 2. This Resolution shall take effect immediately upon adoption and the contract shall begin upon execution by both parties and end five years from the execution date.

PASSED and ADOPTED this 11th day of June, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chauncey P. Goss, II
Chairman

Attest:

Legal form approved:

By:

District Clerk/Secretary

Office of Counsel

Print name:

MEMORANDUM

TO: Governing Board Members

FROM: Stephen M. Collins, Division Director, Real Estate

DATE: June 11, 2020

SUBJECT: Canal Easement Partial Release for the C-6 (Miami Canal), Miami Dade County

Agenda Item Background:

Florida Department of Transportation (FDOT) has requested the release of a portion of the canal easement for the C-6 (Miami Canal) right of way, between the Broward - Miami-Dade County line Southeasterly to the Homestead Extension of Florida's Turnpike, and NW 107th Avenue to NW 116th Way, Miami-Dade County. The release is requested due to modifications to U.S. 27/State Road 25 (Okeechobee Road), including realignment and widening, intersection improvements, access modifications (acceleration and deceleration lanes), run-off retention areas, construction of sidewalks, and widening of existing bridges.

This release has been reviewed and is supported by Operations and Maintenance, the Miami Field Station and the Right of Way Section. District staff currently maintain this canal from the water, so future maintenance will be unchanged. No additional bank stabilization along the north side of the canal is needed, since FDOT will be directing road run-off to proposed swales and other water storage improvements. The release contains approximately 49.32 acres and will cover that portion of the right of way lying between the top of bank and the northeasterly right of way line. See Exhibit "A" for a depiction of the area to be released.

Core Mission and Strategic Priorities:

Pursuant to Section 373.056(4), Florida Statutes, the Governing Board has the authority to convey to any governmental entity land, or rights in land, owned by the District not required for its purposes, subject to terms and conditions approved by the Governing Board.

Funding Source:

The easement was acquired in 1952 at no cost. Staff recommends that the application fee be waived, and the easement be partially released to the FDOT at no cost, since their project is in the interest of public welfare and safety. FDOT will pay all costs and fees associated with the release.

Staff Contact and/or Presenter:

Stephen M. Collins, smcollins@sfwmd.gov, ext. 2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0605

A Resolution of the Governing Board of the South Florida Water Management District releasing a portion of a canal easement containing 49.32 acres, more or less, located in several Sections in Township 52 South, Ranges 39 and 40 East, Miami-Dade County, C-6 (Miami Canal) Project, to the Florida Department of Transportation at no cost; providing an effective date.

WHEREAS, pursuant to a request from the Florida Department of Transportation (FDOT), the District has determined that it is in the public interest to release a portion of a canal easement containing 49.32 acres, more or less, located in several Sections in Township 52 South, Ranges 39 and 40 East, Miami-Dade County, C-6 (Miami Canal) Project; and

WHEREAS, the partial release of the canal easement is requested in conjunction with a road improvement project for U.S Highway 27/State Road 25 (Okeechobee Road) located between the Broward – Miami-Dade County line and NW 116th Way; and

WHEREAS, the Governing Board has determined that the 49.32 +/- acre portion of canal easement is not required by the District for present or future use; and

WHEREAS, the Governing Board, pursuant to Section 373.056(4), Florida Statutes, has the authority to convey to any governmental entity land, or rights in land, owned by the District not required for its purposes, under terms and conditions approved by the Governing Board; and

WHEREAS, FDOT has requested that the District waive the application fee and that the release be granted at no cost, as FDOT's project is in the interest of public welfare and safety; and

WHEREAS, the applicant will pay all fees and costs associated with the release of the easement.

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 a portion of a canal easement containing 49.32 acres, more or less, located in several Sections of Township 52 South, Ranges 39 and 40 East, C-6 (Miami Canal) project in Miami-Dade County, to the Florida Department of Transportation at no cost and approves a waiver of the application fee.

Section 2. The Governing Board of the South Florida Water Management District hereby authorizes the Chairman to execute the release document.

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

PASSED and **ADOPTED** this 11th day of June, 2020.

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

Chauncey P. Goss, II
Chairman

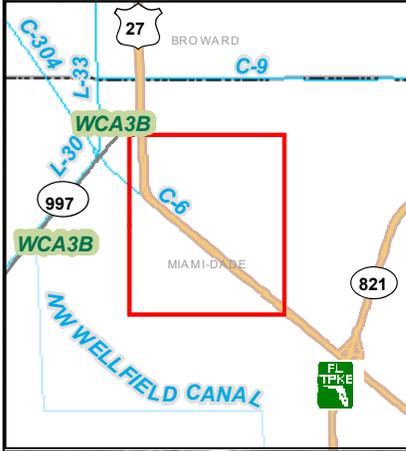
Attest:

District Clerk/Secretary

Legal form approved:
By:

Office of Counsel

Print name:

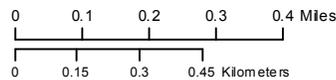


Attachment: Zehnder_Maps_ Exhibit A_C-6 Canal Release_FDOT (Resolution No. 2020 - 0605 : Release a Portion of a Canal Easement for the

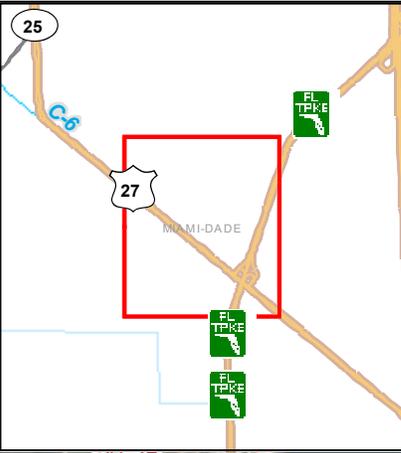
C-6 Release - Segment 1



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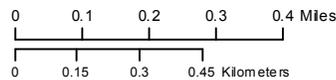


Attachment: Zehnder_Maps_ Exhibit A_C-6_Canal_Release_FDOT (Resolution No. 2020 - 0605 : Release a Portion of a Canal Easement for the

C-6 Release - Segment 2



South Florida Water Management District
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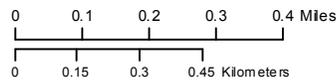
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C-6 Release - Segment 3

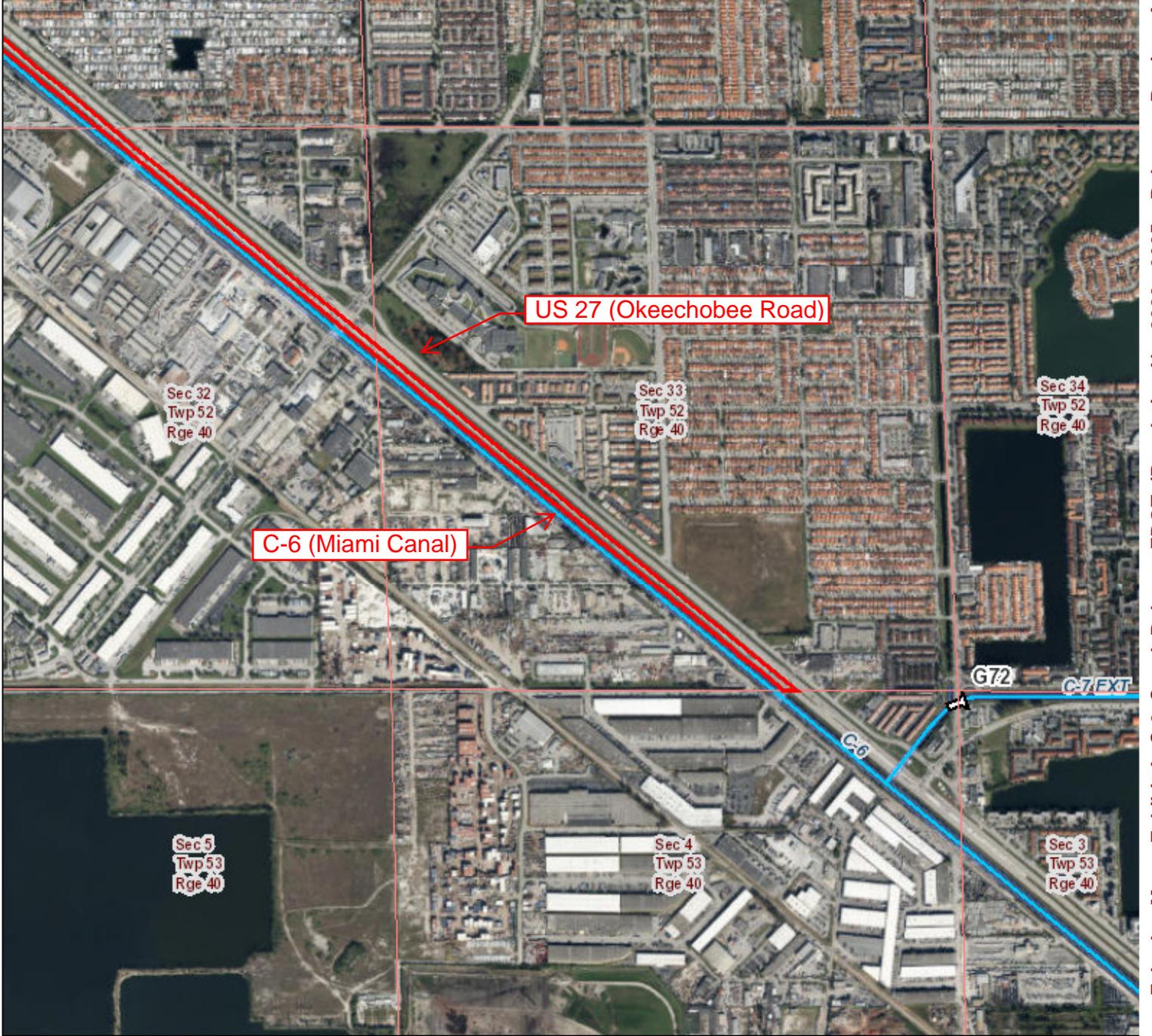
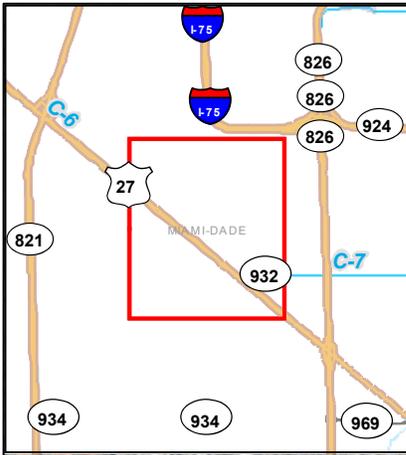


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Attachment: Zehnder_Maps_ Exhibit A_C-6_Canal_Release_FDOT (Resolution No. 2020 - 0605 : Release a Portion of a Canal Easement for the

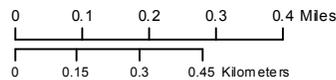


Attachment: Zehnder_Maps_ Exhibit A_C-6 Canal Release_FDOT (Resolution No. 2020 - 0605 : Release a Portion of a Canal Easement for the

C-6 Release - Segment 4



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 561-686-8800; www.sfwmd.gov



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MEMORANDUM

TO: Governing Board Members

FROM: Richard Virgil, Division Director of Field Operations

DATE: June 11, 2020

SUBJECT: Right of Way Waiver Request, Miami-Dade County (Staff contact, Richard Virgil, ext. 6759)

TABLE OF CONTENTS

RIGHT OF WAY OCCUPANCY CONSENT AGENDA FOR GOVERNING BOARD APPROVAL

June 11, 2020

	PAGES
I RELAXATION OF THE 40-FOOT SETBACK RULE AS ALLOWED UNDER DISTRICT RULE 40E-6.011(9) F.A.C.:	
Governing Board reserves sole authority to make a determination that portions of the District's rights of way are inaccessible for routine maintenance activities due to a variety of physical limitations. While a determination that a certain segment of right of way is presently unusable for routine land-based maintenance activities and relaxation of the restrictions in Zones 2, 3, 4 and 5 may be allowed, such determination shall be at the sole discretion of the District and does not obviate the need for individuals with proposed or existing facilities within these areas to obtain permits from the District. Further the District reserves the right to enter these areas to conduct emergency operations or to require the removal of any encroachments that are inconsistent with these rules at such time as maintenance access is perfected through the area.	2-5

Attachment: 2020_06_ROW_Attachment (5131 : C-4 Relaxation SW 87th to 82nd Avenue)

**RELAXATION OF THE 40-FOOT SETBACK RULE
AS ALLOWED UNDER DISTRICT RULE 40E-6.011(9), F.A.C.**

RELAXATION SUMMARY	
Canal	C-4
Segment	North Right of Way from S.W. 87th Avenue to S.W. 82nd Avenue
General Location	Unincorporated Miami-Dade County
Width of Right of Way (as measured from top of bank)	20-86 feet
District Interest	Easement and Fee

Field Operations requests that the District's Governing Board waive (or "relax") the rule that a 40-foot wide clear zone be maintained along the north bank of the C-4 Canal between S.W. 87th Avenue and S.W. 82nd Avenue in unincorporated Miami-Dade County. District criteria requires that above-ground improvements be set back 40 feet from the top of bank to allow for the unobstructed travel of District vehicles and equipment. Along this canal bank, however, the District does not have an accessible 40-foot wide area. Rather, the District has an accessible clear zone that ranges from 17 to 23 feet wide that corresponds to the limits of the C-4 flood berm project. The flood berm project consists of shallow-sloped, drivable areas designed to store water that would be unable to flow into the C-4 Canal during a storm event and that would otherwise flood into the adjacent residential neighborhood. This area is adequate to provide access for District vehicles and equipment and is not proposed for relaxation. The area that is proposed for relaxation, which is inaccessible for routine maintenance activities, is outside of the flood berm project area where the District seeks to issue Right of Way Occupancy Permits (ROW Permits) to homeowners for existing above-ground improvements that were installed without permits. Such improvements include existing fences, sheds and trees that have been installed in the rear yards of the homes that abut the C-4 Canal and the heavily traveled S.W. 8th Street/U.S. 41 to the south. Since 2015, the District has approved seven identical relaxations along the north bank of the C-4 Canal to accommodate residents in this part of Miami-Dade County. If approved, the relaxation of the 40-foot setback rule along this canal segment will not adversely impact the District's ability to perform operations or maintenance. Homeowners will be responsible for maintaining their improvements, as well as the right of way outside of the flood berm project area.

Discussion

The area proposed for relaxation, which is inaccessible for routine maintenance activities, generally includes right of way that lies within the rear yards of 22 single-family homes on the north side of the C-4 Canal between S.W. 87th Avenue and S.W. 82nd Avenue in unincorporated Miami-Dade County.¹ As noted earlier, these areas lie outside or north of the flood berm project

¹ There are actually 25 homes along this canal segment; however, no relaxation is proposed for three homes since the right of way line is the same as the project limits line of the flood berm project area. In other words, there is no right of way outside of the flood berm project area to be relaxed.

area. The flood berm project area must remain clear and free of any above-ground improvements or obstructions.

The width of the right of way for 19 of the 22 homes, as measured from top of bank, ranges from 20 to 27 feet wide. For these homes, the portion of right of way to be relaxed ranges from as little as one foot to as much as 10 feet. There are three residential lots where the right of way ranges from 83 to 86 feet wide. These lots are the only areas along this canal segment where the District has 40 feet of right of way. For these lots, the width of right of way outside of the flood berm project to be relaxed is 23 feet (the flood berm project is 17 feet wide to the rear of these homes). The chart attached to this document provides the specific dimensions of the right of way to be relaxed for each residential lot along this canal segment. The chart will be incorporated as an exhibit in the Governing Board resolution.

Relaxation of the rule only impacts the distance of improvements to the top of bank, and does not affect other rules, such as the types of improvements allowed in the right of way or construction standards. Accordingly, approval of a relaxation does not grant homeowners additional rights to use the right of way or diminish the District's authority to regulate use of the right of way. The relaxation only allows for ROW Permits to be issued administratively in lieu of having each of nearly two dozen homeowners file their own separate request for a waiver from the Governing Board. Approval of the relaxation is needed for the existing improvements to remain, subject to District review, evaluation and permitting.

Relaxation History-C-4 Canal

The District's Governing Board approved seven relaxations for the north bank of the C-4 Canal west of the Palmetto Expressway. The most recent relaxation was approved on December 13, 2018.

Enabling Authority

District Rule 40E-6.011(9), F.A.C., (Policy and Purpose):

The District reserves sole authority to make a determination that portions of the District's rights of way are inaccessible for routine maintenance activities due to a variety of physical limitations. While a determination that a certain segment of right of way is presently unusable for routine land-based maintenance activities and relaxation of the restrictions . . . may be allowed, such determination shall be at the sole discretion of the District and does not obviate the need for individuals with proposed or existing facilities within these areas to obtain permits from the District. Further, the District reserves the right to enter these areas to conduct emergency operations or to require the removal of any encroachments that are inconsistent with these rules at such time as maintenance access is perfected through the area.

Exhibit A
C-4 Canal Right of Way Relaxation
Palmetto Section - Phase 2
S.W. 87th Avenue to S.W. 82nd Avenue

Folio Number	Property Address	Relaxation (ft)	Floods Berm Project Area to Remain Clear (ft)	Total Width of ROW as Measured from Top of Bank (ft)
30-4003-006-2070	8200 GRAND CANAL DR	±4	±17	±21
30-4003-006-2080	8220 GRAND CANAL DR	±23 to ±22	±17 (east P/L) tapering to ±18 (west P/L)	±83
30-4003-006-2090	8230 GRAND CANAL DR	±9 to ±10	±18 (east P/L) tapering to ±17 (west P/L)	±27
30-4003-006-2100	8260 GRAND CANAL DR	±6 to ±3	±17 (east P/L) tapering to ±20 (west P/L)	±23
30-4003-006-2110	8280 GRAND CANAL DR	±3	±20	±23
30-4003-006-2120	8290 GRAND CANAL DR	±5 to ±8	±20 (east P/L) tapering to ±17 (west P/L)	±25
30-4003-006-2140	8300 GRAND CANAL DR	±10 to ±6	±17 (east P/L) tapering to ±21 (west P/L)	±27
30-4003-006-2160	8330 GRAND CANAL DR	±4	±21	±25
30-4003-006-2170	8340 GRAND CANAL DR	±19 to ±23	±21 (east P/L) tapering to ±17 (west P/L)	±86
30-4003-006-2180	8350 GRAND CANAL DR	±6	±17	±23
30-4003-006-2200	8370 GRAND CANAL DR	±23	±17	±85
30-4003-006-2220	8380 GRAND CANAL DR	No Relaxation	±21	±21
30-4003-006-2230	8400 GRAND CANAL DR	±3 to ±5	±19 (east P/L) tapering to ±17 (west P/L)	±22
30-4003-006-2240	8420 GRAND CANAL DR	±4	±17	±21
30-4003-006-2250	8440 GRAND CANAL DR	No Relaxation	±20	±20
30-4003-006-2260	8450 GRAND CANAL DR	±4	±18	±22
30-4003-006-2270	8460 GRAND CANAL DR	±5	±18	±23
30-4003-006-2280	8470 GRAND CANAL DR	±7 to ±5	±18 (east P/L) tapering to ±20 (west P/L)	±25

Attachment: 2020_06_ROW_Attachment (5131 : C-4 Relaxation SW 87th to 82nd Avenue)

Folio Number	Property Address	Relaxation (ft)	Floods Berm Project Area to Remain Clear (ft)	Total Width of ROW as Measured from Top of Bank (ft)
30-4003-006-2300	8490 GRAND CANAL DR	±3 to ±4	±20 (east P/L) tapering to ±19 (west P/L)	±23
30-4003-006-2310	8510 GRAND CANAL DR	±4	±19	±23
30-4003-006-2320	8530 GRAND CANAL DR	±4	±19	±23
30-4003-006-2330	8540 GRAND CANAL DR	±4	±19	±23
30-4003-006-2340	8580 GRAND CANAL DR	±4 to ±1	±19 (east P/L) tapering to ±22 (west P/L)	±23
30-4003-006-2350	8600 GRAND CANAL DR	±1 to ±0	±22 (east P/L) tapering to ±23 (west P/L)	±23
30-4003-006-2360	8690 GRAND CANAL DR	No Relaxation	±23	±23

The area to be relaxed is that right of way north of the flood berm project area to a point 40 feet from top of bank. The flood berm project area must remain clear of any obstructions to accommodate operations and maintenance by the District. Where there is a conflict between the area to be relaxed and the flood berm project area to remain clear, the distance set forth in the flood berm project area to remain clear column shall prevail.

Attachment: 2020_06_ROW_Attachment (5131 : C-4 Relaxation SW 87th to 82nd Avenue)

**Relaxation of 40-Foot Setback Rule
North Bank of the C-4 Canal
from S.W. 87th Avenue to S.W. 82nd Avenue
Miami-Dade County**

**John R. Hixenbaugh, J.D, AICP
Right of Way Section Administrator
South Florida Water Management District
Governing Board Meeting
June 11, 2020**

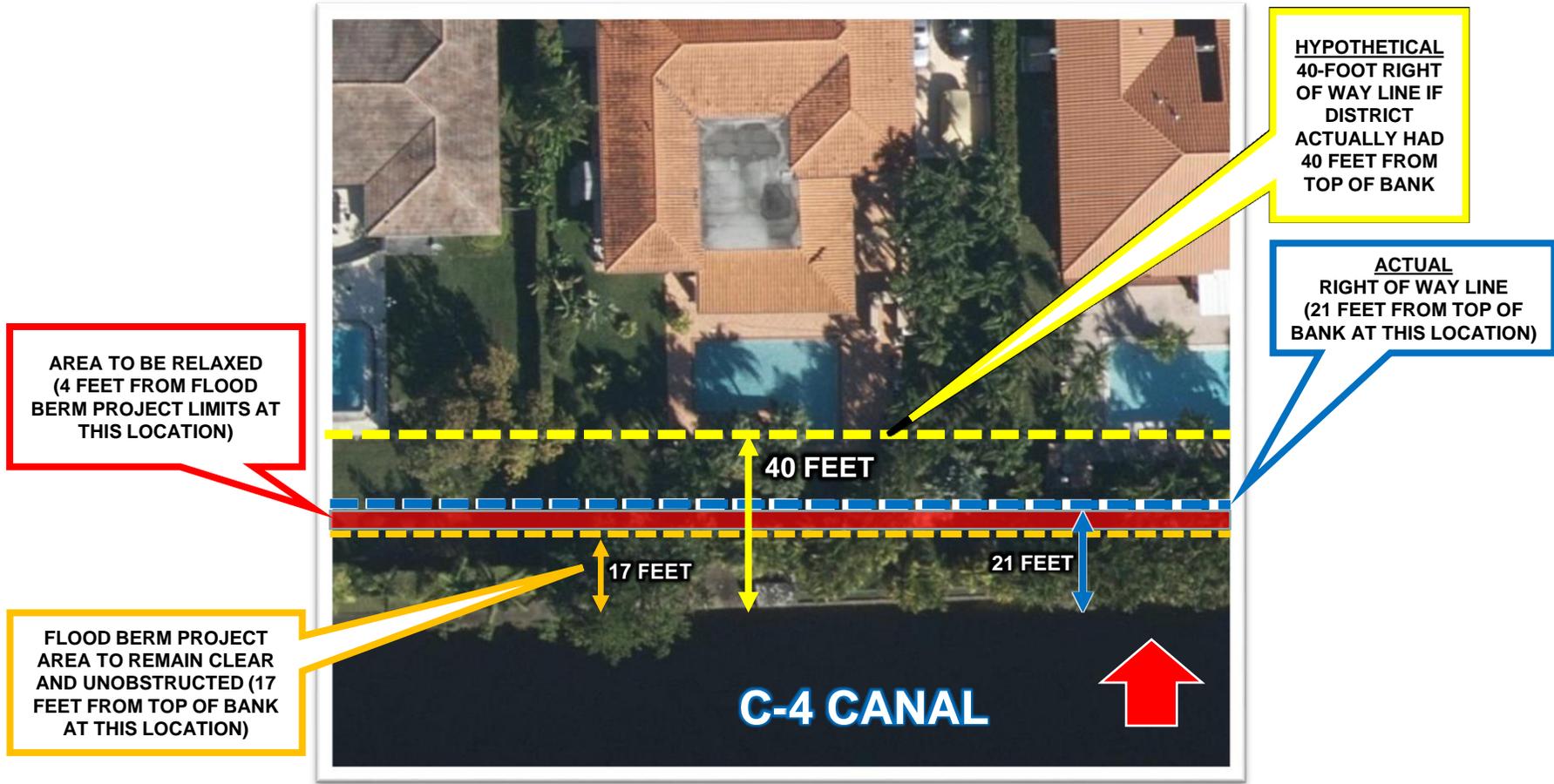
Attachment: 2020_06 C-4 Relaxation SW 87th to 82nd Ave (5131 : C-4 Relaxation SW 87th

General Location Map - Miami-Dade County



Attachment: 2020_06 C-4 Relaxation SW 87th to 82nd Ave (5131 : C-4 Relaxation SW 87th

Right of Way Detail – Typical



Attachment: 2020_06 C-4 Relaxation SW 87th to 82nd Ave (5131 : C-4 Relaxation SW 87th

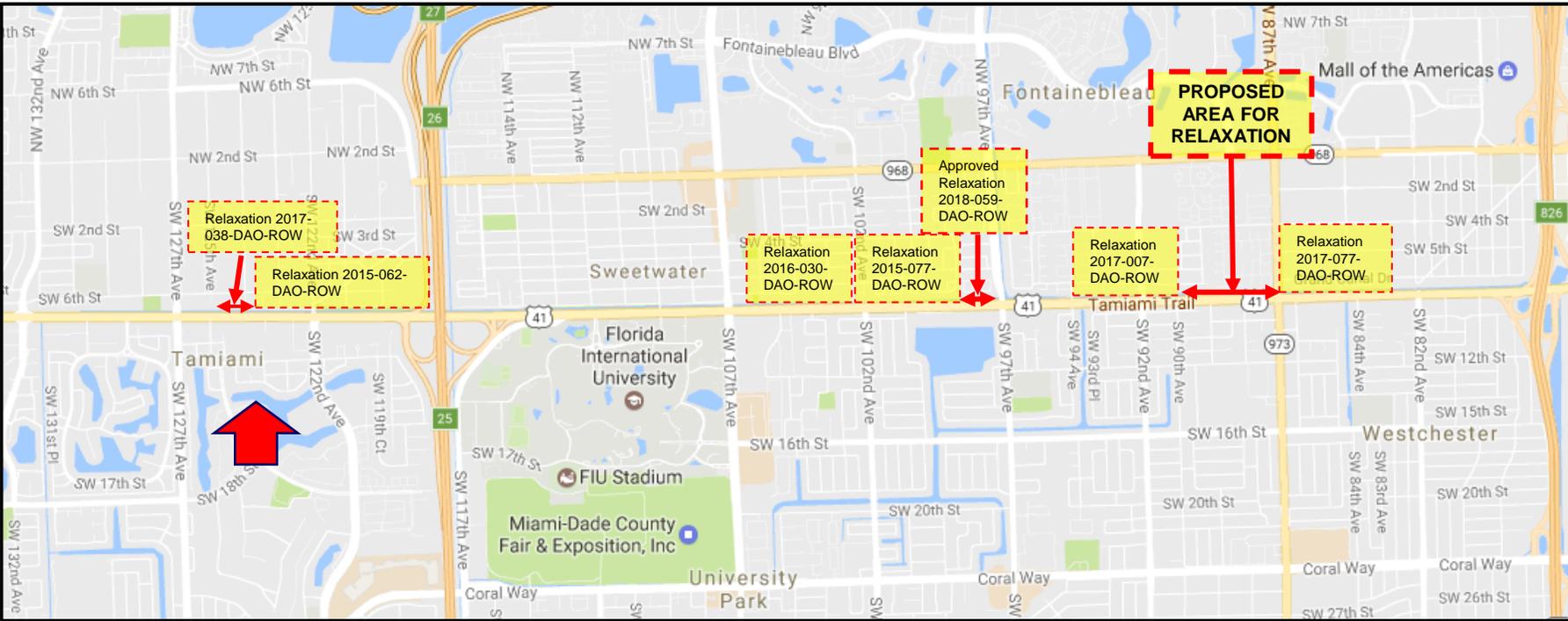
Portion of Completed Flood Berm Project



Completed Flood Berm Project – Measures 17 to 23 Feet from Top of Bank between S.W. 87th to S.W. 82nd Avenues)

Attachment: 2020_06 C-4 Relaxation SW 87th to 82nd Ave (5131 : C-4 Relaxation SW 87th

Relaxation Areas Approved Along the C-4 Canal Since 2015



Attachment: 2020_06 C-4 Relaxation SW 87th to 82nd Ave (5131 : C-4 Relaxation SW 87th

DISCUSSION

Attachment: 2020_06 C-4 Relaxation SW 87th to 82nd Ave (5131 : C-4 Relaxation SW 87th

**RELAXATION OF THE 40-FOOT SETBACK RULE
AS ALLOWED UNDER DISTRICT RULE 40E-6.011(9), F.A.C.**

RELAXATION SUMMARY	
Canal	C-4
Segment	North Right of Way from S.W. 87th Avenue to S.W. 82nd Avenue
General Location	Unincorporated Miami-Dade County
Width of Right of Way (as measured from top of bank)	20-86 feet
District Interest	Easement and Fee

Field Operations requests that the District's Governing Board waive (or "relax") the rule that a 40-foot wide clear zone be maintained along the north bank of the C-4 Canal between S.W. 87th Avenue and S.W. 82nd Avenue in unincorporated Miami-Dade County. District criteria requires that above-ground improvements be setback 40 feet from the top of bank to allow for the unobstructed travel of District vehicles and equipment. Along this canal bank, however, the District does not have an accessible 40-foot wide area. Rather, the District has an accessible clear zone that ranges from 17 to 23 feet wide that corresponds to the limits of the C-4 flood berm project. The flood berm project consists of a drivable berm designed to protect the residential neighborhood adjacent to C-4 from flooding during storm events. This area is adequate to provide access for District vehicles and equipment and is not proposed for relaxation. The area that is proposed for relaxation, which is inaccessible for routine maintenance activities, is outside of the flood berm project area where the District seeks to issue Right of Way Occupancy Permits (ROW Permits) to homeowners for existing above-ground improvements that were installed without permits. Such improvements include existing fences, sheds and trees that have been installed in the rear yards of the homes that abut the C-4 Canal and the heavily traveled S.W. 8th Street/U.S. 41 to the south. Since 2015, the District has approved seven identical relaxations along the north bank of the C-4 Canal to accommodate residents in this part of Miami-Dade County. If approved, the relaxation of the 40-foot setback rule along this canal segment will not adversely impact the District's ability to perform operations or maintenance. Homeowners will be responsible for maintaining their improvements, as well as the right of way outside of the flood berm project area.

Discussion

The area proposed for relaxation, which is inaccessible for routine maintenance activities, generally includes right of way that lies within the rear yards of 22 single-family homes on the north side of the C-4 Canal between S.W. 87th Avenue and S.W. 82nd Avenue in unincorporated Miami-Dade County.¹ As noted earlier, these areas lie outside or north of the flood berm project

¹ There are actually 25 homes along this canal segment; however, no relaxation is proposed for three homes since the right of way line is the same as the project limits line of the flood berm project area. In other words, there is no right of way outside of the flood berm project area to be relaxed.

area. The flood berm project area must remain clear and free of any above-ground improvements or obstructions.

The width of the right of way for 19 of the 22 homes, as measured from top of bank, ranges from 20 to 27 feet wide. For these homes, the portion of right of way to be relaxed ranges from as little as one foot to as much as 10 feet. There are three residential lots where the right of way ranges from 83 to 86 feet wide. These lots are the only areas along this canal segment where the District has 40 feet of right of way. For these lots, the width of right of way outside of the flood berm project to be relaxed is 23 feet (the flood berm project is 17 feet wide to the rear of these homes). The chart attached to this document provides the specific dimensions of the right of way to be relaxed for each residential lot along this canal segment. The chart will be incorporated as an exhibit in the Governing Board resolution.

Relaxation of the rule only impacts the distance of improvements to the top of bank, and does not affect other rules, such as the types of improvements allowed in the right or way or construction standards. Accordingly, approval of a relaxation does not grant homeowners additional rights to use the right of way or diminish the District's authority to regulate use of the right of way. The relaxation only allows for ROW Permits to be issued administratively in lieu of having each of nearly two dozen homeowners file their own separate request for a waiver from the Governing Board. Approval of the relaxation is needed for the existing improvements to remain, subject to District review, evaluation and permitting.

Relaxation History-C-4 Canal

The District's Governing Board approved seven relaxations for the north bank of the C-4 Canal west of the Palmetto Expressway. The most recent relaxation was approved on December 13, 2018.

Enabling Authority

District Rule 40E-6.011(9), F.A.C., (Policy and Purpose):

The District reserves sole authority to make a determination that portions of the District's rights of way are inaccessible for routine maintenance activities due to a variety of physical limitations. While a determination that a certain segment of right of way is presently unusable for routine land-based maintenance activities and relaxation of the restrictions . . . may be allowed, such determination shall be at the sole discretion of the District and does not obviate the need for individuals with proposed or existing facilities within these areas to obtain permits from the District. Further, the District reserves the right to enter these areas to conduct emergency operations or to require the removal of any encroachments that are inconsistent with these rules at such time as maintenance access is perfected through the area.

Exhibit A
C-4 Canal Right of Way Relaxation
Palmetto Section - Phase 2
S.W. 87th Avenue to S.W. 82nd Avenue

Folio Number	Property Address	Relaxation (ft)	Floods Berm Project Area to Remain Clear (ft)	Total Width of ROW as Measured from Top of Bank (ft)
30-4003-006-2070	8200 GRAND CANAL DR	±4	±17	±21
30-4003-006-2080	8220 GRAND CANAL DR	±23 to ±22	±17 (east P/L) tapering to ±18 (west P/L)	±83
30-4003-006-2090	8230 GRAND CANAL DR	±9 to ±10	±18 (east P/L) tapering to ±17 (west P/L)	±27
30-4003-006-2100	8260 GRAND CANAL DR	±6 to ±3	±17 (east P/L) tapering to ±20 (west P/L)	±23
30-4003-006-2110	8280 GRAND CANAL DR	±3	±20	±23
30-4003-006-2120	8290 GRAND CANAL DR	±5 to ±8	±20 (east P/L) tapering to ±17 (west P/L)	±25
30-4003-006-2140	8300 GRAND CANAL DR	±10 to ±6	±17 (east P/L) tapering to ±21 (west P/L)	±27
30-4003-006-2160	8330 GRAND CANAL DR	±4	±21	±25
30-4003-006-2170	8340 GRAND CANAL DR	±19 to ±23	±21 (east P/L) tapering to ±17 (west P/L)	±86
30-4003-006-2180	8350 GRAND CANAL DR	±6	±17	±23
30-4003-006-2200	8370 GRAND CANAL DR	±23	±17	±85
30-4003-006-2220	8380 GRAND CANAL DR	No Relaxation	±21	±21
30-4003-006-2230	8400 GRAND CANAL DR	±3 to ±5	±19 (east P/L) tapering to ±17 (west P/L)	±22
30-4003-006-2240	8420 GRAND CANAL DR	±4	±17	±21
30-4003-006-2250	8440 GRAND CANAL DR	No Relaxation	±20	±20
30-4003-006-2260	8450 GRAND CANAL DR	±4	±18	±22
30-4003-006-2270	8460 GRAND CANAL DR	±5	±18	±23
30-4003-006-2280	8470 GRAND CANAL DR	±7 to ±5	±18 (east P/L) tapering to ±20 (west P/L)	±25

Attachment: 2020-06 C-4 Relaxation SW 87th Ave to SW 82nd Ave - Narrative (5131 : C-4 Relaxation SW 87th to 82nd Avenue)

Folio Number	Property Address	Relaxation (ft)	Floods Berm Project Area to Remain Clear (ft)	Total Width of ROW as Measured from Top of Bank (ft)
30-4003-006-2300	8490 GRAND CANAL DR	±3 to ±4	±20 (east P/L) tapering to ±19 (west P/L)	±23
30-4003-006-2310	8510 GRAND CANAL DR	±4	±19	±23
30-4003-006-2320	8530 GRAND CANAL DR	±4	±19	±23
30-4003-006-2330	8540 GRAND CANAL DR	±4	±19	±23
30-4003-006-2340	8580 GRAND CANAL DR	±4 to ±1	±19 (east P/L) tapering to ±22 (west P/L)	±23
30-4003-006-2350	8600 GRAND CANAL DR	±1 to ±0	±22 (east P/L) tapering to ±23 (west P/L)	±23
30-4003-006-2360	8690 GRAND CANAL DR	No Relaxation	±23	±23

The area to be relaxed is that right of way north of the flood berm project area to a point 40 feet from top of bank. The flood berm project area must remain clear of any obstructions to accommodate operations and maintenance by the District. Where there is a conflict between the area to be relaxed and the flood berm project area to remain clear, the distance set forth in the flood berm project area to remain clear column shall prevail.

MEMORANDUM

TO: Governing Board Members

FROM: Candida Heater, Division Director, Administrative Services

DATE: June 11, 2020

SUBJECT: Publication of Notice of Proposed Rule and Adoption of Amendments to Rules 40E-7.668 through 40E-7.678, Florida Administrative Code, Small Business Enterprise Contracting Program (Provided no changes are made and no request for public hearing is timely received) (Staff contact, Candida Heater, ext. 6486)

Agenda Item Background:

On April 9, 2020, the Governing Board authorized publication of the Notice of Rule Development to amend Rules 40E-7.668 through 40E-7.678 Florida Administrative Code, for the District's Procurement Process regarding the Small Business Enterprise Contracting Program. This notice was published in the Florida Administrative Register (FAR) on April 30, 2020. There were no public comments or request for a workshop received during this time.

Staff is requesting authorization from the Governing Board to publish a Notice of Proposed Rule in the Florida Administrative Register, and to adopt the proposed rules, provided that no changes are made and no request for public hearing is timely received. Staff will publish notice in newspapers of general circulation in the District's 16 counties informing the public that the Governing Board authorized publication of the Notice of Proposed Rule and adoption of the proposed rules. The newspaper notice will include a link to the Notice of Proposed Rule and provide contact information. All interested and affected persons will directly receive a similar notice in accordance with the statute. Any affected person may request a public hearing on the rule within 21 days of the date the notice is published. If no request for public hearing is timely received and no changes are made to the proposed rules, the District will proceed with filing the proposed rules for adoption with the Department of State.

Core Mission and Strategic Priorities:

The Small Business Enterprise Contracting Program is designed to help small businesses, including those owned by women and minorities, to participate in District procurement and contract activities in support of the District's mission.

Funding Source:

Not Applicable

Staff Contact and/or Presenter:

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-7.668 Policy.

(1) The rules under this Small Business Enterprise Contracting Program (the “Program”) establish policies and procedures designed to help small businesses, including those owned by women and minorities, to participate in the South Florida Water Management District’s (“District”) procurement and contract activities.

(2) through (3) No Change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06 Amended _____.

40E-7.669 Definitions.

(1) “Affiliate Business” means a business that is a Subsidiary of or owned in part by another business concern. Entities are affiliates of each other when one impacts the other by sharing resources, officers, or directors that have a percentage of ownership, or controls or has the power to control the other, or a third party or parties controls or has the power to control both. It does not matter whether control is exercised, so long as the power to control exists.

(2) “Applicant” ~~an~~ is defined as the business entity that is seeking District Certification or Recertification. A business is any entity which complies with all statutes and regulations, specifically, any corporation, limited liability company, partnerships, general partnerships, limited partnerships, other for-profit entities, engaging in commerce, including but not limited to manufacturing or a service with a federal tax identification number.

(3) “Certification” or “Recertification” means the process by which the District determines that a business meets the District’s criteria for a Small Business Enterprise (SBE).

(4) “Commodity Code” A numeric system designed to list commodities or services by classes and sub-classes. A numeric identifier of supplies, materials, goods, merchandise, equipment or other tangible personal property (purchase or lease), including ~~the~~ contractual services.

(5) “Decertification” is the process in which the District shall determine that an SBE no longer complies with the District Certification criteria.

(6) “District Small Business Enterprise” means a business certified by the District in either construction, commodities, services or a combination thereof whose 3-year average gross receipts, including Affiliate Businesses, shall not exceed \$13 million if the business provides construction, \$5 million if the business provides commodities, and \$6 million if the business provides services. A District SBE is registered to do business with the State of Florida through the Division of Corporations and holds the appropriate license(s) required by law to do business in the state of Florida.

~~(7)~~(5) “Government Agency” means any state, county, regional or local government in Florida.

~~(8)~~(6) “Gross Receipts” means the total sales for the Applicant as specified in its Federal tax return or if it is a new company which has not filed a Federal tax return, in its audited financial statement before deductions for returned items, allowances, and discounts.

~~(9)~~(7) “Industry Categories” means construction, commodities and services.

~~(10)~~(8) “Non SBE Prime” means a business not currently certified by the District as a Small Business Enterprise which submits a bid or proposal for the purpose of being awarded a legally-binding ~~legally binding~~ agreement as a Prime Contractor for the performance of work at a mutually agreed-upon ~~agreed upon~~ price in accordance with agreed-upon ~~agreed upon~~ terms and conditions with the District.

~~(11)~~(9) “Prime Contractor” means any individual or contracting entity with whom the District has entered into a legally binding agreement for performance of work at a mutually agreed-upon ~~agreed upon~~ price in accordance with agreed-upon ~~agreed upon~~ terms and conditions.

(12) “Reciprocity” means the SBE Certification by the District of an Applicant who is actively certified by another Florida government agency.

~~(13)~~(40) “Responsible” means a business that is capable in all respects of fully performing the contract requirements and which has the integrity and reliability that will assure good faith performance.

~~(14)~~(41) “Responsive” with respect to bidders, bids, or proposals means a business’s bid or proposal conforms in all material respects to the invitation to bid or request for proposal including all SBE goals set forth. ~~means a business’s~~

bid or proposal conforms in all material respects to the invitation to bid or request for proposal.

(12) “District Small Business Enterprise (SBE)” means a business certified by the District, whose three (3) year average gross receipts, including affiliates, shall not exceed \$13 million if the business provides construction, \$5 million if the business provides commodities, and \$6 million if the business provides services. Additionally, a District Small Business Enterprise is licensed to do business in the State of Florida if the business requires a license.

(15)(13) “SBE Prime” means a business certified by the District as a small business that submits a bid or proposal for the purpose of being awarded a legally binding agreement as an SBE Prime ~~c~~Contractor for the performance of work at a mutually ~~agreed-upon~~ agreed upon price in accordance with ~~agreed-upon~~ agreed upon terms and conditions with the District.

(16) “SBE Subcontractor” means a business certified by the District having a direct contract with a contractor or with any other Subcontractor for the performance of a part of the work.

(17) “SBE Utilization Plan” means Form No. 0956 Small Business Enterprise Subcontractor Participation Schedule and Form No. 0957, Statement of Intent to Perform as a Small Business Enterprise Subcontractor, both forms are incorporated by reference in paragraph (2)(a) of Rule 40E-7.670 F.A.C.

(18) “Subsidiary” is defined as a company that is owned or controlled by another company.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History—New 8-3-06, Amended 8-29-07, 8-29-13 Amended _____.

40E-7.670 Competitive Solicitation Preferences.

The Small Business Enterprise Contracting Rule in this part provides for 2 ~~three types of~~ Competitive Solicitation Preferences designed to assist small businesses. ~~The Bid Equalization, Sheltered Market and Subcontracting Requirements are outlined below. The District may waive or adjust SBE requirements in any solicitation.~~

~~(1) Bid Equalization. This process enables the District to award a contract to an SBE Prime even though the SBE Prime was not the low bidder as long as the SBE Prime's bid was within a predetermined percentage of the lowest Non SBE Prime's responsive, and responsible bid. Bid Equalization preferences are used only in construction solicitations.~~

~~Prior to solicitation, the District must determine whether to use the Bid Equalization preference. Should the District choose to use this preference, the District must first obtain the District engineer's estimate for the construction work being contemplated in the solicitation. Based on the estimate, the District will establish the percentage preference to apply in the solicitation.~~

~~The percentages will be applied as follows:~~

~~(a) For contracts with an estimated value of \$2,000,000 or more, the District shall implement a maximum bid adjustment of one percent (1%).~~

~~(b) For contracts with an estimated value of more than \$500,001 but less than \$2,000,000, the District shall implement a maximum bid adjustment of five percent (5%).~~

~~(c) For contracts valued at \$500,000 or less, the District shall implement a maximum bid adjustment of ten percent (10%).~~

~~(d) The solicitation language shall clearly state that based on the District's estimate, a certain percentage preference will be applied to an SBE Prime, if the SBE Prime meets all of the requirements for the preference. For example, if the District engineer's estimate for a construction project is \$100,000, the District shall establish a 10% preference for an SBE Prime. If a Non SBE Prime is the lowest responsive and responsible bidder at \$100,000 and the next lowest responsive and responsible bid is by an SBE Prime at \$103,000, the SBE would be provided the ten percent preference and be awarded the contract at \$103,000. The SBE Prime's bid was only \$3,000 greater than the Non SBE Prime. Therefore the SBE Prime was 3% over and well within 10% of the lowest Non SBE Prime's responsive and responsible bid and able to take advantage of the preference to obtain the contract award.~~

~~(e) The Bid Equalization does not apply to bids let under the Sheltered Market Program or when all bids received are from SBE Primes.~~

~~(1) (2) Sheltered Market Program. The District may provide for sheltered markets to allow only SBE's to bid on designated solicitations. In order to designate a sheltered market, the District must identify at least 3 SBEs available~~

to perform work within the industry identified in the solicitation.

~~(2)(3)~~ Subcontracting Requirements.

(a) Bids – The District shall set subcontracting goals for all bids based on availability of vendors registered with the District, including SBE firms able to perform work within specific ~~C~~ommodity ~~C~~odes. The SBE goals shall be applied as a percentage of the total contract value to be assigned to SBE firms. The maximum SBE goal that will be applied to any solicitation will be 25%. When an SBE goal is set bidders shall provide work to one or more SBEs in order to meet the goal. At the time of submittal of its bid, the bidder shall identify all SBE firms which will be utilized as subcontractors, by using Form No. 0956, “Small Business Enterprise Subcontractor Participation Schedule” effective (August 29, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03066>). All bids submitted where SBE participation is required, shall include Form No. 0957, “Statement of Intent to Perform as a Small Business Enterprise Subcontractor” effective (August 29, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12034>). ~~This Form No. 0957~~ shall be signed by the SBE subcontractor, Form Nos. 0956 and 0957, together called the SBE Subcontractor Utilization Plan, must reflect the parties’ intent to establish a business relationship as well as the type of work and percentage of work that the SBE subcontractor will perform. Failure to submit any of the information as required on Form Nos. 0956 and 0957 herein shall lead to the bid being deemed non-~~R~~esponsive. Forms Nos. 0956 and 0957 are incorporated by reference herein and are available at no cost by contacting the South Florida Water Management District Clerk’s Office, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 68056436, or (561) ~~682-6805682-6436~~.

Any bidder failing to meet the established goal shall be deemed non-Responsive ~~nonresponsive~~. ~~If an SBE Prime intends to subcontract work to an SBE subcontractor, the SBE Prime must submit the aforementioned forms at the time of submitting its bid or be deemed non responsive. If the prime bidder is an SBE Prime, only Form 0956 must be submitted with its bid. intends to perform 100% of the work, the SBE Prime does not have to submit the aforementioned forms.~~

(b) Standard Proposals – For solicitations where a contract is awarded based on an evaluation criteria, and where the scope of work is clearly defined, the District shall determine subcontracting goals for each solicitation based on availability of SBE firms as stated above in Subsection Section (2)(3)(a). The maximum goal that will be applied to any solicitation will be 25%. The goals shall be applied as a percentage of the total contract value to be assigned to SBE firms. Any proposer failing to meet the established goal shall be deemed non-Responsive. At the time the proposal is submitted, the proposer shall identify all SBE firms (if any) which will be utilized as subcontractors, by using Form No. 0956, “Small Business Enterprise Subcontractor Participation Schedule,” incorporated by reference in paragraph ~~(2)(3)~~(a) herein. All proposals with SBE subcontractor participation shall include Form No. 0957, “Statement of Intent to Perform as an Small Business Enterprise Subcontractor,“ also incorporated by reference in paragraph ~~(2)(3)~~(a) herein. Form 0957 ~~This form~~ shall be signed by the SBE subcontractor. ~~Form Nos. 0956 and 0957 together called~~ The SBE Subcontractor Utilization Plan must reflect the parties’ intent to establish a business relationship as well as the type of work and percentage of work that the SBE subcontractor will perform. If the prime proposer is an SBE Prime only Form No. 0956 must be submitted with its bid. If an SBE Prime intends to subcontract work to an SBE subcontractor, the SBE Prime must submit the aforementioned forms at the time of submitting its proposal. Any non SBE Prime contractor who fails to meet the established goal shall be deemed non responsive.

(c) Work Order Proposals – For solicitations where a contract is awarded based on evaluation criteria and where the scope of work is not clearly defined resulting in work order contracts, such solicitations shall require proposers to commit to SBE goals assigned to individual work orders issued throughout the term of the contract. will not contain a goal, but shall require proposers to commit to goals assigned to individual work orders issued throughout the term of the contract. The goal for individual work orders will be based on availability of SBE firms as provided stated above in paragraph (2)(3)(a). The maximum goal that will be applied to any work order will be 25% unless the Prime Contractor has failed to meet prior SBE goals, in which case the maximum goal may exceed 25%. At the time the proposal is submitted, the proposer shall identify all proposed SBE firms that will be utilized as subcontractors. At the time a work order with an SBE goal is assigned, the Prime Contractor shall submit a cost proposal, and identify all SBE subcontractors and the percentage of work that the SBE subcontractor(s) will perform by using Form No. 0956, “Small Business Enterprise Subcontractor Participation Schedule,” incorporated by reference in paragraph

~~(2)(3)(a)~~ herein. All cost proposals shall also include Form No. 0957, “Statement of Intent to Perform as a Small Business Enterprise Subcontractor,” also incorporated by reference in paragraph ~~(2)(3)(a)~~ herein. Form No. 0957 ~~This form~~ shall be signed by the SBE subcontractor. A work order will not be executed with a Prime ~~c~~Contractor whose cost proposal does not meet the established goal for that work order. The District may waive or defer the SBE goal in any particular work order at its discretion. If the District defers the SBE goal, the Prime Contractor will be required to increase SBE participation in subsequent work orders to compensate for the lack or participation in the initial assigned work order. In addition, failure to meet the goal set by the District for an executed work order will result in a breach of contract by the Prime Contractor.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History—New 8-3-06, Amended 8-29-07, 8-29-13 Amended

40E-7.672 Compliance.

The District shall monitor and evaluate Program performance and compliance as follows:

(1) through (3) No Change.

(4) Prime Contractors must notify the District when the need to add or replace an SBE subcontractor arises and shall provide a completed Form No. 1373, “Small Business Enterprise Subcontractor Revised Participation Schedule” effective, (August 29, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03067>), which contains an explanation of the addition or replacement of the SBE subcontractor. Form 1373 is incorporated by reference herein and a copy can be obtained at no cost by contacting the South Florida Water Management District Clerk’s Office, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. ~~6805 6436~~, or ~~(561)682-6805 (561)682-6436~~. In addition, a completed Form No. 0957, “Statement of Intent to Perform as a Small Business Enterprise Subcontractor,” incorporated by reference in paragraph 40E-7.670~~(2)(3)(a)~~, F.A.C., must be submitted if applicable.

(5) Failure of the Prime Contractor to meet its SBE requirements in a District contract will be a factor considered by the District when the District makes its responsibility determinations for future District contract awards and when the District considers whether to place a contractor on the Temporary or Permanent Suspension List under Rule 40E-7.218, F.A.C.

(6) Each District contract awarded with SBE participation shall contain a provision incorporating the rules under this ~~p~~Part by reference and a statement that failure to comply with the requirements of the bid or proposal submitted to the District by a contractor shall be considered a material breach of contract which may result in suspension or debarment of the firms or individuals involved pursuant to Chapter 40E-7, F.A.C.

(7) If an SBE Prime contractor is in material breach of its contract with the District, as defined in subsection 40E-7.215(5) F.A.C., the SBE Prime contractor shall be decertified.

(8) If an SBE subcontractor causes Prime Contractor to be in material breach of its contract with the District, as defined in subsection 40E-7.215(5) F.A.C., including, but not limited to, performance delay, the SBE subcontractor shall be decertified.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History—New 8-3-06, Amended 8-29-13 Amended

40E-7.673 Certification Eligibility – Small Business Enterprise.

District staff shall have the authority to accept, review, approve, certify, decertify and deny applications for SBE ~~C~~certification. ~~A~~ A Applicants ~~business~~ must be registered with the District as a vendor prior to submitting an application for ~~C~~certification.

(1) Applicants ~~businesses~~ shall submit applications for SBE ~~C~~certification using Form No. 1231, “SBE Certification Application”, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12032>) effective August 3, 2006 which is incorporated by reference herein and is available at no cost by contacting the South Florida Water Management District Clerk’s Office, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 6805, or (561) 682-6805, ~~which is hereby incorporated by reference and which can be obtained from the District upon request. Mailing addresses must include the number, name of the street, suite~~

number, if any, city and correct zip code. A post office box will not be acceptable absent a street address.

(2) To establish small business eligibility, that it is a small business, the Applicant shall:

(a) Provide documentation to demonstrate that the ~~3- three (3)~~ year average gross receipts of the Applicant, ~~business concern~~, together with its Affiliate Business, affiliates, does not exceed \$13 million for Construction, \$5 million for Commodities, and \$6 million for Services. In determining the gross receipts of the business and its Affiliate Business, affiliates, the District shall consider the ~~3three (3)~~ federal tax returns filed by the Applicant for the ~~3three (3)~~ years immediately preceding ~~their~~ application submittal. If ~~3 the Applicant has not filed three (3)~~ federal income tax returns have not been filed for the ~~3 three (3)~~ years immediately preceding ~~their~~ application submittal, then the Applicant must submit a financial statement, for any of the ~~3 three (3)~~ years immediately preceding the application in which the Applicant did not file a federal income tax return(s). The financial statement must be prepared by a Certified Public Accountant as defined by Section 473.301, F.S., not employed by the Applicant, but retained for the purpose of preparing financial statements for the Applicant. Applicants in business less than ~~one (1)~~ year shall are to submit an opening balance sheet and income statement for the months in which it was they were in business. The opening balance sheet and income statement must be submitted on letterhead from the Applicant's Certified Public Accountant.

(b) The Applicant must demonstrate that the business is #is licensed as required by law to do business in the State of Florida if the business requires a license.

(c) An The Applicant shall may only have only 1 one (1) business certified with the South Florida Water Management District.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06, Amended

40E-7.674 Certification Review Procedures.

(1) Upon receipt by the District, all applications for SBE Certification shall be screened to ensure appropriate signature and completeness. The application must be signed by the individual with the authority to bind the Applicant.

(2) Within ~~60 sixty (60)~~ days following receipt of the application, the District will request that the Applicant ~~business to~~ furnish omitted items or additional information, if any. All requested information must be received by the District within ~~60 sixty (60)~~ days from the date of the request or the Applicant will be deemed ineligible for Certification. Applicants may however, re-apply.

(3) Applicants determined eligible shall receive Certification as an SBE from District staff. Once certified, ~~an~~ Applicant shall remain certified for a period of ~~3 three (3)~~ years. If the Applicant does not adhere to the District's SBE Program they will be subject to decertification, unless the applicant fails to follow this rule and is sanctioned pursuant to the rule. The District retains the right to re-evaluate the Certification of any business at any time.

(4) Applicants determined ineligible shall receive a notification from the District. Ineligible Applicants receiving this notification of ineligibility shall not be eligible to submit a new applications until for 180 days after District notification, the date of the notice denying certification.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New 8-3-06, Amended 8-29-07, 8-29-13, Amended _____.

40E-7.675 Recertification Review Procedures.

(1) Applications for Recertification shall be submitted using Form No., 1232 “SBE Application for Recertification”, effective August 3, 2006, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-12033>), which is incorporated by reference herein and is available at no cost by contacting the South Florida Water Management District Clerk's Office, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800) 432-2045, ext. 6805, or (561) 682-6805. ~~which is hereby incorporated by reference and available from the District upon request.~~

(2) The District may will notify SBEs no later than ~~60 sixty (60)~~ days before the end of the Certification period that the SBE's Certification is about to expire. Regardless of notification, SBE is responsible to timely apply for Recertification. If the Recertification application document is no longer applicable because of changes to the Applicant's business, the SBE shall notify the District in writing of the changes to its company. If the SBE is unable

to use the recertification document because of changes to the applicant's business, the SBE shall notify the District in writing of the changes to its company. The District shall determine if the company still complies with the Certification criteria set forth in Rule 40E-7.673, F.A.C. Recertification requests must be filed with the District no later than the last effective date of the current Certification period.

(3) Upon receipt, all Recertification requests shall be given an initial screening to ensure appropriate signature and completeness. Within 60 ~~sixty (60)~~ days following initial receipt of the Applicant's Recertification request, the District will request the Applicant to furnish omitted or additional information. If the requested information or items are not received by the District within 60 ~~sixty (60)~~ days from the date of the request, the District will deny the application for Recertification.

(4) Recertification shall be granted when the Applicant has complied with recertification and review procedures ~~this rule~~ and substantiates continued eligibility for SBE status.

(5) Applicants deemed eligible shall receive a Recertification letter, ~~stating the length of time for which the business has been re-certified and the specialty areas of the business. The~~ Once recertified, an Applicant shall remain certified for a period of 3 ~~three (3)~~ years unless the Applicant is decertified. District determines that the applicant no longer meets the eligibility requirement of this Rule. The District retains the right to reevaluate the Certification of any SBE business at any time.

(6) Applicants determined ineligible for Recertification shall receive a letter citing which ~~the~~ specific criteria of Rules ~~subsection~~ 40E-7.673, F.A.C., that they failed to meet and advising that they shall not be eligible to submit new applications until 180 days after the date of the notice or the District's final agency order denying Recertification.

(7) If an application for Recertification is timely submitted, an SBE shall remain certified until the District has made a determination concerning eligibility.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History—New 8-3-06, Amended 8-29-13 Amended _____.

40E-7.676 Decertification.

~~Decertification is the process by which the District shall take steps to retract a business's certification as an SBE. The~~ Decertification of an SBE shall occur when the District determines that an SBE no longer complies with the District's Certification criteria. The District will also Decertify an SBE if the District learns that the SBE submitted false information in order to obtain SBE Certification. The District may also decertify an SBE if the SBE materially breaches its contract with the District as defined in subsection 40E-7.215(5) F.A.C. Further, an SBE subcontractor will be decertified if it causes a Prime Contractor to materially breach its contract with the District as defined in subsection 40E-7.215(5) F.A.C., including, but not limited to, performance delay.

(1) District staff shall inform the SBE in writing by certified mail, return receipt requested, of the facts or conduct which formed the basis for Decertification.

(2) The Decertification notice issued by the District shall contain:

(a) The statutory provisions(s) or rules(s) of the Florida Administrative Code which the District alleges the SBE violated; and

(b) The specific facts or conduct relied upon to justify the Decertification; and

(c) A statement that the firm has the right to file a request for an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., within 21 days of receipt of the Decertification notice; and

(d) A statement that the Decertification shall become conclusive and final agency action if no request for a hearing is filed with the District Clerk's office within 21 days from receipt of the Decertification notice.

(3) If the Applicant firm fails to file a request for a hearing within 21 days after receipt of the notice, the Decertification shall become ~~conclusive and~~ final agency action.

(4) If the SBE files a request for an administrative hearing, the SBE firm shall remain certified unless and until a Final Order is issued by the District Decertifying the SBE firm after an administrative hearing.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History—New 8-3-06 Amended _____.

40E-7.677 Reciprocity.

Reciprocal Certification shall be granted to an Applicant ~~businesses that is which are~~ certified by another other Florida government agency, Agencies provided that the agency has a small business program, including those owned by women and minorities, ~~and that the applicant business is certified as a small business by that agency.~~ The Applicant shall provide the District with official documentation stating that provides the Certification and expiration dates. Once certified, Applicant shall remain certified with the District for a period of 3 years. The District reserves the right to request any additional documentation to verify or clarify the authentication of the information provided.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History—New 8-3-06, Amended 8-29-13 Amended

40E-7.678 Administrative Hearings.

If an Applicant business believes it has been wrongly denied Certification; or Recertification, or that it has been inappropriately Decertified as an SBE, it may file a request for hearing pursuant to Sections 120.569 and 120.57, F.S., by submitting a petition in accordance with Chapter 28-106, F.A.C., within 21 days of receipt of Notice of Denial of Certification or Recertification or Notice of Decertification as a District SBE.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History—New 8-3-06 Amended

M E M O R A N D U M

TO: Governing Board Members
FROM: Duane Piper, Chief Information Officer
DATE: June 11, 2020
SUBJECT: Desktop Support Contractor Extension

Agenda Item Background:

The District is in the process of replacing all computers. Information Technology procured contractual services to assist with the deployment. These services include equipment receipt, configuration, deployment, and retrieval of old equipment. Due to COVID-19, the desktop deployment was put on hold and the contractors are assisting customers with equipment needed to work from home and the annual fixed asset inventory.

This request is to amend Purchase Order Number 4500107748 with Tech Army LLC for a desktop support technician for the time period June 26, 2020 through September 30, 2021 using the State of Florida Information Technology Staff Augmentation Services Contract Number 80101507-SA-15-01, in the increased amount of \$80,512 for a revised total of \$213,600. This contract was competed by another government agency.

Staff Contact and/or Presenter:

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

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0606

A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Purchase Order Number 4500107748 with Tech Army LLC by increasing the amount of the purchase order by \$80,512 for a revised purchase order total of \$213,600 for a desktop support contractor, for the time period June 26, 2020 through September 30, 2021, for which \$37,376 in Ad Valorem funds are budgeted in Fiscal Year 2019-2020 and the remainder is subject to Governing Board approval of future years budgets; providing an effective date.

WHEREAS, Information Technology is in the process of replacing all personal computers; and

WHEREAS, the District obtained this purchase order through a special procurement using the State of Florida Information Technology Staff Augmentation Services Contract Number 8010507-SA-15-01; and

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize an amendment to Purchase Order 4500107748 with Tech Army LLC by increasing the purchase order by \$80,512.

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes an amendment to Purchase Order Number 4500107748 with Tech Army LLC by increasing the amount of the purchase order by \$80,512 for a revised purchase order total of \$213,600 for a desktop support contractor, for the time period June 26, 2020 through September 30, 2021.

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

PASSED and ADOPTED this 11th day of June, 2020.

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

Chauncey P. Goss, II
Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

M E M O R A N D U M

TO: Governing Board Members

FROM: Duane Piper, Chief Information Officer

DATE: June 11, 2020

SUBJECT: e-Builder Construction Management Software Subscription Agreement

Agenda Item Background:

The e-Builder Construction Management Software is an efficient cloud-based construction management solution that manages construction program costs, schedules, and documents through workflow and business intelligence. e-Builder provides project managers the capability to measure and manage every step of the construction project delivery process from planning, design, procurement, construction, and operations.

This request is to enter into a contract with e-Builder, Inc. for a three-year software subscription agreement with two one year renewal options, using the GSA Schedule Number GS-35F-408AA in the amount of \$1,476,607 for which Ad Valorem funds in the amount of \$217,087 are budgeted in Fiscal Year 2019-2020 and the remainder is subject to Governing Board approval of future years budgets. This contract was competed by another government agency.

Staff Contact and/or Presenter:

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

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0607

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a contract with e-Builder, Inc. for a three-year software subscription agreement with two one year renewal options, using the General Services Administration Contract Number GS-35F-408AA, in the amount of \$1,476,607, for which \$217,087 of Ad Valorem funds are budgeted in Fiscal Year 2019-2020 and the remainder is subject to Governing Board approval of future years budgets; providing an effective date. (Contract Number 4600004236)

WHEREAS, the District uses e-Builder Software for managing construction projects; and

WHEREAS, the District will procure this agreement through a special procurement using the General Services Administration Contract Number GS-35F-408AA; and

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize entering into a contract with e-Builder, Inc. for a three-year software subscription agreement with two one year renewal options, in the amount of \$1,476,607.

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 contract with e-Builder, Inc. for a three- year software subscription agreement with two one year renewal options, using the General Services Administration Contract Number GS-35F-408AA, in the amount of \$1,476,607. (Contract Number 4600004236)

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

PASSED and ADOPTED this 11th day of June, 2020.

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

Chauncey P. Goss, II
Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

M E M O R A N D U M

TO: Governing Board Members

FROM: Lawrence Glenn, Division Director, Water Resources

DATE: June 11, 2020

SUBJECT: Temporary Variances from Phase III Landscape Irrigation Restrictions Imposed by SFWMD Order No. 2020-012-DAO-WS (Staff contact, Lawrence Glenn, ext. 6499)

Agenda Item Background:

This item requests entry of a Final Order concurring with the temporary variances issued by the Executive Director to six variance requestors to SFWMD Order No. 2020-012-DAO-WS (Order), imposing modified Phase I and Phase III water shortage restrictions within Lee County in accordance with Rules 40E-21.521 and 40E-21.541, Florida Administrative Code (F.A.C.).

Six users filed applications for a variance pursuant to Rule 40E-21.275, F.A.C. Each variance requested alternative irrigation schedules due to irrigation system limitations. Applications for variances may be approved when an applicant has provided reasonable assurances that the variance will not otherwise be harmful to the water resources of the District, and affirmatively demonstrate compliance with District rules and meets the intent of the Order's restrictions.

Staff determined the variance applications on the attached list met the requirements under subsection 40E-21.275(2), F.A.C., and issued recommendations for approval. The Executive Director reviewed the recommendations and granted temporary variances.

Additional Background

Subsection 40E-21.275(5)(b), F.A.C. states the Executive Director or his designee shall review the application and the staff recommendation. Applications which require immediate action and which comply with the variance provisions may be temporarily granted by the Executive Director or his designee. Temporary variances granted by the Executive Director or his designee shall be presented to the Governing Board for concurrence, rejection or modification.

Core Mission and Strategic Priorities

This action supports District's core missions of water supply and protection of the natural system along with the District's statutory and regulatory authority to impose water shortage restrictions and approve variances.

Staff Contact and/or Presenter:

Lawrence Glenn, lglenn@sfwmd.gov, 561-682-6499

**June 11, 2020 SFWMD Governing Board Concurrence with the Temporary Variances
Listed Below:**

Variance Control Number: 4838

Vasari Country Club Master Association, Inc
11250 Via Del Vasari Dr
Bonita Springs FL 34134

Variance Control Number: 4839

Resource Conservation Systems, LLC
9990 Coconut Rd, Suite 102
Bonita Springs, FL 34135

Variance Control No: 4837

Catalina at Winkler HOA, Inc
12650 Whitehall Dr
Fort Myers, FL 33907

Variance Control No: 4841

Colonial Golf and Country Club
9181 Independence Way
Fort Myers, FL 33913

Variance Control No: 4835

Christian & Mission Alliance Foundation
15000 Shell Point Blvd
Fort Myers, FL 33908

Variance Control No.: 4836

Christian & Mission Alliance Foundation
15000 Shell Point Blvd
Fort Myers, FL 33908

M E M O R A N D U M

TO: Governing Board Members
FROM: Paula Cobb, General Counsel
DATE: June 11, 2020
SUBJECT: Mediated Settlement Agreement

Agenda Item Background:

In 2018, a former employee sued the District alleging employment discrimination. After the District had the state discrimination claims dismissed and the federal discrimination claims removed to federal court, the parties attended court ordered mediation on April 24, 2020. At the mediation, the parties entered into a proposed settlement agreement that will completely resolve the claims against the District. By settling now, the District will avoid fees, costs and uncertainty associated with a jury trial.

Core Mission and Strategic Priorities:

This settlement agreement will eliminate the District's exposure to liability in the subject case.

Staff Contact and/or Presenter:

Darren Leiser, dleiser@sfwmd.gov, 561-682-6842

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0608

A Resolution of the Governing Board of the South Florida Water Management District ratifying a proposed settlement agreement for the purpose of resolving an employment discrimination case in the U.S. District Court, Southern District of Florida, Case No. 9:19-cv-81400-RLR; providing an effective date.

WHEREAS, the Plaintiff in the above case brought an employment discrimination claim against the South Florida Water Management District ("District") alleging that the District discriminated against the Plaintiff based on gender, age, and national origin; and

WHEREAS, the District and the Plaintiff attended court ordered mediation on April 24, 2020; and

WHEREAS, the District and the Plaintiff reached a proposed settlement at mediation that will completely resolve the above styled case and result in its dismissal with prejudice.

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 ratifies the settlement agreement in U.S. District Court, Southern District of Florida, Case No. 9:19-cv-81400-RLR.

Section 2. The Governing Board of the South Florida Water Management District hereby authorizes the Executive Director to execute all documents needed to effectuate the terms of the settlement agreement.

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

PASSED and ADOPTED this 11th day of June, 2020.

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

Chauncey P. Goss, II
Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:

MEMORANDUM

TO: Governing Board Members

FROM: Tim Beirnes, Inspector General

DATE: June 11, 2020

SUBJECT: Fiscal Year 2019 Comprehensive Annual Financial Report and Audit Management Letter (Staff contact, Tim Beirnes, ext. 6398)

Agenda Item Background:

The District's external audit firm completed its audit of the District's financial statements for the fiscal year ending September 30, 2019. This annual independent financial audit was performed to fulfill the requirements of Part III, Chapter 218, Florida Statutes. The audit examines the financial records and statements of the District in order to form opinions of the District's financial statements. These audits are performed in accordance with generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants, the rules of the Auditor General of the State of Florida, and the standards for financial audits set forth by the U.S. Office of Management and Budget revised Circular A-133, Audits of State, Local Governments and Non-Profit Organizations.

The external auditors issued an unqualified (i.e., "clean") opinion on the District's financial statements, the related notes to the financial statements as well as compliance with the requirements of laws, regulations, contracts and grants applicable to our federal program and state projects. Further, there were neither accounting misstatements detected, nor audit adjustments proposed during the audit. In addition, the auditors did not identify any deficiencies in internal control that could be considered material weaknesses or significant deficiencies and did not indicate any management letter findings or other reportable conditions. The Fiscal Year 2019 Comprehensive Annual Financial Report and Audit Management Letter may be found on the District's website at www.sfwmd.gov/who-we-are/open-government/budget-finance <<http://www.sfwmd.gov/who-we-are/open-government/budget-finance>>.

Pursuant to Section 373.536(6)(a)2, Florida Statutes, a copy of the financial audit is to be furnished within 10 days after its acceptance by the Governing Board, to the Governor, President of the Senate, Speaker of the House of Representatives and chairs of all legislative committees and subcommittees having fiscal jurisdiction over the districts, as well as to the Secretary of the Florida Department of Environmental Protection (DEP), Governing Boards of each county in which the District has jurisdiction and the Auditor General.

Staff Contact and/or Presenter:
Tim Beirnes, tbeirnes@sfwmd.gov, 561-682-6398

South Florida Water Management District

Report to the Governing Board
June 11, 2020



Attachment: Post AU-C 260 FINAL-RSM Report to Gov Board (5146 : RSM Audit Report & CAFR)



RSM US LLP

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Suite 700
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June 11, 2020

South Florida Water Management District
West Palm Beach, Florida

Attention: The Governing Board

We are pleased to present this report related to our audit of the basic financial statements of the South Florida Water Management District (the District) as of and for the year ended September 30, 2019. In connection therewith, we have also issued separate reports on internal control over financial reporting and on compliance and other matters, a report on compliance for each major federal program and state project, a management letter in accordance with the Rules of the Auditor General, and an attestation report on compliance with Chapter 10.550 of the Rules of the Auditor General of the State of Florida, relating to the District's compliance with Section 218.415, Florida Statutes, Local Government Investment Policies. This report summarizes certain matters required by professional standards to be communicated to you in your oversight responsibility for the District's financial reporting process.

This report is intended solely for the information and use of the Governing Board, the Audit and Finance Committee and management, and is not intended to be, and should not be, used by anyone other than these specified parties. It will be our pleasure to respond to any questions you have about this report. We appreciate the opportunity to continue to be of service to the District.

RSM US LLP

Attachment: Post AU-C 260 FINAL-RSM Report to Gov Board (5146 : RSM Audit Report & CAFR)

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Required Communications

Generally accepted auditing standards (AU-C 260, *The Auditor's Communication With Those Charged With Governance*) require the auditor to promote effective two-way communication between the auditor and those charged with governance. Consistent with this requirement, the following summarizes our responsibilities regarding the financial statement audit as well as observations arising from our audit that are significant and relevant to your responsibility to oversee the financial and related compliance reporting process.

Area	Comments
Our Responsibilities With Regard to the Financial Statement Audit	Our responsibilities under auditing standards generally accepted in the United States of America and <i>Government Auditing Standards</i> issued by the Comptroller General of the United States have been described to you in our arrangement letter dated October 17, 2019, and our contract dated August 13, 2019. Our audit of the financial statements does not relieve management or those charged with governance of their responsibilities, which are also described in that letter.
Overview of the Planned Scope and Timing of the Financial Statement Audit	We have issued a separate communication regarding the planned scope and timing of our audit and have discussed with you our identification of, and planned audit response to, significant risks of material misstatement.
Accounting Policies and Practices	<p>Preferability of Accounting Policies and Practices</p> <p>Under generally accepted accounting principles, in certain circumstances, management may select among alternative accounting practices. In our view, in such circumstances, management has selected the preferable accounting practice.</p> <p>Adoption of, or Change in, Accounting Policies</p> <p>Management has the ultimate responsibility for the appropriateness of the accounting policies used by the District.</p> <p>There were no new significant accounting policies, nor have there been any significant changes in existing accounting policies during the current period.</p>
Accounting Policies and Practices (Continued)	<p>Significant or Unusual Transactions</p> <p>We did not identify any significant or unusual transactions or significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.</p> <p>Management's Judgments and Accounting Estimates</p> <p>Summary information about the process used by management in formulating particularly sensitive accounting estimates and about our conclusions regarding the reasonableness of those estimates is in the attached Summary of Significant Accounting Estimates.</p>
Audit Adjustments	There were no audit adjustments made to the original trial balance presented to us to begin our audit.

Area	Comments
Uncorrected Misstatements	We are not aware of any uncorrected misstatements.
Disagreements With Management	We encountered no disagreements with management over the application of significant accounting principles, the basis for management's judgments on any significant matters, the scope of the audit, or significant disclosures to be included in the financial statements.
Consultations With Other Accountants	We are not aware of any consultations management had with other accountants about accounting or auditing matters.
Significant Issues Discussed With Management	No significant issues arising from the audit were discussed with or were the subject of correspondence with management.
Significant Difficulties Encountered in Performing the Audit	Due to turnover of key staff in the Finance Bureau there were some delays in completion of the comprehensive annual financial report and the audit. However, we did not encounter any significant difficulties in dealing with management during the audit.
Communications on Internal Control, Compliance and Other Reporting	<p>We have issued, under separate cover, the <i>following reports</i> in connection with our audit, as required by the <i>Government Auditing Standards</i>, Uniform Guidance and Chapter 10.550, Rules of the Florida Auditor General of the State of Florida:</p> <ul style="list-style-type: none"> • Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With <i>Government Auditing Standards</i>. • Independent Auditor's Report on Compliance for Each Major Federal Program and State Project; Report on Internal Control Over Compliance; and Report on the Schedule of Expenditures of Federal Awards and State Financial Assistance Required By the Uniform Guidance and Chapter 10.550, Rules of the Florida Auditor General. • Management Letter Required Chapter 10.550, Rules of the Florida Auditor General of the State of Florida. • Independent Accountant's Report in Accordance with Chapter 10.550 of the Rules of the Auditor General of the State of Florida, relating to the District's compliances with Section 218.415, Florida Statutes, Local Government Investment Policies.
Certain Written Communications Between Management and Our Firm	Copies of material written communications between our firm and the management of the Organization, including Representation Letters provided to us by management, are attached as Exhibit A.

Summary of Significant Accounting Estimates

Accounting estimates are an integral part of the preparation of financial statements and are based upon management's current judgment. The process used by management encompasses their knowledge and experience about past and current events, and certain assumptions about future events. You may wish to monitor throughout the year the process used to determine and record these accounting estimates. The following describes the significant accounting estimates reflected in the District's September 30, 2019 basic financial statements.

Estimate	Accounting Policy	Management's Estimation Process	Basis for Our Conclusions on Reasonableness of Estimate
Risk Management	The District is self-insured for general and auto liability, property, workers' compensation and employee's health and dental. The accrued liability for estimated claims represents an estimate of the eventual loss on claims including claims incurred but not yet reported.	Management with input from its risk actuary developed the actuarial assumptions based on relevant criteria. Management reviewed and approved the financial statement estimates derived from the risk actuarial report.	We have audited the underlying data supporting the estimate and reviewed the actuarial assumptions used and conclude the resulting estimate is reasonable.
Accounting for Pension Plans and the Related Net Pension Liabilities	Annual required contributions (ARC), net pension liabilities and related pension amounts are actuarially determined in accordance with the parameters established by the Governmental Accounting Standards Board.	The FRS's management with input from its actuary, developed the actuarial assumptions based on relevant criteria. District management is not involved in the selection and development of the actuarial assumptions. District management reviewed and approved the financial statement estimates derived from the pension plan's actuarial report and GASB 68 disclosure schedules provided by the FRS and Auditor General of the State of Florida.	We have audited the underlying data supporting the estimate, had an auditor actuary specialist review the actuarial reporting and considered reports issued by the Auditor General of the State of Florida and conclude the resulting estimate is reasonable.
Depreciation of Capital Assets	Depreciation is provided on the straight-line basis over the respective estimated useful lives ranging from 5 to 50 years.	Management has informed us that they used all the relevant facts available to them at the time to make the best judgments about the depreciation method and estimated useful lives of capital assets.	We have audited the underlying data supporting the estimate and conclude the resulting estimate is reasonable.

Estimate	Accounting Policy	Management's Estimation Process	Basis for Our Conclusions on Reasonableness of Estimate
Allowance for Doubtful Accounts	All trade and other receivables are reported at net realizable value.	Receivables are analyzed by management for collectability based on the creditors' ability to pay (i.e. financial condition, credit history, and current economic conditions).	We have audited the underlying data supporting the estimate and conclude the resulting estimate is reasonable.
Accounting for Other Post-Employment Benefits	Total post-employment benefits (OPEB) liabilities, related deferred OPEB amounts and expense are actuarially determined in accordance with the parameters established by the GASB.	Management, with input from its OPEB actuary, developed the actuarial assumptions based on relevant criteria. Management reviewed and approved the financial statement estimate derived from the OPEB actuarial report.	We have audited the underlying data including census data, supporting the estimate and had an auditor actuary specialist review the actuarial reporting and conclude the resulting estimate is reasonable.

Exhibit A—Significant Written Communications Between Management and Our Firm

Attachment: Post AU-C 260 FINAL-RSM Report to Gov Board (5146 : RSM Audit Report & CAFR)



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

April 27, 2020

RSM US LLP
 155 Palm Beach Lakes Blvd. Suite#700
 West Palm Beach, FL 33401

This representation letter is provided in connection with your audit of the basic financial statements of the South Florida Water Management District (the District), a component unit of the State of Florida, as of and for the year ended September 30, 2019 for the purpose of expressing an opinion on whether the financial statements are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

We confirm, to the best of our knowledge and belief, that as of the date of this letter:

Financial Statements

1. We have fulfilled our responsibilities, as set out in the terms of the audit arrangement letter dated October 17, 2019 and contract dated August 13, 2019, for the preparation and fair presentation of the financial statements referred to above in accordance with U.S. GAAP.
2. We are a component unit of the State of Florida, as this term is defined in Section 2100 of the Governmental Accounting Standards Board's Codification of Governmental Accounting and Financial Reporting Standards.
3. We acknowledge our responsibility for the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
4. We acknowledge our responsibility for the design, implementation and maintenance of internal control to prevent and detect fraud.
5. Significant assumptions used by us in making accounting estimates, including those measured at fair value, are reasonable and reflect our judgment based on our knowledge and experience about past and current events, and our assumptions about conditions we expect to exist and courses of action we expect to take.

6. Related-party transactions, including those with the primary government having accountability for the District, component units for which the District is accountable, other organizations for which the nature and significance of their relationship with the District are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete, joint ventures in which the District has an interest, and jointly governed organizations in which the District participates, and interfund transactions, including interfund accounts and advances receivable and payable, sale and purchase transactions, interfund transfers, long-term loans, leasing arrangements and guarantees, have been recorded in accordance with the economic substance of the transaction and appropriately accounted for and disclosed in accordance with the requirements of U.S. GAAP.
7. All events subsequent to the date of the financial statements, and for which U.S. GAAP requires adjustment or disclosure, have been adjusted or disclosed.
8. The effects of all known actual or possible litigation and claims have been accounted for and disclosed in accordance with U.S. GAAP.
9. There are no un-asserted claims or assessments that our lawyers have advised us are probable of assertions and must be disclosed in accordance with GASB Statement 62 and/or GASB Statement No. 10 beyond those accounted for in the District's risk retention estimated liabilities.
10. We have no direct or indirect legal or moral obligation for any debt of any organization, public or private that is not disclosed in the financial statements.
11. We have complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance.
12. We have no knowledge of any uncorrected misstatements in the financial statements.
13. We have obtained the information provided through the Florida Department of Management Services related to the States cost-sharing multiple-employer pension FRS Plan and HIS Plan. We have reviewed the relevant information of the Plans' actuary and Plans' auditor related to methods and assumptions used in the calculation of net pension liability and related deferred items and the allocation methodology used to determine the District's share. We believe that the amounts reported and disclosed in the financial statements are reasonable.
14. We agree with the findings of specialists in evaluating our self-insurance program, the total other post-employment benefit liability (OPEB) and related OPEB amounts and have adequately considered the qualifications of the specialists in determining the amounts and disclosures used in the financial statements and underlying accounting records. We did not give or cause any instructions to be given to specialists with respect to the values or amounts derived in an attempt to bias their work, and we are not otherwise aware of any matters that have had an impact on the independence or objectivity of the specialists.

Information Provided

15. We have provided you with:
 - a. Access to all information of which we are aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation and other matters.
 - b. Additional information that you have requested from us for the purpose of the audit.
 - c. Unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.
 - d. Minutes of the meetings of the governing board and committees, or summaries of actions of recent meetings for which minutes have not yet been prepared.
16. All transactions have been recorded in the accounting records and are reflected in the financial statements.
17. We have disclosed to you the results of our assessment of risk that the financial statements may be materially misstated as a result of fraud.
18. We have no knowledge of allegations of fraud or suspected fraud affecting the entity's financial statements involving:
 - a. Management.
 - b. Employees who have significant roles in internal control.
 - c. Others where the fraud could have a material effect on the financial statements.
19. We have no knowledge of any allegations of fraud or suspected fraud affecting the entity's financial statements received in communications from employees, former employees, analysts, regulators or others.
20. We have no knowledge of noncompliance or suspected noncompliance with laws and regulations whose effects were considered when preparing financial statements.
21. We have disclosed to you all known actual or possible litigation and claims whose effects should be considered when preparing the financial statements.
22. We have disclosed to you the identity of the entity's related parties and all the related-party relationships and transactions of which we are aware.
23. We are aware of no significant deficiencies, including material weaknesses, in the design or operation of internal controls that could adversely affect the District's ability to record, process, summarize and report financial data.

24. We are aware of no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.

Supplementary Information

25. With respect to supplementary information presented in relation to the financial statements as a whole:
- We acknowledge our responsibility for the presentation of such information.
 - We believe such information, including its form and content, is fairly presented in accordance with accounting principles generally accepted in the United States of America.
 - The methods of measurement or presentation have not changed from those used in the prior period.
 - When supplementary information is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance of the supplementary information and the auditor's report thereon.
26. With respect to management's discussion and analysis, schedules related to the defined benefit pension plans and other post-employment benefits and budgetary comparison schedules presented as required by Governmental Accounting Standards Board to supplement the basic financial statements:
- We acknowledge our responsibility for the presentation of such required supplementary information.
 - We believe such required supplementary information is measured and presented in accordance with guidelines prescribed by accounting principles generally accepted in the United States of America.
 - The methods of measurement or presentation have not changed from those used in the prior period.
27. Management has elected not to report within the Financial Statements or the Schedule of Expenditures of Federal Awards the expenditures for certain cost sharing projects involving the U.S. Army Corp of Engineers. Management has requested that these expenditures not be subjected to an audit in accordance with the Uniform Guidance, due to the fact that there is no information available to audit. In accordance with the various cost sharing projects the District has entered into with the U.S. Army Corps of Engineers ("ACOE"), a portion of projects are funded and performed by the ACOE and is considered to be noncash federal financial assistance provided by the District. However, since the amount is provided by the ACOE and cannot be verified by the District, it has not been subjected to audit as part of the District's federal awards under the Uniform Guidance and the Federal Single Audit Act and is not being recognized in the financial statements under generally accepted accounting

principles. The amount of non-cash federal financial assistance received by the district, as reported by the ACOE was \$522,160 for fiscal year ended September 30, 2019.

Compliance Considerations

In connection with your audit conducted in accordance with *Government Auditing Standards*, we confirm that management:

28. Is responsible for the preparation and fair presentation of the financial statements in accordance with the applicable financial reporting framework,
29. Is responsible for compliance with the laws, regulations and provisions of contracts and grant agreements applicable to the District.
30. Have identified and disclosed to you that there are no instances, that have occurred, or are likely to have occurred, of fraud and noncompliance with provisions of laws and regulations that have a material effect on the financial statements or other financial data significant to the audit objectives, and any other instances that warrant the attention of those charged in governance.
31. Have identified and disclosed to you that there are no instances that have occurred or are likely to have occurred, of noncompliance with provisions of contracts and grant agreements that have a material effect on the determination of financial statement amounts or other financial data significant to the audit objectives.
32. Have identified and disclosed to you that there are no instances that have occurred, or are likely to have occurred, of abuse that could be quantitatively or qualitatively material to the financial statements or other financial data significant to the audit objectives.
33. Is responsible for the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financials statements that are free from material misstatement, whether due to fraud or error.
34. Acknowledges its responsibility for design, implementation and maintenance of internal controls to prevent and detect fraud.
35. Have taken timely and appropriate steps to remedy fraud; noncompliance with provisions of laws, regulations, contracts and grant agreements; or abuse that the auditor reports, when applicable.
36. Have a process to track the status of audit findings and recommendations, when applicable.
37. Have identified for the auditor previous audits, attestation engagements and other studies related to the audit objectives and whether related recommendations have been implemented.
38. Have provided you with views on your reported findings, conclusions and recommendations, as well as management's planned corrective actions for the report, when applicable.

In connection with your audit of federal awards and state projects conducted in accordance with Subpart F of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance), and Chapter 10.550, Rules of the Auditor General, we confirm:

39. Management is responsible for complying, and has complied, with the requirements of Uniform Guidance and Chapter 10.550, Rules of the Auditor General.
40. Management is responsible for understanding and complying with the requirements of laws, regulations, and the provisions of contracts and grant agreements related to each of its federal programs and state project.
41. Management is responsible for establishing and maintaining, and has established and maintained, effective internal control over compliance for federal programs and state projects that provides reasonable assurance that the auditee is managing federal and state awards in compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a material effect on its federal programs and state projects.
42. Management has prepared the schedule of expenditures of federal and state financial assistance in accordance with the Uniform Guidance and Chapter 10.550, Rules of the Auditor General, and has included expenditures made during the period being audited for all awards provided by federal and state agencies in the form of grants, cost reimbursement contracts, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations and other assistance.
43. Management has identified and disclosed all of its government programs and related activities subject to the Uniform Guidance and state compliance audit.
44. Management has identified and disclosed to the auditor the requirements of laws, regulations, and the provisions of contracts and grant agreements that are considered to have a direct and material effect on each major program.
45. Management has made available all federal awards and state projects (including amendments, if any) and any other correspondence relevant to federal or state agencies and related activities that have taken place with federal programs or state projects.
46. Management has identified and disclosed that there are no amounts questioned and no known noncompliance with the direct and material compliance requirements of federal awards and state projects.
47. Management believes that the auditee has complied with the direct and material compliance requirements.
48. Management has made available all documentation related to compliance with the direct and material compliance requirements, including information related to federal program and state projects financial reports and claims for advances and reimbursements.

49. Management has provided to the auditor its interpretations of any compliance requirements that are subject to varying interpretations.
50. Management has disclosed to the auditor any communications from granters and pass-through entities concerning possible noncompliance with the direct and material compliance requirements, including communications received from the end of the period covered by the compliance audit to the date of the auditor's report.
51. Management has disclosed to the auditor the findings received and related corrective actions taken for previous audits, attestation engagements, and internal or external monitoring that directly relate to the objectives of the compliance audit, including findings received and corrective actions taken from the end of the period covered by the compliance audit to the date of the auditor's report.
52. Management is responsible for taking corrective action on audit findings of the compliance audit.
53. Management has provided the auditor with all information on the status of the follow-up on prior audit findings by federal and state awarding agencies and pass-through entities, including all management decisions.
54. Management has disclosed the nature of any subsequent events that provide additional evidence with respect to conditions that existed at the end of the reporting period that affect noncompliance during the reporting period.
55. Management has disclosed all known noncompliance with direct and material compliance requirements occurring subsequent to the period covered by the auditor's report.
56. Management has disclosed whether any changes in internal control over compliance or other factors that might significantly affect internal control, including any corrective action taken by management with regard to significant deficiencies and material weaknesses in internal control over compliance, have occurred subsequent to the period covered by the auditor's report.
57. Federal program and state projects financial reports and claims for advances and reimbursements are supported by the books and records from which the basic financial statements have been prepared.
58. The copies of federal program and state project financial reports provided to the auditor are true copies of the reports submitted, or electronically transmitted, to the federal agency or state agency, as applicable.
59. Management has monitored subrecipients to determine that they have expended pass-through assistance in accordance with applicable laws and regulations and the terms and conditions of the subaward and have met the other pass-through entity requirements of the Uniform Guidance.

RSM US LLP
 April 27, 2020
 Page 8

60. Management has issued management decisions timely after the receipt of sub-recipients' auditors' reports that identified noncompliance with laws, regulations, or the provisions of contracts or grant agreements, and we have ensured that subrecipients have taken the appropriate and timely corrective action on findings.
61. Management has considered the results of sub recipient monitoring and audits, and has made any necessary adjustments to the auditee's own books and records.
62. Management has charged costs to federal awards and state projects in accordance with applicable cost principles.
63. Management is responsible for, and has accurately prepared, the summary schedule of prior audit findings to include all findings required to be included by Uniform Guidance and Chapter 10.550, Rules of the Auditor General.
64. Management has accurately completed the appropriate sections of the data collection form. We further acknowledge our responsibility for the complete, accurate, and timely filing of the data collection form with the Federal Audit Clearinghouse.
65. Management has disclosed all contracts or other agreements with service organizations.
66. Management has disclosed to the auditor all communications from service organizations relating to noncompliance at those organizations.

South Florida Water Management District

Candida Heater

27 April 2020

Candida Heater,
 Division Director, Administrative Services

Date

John F. Wright

APRIL 27, 2020

John Wright,
 Finance Bureau Chief

Date



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

April 27, 2020

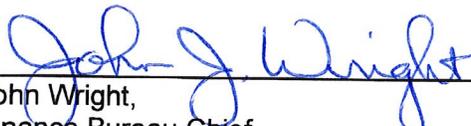
RSM US LLP
 1555 Palm Beach Lakes Blvd.
 Suite 700
 West Palm Beach, FL 33401

In connection with your examination of South Florida Water Management District, Florida's compliance with *Section 218.415, Florida Statutes, Local Government Investment Policies* (the Statute) during the year ended September 30, 2019, in accordance with attestation standards established by the American Institute of Certified Public Accountants, we confirm to the best of our knowledge and belief, the following representations made to you during the course of your engagement:

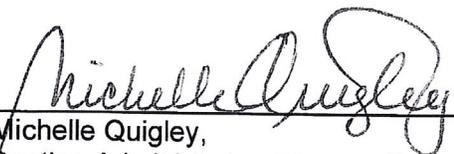
1. We are responsible for the District's compliance with the Statute and the selection of the criteria against which compliance is being evaluated.
2. We understand that we are responsible for determining that such criteria are appropriate for our purposes.
3. We are responsible for establishing and maintaining effective internal control over the District's compliance with the Statute.
4. We have performed an evaluation of the District's compliance with the Statute. Based on our evaluation, the District has complied with the Statute during the year ended September 30, 2019.
5. There has been no known noncompliance with the Statute during the year ended September 30, 2019 or through the date of this letter.
6. There are no known communications from regulatory agencies, internal auditors, or other practitioners concerning the District's possible noncompliance with the Statute received by us during the year ended September 30, 2019 or through the date of this letter.
7. We have made available to you all documentation related to the District's compliance with the Statute.
8. There has been no knowledge of fraud or suspected fraud affecting the entity involving:
 - a. Management,
 - b. Employees who have significant roles in the internal control, or
 - c. Others where fraud could have a material effect on the District's compliance with the Statute.
9. We acknowledge our responsibility for the design and implementation of programs and controls to provide reasonable assurance that fraud is prevented and detected.

10. We have no knowledge of any allegations of fraud or suspected fraud affecting the District received in communications from employees, former employees, analysts, regulators, or others.
11. We have responded fully to all inquiries made to us by you during your engagement.
12. During the course of your engagement you may have accumulated records containing data which should be reflected in our books and records. All such data have been so reflected. Accordingly, copies of such records in your possession are no longer needed by us.
13. There has been no known noncompliance with the Statute subsequent to September 30, 2019.

The South Florida Water Management District



John Wright,
Finance Bureau Chief



Michelle Quigley,
Section Administrator, Finance Bureau

Exhibit B—Single Audit Reports in Accordance with the Uniform Guidance and the Florida Single Audit Act and Management Letter in Accordance with the Rules of the Auditor General of the State of Florida and Independent Accountant’s Report on an Examination Conducted in Accordance with AICPA Professional Standards, AT-C Section 315, Regarding Compliance Requirement in Accordance with Chapter 10.550, Rules of the Auditor General

South Florida Water Management District, a Component Unit of the State of Florida

Single Audit Reports in Accordance With the Uniform Guidance
and Chapter 10.550, *Rules of the Auditor General* of the
State of Florida
Year Ended September 30, 2019

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RSM US LLP

**Report on Internal Control Over Financial Reporting and on Compliance
and Other Matters Based on an Audit of Financial Statements Performed
in Accordance With *Government Auditing Standards***

Independent Auditor's Report

The Governing Board
South Florida Water Management District

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the South Florida Water Management District (the District), as of and for the year ended September 30, 2019, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our report thereon dated April 27, 2020.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Attachment: Post AU-C 260 FINAL-RSM Report to Gov Board (5146 : RSM Audit Report & CAFR)

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

RSM VS LLP

West Palm Beach, Florida
April 27, 2020



RSM US LLP

**Report on Compliance for Each Major Federal Program and State Project;
Report on Internal Control Over Compliance; and Report on the Schedule of Expenditures
of Federal Awards and State Financial Assistance Required by the Uniform Guidance
and Chapter 10.550, Rules of the Auditor General, State of Florida**

Independent Auditor's Report

The Governing Board
South Florida Water Management District

Report on Compliance for Each Major Federal Program and State Project

We have audited the South Florida Water Management District's (the District) compliance with the types of compliance requirements described in the *Office of Management and Budget (OMB) Compliance Supplement* and the requirements described in the *Florida Department of Financial Services' State Projects Compliance Supplement*, that could have a direct and material effect on each of the District's major federal programs and its major state project for the year ended September 30, 2019. The District's major federal programs and state project are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts and grants applicable to its federal programs and state projects.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of the District's major federal programs and state project based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and Chapter 10.550, *Rules of the Auditor General of the State of Florida*. Those standards, the Uniform Guidance and Chapter 10.550 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program or state project occurred. An audit includes examining, on a test basis, evidence about the District's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program and state project. However, our audit does not provide a legal determination of the District's compliance.

Attachment: Post AU-C 260 FINAL-RSM Report to Gov Board (5146 : RSM Audit Report & CAFR)

Opinion on Each Major Federal Program and State Project

In our opinion, the District complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs and major state project for the year ended September 30, 2019.

Report on Internal Control Over Compliance

Management of the District is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the District's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program and state project to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and state project and to test and report on internal control over compliance in accordance with the Uniform Guidance and Chapter 10.550, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the District's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program or state project on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program or state project will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program or state project that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance and Chapter 10.550. Accordingly, this report is not suitable for any other purpose.

Report on Schedule of Expenditures of Federal Awards and State Financial Assistance Required by the Uniform Guidance and Chapter 10.550

We have audited the financial statements of the governmental activities, each major fund and the aggregate remaining fund information of the District as of and for the year ended September 30, 2019, and the related notes to the financial statements, which collectively comprise the District's basic financial statements. We issued our report thereon dated April 27, 2020, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements as a whole. The accompanying schedule of expenditures of federal awards and state financial assistance is presented for purposes of additional analysis as required by the Uniform Guidance and Chapter 10.550, *Rules of the Auditor General of the State of Florida* and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information, except Note 3 marked "unaudited" of which we express no opinion, has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. The information marked "unaudited" has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it. In our opinion, except for the portion marked "unaudited," the schedule of expenditure of federal awards and state financial assistance is fairly stated in all material respects in relation to the basic financial statements as a whole.

RSM US LLP

West Palm Beach, Florida
April 27, 2020

South Florida Water Management District

Schedule of Expenditures of Federal Awards and State Financial Assistance Year Ended September 30, 2019

Federal Grantor/State Agency	CFDA No.	Grant/Contract Number	Pass-Through Entity Identifying Number	Expenditures	Pass-Through Amount to Subrecipient
I. Cash Federal Awards					
Federal grants:					
U.S. Department of Interior:					
East Coast Buffer/Water Preserve Areas Land Acquisitions	15*	FB-1		\$ 35,168	\$ -
Everglades Watershed Restoration-Program Income	15*	LWCF-1		362,136	-
Talisman-Program Income	15*	FB-4		2,295,275	-
National Park Service Conservation, Protection, Outreach and Education	15.954	P15AC00665		719,708	-
Fish and Wildlife Service	15.654	F18AC00105		2,772,309	-
Total U.S. Department of Interior				6,184,596	-
U.S. Department of Agriculture:					
NRCS Wetlands Reserve Program:					
Allapattah Ranch Wetlands Reserve Program	10.072	WRP 66-4209-12-809		625,732	-
Total U.S. Department of Agriculture				625,732	-
U.S. Department of Transportation – Federal Highway Administration:					
Pass-through Florida Department of Transportation:					
Highway Planning and Construction Cluster	20.205		BDH 68	3,198	-
Total U.S. Department of Transportation				3,198	-
U.S. Environmental Protection Agency:					
Pass-through Florida Department of Environmental Protection:					
C-43 Water Quality Treatment	66.460		C9-99451514-0	154,358	-
Total U.S. Environmental Protection Agency				154,358	-
Federal Emergency Management Agency:					
Pass-through Florida Division of Emergency Management - Hurricane Irma					
	97.036		FEMA DR-4337-FL	471,176	-
Total Federal Emergency Management Agency				471,176	-
Total expenditures of federal awards				7,439,060	-

*CFDA number not available.

(Continued)

Attachment: Post AU-C 260 FINAL-RSM Report to Gov Board (5146 : RSM Audit Report & CAFR)

South Florida Water Management District

Schedule of Expenditures of Federal Awards and State Financial Assistance (Continued)
 Year Ended September 30, 2019

Federal Grantor/State Agency	CSFA No.	Grant/Contract Number	Expenditures	Pass-Through Amount to Subrecipient
State financial assistance:				
Florida Department of Environmental Protection:				
Water Management District – Land Acquisition and Construction:				
SOETF FY12 NEEPP/CERP	37.022	SOETF12 NEEPP/CERP	\$ (60,617)	\$ -
SOETF FY15 CERP/Restoration Strategies	37.022	SOETF15 CERP/RS	4,548,405	-
LATF FY16 CERP/Restoration Strategies	37.022	LATF 16 CERP/RS	1,143,320	-
LATF FY16 Kissimmee River Restoration	37.022	LATF 16 CERP/RS	10,829,888	-
SOETF FY16 CERP/Restoration Strategies	37.022	SOETF16 CERP/RS	25,222,748	-
SOETF FY18 CERP	37.022	SOETF18 CERP	27,664,393	-
SOETF FY19 NEEPP/CERP	37.022	SOETF19 NEEPP/CERP	866,798	-
LATF FY17 Restoration Strategies	37.022	LATF FY17 RS	651,031	-
LATF FY17 Land Acquisition NEEPP/CERP	37.022	LATF FY17 NEEPP/CERP	2,317,374	-
LATF FY17 NEEPP Public Private Partnership-Water Storage/Quality	37.022	LATF FY17 NEEPP	7,318,850	-
LATF FY18 Restoration Strategies	37.022	LATF FY18 RS	12,043,999	-
LATF FY18 NEEPP	37.022	LATF FY18 NEEPP	8,829,546	-
LATF FY18 NEEPP	37.022	LATF FY18 NEEPP	5,874,581	-
LATF FY19 Restoration Strategies	37.022	LATF FY19 RS	12,662,204	-
LATF FY19 CERP	37.022	LATF FY19 CERP	9,588,846	-
LATF FY19 NEEPP	37.022	LATF FY19 NEEPP	3,215,621	-
ETF FY18	37.022	ETF FY18 EAA	3,394,750	-
ETF FY18	37.022	ETF FY18 C-51 Reservoir	269,639	-
ETF FY19	37.022	ETF FY19 EAA Reservoir	10,061,905	-
GRF FY19 NEEPP	37.022	GRF FY19 NEEPP	1,701,131	-
Land Management Funds	37.022	N/A	2,350,000	-
Florida Forever Trust Fund	37.022	FFTF	15,166	-
Dispersed Water Management	37.022	SA1622B DWS	874,418	-
Dispersed Water Management	37.022	SA1616 DWS	490,409	-
Dispersed Water Management	37.022	SA1586 DWS	361,602	-
Dispersed Water Management	37.022	SA1589 DWS	4,004,574	-
Dispersed Water Management	37.022	SA1578 DWS	50	-
Dispersed Water Management	37.022	SA1570	5,472	-
			<u>156,246,103</u>	-
Water Management District Operations:				
CERP Water Quality Studies	37.037	SA FY2012-2013	33,979	-
			<u>33,979</u>	-
Total Florida Department of Environmental Protection			<u>156,280,082</u>	-
Florida Department of Motor Vehicles:				
Indian River Lagoon License Plate Revenue	76.010	IRL License Plate	87,762	-
Everglades River of Grass License Plate Project	76.013	Everglades License	190,783	-
Total Florida Department of Motor Vehicles			<u>278,545</u>	-
Florida Department of Transportation:				
Everglades Restoration Program:				
DOT Alligator Alley Toll Fees	55.025	C-7425	4,213,414	-
Total Florida Department of Transportation			<u>4,213,414</u>	-
Total state financial assistance			<u>160,772,041</u>	-
Total expenditures of federal awards and state financial assistance			<u>\$ 168,211,101</u>	<u>\$ -</u>

See notes to schedule of expenditures of federal awards and state financial assistance.

Attachment: Post AU-C 260 FINAL-RSM Report to Gov Board (5146 : RSM Audit Report & CAFR)

South Florida Water Management District

Notes to Schedule of Expenditures of Federal Awards and State Financial Assistance Year Ended September 30, 2019

Note 1. Basis of Presentation

The accompanying schedule of expenditures of federal awards and state financial assistance (the Schedule) includes the activity of all federal awards and state projects of the South Florida Water Management District (the District) for the year ended September 30, 2019. All federal awards and state financial assistance received directly from federal and state agencies, as well as federal and state awards passed through other government agencies are included in the accompanying Schedule. The information in this schedule is presented in accordance with the requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and Chapter 10.550, *Rules of the Auditor General*. Because the Schedule presents only a selected portion of the operations of the District, it is not intended to and does not present the financial position, changes in net position or cash flows of the District. The District's reporting entity is described in Note 1 to the financial statements.

Note 2. Summary of Significant Accounting Policies

Expenditures reported in the Schedule are presented using the modified accrual basis of accounting for grants which are accounted for in the governmental fund types. Such amounts are reported following the cost principles in the Uniform Guidance and State Projects Compliance Supplement, wherein certain types of expenditures are not allowable or are limited as to reimbursement. Therefore, some amounts presented in this schedule may differ from amounts presented in or used in the preparation of the basic financial statements.

Note 3. Noncash Federal Financial Assistance (Unaudited)

In accordance with various cost sharing projects the District has entered into with the U.S. Army Corps of Engineers (ACOE), a portion of the project is funded and performed by the ACOE and is considered to be noncash federal financial assistance to the District. However, since the amount is provided by the ACOE and cannot be verified by the District, it has not been subjected to audit as part of the District's federal awards under the Uniform Guidance and the Federal Single Audit Act. The amount of noncash federal financial assistance received by the District, as reported by the ACOE was \$522,160 for fiscal year ended September 30, 2019.

Note 4. Indirect Cost Recovery

The District did not recover its indirect costs using the 10% de minimis indirect cost rate provided under Section 200.414 of the Uniform Guidance.

South Florida Water Management District

Schedule of Findings and Questioned Costs
Year Ended September 30, 2019

Section I – Summary of Auditor’s Results

Financial Statements

Type of auditor’s report issued on whether financial statements audited were prepared in accordance with GAAP:

Unmodified

Internal control over financial reporting:

Material weakness(es) identified?	_____ Yes	_____ X _____ No
Significant deficiency(ies) identified?	_____ Yes	_____ X _____ None reported
Noncompliance material to financial statements noted?	_____ Yes	_____ X _____ No

Federal Awards

Internal control over major federal programs:

Material weakness(es) identified?	_____ Yes	_____ X _____ No
Significant deficiency(ies) identified?	_____ Yes	_____ X _____ None reported

Type of auditor’s report issued on compliance for major federal programs:

Unmodified

Any audit findings disclosed that are required to be reported in accordance with 2 CFR 200.516(a)?	_____ Yes	_____ X _____ No
----------------------------------------------------------------------------------------------------	-----------	------------------

Identification of major federal programs:

<u>Federal CFDA No.</u>	<u>Name of Major Federal Program</u>
15.654	U.S. Department of the Interior - Fish and Wildlife Service
97.036	U.S. Department of Homeland Security - Disaster Grants - Public Assistance

Dollar threshold used to distinguish between type A and type B programs:

_____ \$750,000

Auditee qualified as low-risk auditee?	_____ X _____ Yes	_____ _____ No
----------------------------------------	-------------------	----------------

(Continued)

Attachment: Post AU-C 260 FINAL-RSM Report to Gov Board (5146 : RSM Audit Report & CAFR)

South Florida Water Management District

**Schedule of Findings and Questioned Costs (Continued)
Year Ended September 30, 2019**

State Financial Assistance

Internal control over major state financial assistance projects:

Material weakness(es) identified? _____ Yes X No

Significant deficiency(ies) identified that are not considered to be material weakness(es)? _____ Yes X None reported

Type of auditor's report issued on compliance for major state financial assistance projects:

Unmodified

Any audit findings disclosed that are required to be reported in accordance with Chapter 10.550, *Rules of the Auditor General*? _____ Yes X No

Identification of major state financial assistance projects:

State CSFA No.

Name of State Projects

37.022

Florida Department of Environmental Protection:
Water Management District – Land Acquisition and Construction

Dollar threshold used to distinguish between type A and type B projects:

 \$4,823,161

Section II – Financial Statement Findings

No matters to report.

Section III – Federal Awards and State Financial Assistance Findings and Questioned Costs

No matters to report.

Attachment: Post AU-C 260 FINAL-RSM Report to Gov Board (5146 : RSM Audit Report & CAFR)

South Florida Water Management District**Summary Schedule of Prior Audit Findings
Year Ended September 30, 2019**

The prior year single audit disclosed no findings in the *Schedule of Findings and Questioned Costs* and no uncorrected or unresolved findings exist from the prior audit's *Summary Schedule of Prior Audit Findings*.

South Florida Water Management District

Management Letter in Accordance With the
Rules of the Auditor General of the State of Florida
September 30, 2019

Contents

Management letter in accordance with the <i>Rules of the Auditor General of the State of Florida</i>	12-14
---------------------------------------------------------------------------------------------------------	-------

Attachment: Post AU-C 260 FINAL-RSM Report to Gov Board (5146 : RSM Audit Report & CAFR)



RSM US LLP

**Management Letter in Accordance With the
Rules of the Auditor General of the State of Florida**

To the Governing Board
South Florida Water Management District
West Palm Beach, Florida

Report on the Financial Statements

We have audited the financial statements of the governmental activities, each major fund and the aggregate remaining fund information of the South Florida Water Management District (the District), a component unit of the State of Florida, as of and for the year ended September 30, 2019, and the related notes to the financial statements, and have issued our report thereon dated April 27, 2020.

Auditor's Responsibility

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Other Reporting Requirements

We have issued our Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*; Independent Auditor's Report on Compliance For Each Major Federal Program and State Project and Report on Internal Control Over Compliance in Accordance With the Uniform Guidance and Chapter 10.550, *Rules of the Florida Auditor General*; the Schedule of Findings and Questioned Costs and our Independent Accountant's Report on an examination conducted in accordance with *AICPA Professional Standards*, AT-C Section 315, regarding compliance requirements in accordance with Chapter 10.550, *Rules of the Auditor General*. Disclosures in those reports and schedule should be considered in conjunction with this management letter.

Prior Audit Findings

Section 10.554(1)(i)1., *Rules of the Auditor General*, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. There were no findings or recommendations made in the preceding annual financial audit report.

Official Title and Legal Authority

Section 10.554(1)(i)4., *Rules of the Auditor General*, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in this management letter, unless disclosed in the notes to the financial statements. The information is disclosed in Note 1 to the financial statements.

Attachment: Post AU-C 260 FINAL-RSM Report to Gov Board (5146 : RSM Audit Report & CAFR)

Financial Condition and Management

Section 10.554(1)(i)5.a and 10.556(7), *Rules of the Auditor General*, requires us to apply appropriate procedures and communicate the results of our determination as to whether or not the District has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and identification of the specific condition(s) met. In connection with our audit, we determined that the District did not meet any of the conditions described in Section 218.503(1), Florida Statutes.

Pursuant to Sections 10.554(1)(i)5.c. and 10.556(8), *Rules of the Auditor General*, we applied financial condition assessment procedures. It is management's responsibility to monitor the District's financial condition, and our financial condition assessment was based in part on representations made by management and the review of financial information provided by same.

Section 10.554(1)(i)2., *Rules of the Auditor General*, requires that we communicate any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

Monthly Financial Statements

Section 10.554(1)(i)6.a and 10.556(9), *Rules of the Auditor General*, require us to apply appropriate procedures and communicate the results of our determination as to whether or not the District provided monthly financial statements to its governing board and made such monthly statements available for public access on its website. In connection with our audit, we determined that the District provided monthly financial statements to its governing board and made such monthly statements available for public access on its website.

Transparency

Section 10.554(1)(i)6.b. and 10.556(9), *Rules of the Auditor General*, require us to apply appropriate procedures and communicate the results of our determination as to whether the District provided a link on its website to the Florida Department of Financial Service's website to view the District's annual financial report submitted to the Department. In connection with our audit, we determined that the District provided a link on its website to the Florida Department of Financial Service's website.

Section 10.554(1)(i)6.c. and 10.556(9), *Rules of the Auditor General*, require us to apply appropriate procedures and communicate the results of our determination as to whether the District posted its tentative and final budgets on its website. In connection with our audit, we determined that the District posted its tentative and final budgets on its website.

Additional Matters

Section 10.554(1)(i)3., *Rules of the Auditor General*, require us to communicate noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance. In connection with our audit, we did not have any such findings.

Purpose of This Letter

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, Federal and other granting agencies, and applicable management, and is not intended to be and should not be used by anyone other than these specified parties.

RSM US LLP

West Palm Beach, Florida
April 27, 2020



RSM US LLP

Independent Auditor's Report

The Governing Board
South Florida Water Management District
West Palm Beach, Florida

We have examined the South Florida Water Management District's (the District) compliance with Section 218.415, *Florida Statutes, Local Government Investment Policies* during the period October 1, 2018 to September 30, 2019. Management is responsible for the District's compliance with the specified requirements. Our responsibility is to express an opinion on the District's compliance with the specified requirements based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the District complied, in all material respects, with the specified requirements referenced above. An examination involves performing procedures to obtain evidence about whether the District complied with the specified requirements. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on the District's compliance with specified requirements.

In our opinion, the District complied, in all material respects, with the aforementioned requirements for the year ended September 30, 2019.

This report is intended solely for the information and use of the Florida Auditor General, the Governing Board, and applicable management, and is not intended to be and should not be used by anyone other than these specified parties.

RSM US LLP

West Palm Beach, Florida
April 27, 2020

Attachment: Post AU-C 260 FINAL-RSM Report to Gov Board (5146 : RSM Audit Report & CAFR)

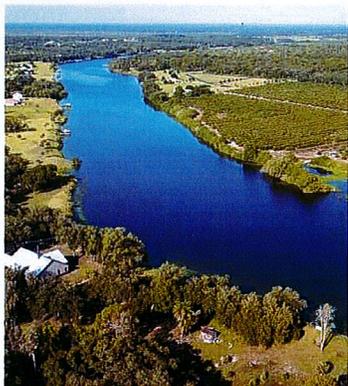
THE POWER OF BEING UNDERSTOOD
AUDIT | TAX | CONSULTING

SOUTH FLORIDA WATER MANAGEMENT DISTRICT



COMPREHENSIVE ANNUAL FINANCIAL REPORT

*The South Florida Water Management District
is a Component Unit of the State of Florida*



Fiscal Year Ended
September 30, 2019

Attachment: CAFR_Cover (5146 : RSM Audit Report & CAFR)

M E M O R A N D U M

TO: Governing Board Members

FROM: Stephen M. Collins, Division Director, Real Estate

DATE: June 11, 2020

SUBJECT: Acquisition of Land Interests in Miami-Dade County

Agenda Item Background:

The District is currently acquiring land interests in Miami-Dade County in connection with the Bird Drive Recharge Area Project (“Bird Drive Project”) and in connection with the Biscayne Bay Coastal Wetlands Project (“BBCW Project”). Current District owned land within the Bird Drive Project includes certain parcels containing approximately 60 acres, more or less (“District Owned Bird Drive Land”). The District will enter into an Agreement for Exchange of Real Property Interests (“Exchange Agreement”) whereby the District will acquire fee title to approximately 10 acres, more or less, within the Bird Drive Project as shown on Exhibit “A” and as hereinafter referred to as the “District Bird Drive Acquired Land” (the District Owned Bird Drive Land and the District Bird Drive Acquired Land are collectively referred to as the “District Bird Drive Land”) and will acquire fee title to approximately 83.8 acres within the BBCW Project as shown on Exhibit “B” (“BBCW Acquired Lands”). The District Bird Drive Acquired Lands and the BBCW Acquired Lands are collectively referred to as the “District Acquired Lands”. In exchange for the acquisition of the District Acquired Lands, the District will convey to iHeartMedia & Entertainment, Inc. (“iHeart”), a Radio Antennae and Access Easement with respect to approximately 60 acres of the District Bird Drive Land, as shown on Exhibit “A” and as hereinafter referred to as the “Easement Lands”. The Radio Antennae and Access Easement shall be for the installation and operation of radio antennae, associated facilities, and an access road, all subject to permitting. All improvements are to be at adequate elevations to enable the District to flow water across the Easement Lands for environmental restoration and conservation purposes. The easement retains the rights of the District to construct CERP projects.

Core Mission and Strategic Priorities:

As part of this exchange, the District will be conveyed fee ownership of approximately 83.8 acres of privately owned land within Biscayne Bay Coastal Wetlands, thus reducing the remaining amount of acreage that needs to be acquired for Project requirements.

Funding Source:

As this is an even exchange, there is no purchase price to fund. All transfer taxes, title insurance, and closing costs will be paid by iHeart. Any associated costs will be funded from Ad Valorem funds.

Staff Contact and/or Presenter:

Stephen M. Collins, smcollins@sfwmd.gov, 561-682-2959

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0609

A Resolution of the Governing Board of the South Florida Water Management District approving acquisition of fee interest of 10 acres, more or less, within the Bird Drive Recharge Area Project in Miami-Dade County and acquisition of fee interest of 83.8 acres, more or less, within the Biscayne Bay Coastal Wetlands Project in Miami-Dade County, in exchange for granting iHeartMedia & Entertainment, Inc., a Radio Antennae and Access Easement encumbering 60 acres, more or less, within the Bird Drive Recharge Area Project in Miami-Dade County; approve declaring 60 acres, more or less, of easement interests as surplus for exchange within the Bird Drive Recharge Area Project in Miami-Dade County; providing an effective date.

WHEREAS, the South Florida Water Management District ("District") is currently acquiring land interests in Miami-Dade County in connection with the Bird Drive Recharge Area Project ("Bird Drive Project") and in connection with the Biscayne Bay Coastal Wetlands Project ("BBCW Project"); and

WHEREAS, the District is authorized to acquire land, or interests or rights in land, pursuant to Section 373.139, Florida Statutes and to exchange lands, or interests or rights in lands, pursuant to Section 373.089, Florida Statutes; and

WHEREAS, the District owns 60 acres, more or less, in Miami-Dade County within the Bird Drive Project ("District Owned Bird Drive Land"); and

WHEREAS, the District desires to enter into an Agreement for Exchange of Real Property Interests ("Exchange Agreement") whereby the District will acquire fee title to 10 acres, more or less, within the Bird Drive Project as shown on Exhibit "A" and as hereinafter referred to as the "District Bird Drive Acquired Land" (the District Owned Bird Drive Lands and the District Bird Drive Acquired Land are collectively referred to as the "District Bird Drive Land") and will acquire fee title to 83.8 acres, more or less, within the BBCW Project as shown on Exhibit "B" ("BBCW Acquired Lands"), the District Bird Drive Acquired Lands and the BBCW Acquired Lands being hereinafter collectively referred to as the "District Acquired Lands", all in exchange for the surplus and conveyance of a Radio Antennae and Access Easement with respect to 60 acres, more or less, of the District Bird Drive Land, as shown on Exhibit "A" and as hereinafter referred to as the "Easement Lands"; and

WHEREAS, the Exchange Agreement provides that for purposes of the exchange, the value of the District Acquired Lands is equal to the value of the Radio Antennae and Access Easement encumbering the Easement Lands, both being valued at \$906,500 in the Exchange Agreement; and

WHEREAS, the Governing Board has determined that it is in the public interest to declare the Radio Antennae and Access Easement encumbering the Easement Lands surplus; and

WHEREAS, pursuant to Section 373.089(6), Florida Statutes, the Governing Board shall be required to make a determination that the easement interests represented by Radio Antennae and Access Easement are consistent with conservation purposes by at least a two-thirds (2/3) majority.

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves declaring surplus for exchange and conveyance easement interests containing 60 acres, more or less, in Miami-Dade County within the Bird Drive Recharge Area Project, in exchange for the acquisition of fee title land interests in Miami-Dade County containing 10 acres, more or less, within the Bird Drive Recharge Area Project and 83.8 acres, more or less, within the Biscayne Bay Coastal Wetlands Project, plus associated costs for which funds are budgeted.

Owner	Tract Nos.	Interest	Acres	Appraised Value*
iHeartMedia & Entertainment, Inc.	45800-005 45800-010	Fee	83.8	\$606,500*
iHeartMedia & Entertainment, Inc.	W9308-375	Fee	10	\$300,000

*Calculated based on the average of two separate appraisals

Owner	Tract Nos.	Interest	Acres	Appraised Value
South Florida Water Management District	W930R-004 W930E-005	Easement	60	\$906,500

Section 2. Consistent with the requirements of Section 373.089(6), Florida Statutes, as the grant of the easement encumbering the Easement Lands contains terms and covenants whereby the District retains the rights to raise water levels on and flood and inundate the Easement Lands and to carry out the purposes and requirements of the Comprehensive Everglades Restoration Plan (CERP), so that the conservation values of the Easement Lands are preserved and protected, the Governing Board hereby determines that the unencumbered fee interest in the Easement Lands is not needed for conservation purposes, and this resolution was approved by the Governing Board by at least a two-thirds (2/3) vote.

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

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

PASSED and **ADOPTED** this 11th day of June, 2020.

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

Chauncey P. Goss, II
Chairman

Attest:

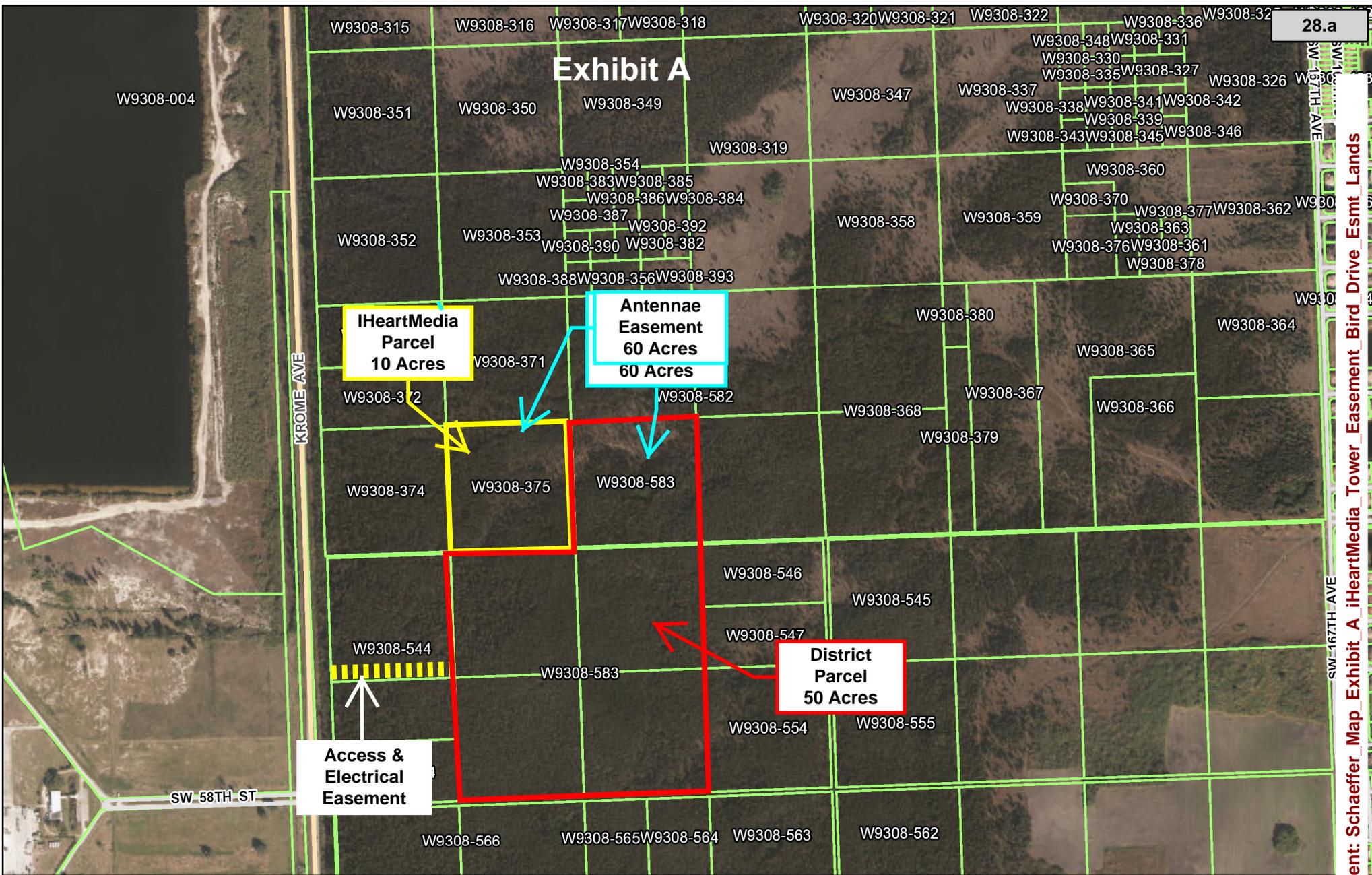
District Clerk/Secretary

Legal form approved:
By:

Office of Counsel

Print name:

Exhibit A

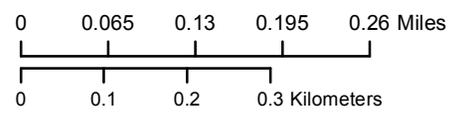


Attachment: Schaeffer_Map Exhibit A_iHeartMedia Tower Easement Bird Drive Esmt Lands

Bird Drive Area



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

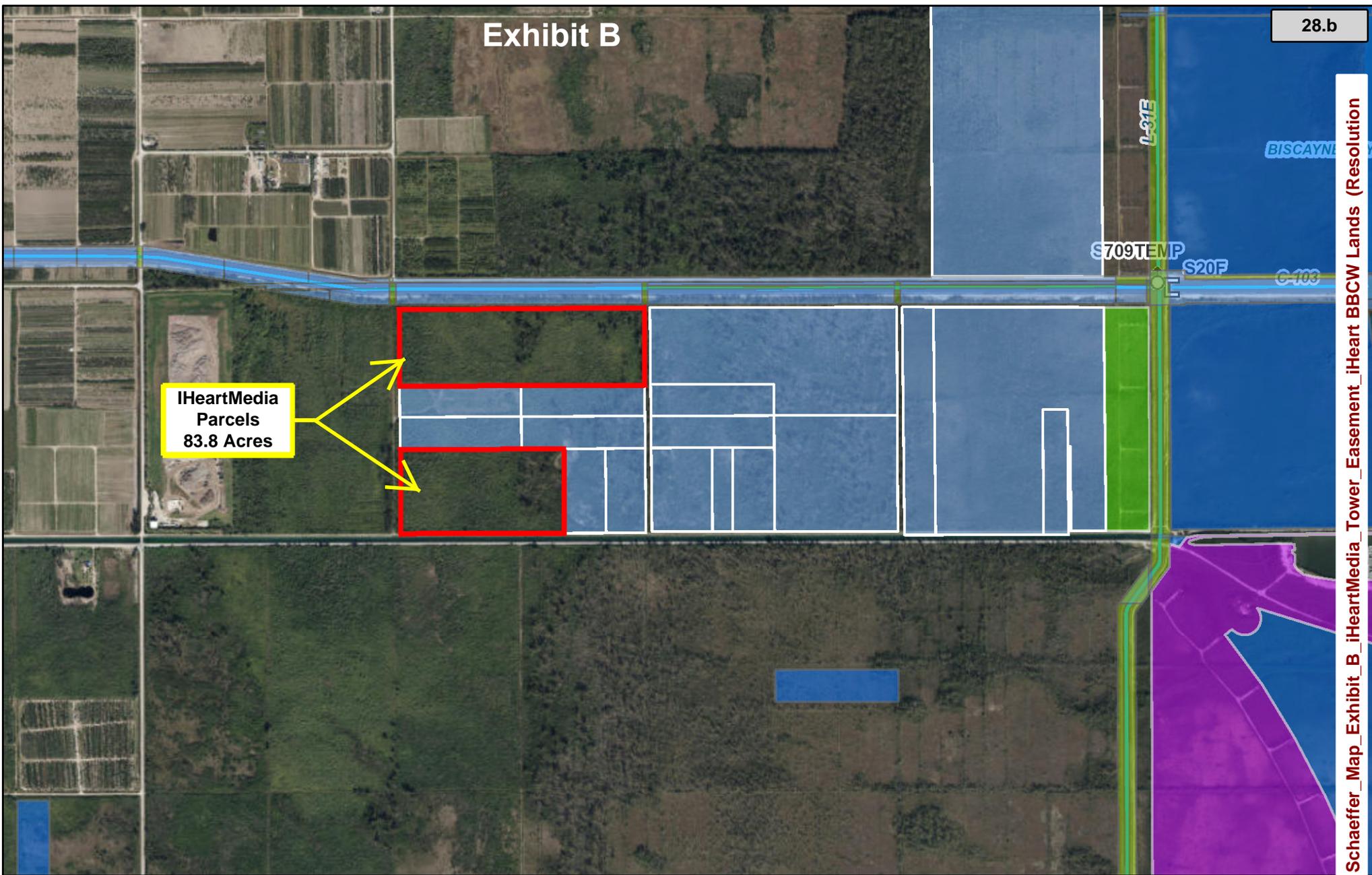
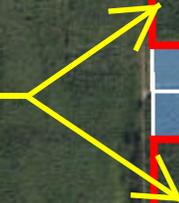


DISCLAIMER:
 This map is a conceptual or planning tool only. The South Florida Water Management District does not guarantee or make any representation regarding the information contained herein. It is not self-executing or binding, and does not affect the interests of any persons or properties, including any present or future right or use of real property.

Exhibit B

28.b

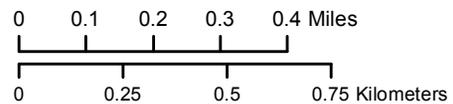
**iHeartMedia
Parcels
83.8 Acres**



iHeartMedia BBCW Tracts



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



DISCLAIMER:
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Attachment: Schaeffer_Map_Exhibit_B_iHeartMedia_Tower_Easement_iHeart BBCW Lands (Resolution

MEMORANDUM

TO: Governing Board Members

FROM: Jennifer Reynolds, Director-Ecosystem Restoration & Capital Projects

DATE: June 11, 2020

SUBJECT: C-44 Stormwater Treatment Area Funding

Agenda Item Background:

In 2014, the lowest bidder for the construction of the C-44 Reservoir/STA Project, Stormwater Treatment Area, was awarded the contract at \$100,792,387. The District terminated that contract in November 2018 and is currently in litigation.

On January 10, 2019, the Governing Board authorized the Executive Director to negotiate and execute a new contract to complete the C-44 Reservoir/STA Project, Stormwater Treatment Area, (Contract No. 4600003959). This contract was executed with the second lowest responsive and responsible bidder from the 2014 solicitation, Bergeron Land Development, Inc. The remaining estimated available contractual budget authority for Fiscal Year 2018-2019 for this Project was \$25,017,003.70, which was used towards the new contract to keep the pace of construction expedited.

Because of the uncertain nature of repairs needed, the new contract is a time and materials contract, which requires payment based on the cost of materials used and the time expended to complete work, rather than a fixed, not-to-exceed amount. Due to the extensive nature of anticipated repairs, District staff expected additional funds would be needed to complete the project once new budget authority became available in Fiscal Year 2019-2020. As such, in December 2019, funding was approved to fulfill the remaining value estimated to complete the work, in an amount of \$14,000,000. Heavy Construction Systems Specialists Software is utilized to provide highly detailed daily cost tracking to ensure accurate accounting and appropriate expenditures by the contractor.

Based on the discovery of additional repairs and earthwork required to address the prior contractor's work, updated cost projections estimated a need for an additional \$9,000,000. This item requests the Governing Board to authorize funding needed to complete the Project. No changes to the terms and conditions of the contract are needed or requested. Any change to the estimated value to complete will be reported to the Governing Board at or before its next scheduled meeting should the need arise.

It should also be noted that the District is seeking recompense from the contractor terminated in 2018. If successful, some or all of the costs associated with project repairs should be defrayed.

Core Mission and Strategic Priorities:

The C-44 Reservoir/STA Project, Stormwater Treatment Area, supports the District's core mission of ecosystem restoration.

Staff Contact and/or Presenter:

Alan Shirkey, ashirkey@sfwmd.gov, 561-682-2579

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0610

A Resolution of the Governing Board of the South Florida Water Management District to authorize additional funding to the Contract, with the second lowest responsive and responsible bidder from the 2014 solicitation, Bergeron Land Development, Inc., to complete the C-44 Reservoir/STA project, Stormwater Treatment Area. This is currently estimated to be \$9,000,000, for which dedicated funds (Save Our Everglades Trust Fund and Land Acquisition Trust Fund) and Ad Valorem funds are budgeted in Fiscal Year 2019-2020; providing an effective date. (Contract No. 4600003959)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize additional funding for Contract No. 4600003959 to complete construction of the C-44 Reservoir/STA Project, Stormwater Treatment Area, located in Martin County, Florida; and

WHEREAS, due to the uncertain nature of needed repairs, Contract No. 4600003959 with Bergeron Land Development, Inc. is a time and materials contract, which requires payment based on the cost of materials used and the time expended to complete work. Additional repairs and earthwork left by the original contractor, unforeseen at the time of estimating the value of work-left-to-complete, requires additional funding.

WHEREAS, all terms and conditions of Contract No. 4600003959 remain unchanged.

WHEREAS, any change to the estimated value to complete will be reported to the Governing Board at or before its next scheduled meeting should the need arise.

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes additional funding to the contract with the second lowest responsive and responsible bidder from the 2014 solicitation, Bergeron Land Development, Inc., for completion of construction of the C44 Reservoir/STA Project, Stormwater Treatment Area. (Contract No. 4600003959)

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

PASSED and ADOPTED this 11th day of June, 2020.

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

Chauncey P. Goss, II
Chairman

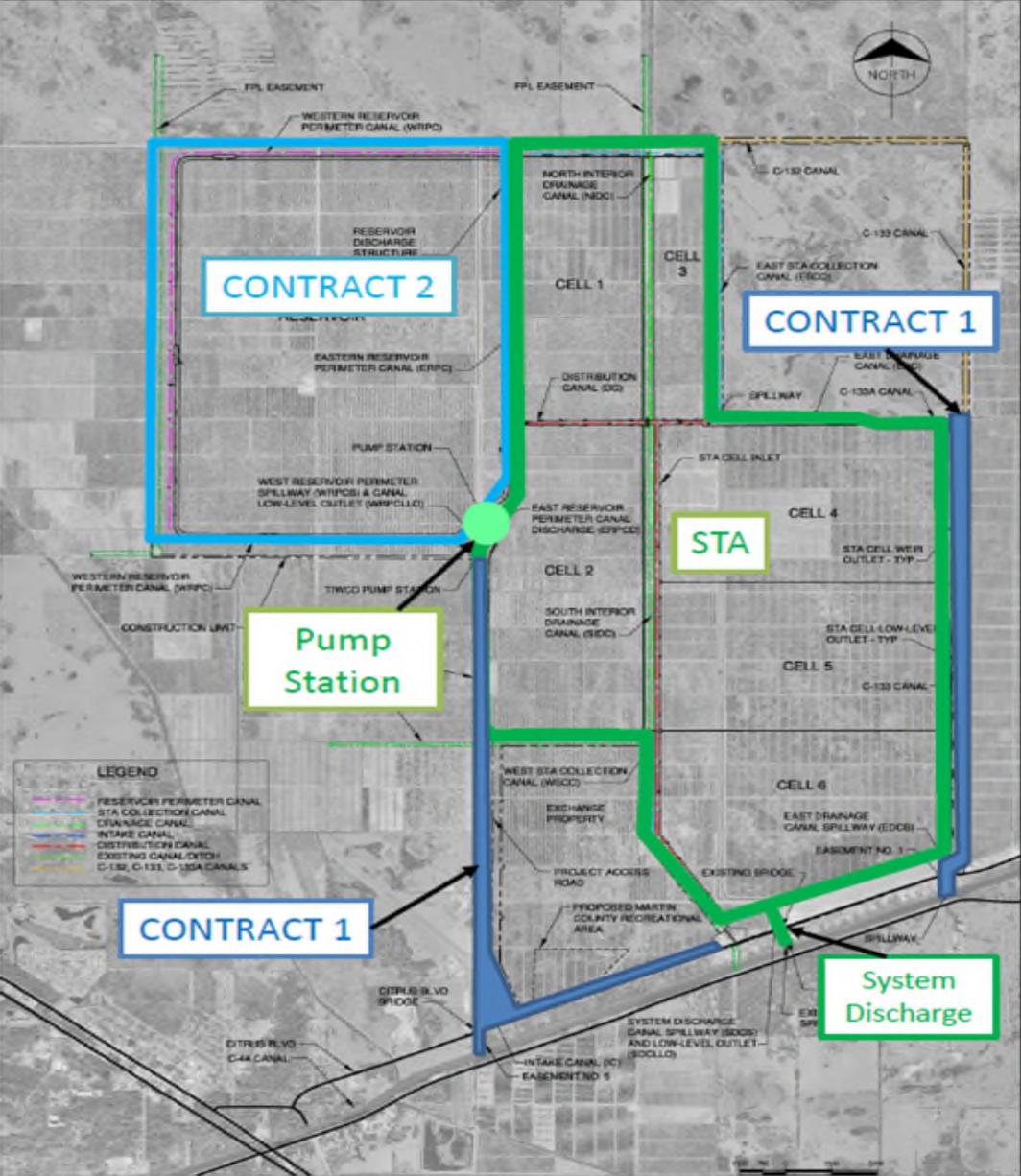
Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:



Attachment: C44 Map (Resolution No. 2020 - 0610 : C-44 Reservoir/STA Project Additional Funding)

M E M O R A N D U M

TO: Governing Board Members

FROM: Jennifer Reynolds, Director-Ecosystem Restoration & Capital Projects

DATE: June 11, 2020

SUBJECT: C-43 Reservoir Project Change Order Limit Increase

Agenda Item Background:

As part of the Comprehensive Everglades Restoration Plan (CERP), the C-43 Reservoir project site in Hendry County covers approximately 10,000 acres. The Governing Board has approved contracts in excess of \$600 million for construction of the project. The Procurement policy currently requires Governing Board approval for change orders in the amount of \$500,000 or greater which is approximately 0.8% of the amount under current contracts. Contractor progress payments are expected to be up to \$10 million per month, or approximately \$500,000 per day. The Package 4 contractor has identified a differing site condition with an estimated cost impact of up to \$6 million. An authorized change order limit increase of a not to exceed amount of \$10,000,000 for this project only will allow staff to negotiate change orders in excess of \$500,000 while avoiding significant delay claims. Staff will report monthly to the Governing Board change orders executed to date.

Core Mission and Strategic Priorities:

The C-43 Reservoir Project includes the C-43 Reservoir and S-470 Pump Station contracts and supports the District's core mission of ecosystem restoration.

Funding Source:

The project will be funded through Save Our Everglades and Land Acquisition Trust Funds, General Revenue, and Ad Valorem funds and is eligible for cost crediting by the U.S. Army Corps of Engineers through the Project Cooperation Agreement.

Staff Contact and/or Presenter:

Jennifer Reynolds, jreynolds@sfwmd.gov, 561-682-6672
Alan Shirkey, ashirkey@sfwmd.gov, 561-682-2679

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0611

A Resolution of the Governing Board of the South Florida Water Management District to authorize the District to negotiate change orders with Harry Pepper & Associates, Inc. (Contract Number 4600003780) and C43 Water Management Builders (Contract Number 4600003973) for the C-43 Reservoir Project, for an amount not to exceed \$10,000,000 for which dedicated funds (Save Our Everglades Trust Fund, Land Acquisition Trust Fund, and General Revenue) and Ad Valorem funds are budgeted in Fiscal Year 2019-2020 and any remaining is subject to Governing Board approval of future years budgets; providing an effective date.

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize an increase to the cumulative change order value that can be negotiated without prior approval from the Governing Board for the C-43 Reservoir Project only.

WHEREAS, staff will report monthly to the Governing Board change orders executed to date.

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 increase to the cumulative change order value that can be negotiated without prior approval from the Governing Board on the C43 Reservoir Project with Harry Pepper & Associates, Inc. (Contract Number 4600003780) and C43 Water Management Builders (Contract Number 4600003973), for an amount not to exceed \$10,000,000.

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

PASSED and ADOPTED this 11th day of June, 2020.

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

Chauncey P. Goss, II
Chairman

Attest:

District Clerk/Secretary

Legal form approved:
By:

Office of Counsel

Print name:

MEMORANDUM

TO: Governing Board Members

FROM: Candida Heater, Division Director, Administrative Services

DATE: June 11, 2020

SUBJECT: Monthly Financial Report

M E M O R A N D U M

TO: Governing Board Members

FROM: Candida Heater, Director, Administrative Services Division

DATE: June 11, 2020

SUBJECT: Monthly Financial Statement – April 30, 2020

This report provides an overview of the District's unaudited financial activity for Fiscal Year 2019-2020, including revenue collections, expenditures and encumbrances made against the \$1.4 billion current budget, including a \$386.7 million encumbrance carryforward from Fiscal Year 2018-2019. The carryforward is predominantly planning, design and construction of large restoration projects. Encumbrances represent orders for goods and services which have not yet been received. Attached is a summary in the State Program format in compliance with Section 373.536(4)(e), Florida Statutes, which states that each District shall provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the District's Governing Board and make such monthly financial statement available for public access on its website.

Summary of Revenue Sources - New operating revenue collected (excluding prior year reserves) totals \$468.8 million. Including reserves, the total Fiscal Year 2019-2020 revenue sources collected were 56.7% of budget or \$780.8 million.

- Taxes collected in the amount of \$279.9 million or 94.8% were distributed to the District through the Tax Collectors within the District's 16 counties. Compared to the five-year average of 96.8%, as of the end of April, tax collections are 2% lower in this fiscal year. The total amount of Ad Valorem the District levied was \$296.1 million and was discounted to \$281.4 million for budgeting purposes.
- Intergovernmental revenues of \$156.8 million were recognized as of the end of April. Intergovernmental revenues are comprised of local, state and federal sources with the majority being allocated by the Florida Legislature. Specific funding sources include Save Our Everglades Trust Fund, Land Acquisition Trust Fund, Florida Fish and Wildlife Conservation Commission, Natural Resources Conservation Service and U.S. Army Corps of Engineers federal cost share of transferred projects. The majority of these revenues are received through reimbursement requests submitted monthly or quarterly based on actual expenses incurred.
- Interest on Invested Funds of \$6 million was recognized as of the end of April. Last year, at this time, \$6.9 million was recognized.
- License and Permit Fees of \$3.4 million have been received, including \$1.1 million from Lake Belt mitigation fees, \$134,325 from Corkscrew Mitigation Bank, \$1.7 million from environmental resource permits, and \$321,250 from water use permits.

- Other budgeted revenues of \$22.6 million received include leases, sale of District property and revenue supporting District self-insured programs:
 - \$1.5 million in rock mining royalties have been collected and \$2.1 million in lease revenues, for a total of \$3.6 million. The timing of revenues received is based on the fee schedules within the agreements.
 - \$592,075 has been collected from cash discounts refunded from prior year expenditures, civil penalties, enforcement fees, and sale of recycled oil and scrap metal.
 - \$3.2 million from the sale of District property has been received. This amount includes \$2,975,460 as the third and final installment payment for 581.24 acres in Palm Beach County.
 - \$15.2 million in revenues recognized through the end of April for the District's self-insured programs. This includes District funding as well as premiums paid by employees, retirees, and COBRA participants.

Summary of Expenditure and Encumbrance - the District has spent **\$320.9 million** and has encumbered **\$410.6 million** of its budget. The District has obligated (encumbrances plus expenditures) **\$731.5 million** of its budget.

- **Water Resources Planning and Monitoring Program** includes water supply and other water resources planning, development of minimum flows and levels and technical assistance (including local and regional plan and program review). District regional water supply plans for each planning area address the unique resources and needs of specific regions – Lower West Coast, Upper and Lower East Coast, Upper and Lower Kissimmee Basin. District work includes research, data collection, modeling, environmental monitoring and assessment activities that support various regulatory-driven mandates/agreements and comply with federal and state-issued permits for all restoration projects. Of the \$58.7 million budgeted for this program, the District has obligated \$36.8 million: \$27.1 million expended and \$9.7 million encumbered.
- **Land Acquisition, Restoration and Public Works Program** includes the acquisition, planning, design, engineering and construction of all restoration projects unique to the District including: Kissimmee River Restoration Project, Northern Everglades and Estuaries Protection Program (NEEPP), Everglades Forever Act (EFA), Critical Restoration, Comprehensive Everglades Restoration Plan (CERP) and Restoration Strategies (RS). This category also includes water resource development and water supply assistance projects, water control projects and cooperative projects. Of the \$904.8 million budgeted for this program, the District has obligated \$470.6 million: \$155.6 million expended and \$315 million encumbered.
- **Operation and Maintenance of Lands and Works Program** includes all operation and maintenance of facilities, flood control and water supply structures, lands, and other works authorized by Chapter 373, Florida Statutes. The District operates and maintains a multi-purpose water management system comprised of approximately 2,179 miles of canals and 2,131 miles of levees/berms, 87 pump stations, 781 water control structures and weirs, and 621 project culverts, throughout the Central and Southern Florida (C&SF) Project, Big Cypress Basin system, Storm Water Treatment Areas (STA's), CERP and RS completed projects. Of the \$349.6 million budgeted for this program, the District has obligated \$185.5 million: \$102.9 million expended and \$82.6 million encumbered.

Governing Board Members
 June 11, 2020
 Page 3

- **Regulation Program** includes water use permitting, water well construction permitting, water well contractor licensing, environmental resource and surface water management permitting, permit administration and enforcement, and any delegated regulatory program. Additional regulatory enforcement activities include the Southern and Northern Everglades Nutrient Source Control Program, and the Everglades Long-Term Plan, which mandates the implementation of Best Management Practices (BMP) programs in the Everglades Construction Project (ECP) and non-ECP Basins for the Southern Everglades. Of the \$21.9 million budgeted for this program, the District has obligated \$11.7 million: \$10.5 million expended and \$1.2 million encumbered.
- **Outreach Program** includes all environmental education activities, such as water conservation campaigns and water resource education; public information activities; activities relating to local, regional, state, and federal governmental affairs; and all public relations activities, including public service announcements and advertising in any media. Of the \$1.2 million budgeted for this program, the District has obligated \$640,179: \$640,115 is expended and \$64 is encumbered.
- **District Management and Administration** includes all Governing and Basin Board support, executive support; management information systems, unrestricted reserves; and general counsel, ombudsman, human resources, budget, finance, audit, risk management, and administrative services. Additionally, this program includes property appraiser, tax collector & self-insurance fees in support of district and basin activities. Of the \$40.3 million budgeted for this program, the District has obligated \$26.1 million: \$24.1 million expended and \$2 million encumbered.

We hope this report will aid in understanding the District's financial condition as well as expenditure performance against the approved budget. If you have any questions, please feel free to contact me at (561) 682-6486.

CJH/MD
 Attachment

South Florida Water Management District
Statement of Sources and Uses of Funds (Unaudited)
 For the month ended: April 30, 2020. Percent of fiscal year completed: 58.3%

	CURRENT BUDGET	ACTUALS THROUGH April 2020	VARIANCE (UNDER) / OVER BUDGET	ACTUALS AS A % OF BUDGET
Sources				
Taxes ¹	\$ 295,312,890	\$ 279,892,174	\$ (15,420,716)	94.8%
Intergovernmental Revenues	716,230,929	156,799,381	(559,431,548)	21.9%
Interest on Invested Funds	7,860,000	6,028,440	(1,831,560)	76.7%
License and Permit Fees	3,311,000	3,440,524	129,524	103.9%
Other ²	41,843,307	22,645,205	(19,198,102)	54.1%
SUB-TOTAL OPERATING REVENUES	1,064,558,126	468,805,724	(595,752,402)	44.0%
Reserves	311,982,898	311,982,898	-	100.0%
Total Sources	\$ 1,376,541,024	\$ 780,788,622	\$ (595,752,402)	56.7%

¹ Includes Ad Valorem and Agricultural Privilege Taxes

² Includes Leases, Sale of District Property, and Self Insurance Premiums

	CURRENT BUDGET	EXPENDITURES	ENCUMBRANCES ³	AVAILABLE BUDGET	% EXPENDED	% OBLIGATED ⁴
Uses						
Water Resources Planning and Monitoring	\$ 58,702,589	\$ 27,146,258	\$ 9,745,305	\$ 21,811,026	46.2%	62.8%
Land Acquisition, Restoration and Public Works	904,791,709	155,605,729	314,996,540	434,189,440	17.2%	52.0%
Operation and Maintenance of Lands and Works	349,624,891	102,903,676	82,620,249	164,100,965	29.4%	53.1%
Regulation	21,949,754	10,510,735	1,192,812	10,246,208	47.9%	53.3%
Outreach	1,217,043	640,115	64	576,865	52.6%	52.6%
District Management and Administration	40,255,039	24,144,460	2,015,054	14,095,525	60.0%	65.0%
Total Uses	\$ 1,376,541,024	\$ 320,950,973	\$ 410,570,023	\$ 645,020,029	23.3%	53.1%

³ Encumbrances represent unexpended balances of open purchase orders and contracts.

⁴ Represents the sum of expenditures and encumbrances as a percentage of the current budget.

This unaudited financial statement is prepared as of April 30, 2020, and covers the interim period since the most recent audited financial statements.

Emergency Purchase Order Issued Under "State of Florida Executive Order 20-52 & 20-114 Extension" and/or "SFWMD ORDER NO: 2020-004-DAO"

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 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 \$500,000.00. The need for such procurement without competition shall be evidenced in writing. In order to make procurement of services in an amount greater than \$500,000.00, 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 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.

The following purchase orders were executed without competition to expedite the work from home preparations due to COVID-19:

Area of Responsibility	Purchase Order Number	Vendor	Description	Total	Policy Requirement
Clewiston Field Station	4500120516	Dammel Cleaning Enterprise	Disinfect and Sanitize Pump Station	\$ 20,572.50	Sec. 155-5. - Competitive Procurement—Methods. Verbal Quotes Threshold for competition > \$10,000 to \$50,000

Total \$ 20,572.50

Attachment: Emergency Procurement COVID-19_June GB (5148 : Monthly Financial Report - Candida

MEMORANDUM

TO: Governing Board Members

FROM: Paula Cobb, General Counsel

DATE: June 11, 2020

SUBJECT: General Counsel's Report • Extension of Emergency Order to Respond to COVID-19

**RECEIVED
DISTRICT CLERK'S OFFICE**

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

4:39 pm May 29, 2020

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**

IN THE MATTER OF:

SFWMD ORDER NO. 2020-016-DAO

**SECOND EXTENSION OF EMERGENCY
AUTHORIZATION FOR CONTINUITY OF
OPERATIONS, PROCUREMENT, AND
CERTAIN OTHER MEASURES MADE
NECESSARY BY COVID-19**

EMERGENCY ORDER

Under the authority of the State of Florida Executive Order Nos. 20-52; 20-92; 20-112; and 20-114 ("Executive Orders") and section 120.569(2)(n) of the Florida Statutes, the South Florida Water Management District ("SFWMD"), extends SFWMD Order No. 2020-013-DAO, Emergency Authorization for Continuity of Operations, Procurement, and Certain Other Measures Made Necessary by COVID-19 ("Emergency Order 2020-013") due to the continued public health emergency and impacts associated with the Novel Coronavirus Disease 2019 ("COVID-19").

FINDINGS OF FACT

1. On March 9, 2020, the Governor entered the Executive Order No. 20-52, declaring a state of emergency due to COVID-19.
2. On March 17, 2020, the SFWMD issued Emergency Order 2020-004 to address the continuity of operations, procurement, and certain other measures due to the public health emergency and impacts associated with COVID-19 ("Emergency Authorization").

Attachment: 2020_016_DAO_Emergency_Order_Second_Extension_COVID19 (5157 : General Counsel's Report)

3. Subsequently, the Governor issued Executive Order Nos. 20-92 and 20-112, continuing the requirement for Florida citizens, including those providing essential services, to comply with CDC and OSHA safety guidelines related to the continued public safety threat from COVID-19, while re-opening Florida to the extent currently possible.

4. On May 7, 2020, the SFWMD issued Emergency Order 2020-013 extending Emergency Order 2020-004 until May 31, 2020, unless otherwise extended, modified, or terminated by the Executive Director or Governing Board. Emergency Order 2020-013 is attached as Exhibit A.

5. On May 8, 2020, the Governor issued Executive Order 20-114, extending the expiration date of Executive Order 20-52 for 60 days to July 7, 2020, and affirming that all other COVID-19 related Executive Orders remain in effect.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

6. The SFWMD is extending Emergency Order 2020-013 to carry out the directives in the Executive Order 20-52, consistent with subsequent Executive Orders. Additionally, the SFWMD has the authority to issue this Emergency Order under sections 120.569(2)(n), 252.46, 373.119(2), and 373.439 of the Florida Statutes.

7. Based on the above findings of fact, this extension of Emergency Order 2020-013's emergency authorization is reasonable and necessary to address the COVID-19 ongoing public health emergency.

ORDER

THEREFORE, IT IS ORDERED that provisions of Emergency Order 2020-013, are extended and shall remain in effect and will expire on July 7, 2020, unless otherwise extended or terminated by the Executive Director or Governing Board.

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review under section 120.68 of the Florida Statutes, by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the SFWMD at 3301 Gun Club Road, West Palm Beach, Florida 33406, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the SFWMD.

DONE AND ORDERED on this 29 day of May 2020, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By:



Drew Bartlett
Executive Director

Attachment: 2020_016_DAO_Emergency_Order_Second_Extension_COVID19 (5157 : General Counsel's Report)

3. Emergency Order 2020-004 expires by its own terms on May 8, 2020. However, conditions are such that, consistent with the Executive Orders, it is necessary to extend Emergency Order 2020-004's emergency authorization as COVID-19 continues to constitute a public health emergency.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

4. The SFWMD is extending Emergency Order 2020-004 to carry out the directives in the Executive Orders. Additionally, the SFWMD has the authority to issue this Emergency Order under sections 120.569(2)(n), 252.46, 373.119(2), and 373.439 of the Florida Statutes.

5. Based on the above findings of fact, this extension of Emergency Order 2020-004 is reasonable and necessary to address the COVID-19 ongoing public health emergency.

ORDER

THEREFORE, IT IS ORDERED that provisions of Emergency Order 2020-004 are extended and shall remain in effect and will expire on May 31, 2020, unless otherwise extended or terminated by the Executive Director or Governing Board.

NOTICE OF RIGHTS

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

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

DONE AND ORDERED on this 7 day of May 2020, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By: 

Drew Bartlett
Executive Director

Attachment: 2020_016_DAO_Emergency_Order_Second_Extension_COVID19 (5157 : General Counsel's Report)

RECEIVED
DISTRICT CLERK'S OFFICE

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

4:18 pm Mar 17, 2020

SOUTH FLORIDA
WATER MANAGEMENT DISTRICT

Rt

IN THE MATTER OF:

SFWMD ORDER NO. 2020-004-DAO

EMERGENCY AUTHORIZATION
FOR CONTINUITY OF OPERATIONS,
PROCUREMENT, AND CERTAIN OTHER
MEASURES MADE NECESSARY BY COVID-19

EMERGENCY ORDER

Under the authority of the State of Florida Executive Order No. 20-52 ("Executive Order"), attached as Exhibit A, and section 120.569(2)(n) of the Florida Statutes, the South Florida Water Management District ("SFWMD"), enters this Emergency Order to address the continuity of operations, procurement, and certain other measures due to the public health emergency and impacts associated with the Novel Coronavirus Disease 2019 (COVID-19).

FINDINGS OF FACT

1. On March 9, 2020, the Governor of Florida issued the Executive Order declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by COVID-19, and its possible impacts throughout the State of Florida. The Executive Order covers all of the SFWMD's jurisdiction, referred to as the "Emergency Areas."

2. COVID-19 has created a public health emergency and poses a risk to the entire State of Florida with the potential to cause widespread outbreaks and possible

Attachment: 2020_016_DAO_Emergency_Order_Second_Extension_COVID19 (5157 : General Counsel's Report)

quarantining of persons throughout the Emergency Areas. The Executive Order seeks to mitigate these impacts through appropriate measures.

3. In accordance with recommendations from the Centers for Disease Control and Prevention (CDC) and other health organizations, many companies and government agencies, including the SFWMD, are directing employees to work remotely to minimize the risk of spreading COVID-19. The CDC also recommends not holding in-person events and meetings that consist of 10 people or more.

4. While social distancing is a critical component to reducing the transmission of COVID-19, it may impact the SFWMD's ability to carry out some of its duties, such as, holding in-person public meetings and hearings.

5. The SFWMD holds monthly Governing Board and other in-person meetings which are open to the public. Many of SFWMD's lands, facilities, and buildings are also open to the public. These circumstances could impair SFWMD's ability to mitigate the public health emergency.

6. The nature of the SFWMD procurement process is such that the statutory, rule, or policy requirements relating to procurement may impede SFWMD's ability to protect the health, safety, and welfare of the public and SFWMD employees during the public health emergency.

7. The Executive Order permits the SFWMD to suspend the requirements of any statute, rule, policy, or order when strict compliance with the requirements of any such statute, rule, policy, or order, would, in any way, prevent, hinder, or delay necessary action in coping with the emergency. The Executive Order gives agencies the authority to take formal action by emergency rule or order to deal with this emergency.

8. The Executive Order found that the special duties and responsibilities of some state, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. More specifically, under Section 4 of the Executive Order, the Governor gave each political subdivision within the state, including the SFWMD, the authority to waive procedures and formalities otherwise required of the political subdivision by law pertaining to:

- a. performing public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- b. entering into contracts;
- c. incurring obligations;
- d. employing permanent and temporary workers;
- e. utilizing volunteer workers;
- f. renting equipment;
- g. acquiring and distributing, with or without compensation, supplies, materials, and facilities; and
- h. appropriating and expending public funds.

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

ULTIMATE FACTS AND CONCLUSIONS OF LAW

10. The SFWMD issues this Emergency Order to carry out the directives in the Executive Order. The SFWMD also has the authority to issue this Emergency Order under Sections 120.569(2)(n), 252.46, 373.119(2), and 373.439 of the Florida Statutes.

11. Based on the above findings of fact, and to protect the public's immediate health, safety, and welfare, it is both reasonable and appropriate to:

a. waive any statute, including, but not limited to, Chapters 373, 255, 218, and 287 of the Florida Statutes, and any SFWMD rule, policy, or order pertaining to the procurement of equipment, services, and commodities to mitigate this public health emergency;

b. conduct all public meetings or hearings during the term of this Order only by electronic means, including, but not limited to, web conference and telephone to encourage public engagement while protecting the public health;

c. cancel or postpone meetings as necessary;

d. close or restrict access to SFWMD buildings, facilities, and rights of way, and close or restrict recreational use (including camping) of SFWMD lands to the extent necessary to meet this emergency; and

e. appropriate and expend public funds as necessary to address or mitigate the impacts of this public health emergency.

ORDER

THEREFORE, IT IS ORDERED that to the extent necessary to meet this public health emergency the SFWMD shall:

1. conduct all public meetings or hearings during the term of this Order only by electronic means, including, but not limited to, web conference and telephone to encourage public engagement while protecting the public health. The SFWMD shall not hold any in-person public meetings or hearings during the term of this Order;

2. cancel or postpone meetings as necessary;

3. waive all requirements for advertisement and competition for the procurement of equipment, services, and commodities, set forth in any statute, including, but not limited to, Chapters 218, 255, 287, and 373 of the Florida Statutes, and any SFWMD rule, policy, or order. All such procurements shall be reported to the Governing Board prior to or at the next regularly scheduled Governing Board meeting;

4. close or restrict access to SFWMD buildings, facilities and rights of way, and close or restrict recreational use of, including, but not limited to camping, SFWMD lands to the extent necessary to meet or mitigate this public health emergency;

5. appropriate and expend public funds to meet or mitigate this public health emergency.

This Order shall take effect immediately upon execution by the Executive Director and shall expire on May 8, 2020, unless modified or extended by further order.

NOTICE OF RIGHTS

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

accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this Order is filed with the Clerk of the SFWMD.

DONE AND ORDERED on this 17 day of March 2020, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By: 

Drew Bartlett
Executive Director

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 20-52
 (Emergency Management - COVID-19 Public Health Emergency)

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern; and

WHEREAS, in response to the recent COVID-19 outbreak in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention (“CDC”) has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

WHEREAS, on March 1, 2020, I issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 7, 2020, I directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, as of March 9, 2020, eight counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and

WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, using of alcohol-based hand sanitizers with 60%-95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

WHEREAS, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Because of the foregoing conditions, I declare a state of emergency exists in the State of Florida.

Section 2. I designate the Director of the Division of Emergency Management (“Director”) as the State Coordinating Officer for the duration of this emergency and direct him to execute the State’s Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Additionally, I designate the State Health Officer and Surgeon General as a Deputy State Coordinating Officer and State Incident Commander.

Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

- A. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.
- B. Designate additional Deputy State Coordinating Officers, as necessary.
- C. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.
- D. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, "necessary action in coping with the emergency" means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan ("CEMP"); or (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54, Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions.

C. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

D. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- 2) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);
- 3) Incurring obligations;
- 4) Employment of permanent and temporary workers;
- 5) Utilization of volunteer workers;
- 6) Rental of equipment;
- 7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,
- 8) Appropriation and expenditure of public funds.

E. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each State agency to report the closure of any State

building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

- 1) Maintain an accurate and up-to-date list of all such closures; and,
- 2) Provide that list daily to the State Coordinating Officer.

Section 5. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and the funds currently available may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 6. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 7. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 8. All activities taken by the Director of the Division of Emergency Management and the State Health Officer and Surgeon General with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 9th day of March, 2020.

[Handwritten Signature]
RON DESANTIS, GOVERNOR

ATTEST:

[Handwritten Signature]
SECRETARY OF STATE

2020 MAR -9 PM 5:52
011 570

Attachment: 2020_016_DAO_Emergency_Order_Second_Extension_COVID19 (5157 : General Counsel's Report)

**TOTAL NUMBER OF AUTHORIZATIONS
APPROVED BY THE EXECUTIVE DIRECTOR
From: May 1, 2020 to May 31, 2020**

Environmental Resource Permits	Total
a. Conceptual Approvals	2
b. Conceptual Modifications	0
c. New Construction and Operation (C&O)	0
d. Modifications of Previously Approved C&O	0
e. Mitigation Banks / Offsite Mitigation Areas	0
f. Wetland Restoration Projects	<u>0</u>
	2
Water Use Permits	Total
a. Renewals	1
b. Modifications	0
c. New Water Use	0
d. Master Dewatering	<u>0</u>
	1
 ERP and WU Total = 3	

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INDIVIDUAL PERMITS ISSUED BY
AUTHORITY DELEGATED TO EXECUTIVE DIRECTOR
FROM May 1, 2020 TO May 29, 2020**

I PERMIT APPLICATIONS	PAGES
COLLIER COUNTY	2
OSCEOLA COUNTY	4
PALM BEACH COUNTY	7

1. ESPLANADE GOLF AND COUNTRY CLUB
 TAYLOR MORRISON ESPLANADE NAPLES LLC
 SEC 10, 11, 15, 22 TWP 48S RGE 26E

APPL. NO. 200330-4
 PERMIT NO. 11-02032-W
 ACREAGE: 1828.00
 LAND USE: GOLF COURSE
 LANDSCAPE

PERMIT TYPE: WATER USE RENEWAL

WATER SOURCE: ON-SITE LAKE(S) / POND(S), LOWER TAMIAMI AQUIFER

ALLOCATION: 46.71 MILLION GALLONS PER MONTH

LAST DATE FOR AGENCY ACTION: JULY 30, 2020

Attachment: IP Issued by ED report for May-Revised (5149 : Executive Director's Report - Drew Bartlett)

Summary Report for Application Number: 200330-4, Project Name: ESPLANADE GOLF AND COUNTRY CLUB, Default Date: 7/30/2020

Taylor Morrison Esplanade Naples, LLC is requesting renewal of their water use permit for a project known as Esplanade Golf and Country Club in Collier County. The use is golf course turf and landscape irrigation with an annual allocation of 374.3 million gallons per year. The source of irrigation water is the on-site lakes that are partially recharged with groundwater from the Lower Tamiami aquifer. The allocation, sources, and facilities remain the same as previously permitted.

Purpose:

The purpose of this application is to renew Water Use Permit 11-02032-W for golf course irrigation of 81.65 acres of turf and landscape irrigation of 204.2 acres of turf using a sprinkler irrigation system. Withdrawals are from the on-site lakes with groundwater recharge from the Lower Tamiami aquifer (LTA).

Project Description:

Esplanade Golf and Country Club (Project) is a 1,828-acre existing residential development located on the north side of Immokalee Road, approximately 0.5 miles west of Collier Boulevard in Collier County (Exhibits 1 through 3). The Permittee is requesting to renew the water use permit for golf course irrigation of 81.65 acres of turf and landscape irrigation of 204.2 acres of turf using a sprinkler irrigation system. The irrigation withdrawals are from the on-site lakes via two existing pump stations and are partially replaced with groundwater from the LTA via two existing withdrawal facilities. Withdrawals (recharge) from the LTA shall not exceed the withdrawals from the surface water source for irrigation on a monthly basis. As stipulated in Special Permit Condition 18, the replacement of groundwater into surface water is for water quality treatment or supplementation and not for the artificial maintenance of lake levels. The locations of the withdrawal facilities are shown in Exhibit 3 with facility descriptions provided in Exhibits 4 (wells) and 5 (pumps). Project History: The water use permit was initially issued to J. D. Nicewonder, Jr in February 2002 for the irrigation of 369 acres (170.4 acres of landscape and 198.8 acres of golf course) by using surface water withdrawals from the on-site lakes and groundwater from the LTA. The water use permit was issued to IM Collier Joint Venture in November 2012 for the irrigation of 184 acres of landscape and 127 acres of golf course by using the surface water withdrawals from the on-site lakes and groundwater from the LTA. In February 2013 the permit was transferred to the current owner, Taylor Morrison Esplanade Naples, LLC. The permit was modified in March 2015 for the irrigation of 81.65 acres of landscape and 204.2 acres of golf course. The Project's landscapes are fully built-out as of this application but homes are still be constructed. This renewal was timely received.

Projected Water Use Demands:

The annual and maximum month allocations for the Project's irrigation of 204.2 acres of landscape and 81.65 acres of golf course are calculated using the Modified Blaney-Criddle method as described in Subsection 2.3.1.C of the Applicant's Handbook (AH) for Water Use Permit Applications within the South Florida Water Management District (District). Using this method, the total Project's demands were calculated to be 374.30 million gallons (MG) annually and 46.71 MG maximum monthly (Exhibit 6).

1. HORIZON WEST COMMERCE PARK
EASTGROUP PROPERTIES, LP

APPL. NO. 191010-2023
PERMIT NO. 49-102600-P

ACREAGE: 108.22
LAND USE: INDUSTRIAL

INCLUDING
UTILITIES
COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL)

LAST DATE FOR AGENCY ACTION: MAY 11, 2020

Attachment: IP Issued by ED report for May- Revised (5149 : Executive Director's Report - Drew Bartlett)

Summary Report for Application Number: 191010-2023, Project Name: Horizon West Commerce Park, Default Date: 5/11/2020

Project Summary

This permit authorizes Conceptual Approval of a stormwater management (SWM) system serving 121.84 acres of commercial development known as Horizon West Commerce Park.

The proposed conceptual development consists of office and warehouse buildings with concomitant parking and infrastructure. Runoff will be directed into the SWM system, which consists of three dry retention ponds that provide water quality treatment and attenuation. Discharge is to adjacent wetlands and ultimately to Reedy Creek.

Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, F.A.C..

Site Description

The site is undeveloped land with wetlands on the north, south, and east sides. The site is on the southeast corner of the North Old Lake Wilson Road and Sand Hill Road intersection. See Exhibit No.1.0 for a location map.

An inactive Construction and Demolition Debris (C&D) landfill is located to the east but is not situated within the project area. Results of the C&D geotechnical investigation are provided in Exhibit No. 2.1.

Permit No. 49-103100-P, Application No. 191109-2273 for construction and operation of Phase 1A is being processed concurrently with this permit.

For information on wetland and other surface water impacts, please see the Wetlands and Other Surface Water section of this permit.

Water Quality

Water quality treatment is provided in 3 dry retention ponds with a total area of 12.59 acres. The project provides 11.75 acre-feet of required water quality treatment volume based on 2.5 inches times the percent of impervious surface.

Pursuant to Appendix E of Environmental Resource Permit Applicant's Handbook Volume II, the provided water quality treatment includes an additional 50% treatment volume above the requirements in Section 4.2 of Volume II as reasonable assurance that the project will not have an adverse impact on the downstream waterbody. The project is located within the Reedy Creek watershed.

Ownership, Operation and Maintenance

Perpetual operation and maintenance of the SWM system will be the responsibility of East Group Properties, LP. Upon conveyance or division of ownership or control of the property or the system, the permittee must notify the Agency in writing within 30 days, and the new owner must request transfer of the permit.

The project area is currently under the sole ownership of the permittee, East Group Properties, LP, who has indicated that the perpetual operating entity for this project will be the owner. If the subject property is subdivided in the future, or upon future phases of construction on the subject site, an operating entity that meets the criteria of Section 12.3, A.H. Vol I will be required and easements for drainage and discharge must be established.

Wetlands and Other Surface Waters

The project site contains 4 wetlands totaling 22.01 acres. Please see Exhibit 3.0 for wetland locations. The wetlands can generally be described as freshwater marsh and forested mix. Additional wetland descriptions are available in the ePermitting file and Exhibit 3.1.

The project will result in 10.32 acres of wetland impacts. Additionally, 4.16 acres of wetland W1-A and 7.53 acres of wetland W1-B are being preserved with no mitigation value given. Exhibit 3.0 identifies the locations of the wetlands being impacted. The applicant has demonstrated the appropriate elimination and reduction of wetland and other surface water impacts. Impacts to Wetlands W2-A, W2-B and W1-A are sufficiently offset as the proposed mitigation will provide greater long-term ecological value. (Section 10.2.1.2(b))

Secondary impacts have been addressed by providing a 25' upland buffer adjacent to wetland W1-B. A 15-20' stormwater pond graded back slope will provide an adequate buffer mechanism eliminating secondary impacts associated with wetland W1-A.

Wetland and other surface water impacts authorized in this application yield a functional loss of

6.40 mitigation units. To mitigate for the wetland and other surface water impacts, the applicant will buy herbaceous and/or forested mitigation bank credits from an appropriate mitigation bank located within the same basin as the impacts. Mitigation for the wetland and other surface water impacts will be provided at the time of each construction modification. If the proposed mitigation is not within the same drainage basin, then the applicant shall provide a cumulative impacts analysis. In the unlikely event mitigation bank credits are not available at the time of construction permitting, the permittee will be required to provide an alternative mitigation plan to offset adverse impacts. Accordingly, a cumulative impact assessment will be conducted at the time of construction permitting. The amount of mitigation was determined by using the Wetland Rapid Assessment Procedure. The final scores can be found in the permit file.

1. VILLAGE ROYALE MASTER DRAINAGE
MICHAEL TUTTLE

APPL. NO. 190716-1613
PERMIT NO. 50-102147-P

ACREAGE: 129.21
LAND USE: RESIDENTIAL
COMMERCIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL)

LAST DATE FOR AGENCY ACTION: JUNE 30, 2020

Attachment: IP Issued by ED report for May-Revised (5149 : Executive Director's Report - Drew Bartlett)

Project Summary

This Environmental Resource Permit authorizes Conceptual Approval of a stormwater management (SWM) system serving 129.21 acres of mixed use development known as Village Royal Master Drainage.

- **Water Quality**

The required water quality treatment is provided in dry retention/detention, exfiltration trenches and wet detention. Pursuant to Appendix E of Environmental Resource Permit Applicant’s Handbook Volume II, the provided water quality treatment includes an additional 50% treatment volume above the requirements in Section 4.2 of Volume II as reasonable assurance that the project will not have an adverse impact on the downstream waterbody. The applicant provided site specific pollutant loading calculations demonstrating that the SWM system reduces the post development loading of pollutants to levels less than the loadings generated under the pre-development condition. Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, F.A.C..

- **Water Quantity**

The project discharge is within the allowable limit for the area.

- **Wetlands**

There are no state jurisdictional wetlands on the site.

Additional Information:

Site Description/Proposed Project

The site is currently a flat, grassed area with some internal SWM ditches, three small excavated lakes and several structures including houses, barns, various maintenance facilities and a dog rescue facility. The site is located along the south side of Southern Boulevard and west of SR 7/US 441 in Palm Beach County. The proposed project includes residential and commercial development, a charter school, a roadway and landscape areas throughout seven distinct areas. The new SWM system includes inlets and culverts to capture and convey runoff to dry retention areas located within an FPL easement for water quality treatment. Overflow from the dry retention areas is conveyed to the proposed lakes for runoff attenuation and outfall to the Lake Worth Drainage District (LWDD) S-4 Canal via a new control structure.

Water Quality

A total of 13.32 ac-ft. of water quality treatment is provided in dry retention/detention, exfiltration trenches and wet detention.

Water quality treatment volume for Pod 2 and Pod 4 is based on one-inch over the controlled basin area. Water quality for Pod 6, Pod 7, Pod 8 and the Roadway Pod are based on 2.5 inches times the percent impervious of the controlled basin area.

Pursuant to Appendix E of Environmental Resource Permit Applicant's Handbook Volume II, the provided water quality treatment includes an additional 50% treatment volume above the requirements in Section 4.2 of Volume II as reasonable assurance that the project will not have an adverse impact on the downstream waterbody.

In addition to the required water quality treatment volume, the applicant provided site specific pollutant loading calculations demonstrating that the SWM system reduces the post development loading of pollutants (specifically nitrogen and phosphorous) to levels less than the loadings generated under the pre-development condition. The pollutant loading calculations are based upon the removal characteristics associated with the system.

Water Quantity

As found in the Water Quantity Data Table, the project discharge is within the allowable limit for the area.

Wetlands and Other Surface Waters

There are no state jurisdictional wetlands on the site. The site contains other surface waters in a 0.05 acre pond and 0.4 acres of the LWDD canal segment at the eastern end of the project site (Exhibit 3.0). Both of these surface water areas will be impacted to construct the road portion of the project. Construction of the project is not expected to result in adverse impacts to the value of the functions of wetlands or other surface waters to fish and wildlife, including listed species. Therefore, mitigation is not required.

Attachment: IP Issued by ED report for May-Revised (5149 : Executive Director's Report - Drew Bartlett)

**SFWMD Regulation Governing Board Report
June 11, 2020**

Regulatory Public Meeting

- The March 18, 2020 meeting was cancelled; District offices were closed to the public.

Regulatory Public Meeting Schedule

- The June 17, 2020 Regulatory Public Meeting is cancelled.