



South Florida Water Management District

GOVERNING BOARD MONTHLY MEETING AGENDA

August 13, 2020

9:00 AM

via Communications Media Technology

www.SFWMD.gov

FINAL - REVISED

1. Call to Order - Chauncey Goss, Chairman, Governing Board
2. Pledge of Allegiance
3. Employee Recognitions
 - August Employee of the Month: Kevin Pagan, Sr. Purchasing Specialist
 - August Team of the Month: C-139 Abiaki Prairie Restoration Project - Gopher Tortoise Survey Team
4. Agenda Revisions
5. Agenda Item Abstentions by Board Members
6. Audit & Finance Committee Report - Jay Steinle, Chairman
7. Consider Approval of the Minutes for the July 9th Meeting and the July 29th Lunch & Learn Workshop
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. Cattle Grazing Lease with Diamond 3 Cattle Company, LLC, St. Lucie County (Staff contact, Stephen M. Collins)

Agenda Item Background:

The District wishes to lease 314.28 acres for low density cattle grazing as an effective tool for managing District lands by helping to control invasive vegetation and creating and maintaining enhanced wildlife habitat. Provisions of the Lease provide for a reduction of the acreage as land is needed by District and Corps contractors for equipment staging and surplus material stockpiles during construction of the adjacent C-23/C-24 Stormwater Treatment Area (STA) project. The Lease will be awarded to the highest bidder, Diamond 3 Cattle Company, LLC, for an initial term of 10 years with a six-month notice termination provision. The Lease also allows the District to add additional water storage features when needed. The Lease prohibits the application of fertilizer and requires the Lessee to implement Florida Department of Agriculture and Consumer Services (FDACS) Best Management Practices (BMPs) such as water troughs to keep cattle out of streams and canals, and development of a grazing plan and fencing to exclude cattle from sensitive areas. The annual rent is based on one Animal Unit per six acres (low density) with rent adjusted each year to correlate rental payments more closely with market conditions. In addition to the value of land management services provided by cattle grazing, the first-year anticipated revenue will be approximately \$8,346.

Recommended Action:

Resolution No. 2020 - 0801 Authorize a 10-year cattle grazing lease on 314.28 acres, more or less, in St. Lucie County with Diamond 3 Cattle Company, LLC. (Contract Number 4600004282)

13. Land Acquisition, Pennsuco Project, Miami-Dade County (Staff contact, Stephen M. Collins)

Agenda Item Background:

The District is acquiring land from willing sellers in the Pennsuco Wetlands Project (Pennsuco) in northwestern Miami-Dade County. Two 5-acre tracts within Pennsuco are to be acquired from a willing seller for \$80,000. Funding for the purchase, along with \$3,972.40 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 - 0802 Acquire land interests containing 10 acres, more or less, in the amount of \$80,000, 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.

14. Release of Reservations (Staff contact, Stephen M. Collins)

Agenda Item Background:

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

on the property appraiser's website in the county where the property is located. It has been determined that there is no present or future need for the reservations listed below.

Staff Recommendation:

Staff recommends approval of the following:

Palm Beach County

Release District canal and road reservations for Elegance Stables, Inc. (File No. 18851) for 4.89 acres, more or less; subject to payment of release value of \$3,227.40.

Recommended Action:

Resolution No. 2020 - 0803 Release District canal and road reservations.

15. Partial Release of Easement, Henderson Creek Canal, Collier County (Staff contact, Stephen M. Collins)

Agenda Item Background:

Staff seeks Governing Board approval to release approximately 0.09 acre (4,039 square feet) of a maintenance and staging easement for the Henderson Creek Canal to Florida Department of Transportation, Collier County. The release is requested due to modifications to the I-75 Interchange at State Road 951 (Collier Blvd.), including the widening of the Henderson Creek Canal and construction of an onramp on the east side of Collier Blvd. The new onramp over State Road 84 (Davis Blvd.) will provide better direct access to I-75 to local residents.

Recommended Action:

Resolution No. 2020 - 0804 Release a portion of a maintenance and staging easement containing 0.09 acre, more or less, located in Section 2, Township 50 South, Range 26 East, Collier County, Henderson Creek Canal Project, to the Florida Department of Transportation at no cost.

16. Water Sampling and Access License Agreement, Miles Grant Country Club Inc., Martin County (Staff contact, Stephen M. Collins)

Agenda Item Background:

In connection with the District's ongoing efforts to improve and document its right of access to and use of water monitoring and water sampling sites, this Water Sampling and Access License Agreement ("License Agreement") will allow the District access for the purpose of monitoring regional water quality by collecting data from a privately owned Floridan aquifer production well on property owned by Miles Grant Country Club, Inc. The District and the landowner have agreed upon the terms and conditions of this no cost License Agreement, and the owner has executed and delivered the License Agreement to the District. The term of the License Agreement is perpetual and terminates only upon a 180-day notice from either party.

Recommended Action:

Resolution No. 2020 - 0805 Approve for the purpose of monitoring regional water quality, the acquisition of a Water Sampling and Access License Agreement, at no cost, to collect data from an aquifer production well on property owned by Miles Grant Country Club, Inc., in Martin County.

17. Comprehensive Everglades Restoration Plan Biological Control Implementation Project (Staff contact, Francois Laroche)

Agenda Item Background:

District staff is requesting Governing Board approval to enter into a five-year agreement with the U.S. Department of Agriculture (USDA) Agricultural Research Service (ARS) to fund ongoing operations at the ARS Biological Control Center located in Davie, FL. Work performed under this agreement supports ongoing operations of the Comprehensive Everglades Restoration Plan (CERP) Biological Control Implementation Project (Project). The Project seeks to improve control of the most aggressive, widespread, and problematic invasive exotic plants in South Florida, including Brazilian pepper and Old World climbing fern, by introducing federally-approved biological controls from the invasive species' country of origin that will serve to control the exotics while not harming native vegetation. Use of biological controls is one of the components of the District's integrated pest management approach to invasive species control.

The United States Army Corps of Engineers (USACE) and the District entered into a Project Partnership Agreement for the Project, dated July 30, 2010, which provides for the USACE to reimburse the District for 50% of the not-to-exceed value of \$3,307,680 for the five-year agreement. This proposed agreement is a continuation of the Project, now entering its ninth year in operation.

Recommended Action:

Resolution No. 2020 - 0806 Authorize entering into a five-year agreement with the United States Department of Agriculture - Agricultural Research Service for the Comprehensive Everglades Restoration Plan Biological Control Implementation Project in the amount of \$3,307,680 for which Ad Valorem funds are subject to Governing Board approval of the Fiscal Year 2020-2021 Adopted Budget and Governing Board approval of future years budgets. (Contract Number 4600004274)

18. **ITEM POSTPONED** Mowing Contract, Fort Lauderdale Field Station Area of Responsibility (Staff contact, Rich Virgil)

Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown. Based upon that authority, the Chairman of the Governing Board of the South Florida Water Management District determines that good cause exists to make this change.

19. Pump Stations G-310, G-335, S-319 and S-362 Control Panel Upgrade Project, Palm Beach County (Staff contact, Alan Shirkey)

Agenda Item Background:

As part of the Operations and Maintenance Capital Improvement Program, the Control Panel Upgrade Project is for the G-310, G-335, S-319 and S-362 pump stations. These pump stations enable STA-1E, STA-1W and STA-2 to function, providing water quality improvement for stormwater runoff prior to discharge into the Water Conservation Areas.

The purpose of the project is to upgrade the engine control systems' programmable logic controllers to allow implementation of security measures as recommended by Homeland Security. The Original Equipment Manufacturer is being utilized to facilitate equipment upgrade and to ensure equipment operability and reliability.

This project will address one pump station each fiscal year and will be accomplished in

two phases for each pump station. Phase 1 involves design, build and testing of control panel upgrades, and will take four to five months. Phase 2 includes installation, startup and commissioning of the control panel upgrades, and will take the following two months and must be done during the dry season.

Recommended Action:

Resolution No. 2020 - 0808 Authorize entering into purchase order agreements with Fairbanks Morse LLC, the original equipment manufacturer of each engine control panel at Pump Stations G-310, G-335, S-319 and S-362, for the design, build, test, installation, startup and commissioning for the Control Panel Upgrade Project for an amount not-to-exceed \$4,000,000 for which \$1,300,000 in Ad Valorem funds are subject to Governing Board approval of the Fiscal Year 2020-2021 Adopted Budget and the remainder is subject to Governing Board approval of future years budgets.

20. Concurrence on Emergency Orders 2020-026-DAO; 2020-027-DAO; and 2020-028-DAO, and Order 2020-030-DAO (Staff contacts, Jennifer Smith and Carolyn Ansay)

Agenda Item Background:

To prepare for and respond to Hurricane Isaias, the District issued Emergency Orders 2020-026-DAO; 2020-027-DAO; and 2020-028-DAO on July 31, 2020. These Orders enable the District to continue to perform public work, and take prudent action to ensure the health, safety, and welfare of the community during and after a significant storm event impacting the District. On August 6, 2020, District Order 2020-030-DAO terminated Emergency Order 2020-027-DAO. This item requests the Governing Board's concurrence with issuance of Emergency Orders 2020-026-DAO; 2020-027-DAO; and 2020-028-DAO and Order 2020-030-DAO in compliance with section 373.119(2) of the Florida Statutes, and any subsequent termination orders.

A. Emergency Order, Order, and Concurrence

SFWMD 2020-026-DAO	Emergency Authorization for Repairs, Replacement, Restoration, and Certain Other Measures Made Necessary by Hurricane Isaias
SFWMD 2020-027-DAO	Emergency Authorization for Procurement of Goods and Services Made Necessary by Hurricane Isaias
SFWMD 2020-028-DAO	Emergency Authorization for Pumping and Other Measures to Address Flooding Caused by Hurricane Isaias
SFWMD 2020-030-DAO	Termination of Emergency Authorization for Pumping and Other Measures to Address Flooding Caused by Hurricane Isaias

Recommended Action:

Concurrence on Preparation for and Response to Hurricane Isaias

21. Board Vote on Consent Agenda

Technical Reports

22. Water Conditions Report - John P. Mitnik
23. Ecological Conditions Report - Lawrence Glenn
24. Public Comment

Discussion Agenda

25. Land Assessment and Surplus Update (Staff contact, Stephen M. Collins)

Agenda Item Background:

Staff will update the Governing Board on the status of the Real Estate Land Assessment and Surplus process and its continuous efforts to maximize benefits from District lands for project and recreational needs, and will review the potential surplus of properties not required for present or future works of the District. Staff will provide an overview of the District's efforts to evaluate and recommend lands for the Governing Board to consider as opportunities to exchange for project lands or use funds from surplus land sales to support project needs.

Staff will close the presentation by providing an overview of 14 properties that are under consideration for a surplus designation and seeking Governing Board input on the same.

26. Stormwater Treatment Area-1W Projects, Palm Beach County (Staff contact, Alan Shirkey)

A. STA-1W Refurbishments Project

Agenda Item Background:

As part of the District's STA Enhancement Program and to supplement Restoration Strategies Program Goals, the STA-1W Refurbishments Project will be modified to correct poor flow patterns caused by irregularly shaped cells and remnant canals. This will be achieved by the relocation and/or removal of levees, by filling remnant canals, and by regrading areas within the cells. The Project will use suitable excess soils from degraded levees supplemented by imported soils. Additionally, non-functioning culvert structures in a state of disrepair will be removed. The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids (RFB) procurements, this item was competitively bid through a sealed bid process.

Recommended Action:

Resolution No. 2020 - 0809 Authorize entering into a 600-day contract with Bergeron Land Development, Inc., the lowest responsive and responsible bidder, for the STA-1W Refurbishments Project, in the amount of \$10,980,000, for which dedicated funds (Everglades Trust Fund) in the amount of \$100,000 are budgeted in Fiscal Year 2019-2020 and the remainder is subject to Governing Board approval of future years budgets. (Contract Number 4600004296)

B. STA-1W Expansion #2 Stormwater Treatment Area Project

Agenda Item Background:

The STA-1W Expansion #2 STA Project, a component of the Restoration Strategies

projects located in Palm Beach County, works in conjunction with the existing Everglades STAs to meet the Water Quality Based Effluent Limit (WQBEL) to achieve compliance with the State of Florida's numeric phosphorus criterion for the Everglades Protection Area outlined in Rule 62-302.540 of the Florida Administrative Code (F.A.C.) enforced by the Environmental Protection Agency.

The project consists of approximately 2,173 acres. The Expansion #2 STA area contains approximately 2,071 acres and connects to the existing STA-1W complex with a new canal to provide the hydraulic connection between the two project areas. This connection canal encompasses approximately 100 acres of land running north-south parallel to and just west of the existing L-7 levee. The project includes the construction of three new STA cells, a six-mile concrete lined connection canal, perimeter and interior levees, canals, structures, culverts, boat ramps, maintenance ramps, and all other associated appurtenances. The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids (RFB) procurements, this item was competitively bid through a sealed bid process.

Recommended Action:

Resolution No. 2020 - 0810 Authorize entering into a 745-day agreement with Thalle Construction Company, Inc., the lowest responsive and responsible bidder for the STA-1W Expansion #2 STA Project, in the amount of \$96,800,000 for which \$1,000,000 in dedicated funds (Land Acquisition Trust Fund) and 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 4600004295)

27. Floridan Aquifer System Exploratory Coring and Monitoring Well Construction (Staff contact, Jennifer Reynolds)

Agenda Item Background:

The Floridan Aquifer System (FAS) Exploratory Coring and Monitoring Well Construction Program will provide site-specific geologic and hydrogeologic data to evaluate properties of the FAS at locations that are under consideration for water resource evaluation and potential future construction of aquifer storage and recovery (ASR) wells. The program will include exploratory drilling of continuous core boreholes that will provide critical information on lithology and water bearing properties of the Floridan aquifer. Some of the boreholes will be used to determine suitability for well siting and to aid in design of ASR wells or water supply wells. The boreholes will be converted to FAS monitoring wells for long-term hydrogeologic data collection to meet District and CERP goals and objectives. The first locations selected for exploratory drilling under this work order contract include potential ASR cluster locations identified in the Lake Okeechobee Watershed Restoration Project and areas of interest to the Central Florida Water Initiative. Additional programs may also utilize this hydrogeological services contract to evaluate areas where the Floridan aquifer is being considered for future projects, including the Northern Everglades and Estuaries Protection Program. The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids (RFB) procurements, this item was competitively bid through a sealed bid process.

Recommended Action:

Resolution No. 2020 - 0811 Authorize entering into a 3-year work order contract with two 1-year extensions

with Huss Drilling, Inc., the lowest responsive and responsible bidder, for the Floridan Aquifer System Exploratory Coring and Monitoring Well Construction Program, in an amount not to exceed \$14,000,000, for which \$100,000 in dedicated funds (State General Revenue and Land Acquisition Trust Fund Revenue) and 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 4600004288)

Staff Reports

28. Monthly Financial Report - Candida Heater
29. General Counsel's Report - Carolyn Ansay
30. Executive Director's Report - Drew Bartlett
31. General Public Comment
32. Board Comment
33. Adjourn

M E M O R A N D U M

TO: Governing Board Members

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

DATE: August 13, 2020

SUBJECT: Cattle Grazing Lease with Diamond 3 Cattle Company, LLC, St. Lucie County

Agenda Item Background:

The District owns 314.28 acres in St. Lucie County known as the Sneed Road property adjacent to the C23/C24 Stormwater Treatment Area project (the "STA"). The District wishes to lease the property for low density cattle grazing as an effective tool for managing District lands by helping to control invasive vegetation and creating and maintaining enhanced wildlife habitat. Provisions of the Lease provide for a reduction of the acreage as land is needed by the District's and the Corps' contractors for equipment staging and surplus material stockpiles during construction of the STA.

The cattle grazing lease will be awarded to the highest bidder, Diamond 3 Cattle Company, LLC, for an initial term of 10 years with a six (6) month notice termination provision. The Lease also allows the District to add additional water storage features when needed. The Lease prohibits the application of fertilizer and requires the Lessee to implement Florida Department of Agriculture and Consumer Services Best Management Practices such as water troughs to keep cattle out of streams and canals, and development of a grazing plan and fencing to exclude cattle from sensitive areas. Allowable animal units and taxes would be adjusted accordingly. The annual rent, which is based on one Animal Unit per six acres (low density), will be adjusted each year based on the District's Cattle Grazing Formula which is designed to more closely correlate rental payments with market conditions. In addition to the value of land management services provided by cattle grazing, the first-year anticipated revenue will be approximately \$8,346.00.

Core Mission and Strategic Priorities:

The objective of this Lease is to obtain assistance in the stewardship and maintenance of this land by utilizing beef cattle grazing as a tool in the maintenance of pastures and native range and provide revenue for the maintenance and management of District lands. The revenues generated from this Lease will assist Land Management in managing this and other District-owned lands.

Funding Source:

There are no District costs associated with this item other than the cost of administering the Lease. The Lease is estimated to bring in a total of \$83,460.00 of revenue to the District over the ten-year term prior to the annual rate adjustments.

Staff Contact and/or Presenter:

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

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0801

A Resolution of the Governing Board of the South Florida Water Management District authorizing a 10-year cattle grazing lease on 314.28 acres, more or less, in St. Lucie County with Diamond 3 Cattle Company, LLC, as more particularly described herein; providing an effective date. (Contract No. 4600004282)

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

WHEREAS, the District and the Lessee desire to enter into a Lease Agreement on the premises known as Lease Encumbrance ID KE10E-071 (Contract No. 4600004282) for ten years; and

WHEREAS, the Lessee's main use of the premises is cattle grazing, which will assist in the stewardship of pastures and native range; and

WHEREAS, the Governing Board of the South Florida Water Management District deems it appropriate and in the public interest to approve the lease contract above to Diamond 3 Cattle Company, LLC as the highest responsive and responsible bidder to Solicitation No. 6000001093 for a new 10-year agricultural grazing lease on 314.28 acres, more or less, in St. Lucie County (Exhibit "A") (the "premises") with first-year anticipated revenue in the amount of approximately \$8,346.00.

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 entering into Contract No. 4600004282 with Diamond 3 Cattle Company, LLC for a 10-year cattle grazing lease on 314.28 acres, more or less, in St. Lucie County.

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

PASSED and ADOPTED this 13th day of August, 2020.

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

Chauncey P. Goss, II
Chairman

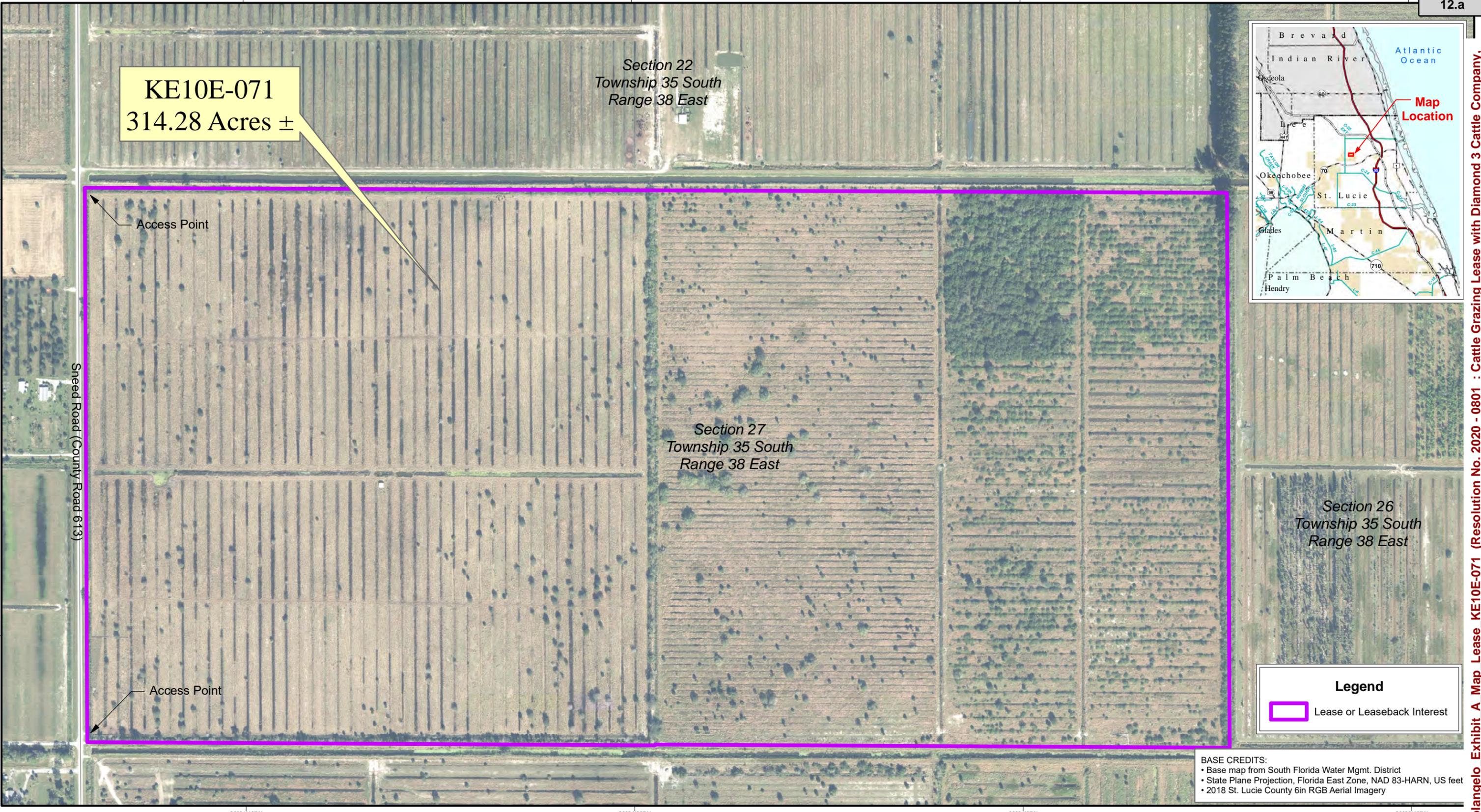
Attest:

Legal form approved:
By:

District Clerk/Secretary

Office of Counsel

Print name:



KE10E-071
314.28 Acres ±

Section 22
 Township 35 South
 Range 38 East

Section 27
 Township 35 South
 Range 38 East

Section 26
 Township 35 South
 Range 38 East

Legend
 Lease or Leaseback Interest

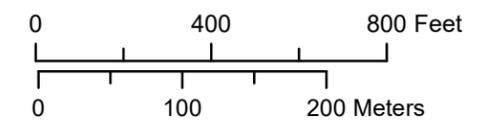
BASE CREDITS:
 • Base map from South Florida Water Mgmt. District, February 2017
 • State Plane Projection, Florida East Zone, NAD 83-HARN, US feet
 • Hendry 2017 6IN Aerial



BASE CREDITS:
 • Base map from South Florida Water Mgmt. District, February 2017
 • State Plane Projection, Florida East Zone, NAD 83-HARN, US feet
 • Hendry 2017 6IN Aerial

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

Encumbrance KE10E-071
Saint Lucie County, Florida



IMPORTANT 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.

Map Date: March 2020



Attachment: Colangelo_ Exhibit_A_Map_Lease_KE10E-071 (Resolution No. 2020 - 0801 : Cattle Grazing Lease with Diamond 3 Cattle Company,

MEMORANDUM

TO: Governing Board Members

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

DATE: August 13, 2020

SUBJECT: Land Acquisition, Pennsuco 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 Nos. W9307-952 and W9307-953, owned by Athion Holdings, LLC and Benjamin Figgie Roth IRA, contain approximately 10 acres within Pennsuco and the purchase price is \$80,000. Funding for the purchase, along with \$3,972.40 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 these Tracts is from a willing seller. The purchase price of \$80,000 is under the appraised value of \$150,000. The closing costs will be paid by the seller. All costs, including acquisition and associated 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 - 0802

A Resolution of the Governing Board of the South Florida Water Management District to acquire land interests containing 10 acres, more or less, in the amount of \$80,000, 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 10 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 \$80,000, 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 10 acres, more or less, in Miami-Dade County, Pennsuco Wetlands Project, in the amount of \$80,000, together with associated costs, for which dedicated funds (Lake Belt Mitigation Fund) are budgeted in Fiscal Year 2019-2020 as follows:

Owner	Tract Nos.	Interest	Acres	Appraised Value	Purchase Price
Athion Holdings, LLC & Benjamin Figgie Roth IRA	W9307-952 & W9307-953	Fee	10	\$150,000	\$80,000

Amount	Fund	Fund Center	Functional Area	GL Account #	Account Description
\$ 80,000.00	419000	3510144000	AA05	580020	Acquisition
\$ 3,972.40	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 13th day of August, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chauncey P. Goss, II
Chairman

Attest:

Legal form approved:

By:

District Clerk/Secretary

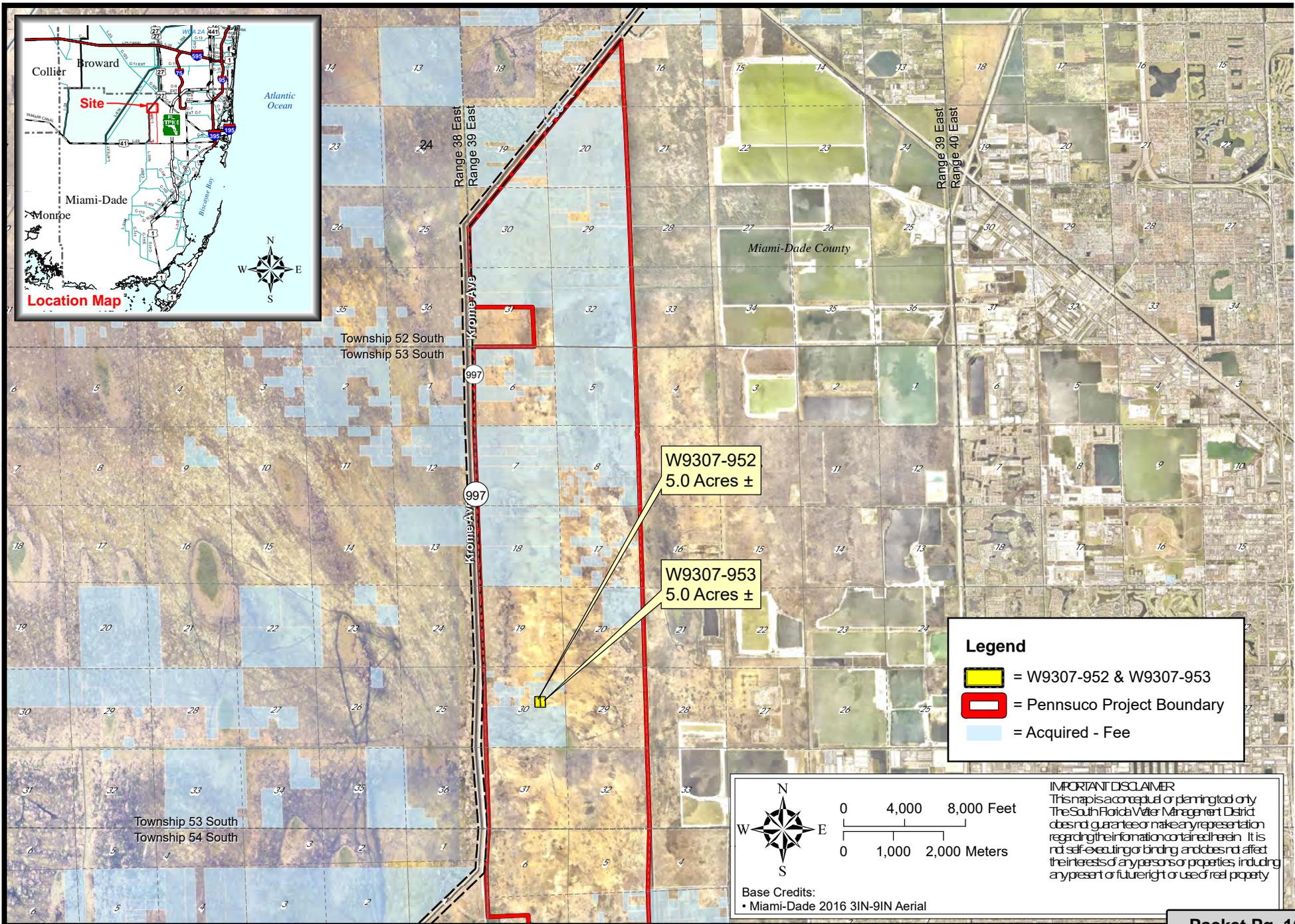
Office of Counsel

Print name:

Exhibit "A"

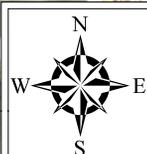
W9307-952 & W9307-953

Pennsuco Wetlands - Miami-Dade County



Attachment: Hall_ Exhibit-A_Athion_Figgie_Pennsuco_W9307-952+953 (Resolution No. 2020 - 0802 :

IMPORTANT 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.



Base Credits:
 • Miami-Dade 2016 3IN-9IN Aerial

MEMORANDUM

TO: Governing Board Members
FROM: Stephen M. Collins, Division Director, Real Estate
DATE: August 13, 2020
SUBJECT: Release of Reservations

Agenda Item Background:

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

Staff Recommendation:

Staff recommends approval of the following:

Palm Beach County

- Release District canal and road reservations for Elegance Stables, Inc. (File No. 18851) for 4.89 acres, more or less; subject to payment of release value of \$3,227.40.

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

Core Mission and Strategic Priorities:

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

Staff Contact and/or Presenter:

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

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0803

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

WHEREAS, certain underlying landowners have requested that the South Florida Water Management District release certain District canal and road reservations; and

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

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

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

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

PASSED and ADOPTED this 13th day of August, 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:

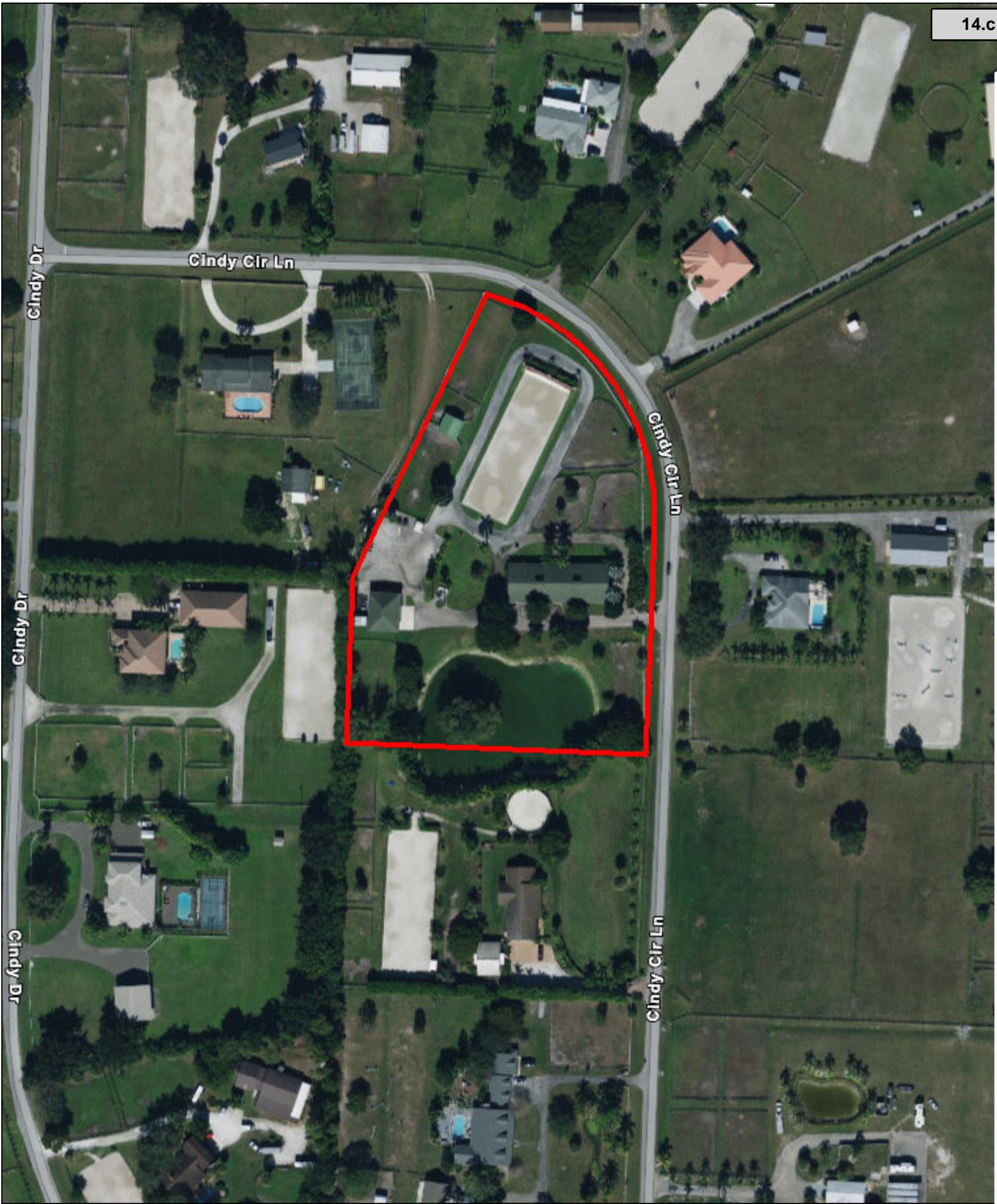
MEMORANDUM – EXHIBIT “A”

Palm Beach County

File No: 18851
 Applicant: Elegance Stables, Inc., a Delaware Corporation
 Reserving Deed: E-2950 (DB 717-267, 4/25/1945)
 Application Fee Paid: \$250.00
 Release Value: \$3,227.40 (unpaid)
 Action: Release District canal and road reservations, subject to payment of \$3,227.40 for value of release of District real property interests
 Acres: 4.89 acres, more or less
 Legal Description: Lot 32, PLAT OF PALM BEACH LITTLE RANCHES EAST OF WELLINGTON, PB 30-158, Section 2, Township 44 South, Range 41 East
 Location: 625 Cindy Circle Lane, Wellington, Palm Beach County
 Reviewed By: Water Supply Development Section, Right of Way Section, Environmental Resource Permitting Bureau, Survey Section, and Office of Everglades Policy and Coordination

RESOLUTION - EXHIBIT "A"**Palm Beach County**

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 WELLINGTON, PB 30-158, Section 2, Township 44 South, Range 41
 East
 Location: 625 Cindy Circle Lane, Wellington, Palm Beach County



Attachment: Bianco Maps Release of Reservations (Resolution No. 2020 - 0803 : Release of Reservations)

File No. 18851



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



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Attachment: Bianco Maps Release of Reservations (Resolution No. 2020 - 0803 : Release of Reservations)

File No. 18851



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MEMORANDUM

TO: Governing Board Members

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

DATE: August 13, 2020

SUBJECT: Partial Release of Easement, Henderson Creek Canal, Collier County

Agenda Item Background:

Florida Department of Transportation (FDOT) has requested the release of a 0.09-acre (4,039 square feet) portion of a platted maintenance and staging easement for the Henderson Creek Canal right of way in Collier County. The release is requested due to modifications to the I-75 Interchange at State Road 951 (Collier Blvd.), including the widening of the Henderson Creek Canal and construction of an onramp on the east side of Collier Blvd. over State Road 84 (Davis Blvd.). The new onramp will provide better direct access to I-75 for local residents.

This release has been reviewed and is supported by the Big Cypress Basin Field Station and the Right of Way Section. See Exhibit "A" for a depiction of the area to be released. The remaining easement is sufficient for future District maintenance and staging needs.

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 1999 by plat dedication 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 - 0804

A Resolution of the Governing Board of the South Florida Water Management District releasing a portion of a maintenance and staging easement containing 0.09 acre, more or less, located in Section 2, Township 50 South, Range 26 East, Collier County, Henderson Creek 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 maintenance and staging easement containing 0.09 acre, more or less, located in Section 2, Township 50 South, Range 26 East, Collier County, Henderson Creek Canal Project; and

WHEREAS, the partial release of the easement is requested in conjunction with a road improvement project to reconstruct the I-75 interchange at State Road 951 (Collier Blvd.); and

WHEREAS, the Governing Board has determined that the 0.09 +/- acre portion of the 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 maintenance and staging easement containing 0.09 acre, more or less, located in Section 2, Township 50 South, Range 26 East, Henderson Creek Canal project in Collier 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 13th day of August, 2020.

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

Chauncey P. Goss, II
Chairman

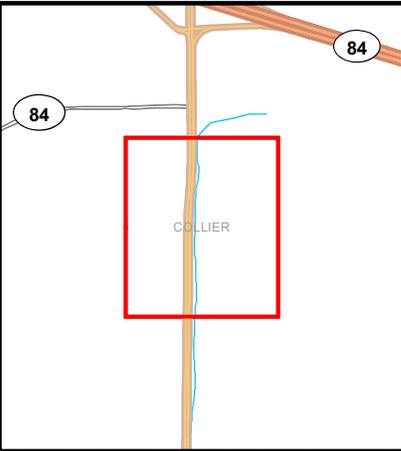
Attest:

District Clerk/Secretary

Legal form approved:
By:

Office of Counsel

Print name:



 Release Parcel

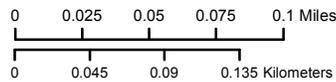
 Remaining Easement

Attachment: Zehnder Maps_FDOT_Henderson_Creek (Resolution No. 2020 - 0804 : Partial Release of Easement, Henderson Creek Canal,

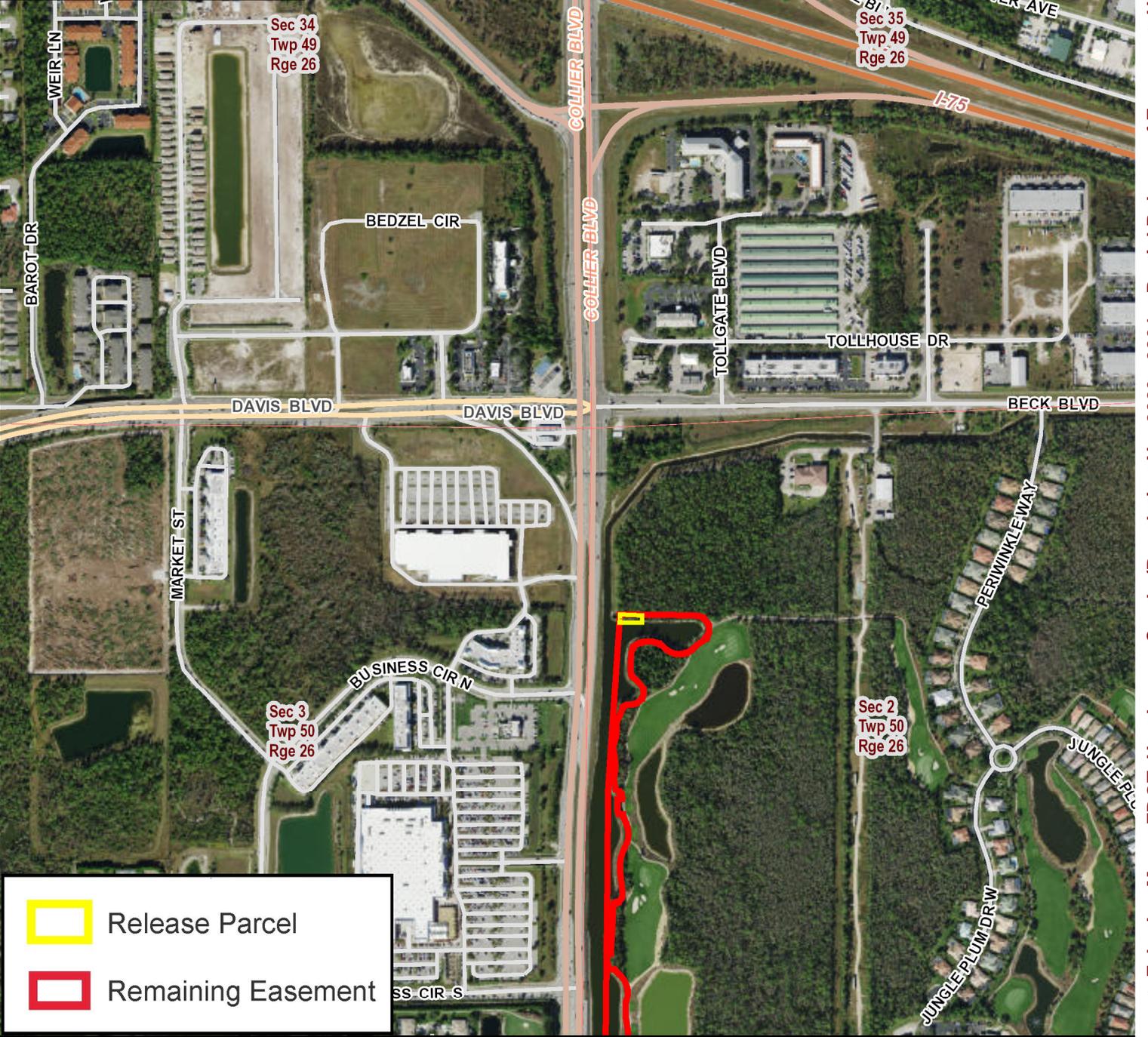
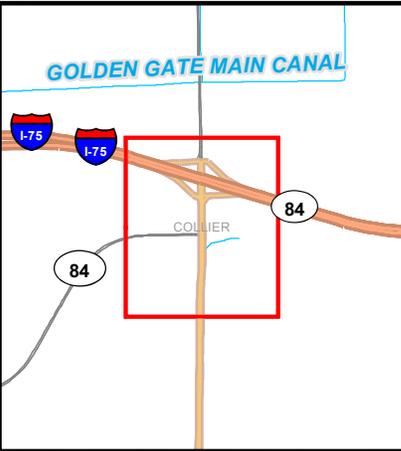
Exhibit "A"



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



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Release Parcel

Remaining Easement

Exhibit "A"



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Attachment: Zehnder Maps_FDOT_Henderson_Creek (Resolution No. 2020 - 0804 : Partial Release of Easement, Henderson Creek Canal,



MEMORANDUM

TO: Governing Board Members

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

DATE: August 13, 2020

SUBJECT: Water Sampling and Access License Agreement, Miles Grant Country Club Inc., Martin County

Agenda Item Background:

In connection with the District's ongoing efforts to improve and document its right of access to and use of water monitoring and water sampling sites, this Water Sampling and Access License Agreement ("License Agreement") will allow the South Florida Water Management District ("District") access for the purpose of monitoring regional water quality by collecting data from a privately owned Floridan aquifer production well (MF-31) on property owned by Miles Grant Country Club, Inc. ("Miles Grant") as shown in the attached Exhibits "A-1" and "A-2". The MF-31 well is 1,091 feet deep and is active and operated by Miles Grant. The District and Miles Grant have agreed upon the terms and conditions of this no cost License Agreement, and Miles Grant has executed and delivered the License Agreement to the District. The term of the License Agreement is perpetual and terminates only upon a 180-day notice from either party. Pursuant to Section 140-84(c) of the District's Policies and Procedures, any right of entry/license agreement which grants the District the right to enter lands owned by others to conduct specific activities and which exceeds one year in duration, shall require Governing Board approval.

Core Mission and Strategic Priorities:

The well is part of the regional monitoring network used to monitor groundwater levels and water quality throughout the Upper East Coast region. The data collected from this network supports the evaluation and assessment of the Floridan aquifer system for future water supply and sustainability. By working with property owners to utilize their existing wells, the regional monitoring network can be expanded without constructing or maintaining new wells.

Funding Source:

The License Agreement is being obtained at no cost to the District. The well site improvements are owned and maintained by Miles Grant, so will require no funds from the District.

Staff Contact and/or Presenter:

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

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0805

A Resolution of the Governing Board of the South Florida Water Management District (“District”) to approve, for the purpose of monitoring regional water quality, the acquisition of a Water Sampling and Access License Agreement, at no cost, to collect data from an aquifer production well on property owned by Miles Grant Country Club, Inc., in Martin County; providing an effective date.

WHEREAS, for the purpose of monitoring regional water quality, the District desires to acquire a water sampling license agreement, at no cost, to collect data from a Floridan aquifer production well on property owned by Miles Grant Country Club, Inc. in Martin County for a term commencing immediately and continuing perpetually, unless otherwise terminated by either party; and

WHEREAS, the District, pursuant to Section 373.139, Florida Statutes, is authorized to acquire land, or interests or rights in land.

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, for the purpose of monitoring regional water quality, hereby approves the acquisition and acceptance of a Water Sampling and Access License Agreement, at no cost, to collect data from a Floridan aquifer production well on property owned by Miles Grant Country Club, Inc. in Martin County, as shown on the attached Exhibits “A-1” and “A-2”. The term of the License Agreement is perpetual, unless otherwise terminated by a party.

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

PASSED and ADOPTED this 13th day of August, 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-2"

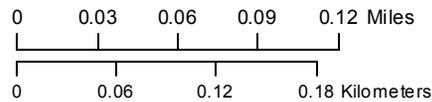


Schaeffer_Exhibit A-2_Water_Monitoring_Site_Miles_Grant (Resolution No. 2020 - 0805 :

Miles Grant (Martin County) - Water Sampling License Agreement - MF-31



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



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Attachment

M E M O R A N D U M

TO: Governing Board Members

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

DATE: August 13, 2020

SUBJECT: Comprehensive Everglades Restoration Plan Biological Control Implementation Project

Agenda Item Background:

District staff is requesting Governing Board approval to enter into a five-year agreement with the U.S. Department of Agriculture (USDA) Agricultural Research Service (ARS) to fund ongoing operations at the ARS Biological Control Center located in Davie, FL. Work performed under this agreement supports ongoing operations of the CERP Biological Control Implementation Project (Project). The Project seeks to improve control of the most aggressive, widespread, and problematic invasive exotic plants in South Florida, including Brazilian pepper and Old World climbing fern, by introducing federally-approved biological controls from the invasive species' country of origin that will serve to control the exotics while not harming native vegetation. Use of biological controls is one of the components of the District's integrated pest management approach to invasive species control.

The United States Army Corps of Engineers (USACE) and the District entered into a Project Partnership Agreement for the Project, dated July 30, 2010, which provides for the USACE to reimburse the District for 50% of the not-to-exceed value of \$3,307,680 for the five-year agreement. This proposed agreement is a continuation of the Project, now entering its ninth year in operation.

Core Mission and Strategic Priorities:

Containment of highly invasive weeds, such as melaleuca and Old-World climbing fern, is a priority for the restoration and preservation of the South Florida ecosystem. Cost effective control tools for the many established invasive species are needed to help ensure long-term sustainability of natural resource management programs. Using an integrative pest management approach that includes biological controls can result in reduced herbicide use and greater long-term control of non-indigenous plant species in Florida's natural areas.

Funding Source:

This is a five-year interagency agreement using Ad Valorem funds in the amount of \$3,307,680, subject to Governing Board approval of future years budgets.

Staff Contact and/or Presenter:

Francois Laroche, flaroche@sfwmd.gov, 561-682-6193

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0806

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a five-year agreement with the United States Department of Agriculture - Agricultural Research Service for the Comprehensive Everglades Restoration Plan Biological Control Implementation Project in the amount of \$3,307,680 for which Ad Valorem funds are subject to Governing Board approval of the Fiscal Year 2020-2021 Adopted Budget and Governing Board approval of future years budgets; providing an effective date. (Contract No. 4600004274)

WHEREAS the Governing Board of the South Florida Water Management District deems it necessary, appropriate and in the public interest to enter into a five-year contract (Contract No. 4600004274) with United States Department of Agriculture - Agricultural Research Service for the Comprehensive Everglades Restoration Plan (CERP) Biological Control Implementation Project in an amount not to exceed \$3,307,680 and is subject to Governing Board approval of the Fiscal Year 2020-2021 Adopted Budget and Governing Board approval of future years budgets.

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes entering into an agreement with United States Department of Agriculture - Agricultural Research Service for CERP Biological Control Implementation Project. (Contract No. 4600004274)

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

PASSED and ADOPTED this 13th day of August, 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:



Old World climbing fern, *Lygodium microphyllum* invading a cypress stand

What are the Benefits of Biological Control?

Biological control is both cost-effective and sustainable, and can be integrated with chemical, mechanical, and cultural control methods. Unlike these other methods, however, biological control can permanently transform weeds into less invasive forms, making them more vulnerable to herbicides, fire, and frost. As a result, less pesticide is applied into the environment thereby decreasing costs and reducing risks. Biological control contributes to the recovery and rehabilitation of natural ecosystems by promoting native species, including threatened and endangered plants and animals. Additional benefits of this research include reducing the recurrent costs of invasive plant control, protecting water and food supplies, and improving water management.

A Biological Control Example



Study showing *Melaleuca quinquenervia* recovery after fire with biological control agents present (left) and absent (right)



For additional information and tour scheduling please contact our main office at 954-475-6540

USDA Invasive Plant Lab
3225 College Ave
Ft. Lauderdale, FL, 33314



<https://www.ars.usda.gov/southeast-area/fort-lauderdale-fl/>



Agricultural Research Service

The Invasive Plant Research Laboratory



The melaleuca weevil, *Oxyops vitiosa*

Developing biological solutions to weed problems in natural and agricultural systems



An air potato (*Dioscorea bulbifera*) infestation



Air potato beetles, (*Lilioceris cheni*), controlling air potato



A diverse, native Florida Everglades habitat

What are Invasive Weeds?

Invasive weeds are non-native plants that threaten natural and managed ecosystems throughout the U.S. They negatively alter habitats of threatened and endangered species, radically change water and fire dynamics, and outcompete and damage crops.

How Safe is Biological Control?

Very safe. Intensive host range evaluations are conducted using highly predictive tests to determine the safety of imported natural enemies. Worldwide, of the nearly 400 insects, mites, and fungal species released for control of exotic weeds, only 2 caused damage to non-target plants; both of which were predicted from host range testing.

Why Protect Natural Systems from Weeds?

Natural systems provide many ecological, economic, and social benefits including reducing flooding, conserving biological and genetic diversity, increasing water quality and quantity, producing food, and providing recreation. These habitats are valuable: an acre of wetland returns a value of \$36,518 annually. Without long-term sustainable management of invasive weeds like melaleuca, Old World climbing fern, and waterhyacinth, large parts of the country, including the Everglades ecosystem, will be permanently degraded. This will result in significant losses in biodiversity along with reduced water availability for agricultural and urban needs. Herbicides and mechanical removal can be expensive solutions as they must be applied in perpetuity, plus they often produce collateral damage to native plants.

What is Biological Control?

Invasive weeds often leave their natural enemies behind when they invade new areas. Biological control reunites weeds with their original natural enemies and can produce landscape-level and permanent suppression of the weed. To date, the USDA Invasive Plant Research Laboratory (IPRL) has developed and deployed 25 insects against nine weed species.

How Effective is Biological Control?

Biological control rarely controls a weed completely. Most successful programs weaken the weed while reducing the scale of the problem. This approach returns \$16-\$35 for every \$1 invested. Biological control agents on melaleuca reduce tree biomass by 77%, seed production by 95%, growth rate by 50%, thin field populations by 47%, and make the tree 36% more susceptible to fire and 30-40% more susceptible to herbicides.

M E M O R A N D U M

TO: Governing Board Members

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

DATE: August 13, 2020

SUBJECT: Pump Stations G-310, G-335, S-319 and S-362 Control Panel Upgrade Project, Palm Beach County

As part of the Operations and Maintenance Capital Improvement Program, the Control Panel Upgrade Project is for the G-310, G-335, S-319 and S-362 pump stations, located in Palm Beach County. These pump stations enable STA1E, STA1W and STA 2 to function, providing water quality improvement for stormwater runoff prior to discharge into the Central Everglades.

The purpose of the project is to upgrade and modernize a total of eighteen (18) engine control systems' programmable logic controllers within the four pump stations to allow implementation of security measures as recommended by Homeland Security. The Original Equipment Manufacturer (OEM) is being utilized to facilitate equipment upgrade and to ensure equipment operability and reliability.

Benefits of sourcing OEM:

- Overall project will eventually standardize control panels for all Fairbanks Morse engines across District pump stations.
 - Allows for standardization of spare parts, tools, and equipment.
 - Allows operators to use consistent control screens and operational settings.
 - Allows technicians to troubleshoot & maintain standardized control systems.
- The Fairbanks Morse vintage engine control systems are difficult for other contractors to work on as they are not familiar with the equipment and programming necessary for operation of these engines.

Engine control systems:

Control Panel Upgrades would be implemented with the highest technology offered from the Allen Bradley Control Logix control systems which leverage high-reliability and security in extreme environment applications. The engine control panels are essential to operate the main engines, gearboxes, axial pumps and auxiliary systems. These systems support equipment such as:

- Fairbanks Morse 6- and 10-cylinder opposed-piston technology engines with horsepower ratings from 800 to 1,600 HP.
- Philadelphia right-angle speed-reducing gearboxes.
- Flowserve vertical, axial-flow pumps rated at 470 cfs to 950 cfs.

- Auxiliary systems, including cooling water pumps, vacuum pumps, lubrication water pumps, and instrumentation & control safety interlocks.

Best price for services is ensured:

- Scope of work is reviewed and negotiated to guarantee only the items necessary for a successful project are included.
- Cost proposal for services is reviewed and negotiated to assure labor rates and hours charged are representative of the level of effort necessary to complete each task.
- Economy of scale for upgrading similar pump stations together.
- Eliminates the requirement for a traditional design package, including plans and specifications. Providing an estimated savings of \$800,000.

Regulatory requirements:

- Everglades Settlement Agreement.
- State National Pollutant Discharge Elimination System (NPDES) Permit.
- Guidelines under America's Water Infrastructure Act of 2018.
- Recommendations from Homeland Security - Cybersecurity and Infrastructure Security Agency.

This project will address one pump station each fiscal year and will be accomplished in two phases for each pump station. Phase 1 involves design, build and testing of control panel upgrades, and will take 4-5 months. Phase 2 includes installation, startup and commissioning of the control panel upgrades, and will take the following 2 months and must be completed during the dry season.

Staff Contact and/or Presenter:

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

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0808

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into purchase order agreements with Fairbanks Morse LLC, the original equipment manufacturer of each engine control panel at Pump Stations G-310, G-335, S-319 and S-362, for the design, build, test, installation, startup and commissioning for the Control Panel Upgrade Project for an amount not-to-exceed \$4,000,000 for which \$1,300,000 in Ad Valorem funds are subject to Governing Board approval of the Fiscal Year 2020-2021 Adopted Budget and the remainder 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 entering into purchase order agreements with Fairbanks Morse LLC, the original equipment manufacturer, for the Engine Control Panel Upgrade Project at Pump Stations G-310, G-335, S-319 and S-362, for an amount not-to-exceed \$4,000,000 subject to Governing Board approval of the Fiscal Year 2020-2021 Adopted Budget and the remainder is subject to Governing Board approval of future years budgets.

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes entering into purchase order agreements for the Control Panel Upgrade Project, for an amount not-to-exceed \$4,000,000.

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

PASSED and **ADOPTED** this 13th day of August, 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:

G310, G335, S319, S362



Attachment: GB# 5191 G310 G335 S319 S362 Location Map (Resolution No. 2020 - 0808 : Pump Stations G-310, G-335, S-319 and S-362 Control

MEMORANDUM

TO: Governing Board Members

FROM: Carolyn S. Ansay, General Counsel

DATE: August 13, 2020

SUBJECT: Concurrence on Emergency Orders 2020-026-DAO; 2020-027-DAO; and 2020-028-DAO, and Order 2020-030-DAO (Staff contacts, Jennifer Smith and Carolyn Ansay)

Agenda Item Background:

To prepare for and respond to Hurricane Isaias, the District issued Emergency Orders 2020-026-DAO; 2020-027-DAO; and 2020-028-DAO on July 31, 2020. These Orders enable the District to continue to perform public work, and take prudent action to ensure the health, safety, and welfare of the community during and after a significant storm event impacting the District. On August 6, 2020, District Order 2020-030-DAO terminated Emergency Order 2020-027-DAO. This item requests the Governing Board's concurrence with issuance of Emergency Orders 2020-026-DAO; 2020-027-DAO; and 2020-028-DAO and Order 2020-030-DAO in compliance with section 373.119(2) of the Florida Statutes, and any subsequent termination orders.

Staff Contact and/or Presenter:

Jennifer Smith, jsmith@sfwmd.gov, 561-682- 6285
Carolyn Ansay, cansay@sfwmd.gov, 561-682-6232

9:14 am Aug 1, 2020

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

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



IN THE MATTER OF:

SFWMD ORDER NO. 2020-026-DAO

**EMERGENCY AUTHORIZATION FOR
REPAIRS, REPLACEMENT,
RESTORATION, AND CERTAIN OTHER
MEASURES MADE NECESSARY
BY HURRICANE ISAIAS**

_____ /

EMERGENCY FINAL ORDER

Under the authority of the State of Florida Executive Order No. 20-181, attached as Exhibit A, and section 120.569(2)(n) of the Florida Statutes, the South Florida Water Management District ("SFWMD"), enters this Order authorizing repairs, replacement, restoration, and other emergency measures to address impacts associated with Hurricane Isaias ("the Hurricane").

FINDINGS OF FACT

1. On July 31, 2020, the Governor of Florida issued Executive Order 20-181 ("the Executive Order") declaring a state of emergency based upon the serious threat to the public health, safety, and welfare posed by the Hurricane, which exists for the following counties in the State of Florida within the SFWMD's jurisdiction: Broward, Martin, Miami-Dade, Monroe, Okeechobee, Orange, Osceola, Palm Beach, and St. Lucie.

2. The Hurricane is expected to cause widespread damage and pose an immediate danger to the lives and property of persons within the SFWMD's jurisdiction. The Emergency Order declares that a state of emergency exists in the following counties within the following counties within the SFWMD's jurisdiction: Broward, Martin, Miami-Dade,

Attachment: 2020_026_DAO_Emergency_Order_Hurricane_Isaias_Repair_Replace (5205 : Concurrence on Emergency Orders 2020-026-DAO;

Monroe, Okeechobee, Orange, Osceola, Palm Beach, and St. Lucie (“Emergency Areas”). Additionally, the Hurricane is expected to constitute a significant rain event that will impact the entire SFWMD jurisdiction.

3. The Executive Order found that the special duties and responsibilities of some agencies in responding to disasters may require them to deviate from the statutes and rules they administer. Moreover, the Executive Order permits an agency, such as the SFWMD, to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business, or the orders or rules of the 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.

4. As a result of the Hurricane, immediate action by Florida's citizens and government is necessary to repair, replace, and restore structures, equipment, surface water management systems, works, and operations damaged by the Hurricane.

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

ULTIMATE FACTS AND CONCLUSIONS OF LAW

6. The District issues this Order to carry out the directives in the Executive Order. Additionally, the SFWMD has authority to issue this 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, and in order to protect the public's immediate health, safety, and welfare, it is both reasonable and appropriate that the

suspension of statutes and rules described herein is required in order not to prevent, hinder, or delay necessary action in coping with the emergency.

ORDER

THEREFORE IT IS ORDERED that within the Emergency Areas, the following authorizations apply:

1. *Definitions*

a. For the purposes of this Order, the term “structures” includes the following when such structures are within the SFWMD’s jurisdiction: utility infrastructure, including wastewater treatment plants, substations, lift stations, solid and hazardous waste facilities, utility lines (including transmission and distribution), poles, towers, support structures, cables, conduits, outfalls, intake structures, and pipelines; roads, bridges, culverts, driveways, sidewalks, bike paths, and other similar public and private infrastructure; public, private, and commercial habitable and non-habitable buildings, and structures ancillary to these buildings, such as garages, cabanas, storage sheds, bath houses, pools, and decks; piers (including docks, boardwalks, observation platforms, boat houses, and gazebos), and pilings; shore-stabilization structures, such as seawalls, bulkheads, revetments, breakwaters, and groins; and fences, signs and billboards; and buoys, navigational aids, and other channel markers.

b. For the purposes of this Order, the term “works” includes ditches, canals, drainage systems, ponds, swales, and other surface water conveyances; wet or dry detention or retention areas, dams, weirs, dikes, and levees; and underdrains, outfalls, and associated water control structures.

2. *Environmental Resource, Dredge and Fill, SFWMD Right of Way Occupancy, and Other Surface Water Management Activities, and Coastal Construction Activities*

The following activities may be undertaken to repair, restore, or replace structures, land, works, and submerged contours to the configurations and conditions authorized or otherwise legally existing immediately prior to the Hurricane, subject to the limitations in this Order. This Order does not authorize the construction of structures that did not exist prior to the Hurricane, unless specifically authorized below.

Any damage to authorized structures or works may be repaired to the design that was originally authorized by the SFWMD. Minor deviations to upgrade structures or drainage systems to current standards also are authorized.

a. No Notice Required

The following activities may be conducted without notification to the SFWMD and must be commenced before the expiration of this Order or any of its Amendments:

(1) Temporary and permanent repair or restoration of structures and works to the conditions, dimensions, and configurations that were authorized by the SFWMD or otherwise legally existing immediately prior to the Hurricane. The repair and restoration activities shall not result in any expansion, addition, or relocation of the existing works, structures or systems. However, the use of different construction materials or minor deviations to allow upgrades to current structural and design standards are not precluded. Nothing in this paragraph shall be construed as an exemption for any party performing such repair or restoration to obtain after-the-fact permits or to modify the repair or restoration that was performed, as may be required by any federal agency.

(2) The restoration (regrading, dredging, or filling) by local, regional, and state governments of upland, wetland, works, and submerged land contours to the conditions and configurations that were authorized or otherwise legally existing immediately prior to the Hurricane, provided the restoration does not result in any expansion or addition of land or deepening of waters beyond that which existed immediately prior to the Hurricane, and subject to the following limits:

(a) The removal or deepening of plugs formerly separating canals from other waters is not authorized by this Order;

(b) In the case of dredging, all excavated material shall be deposited on a self-contained upland spoil site that is diked or otherwise sloped or designed to prevent any discharge into wetlands or other surface waters, except where such dredged material is used to restore bottom contours and shorelines, excluding sandy beaches fronting the Gulf of Mexico or the Atlantic Ocean, to the conditions existing immediately prior to the Hurricane. In addition, excavated material shall not be deposited in any location that would obstruct SFWMD operations and/or maintenance;

(c) In the case where upland or dredged material is placed in water to restore pre-existing conditions, only clean material (i.e., free from debris and pollutants) from the previous uplands may be used in the restoration, and no change (from pre-existing conditions) in the slope of the land or the type, nature, or configuration of any pre-existing shoreline stabilization materials is authorized. For example, sloping revetments cannot be replaced with vertical seawalls, and rock riprap cannot be replaced with interlocking blocks;

(d) Best management practices and devices such as hay bales, mulch, and floating turbidity screens shall be used to prevent violations of state water quality standards for turbidity during the performance of restoration activities in accordance with the guidelines and specifications in The Florida Stormwater, Erosion, and Sediment Control Inspector's Manual (Florida Department of Environmental Protection and Florida Department of Transportation, Sixth Impression, July 2018) <http://www.floridadep.gov/dear/florida-stormwater-erosion>, and the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (HydroDynamics Incorporated in cooperation with Stormwater Management Academy, July 2013) <https://www.fdot.gov/programmanagement/implemented/urlinspecs/flerosionsedimentmanual.shtm>). Best management practices shall also be used to prevent erosion and retain sediment of all newly established or restored exposed shorelines during and after the restoration activities, which may include methods such as planting of temporary and permanent vegetation and placing of clean natural rock or concrete rubble riprap;

(e) Any fill that is deposited to restore a former shoreline, and any riprap that is used to stabilize a shoreline, must not be placed any farther waterward than the toe of the slope of the shoreline that legally existed immediately prior to the Hurricane. If the pre-Hurricane shoreline was stabilized with a functioning seawall or riprap, the seawall or riprap may be restored at its former location or within 18 inches (if, within an aquatic preserve, then one foot) waterward of the location where the seawall or riprap legally existed immediately prior to the Hurricane, as measured from the face of the existing seawall slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap; and

(f) This shall not constitute authorization to fill submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund.

(3) Removal of debris, including sunken or grounded vessels, vegetation, and structural remains that have been deposited into waters, wetlands, or uplands by the Hurricane if such removal will not result in filling of wetlands or other surface waters or dredging that creates or expands surface waters. All removed materials must be deposited on self-contained uplands and must be managed in accordance with other provisions of this Order.

b. Field Authorization Required for *Environmental Resource, Dredge and Fill, SFWMD Right of Way Occupancy, and Other Surface Water Management Activities, and Coastal Construction Activities*

(1) SFWMD personnel may issue field authorizations for:

(a) the replacement of works or structures that are no longer intact;

(b) regrading, dredging, or filling of the contours of uplands, wetlands, works, and submerged bottoms, by parties other than local, regional, or state governments;

(c) removal of debris, including sunken or grounded vessels, vegetation, and structural remains, that has been deposited into waters, wetlands, or uplands by the Hurricane, and the removal of which requires filling of wetlands or other surface waters, or requires dredging that creates or expands wetlands or other surface waters. Any wetlands or other surface waters that are dredged or filled to affect such removal must be restored to the contours and conditions that existed immediately prior to the Hurricane; and

(d) other activities SFWMD personnel determines, in writing or verbally, to have the potential to result in only minimal adverse individual or cumulative impact on water resources, water quality, and SFWMD's property interests, including rights of way.

(2) Field authorizations may be issued only to restore works, structures and property to authorized or otherwise legally existing conditions that existed immediately prior to the Hurricane, or to a more environmentally compatible design than existed immediately prior to the Hurricane, as determined by SFWMD in writing or verbally.

(3) Field authorizations may be requested by providing a notice to the local office of the SFWMD containing a description of the work requested, the location of the work, and the name, address, and telephone number of the owner or representative of the owner who may be contacted concerning the work. SFWMD staff may also issue field authorizations without prior notice. Field authorizations may include specific conditions for the construction, operation, and maintenance of the authorized activities. Failure to comply with the conditions of the field authorization may result in enforcement actions by SFWMD. SFWMD staff shall create and maintain written records of all field authorizations.

(4) Other activities not described above shall be regulated in accordance with Part IV of Chapter 373 of the Florida Statutes and the rules adopted thereunder.

3. *Right of Way (ROW)*

The following activities may be conducted without prior notice to the SFWMD:

a. All encroachments on SFWMD ROWs authorized pursuant to Chapter 40E-6 of the Florida Administrative Code may be replaced or repaired as necessary if the replacement and restoration activities do not result in any expansion,

addition, or relocation of the authorized encroachments and comply with the provisions set forth in Section 2 of this Order.

b. Local, federal, and state governments in emergency vehicles may use the SFWMD ROWs for emergency access. Utility companies and local, state, and federal governments may access the ROWs to repair structures and to restore utilities during the term of this Order without any requirement for notice to the SFWMD.

c. Use of works upon the SFWMD right of way which are not authorized by the issuance of a Right of Way Occupancy Permit prior to the effective date of this Order shall be prohibited unless otherwise determined to be necessary as an emergency repair or restoration for the benefit of public health, safety and welfare by the Executive Director or his/her designee. In such case, the party proposing to perform the emergency repair or restoration (Applicant) shall contact the District and request issuance of a field authorization so that the appropriate emergency actions can be performed. The Applicant shall be responsible for complying with all terms of the field authorization, including, but not limited to, securing an after-the-fact Right of Way Occupancy Permit, obtaining Section 408 authorization from the U.S. Army Corps of Engineers, modifying the emergency actions if required to do so by SFWMD, federal or other agency permits, and documenting the emergency actions performed.

d. This Order does not authorize placing trash or debris, including vegetation, on any SFWMD ROW.

e. In the event any such repair or restoration occurs on the SFWMD right of way pursuant to paragraph 2.a., above, documentation shall be provided upon completion to the SFWMD which includes the party that performed the work, the dates

work was performed, the scope of work performed and the materials and methods employed.

4. Authorization to Use Submerged Lands Owned by the State

Pursuant to Chapters 253, 258, Fla. Stat., and 62-330.075, Fla. Admin. Code, the SFWMD issues proprietary authorizations to use state-owned submerged lands when the ERP activity permitted by SFWMD occurs on land for which an environmental resource permit is issued by the SFWMD (“SLERP authorization”).

a. Except as otherwise provided in this Order, authorization to use sovereign submerged lands is hereby granted for the repair, replacement, or restoration of the activities and structures located on submerged lands owned by the State when such activities have a previously issued SLERP authorization. This authorization is subject to the provisions and limitations of paragraph 2. above, and is only granted for activities for which a SLERP authorization was obtained prior to the Hurricane. The structures and activities authorized under this Order shall be repaired, restored, or replaced in the same location and configuration as was authorized in the SLERP authorization.

b. This Order does not authorize the reconstruction or repair of unauthorized structures that failed to qualify for the grandfathering provisions of Chapter 18-21 of the Florida Administrative Code.

5. General Conditions

a. All activities conducted under this Order shall be performed using appropriate best management practices. For activities conducted in or discharging to wetlands or other surface waters, best management practices include properly installed

and maintained erosion and turbidity control devices to prevent erosion and shoaling, to control turbidity, to prevent violations of state water quality standards, and to protect the functions provided by wetlands and other surface waters to fish, wildlife, and listed species.

b. The authorizations in this Order shall not apply to structures and associated activities in the Emergency Areas that were not properly authorized by all applicable agencies before the passage of the Hurricane.

c. All activities shall be accomplished so as not to disturb marked marine turtle nests or known nest locations, or damage existing native salt-tolerant or submerged vegetation.

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

e. This Order serves as relief for the duration of the Order from the regulatory and proprietary requirements of the SFWMD only, and does not provide relief from the requirements of other federal, state, water management districts, and local agencies. This Order does not negate the need to obtain any other required permits or authorizations.

f. All structures that are rebuilt shall be rebuilt in accordance with all applicable local, state, and federal building standards and requirements of the Federal Emergency Management Act (FEMA).

g. It is recommended that, where possible, owners of property should maintain documentation (such as photos) of the condition of the structures or lands as

they existed prior to initiating any activities authorized under this Order, and should provide such documentation if requested to do so.

h. This Order does not provide relief from any of the requirements of Chapter 471 of the Florida Statutes regarding professional engineering.

6. General Limitations

The SFWMD issues this Order solely to address the emergency created by the Hurricane. This Order shall not be construed to authorize any activity within the jurisdiction of the SFWMD except in accordance with the express terms of this Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise.

7. Suspension of Statutes and Rules

Pursuant to the authorities in the Executive Order, the following provisions of statutes and rules are hereby suspended for the activities authorized by this Order for the duration of this Order:

a. All requirements for permits, leases, consent of uses or other authorizations, including, but not limited to, provisions in Chapters 120, 161, 253, 258, 373, 376, and 403 of the Florida Statutes, and Rules adopted thereunder;

b. All notice requirements, including, but not limited to, notice provisions in Chapters 120, 161, 253, and 373 of the Florida Statutes, and Chapters 18-18, 18-20, 18-21, 40E-0, 40E-1, 40E-6, and 62-330 of the Florida Administrative Code;

c. All application fee, lease fee, and easement fee requirements, including, but not limited to, provisions in Chapters 161 and 373 of the Florida Statutes

and Chapters 18-18, 18-20, 18-21, 40E-1, 40E-2, 40E-6, and 62-330 of the Florida Administrative Code, provided, however, that such lease and easement fees shall be suspended only in proportion to the percentage loss of functionality of the total area under lease or easement, and only for the duration of this Order unless otherwise provided in a field authorization issued under paragraph 2 above. The duration of the suspension of lease and easement fees under a field authorization may be extended on a showing that contractors or supplies are not available to commence the necessary repairs or replacement, or if additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers; and

8. *Completion of Authorized Activities*

All activities authorized under this Order must be commenced before the expiration of this Order unless otherwise provided in a field authorization or permit. The deadline for commencement under any field authorization or permit issued under this Order may be extended on a showing that contractors or supplies are not available to commence the work, or if additional time is needed to obtain any required authorization from the U.S. Army Corps of Engineers. Any Environmental Resource Permit, Surface Water Management Permit, Dredge and Fill Permit, and /or Right of Way Occupancy Permit activities that require a field authorization must be completed by the expiration date of the field authorization; activities not completed by that expiration date are subject to the regulatory and proprietary authorizations required prior to the execution of this Order.

9. Expiration Date

This Order shall take effect immediately upon execution by the Executive Director of the SFWMD, and shall expire on August 30, 2020, unless otherwise extended or terminated by the Executive Director or Governing Board.

10. Violation of Conditions of Emergency Final Order

Failure to comply with any condition set forth in this Order shall constitute a violation of Chapters 120, 161, 253, 258, 373, 376, and 403 of the Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

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 31st day of July 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 20-181 (Emergency Management – Hurricane Isaias)

WHEREAS, as of 12:00 AM on July 31, 2020, the National Hurricane Center reported that Tropical Storm Isaias has strengthened into a Category 1 Hurricane as it approached the Bahamas; and

WHEREAS, as of 5:00 AM on July 31, 2020, the National Hurricane Center reported Hurricane Isaias has maximum sustained winds of 80 miles per hour; and

WHEREAS, the National Hurricane Center predicts Hurricane Isaias will intensify into a Category 2 Hurricane as it approaches the Florida Peninsula and the Atlantic Coast; and

WHEREAS, there are currently Tropical Storm watches in effect from the Sebastian Inlet to Ocean Reef, including Lake Okeechobee; and

WHEREAS, there is a risk of dangerous storm surge, heavy rainfall, flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity for portions of Florida's Peninsula; and

WHEREAS, a Public Health Emergency currently exists in the State of Florida as a result of Novel Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the threat posed by Hurricane Isaias requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to Florida and its people by this emergency; and,

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 and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, I declare that a state of emergency exists in the following counties: Brevard, Broward, Clay, Duval, Flagler, Indian River, Martin, Miami-Dade, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Putnam, Seminole, St. Johns, St. Lucie, and Volusia.

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. 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. Invoke and administer the Emergency Management Assistance Compact (“EMAC”) (sections 252.921-252.9335, Florida Statutes) and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as best to meet this emergency.

B. 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.

C. Direct all state, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the response, recovery, and mitigation needs created by this emergency, and to place all such personnel under the direct command and coordination of the State Coordinating Officer to meet this emergency.

D. Direct the State Coordinating Officer to direct the actions of any state agency as necessary to implement the Federal Emergency Management Agency's National Disaster Recovery Framework.

E. Designate additional Deputy State Coordinating Officers and Deputy State Disaster Recovery Coordinators, as necessary.

F. 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.

G. 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.

H. The State of Florida is currently responding to the Novel Coronavirus Disease 2019 (COVID-19) and the entire state is under a state of emergency. As required by CDC guidelines, Florida has adopted safe social distancing measures through the use of non-congregate shelters for evacuations and sheltering during hurricane season to limit general population

sheltering. I authorize the State Coordinating Officer to activate agreements with hotels for non-congregate sheltering to the extent necessary to protect evacuees from exposure to, and transmission of, COVID-19. All Counties are encouraged to accept evacuees from other jurisdictions into their non-congregate shelters to allow for the State of Florida to practice safe social distancing measures.

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(5)(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 or designee. The requirements of sections 252.46 and 120.54(4), 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 of this Order.

C. 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) Following local procurement and contracting policies;
- 3) Entering into contracts; however, political subdivision are cautioned against entering into time and materials contracts without a ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);
- 4) Incurring obligations;
- 5) Employment of permanent and temporary workers;
- 6) Utilization of volunteer workers;
- 7) Rental of equipment;
- 8) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,
- 9) Appropriation and expenditure of public funds.

D. All agencies whose employees are certified by the American Red Cross as disaster service volunteers within the meaning of section 110.120(3), Florida Statutes, may release any such employees for such service as requested by the Red Cross to meet this emergency.

E. The Secretary of the Florida Department of Transportation (DOT) may:

1) Waive the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such waiver may be needed to provide emergency assistance or facilitate the evacuation of the affected counties;

2) Reverse the flow of traffic or close any and all roads, highways, and portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties that the State Coordinating Officer may designate as destination counties for evacuees in this emergency;

3) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

4) Waive the hours of service requirements for such vehicles;

5) Waive by special permit the warning signal requirements in the Utility Accommodations Manual to accommodate public utility companies from other jurisdictions which render assistance in restoring vital services; and,

6) Waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services, supplies, and agricultural commodities and citrus as recommended by the Commissioner of Agriculture, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency. The DOT shall

issue permits and such vehicles shall be subject to such special conditions as the DOT may endorse on any such permits.

Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, or relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Executive Order, or from any statute, rule, order, or other legal requirement not specifically waived or suspended herein or by supplemental order by the State Coordinating Officer;

F. The Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) may:

- 1) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;
- 2) Waive the hours of service requirements for such vehicles;
- 3) Suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to chapter 207, Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services;
- 4) Waive fees for duplicate or replacement vessel registration certificates, vessel title certificates, vehicle license plates, vehicle registration certificates, vehicle tag certificates, vehicle title certificates, handicapped parking permits, replacement drivers' licenses,

and replacement identification cards and to waive the additional fees for the late renewal of or application for such licenses, certificates, and documents due to the effects of adverse weather conditions; and,

5) Defer administrative actions and waive fees imposed by law for the late renewal or application for the above licenses, certificates, and documents, which were delayed due to the effects of adverse weather conditions, including in counties wherein the DHSMV has closed offices, or any office of the County Tax Collector that acts on behalf of the DHSMV to process renewals has closed offices due to adverse weather conditions.

Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. 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.

H. 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 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.

I. All State agencies may abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes or rules under which such application are deemed to be approved unless disapproved in writing by specified deadlines, and all such time requirements that have not yet expired as of the date of this Executive Order are suspended and tolled to the extent needed to meet this emergency.

J. All agencies shall implement its Select Exempt Services (SES) Extraordinary Payment Plans and Career Service Regular Compensatory Leave Payment Plans for:

- 1) All essential agency personnel who are required work extraordinary hours when state-owned or state-operated facility are closed in response to an emergency condition;
- 2) All agency personnel who are assigned to the State Emergency Operations Center and are required to work extraordinary hours;
- 3) All agency personnel who are deployed throughout the state in response to an emergency condition and are required to work extraordinary hours.

K. All State agencies may waive the forty-day time limit to issue a warrant pursuant to section 215.422 (3)(b), Florida Statutes. This waiver applies invoices and reimbursement requests that were received, inspected, and approved by the agency within forty days of the issuance of this Executive Order. This waiver applies to all invoices and

reimbursements arising from the state of emergency. This waiver of section 215.422(3)(b), Florida Statutes, and all waivers based upon this waiver shall expire sixty days following the issuance of this Executive Order.

L. Section 934.50, Florida Statutes, is waived for state and local agencies conducting emergency operations arising from the state of emergency for the limited purpose of capturing aerial evidence concerning the amount of damage sustained to private and public property; assist in search, rescue, and recovery activities; and prevent imminent danger to life or serious damage to property. This waiver of section 215.422 (3)(b), Florida Statutes, and all waivers based upon this waiver shall expire thirty days following the issuance of this Executive Order with no extension.

Section 5. All public facilities, including elementary and secondary schools, community colleges, state universities, and other facilities owned or leased by the state, regional or local governments that are suitable for use as public shelters shall be made available at the request of the local emergency management agencies to ensure the proper reception and care of all evacuees. Under the authority contained in section 252.36, Florida Statutes, I direct the Superintendent of each public school district in the State of Florida to report the closure of any school within its district to the Commissioner of the Florida Department of Education. Furthermore, I direct the Commissioner of the Department of Education to:

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

Section 6. 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 may be inadequate to pay the costs of coping with this disaster. 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 7. 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 8. 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 9. Pursuant to section 501.160, Florida Statutes, it is unlawful and a violation of section 501.204, Florida Statutes, for a person to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency.

Section 10. Under the authority contained in sections 252.36(5)(a), (g), and (m), Florida Statutes, I direct that, for the purposes of this emergency, the term “essentials”, as defined by section 252.359(2), Florida Statutes, shall be the same as and no more expansive than the term “commodity”, as defined by section 501.160(1)(a), Florida Statutes (hereinafter referred to collectively or alternatively as “essential commodities”). Accordingly, any person who delivers essential commodities to a location in the area(s) declared to be under a state of emergency by this

Executive Order, and when necessary to ensure that those commodities are made available to the public, may travel within evacuated areas and exceed curfews, provided the State Coordinating Officer determines, after consultation with the appropriate Emergency Support Function(s), that:

- A. Law enforcement officials in the declared area(s) can provide adequate security to protect the essential commodities from theft;
- B. The weight of a delivery vehicle will not jeopardize the structural integrity of any roadway or bridge located within the declared area;
- C. Delivery vehicles will not negatively impact evacuation activities in the declared area(s); and,
- D. Delivery vehicles will not negatively impact any response or recovery activities occurring within the declared area(s).

After consulting with the appropriate Emergency Support Function(s), and after consulting with local officials, the State Coordinating Officer may dictate the routes of ingress, egress, and movement within the declared area(s) that drivers must follow when delivering essential commodities.

Provided he or she is actually delivering medications, any person authorized to deliver medications under chapter 893, Florida Statutes, qualifies as a person delivering essential commodities.

In order to qualify as a person delivering essential commodities under this section, a person must be in the process of delivering essential commodities only. If an individual is transporting both essential and non-essential commodities, then this section shall not provide any authorization for that individual to enter into or move within the declared area(s).

Section 11. Consistent with Executive Order 80-29, nothing in this Order shall prevent local jurisdictions in any area not declared to be under a state of emergency by this Executive Order from taking prompt and necessary action to save lives and protect the property of their citizens, including the authority to compel and direct timely evacuation when necessary.

Section 12. I authorize the Florida Housing Finance Corporation to distribute funds pursuant to section 420.9073, Florida Statutes, to any county, municipality, or other political subdivision located within the area(s) declared to be under a state of emergency by this executive order. The authority of the Florida Housing Finance Corporation to distribute funds under this state of emergency shall expire six months from the expiration of this Order, to include any extensions of this Order.

Section 13. All actions taken by the Director of the Division of Emergency Management 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 31st day of July, 2020

[Handwritten signature in blue ink]
GOVERNOR

ATTEST:

[Handwritten signature of Laurel M. Kee]
SECRETARY OF STATE

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2020 JUL 31 PM 12:35
FILED

Attachment: 2020_026_DAO_Emergency_Order_Hurricane_Isaias_Repair_Replace (5205 : Concurrence on Emergency Orders 2020-026-DAO;

Hurricane is expected to constitute a significant rain event that will impact the entire SFWMD jurisdiction.

3. The Executive Order found that the special duties and responsibilities of some agencies in responding to disasters may require them to deviate from the statutes and rules they administer. Moreover, the Executive Order permits an agency, such as the SFWMD, to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business, or the orders or rules of the 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 Hurricane and its effects.

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

ULTIMATE FACTS AND CONCLUSIONS OF LAW

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

6. Based on the above findings of fact, and in order to protect the public's immediate health, safety, and welfare, it is both reasonable and appropriate that the suspension of statutes and rules described herein is required in order not to prevent, hinder, or delay necessary action in coping with the Hurricane and its effects.

ORDER

THEREFORE, IT IS ORDERED that the following activities may be undertaken to address emergency flooding situations resulting from the Hurricane that require immediate action, subject to the limitations in this Order:

1. *On-Site Discharges – No Notice Required*

Internal movement of water from flooded areas within a project site to other areas within the same project site shall be allowed in the Emergency Areas during the course of this Order. No notice to the SFWMD is required. Examples of activities authorized by this paragraph include moving water from internal roadways, parking lots, swales, or other on-site areas to on-site surface water management ponds or lakes, or other areas on-site that would not directly discharge off-site. This Order does not authorize pumping or discharging of flood waters to off-site property, canals, or water bodies not completely on-site other than through permitted facilities, subject to permit requirement.

2. *Off-Site Discharges – Field Authorization Required*

Moving water from flooded project areas to areas off-site may be temporarily allowed only if approved by the SFWMD after a field inspection. Field authorizations shall be granted only if:

a. The off-site discharge is necessary to relieve flooding resulting from the Hurricane that poses an immediate threat to public health, safety, or welfare. Minor inconvenience flooding, such as standing water in roads, swales or yards, is not considered an immediate threat.

b. Field authorizations may be requested by providing a notice to the local office of the SFWMD containing a description of the discharge requested, the facilities and the

water stages, the rate of discharge and the discharge location of the flooded areas and receiving body, the location of the discharge, and the name, address, and telephone number of the owner or representative of the owner who may be contacted concerning the discharge. SFWMD staff may also issue field authorizations without prior notice. SFWMD staff shall create and maintain written records of all field authorizations.

3. *Operational Changes by Local Governments or 298 Districts – Notice Required*

Water Control Districts authorized under Chapter 298 of the Florida Statutes and local governments may, during the course of this Order, discharge water on-site or off-site in excess of SFWMD-permitted operational schedules to prepare for the impacts of the Hurricane and to mitigate flooding impacts resulting from the Hurricane if:

a. Notice is provided to the SFWMD's Emergency Operations Center. The notice shall:

(1) identify a responsive and responsible representative of the water control district or local government, including title and emergency contact information; and

(2) describe the facilities and the water stages, rate of discharge, and the discharge location of the flooded areas and receiving body.

b. Authorization for the excess discharges is granted, either orally or in writing, by SFWMD staff assigned by the SFWMD Emergency Operations Center to this function.

Local governments or 298 Districts operating under the emergency provisions of this Order shall immediately cease the excess discharge upon notification by the SFWMD to do so.

4. General Conditions

All activities authorized under paragraphs 1, 2, and 3 shall be conducted in accordance with the following conditions and requirements:

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

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

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

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

5. General Limitations

The SFWMD issues this Order solely to address the emergency created by the Hurricane. This Order shall not be construed to authorize any activity within the jurisdiction of the SFWMD except in accordance with the express terms of this Order.

6. *Suspension of Statutes and Rules*

The following provisions of statutes and rules are hereby suspended for the activities authorized by this Order for the duration of this Order:

a. All requirements for permits, leases, consent of uses or other authorizations, including, but not limited to, provisions in Chapters 120, 161, 253, 258, 373, 376 and 403 of the Florida Statutes, and Rules adopted thereunder;

b. All notice requirements, including, but not limited to, provisions in Chapters 120, 161, 253, and 373 of the Florida Statutes, and Chapters 18-18, 18-20, 18-21, 40E-0, 40E-1, 40E-6, and 62-330 of the Florida Administrative Code; and

7. *Expiration Date*

This Order shall take effect immediately upon execution by the Executive Director of the SFWMD, and shall expire on August 30, 2020, unless otherwise extended or terminated by the Executive Director or Governing Board.

8. *Violation of Conditions of Emergency Final Order*

Failure to comply with any condition set forth in this Order shall constitute a violation under Chapters 120, 161, 253, 258, 373, 376, and 403 of the Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

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 31st day of July 2020, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By:



Drew Bartlett
Executive Director

Attachment: 2020_027_DAO_Emergency_Order_Hurricane_Isaias_Pumping (5205 : Concurrence on Emergency Orders 2020-026-DAO; 2020-

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-181 (Emergency Management – Hurricane Isaias)

WHEREAS, as of 12:00 AM on July 31, 2020, the National Hurricane Center reported that Tropical Storm Isaias has strengthened into a Category 1 Hurricane as it approached the Bahamas; and

WHEREAS, as of 5:00 AM on July 31, 2020, the National Hurricane Center reported Hurricane Isaias has maximum sustained winds of 80 miles per hour; and

WHEREAS, the National Hurricane Center predicts Hurricane Isaias will intensify into a Category 2 Hurricane as it approaches the Florida Peninsula and the Atlantic Coast; and

WHEREAS, there are currently Tropical Storm watches in effect from the Sebastian Inlet to Ocean Reef, including Lake Okeechobee; and

WHEREAS, there is a risk of dangerous storm surge, heavy rainfall, flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity for portions of Florida's Peninsula; and

WHEREAS, a Public Health Emergency currently exists in the State of Florida as a result of Novel Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the threat posed by Hurricane Isaias requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to Florida and its people by this emergency; and,

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 and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, I declare that a state of emergency exists in the following counties: Brevard, Broward, Clay, Duval, Flagler, Indian River, Martin, Miami-Dade, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Putnam, Seminole, St. Johns, St. Lucie, and Volusia.

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. 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. Invoke and administer the Emergency Management Assistance Compact (“EMAC”) (sections 252.921-252.9335, Florida Statutes) and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as best to meet this emergency.

B. 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.

C. Direct all state, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the response, recovery, and mitigation needs created by this emergency, and to place all such personnel under the direct command and coordination of the State Coordinating Officer to meet this emergency.

D. Direct the State Coordinating Officer to direct the actions of any state agency as necessary to implement the Federal Emergency Management Agency's National Disaster Recovery Framework.

E. Designate additional Deputy State Coordinating Officers and Deputy State Disaster Recovery Coordinators, as necessary.

F. 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.

G. 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.

H. The State of Florida is currently responding to the Novel Coronavirus Disease 2019 (COVID-19) and the entire state is under a state of emergency. As required by CDC guidelines, Florida has adopted safe social distancing measures through the use of non-congregate shelters for evacuations and sheltering during hurricane season to limit general population

sheltering. I authorize the State Coordinating Officer to activate agreements with hotels for non-congregate sheltering to the extent necessary to protect evacuees from exposure to, and transmission of, COVID-19. All Counties are encouraged to accept evacuees from other jurisdictions into their non-congregate shelters to allow for the State of Florida to practice safe social distancing measures.

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(5)(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 or designee. The requirements of sections 252.46 and 120.54(4), 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 of this Order.

C. 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) Following local procurement and contracting policies;
- 3) Entering into contracts; however, political subdivision are cautioned against entering into time and materials contracts without a ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);
- 4) Incurring obligations;
- 5) Employment of permanent and temporary workers;
- 6) Utilization of volunteer workers;
- 7) Rental of equipment;
- 8) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,
- 9) Appropriation and expenditure of public funds.

D. All agencies whose employees are certified by the American Red Cross as disaster service volunteers within the meaning of section 110.120(3), Florida Statutes, may release any such employees for such service as requested by the Red Cross to meet this emergency.

E. The Secretary of the Florida Department of Transportation (DOT) may:

1) Waive the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such waiver may be needed to provide emergency assistance or facilitate the evacuation of the affected counties;

2) Reverse the flow of traffic or close any and all roads, highways, and portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties that the State Coordinating Officer may designate as destination counties for evacuees in this emergency;

3) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

4) Waive the hours of service requirements for such vehicles;

5) Waive by special permit the warning signal requirements in the Utility Accommodations Manual to accommodate public utility companies from other jurisdictions which render assistance in restoring vital services; and,

6) Waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services, supplies, and agricultural commodities and citrus as recommended by the Commissioner of Agriculture, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency. The DOT shall

issue permits and such vehicles shall be subject to such special conditions as the DOT may endorse on any such permits.

Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, or relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Executive Order, or from any statute, rule, order, or other legal requirement not specifically waived or suspended herein or by supplemental order by the State Coordinating Officer;

F. The Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) may:

- 1) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;
- 2) Waive the hours of service requirements for such vehicles;
- 3) Suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to chapter 207, Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services;
- 4) Waive fees for duplicate or replacement vessel registration certificates, vessel title certificates, vehicle license plates, vehicle registration certificates, vehicle tag certificates, vehicle title certificates, handicapped parking permits, replacement drivers' licenses,

and replacement identification cards and to waive the additional fees for the late renewal of or application for such licenses, certificates, and documents due to the effects of adverse weather conditions; and,

5) Defer administrative actions and waive fees imposed by law for the late renewal or application for the above licenses, certificates, and documents, which were delayed due to the effects of adverse weather conditions, including in counties wherein the DHSMV has closed offices, or any office of the County Tax Collector that acts on behalf of the DHSMV to process renewals has closed offices due to adverse weather conditions.

Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. 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.

H. 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 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.

I. All State agencies may abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes or rules under which such application are deemed to be approved unless disapproved in writing by specified deadlines, and all such time requirements that have not yet expired as of the date of this Executive Order are suspended and tolled to the extent needed to meet this emergency.

J. All agencies shall implement its Select Exempt Services (SES) Extraordinary Payment Plans and Career Service Regular Compensatory Leave Payment Plans for:

- 1) All essential agency personnel who are required work extraordinary hours when state-owned or state-operated facility are closed in response to an emergency condition;
- 2) All agency personnel who are assigned to the State Emergency Operations Center and are required to work extraordinary hours;
- 3) All agency personnel who are deployed throughout the state in response to an emergency condition and are required to work extraordinary hours.

K. All State agencies may waive the forty-day time limit to issue a warrant pursuant to section 215.422 (3)(b), Florida Statutes. This waiver applies invoices and reimbursement requests that were received, inspected, and approved by the agency within forty days of the issuance of this Executive Order. This waiver applies to all invoices and

reimbursements arising from the state of emergency. This waiver of section 215.422(3)(b), Florida Statutes, and all waivers based upon this waiver shall expire sixty days following the issuance of this Executive Order.

L. Section 934.50, Florida Statutes, is waived for state and local agencies conducting emergency operations arising from the state of emergency for the limited purpose of capturing aerial evidence concerning the amount of damage sustained to private and public property; assist in search, rescue, and recovery activities; and prevent imminent danger to life or serious damage to property. This waiver of section 215.422 (3)(b), Florida Statutes, and all waivers based upon this waiver shall expire thirty days following the issuance of this Executive Order with no extension.

Section 5. All public facilities, including elementary and secondary schools, community colleges, state universities, and other facilities owned or leased by the state, regional or local governments that are suitable for use as public shelters shall be made available at the request of the local emergency management agencies to ensure the proper reception and care of all evacuees. Under the authority contained in section 252.36, Florida Statutes, I direct the Superintendent of each public school district in the State of Florida to report the closure of any school within its district to the Commissioner of the Florida Department of Education. Furthermore, I direct the Commissioner of the Department of Education to:

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

Section 6. 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 may be inadequate to pay the costs of coping with this disaster. 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 7. 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 8. 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 9. Pursuant to section 501.160, Florida Statutes, it is unlawful and a violation of section 501.204, Florida Statutes, for a person to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency.

Section 10. Under the authority contained in sections 252.36(5)(a), (g), and (m), Florida Statutes, I direct that, for the purposes of this emergency, the term “essentials”, as defined by section 252.359(2), Florida Statutes, shall be the same as and no more expansive than the term “commodity”, as defined by section 501.160(1)(a), Florida Statutes (hereinafter referred to collectively or alternatively as “essential commodities”). Accordingly, any person who delivers essential commodities to a location in the area(s) declared to be under a state of emergency by this

Executive Order, and when necessary to ensure that those commodities are made available to the public, may travel within evacuated areas and exceed curfews, provided the State Coordinating Officer determines, after consultation with the appropriate Emergency Support Function(s), that:

- A. Law enforcement officials in the declared area(s) can provide adequate security to protect the essential commodities from theft;
- B. The weight of a delivery vehicle will not jeopardize the structural integrity of any roadway or bridge located within the declared area;
- C. Delivery vehicles will not negatively impact evacuation activities in the declared area(s); and,
- D. Delivery vehicles will not negatively impact any response or recovery activities occurring within the declared area(s).

After consulting with the appropriate Emergency Support Function(s), and after consulting with local officials, the State Coordinating Officer may dictate the routes of ingress, egress, and movement within the declared area(s) that drivers must follow when delivering essential commodities.

Provided he or she is actually delivering medications, any person authorized to deliver medications under chapter 893, Florida Statutes, qualifies as a person delivering essential commodities.

In order to qualify as a person delivering essential commodities under this section, a person must be in the process of delivering essential commodities only. If an individual is transporting both essential and non-essential commodities, then this section shall not provide any authorization for that individual to enter into or move within the declared area(s).

Section 11. Consistent with Executive Order 80-29, nothing in this Order shall prevent local jurisdictions in any area not declared to be under a state of emergency by this Executive Order from taking prompt and necessary action to save lives and protect the property of their citizens, including the authority to compel and direct timely evacuation when necessary.

Section 12. I authorize the Florida Housing Finance Corporation to distribute funds pursuant to section 420.9073, Florida Statutes, to any county, municipality, or other political subdivision located within the area(s) declared to be under a state of emergency by this executive order. The authority of the Florida Housing Finance Corporation to distribute funds under this state of emergency shall expire six months from the expiration of this Order, to include any extensions of this Order.

Section 13. All actions taken by the Director of the Division of Emergency Management 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 31st day of July, 2020

[Handwritten signature in blue ink]
GOVERNOR

ATTEST:

[Handwritten signature of Laurel M. Keefe]
SECRETARY OF STATE

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2020 JUL 31 PM 12:35
FILED

SFWMD's jurisdiction: Broward, Martin, Miami-Dade, Monroe, Okeechobee, Orange, Osceola, Palm Beach, and St. Lucie ("Emergency Areas"). Additionally, the Hurricane is expected to constitute a significant rain event that will impact the entire SFWMD jurisdiction.

3. The Executive Order found that the special duties and responsibilities of some agencies in responding to disasters may require them to deviate from the statutes and rules they administer. More specifically, the Executive Order gives each political subdivision of the State authority to waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- a. Performing public work and taking necessary action 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.

4. The Executive Director has determined that an immediate danger to the public health and safety or other substantial loss to the public exists because the Hurricane poses a serious and imminent threat to District canals, works, lands, equipment and facilities within the SFWMD such that operational capability of the Big Cypress Basin,

Central and Southern Florida Flood Control System, and other District functions may be jeopardized.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

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

6. The Executive Order permits an agency, such as the SFWMD, to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business or the orders or rules of the 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. The Executive Order gives agencies the authority to take formal action by emergency rule or order to cope with the emergency.

7. 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 waive any statute, including, but not limited to, Chapters 255 and 287 of the Florida Statutes, and any SFWMD rule, policy, or order pertaining to the procurement of equipment, services, and commodities necessitated by this emergency.

ORDER

THEREFORE IT IS ORDERED that:

1. 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 255 and 287 of the Florida Statutes, and any SFWMD rule, policy, or order are hereby waived for the duration of this Order.

2. SFWMD staff may procure equipment, services, and commodities necessitated by this emergency without advertisement or competition as described below:

a. The procurement of all goods and services necessary to prepare, maintain, and restore SFWMD canals, works, lands, equipment, and facilities to full operational condition.

b. All such procurements shall be reported to the Governing Board prior to or at the next regularly scheduled Governing Board meeting.

c. This authorization shall expire on August 30, 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 31st day of July 2020, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By: _____



Drew Bartlett
Executive Director

Attachment: 2020_028_DAO_Emergency_Order_Hurricane_Isaias_Procurement (5205 : Concurrence on Emergency Orders 2020-026-DAO;

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 20-181
(Emergency Management – Hurricane Isaias)

WHEREAS, as of 12:00 AM on July 31, 2020, the National Hurricane Center reported that Tropical Storm Isaias has strengthened into a Category 1 Hurricane as it approached the Bahamas; and

WHEREAS, as of 5:00 AM on July 31, 2020, the National Hurricane Center reported Hurricane Isaias has maximum sustained winds of 80 miles per hour; and

WHEREAS, the National Hurricane Center predicts Hurricane Isaias will intensify into a Category 2 Hurricane as it approaches the Florida Peninsula and the Atlantic Coast; and

WHEREAS, there are currently Tropical Storm watches in effect from the Sebastian Inlet to Ocean Reef, including Lake Okeechobee; and

WHEREAS, there is a risk of dangerous storm surge, heavy rainfall, flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity for portions of Florida's Peninsula; and

WHEREAS, a Public Health Emergency currently exists in the State of Florida as a result of Novel Coronavirus Disease 2019 (COVID-19); and

WHEREAS, the threat posed by Hurricane Isaias requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to Florida and its people by this emergency; and,

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 and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, I declare that a state of emergency exists in the following counties: Brevard, Broward, Clay, Duval, Flagler, Indian River, Martin, Miami-Dade, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Putnam, Seminole, St. Johns, St. Lucie, and Volusia.

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. 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. Invoke and administer the Emergency Management Assistance Compact (“EMAC”) (sections 252.921-252.9335, Florida Statutes) and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as best to meet this emergency.

B. 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.

C. Direct all state, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the response, recovery, and mitigation needs created by this emergency, and to place all such personnel under the direct command and coordination of the State Coordinating Officer to meet this emergency.

D. Direct the State Coordinating Officer to direct the actions of any state agency as necessary to implement the Federal Emergency Management Agency's National Disaster Recovery Framework.

E. Designate additional Deputy State Coordinating Officers and Deputy State Disaster Recovery Coordinators, as necessary.

F. 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.

G. 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.

H. The State of Florida is currently responding to the Novel Coronavirus Disease 2019 (COVID-19) and the entire state is under a state of emergency. As required by CDC guidelines, Florida has adopted safe social distancing measures through the use of non-congregate shelters for evacuations and sheltering during hurricane season to limit general population

sheltering. I authorize the State Coordinating Officer to activate agreements with hotels for non-congregate sheltering to the extent necessary to protect evacuees from exposure to, and transmission of, COVID-19. All Counties are encouraged to accept evacuees from other jurisdictions into their non-congregate shelters to allow for the State of Florida to practice safe social distancing measures.

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(5)(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 or designee. The requirements of sections 252.46 and 120.54(4), 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 of this Order.

C. 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) Following local procurement and contracting policies;
- 3) Entering into contracts; however, political subdivision are cautioned against entering into time and materials contracts without a ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);
- 4) Incurring obligations;
- 5) Employment of permanent and temporary workers;
- 6) Utilization of volunteer workers;
- 7) Rental of equipment;
- 8) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,
- 9) Appropriation and expenditure of public funds.

D. All agencies whose employees are certified by the American Red Cross as disaster service volunteers within the meaning of section 110.120(3), Florida Statutes, may release any such employees for such service as requested by the Red Cross to meet this emergency.

E. The Secretary of the Florida Department of Transportation (DOT) may:

1) Waive the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such waiver may be needed to provide emergency assistance or facilitate the evacuation of the affected counties;

2) Reverse the flow of traffic or close any and all roads, highways, and portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties that the State Coordinating Officer may designate as destination counties for evacuees in this emergency;

3) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

4) Waive the hours of service requirements for such vehicles;

5) Waive by special permit the warning signal requirements in the Utility Accommodations Manual to accommodate public utility companies from other jurisdictions which render assistance in restoring vital services; and,

6) Waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services, supplies, and agricultural commodities and citrus as recommended by the Commissioner of Agriculture, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency. The DOT shall

issue permits and such vehicles shall be subject to such special conditions as the DOT may endorse on any such permits.

Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, or relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Executive Order, or from any statute, rule, order, or other legal requirement not specifically waived or suspended herein or by supplemental order by the State Coordinating Officer;

F. The Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) may:

- 1) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;
- 2) Waive the hours of service requirements for such vehicles;
- 3) Suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to chapter 207, Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services;
- 4) Waive fees for duplicate or replacement vessel registration certificates, vessel title certificates, vehicle license plates, vehicle registration certificates, vehicle tag certificates, vehicle title certificates, handicapped parking permits, replacement drivers' licenses,

and replacement identification cards and to waive the additional fees for the late renewal of or application for such licenses, certificates, and documents due to the effects of adverse weather conditions; and,

5) Defer administrative actions and waive fees imposed by law for the late renewal or application for the above licenses, certificates, and documents, which were delayed due to the effects of adverse weather conditions, including in counties wherein the DHSMV has closed offices, or any office of the County Tax Collector that acts on behalf of the DHSMV to process renewals has closed offices due to adverse weather conditions.

Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. 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.

H. 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 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.

I. All State agencies may abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes or rules under which such application are deemed to be approved unless disapproved in writing by specified deadlines, and all such time requirements that have not yet expired as of the date of this Executive Order are suspended and tolled to the extent needed to meet this emergency.

J. All agencies shall implement its Select Exempt Services (SES) Extraordinary Payment Plans and Career Service Regular Compensatory Leave Payment Plans for:

- 1) All essential agency personnel who are required work extraordinary hours when state-owned or state-operated facility are closed in response to an emergency condition;
- 2) All agency personnel who are assigned to the State Emergency Operations Center and are required to work extraordinary hours;
- 3) All agency personnel who are deployed throughout the state in response to an emergency condition and are required to work extraordinary hours.

K. All State agencies may waive the forty-day time limit to issue a warrant pursuant to section 215.422 (3)(b), Florida Statutes. This waiver applies invoices and reimbursement requests that were received, inspected, and approved by the agency within forty days of the issuance of this Executive Order. This waiver applies to all invoices and

reimbursements arising from the state of emergency. This waiver of section 215.422(3)(b), Florida Statutes, and all waivers based upon this waiver shall expire sixty days following the issuance of this Executive Order.

L. Section 934.50, Florida Statutes, is waived for state and local agencies conducting emergency operations arising from the state of emergency for the limited purpose of capturing aerial evidence concerning the amount of damage sustained to private and public property; assist in search, rescue, and recovery activities; and prevent imminent danger to life or serious damage to property. This waiver of section 215.422 (3)(b), Florida Statutes, and all waivers based upon this waiver shall expire thirty days following the issuance of this Executive Order with no extension.

Section 5. All public facilities, including elementary and secondary schools, community colleges, state universities, and other facilities owned or leased by the state, regional or local governments that are suitable for use as public shelters shall be made available at the request of the local emergency management agencies to ensure the proper reception and care of all evacuees. Under the authority contained in section 252.36, Florida Statutes, I direct the Superintendent of each public school district in the State of Florida to report the closure of any school within its district to the Commissioner of the Florida Department of Education. Furthermore, I direct the Commissioner of the Department of Education to:

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

Section 6. 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 may be inadequate to pay the costs of coping with this disaster. 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 7. 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 8. 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 9. Pursuant to section 501.160, Florida Statutes, it is unlawful and a violation of section 501.204, Florida Statutes, for a person to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency.

Section 10. Under the authority contained in sections 252.36(5)(a), (g), and (m), Florida Statutes, I direct that, for the purposes of this emergency, the term “essentials”, as defined by section 252.359(2), Florida Statutes, shall be the same as and no more expansive than the term “commodity”, as defined by section 501.160(1)(a), Florida Statutes (hereinafter referred to collectively or alternatively as “essential commodities”). Accordingly, any person who delivers essential commodities to a location in the area(s) declared to be under a state of emergency by this

Executive Order, and when necessary to ensure that those commodities are made available to the public, may travel within evacuated areas and exceed curfews, provided the State Coordinating Officer determines, after consultation with the appropriate Emergency Support Function(s), that:

- A. Law enforcement officials in the declared area(s) can provide adequate security to protect the essential commodities from theft;
- B. The weight of a delivery vehicle will not jeopardize the structural integrity of any roadway or bridge located within the declared area;
- C. Delivery vehicles will not negatively impact evacuation activities in the declared area(s); and,
- D. Delivery vehicles will not negatively impact any response or recovery activities occurring within the declared area(s).

After consulting with the appropriate Emergency Support Function(s), and after consulting with local officials, the State Coordinating Officer may dictate the routes of ingress, egress, and movement within the declared area(s) that drivers must follow when delivering essential commodities.

Provided he or she is actually delivering medications, any person authorized to deliver medications under chapter 893, Florida Statutes, qualifies as a person delivering essential commodities.

In order to qualify as a person delivering essential commodities under this section, a person must be in the process of delivering essential commodities only. If an individual is transporting both essential and non-essential commodities, then this section shall not provide any authorization for that individual to enter into or move within the declared area(s).

Section 11. Consistent with Executive Order 80-29, nothing in this Order shall prevent local jurisdictions in any area not declared to be under a state of emergency by this Executive Order from taking prompt and necessary action to save lives and protect the property of their citizens, including the authority to compel and direct timely evacuation when necessary.

Section 12. I authorize the Florida Housing Finance Corporation to distribute funds pursuant to section 420.9073, Florida Statutes, to any county, municipality, or other political subdivision located within the area(s) declared to be under a state of emergency by this executive order. The authority of the Florida Housing Finance Corporation to distribute funds under this state of emergency shall expire six months from the expiration of this Order, to include any extensions of this Order.

Section 13. All actions taken by the Director of the Division of Emergency Management 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 31st day of July, 2020

[Handwritten signature in blue ink]

GOVERNOR

ATTEST:

[Handwritten signature of Laurel M. Kee]

SECRETARY OF STATE

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2020 JUL 31 PM 12:35
FILED

Attachment: 2020_028_DAO_Emergency_Order_Hurricane_Isaias_Procurement (5205 : Concurrence on Emergency Orders 2020-026-DAO;

1:27 pm Aug 6, 2020

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

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**



IN THE MATTER OF:

SFWMD ORDER NO. 2020-030-DAO

**TERMINATION OF EMERGENCY
AUTHORIZATION FOR PUMPING
AND OTHER MEASURES TO
ADDRESS FLOODING CAUSED
BY HURRICANE ISAIAS**

_____ /

**ORDER TERMINATING EMERGENCY AUTHORIZATIONS
FOR PUMPING AND OTHER MEASURES TO ADDRESS FLOODING CAUSED BY
HURRICANE ISAIAS**

The South Florida Water Management District ("SFWMD"), enters this Order terminating Emergency Order No. 2020-027-DAO, which authorized pumping or discharging of flood waters caused by Hurricane Isaias.

FINDINGS OF FACT

1. On July 31, 2020, the Governor of Florida issued Executive Orders 20-181 declaring that a state of emergency existed for the east coast of the State of Florida, based upon the serious threat to the public health, safety and welfare posed by Hurricane Isaias.

2. On July 31, 2020, the Executive Director issued Emergency Final Order No. 2020-027-DAO ("Order"). The Order was based upon a finding that a serious threat to the public health, safety, and welfare existed due to the potential impacts of Hurricane Isaias. The Order will expire on August 30, unless terminated earlier.

3. The District did not sustain the impacts it anticipated when it entered the Order.

Attachment: 2020_030_DAO_Order_Terminating_Order_2020_027_for_Pumping (5205 : Concurrence on Emergency Orders 2020-026-DAO;

4. The Executive Director has determined that an immediate danger to the public health and safety or other substantial loss to the public no longer exists.

ULTIMATE FACTS AND CONCLUSIONS OF LAW

5. Section 373.119(2) of the Florida Statutes, authorizes the Executive Director to issue emergency authorizations whenever the Executive Director finds that an emergency exists requiring immediate action to protect the public health, safety, or welfare.

6. Based upon the findings above, the Executive Director concludes that because immediate danger to the public health and safety or other substantial loss to the public no longer exists, the Emergency Order pumping or discharging of flood waters made necessary by Hurricane Isaias should be terminated immediately.

ORDER

THEREFORE, IT IS ORDERED:

That Emergency Order No. 21020-027-DAO is terminated as of 8:00 am, Friday, August 7, 2020.

NOTICE OF RIGHTS

Any party substantially affected by this Order has the right to seek judicial review of it 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 6th day of August 2020, in West Palm Beach, Florida.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT

By: 

Drew Bartlett
Executive Director

Attachment: 2020_030_DAO_Order_Terminating_Order_2020_027_for_Pumping (5205 : Concurrence on Emergency Orders 2020-026-DAO;

M E M O R A N D U M

TO: Governing Board Members

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

DATE: August 13, 2020

SUBJECT: Land Assessment and Surplus Update

Agenda Item Background:

Staff will update the Governing Board on the status of the Real Estate Land Assessment and Surplus process and its continuous efforts to maximize benefits from District lands for project and recreational needs, and will review the potential surplus of properties not required for present or future works of the District. Staff will provide an overview of the District's efforts to evaluate and recommend lands for the Governing Board to consider as opportunities to exchange for project lands or use funds from surplus land sales to support project needs.

Staff will close the presentation by providing an overview of 14 properties that are under consideration for a surplus designation and seeking Governing Board input on the same.

Staff Contact and/or Presenter:

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

MEMORANDUM

TO: Governing Board Members

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

DATE: August 13, 2020

SUBJECT: A. STA-1W Refurbishments Project

Agenda Item Background:

As part of the District's STA Enhancement Program and to supplement Restoration Strategies Program Goals, the STA-1W Refurbishments Project will be modified to correct poor flow patterns caused by irregularly shaped cells and remnant canals. This will be achieved by the relocation and/or removal of levees, by filling remnant canals, and by regrading areas within the cells. The Project will use suitable excess soils from degraded levees supplemented by imported soils. Additionally, non-functioning culvert structures in a state of disrepair will be removed. The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids (RFB) procurements, this item was competitively bid through a sealed bid process.

Core Mission and Strategic Priorities:

The STA-1W Refurbishments Project supports the District's core missions of water quality and ecosystem restoration.

Staff Contact and/or Presenter:

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

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0809

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 600-day contract with Bergeron Land Development, Inc., the lowest responsive and responsible bidder, for the STA-1W Refurbishments Project, in the amount of \$10,980,000, for which dedicated funds (Everglades Trust Fund) in the amount of \$100,000 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 No. 4600004296)

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 Bergeron Land Development, Inc., the lowest responsive and responsible bidder, for the STA-1W Refurbishments Project, in the amount of \$10,980,000.

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves entering into a contract with Bergeron Land Development, Inc. for the STA-1W Refurbishments Project, in the amount of \$10,980,000. (Contract No. 4600004296)

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

PASSED and ADOPTED this 13th day of August, 2020.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY ITS GOVERNING BOARD

By:

Chauncey P. Goss, II
Chairman

Attest:

Legal form approved:

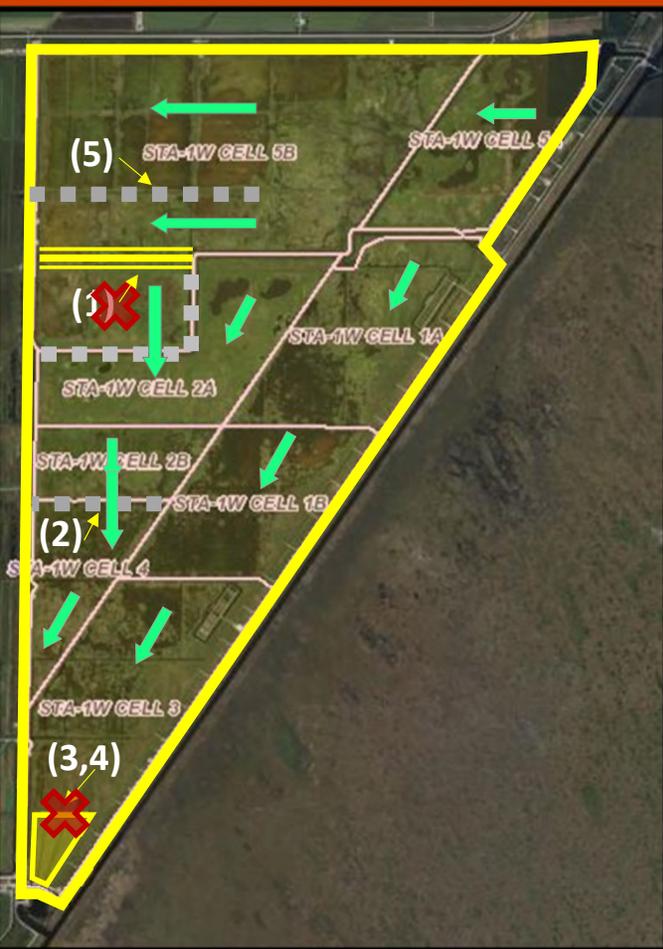
By:

District Clerk/Secretary

Office of Counsel

Print name:

STA-1W Refurbishment Project



- Decline in vegetation despite major rehabilitation and vegetation enhancement efforts, leading to a decline in treatment performance
- Primary cause is Poor Flow Patterns caused by irregular cell configuration (Cells 5B/2A and 2B/4), uneven cell topography (Cell 3) and localized features that promote short-circuit paths (remnant farm ditches Cell 5B and non-functioning canals Cell 3)
- Improve cell configuration
 - (1) Relocate levee between Cells 5B and 2A
 - (2) Remove levee between Cells 2B and 4
- Improve flow through high ground area
 - (3) Regrade Cell 3
- Mitigate short-circuit paths
 - (4) Remove canals in Cell 3
 - (5) Remove canal Cell 5B

Presenter: Alan Shirkey



SOUTH FLORIDA WATER MANAGEMENT DISTRICT
NOTICE OF INTENT TO AWARD

RFB No.: 600001101 Title: STA-1W Refurbishments, Palm Beach County, Florida
SBE Subcontracting Goal: 24% Opening Date: 8/5/2020 @ 2:30 P.M.
Total Bids Received: 4 Advertised Date: 7/6/2020
Bids Received from SBEs: 0 Advertisement: Palm Beach Post
Total Number of Planholders: 77
Total SBE Planholders: 29
Contract Specialist: Gina Jolly
Project Manager: Denys Purdy

Table with 2 columns: BIDDERS and BID AMOUNT. Rows include Bergeron Land Development, Inc. (\$10,980,000.00), Halley Engineering Contractors, Inc. (\$15,000,000.00), Odin Construction Solutions, Inc. (\$15,305,000.00), and Thalle Construction Co., Inc. (\$17,655,000.00).

The bid amounts indicated above are as submitted at the bid opening and are subject to verification. Award of the contracts to the lowest bidder is subject to the District's determination that the bid is responsive and that the bidder is responsible as indicated by the signatures below.

Approvals required in numerical order. Signatures must be dated.

Project Manager - Attach detailed justification that recommended bidder is responsive and responsible.

Recommendation for award to low bidder?
Yes No

If no, recommend award to:

Basis of recommendation:

Governing Board approval of award or contract required?
Yes No

*Signature only required when recommendation of award is to other than low bid (when low bidder has been deemed non-responsive and/or non-responsible). CS or PM must provide backup as appropriate in all cases. (Insert N/A if not applicable.)

- 1. Project Manager Date
2. Section Administrator Date
3. Bureau Chief Date
4. Division Director Date
5. Contract Specialist Date
6. Contract Manager Date
7. Office of Counsel * Date
8. Procurement Bureau Chief Date

NOTE: This form shall serve as the District's Notice of a decision or intended decision as defined in Section 120.57(3)(a) F.S., and Chapter 28-110, Florida Administrative Code (F.A.C.). Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under chapter 120, Florida Statutes. Any protest or bond or other security must be filed with the District Clerk.

Posting Date:
Posting Time:
Initials:

Attachment: STA-1W Refurbishments Palm Beach County Florida - Notice of Intent to Award (Resolution No. 2020 - 0809 : STA-1W

MEMORANDUM

TO: Governing Board Members

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

DATE: August 13, 2020

SUBJECT: B. STA-1W Expansion #2 Stormwater Treatment Area Project

Agenda Item Background:

The STA-1W Expansion #2 STA Project, a component of the Restoration Strategies projects located in Palm Beach County, works in conjunction with the existing Everglades STAs to meet the Water Quality Based Effluent Limit (WQBEL) to achieve compliance with the State of Florida's numeric phosphorus criterion for the Everglades Protection Area outlined in Rule 62-302.540 of the Florida Administrative Code (F.A.C.) enforced by the Environmental Protection Agency.

The project consists of approximately 2,173 acres. The Expansion #2 STA area contains approximately 2,071 acres and connects to the existing STA-1W complex with a new canal to provide the hydraulic connection between the two project areas. This connection canal encompasses approximately 100 acres of land running north-south parallel to and just west of the existing L-7 levee. The project includes the construction of three new STA cells, a six-mile concrete lined connection canal, perimeter and interior levees, canals, structures, culverts, boat ramps, maintenance ramps, and all other associated appurtenances. The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids (RFB) procurements, this item was competitively bid through a sealed bid process.

Core Mission and Strategic Priorities:

The STA-1W Expansion #2 Project supports the District's core mission of ecosystem restoration by increasing the District's ability to effectively treat stormwater prior to discharging it into Water Conservation Area No. 1.

Funding Source:

The construction of the STA1W Expansion #2 STA will be funded through dedicated funds (Land Acquisition Trust Fund).

Staff Contact and/or Presenter:

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

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0810

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 745-day agreement with Thalle Construction Company, Inc., the lowest responsive and responsible bidder for the STA-1W Expansion #2 STA Project, in the amount of \$96,800,000 for which \$1,000,000 in dedicated funds (Land Acquisition Trust Fund) and 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 No. 4600004295)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to enter into a 745-day contract with Thalle Construction Company, Inc., the lowest responsive and responsible bidder for the construction of the STA1W Expansion #2 STA Project, in the amount of \$96,800,000.

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

Section 1. The Governing Board of the South Florida Water Management District hereby approves a 745-day contract with Thalle Construction Company, Inc., the lowest responsive and responsible bidder for the construction of the STA-1W Expansion #2 STA Project, in the amount of \$96,800,000. (Contract No. 4600004295)

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

PASSED and ADOPTED this 13th day of August, 2020.

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

Chauncey P. Goss, II
Chairman

Attest:

Legal form approved:
By:

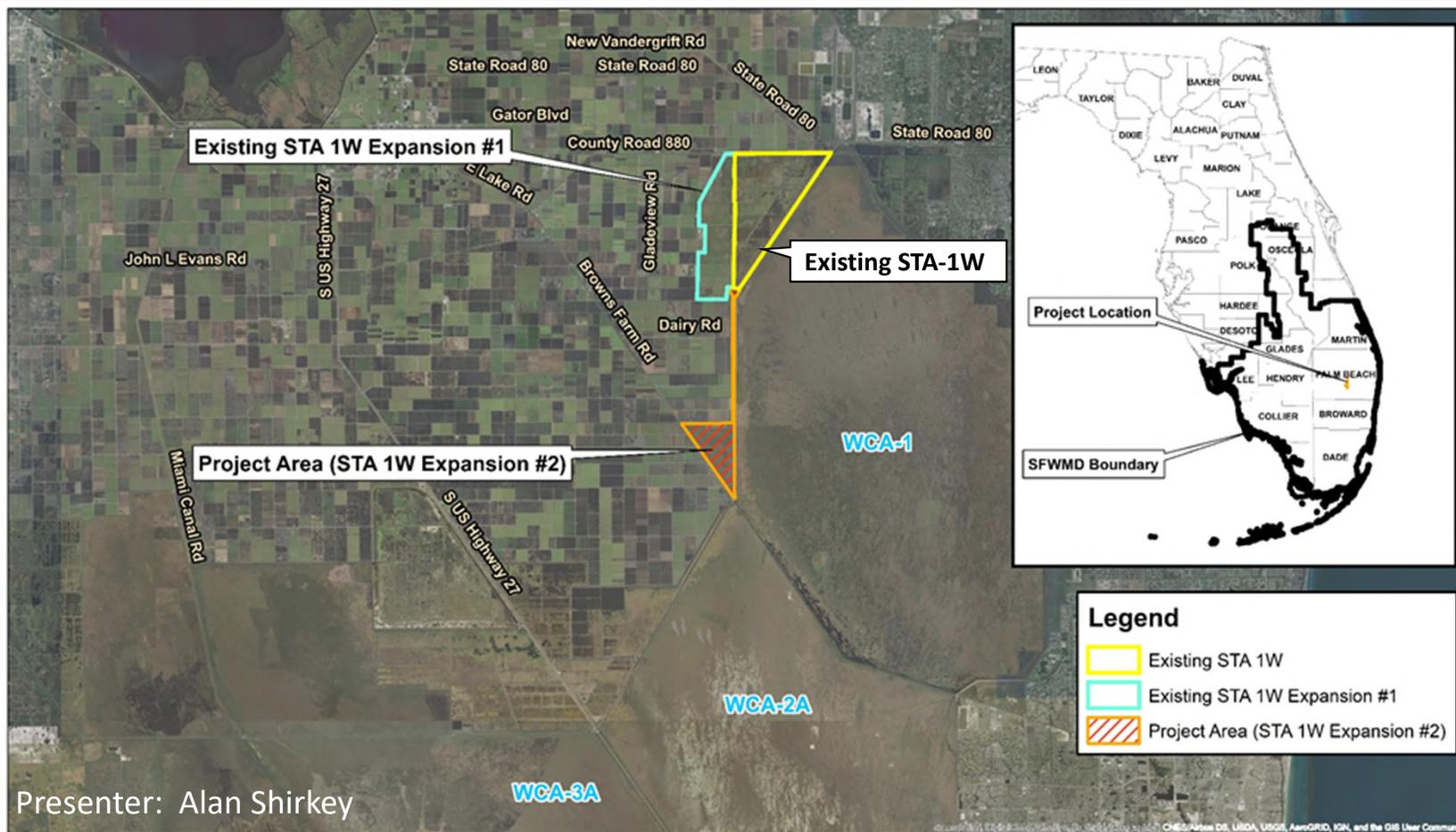
District Clerk/Secretary

Office of Counsel

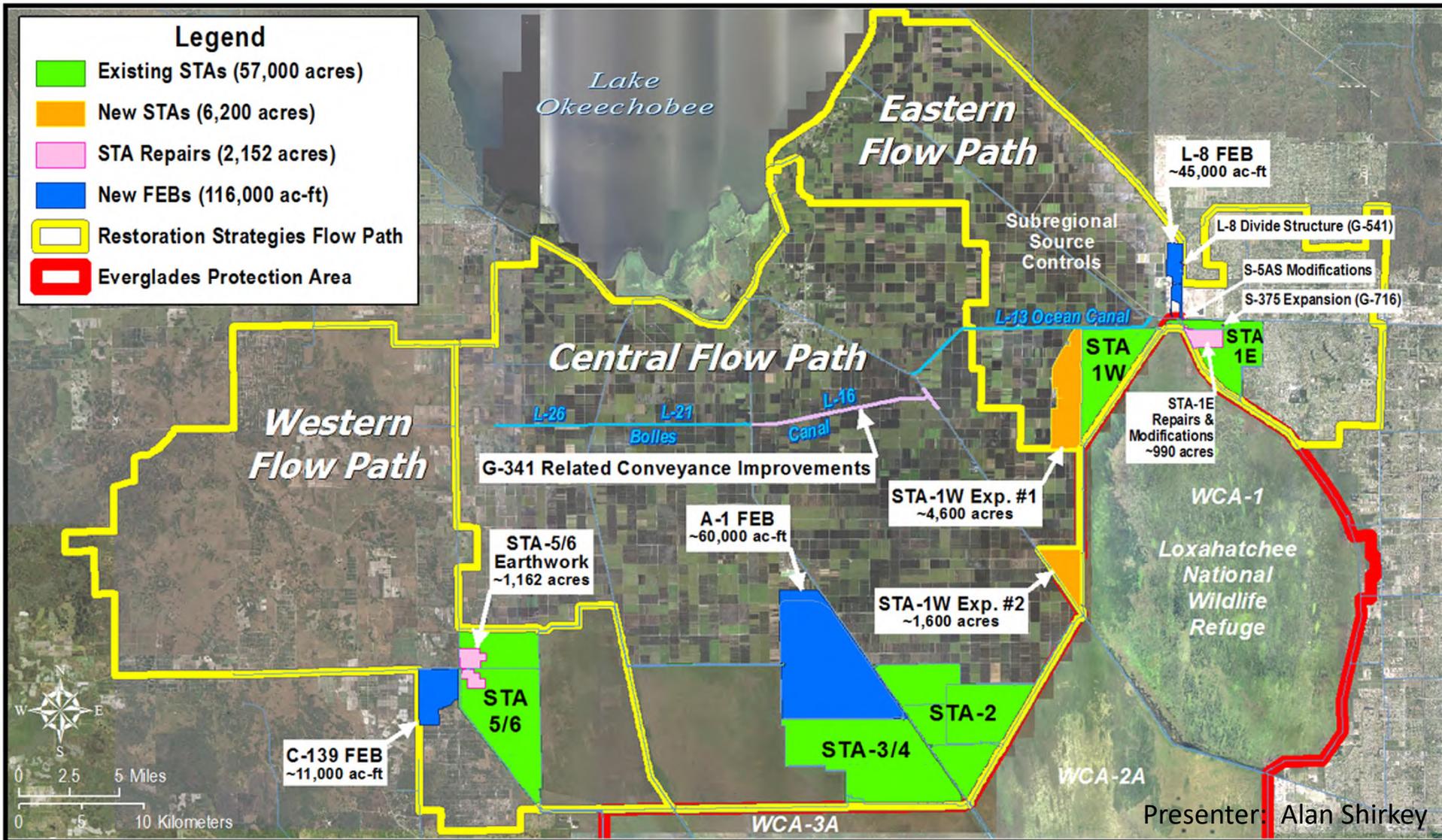
Print name:

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Location Map



SOUTH FLORIDA WATER MANAGEMENT DISTRICT



Attachment: STA-1W Refurb&Exp2_LocationMap (Resolution No. 2020 - 0810 : STA 1W Expansion #2

M E M O R A N D U M

TO: Governing Board Members

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

DATE: August 13, 2020

SUBJECT: Floridan Aquifer System Exploratory Coring and Monitoring Well Construction

Agenda Item Background:

The Floridan Aquifer System (FAS) Exploratory Coring and Monitoring Well Construction Program will provide site-specific geologic and hydrogeologic data to evaluate properties of the FAS at locations that are under consideration for water resource evaluation and potential future construction of aquifer storage and recovery (ASR) wells. The program will include exploratory drilling of continuous core boreholes that will provide critical information on lithology and water bearing properties of the Floridan aquifer. Some of the boreholes will be used to determine suitability for well siting and to aid in design of ASR wells or water supply wells. The boreholes will be converted to FAS monitoring wells for long-term hydrogeologic data collection to meet District and CERP goals and objectives. The first locations selected for exploratory drilling under this work order contract include potential ASR cluster locations identified in the Lake Okeechobee Watershed Restoration Project and areas of interest to the Central Florida Water Initiative. Additional programs may also utilize this hydrogeological services contract to evaluate areas where the Floridan aquifer is being considered for future projects, including the Northern Everglades and Estuaries Protection Program. The lowest responsive and responsible bidder is recommended for award. In accordance with District policy and consistent with state law for Request for Bids (RFB) procurements, this item was competitively bid through a sealed bid process.

Additional Background:

As part of CERP, LOWRP is designed to improve water levels in Lake Okeechobee, improve the quantity and timing of discharges to the St. Lucie and Caloosahatchee estuaries, increase the spatial extent and functionality of wetlands, and improve water supply for existing legal water users. The project includes construction of up to eighty (80) ASR wells located in clusters in various locations throughout the Lake Okeechobee watershed. Florida State Legislature appropriated \$100 million (\$50 million in FY20 and an additional \$50 million in FY21) to the District for the design, engineering, and construction of the specific project components designed to achieve the greatest reductions in harmful discharges to the Caloosahatchee and St. Lucie Estuaries.

Additionally, the hydrogeological services contract includes construction of boreholes and wells in the CFWI planning area, which includes Orange, Osceola, Seminole, Polk, and southern Lake counties. The CFWI is an interagency initiative to develop a single regional water supply plan for this area to implement effective and consistent water resource planning, development, and management. Based on a planning horizon through 2035, the CFWI effort assesses projected water demands and identifies water conservation measures and water supply and resource development project options. Additional programs may utilize this contract in areas where the Floridan aquifer is under evaluation for future projects.

Core Mission and Strategic Priorities:

The project supports the District's core mission of restoring South Florida's water resources and ecosystems while meeting the region's present and future water supply needs.

Funding Source:

Dedicated funds (State General Revenue and Land Acquisition Trust Fund Revenue) and Ad Valorem funds are budgeted in Fiscal Year 2019-2020 and the remainder is subject to Governing Board approval of future years budgets.

Staff Contact and/or Presenter:

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

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Resolution No. 2020 - 0811

A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3-year work order contract with two 1-year extensions with Huss Drilling, Inc., the lowest responsive and responsible bidder, for the Floridan Aquifer System Exploratory Coring and Monitoring Well Construction Program, in an amount not to exceed \$14,000,000, for which \$100,000 in dedicated funds (State General Revenue and Land Acquisition Trust Fund Revenue) and 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 No. 4600004288)

WHEREAS, the Governing Board of the South Florida Water Management District deems it necessary, appropriate, and in the public interest to authorize entering into a 3-year work order contract with two 1-year extensions with Huss Drilling, Inc., the lowest responsive and responsible bidder for Floridan Aquifer System Exploratory Coring and Monitoring Well Construction Program, in the amount not-to-exceed \$14,000,000.

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

Section 1. The Governing Board of the South Florida Water Management District hereby authorizes entering into a 3-year work order contract with two 1-year extensions with Huss Drilling, Inc. for the Floridan Aquifer System Exploratory Coring and Monitoring Well Construction Program, in the amount not-to-exceed \$14,000,000. The initial term of this contract is for construction of up to 6 cores and monitoring wells at a price of \$4,434,650. (Contract No. 4600004288)

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

PASSED and ADOPTED this 13th day of August, 2020.

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

Chauncey P. Goss, II
Chairman

Attest:

Legal form approved:
By:

District Clerk/Secretary

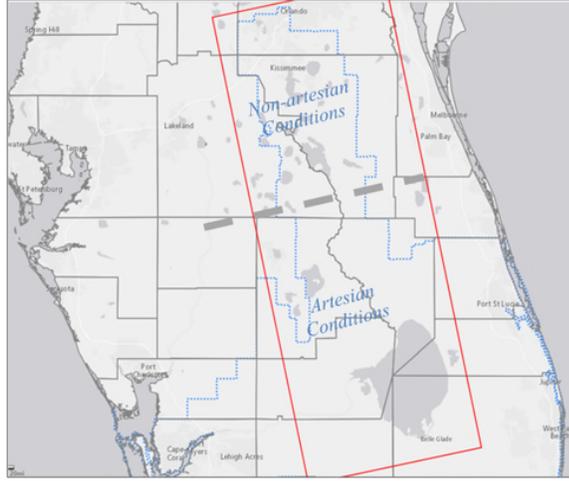
Office of Counsel

Print name:

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

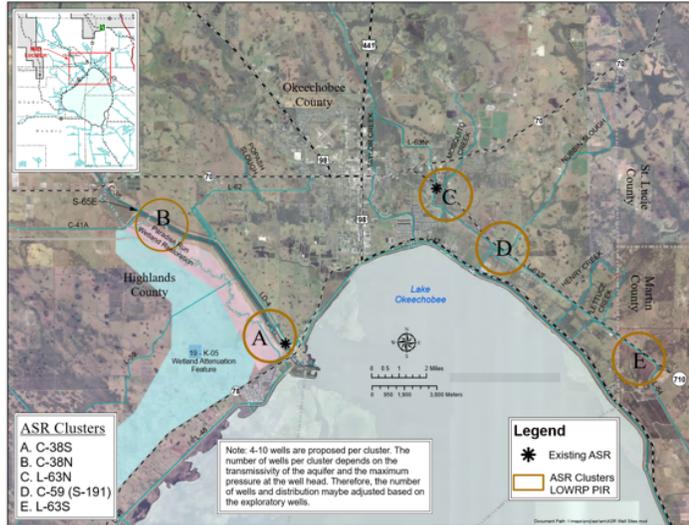
Potential CFWI Exploratory Coring Locations

General area of possible mobilization (red) within SFWMD boundaries (blue dashed).



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Potential LOWRP Exploratory Coring Locations



M E M O R A N D U M

TO: Governing Board Members

FROM: Candida Heater, Division Director, Administrative Services

DATE: August 13, 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: August 13, 2020

SUBJECT: Monthly Financial Statement – June 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 \$559.3 million. Including reserves, the total Fiscal Year 2019-2020 revenue sources collected were 63.3% of budget or \$871.3 million.

- Taxes collected in the amount of \$288.7 million or 97.8% were distributed to the District through the Tax Collectors within the District's 16 counties. Compared to the five-year average of 99.9%, as of the end of June, tax collections are 2.1% 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 \$230.1 million were recognized as of the end of June. 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 \$7.3 million was recognized as of the end of June. Last year, at this time, \$9.2 million was recognized. Although the amount of revenues recognized is less than last year, earnings are still forecasted to exceed the budgeted amount.
- License and Permit Fees of \$4.5 million have been received, including \$1.5 million from Lake Belt mitigation fees, \$134,325 from Corkscrew Mitigation Bank, \$2.2 million from environmental resource permits, and \$409,050 from water use permits.

- Other budgeted revenues of \$28.8 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 \$3.3 million in lease revenues, for a total of \$4.8 million. The timing of revenues received is based on the fee schedules within the agreements.
 - \$698,084 has been collected from cash discounts refunded from prior year expenditures, civil penalties, enforcement fees, and sale of recycled oil and scrap metal.
 - \$3.3 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.
 - \$20 million in revenues recognized through the end of June 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 **\$429 million** and has encumbered **\$486.4 million** of its budget. The District has obligated (encumbrances plus expenditures) **\$915.4 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 \$58.5 million budgeted for this program, the District has obligated \$43 million: \$33.8 million expended and \$9.2 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 \$905.3 million budgeted for this program, the District has obligated \$613.5 million: \$209.6 million expended and \$403.9 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 \$349.3 million budgeted for this program, the District has obligated \$210.4 million: \$140.1 million expended and \$70.3 million encumbered.

Governing Board Members
 August 13, 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 \$14.6 million: \$13.9 million expended and \$744,321 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 \$847,620: \$837,607 is expended and \$10,012 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 \$33 million: \$30.7 million expended and \$2.3 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: June 30, 2020. Percent of fiscal year completed: 75.0%

	CURRENT BUDGET	ACTUALS THROUGH June 2020	VARIANCE (UNDER) / OVER BUDGET	ACTUALS AS A % OF BUDGET
Sources				
Taxes ¹	\$ 295,312,890	\$ 288,685,468	\$ (6,627,422)	97.8%
Intergovernmental Revenues	716,230,929	230,139,990	(486,090,939)	32.1%
Interest on Invested Funds	7,860,000	7,255,020	(604,980)	92.3%
License and Permit Fees	3,311,000	4,469,773	1,158,773	135.0%
Other ²	41,843,307	28,758,464	(13,084,843)	68.7%
SUB-TOTAL OPERATING REVENUES	1,064,558,126	559,308,715	(505,249,411)	52.5%
Reserves	311,982,898	311,982,898	-	100.0%
Total Sources	\$ 1,376,541,024	\$ 871,291,614	\$ (505,249,411)	63.3%

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	\$ 58,524,643	\$ 33,837,197	\$ 9,161,596	\$ 15,525,850	57.8%	73.5%
Land Acquisition, Restoration and Public Works	905,290,405	209,624,363	403,934,060	291,731,982	23.2%	67.8%
Operation and Maintenance of Lands and Works	349,281,651	140,104,770	70,339,769	138,837,112	40.1%	60.3%
Regulation	21,924,754	13,852,246	744,321	7,328,187	63.2%	66.6%
Outreach	1,217,043	837,607	10,013	369,424	68.8%	69.6%
District Management and Administration	40,302,528	30,721,239	2,259,367	7,321,922	76.2%	81.8%
Total Uses	\$ 1,376,541,024	\$ 428,977,422	\$ 486,449,127	\$ 461,114,476	31.2%	66.5%

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 June 30, 2020, and covers the interim period since the most recent audited financial statements.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

July 31, 2020

Mr. Chris Stahl
Florida Department of Environmental Protection
Florida State Clearinghouse
2600 Blair Stone Road, MS 47
Tallahassee, FL 32399-2400

Subject: Proposed Deviation to the Water Control Plan for the Lake Okeechobee and Everglades Agricultural Area (LORS 2008)

Dear Mr. Stahl:

Lake Okeechobee is the heart of the Everglades and an important natural resource for all of South Florida. The lake supports critical habitat for rare and endangered wildlife, provides recreational opportunities, and serves as a water source for the surrounding environment, businesses, and communities around its shores.

In 2016 and 2018, Harmful Algal Blooms (HABs) had significant negative consequences for people and the environment. HABs diminished the ecological health of the lake and northern estuaries coupled with negative impacts to local economies. The State of Florida and the South Florida Water Management District (District) are looking to limit HABs and their damaging effects. In recent years, the District has made proactive operational decisions to minimize HABs by sending more water south. The District appreciates the U.S. Army Corps of Engineers (Corps) taking the initiative to proactively develop an operational strategy for Lake Okeechobee that considers HABs in operational decision making and offer potential solutions to the concerns that have recently impacted the northern estuaries.

The proposed deviation by the Corps is intended to alter the timing, distribution, and volume of Lake Okeechobee releases and allow for greater operational flexibility in the system considering discharges of HABs. The District appreciates the effort to reduce HABs and offers the following comments on the Proposed Deviation to the Water Control Plan for the Lake Okeechobee and Everglades Agricultural Area:

Beneficial Use Sub-Band – The District is concerned with the implementation of preemptive and harmful releases when Lake Okeechobee water levels are within the Beneficial Use Sub-band. Only water deliveries that are beneficial, not harmful, to the environment should be made while in this band. LORS, as it exists now, provides the District and Corps authority to make these beneficial deliveries from the lake while in the Beneficial Use band. The operational latitude provided to the Corps in the deviation while in the Beneficial Use band appears to shift decisional deference away from the District.

Attachment: 2020_07_31_Bartlett_Stahl_LORS[1][3][1] (5202 : Executive Director's Report - Drew Bartlett)

Chris Stahl
July 31, 2020
Page 2

An operational decision to conduct harmful discharges during the months of August through November when the bottom of Baseflow, Beneficial Use and Water Shortage bands all converge to a single point appears challenging. This likely would occur with a heavy reliance on seasonal forecasting. Although forecasting weather conditions has improved over the years, it is not an exact science and often misrepresents actual hydrologic events as they develop. The District discourages the Corps from conducting harmful discharges based solely upon a seasonal forecast.

Avoiding Wet Season Releases - The District fully supports the Deviation's authority to avoid estuary releases when HABs are present. It is unclear how the Corps justifies avoiding harmful discharges called for under LORS at high levels when the basis for LORS discharges are rooted in public safety provided by the Herbert Hoover Dike (HHD). It would be welcome news if there is an analysis demonstrating that the rehabilitation of HHD is at a point where avoiding LORS directed harmful discharges is justified and can be avoided.

Net Zero Balance - The District appreciates the thought behind the Corps' effort to target a net zero balance by December 1st of every calendar year. Implementation of this effort is complex and may not be advisable given specific climactic conditions. Regarding the accounting, the proposed operations to calculate a net zero balance only include non-water supply releases in the volume accounting. In practice this can present some challenges as the releases from the Lake Okeechobee are multi-purpose and include water supply, regulatory and environmental releases, or a combination thereof. Regarding the goal, by targeting a net zero balance by December 1st of every calendar year, the plan does not fully consider the actual events occurring in any given year. For example, actual summer/fall water levels may suggest that pursuing a zero balance by a specific timeframe is not prudent. The District recommends further evaluation of water accounting and possibly defining specific conditions for pursuing a zero balance.

Benefits – There is little information in the report on the importance and value to the northern estuaries and local economies by reducing harmful discharges of HABs. The District recommends more discussion be included in the report emphasizing the opportunity to minimize HABs in discharges to the northern estuaries resulting from implementation of the proposed deviation. Recent District operations effectively sent more water south to the greatest extent possible in order to avoid harmful discharges. These operations reduced/avoided harmful discharges to the northern estuaries and moved clean water to the central Everglades. The District recommends that the Corps include discussion of District operations to send water south that could offset or avoid harmful discharges authorized by the deviation.

Harmful Algal Blooms (HABs) - Algal blooms are transient in nature and difficult to predict. The District has significantly increased Lake Okeechobee monitoring to assist with understanding HABs and is happy to share its information with the Corps. The Corps should work with District staff to develop the methodology for predicting HABs when considering deviation operations.

Attachment: 2020_07_31_Bartlett_Stahl_LORS[1][3][1] (5202 : Executive Director's Report - Drew Bartlett)

Chris Stahl
July 31, 2020
Page 3

As local sponsor for the Central and Southern Florida Project, the District is supportive of avoiding harmful discharges containing HABs to the estuaries. Additionally, the District will continue to engage with the Corps during development of the Lake Okeechobee System Operating Manual (LOSOM) to further evaluate all aspects of Lake Okeechobee's multi-purpose operations. The District values our partnership with the Corps and looks forward to continuing the close coordination of operations for Lake Okeechobee.

Sincerely,



Drew Bartlett
Executive Director

DB



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

July 31, 2020

Mr. Chris Stahl
Coordinator, Florida State Clearinghouse
Florida Department of Environmental Protection
2600 Blainstone Road, MS 47
Tallahassee, FL 32399-2400

Subject: Comments on the Final Environmental Impact Statement Combined Operational Plan July 2020

Dear Mr. Stahl:

Thank you for the opportunity to comment on the Final Environmental Impact Statement for the Combined Operational Plan (July 2020) (COP EIS). The goal of the Modified Water Deliveries to Everglades National Park (MWD) and the Canal 111 South Dade (C-111 SD) projects is to increase flows to Northeast Shark River Slough (NESRS) and improve the spatial and seasonal distribution of flow into Everglades National Park (ENP). The health of ENP and the Southern Everglades depends on improved flows of water south through the Greater Everglades Ecosystem. The operations of COP will take advantage of additional infrastructure and operational changes that will help prevent excess water from sent to tide and instead can be directed into Everglades National Park. The COP EIS accomplishes that goal by redistributing water through the newly constructed MWD and C-111 SD infrastructure.

The South Florida Water Management District (District) worked closely with the United States Army Corps of Engineers (USACE) during the COP planning process to produce a plan that will significantly enhance the current system. Changes to the final COP EIS have improved the document and will help to ensure its successful joint implementation by USACE and the District. However, the District's concerns, as noted in its letter dated March 16, 2020, remain. The District continues to urge the USACE to make the following changes:

1. Remove the Extreme High-Water Line and its proposed operation of sending flows to the South Dade Conveyance System rather than to ENP;
2. Maintain S-333 deliveries to NESRS given that mitigation measures have been constructed for the Las Palmas Community (8.5 square mile area);
3. Remove the Adaptive Management and Monitoring Plan from the water control plan; and
4. Maintain flows to NESRS in accordance with the targets and objectives of Everglades restoration rather than diverging from them through a water quality adaptive management strategy.

The District also appreciates the USACE's recognition of Everglades water quality. The proposed adaptive management water quality strategy driven by Appendix A of the 1991 Settlement Agreement reduces flows to ENP when it is most needed and is counter to the hydrologic restoration available with Tamiami Trail Flow Formula implementation. Given the progress we are making under the Comprehensive Everglades Restoration Program (CERP), it is critical that USACE engage State and Federal parties to reconcile the expectations of Appendix A with the goals of CERP. As COP recognizes, there is a well-known correlation between higher phosphorus levels entering ENP and low water levels in the southern WCA-3A marsh and canals. Until this concept is fully incorporated into evaluating water quality under Appendix A, there will remain a tension between restoration flows under CERP and regulatory programs guided by the federal consent decree. In the meantime, the District supports an operational plan that promotes continuing flows to ENP in accordance with the objectives of CERP.

The District supports the Final Environmental Impact Statement for the Combined Operational Plan (July 2020) as a means to realize the goals of Everglades restoration. The District looks forward to working together to implement an approved COP EIS as we work to send more water south and restore the Everglades.

Sincerely,



Drew Bartlett
Executive Director

DB/bm

Attachment

**TOTAL NUMBER OF AUTHORIZATIONS
APPROVED BY THE EXECUTIVE DIRECTOR**

From: July 1, 2020 to July 31, 2020

Environmental Resource Permits	Total
a. Conceptual Approvals	2
b. Conceptual Modifications	0
c. New Construction and Operation (C&O)	2
d. Modifications of Previously Approved C&O	0
e. Mitigation Banks / Offsite Mitigation Areas	0
f. Wetland Restoration Projects	0
	4
Water Use Permits	
a. Renewals	1
b. Modifications	0
c. New Water Use	0
d. Master Dewatering	0
	1

ERP and WU Total= 5

**TABLE OF CONTENTS
INDIVIDUAL PERMITS ISSUED BY
AUTHORITY DELEGATED TO EXECUTIVE DIRECTOR
FROM July 1, 2020 TO July 31, 2020**

I PERMIT APPLICATIONS	PAGES
COLLIER COUNTY	2
LEE COUNTY	5
MARTIN COUNTY	7
PALM BEACH COUNTY	9

Attachment: IP Issued by ED report for July (5202 : Executive Director's Report - Drew Bartlett)

1. COLLIER COUNTY SPORT COMPLEX & EVENT CENTER
 (BASIN I and J)
 COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS

APPL. NO. 200427-3318
 PERMIT NO. 11-103609-P

ACREAGE: 121.42
 LAND USE: TRANSPORTATION
 RECREATIONAL
 INCLUDING GOLF

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)
 LAST DATE FOR AGENCY ACTION: AUGUST 9, 2020

2. HYDE PARK CONCEPTUAL BUILDOUT
 WINCHESTER LAND LLC

APPL. NO. 190429-1382
 PERMIT NO. 11-102792-P

ACREAGE: 640.91
 LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL)
 LAST DATE FOR AGENCY ACTION: AUGUST 22, 2020

Attachment: IP Issued by ED report for July (5202 : Executive Director's Report - Drew Bartlett)

Project Summary

This Environmental Resource Permit authorizes Construction and Operation of a stormwater management (SWM) system serving 121.42 acres of a recreational and roadway project known as Collier County Sports Complex and Event Center (Basins I and J) located in Collier County. This project proposes the development of the Collier County Sports Complex - Phase Two (Basin I) and extension of City Gate Boulevard North (Basin J).

- **Water Quality**
Pursuant to the Applicant’s Handbook Volume II, Section 4.2 the water quality volume requirements were evaluated based upon the greater of 1 inch over the controlled basin area and 2.5 inches times the percentage of imperviousness. Water quality treatment for Basin I is provided in wet retention ponds. Water quality treatment for Basin J is provided in a dry retention swale system, extending the length of the proposed roadway. Pursuant to Appendix E of the ERP Applicant’s Handbook Vol II, the provided water quality treatment includes an additional 50% treatment volume above the requirements in Section 4.2 as reasonable assurance that the project will not have an adverse impact on the downstream waterbody. Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, FAC.
- **Water Quantity**
The project discharge is less than the allowable discharge rate for the subject area based on Collier County Ordinance No. 2017-19.
- **Wetlands**
The project will result in 20.96 acres of direct wetland impacts, 1.31 acres of on-site secondary impacts and 1.50 acres of off-site secondary impacts (total of 2.81 acres of secondary impacts). The amount of required mitigation was determined using the Uniform Mitigation Assessment Method (UMAM) in Chapter 62-345, F.A.C. The project mitigates for the proposed wetland impacts through the purchase of 8.57 freshwater forested mitigation bank credits from Panther Island Mitigation Bank. There is no net loss of wetland or other surface water functional value associated with the proposed project (Section 10.3.3.1, AH Vol. I).
- **Fish, Wildlife, and Listed Species**
Pursuant to Section 10.2.2 of the Applicant’s Handbook, Volume 1, through review and coordination with FWC, there is reasonable assurance that the proposed project will not impact the values of wetland and other surface water functions so as to cause adverse impacts to the abundance, diversity, or habitat of fish, wildlife and listed species.

Additional Information:

Site Description/Proposed Project

The proposed project is located east of Collier County Sport Complex - Phase One, just north of I-75 and approximately 1.28 miles east of Collier Boulevard in Naples, Collier County. The site is vacant and densely vegetated. Currently, the constructed portion of City Gate Boulevard North terminates at a cul-de-sac at the eastern property line of the City Gate Commerce Park development.

Wetlands and Other Surface Waters

A 4.37-acre Collier County native vegetation preserve area will remain on-site in the southwest corner of the site. The on-site preserve area consists of 1.31 acres of wetlands and 3.06 acres of uplands. The wetlands in this area are considered 100% secondarily impacted and are included in the required mitigation calculation. Wetland impacts have been reduced throughout the design process to the greatest extent possible. The nature of this public facility and associated parking requirements made further avoidance infeasible.

Fish, Wildlife, and Listed Species

A Listed Species Survey was most recently conducted in March of 2020. The wetlands to be impacted provide habitat for wetland-dependent species including Big Cypress fox squirrel (BCFS), Florida bonneted bat and Florida panther. The permittee will follow the recommendations outlined in the correspondence from the Florida Fish and Wildlife Conservation Commission (FWC), dated August 19, 2019, with regards to the BCFS, Everglades mink, Florida black bear and Florida panther. Furthermore, the permittee will follow the recommendations outlined in the Biological Opinion from the Fish and Wildlife Service (FWS), dated November 4, 2018, with regards to the Florida bonneted bat and Florida panther. To mitigate for the loss of panther habitat from the proposed project, the applicant is purchasing 986.38 Conservation Credits, Panther Habitat Units (PHUs), from the Pepper Ranch Preserve Conservation Bank. The FWC and FWS documents referenced above can be found in the ePermitting file.

Attachment: IP Issued by ED report for July (5202 : Executive Director's Report - Drew Bartlett)

Date: 08/22/2020

Project Summary

This permit authorizes Conceptual Approval of a stormwater management (SWM) system serving 642.47-acre mixed-use residential and commercial development known as Hyde Park Conceptual Buildout in Collier County. Conceptual Approval includes a future large-scale residential development with a small commercial component.

- **Water Quality**

Pursuant to the Applicant's Handbook Volume II, Section 4.2 the water quality volume requirements were evaluated based upon the greater of 1 inch over the controlled basin area and 2.5 inches times the percentage of imperviousness. Water quality treatment will be provided in wet detention lakes. 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. Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, FAC.

- **Water Quantity**

The project discharge is less than the allowable discharge rate for the subject area based on Collier County Ordinance No. 2017-19.

- **Wetlands**

The project will result in 0.01 acres of direct and 1.58 acres of 100% secondary impacts. To mitigate for the direct and 100% secondary impacts, the applicant will purchase 0.47 Uniform Mitigation Assessment Method (UMAM) freshwater forested credits from Panther Island Mitigation Bank Expansion. The amount of mitigation was determined by using the UMAM analysis found in Chapter 62-345, F.A.C. There is no net loss of wetland or other surface water functional value associated with the proposed project (Section 10.3.3.1, Vol. I).

- **Other Surface Waters (OSW)**

The project will result in 400.22 acres of impacts to the 403.14 acres of OSWs. The 403.14 acres of OSWs consist of 391.30 acres of borrow pits from mining and 11.84 acres of drainage ditches. Pursuant to section 10.2.2.3, Applicant's Handbook Vol I, these areas were evaluated for wildlife habitat and deemed not significant. Because of the lack of value to wildlife, mitigation is not required per section 10.3, Applicant's Handbook Vol. I.

- **Fish, Wildlife, and Listed Species**

Pursuant to Section 10.2.2 of the Applicant's Handbook, Volume 1, through review and coordination with FWC, there is reasonable assurance that the proposed project will not impact the values of wetland and other surface water functions so as to cause adverse impacts to the abundance, diversity, or habitat of fish, wildlife and listed species.

Additional Information:**Site Description/Proposed Project**

The site is located approximately 4.1 miles east of Immokalee Road, at 4697 Oil Well Road in Naples, Collier County, Florida. Refer to Exhibit 1.0 for a location map. The land was historically agricultural row fields and then converted to a mine per Permit No. 11-01640-P. Currently, the site consists of disturbed uplands, borrow pits and trenches, ditches, berms, and a 1.5-acre Conservation Easement area located in the southeast corner.

Wetlands and Other Surface Waters

The site contains a total of 1.15 acres of wetlands and 403.14 acres of OSW. The OSW consists of 391.30 acres of borrow pits and 11.84 acres of ditches. There is a 1.56-acre existing conservation easement area that includes 1.12 acres of wetlands, 0.30 acres OSW, and 0.14 acres of uplands. The conservation easement was dedicated to the District under a previous permit for Winchester Lake Fill Pit, Permit No. 11-01640-P/Application No. 980629-8 and is not a mitigation area for the permit. There are 0.03 acres of wetlands immediately adjacent to the west of and outside of the conservation easement.

Fish, Wildlife, and Listed Species

A protected species survey was conducted by the environmental consultant of record during February 2018. Additionally, a site inspection with District and FWC staff was conducted during June 2018. No listed species or signs were observed during the survey or site visit. Additionally, during the review of this project, no wetland-dependent endangered/threatened species or species of special concern were observed onsite.

1. PEPPERPLACE NORTH
PEPPERPLACE, LLC
SEC 26,27 TWP 46S RGE 27E

APPL. NO. 200624-4
PERMIT NO. 36-06587-W
ACREAGE: 397.00
LAND USE: AGRICULTURAL

PERMIT TYPE: WATER USE MODIFICATION/RENEWAL
WATER SOURCE: WATER TABLE AQUIFER, SANDSTONE AQUIFER
ALLOCATION: 17.35 MILLION GALLONS PER MONTH
LAST DATE FOR AGENCY ACTION: SEPTEMBER 22, 2020

Attachment: IP Issued by ED report for July (5202 : Executive Director's Report - Drew Bartlett)

**Summary Report for Application Number: 200624-4, Project Name: PEPPERPLACE NORTH,
Default Date: 9/22/2020**

Project Summary:

Pepperplace, LLC is requesting a modification of Water Use Permit 36-06587-W for the use of groundwater from the Sandstone aquifer for agricultural irrigation of 192 acres of small vegetables with an annual allocation of 116.26 million gallons (MG). This is a decrease in allocation from the previous permit which was 148.67 MG annually. This modification also changes the primary source to the Sandstone aquifer and limits use of the Water Table aquifer to freeze protection. The site is in Lee County.

Water Source:

Sandstone aquifer

Annual Allocation:

The annual allocation for the project is 116.26 million gallons – reduction from 148.67 million gallons

Impact Assessment:

Based on the impact assessment submitted with the application the use will not cause harm to water resource availability, wetlands, existing legal users, and existing off-site land uses or result in the migration of saline water or pollution.

Permit Duration:

5 years.

Purpose:

The purpose of this application is to renew and modify Water Use Permit 36-06587-W for irrigation of 192 acres of small vegetables using a drip irrigation system. Withdrawals are from the Sandstone aquifer (SSA) and the Water Table aquifer (WTA).

Project Description:

Pepperplace North (Project) is a 395-acre existing farm located on the south side of Corkscrew Road, approximately 6.5 miles east of Alico Road in Lee County. The Permittee is requesting to modify the water use permit for the irrigation of 192 acres of small vegetables using a drip irrigation system. The modification consists of adding the SSA as the primary source of withdrawals, changing the WTA wells to standby for freeze protection, abandoning W1 and replacing it with W1R, changing the irrigation system to drip, and updating ownership. These modifications result in a decrease of allocation from 26.69 million gallons (MG) to 17.35 MG maximum month and 148.67 MG to 116.26 MG annually.

Projected Water Use Demands:

The annual and maximum month allocations for 192 acres of small vegetables 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 demands were calculated to be 17.35 million gallons (MG) maximum month and 116.26 MG annually. Calculations of the irrigation requirements are detailed in Exhibit 5.

A freeze protection allocation was requested by the Permittee for the WTA only. Using the methodology for calculation freeze protection pursuant to Subsection 2.3.2.A of the AH, the freeze protection requirement for 192 acres of small vegetables is 9.6 million gallons per day (MGD) per freeze event. The rated capacity of the WTA wells is 7.2 MGD. Therefore, the freeze protection allocation from the WTA wells will be based on the rated capacity of the wells.

1. MC 320 MINE
MC 320, LLC

APPL. NO. 200317-3036
PERMIT NO. 43-103117-P

ACREAGE: 174.03
LAND USE: AGRICULTURAL
MINING

PERMIT TYPE: ENVIRONMENTAL RESOURCE (NEW CONSTRUCTION/OPERATION)

LAST DATE FOR AGENCY ACTION: AUGUST 22, 2020

Attachment: IP Issued by ED report for July (5202 : Executive Director's Report - Drew Bartlett)

Project Summary

This Environmental Resource Permit authorizes the Construction and Operation of a stormwater management (SWM) system serving a 174.03-acre mining project known as MC 320 Mine located in Martin County. The proposed MC 320 Mine will construct a sand mine, haul road, dewatering basin, stock pile area and supporting infrastructure.

- **Water Quality**

The project proposes to retain all stormwater associated with the construction of this project. Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, FAC.

- **Water Quantity**

The project analysis has demonstrated the project will reduce stormwater discharges from the site. During construction of the borrow lake and mining operation, a temporary berm will retain all stormwater for the 63.85 acre mining area. The temporary containment berm and haul road will be removed as part of the site restoration when all sand mining has been completed. The completed mine will result in a 32.92 acre lake that will retain the runoff from the 25 year, 3 day design storm within the lake.

- **Wetlands**

There are no state jurisdictional wetlands located within the project site or affected by this project.

- **Fish, Wildlife, and Listed Species**

The 2.24 acres of existing on-site agricultural ditches where work is proposed provide habitat for wetland-dependent species including wood stork and a variety of listed wading birds. No aquatic or wetland-dependent listed species or species having special protection were observed to be using the uplands within the project for nesting or denning. To offset the loss of foraging biomass for wood stork, the permittee proposes to enhance the remaining 3.75 acres of onsite farm ditches by eliminating exotic and nuisance species. Also, a 1.55-acre littoral zone will be planted in the mined lake during the reclamation phase of the project. These activities will provide or improve habitat for wetland-dependent and aquatic species.

Additional Information:**Site Description/Proposed Project**

The site is located in Martin County. The site conditions are primarily improved pasture. The site includes existing ditches which were constructed pre-1978 and historically served as an irrigation delivery system. Operation and Consumptive Use permits were authorized under Permit No. 43-00092-S and Permit No. 43-00092-W, respectively.

1. THE LOFTS AT LAKE WORTH - CONCEPTUAL
CONCERT FOUNTAINS PROPERTIES, LLC

APPL. NO. 190926-1904
PERMIT NO. 50-102176-P
ACREAGE: 110.95
LAND USE: RESIDENTIAL

PERMIT TYPE: ENVIRONMENTAL RESOURCE (CONCEPTUAL APPROVAL)

LAST DATE FOR AGENCY ACTION: AUGUST 9, 2020

Attachment: IP Issued by ED report for July (5202 : Executive Director's Report - Drew Bartlett)

Project Summary

This Environmental Resource Permit authorizes Conceptual Approval of a stormwater management (SWM) system serving 110.95 acres of residential development known as the Lofts at Lake Worth located in Palm Beach County. This project proposes the redevelopment of an existing golf course into separate residential parcels.

- **Water Quality**

Pursuant to the Applicant's Handbook Volume II, Section 4.2 the water quality volume requirements were evaluated based upon the greater of 1 inch over the controlled basin area or 2.5 inches times the percentage of imperviousness. Water quality is provided in dry detention swales and wet detention lakes. Pursuant to Appendix E of the ERP Applicant's Handbook Vol II, the provided water quality treatment includes an additional 50% treatment volume above the requirements in Section 4.2 as reasonable assurance that the project will not have an adverse impact on the downstream waterbody. Issuance of this permit constitutes certification of compliance with state water quality standards in accordance with Rule 62-330.062, FAC.

- **Water Quantity**

The project discharge is within the allowable discharge criteria for the C-16 basin, as specified in Appendix A – Applicant's Handbook, Vol II.

- **Wetlands**

There are no impacts to wetlands requiring mitigation.

- **Other Surface Waters**

The project includes filling and recontouring 7.08 acres of existing on-site lakes. The proposed filling activities will impact 2.41 acres of suitable wood stork foraging habitat. These impacts will be offset through the creation of eight wet detention ponds, totaling 22.11 acres. The creation of the wet detention ponds will provide 3.60 acres of suitable wood stork foraging habitat.

- **Fish, Wildlife, and Listed Species**

Pursuant to Section 10.2.2 of the Applicant's Handbook, Volume 1, the proposed project provides and improves habitat for wetland dependent and aquatic species.

Additional Information:

Site Description/Proposed Project

The site is the former Fountains Country Club and Golf Course and is located on the south side of Lake Worth Road between Jog Road and Charleston Street. The project includes re-development of the existing golf course property into separate residential parcels with buildings, parking lots, driveways, and associated SWM system. The SWM system outfalls to Lake Worth Drainage District L-12, L-13, & L-14 canals.

**SFWMD Regulation Governing Board Report
August 13, 2020**

Regulatory Public Meeting

- The June 17, 2020 meeting was cancelled; District offices were closed to the public.

Regulatory Public Meeting Schedule

- The next Regulatory Public Meeting is scheduled for September 16, 2020, at 10:00 a.m., District Headquarters, B-1 Auditorium.
 - The meeting will be available by webcast and video-conference at Okeechobee, Orlando and Ft. Myers Service Centers.