

**AGENDA  
CITY OF SOUTH BAY  
CITY WORKSHOP  
CITY COMMISSION CHAMBERS  
APRIL 04, 2017 @ 6:30 P.M.**

*South Bay, the Crossroads of South Florida,  
We envision a sustainable economy, Let Us Grow Together*

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**NOTICE:** If any person decides to appeal any decision of the City Commission at this meeting, he/she will need a record of the proceedings and for that purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.01055. The City of South Bay does not prepare or provide such records.

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**1. CALL TO ORDER**

**2. ROLL CALL**

**3. DISCUSSION**

**3a. Agenda – April 04, 2017**

**4. ADJOURNMENT**

***South Bay, the Crossroads of South Florida,  
We envision a sustainable economy. Let Us Grow Together***

**Any citizen of the audience wishing to appear before the City Commission to speak with reference to any agenda item must complete their "Request for Appearance and Comment" card and present completed form to the City Clerk.**

- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED WORK ORDER FROM COLOME AND ASSOCIATES, INC., PERTAINING TO THE MODERNIZATION OF PARKS AND RECREATIONAL FACILITIES AT TANNER AND COX PARKS WITHIN THE CITY OF SOUTH BAY; PROVIDING FOR AN EFFECTIVE DATE

**6c.     RESOLUTION 77-2017**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE ATTACHED COMMUNITY BACK TO SCHOOL BASH, PUTTING KIDS FIRST AGENCY RESPONSIBILITY AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE

**7.       ORDINANCE**

**8.       ROSENWALD ELEMENTARY SCHOOL**

**9.       FINANCE REPORT**

**9a.     Accounts Payable Report**

**10.      CITY CLERK REPORT**

**10a.    Next City Commission Meeting – April 18, 2017**

**11.      CITY MANAGER REPORT**

**11a.    Senate Bill 10**

**11b.    Community Development Block Grant 2017-2018**

**11c.    Small County Outreach Program (SCOP) 2019**

**11d.    Park of Commerce Planning Workshop**

**12.      CITY ATTORNEY REPORT**

**13.      FUTURE AGENDA ITEMS**

**14.      COMMISSIONER COMMENTS/FOR THE GOOD OF THE ORDER**

**15.      ADJOURNMENT**

# **PROCLAMATION**

## **Florida Water Professional Month**

**WHEREAS**, the Florida Water & Pollution Control Operators Association, organized in 1941, is a non-profit trade organization that promotes the sustainability of Florida's water utility industry through workforce development, to protect the health of Florida's citizens and to preserve the state's water resources; and

**WHEREAS**, this organization offers water and wastewater treatment plant operator and water distribution operator training courses required for the state of Florida's operator licenses, eight voluntary certification programs, and continuing education programs for operator license renewal; and

**WHEREAS**, this organization, in recognizing the importance of Florida's statutes and Administrative Code that regulate the water industry, acts as liaison between the Florida Department of Environmental Protection and industry personnel; and

**WHEREAS**, the Florida Water & Pollution Control Operators Association recognizes all those who have played a significant part in operating and maintaining drinking water, wastewater, and storm water systems in Florida by celebrating Florida Water Professionals Month, which applauds their constant efforts to protect our health and environment.

**NOW, THEREFORE**, I, Joe Kyles, by virtue of the authority vested in me as Mayor of the City of South Bay, Florida, hereby proclaim

**April 2017**

**As**

**"Florida Water Professionals Month"**

in Any town, and extended greetings and best wishes to all observing Florida Water Professionals Month.

**Proclaimed this 4<sup>th</sup> day of April, 2017.**

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Joe Kyles, Mayor

**ATTESTED BY:**

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Jessica Figueroa, City Clerk

**RESOLUTION NO. 75-2017**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA RELATING TO FINANCES, PROVIDING FOR AMENDMENTS TO THE FISCAL YEAR BUDGET BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; APPROVING ASSOCIATED BUDGET AMENDMENTS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, as required by Section 200.065, Florida Statutes, the City Commission of the City of South Bay held a public hearing on September 27, 2015 to adopt the annual budget for fiscal year 2016-2017; and

**WHEREAS**, on September 27, 2016, the City Commission adopted Resolution 52-2016 setting forth the appropriations for General Fund Budget estimated for the Fiscal Year 2016-2017 in the amount of One Million Nine Hundred Forty-Three Thousand Three Hundred Twenty-Nine Dollars (\$1,943,329.00); and

**WHEREAS**, it is necessary to amend the fiscal year 2016-2017 budget to recognize an increase in revenue by Four Hundred Thirty Eight Thousand Eight Hundred Sixty-Eight Dollars (\$438,868.00), which would represent increases in the following areas: State Sale Tax of \$21,150.00; FP&L Electric Utility Tax of \$17,000.00; Building Permits fees of \$145,000.00; Sale of Real Estate of \$249,893 and carnival fee of \$5,825.00; and

**WHEREAS**, in amending the budget, it is further necessary to recognize additional expenses as follows: a decrease of \$4,060.00 in (101) Legislative Department; and increase of \$7,875.00 in (111) City Manager Department; an increase of \$15,070.00 in (121) City Clerk Department; an increase of \$5,920.00 in (131) Finance Department; an increase of \$70,000.00 for Professional Services in (151) Planning and Zoning Department; an increase of \$1,345.00 in Human Resources Department; an increase of \$18,250.00 in (191) Non-Department; an increase of \$2,000.00 in (711) Parks and Recreation Department; and transfer of \$322,468.00 to (900) Capital Project Fund.

**WHEREAS**, the budget amendment is an effective increase of Four Hundred Thirty Eight Thousand Eight Hundred and Sixty - Eight Dollars (\$438,868.00).

**NOW THEREFORE, BE IT RESOLVED** by the City Commission of the City of South Bay, Florida that:

**Section 1. Adoption of Representations.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

**Section 2. Amendment of Budget.** The City of South Bay, Florida hereby amends fiscal year Budget beginning October 1, 2016 and ending September 30, 2017 as set forth herein to recognize a supplemental appropriation to the General Fund budget in the amount of Four Hundred Thirty-Eight Thousand Eight Hundred Sixty-Eight Dollars (\$438,868.00) to the General Fund Budget bringing the total amount to Two Million Three Hundred Eighty-Two One Hundred Ninety-Seven Dollars (\$2,382,197.00). The appropriations are described in amendments to the budget worksheet attached hereto as Exhibit "A".

**Section 3. Effective Date.** This Resolution shall be effective immediately upon its passage and adoption.

PASSED and ADOPTED this 4<sup>th</sup> day of April, 2017.

\_\_\_\_\_  
Joe Kyles, Mayor

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Attested

By: \_\_\_\_\_  
Jessica Figueroa, City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
Burnadette Norris-Week, Esquire  
City Attorney

VOTE:

Commissioner Berry	_____ (Yes)	_____ (No)
Commissioner McKelvin	_____ (Yes)	_____ (No)
Commissioner Scott	_____ (Yes)	_____ (No)
Vice-Mayor Wilson	_____ (Yes)	_____ (No)
Mayor Kyles	_____ (Yes)	_____ (No)

**Budget Adj. # 1**

## Type of Budget Adjustment

Intra-Department Transfer	
Inter-Department Transfer	
Supplemental Appropriation	X

Account Description	Fund	Dept.	Account	Adopted Budget	Total Current Fiscal to Date	Available Budget	Increase	Adjusted Budget
Local Street Improvement Projects	318	311	546215	-	-	-	193,768	193,768
<b>Total Increase</b>				-	-	-	193,768	193,768
Account Description	Fund	Dept.	Account	Adopted Budget	Total Current Fiscal to Date	Available Budget	Increase	Adjusted Budget
Local Gov. 1 Cent sales tax	318	033	335180	-	16,468	-	125,000	125,000
Transfer In from GF	318	033	381001	403,121	81,921	321,200	68,768	471,889
<b>Total Increase</b>				403,121	98,389	321,200	193,768	596,889

To amend the Capital Project Fund 318 for fiscal year 2016-17 for additional one cent sales tax approved in November 2016 and excess of additional amended budget in GF to be transferred to Capital project Fund.

**Approved by City Commission  
Meeting of**





**Budget Adj. # 1**

Type of Budget Adjustment

Intra-Department Transfer	
Inter-Department Transfer	
Supplemental Appropriation	X

To amend the personnel and travel expenses in Legislative, City Manager, City Clerk, Finance and Human resources Departments, professional services in Code enforcement due to Palm Beach Housing Authority renovation projects, and non departmental for IT services, building maintenance in non departmental and Parks & Recreational, and transfer of fund to Capital project due to sales of 845 Palm Beach Road property.	231,052	288,464	438,868	958,984
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Department Head

**Finance Director**

**City Manager**

**Approved by City Commission  
Meeting of**

**RESOLUTION NO. 76- 2017**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED WORK ORDER FROM COLOME AND ASSOCIATES, INC., PERTAINING TO THE MODERNIZATION OF PARKS AND RECREATIONAL FACILITIES AT TANNER AND COX PARKS WITHIN THE CITY OF SOUTH BAY; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of South Bay ("City") entered into an agreement on June 14, 2016 with Colome and Associates, Inc. for the provision of architectural services for the City; and

**WHEREAS**, the agreement is a continuing agreement and in the present case, consists of various phases connected with Tanner and Cox Parks to include: Schematic Design; Design Development; Construction Document; Bidding or Negotiating; Construction Administration and Operational phases; and

**WHEREAS**, the next phase of the agreement is to provide construction documents and contract documents and bidding and negotiation services; and

**WHEREAS**, Colome and Associates has submitted a work order proposal to the City dated March 26, 2017 regarding the "City of South Bay - Modernization of Parks and Recreation Facilities at Tanner and Cox Parks" Project for a lump sum amount of Forty-Nine Thousand Five Hundred and Ninety-Eight Dollars (\$49,598.00), thereby representing a flat rate for less than the hourly rates otherwise available; and

**WHEREAS**, the work order proposal contains a Scope of Work related to Tanner and Cox Parks, a portion of said scope of work is as follows: two (2) new gazebos, new walk paths to gazebos, perimeter fencing, repair sidewalks, renovations to restrooms, resurface existing tennis courts, new outdoor grilles, and new playground equipment and related; and

**WHEREAS**, the City Commission of the City of South Bay ("City Commission") authorizes the City Manager to execute the work order with Colome and Associates, Inc., attached hereto as Exhibit "A" as; and

**WHEREAS**, the City commission finds that execution of said work order proposal is in the best interests of the residents of the City.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Adoption of Representations.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

**Section 2. Authorization of City Manager.** The City Commission of the City of South Bay hereby authorizes the City Manager to execute the attached work order proposal from Colome and Associates, Inc. for Professional Services for the "City of South Bay - Modernization of Parks and Recreation Facilities at Tanner and Cox Parks" Project, as more specifically set forth in Exhibit "A", and further authorizes the City Manager to take all necessary and expedient action to effectuate the intent of this Resolution.

**Section 3. Effective Date.** This Resolution shall be effective immediately upon its passage and adoption.

**PASSED and ADOPTED** this 4th day of April 2017.

\_\_\_\_\_  
Joe Kyles, Mayor

Attested

By: \_\_\_\_\_  
Jessica Figueroa, City Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Burnadette Norris-Week, Esquire  
City Attorney

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE:

Commissioner Berry	_____ (Yes)	_____ (No)
Commissioner McKelvin	_____ (Yes)	_____ (No)
Commissioner Scott	_____ (Yes)	_____ (No)
Vice-Mayor Wilson	_____ (Yes)	_____ (No)
Mayor Kyles	_____ (Yes)	_____ (No)

March 26, 2017

Mr. Leondrae Camel, City Manager  
City of South Bay  
335 SW 2<sup>nd</sup> Avenue  
South Bay, Florida 33493

Re: **City of South Bay – Modernization of Parks and Recreation Facilities Tanner and Cox Parks**  
**(Design, Construction Documents, and Construction Administration Phases)**  
South Bay, Florida

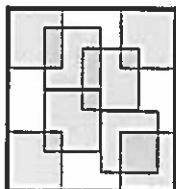
Dear Mr. Camel:

Our Firm – Colomé & Associates, Inc. (Architect) – would like to thank you for the opportunity to provide the City of South Bay with this proposal for professional services for the proposed modernization of parks and recreation facilities at the Tanner and Cox Park locations in South Bay, Florida.

The Scope of work shall consist of providing the following improvements to Tanner and Cox Parks. Tanner Park proposed improvements consist of (2) new gazebos, new walk paths to gazebos, perimeter fencing along the north and west edges, repair sidewalk near tennis court, repair sidewalk near racquetball courts, raise grades and replace sod near racquetball courts, renovations to restroom building, raise grades and provide railings at recreation building, provide new ramp to accessible recreation building, and resurface existing tennis courts. Cox Park proposed improvements consist of (2) new outdoor grilles, raise grades around playground, new playground surface, new fencing and gate around playground, modify existing sidewalks at playground, provide replace existing pavilion, rework existing sidewalks for accessibility, replace existing exterior restroom doors, re-paint existing restroom building, provide (3) new playground equipment units per construction allowance.

The scope of work shall include the following:

- Construction Documents
  - Based on approved site plan development documents prepared by this firm, prepare working drawings and project specifications, described in detail sufficient for construction and permitting, including coordination of civil engineering, structural engineering, mechanical, electrical and plumbing engineering services (as described above). Exterior furnishing shall be selected and purchased by Owner.
- Bidding and Negotiation
  - Conduct a pre-bid conference with the owner and perspective bidders or assist the Owner in negotiating contract with General Contractor.
  - Consult with and advise the Owner as to the acceptability of substitute materials and equipment proposed by the contractor.



**Colomé & Associates, Inc.**

Florida Registration AA11033419

Architecture □ Planning □ Interiors

530 24th Street □ West Palm Beach, Florida 33407 □ Telephone: (561) 833-9147 □ Facsimile: (561) 833-9356 □ E-mail: colome@colome-arch.net



- Construction Administration

- Make periodic visits by the architect or the engineer to the site to observe the progress and quality of the executed work and to determine in general if the work is proceeding in accordance with the Contract Documents. The Architect / Engineer shall not be required to make exhaustive or continuous on-site inspections to check the quality of work, nor shall the Architect be responsible for the means, methods, techniques or procedures of construction selected by Contractor(s).
  - Review and approve the Contractor's shop drawings, or take other appropriate action, but only for the limited purpose of checking for conformance with information given and the design concepts expressed in the contract documents.
- Conduct a final inspection to determine if the project has been substantially complete and a final inspection to determine if the project has been completed in accordance with the Contract Documents.
- Owner's Responsibility

The Owner shall furnish to the Architect all soil borings, tests, topographical surveys, land surveying, environmental surveys, wetland mitigation consulting, and other information; all of which the design professionals will rely upon in performing their services.

#### Fees

- Design, Construction Documents, and Construction Administration - Architectural and Engineering design: Fees for performing architectural, civil engineering, landscape architecture, and mechanical, electrical, and plumbing engineering services as outlined above shall be based upon the stipulated lump sum of forty nine thousand five hundred and ninety eight (\$49,598.00) dollars.
  - The Architect and Design Professionals shall be paid for all reimbursable expenses such as reproduction, postage and plotting expenses as an addition to the basic compensation at a rate of 1.2 times the actual amount paid.
  - Billings shall occur on a periodic basis as work progresses.

- Additional Services

- Items excluded from this professional services fee proposal:

The following items are not included as part of this professional services fee proposal: This proposal does not include the documentation or analysis of green or sustainable building components or measures incorporated into this design. If the documentation or analysis (including life cycle analysis) of this building is required to meet Florida Statutes 255.251-255.259, this service can be provided as an "Additional Services", LEED design services, Fees related to project applications, site plan approval, site plan amendment, registrations, and permitting, landscape architecture, irrigation design, surveying services, interior design, asbestos studies related to demolition of existing building, and geotechnical engineering services.

- Additional Services as requested by the Owner shall be on an Hourly Basis at the following rate:

- Principal \$125 / hour
- Project Manager \$110 / hour
- Project Engineer \$140 / hour
- Drafting \$60 / hour
- Clerical \$35 / hour

- Acceptance

If you are agreement with the terms and provisions of this proposal, please sign and return one (1) copy for our records, as it will serve as an agreement between the two parties and as a notice to proceed.

G24. FS558.0035. –PURSUANT TO FLORIDA STATUTE 558.0035, AN INDIVIDUAL EMPLOYEE OR AGENT MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.

Sincerely,

Elizabeth A. G. Colome' – Architect

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Accepted

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Date



**RESOLUTION NO. 77-2017**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE ATTACHED COMMUNITY BACK TO SCHOOL BASH, PUTTING KIDS FIRST AGENCY RESPONSIBILITY AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Community Back to School Bash ("CBTSB"), which is spearheaded by the Putting Kids First Agency of the State of Florida, is a collaborative that includes Palm Beach County ("County") nonprofits, community based organizations, religious organizations and Palm Beach County municipalities as well as the City of South Bay; and

**WHEREAS**, the sole purpose of the CBTSB is to provide school supplies, a health fair and access to community resources for approximately Fifteen Thousand (15,000) Palm Beach County students entering kindergarten in August 2017 or who are in grades one (1) through twelve (12) during the 2017/18 school year; and

**WHEREAS**, the City of South Bay ("City") has participated in the CBTSB for several years with the support of donations from several local businesses and organizations; and

**WHEREAS**, the cost of each program participant has increased from \$5.25 to \$6.75 per child; and

**WHEREAS**, the number of registered children served last year was 508 within the City and utilizing that number, the cost for the back-pack giveaway will be approximately Three Thousand Four Hundred Dollars (\$3,400.00); and

**WHEREAS**, in previous years the City has also provided food and entertainment which was an additional cost of approximately Two Thousand Dollars (\$2,000.00); and

**WHEREAS**, the City Commission of the City of South Bay has determined that it is in the best interests of the residents and youth of the City of South Bay to authorize the Mayor and City Manager execute the Community Back to School Bash, Putting Kids First Agency Responsibility Agreement attached hereto as Exhibit "A".

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA, AS FOLLOWS:**

**Section 1. Adoption of Representations.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

**Section 2. Authorization of Mayor and City Manager.** The City Commission of the City of South Bay hereby authorizes the City Manager to execute the Community Back to School Bash, Putting Kids First Agency Responsibility Agreement, attached hereto as Exhibit "A". Further, the City Manager is authorized to take all necessary and expedient action to effectuate the intent of this Resolution.

**Section 3. Effective Date.** This Resolution shall be effective immediately upon its passage and adoption.

**PASSED and ADOPTED** this 4th day of April 2017.

\_\_\_\_\_  
Joe Kyles, Mayor

Attested

By: \_\_\_\_\_  
Jessica Figueroa, City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
Burnadette Norris-Week, Esquire  
City Attorney

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

VOTE:

Commissioner Berry	_____ (Yes)	_____ (No)
Commissioner McKelvin	_____ (Yes)	_____ (No)
Commissioner Scott	_____ (Yes)	_____ (No)
Vice-Mayor Wilson	_____ (Yes)	_____ (No)
Mayor Kyles	_____ (Yes)	_____ (No)

**Community Back to School Bash, Putting Kids First**  
**Agency Responsibility Agreement**  
**2017/18**

The Community Back to School Bash is a collaborative that includes certain Palm Beach County nonprofits, community based organizations, religious organizations and Palm Beach County.

The sole purpose of the Community Back to School Bash is to provide school supplies, a health fair and access to community resources for and estimated 15,000 (number contingent upon amount of money raised to purchase supplies) Palm Beach County students entering kindergarten in August 2017 or who are in grades 1 through 12 in the 2017/18 school year.

The Community Back to School Bash is a volunteer based organization and as such, all agencies, community groups and/or religious organizations that wish to participate in the Community Back to School Bash must agree to the following as a condition of participation:

- 1) Attend a minimum of 80% of all Community Back to School Bash meetings and join a minimum of one BASH committee with 80% participation.
- 2) Provide a list of participants, using the provided excel spreadsheet format that will be attending the BASH event to be held on July 29, 2017 by **June 2, 2017. Incomplete spreadsheets** will be returned to the agency. **ONLY** completed spreadsheets will be accepted and participants enrolled for attendance at the 2017 BASH.
- 3) All agencies must pay \$6.75 per child for every child referred to the Community Back to School Bash. Payment must be received no later than June 15, 2017.
- 4) Agencies must designate a minimum of one representative /contact person to represent the agency at BASH meetings, participate in a minimum of one committee, and coordinate **agency volunteers** to assist with BASH set up, BASH event(s) and post BASH activities.
- 5) If the agency has participants attending more than one BASH location, the agency agrees to have representative present at those locations.
- 6) All agencies agree that **ONLY** participants that are registered and have been given a personalized invitation will be permitted into the BASH. Persons not listed on the BASH final register will not be permitted into the event.

- 7) Agencies agree to give participants invitations in a timely manner and not "substitute" participants.
- 8) Due to the nature and size of the event, agencies agree to seek and secure resources such as:
  - Assist in grant writing and securing sponsors for the BASH event(s)
  - A minimum of number of volunteers (to be determined by BASH Board) to assist with set up of the event(s), the BASH event(s) and post-BASH activities.
  - Donations of food for the event(s)
  - Donations of entertainment for the BASH (bounce houses, clowns, dancers, DJ's, etc.)
  - Assist in securing persons to provide health care services to participants
  - Assist in securing persons to provide information on Community Based Services
  - Assist to secure hair stylists and barbers for the event(s).
- Resources for the BASH (must be approved by BASH Board) such as haircuts, health care services, community services, food for the event(s), entertainment for the event(s), etc.
- 9) Agencies identified, as OCR/Palm Beach County must have approval from OCR, prior to May 1, 2017 to participate in the BASH as an OCR agency. OCR will verify with BASH administration agency eligibility.
- 10) Agencies agree to represent the Community Back to School Bash, Putting Kids First in a professional, non-secular and non-discriminatory manner. Agencies agree to uphold the Community Back to School Bash Non-Discrimination Policy as stated.
- 11) All press or media contacts should be directed to the Executive Board of the Community Back to School Bash.

Agencies, community partners and religious organizations agree that failure to meet the above standards will result in agency disqualification from the BASH.

Furthermore, agencies that do not submit participant names in provided excel format (name, address, grade, sex, parent name, agency, phone number, etc.) by the deadline of May 30, 2017 will be disqualified from participating in the event.

Qualified agencies that have additional clients (new children entering their programs after May 30, 2017) will not be guaranteed invitations for those children. That determination will be made by June 30, 2017 after the initial number of children are presented and approved by the BASH Board. NO new children will be accepted after July 1, 2017 due to BASH supply order restrictions.

Agencies agree, by signing this agreement, to the above conditions of The Community Back to School Bash. Agreements must be received no later than Monday, March 27, 2017 for 2017 BASH participation.

\_\_\_\_\_  
Signature of CEO or Board President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agency (Printed)

For Community Back to School Bash Administration ONLY:  
Approval of Agency:

\_\_\_\_\_  
President or Vice President of BASH

\_\_\_\_\_  
Date

Yes / No - OCR Agency      OCR Staff Approval of Agency: \_\_\_\_\_  
Date and OCR staff name



## City of South Bay

South Bay City Hall  
335 SW 2nd Avenue  
South Bay, FL 33493  
Telephone: 561-996-6751  
Facsimile: 561-996-7950

[www.southbaycity.com](http://www.southbaycity.com)

### Commission

Joe Kyles Sr.  
Mayor

John Wilson  
Vice Mayor

Esther E. Berry

Shanique S. Scott

Taranza McKelvi

Leondrae Camel,  
City Manager

Jessica Figueroa, City Clerk

Bernadette Norris-Weeks  
City Attorney

"An equal Opportunity  
Affirmative Action Employer"

To: Honorable Mayor and Commissioners  
From: Massih Saadatmand, Finance Director  
Thru: Mr. Leondrae Camel, City Manager  
Date: March 16, 2017  
Ref: Weekly check register

Enclosed, please find the summary of check register as of March 16, 2017:

#### General Fund

##### • Utility:

AT & T Mobility	\$ 797.64
FPL	5,792.85
DeltaCom	1,254.69
PBC Water	1,708.89

• Aetna	13,073.58
• PBC Sheriff	14,782.33
• Bank of America	2,869.07
• CAP Government	2,187.50
• Palm Beach County (Engineering Dept)	3,542.88
• Marthon Fleet	1,022.83
• FL Municipal Ins	8,062.00
• Deposit refund	150.00
• Coastal network Solution	1,719.91
• Purchased of supplies, materials and parts	4,109.95 <i>A</i>
• Payment for various services	2,385.43 <i>C</i>
• Payroll deductions	3,832.33 <i>B</i>
• Other	7,233.43 <i>D</i>

Total \$ 74,525.31

#### W & S Fund

US Water \$ 3,942.43

#### Sanitation Fund

Southern Waste \$ 35,071.65

##### Revenues:

• Ad Valorem Tax	\$ 31,150.97
• PBCHA	407,893.80
• Board of PBC	356,037.70
• DOT	83,760.40

Total \$ 878,842.87

# AP Check Register Report

City Of South Bay (CSBFND)

2/17/2017 11:12:45 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
9723	FLORIDA ELECTION COM	FLORIDA ELECTION COMMISSION	2/17/2017	275.40	D
9724	FLORIDA MUNICIPAL IN	FLORIDA MUNICIPAL INSURANCE TRUST	2/17/2017	8,082.00	
9725	INDEPENDENT NEWSPAF	INDEPENDENT NEWSMEDIA INC USA	2/17/2017	87.36	D
9726	JOHN DEERE FINANCIAL	JOHN DEERE FINANCIAL	2/17/2017	496.63	L
9727	ORIGINAL EQUIPMENT	ORIGINAL EQUIPMENT	2/17/2017	189.65	A
9728	PBC BOARD OF COUNTY	PALM BEACH COUNTY	2/17/2017	3,542.88	
9729	PERFORMANCE NAPA	PERFORMANCE NAPA	2/17/2017	456.75	A
9730	TIRE SERVICE PLUS CO	TIRE SERVICE PLUS CO	2/17/2017	114.95	
9731	TRC FARM INDUSTRIAL	TRC FARM & INDUSTRIAL SUPPLY INC	2/17/2017	61.10	
9732	WOLFF'S LAWN	WOLFF LAWN MACHINE INC	2/17/2017	134.99	A
9733	XEROX CORP	XEROX CORPORATION	2/17/2017	208.00	C

Non-Electronic Transactions: 13,629.71

Total Transactions: 13,629.71



# AP Check Register Report

## City Of South Bay (CSBFND)

3/1/2017 11:53:22 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
9734	AETNA	AETNA	3/1/2017	13,073.58
9735	AFLAC	AFLAC	3/1/2017	1,693.20 B
9736	ALOFT TALLAHASSEE	ALOFT TALLAHASSEE	3/1/2017	876.00
9737	AT&T MOBILITY	AT&T MOBILITY -ROC	3/1/2017	797.64
9738	BANK OF AMERICA, NA	BANK OF AMERICA	3/1/2017	2,869.07
9739	BELLE GLADE WHOLESAL	BELLE GLADE WHOLESALE	3/1/2017	283.39 A
9740	CAP GOVERNMENT	CAP GOVERNMENT	3/1/2017	2,187.50
9741	CHRISTOPHER E. BENJA	CHRISTOPHER E. BENJAMIN	3/1/2017	495.00 C
9742	COASTAL NETWORK SOL	COASTAL NETWORK SOLUTIONS, LLC	3/1/2017	1,719.91
9743	COLONIAL LIFE PROCES	COLONIAL LIFE PROCESSING CENTER	3/1/2017	340.50 B
9744	COMCAST	COMCAST	3/1/2017	164.85
9745	DELTACOM 1058	EARTHLINK	3/1/2017	1,254.69
9746	ESTHER BERRY	ESTHER BERRY	3/1/2017	72.00 D
9747	HILTON GARDEN INN	HILTON GARDEN INN	3/1/2017	418.00
9748	HOMELESS COALITION O	HOMELESS COALITION OF PALM BEACH COUNTY IN	3/1/2017	250.00
9749	HOTEL DUVAL	HOTEL DUVAL	3/1/2017	578.00 void
9750	IAMAW	IAMAW	3/1/2017	324.72 B
9751	JEANETTE HICKMAN	Jeanette Wislon	3/1/2017	* 150.00
9752	JOE KYLES	JOE KYLES	3/1/2017	439.00 D
9753	JOHN WILSON	JOHN WILSON	3/1/2017	72.00 L
9754	JP ELECTRONIC	JEFF PAULO D/B/A JP ELECTRONICS &	3/1/2017	85.00 C
9755	LAKE HARDWARE	LAKE HARDWARE	3/1/2017	62.95 A
9756	ONE STOP SHOP	ONE STOP SHOP	3/1/2017	208.19 A
9757	ORIGINAL EQUIPMENT	ORIGINAL EQUIPMENT	3/1/2017	143.70 L
9758	PBC SHERIFF'S OFFICE	PALM BEACH COUNTY SHERIFF'S OFFICE	3/1/2017	14,782.33
9759	PERFORMANCE NAPA	PERFORMANCE NAPA	3/1/2017	178.59 A
9760	PETTY CASH	CITY OF SOUTH BAY-PETTY CASH	3/1/2017	419.19 D
9761	ROBBIE TIRE	ROBBIE TIRE	3/1/2017	12.00 L
9762	SEASON TO SEASON, LLC	SEASON TO SEASON, LLC	3/1/2017	445.00 C
9763	SOLSTICE BENEFITS IN	SOLSTICE MARKETPLACE	3/1/2017	518.78 B
9764	TARANZA MCKELVIN	TARANZA MCKELVIN	3/1/2017	450.00 D void
9765	TRC FARM INDUSTRIAL	TRC FARM & INDUSTRIAL SUPPLY INC	3/1/2017	32.19 A
9766	U & ME RECORDS MANAC	U & ME RECORDS MANAGEMENT	3/1/2017	303.02 C
9767	UNUM LIFE INS	UNUM LIFE INSURANCE COMPANY OF AMER	3/1/2017	155.69 D
Non-Electronic Transactions:				45,855.68
Total Transactions:				45,855.68

44,827.68

**AP Immediate Check Register Report**  
City Of South Bay (CSBFND)

3/6/2017 3:12:18 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
9768	MARRIOTT WARDMAN PA	MARRIOTT WARDMAN PARK HOTEL	3/6/2017	1,232.02
9769	MARRIOTT WARDMAN PA	MARRIOTT WARDMAN PARK HOTEL	3/6/2017	1,232.02
Totals:			Total Transactions:	2,464.04

# AP Check Register Report

## City Of South Bay (CSBFND)

3/10/2017 9:58:12 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
0	ALLY	ALLY	3/10/2017	502.52	D
9771	EVERGLADES TRADING	EVERGLADES TRADING	3/10/2017	7.98	A
9773	FPL	FPL	3/10/2017	5,792.85	
9774	HOME DEPOT CREDIT SE	HOME DEPOT CREDIT SERVICES	3/10/2017	1,416.22	
9775	JIM HOOKS WELDING IN	JIM HOOKS WELDING INC.	3/10/2017	120.00	C
9776	LEGAL SHIELD	PRE PAID LEGAL SERVICES INC	3/10/2017	25.90	B
9777	LIBERTY NATIONAL	LIBERTY NATIONAL	3/10/2017	752.95	J
9778	MARTHON FLEET	WEX BANK	3/10/2017	1,022.83	
9779	NEOFUNDS BY NEOPOST	NEOFUNDS BY NEOPOST	3/10/2017	400.00	D
9780	NEW YORK LIFE INS	NEW YORK LIFE INSURANCE COMPANY	3/10/2017	176.28	B
9781	OFFICE DEPOT CREDIT	OFFICE DEPOT CREDIT PLAN	3/10/2017	348.29	A
9782	PBC WATER UTILITIES	PALM BEACH COUNTY WATER UTILITIES	3/10/2017	1,708.89	
9783	TOTAL TRUCKS PARTS	TOTAL TRUCKS PARTS	3/10/2017	389.87	A
9784	WALMART COMMUNITY	WAL-MART COMMUNITY	3/10/2017	81.14	L
9785	XEROX CORP	XEROX CORPORATION	3/10/2017	329.41	C
Non-Electronic Transactions:				13,075.13	
Total Transactions:				13,075.13	

**AP Immediate Check Register Report**  
City Of South Bay (CSBFND)

3/10/2017 10:14:26 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
86	JERYL MADDIE	Jeryl Maddie	3/10/2017	390.75
Totals:			Total Transactions:	390.75

**AP Immediate Check Register Report**  
City Of South Bay (CSBFND)

3/10/2017 11:29:52 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
07	JOE KYLES	JOE KYLES	3/10/2017	138.00
Totals:			Total Transactions:	138.00

# AP Immediate Check Register Report

City Of South Bay (CSBFND)

3/1/2017 9:39:38 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
15	US WATER	U S WATER SERVICES CORPORATION	3/1/2017	3,942.43
Totals:			Total Transactions:	3,942.43

**AP Check Register Report**  
City Of South Bay (CSBFND)

2/17/2017 11:34:10 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
35	WASTE MANAGEMENT	WASTE MANAGEMENT	2/17/2017	13,084.12
Non-Electronic Transactions:				13,084.12
Total Transactions:				13,084.12

**AP Check Register Report**  
City Of South Bay (CSBFND)

2/27/2017 1:55:34 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
37	WASTE MANAGEMENT	WASTE MANAGEMENT	2/27/2017	21,987.53
Non-Electronic Transactions:				21,987.53
Total Transactions:				21,987.53





## City of South Bay

South Bay City Hall  
335 SW 2<sup>nd</sup> Avenue  
South Bay, FL 33493  
Telephone: 561-996-6751  
Facsimile: 561-996-7950

[www.southbaycity.com](http://www.southbaycity.com)

### Commission

Joe Kyles Sr.  
Mayor

John Wilson  
Vice Mayor

Esther E. Berry

Shanique S. Scott

Taranza McKelvin

Leondrae Camel  
City Manager

Jessica Figueroa, City Clerk

Bernadette Norris-Weeks  
City Attorney

\*An equal Opportunity  
Affirmative Action Employer\*

To: Honorable Mayor and Commissioners

From: Massih Saadatmand, Finance Director

Thru: Mr. Leondrae Camel, City Manager

Date: March 29, 2017

Ref: Weekly check register

Enclosed, please find the summary of check register as of March 29, 2017:

#### General Fund

• Utility:		
At & T	\$	831.64
Comcast		220.03
FPL		
• FL Municipal Insurance Trust		23,471.00
• CAP Engineering		112,370.81
• Weekley Asphalt		188,028.45
• Coastal Network		1,500.00
• JHL		550.00
• Deposit refund		365.75 *
• Purchased of supplies, materials and parts		871.57 A
• Payment for various services		2,835.18 B
• Other		2,130.99 C
Total	\$	<u>333,175.42</u>

#### Sanitation Fund

Waste Management \$ 14,311.81

#### Revenues:

• FP & L (Franchise & Utility tax)	\$	33,837.28
• Ad Valorem		3,013.36
• Communication Tax		4,076.03
• Local Option Gas Tax		10,898.22
• Rental		4,150.00
• Sales Tax & Revenue Sharing		<u>51,676.65</u>
• Total	\$	<u>107,651.54</u>

# AP Check Register Report

## City Of South Bay (CSBFND)

3/16/2017 1:24:08 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
9788	CATHY WOODSON	CATHY WOODSON	3/16/2017	185.00	C
9789	CHRISTOPHER E. BENJA	CHRISTOPHER E. BENJAMIN	3/16/2017	495.00	B
9790	COASTAL NETWORK SOL	COASTAL NETWORK SOLUTIONS, LLC	3/16/2017	1,500.00	
9791	COMCAST	COMCAST	3/16/2017	220.03	
9792	DOROTHY J. DAVIS	DOROTHY J. DAVIS	3/16/2017	265.00	C
9793	EVERGLADES FARM EQU	EVERGLADES FARM EQUIPMENT	3/16/2017	50.97	A
9794	FRANCES ONEAL	FRANCES ONEAL	3/16/2017	185.00	C
9795	INDEPENDENT NEWSPAF	INDEPENDENT NEWSMEDIA INC USA	3/16/2017	56.20	B
9796	JLH ASSOCIATES	JLH ASSOCIATES	3/16/2017	550.00	
9797	JOE KYLES	JOE KYLES	3/16/2017	245.00	C
9798	JOHN DEERE FINANCIAL	JOHN DEERE FINANCIAL	3/16/2017	496.63	C
9799	KIARA YOUNG	KIARA YOUNG	3/16/2017	365.75	*
9800	LAWNMOWER HEADQUAI	LAWNMOWER HEADQUARTER	3/16/2017	436.14	A
9801	LEON NUGENT	LEON NUGENT	3/16/2017	44.87	C
9802	MILDRED ROSS	MILDRED ROSS	3/16/2017	185.00	
9803	NATIONAL NOTARY ASSC	NATIONAL NOTARY ASSOCIATION	3/16/2017	130.00	
9804	ONE STOP SHOP	ONE STOP SHOP	3/16/2017	147.61	A
9805	ORIGINAL EQUIPMENT	ORIGINAL EQUIPMENT	3/16/2017	64.37	
9806	ORSENIGO REPAIR	ORSENIGO REPAIR & MAINT. INC	3/16/2017	265.00	B
9807	PERFORMANCE NAPA	PERFORMANCE NAPA	3/16/2017	71.98	A
9808	ROBBIE TIRE	ROBBIE TIRE	3/16/2017	40.00	
9809	ROLFE & LOBELLO, P.A.	ROLFE & LOBELLO, P.A.	3/16/2017	133.62	C
9810	UNITED FIRE PROTECTIC	UNITED FIRE PROTECTION, INC.	3/16/2017	680.00	B
9811	XEROX CORP	XEROX CORPORATION	3/16/2017	208.85	B

Non-Electronic Transactions: 7,022.02

Total Transactions: 7,022.02

**AP Check Register Report**  
City Of South Bay (CSBFND)

3/17/2017 11:03:52 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
9812	CAP ENGINEERING	CAP ENGINEERING	3/17/2017	90,266.32
Non-Electronic Transactions:				90,266.32
Total Transactions:				90,266.32

**AP Check Register Report**  
City Of South Bay (CSBFND)

3/17/2017 11:07:30 AM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
0013	CAP ENGINEERING	CAP ENGINEERING	3/17/2017	22,104.49
Non-Electronic Transactions:				22,104.49
Total Transactions:				22,104.49

**AP Check Register Report**  
City Of South Bay (CSBFND)

3/24/2017 4:08:01 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount	
9814	A-1 MOVING STORAGE	A-1 MOVING & STORAGE	3/24/2017	147.50	C
9815	FLORIDA MUNICIPAL IN	FLORIDA MUNICIPAL INSURANCE TRUST	3/24/2017	23,471.00	
9816	FLORIDA STORMWATER	FLORIDA STORMWATER ASSOCIATION	3/24/2017	400.00	C
9817	JERYL MADDIE	Jeryl Maddie	3/24/2017	200.00	J
9818	JP ELECTRONIC	JEFF PAULDO D/B/A JP ELECTRONICS &	3/24/2017	633.50	B
9819	LAWNMOWER HEADQUAI	LAWNMOWER HEADQUARTER	3/24/2017	60.50	A
Non-Electronic Transactions:				24,912.50	
Total Transactions:				24,912.50	

**AP Check Register Report**  
City Of South Bay (CSBFND)

3/29/2017 1:54:56 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
9820	AT&T MOBILITY	AT&T MOBILITY -ROC	3/29/2017	831.64
9821	SHARON R. BOCK	SHARON R. BOCK, CLERK & COMPTROLLER	3/29/2017	10.00
Non-Electronic Transactions:				841.64
Total Transactions:				841.64

**AP Immediate Check Register Report**  
City Of South Bay (CSBFND)

3/23/2017 1:04:29 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
100		WEEKLY ASPHALT PAVIN WEEKLEY ASPHALT PAVING, INC.	3/23/2017	188,028.45
Totals:			Total Transactions:	188,028.45

**AP Check Register Report**  
City Of South Bay (CSBFND)

3/16/2017 1:55:17 PM

Page 1

Check Number	Vendor Number	Vendor Name	Check Date	Check Amount
138	WASTE MANAGEMENT	WASTE MANAGEMENT	3/16/2017	14,311.81
Non-Electronic Transactions:				14,311.81
Total Transactions:				14,311.81



The Florida Senate  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on The Environment and Natural Resources

BILL: PCS/SB 10 (601444)

INTRODUCER: Appropriations Subcommittee on The Environment and Natural Resources; Senator Bradley and others

SUBJECT: Water Resources

DATE: March 10, 2017

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Istler	Rogers	EP	<b>Favorable</b>
2. Reagan	Betta	AEN	<b>Recommend: Fav/CS</b>
3. _____	_____	AP	_____

**I. Summary:**

PCS/SB 10 establishes the Coast-to-Coast Comprehensive Water Resources Program to:

- Redistribute the remaining \$3.3 billion in bonding authority from Florida Forever bonds to water restoration protection and development bonds, which is a newly created set of bonds;
- Establish the following options for additional water storage south of Lake Okeechobee to reduce the discharges to the St. Lucie and Caloosahatchee estuaries:
  - (A) The South Florida Water Management District (SFWMD) is required to seek proposals from willing sellers of land within the Everglades Agricultural Area for land that is suitable to build one or two reservoirs with a total storage capacity of 360,000 acre-feet.<sup>1</sup>
  - (B) If the SFWMD is unable to acquire such land then the option to purchase lands from the United States Sugar Corporation, which is available pursuant to the 2010 agreement,<sup>2</sup> must be exercised.
  - (C) If land is not acquired pursuant to the first two options then Legacy Florida funding is increased by \$50 million annually for the Comprehensive Everglades Restoration Project (CERP);
- Establish a revolving loan fund to provide funding assistance to local governments and water supply entities for the development and construction of water storage facilities;
- Revise the uses of the Water Protection and Sustainability Program Trust Fund to include the water storage facility revolving loan program.
- Require specified annual distributions from the Land Acquisition Trust Fund (LATF) to the St. Johns River Water Management District of \$35 million for restoration of the St. Johns

<sup>1</sup> One acre-foot of water equals 325,851 billion gallons of water.

<sup>2</sup> See Second Amended and Restated Agreement for Sale and Purchase (2010), available at [https://www.sfwmd.gov/sites/default/files/documents/rog\\_0\\_amended\\_restated\\_agt\\_for\\_sale\\_and\\_purchase.pdf](https://www.sfwmd.gov/sites/default/files/documents/rog_0_amended_restated_agt_for_sale_and_purchase.pdf) (last visited Jan. 31, 2017).

River and the Keystone Heights Lake Region; \$2 million to the Department of Environmental Protection (DEP) for the Florida Keys Area of Critical State Concern; and \$20 million to conduct muck dredging and large-scale stormwater improvement and offset property owner costs for retrofitting or converting onsite sewage treatment and disposal systems that the DEP determines to collectively contribute to excess nutrient pollution in counties contributing to the Indian River Lagoon, the St. Lucie Estuary, or the Caloosahatchee Estuary;

- Establish a water reuse grant program, subject to specific appropriations, to assist wastewater treatment facilities in expanding their capacity to make reclaimed water available for reuse; and
- Require the State Board of Administration to report on potential water supply project investments.

The bill provides contingent appropriations for Options A and B of the reservoir project. Option A includes recurring debt service payments from the LATF of \$64 million beginning in the 2017-2018 Fiscal Year and an additional recurring \$34 million beginning in the 2018-2019 Fiscal Year. Under Option A, the total recurring appropriation for debt is \$100 million through the 2037-2038 Fiscal Year. Based on this level of debt service, the bond proceeds are expected to be \$800 million in FY 2017-2018 and an additional \$400 million in FY 2018-2019 and will be deposited into the LATF.

Contingent upon bonds being issued for Option B, \$100 million in recurring funds from the LATF are appropriated for the 2018-2019 Fiscal Year through the 2037-2038 Fiscal Year for the payment of debt service. Under Option C, the required annual minimum distribution for Everglades restoration projects from the LATF is increased by \$50 million.

## **II. Present Situation:**

### **State Board of Administration**

The State Board of Administration (SBA) was created by the State Constitution and is governed by a three-member Board of Trustees, consisting of the Governor as the Chair, the Chief Financial Officer, and the Attorney General.<sup>3</sup> State bonds pledging the full faith and credit of the state are authorized to be issued pursuant to Article VII, section 11 of the Florida Constitution.<sup>4</sup> The SBA administers state bonds in accordance with the State Bond Act.<sup>5</sup> The Division of Bond Finance within the SBA has the authority to issue state bonds and administer the debt service payments for such bonds.<sup>6</sup>

Additionally, the SBA is charged with investing state funds, including the Florida Retirement System funds, in compliance with state law.<sup>7</sup> The SBA is obligated to make sound investment management decisions that are solely in the interest of investment clients and make investment decisions from the perspective of a subject-matter expert acting under the highest standards of

<sup>3</sup> FLA. CONST. art. IV, s. 4.

<sup>4</sup> FLA. CONST. art. VII, s. 11; s. 215.59, F.S.

<sup>5</sup> See ss. 215.57-215.83, F.S.

<sup>6</sup> Section 215.64, F.S.

<sup>7</sup> Section 215.44, F.S.

professionalism and case, not merely as well-intentioned persons acting in good faith.<sup>8</sup> As of December 31, 2016, the total SBA funds under management is \$184.6 billion.<sup>9</sup>

### Florida Forever Bonds

Pursuant to Art. VII, s. 11(e) of the State Constitution, the issuance of Florida Forever bonds is authorized in s. 215.618, F.S.<sup>10</sup> Florida Forever bonds pledge part of a dedicated state tax revenue: documentary stamp taxes. Documentary stamp taxes are levied on deeds and other documents related to real property and are collected under ch. 201, F.S. Florida Forever bonds are authorized to be issued up to \$5.3 billion.<sup>11</sup> Two billion dollars in Florida Forever bonds have been issued, which leaves \$3.3 billion in remaining statutory authority.<sup>12</sup>

The total amount of debt service payments are limited to \$300 million per Fiscal Year.<sup>13</sup> The debt service for such bonds is required to be specifically appropriated in the General Appropriations Act in the fiscal year in which the bonds are issued.<sup>14</sup> There is currently \$1.05 billion outstanding for Florida Forever bonds.<sup>15</sup> The proceeds from the sale of Florida Forever bonds are required to be deposited into the Florida Forever Trust Fund to be distributed by the Department of Environmental Protection as provided in the Florida Forever Act.<sup>16</sup>

### Lake Okeechobee and the Central Everglades Overview

In the mid-1800s the state began planning for the development of Central and South Florida, with the primary obstacle being water.<sup>17</sup> Extensive drainage projects were implemented to enable land development for urban and agricultural uses. In the early 1900s the St. Lucie and Caloosahatchee Rivers were widened and deepened for navigation and to serve as outlets from Lake Okeechobee to the east and west, respectively. After major hurricanes devastated the region in the 1920s and 1940s, the state partnered with the federal government, through the United States Army Corps of Engineers (USACE), to implement additional flood control projects that

<sup>8</sup> State Board of Administration (SBA), *About the SBA*, <https://www.sbafla.com/fsb/Home.aspx> (last visited Mar. 8, 2017).

<sup>9</sup> SBA, *Performance Report to the Trustees*, 4 (Feb. 15, 2017), available at [https://www.sbafla.com/fsb/Portals/FSB/Content/Performance/Trustees/2016/20161231\\_Trustees\\_Performance\\_Report.pdf?ver=2017-02-16-093227-360](https://www.sbafla.com/fsb/Portals/FSB/Content/Performance/Trustees/2016/20161231_Trustees_Performance_Report.pdf?ver=2017-02-16-093227-360) (last visited Mar. 8, 2017).

<sup>10</sup> Section 11(e), Art. X of the State Constitution authorizes the issuance of bonds by the state in a manner provided by general law, which pledges all or part of a dedicated state tax revenue to finance or refinance the acquisition and improvement of land, water areas, and related property interests and resources for the purposes of conservation, outdoor recreation, water resource development, restoration of natural systems, and historic preservation.

<sup>11</sup> Section 215.618, F.S.

<sup>12</sup> SBA, *Environmental Bonding Programs: Authorization Authority and Amounts* (2016) (on file with the Senate Committee on Environmental Preservation and Conservation).

<sup>13</sup> Section 201.15(1), F.S.

<sup>14</sup> Section 201.15(3), F.S.

<sup>15</sup> SBA, *Environmental Bonding Programs: Authorization Authority and Amounts* (2016) (on file with the Senate Committee on Environmental Preservation and Conservation).

<sup>16</sup> Section 215.618(5), F.S.

<sup>17</sup> United States Army Corps of Engineers (USACE) and South Florida Water Management District (SFWMD), *Central and Southern Florida Project Comprehensive Review Study, Final Feasibility Report and Programmatic Environmental Impact Statement*, 1-1 (April 1999) [hereinafter *Restudy*], available at [http://141.232.10.32/pm/projects/project\\_docs/pdp\\_asr\\_combined/052808\\_asr\\_report/052808\\_asr\\_ch1\\_restudy\\_feas\\_rpt\\_prog\\_eis.pdf](http://141.232.10.32/pm/projects/project_docs/pdp_asr_combined/052808_asr_report/052808_asr_ch1_restudy_feas_rpt_prog_eis.pdf) (last visited Jan. 31, 2017).

were necessary for the land development to progress. Congress authorized the Central and Southern Florida Project (C&SF) in 1948.<sup>18</sup>

The C&SF included channelizing the Kissimmee River; draining the area south of the lake, known as the Everglades Agricultural Area for agricultural production; and diking Lake Okeechobee for flood protection.<sup>19</sup> Additionally, central portions of the Everglades were diked to create water conservation areas (WCAs) to store water for water supply in the lower east coast and for deliveries to Everglades National Park.<sup>20</sup> While some fish and wildlife value was expected to remain in the WCAs, the only area intended for preservation in its natural state was Everglades National Park.<sup>21</sup>



### *Kissimmee River Basin*

The Kissimmee River Basin extends from Orlando southward to Lake Okeechobee and encompasses approximately 3,000 square miles.<sup>22</sup> The C&SF project turned the once meandering 103 mile Kissimmee River into a 56-mile long, 30 foot deep canal called the C-38.<sup>23</sup> The resulting floodplain, the remnant river channels, and the C-38 canal are collectively referred to as the channelized system.<sup>24</sup> Prior to channelization the flow of the river inundated much of the floodplain for a majority of the year.<sup>25</sup> While the project proved successful for flood control, it had a significant impact on the wetland ecosystem.<sup>26</sup> The first public hearing to discuss the

<sup>18</sup> The Flood Control Act of 1948 (P.L. 858, 80<sup>th</sup> Congress, 2<sup>nd</sup> Session).

<sup>19</sup> *Restudy* at 1-1.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 1-10.

<sup>23</sup> SFWMD, *Kissimmee River Restoration Studies*, 1 (Sept. 2006), available at [https://www.sfwmd.gov/sites/default/files/documents/krr\\_exec\\_summary.pdf](https://www.sfwmd.gov/sites/default/files/documents/krr_exec_summary.pdf) (last visited Jan. 31, 2017).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

restoration of the Kissimmee River was held just one year after the channelization was completed.<sup>27</sup>

### *Lake Okeechobee*

Lake Okeechobee is the second largest freshwater lake located entirely within the contiguous United States, covering approximately 730 square miles.<sup>28</sup> The waters of the lake were impounded by a system of encircling levees, collectively referred to as the Herbert Hoover Dike.<sup>29</sup> The lake is managed as a multi-purpose reservoir for navigation, water supply, flood control, and recreation.<sup>30</sup>

Thirty-nine percent of the water that comes into the lake is from direct rainfall, 31 percent comes from the Kissimmee River, and then a smaller percentage of the water flows from other areas such as Fisheating Creek and Taylor Creek/Nubbin Slough.<sup>31</sup> Prior to the construction of the Herbert Hoover Dike, water would flow from the Kissimmee River Basin into the lake and, once the lake would fill, water would overflow the lake's southern rim and deliver sheet flow runoff to the Everglades.<sup>32</sup>

Because of the acceleration of the flows into the lake as a result of C&SF and land use modifications, the water quality in the lake has degraded over time due to high phosphorous loadings.<sup>33</sup> The Total Maximum Daily Load for Lake Okeechobee proposes an annual load of 140 metric tons (mt) of phosphorous to achieve an in-lake target phosphorous concentration of 40 parts per billion (ppb) in the pelagic zone of the lake.<sup>34</sup>

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<sup>27</sup> *Id.*

<sup>28</sup> Florida Department of Environmental Protection (FDEP), *Lake Okeechobee*, <http://www.dep.state.fl.us/everglades/lakeo.htm> (last visited Jan. 31, 2017).

<sup>29</sup> *Restudy* at 1-13.

<sup>30</sup> *Id.*

<sup>31</sup> FDEP, *Total Maximum Daily Load for Total Phosphorous, Lake Okeechobee, Florida*, 6 (Aug. 2001), available at [http://www.dep.state.fl.us/water/tmdl/docs/tmdls/final/gp1/Lake\\_O\\_TMDL\\_Final.pdf](http://www.dep.state.fl.us/water/tmdl/docs/tmdls/final/gp1/Lake_O_TMDL_Final.pdf) (last visited Jan. 31, 2017).

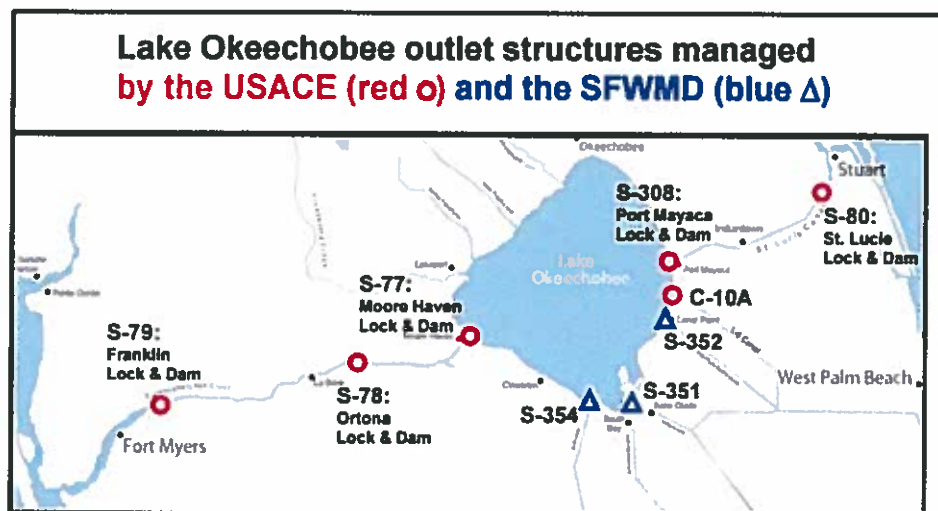
<sup>32</sup> *Id.* at 6, 7.

<sup>33</sup> FDEP, *Lake Okeechobee*, <http://www.dep.state.fl.us/everglades/lakeo.htm> (last visited Jan. 31, 2017).

<sup>34</sup> FDEP, *supra* note 17, at 1.



The lake's outlets with the largest capacity include eastward (S-308) through the St. Lucie Canal to the Atlantic Ocean and westward (S-77) through the Caloosahatchee River Canal to the Gulf of Mexico.<sup>35</sup> Additionally, water flows out of the lake through the four major agricultural canals—the West Palm Beach Canal (S-352), the Hillsboro and North New River Canals (S-351), and the Miami Canal (S-354).<sup>36</sup>



The USACE, in conjunction with the South Florida Water Management District (SFWMD) regulates the outlet structures to manage lake levels.<sup>37</sup> After back-to-back hurricanes in South Florida in 2004 and 2005 and the devastation in Louisiana caused by Hurricane Katrina, the USACE launched a major effort to rehabilitate the Herbert Hoover Dike in light of concerns regarding its structural integrity. Concerns regarding the dam's ability to perform satisfactorily for Lake Okeechobee levels above an elevation of 15.5 ft. resulted in the labeling of the project as high-risk.<sup>38</sup> The Lake Okeechobee Regulation Schedule Study was initiated to design an alternative schedule to lower the normal operating limits of the lake.<sup>39</sup>

The Lake Okeechobee Regulation Schedule (LORS) was implemented in April of 2008. The revised schedule lowered the maximum stage of the lake from 18.5 ft. to 17.25 ft. with the primary goal of maintaining the lake between 12.5 ft. and 15.5 ft. The areas most affected by a change to the lake's regulation schedule were the lake itself, particularly the littoral and marsh areas of the lake, and the St. Lucie and Caloosahatchee estuaries.<sup>40</sup> Additionally, because the

<sup>35</sup> *Restudy* at 1-13.

<sup>36</sup> *Id.*

<sup>37</sup> FDEP, *supra* note 17, at 7.

<sup>38</sup> USACE, *Herbert Hoover Dike Dam Safety Modification Study Final Environmental Impact Statement*, 1 (June 2016), available at [http://www.saj.usace.army.mil/Portals/44/docs/Planning/EnvironmentalBranch/EnvironmentalDocs/Multiple%20Counties/Herbert Hoover Dike Dam Safety Modification%20Study FEIS Main Report.pdf?ver=2016-05-31-131919-377](http://www.saj.usace.army.mil/Portals/44/docs/Planning/EnvironmentalBranch/EnvironmentalDocs/Multiple%20Counties/Herbert%20Hoover%20Dike%20Dam%20Safety%20Modification%20Study%20FEIS%20Main%20Report.pdf?ver=2016-05-31-131919-377) (last visited Jan. 31, 2017).

<sup>39</sup> USACE, *Lake Okeechobee Regulation Schedule, Final Supplemental Environmental Impact Statement*, ii (Nov. 2007) [hereinafter *LORS FSEIS*], available at [http://www.saj.usace.army.mil/Portals/44/docs/h2omgmt/LORSdocs/ACOE STATEMENT APPENDICES A-G.pdf](http://www.saj.usace.army.mil/Portals/44/docs/h2omgmt/LORSdocs/ACOE%20STATEMENT%20APPENDICES%20A-G.pdf) (last visited Jan. 31, 2017).

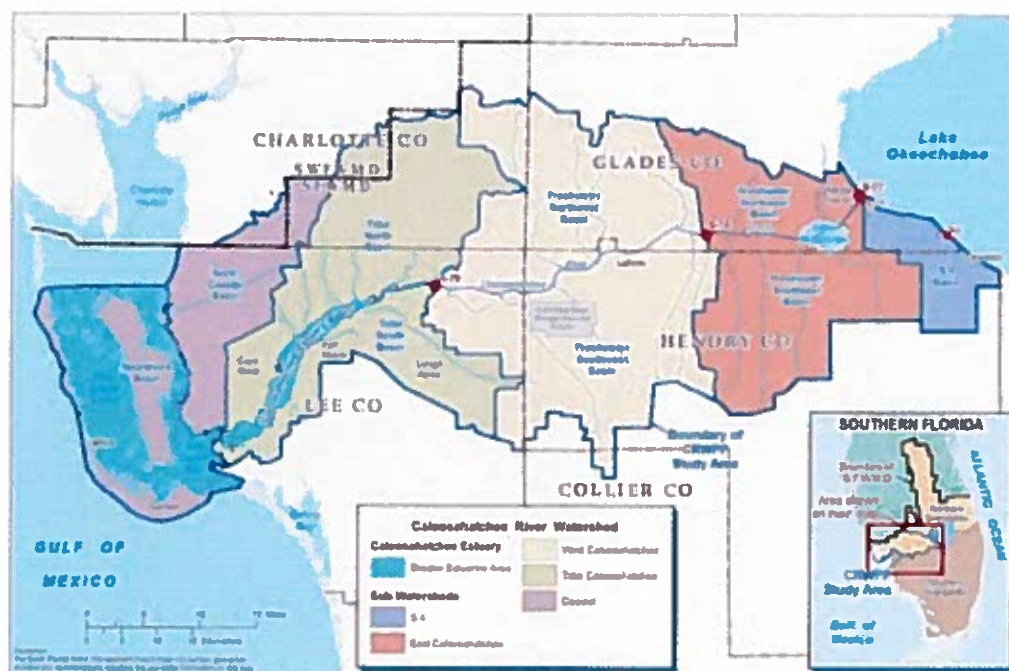
<sup>40</sup> *Id.* at 1.

LORS high management band is 1.00 to 1.75 ft. lower than the previous schedule, the revision to the schedule resulted in a loss of storage ranging from 460,000 to 800,000 acre-feet depending on the time of year.<sup>41</sup>

The USACE expects to operate under the LORS until the earlier of the implementation of a new Lake Okeechobee schedule as a component of the system-wide operating plan to accommodate Everglades restoration projects or the completion of Herbert Hoover Dike seepage berm construction or equivalent dike repairs.<sup>42</sup> According to the latest Integrated Delivery Schedule, rehabilitation of the Herbert Hoover Dike should be completed by 2025 and initiation of a new lake regulation schedule study would begin in 2022.<sup>43</sup>

### ***Caloosahatchee River Watershed***

The Caloosahatchee River was originally a shallow, meandering river with headwaters near Lake Okeechobee.<sup>44</sup> In the early 1900s, the river was modified and now functions as the C-43 canal. The canal is divided into freshwater and marine segments by a series of locks.<sup>45</sup> The river



<sup>41</sup> The National Academies of Sciences, Engineering, and Medicine, *Progress Toward Restoring the Everglades: The Sixth Biennial Review*, 133 (2016) [hereinafter *The Sixth Biennial Review*], available at <https://www.nap.edu/catalog/23672/progress-toward-restoring-the-everglades-the-sixth-biennial-review-2016> (last visited Jan. 31, 2017).

<sup>42</sup> LORS FSEIS at 2.

<sup>43</sup> USACE and SFWMD, *Integrated Delivery Schedule 2016 Update* (Dec. 2016), available at [http://www.saj.usace.army.mil/Portals/44/docs/Environmental/IDS/IDS\\_PLACEMAT\\_05JAN2017\\_web.pdf?ver=2017-01-07-164638-380](http://www.saj.usace.army.mil/Portals/44/docs/Environmental/IDS/IDS_PLACEMAT_05JAN2017_web.pdf?ver=2017-01-07-164638-380) (last visited Jan. 31, 2017).

<sup>44</sup> LORS FSEIS at 108.

<sup>45</sup> Caloosahatchee Estuary Basin Technical Stakeholders and FDEP, *Final Caloosahatchee Estuary Basin, Basin Management Action Plan for the Implementation of Total Maximum Daily Loads for Nutrients Adopted by the FDEP*, 1 (Dec. 2012), available at <http://www.dep.state.fl.us/water/watersheds/bmap.htm> (last visited Jan. 31, 2017).

conveys freshwater to the Caloosahatchee Estuary through the S-79 structure from both runoff from the Caloosahatchee River Watershed and releases from Lake Okeechobee.<sup>46</sup>

Approximately half of the volume of water that reaches the Caloosahatchee Estuary is water that passed through the S-77 structure from Lake Okeechobee.<sup>47</sup> The hydrological changes have affected the timing distribution, quality and volume of freshwater entering the estuary which has resulted in negative ecological impacts.<sup>48</sup> Excess water that is released results in an unnatural surge of freshwater to the Caloosahatchee River and reduces the estuarine salinity levels.<sup>49</sup> Alternately, during the dry season, little to no water is released to the river which causes the salinity levels to increase.<sup>50</sup> Both high and low salinity levels trigger die-offs of seagrasses and oysters, species that are indicators of the estuary's overall health.<sup>51</sup>

### ***St. Lucie River Watershed***

In the 1800s local residents dug an inlet to provide direct access to the Atlantic Ocean, effectively changing the river into an estuary.<sup>52</sup> Then in the early 1890s the St. Lucie River was altered to provide an outlet from Lake Okeechobee to the Atlantic Ocean. The inland portion of the St. Lucie Estuary is composed of a North Fork and a South Fork, which converge at the



<sup>46</sup> LORS FSEIS at 108.

<sup>47</sup> Caloosahatchee Estuary Basin Technical Stakeholders and FDEP, *Final Caloosahatchee Estuary Basin, Basin Management Action Plan for the Implementation of Total Maximum Daily Loads for Nutrients Adopted by the FDEP*, 3 (Dec. 2012).

<sup>48</sup> LORS FSEIS at 108.

<sup>49</sup> USACE, *Fact Sheet: Caloosahatchee River (C-43) West Basin Storage Reservoir* (Jan. 2016), available at [http://www.saj.usace.army.mil/Portals/44/docs/FactSheets/C-43\\_FS\\_January2016\\_web.pdf](http://www.saj.usace.army.mil/Portals/44/docs/FactSheets/C-43_FS_January2016_web.pdf) (last visited Jan. 31, 2017).

<sup>50</sup> *Id.*

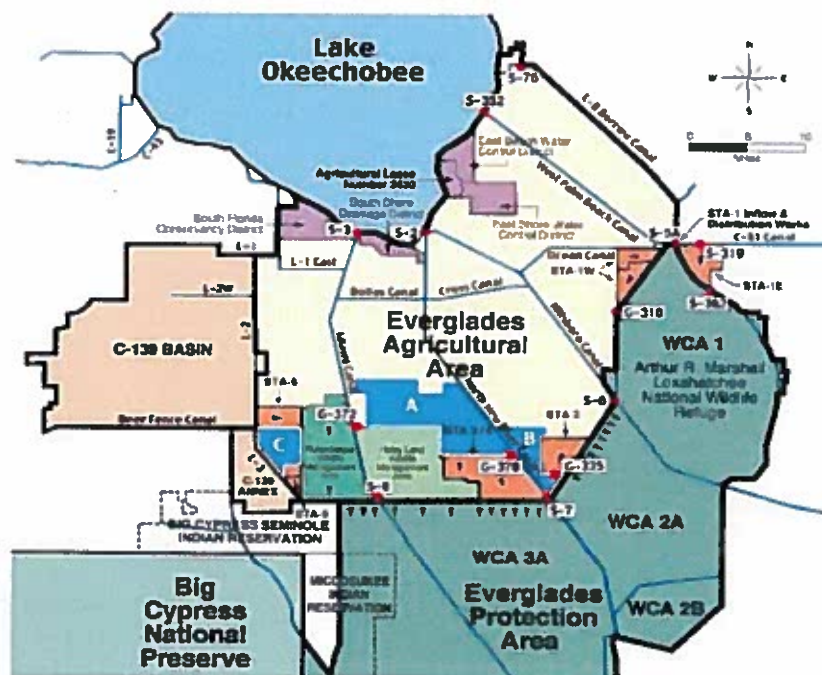
<sup>51</sup> *Id.*

<sup>52</sup> LORS FSEIS at 110.



Home to more than 4,300 species of plants and animals and supporting an annual economic contribution of more than \$730 million, the St. Lucie Estuary and the Indian River Lagoon are two of the country's most productive and threatened estuaries.<sup>56</sup> The estuary is affected by freshwater runoff from agricultural and urban sources in the watershed and freshwater releases from Lake Okeechobee.<sup>57</sup> Approximately 42 percent of the freshwater inflows from canals that discharge into the St. Lucie Estuary are from Lake Okeechobee and these discharges carry significant nutrient loads, which have a known impact on the estuary.<sup>58</sup>

The Everglades Agricultural Area (EAA) consists of lands located within the eastern portion of Hendry County and western portion of Palm Beach County.<sup>59</sup> This area includes approximately



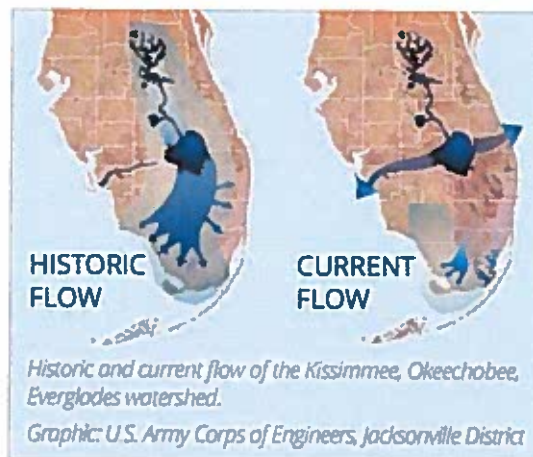
<sup>59</sup> *LORS FSEIS* at 7.

700,000 acres of fertile agricultural land, a large portion of which is dedicated to the production of sugarcane.<sup>60</sup> This area is considered one of the most important agricultural regions in Florida.<sup>61</sup> Water is supplied and managed in the EAA through conveyance and drainage canals including the Miami, the North New River, the Hillsboro, and the West Palm Beach Canals, which traverse north and south, and the Bolles and Cross Canals, which traverse east and west.<sup>62</sup>

### Restoration Efforts

Beginning in the 1970s concerns regarding the effects of the C&SF began mounting. The design of system, while effective for flood control, resulted in unintended consequences including:

- Extreme fluctuations in high and low water levels in the lake;
- Extreme fluctuations between too much and too little freshwater discharged into the coastal estuaries;
- Detrimental hydrological conditions in freshwater wetland habitats; and
- Unsuitable freshwater flows to Florida Bay, Biscayne Bay, and the Lake Worth Lagoon.<sup>63</sup>



With nearly half of the original footprint of the Everglades system drained and converted to urban and agricultural uses, there has been a substantial acceleration in the flow of water through the system and a significant reduction in water storage capacity.<sup>64</sup> The Central and Southern Florida Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement (Restudy) concluded:

The lack of storage in the system, particularly during wet periods, has led to ecological damage of Lake Okeechobee's littoral zone and damaging regulatory releases to the St. Lucie and Caloosahatchee estuaries. Conversely, in dry periods, this lack of storage has led to water supply shortages for both the human and natural environment.<sup>65</sup>

<sup>60</sup> Restudy at 1-15.

<sup>61</sup> LORS FSEIS at 7.

<sup>62</sup> Restudy at 1-15.

<sup>63</sup> Restudy at iii.

<sup>64</sup> Id. at 1-2.

<sup>65</sup> Id. at 1-2.

***Kissimmee River Restoration (KRR)***

The Kissimmee River Restoration project (KRR) was authorized by Congress in 1992 with the goal of restoring a third of the river flood plain system that was altered when the river was channelized back in the 1960s. The project includes backfilling 22 miles of canals, removing water control structures, and reconnecting remnant river segments. The KRR is designed to attenuate peak flows into Lake Okeechobee and, once complete, the project is expected to provide an additional storage capacity of 130,000 acre-feet.<sup>66</sup> When restoration is complete in 2020, more than 40 square miles of river-floodplain ecosystem will be restored, including almost 20,000 acres of wetlands and 44 miles of the historic river channel.<sup>67</sup>

Three construction phases are now complete, and a continuous water flow has been reestablished to 24 miles of meandering river.<sup>68</sup> The environmental improvements resulting from the project have already been documented.<sup>69</sup> In October of 2016, testing began to evaluate the ability to retain additional water in the Kissimmee River basin to reduce flows into Lake Okeechobee and, consequently, into the Caloosahatchee and St. Lucie estuaries.<sup>70</sup>

***Comprehensive Everglades Restoration Plan (CERP)***

In light of the unintended consequences of the C&SF, Congress required the USACE to reevaluate the performance and impacts of the project and to provide recommended improvements and modifications to restore the south Florida ecosystem and to protect the water quality in, and reduce the loss of freshwater from the Everglades and Florida Bay.<sup>71</sup> The USACE, in coordination with the state, developed the Restudy which provided a recommended plan for Everglades restoration. The Comprehensive Everglades Restoration Plan (CERP) was approved by Congress in the Water Resources Development Act of 2000.<sup>72</sup>

The Water Resources Development Act of 2000 provided the framework for the CERP as a 50/50 cost-share program between the state and the federal government. The CERP covers approximately 18,000 square miles and includes all or part of 16 counties in central and southern Florida, constituting about one-half of the State's population.<sup>73</sup> The future progress of the CERP projects and their relationship among other relevant state and federally funded South Florida ecosystem restoration projects is outlined in the Integrated Delivery Schedule (IDS).<sup>74</sup> The IDS is not an action or decision document, rather it is a guide for planning, design, construction

<sup>66</sup> USACE, *South Florida Ecosystem Restoration (SFER) Program Overview* (June 2016), available at [http://www.saj.usace.army.mil/Portals/44/docs/Environmental/Everglades%20Restoration%20Overview%20Placemat\\_June2016\\_web.pdf?ver=2016-08-08-154107-193](http://www.saj.usace.army.mil/Portals/44/docs/Environmental/Everglades%20Restoration%20Overview%20Placemat_June2016_web.pdf?ver=2016-08-08-154107-193) (last visited Jan. 31, 2017).

<sup>67</sup> USACE, *Kissimmee River Restoration Project* (Jan. 2017), available at [http://www.saj.usace.army.mil/Portals/44/docs/Environmental/Kissimmee/Kissimmee\\_FS\\_January2017\\_web.pdf?ver=2017-01-18-114834-273](http://www.saj.usace.army.mil/Portals/44/docs/Environmental/Kissimmee/Kissimmee_FS_January2017_web.pdf?ver=2017-01-18-114834-273) (last visited Jan. 31, 2017).

<sup>68</sup> SFWMD, *SFWMD Begins Historic Test to Help Reduce Discharges to the Coastal Estuaries* (Oct. 12, 2016), available at [https://www.sfwmd.gov/sites/default/files/documents/nr\\_2016\\_1012\\_kiss\\_headwaters\\_test.pdf](https://www.sfwmd.gov/sites/default/files/documents/nr_2016_1012_kiss_headwaters_test.pdf) (last visited Jan. 31, 2017).

<sup>69</sup> USACE, *Kissimmee River Restoration Project* (Jan. 2017).

<sup>70</sup> SFWMD, *SFWMD Begins Historic Test to Help Reduce Discharges to the Coastal Estuaries* (Oct. 12, 2016).

<sup>71</sup> The Water Resources Development Act of 1996 (P.L. 104-303, Oct. 12, 1996).

<sup>72</sup> The Water Resources Development Act of 2000 (P.L. 106-541, Dec. 11, 2000).

<sup>73</sup> United States Department of Interior Office of Everglades Restoration Initiatives, *Comprehensive Everglades Restoration Plan, CERP: The Plan in Depth – Part 1*, [http://141.232.10.32/about/rest\\_plan\\_pt\\_01.aspx](http://141.232.10.32/about/rest_plan_pt_01.aspx) (last visited Jan. 31, 2017).

<sup>74</sup> *The Sixth Biennial Review* at 46.

sequencing, and budgeting.<sup>75</sup> The IDS serves as a communication tool that reflects diverse stakeholder input.<sup>76</sup>

The CERP includes more than 68 project components which focus on improving the water delivery and timing within the Everglades system by increasing the size of natural areas, improving water quality, releasing water in a manner that mimics historical flow patterns, and storing and distributing water for urban, agricultural, and ecological uses. Major features of the CERP include surface water storage reservoirs, water preserve areas, management of Lake Okeechobee as an ecological resource, improvement of water deliveries to the estuaries, underground water storage, treatment wetlands, improvement of water deliveries to the Everglades, removal of barriers to sheet flow, storage of water in existing quarries, reuse of wastewater, and the improvement of water flows to Florida Bay.<sup>77</sup>



<sup>75</sup> *Id.*

<sup>76</sup> *Id.* at 47.

<sup>77</sup> *Restudy* at vii-ix.



***CERP: Aquifer Storage and Recovery***

The CERP recommended the construction and operation of up to 333 Aquifer Storage and Recovery (ASR) systems located throughout South Florida.<sup>78</sup> ASR systems are designed to store large volumes of water in the Floridan Aquifer System during the wet periods for subsequent recovery during dry periods. In 2015 the ASR Regional Study was completed and found that large capacity ASR systems could be built and operated in South Florida; however, due to groundwater monitoring evaluations, the study recommended that the overall number of wells be reduced to 131, or about one-third of the original proposed amount.<sup>79</sup> Overall, the amount of water that can be stored through ASR was reduced by about 60 percent.<sup>80</sup> Additionally, two pilot projects were completed: one in the Kissimmee Basin and one near the Hillsboro Canal, which determined that ASR systems north of Lake Okeechobee could achieve a rate of recoverability of upwards of 100 percent of stored water due to the freshwater quality of the aquifer in that region, but, conversely, ASR systems south of the lake, because of the brackish quality of the aquifer in that region, would require successive cycles over a few years to achieve a target of 70 percent recoverability.<sup>81</sup>

***CERP: C-43 Basin Storage Reservoir***

The Caloosahatchee River (C-43) West Basin Storage Reservoir project is designed to help ensure that a more consistent, natural flow of freshwater is delivered to the estuary. The project is designed to capture and store runoff from the local basin along with a portion of water discharged from Lake Okeechobee to be released slowly to the estuary as needed.<sup>82</sup> The project includes an above-ground reservoir with the total storage capacity of 170,000 acre-feet.<sup>83</sup> The first phase of construction began in late 2015 and is anticipated to be completed in 2020.<sup>84</sup>

***CERP: Indian River Lagoon – South***

The Indian River Lagoon–South (IRL-S) project is designed to help restore the balance of fresh and salt water in the lagoon and estuary and capture, store, and treat runoff from the local basins before it enters the natural system.<sup>85</sup> The IRL-S includes one above-ground storage reservoir in the C-44, C-23, C-24, and C-25 basins, with a total storage capacity of approximately 200,000

<sup>78</sup> USACE, *Aquifer Storage and Recovery (ASR) Regional Study Fact Sheet* (June 2015), available at [http://www.saj.usace.army.mil/Portals/44/docs/FactSheets/ASR\\_FS\\_June2015\\_web.pdf](http://www.saj.usace.army.mil/Portals/44/docs/FactSheets/ASR_FS_June2015_web.pdf) (last visited Jan. 31, 2017).

<sup>79</sup> USACE and SFWMD, *Final Regional Aquifer Storage and Recovery Technical Data Report*, xx (May 2015), available at [http://www.saj.usace.army.mil/Portals/44/docs/Environmental/ASR%20Regional%20Study/Final\\_Report/ASR\\_RegionalStudy\\_Final\\_2015.pdf.pdf](http://www.saj.usace.army.mil/Portals/44/docs/Environmental/ASR%20Regional%20Study/Final_Report/ASR_RegionalStudy_Final_2015.pdf.pdf) (last visited Jan. 31, 2017).

<sup>80</sup> *Id.* at 131.

<sup>81</sup> *Id.*

<sup>82</sup> USACE, *Fact Sheet: Caloosahatchee River (C-43) West Basin Storage Reservoir* (Jan. 2016), available at [http://www.saj.usace.army.mil/Portals/44/docs/FactSheets/C-43\\_FS\\_January2016\\_web.pdf](http://www.saj.usace.army.mil/Portals/44/docs/FactSheets/C-43_FS_January2016_web.pdf) (last visited Jan. 31, 2017).

<sup>83</sup> USACE, *South Florida Ecosystem Restoration (SFER) Program Overview* (June 2016).

<sup>84</sup> USACE and SFWMD, *Integrated Delivery Schedule 2016 Update* (Dec. 2016), available at [http://www.saj.usace.army.mil/Portals/44/docs/Environmental/IDS/IDS\\_PLACEMAT\\_05JAN2017\\_web.pdf?ver=2017-01-07-164638-380](http://www.saj.usace.army.mil/Portals/44/docs/Environmental/IDS/IDS_PLACEMAT_05JAN2017_web.pdf?ver=2017-01-07-164638-380) (last visited Jan. 31, 2017).

<sup>85</sup> USACE, *Fact Sheet: Indian River Lagoon – South* (Jan. 2017), available at [http://www.saj.usace.army.mil/Portals/44/docs/Environmental/C-44/IRL\\_FactSheet\\_January2017\\_web.pdf?ver=2017-01-18-122229-807](http://www.saj.usace.army.mil/Portals/44/docs/Environmental/C-44/IRL_FactSheet_January2017_web.pdf?ver=2017-01-18-122229-807) (last visited Jan. 31, 2017).

acre-feet, and three stormwater treatment areas (STAs).<sup>86</sup> Additionally, water from the C-23/C-24 basin will be redirected to the North Fork of the St. Lucie River to attenuate freshwater flows to the St. Lucie Estuary.<sup>87</sup> Construction is completed on some features included in the C-44 reservoir, including intake and drainage canals, access roads, and staging areas. Construction also began on the C-44 reservoir pump station and STA, with reservoir construction expected to be completed in 2019.<sup>88</sup>

***CERP: Central Everglades Planning Project (CEPP)***

The Central Everglades Planning Project (CEPP) consists of a suite of the CERP projects whose purpose is to improve the quantity, quality, timing, and distribution of water flows to the Northern Estuaries, central Everglades, Everglades National Park, and Florida Bay while increasing the water supply for urban and agricultural users.<sup>89</sup> The CEPP received Congressional authorization in the 2016 Water Infrastructure Improvements for the Nation Act.<sup>90</sup>

The project is designed to send an annual average of approximately 210,000 acre-feet of water south from Lake Okeechobee and set the foundation for restoring the central portion of the Everglades ecosystem.<sup>91</sup> The project includes:

- Increasing storage, treatment and conveyance of water south of Lake Okeechobee;
- Removing canals and levees within the central Everglades; and
- Retaining water within the Everglades National Park and protecting urban and agricultural areas to the east from flooding.<sup>92</sup>

Some of the features included in the CEPP are an A-2 Flow Equalization Basin (FEB)<sup>93</sup> that will be integrated with the A-1 FEB, a project that is part of the Restoration Strategies Plan; removal of approximately six miles of the Old Tamiami Trail road; construction of seepage barriers; and increases in structural capacities.<sup>94</sup>

<sup>86</sup> *The Sixth Biennial Review* at 70; Stormwater Treatment Areas, or STAs, are constructed wetlands that remove and store nutrients through plant growth and the accumulation of dead plant material that is slowly converted to a layer of peat soil; See SFWMD, *Water Quality Improvement*, available at <https://www.sfwmd.gov/our-work/wq-stas> (last visited Feb. 6, 2017).

<sup>87</sup> *Id.*

<sup>88</sup> USACE and SFWMD, *Integrated Delivery Schedule 2016 Update* (Dec. 2016), available at [http://www.saj.usace.army.mil/Portals/44/docs/Environmental/IDS/IDS\\_PLACEMAT\\_05JAN2017\\_web.pdf?ver=2017-01-07-164638-380](http://www.saj.usace.army.mil/Portals/44/docs/Environmental/IDS/IDS_PLACEMAT_05JAN2017_web.pdf?ver=2017-01-07-164638-380) (last visited Jan. 31, 2017).

<sup>89</sup> USACE and SFWMD, *Central Everglades Planning Project Final Project Implementation Report and Environmental Impact Statement*, 1-3 (July 2014), available at [http://www.saj.usace.army.mil/Portals/44/docs/Environmental/CEPP/01\\_CEPP%20Final%20PIR-EIS%20Main%20Report.pdf](http://www.saj.usace.army.mil/Portals/44/docs/Environmental/CEPP/01_CEPP%20Final%20PIR-EIS%20Main%20Report.pdf) (last visited Jan. 31, 2017).

<sup>90</sup> The Water Infrastructure Improvements for the Nation Act (P.L. 114-322, Dec. 16, 2016).

<sup>91</sup> USACE, *Central Everglades Planning Project*, Facts & Information (Jan. 2017), available at [http://www.saj.usace.army.mil/Portals/44/docs/FactSheets/CEPP\\_FS\\_January2017\\_revised\\_web.pdf](http://www.saj.usace.army.mil/Portals/44/docs/FactSheets/CEPP_FS_January2017_revised_web.pdf) (last visited Jan. 31, 2017).

<sup>92</sup> *Id.*

<sup>93</sup> A flow equalization basin (FEB) is a constructed storage feature used to capture and temporarily store peak stormwater flows. Water managers can move water from FEBs to Stormwater Treatment Areas (STAs) at steady rates to optimize STA performance and help achieve water quality improvement targets. See SFWMD, *Just the Facts: A-1 Flow Equalization Basin (FEB)*, available at [https://www.sfwmd.gov/sites/default/files/documents/jtf\\_a1\\_feb.pdf](https://www.sfwmd.gov/sites/default/files/documents/jtf_a1_feb.pdf) (last visited Jan. 31, 2017).

<sup>94</sup> *Id.*

***Northern Everglades and Estuaries Protection Program (NEEPP)***

The Northern Everglades and Estuaries Protection Program (NEEPP) was established to promote a comprehensive, interconnected watershed approach to protect Lake Okeechobee and the Caloosahatchee and St. Lucie watersheds. It includes the Lake Okeechobee Watershed Protection Program and the Caloosahatchee and St. Lucie River Watershed Protection Programs.<sup>95</sup> The NEEPP led to the creation of the Lake Okeechobee Phase II Technical Plan in 2008 which requires, in part, that the SFWMD:

- Provide for additional measures, including voluntary water storage and water quality improvements on private land, increase water storage and reduce excess water levels in Lake Okeechobee, and reduce excess discharges to the estuaries; and
- Develop the appropriate water quantity storage goal to achieve the desired Lake Okeechobee range of lake levels and inflow volumes to the Caloosahatchee and St. Lucie estuaries while meeting the other water-related needs of the region, including water supply and flood protection.<sup>96</sup>

The NEEPP provided the basis for the development of Basin Management Action Plans (BMAPs). A BMAP is the blueprint for restoring impaired water by reducing pollutant loadings to meet a Total Maximum Daily Load (TMDL). The BMAP is a comprehensive set of strategies including water quality and water storage projects, permit limits on wastewater facilities, urban and agricultural best management practices (BMPs), and conservation programs, to implement the nutrient load reductions necessary to achieve a TMDL.

The 2016 Legislature enacted, ch. 2016-1, Laws of Florida, to update and restructure the NEEPP to reflect and build upon the Department of Environmental Protection's implementation of BMAPs for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary. The BMAP will include the construction of water projects, water monitoring programs, and the implementation, verification, and enforcement of BMPs within these watersheds. The BMAPs are now required to include 5-, 10-, and 15-year milestones towards achieving the TMDLs for those water basins within 20 years.<sup>97</sup>

***River of Grass – U.S. Sugar Land Acquisition***

In 2008, Governor Charlie Crist announced a plan to acquire more than 180,000 acres of agricultural land for Everglades restoration from the United States Sugar Corporation. The River of Grass planning process was started to evaluate the lands to be acquired under the plan and analyze how the land would affect the future of Everglades restoration. During this planning process, additional treatment capacity necessary to achieve state and federal Everglades water quality standards and the volume of storage needed to reduce damaging discharges and move more water south of the lake was evaluated.<sup>98</sup>

Because of the magnitude of the acquisition, restoration projects were effectively put on hold during the re-evaluation process. Ultimately, the SFWMD approved an agreement on August 12, 2010, to purchase approximately 26,800 acres of land, substantially less land than

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<sup>95</sup> Section 373.4595, F.S.

<sup>96</sup> *Id.*

<sup>97</sup> Chapter 2016-1, Laws of Fla.

<sup>98</sup> *Id.*

originally envisioned, because of a decline in the SFWMD revenues.<sup>99</sup> Under the Second Amended and Restated Agreement for Purchase and Sale (Agreement), the SFWMD took ownership of approximately 17,900 citrus acres in Hendry County and 8,900 sugarcane acres in Palm Beach County.<sup>100</sup>

Under the Agreement, the SFWMD retained the following various options to purchase the remaining 153,200 acres of land over the next ten years:

- An exclusive 3-year option to purchase either a specified 46,800 acres or the entire 153,200 acres at a fixed price of \$7,400 per acre. This option expired in 2013.
- After the expiration of this exclusive option period, a subsequent 2-year non-exclusive option to purchase approximately 46,800 acres at fair market value. This option expired in 2015.
- A subsequent 7-year non-exclusive option to purchase the remaining acres at fair market value. Because the previous options were not exercised, the entire remaining option property, approximately 153,200 acres, is available to be purchased. This option will expire in 2020.<sup>101</sup>

### *Restoration Strategies*

After years of litigation concerning the water quality in the Everglades Protection Area (EPA), a consent decree was entered in the case of *United States v. South Florida Water Management District* in 1992.<sup>102</sup> The consent decree, as implemented by the Everglades Forever Act in 1994, set forth a two-pronged approach consisting of building STAs and implementing best management practices (BMPs) in the EAA to reduce the total phosphorous levels in the Everglades Protection Area. The plan originally consisted of the construction of four STAs covering 35,000 acres, but by 2006 the need for additional STA acreage became clear. By 2010, approximately 57,000 acres of STAs were built and operating.<sup>103</sup> Subsequently conversations began between the United States Environmental Protection Agency and the SFWMD and, in 2012, they were able to reach a consensus on a new strategy for improving the water quality in the Everglades called the Restoration Strategies Regional Water Quality Plan.<sup>104</sup>

Restoration Strategies is a \$800 million technical plan to complete a suite of projects intended to expand water quality improvement projects necessary to achieve phosphorous water quality standards. Under these strategies, the SFWMD must complete six projects that will create more than 6,500 acres of new STAs and 110,000 acre-feet of additional water storage.<sup>105</sup>

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<sup>99</sup> SFWMD, *Just the Facts: Revising the River of Grass, Second Amended & Restated Agreement for Sale and Purchase* (Aug. 12, 2010), available at [https://www.sfwmd.gov/sites/default/files/documents/jtf\\_2010\\_081210\\_final\\_gbvote.pdf](https://www.sfwmd.gov/sites/default/files/documents/jtf_2010_081210_final_gbvote.pdf). See [https://www.sfwmd.gov/sites/default/files/documents/rog\\_0\\_amended\\_restated\\_agt\\_for\\_sale\\_and\\_purchase.pdf](https://www.sfwmd.gov/sites/default/files/documents/rog_0_amended_restated_agt_for_sale_and_purchase.pdf) (last visited Jan. 31, 2017).

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> Case No. 88-1886-CIV-Moreno (S.D. Fla. 1992); see also SFWMD, *Restoration Strategies Regional Water Quality Plan, Science Plan for the Everglades Stormwater Treatment Areas, 2* (June 2013) [hereinafter *Science Plan*], available at [https://www.sfwmd.gov/sites/default/files/documents/rs\\_scienceplan\\_060713\\_final.pdf](https://www.sfwmd.gov/sites/default/files/documents/rs_scienceplan_060713_final.pdf) (last visited Jan. 31, 2017).

<sup>103</sup> *Science Plan* at 2.

<sup>104</sup> SFWMD, *quick facts on...Restoration Strategies for Clean Water for the Everglades* (Feb. 2016), available at [https://www.sfwmd.gov/sites/default/files/documents/spl\\_restoration\\_strategies.pdf](https://www.sfwmd.gov/sites/default/files/documents/spl_restoration_strategies.pdf) (last visited Jan. 31, 2017).

<sup>105</sup> *Science Plan* at 3.





Design and construction of the projects is scheduled to be accomplished in three phases over a 12-year timeframe, with completion set for 2025.<sup>106</sup> In 2013, the Legislature appropriated \$32 million on a recurring basis through the 2023-2024 Fiscal Year to support the implementation of the plan.<sup>107</sup> The A-1 FEB, providing approximately 60,000 acre-feet of storage, was completed in 2015 and is currently in an operational and testing phase and has proved successful at improving the performance of the STAs, effectively reducing the total phosphorous loads to the STAs by approximately 80 percent.<sup>108</sup> The expansion of STA-1W is expected to be completed in December of 2018. The L-8 FEB is designed to provide 48,000 acre-feet of storage and substantial completion of the project has been achieved, except the outflow pump station, but full capacity is not yet available due to manufacturing issues with the pumping units.<sup>109</sup>

<sup>106</sup> *Science Plan* at 3.

<sup>107</sup> Ch. 2013-59, s. 2, Laws of Fla.

<sup>108</sup> SFWMD, *Restoration Strategies Program Update* (Jan. 2017), available at [https://www.sfwmd.gov/sites/default/files/documents/restoration\\_strategies\\_update\\_2017\\_jan\\_0.pdf](https://www.sfwmd.gov/sites/default/files/documents/restoration_strategies_update_2017_jan_0.pdf) (last visited Jan. 31, 2017); See also Terrie Bates, Water Resources Division Director, SFWMD, Governing Board Meeting, *Environmental Conditions Update*, slide 26 (June 09, 2016), available at <https://www.sfwmd.gov/news-events/meetings> (last visited Jan. 31, 2017).

<sup>109</sup> SFWMD, *Restoration Strategies Program Update* (Jan. 2017).

### Damaging Discharges from Lake Okeechobee to the Coastal Estuaries

Because of the lack of operational flexibility within the system's design, the LORS requires lake levels to be kept low before the wet season to account for additional inflow to ensure that lake levels do not rise to dangerous levels which could cause the dike to be breached.<sup>110</sup> Furthermore, during a high rainfall event water enters into the lake from direct rainfall, large basins, and other sources which causes the water levels in the lake to rise six times faster than can be discharged from the lake.<sup>111</sup> The only outlets that are capable of quickly releasing the necessary volume of water from the lake are through the St. Lucie and Caloosahatchee Canals to the coastal estuaries.<sup>112</sup> Therefore, when heavy rainfall events occur, the only option in the current system to maintain safe lake levels is to send high volumes of water east and west.

For the majority of 2016, Martin, St. Lucie, and Lee counties were under a state of emergency due to the negative effects of freshwater discharges from Lake Okeechobee on the coastal communities and ecosystems.<sup>113</sup> Due to El Nino conditions, the dry season of Water Year 2016 (May 1, 2015-April 30, 2016) was unusually wet with 26.67 inches of rainfall, much greater than the long-term average of 12.78 inches.<sup>114</sup> January of 2016 was the wettest January on record, with rainfall amounts approximately 476 percent more than the historical average.<sup>115</sup> The wetter than normal dry season necessitated releases from Lake Okeechobee to the St. Lucie and Caloosahatchee estuaries, compounding the freshwater inflow to the estuaries from the local basins. From January to November of 2016, approximately 2.23 million acre-feet, which is approximately 727 billion gallons of freshwater, was released from Lake Okeechobee alone to the St. Lucie and Caloosahatchee estuaries.<sup>116</sup>

High volume freshwater discharges have significant effects on the coastal estuaries. The releases from the lake along with other local basin inflows cause large fluctuations in salinity, which often expose the animal and plant life within the estuary to salinities outside of their tolerance ranges.<sup>117</sup> When the high flows last for a sustained time period, the impacts to the estuaries are more severe.<sup>118</sup> Species, such as oysters and seagrasses, become more susceptible to disease and

<sup>110</sup> *The Sixth Biennial Review* at 131.

<sup>111</sup> Erika Skolte, USACE, *Lake Okeechobee: Following the flow*, <http://www.saj.usace.army.mil/Media/News-Stories/Article/479659/lake-okeechobee-following-the-flow/> (last visited Jan. 31, 2017).

<sup>112</sup> University of Florida Water Institute, *Options to Reduce High Volume Freshwater Flows to the St. Lucie and Caloosahatchee Estuaries and Move More Water from Lake Okeechobee to the Southern Everglades*, 17 (2015) [hereinafter *UF Study*], available at <http://waterinstitute.ufl.edu/research/downloads/contract95139/UF%20Water%20Institute%20Final%20Report%20March%202015.pdf> (last visited Jan. 31, 2017).

<sup>113</sup> Fla. Exec. Order No. 16-59 (Feb. 26, 2016); Fla. Exec. Order No. 16-155 (June 29, 2016); and Fla. Exec. Order No. 16-156 (June 30, 2016). Note that Palm Beach County was also under a state of emergency but only during the June 30, 2016, Executive Order.

<sup>114</sup> SFWMD, *Draft 2017 South Florida Environmental Report*, 8c-10 (Sept. 2016), available at [http://apps.sfwmd.gov/sfwmd/SFER/2017\\_SFER\\_DRAFT/v1/sfer\\_toc\\_v1.pdf](http://apps.sfwmd.gov/sfwmd/SFER/2017_SFER_DRAFT/v1/sfer_toc_v1.pdf) (last visited Jan. 31, 2017).

<sup>115</sup> See John Mitnik, Bureau Chief of Engineering and Construction, SFWMD, Water Resources Advisory Council, *Operations in Response to Recent Heavy Rains*, slide 4 (Feb. 2, 2016), available at <https://www.sfwmd.gov/news-events/meetings> (last visited Jan. 31, 2017).

<sup>116</sup> SFWMD, *Release Volumes from Lake Okeechobee and Local Basin Inflow to the Estuaries – CY 2016* (Jan. 6, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

<sup>117</sup> *LORS FSEIS* at 147.

<sup>118</sup> *Id.* at 149.

predation as the duration of the high volume discharges increase.<sup>119</sup> Oysters and seagrasses are indicator species and are widely used to evaluate the effects of the discharges on overall estuarine health. Beginning in February the salinity levels of the St. Lucie Estuary dropped significantly. The levels rebounded slightly as the freshwater discharges decreased, but plummeted again at the end of May when the discharges were again increased. The drop in salinity levels greatly affected oyster spat recruitment in May of 2016.<sup>120</sup>

In addition to requiring high volume discharges, higher lake stages correlate with algae blooms in the lake.<sup>121</sup> The lake receives large amounts of nutrients from its tributaries and has high levels of nutrients within the water column which support the growth of algae blooms.<sup>122</sup> Periodically conditions are just right and cyanobacteria, referred to as blue-green algae, rapidly reproduces to form a bloom.<sup>123</sup> In May of 2016, a massive *Microcystis* algae bloom formed in Lake Okeechobee.<sup>124</sup> The algae in the lake was sampled and tested positive for levels well above the low-level risk threshold.<sup>125</sup> Operating under the LORS, the USACE continued the regulatory releases east and west to the coastal estuaries to maintain the lake's level. The discharges carried the algae from the lake through the C-44 canal and out through the S-80 structure into the St. Lucie Estuary.

The National Academies of Sciences, Engineering, and Medicine in their biennial review of Everglades restoration progress stated:

What causes *Microcystis* blooms in the St. Lucie Estuary? Philips et. al (2012) found that internally driven blooms are mainly limited to the north fork of the St. Lucie Estuary and occur during dry periods when water residence time is long enough to allow the algae to proliferate. Those blooms are mainly caused by a kind of algae called dinoflagellate. In contrast, externally driven blooms are much more severe, happen in the main stem of the estuary, and are caused by *Microcystis*. Philips et al. (2012) documented that the 2005 algal bloom, which coincided with regulatory water discharges from the lake, was seeded by an upstream bloom that happened in Lake Okeechobee...It is highly likely that the same situation occurred in 2016.

The *Microcystis* algae bloom covered the waterways of the St. Lucie River and Estuary during the peak of the 2016 tourist season. Health advisories were issued and even some of the beaches closed. Usually the *Microcystis* algae blooms, which consists of freshwater algae, are unable to survive off-shore, due to the high salinity levels. However, because the system had been

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<sup>119</sup> *Id.*

<sup>120</sup> See Terrie Bates, Water Resources Division Director, SFWMD, Governing Board Meeting, *Environmental Conditions Update*, slides 9-12 (June 09, 2016), available at <https://www.sfwmd.gov/news-events/meetings> (last visited Jan. 31, 2017).

<sup>121</sup> United States Fish and Wildlife Service, *Final Fish and Wildlife Coordination Act Report, 2006 Lake Okeechobee Regulation Schedule Study*, 21 (Oct. 12, 2007), available at [http://www.saj.usace.army.mil/Portals/44/docs/h2omgmt/LORSdocs/ACOE\\_STATEMENT\\_APPENDICES\\_A-G.pdf](http://www.saj.usace.army.mil/Portals/44/docs/h2omgmt/LORSdocs/ACOE_STATEMENT_APPENDICES_A-G.pdf) (last visited Jan. 31, 2017).

<sup>122</sup> *The Sixth Biennial Review* at 30.

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

<sup>125</sup> For full sampling results see FDEP, *South Florida Algal Bloom Response and Monitoring*, <https://depnewsroom.wordpress.com/algal-bloom-monitoring-and-response/> (last visited Jan. 31, 2017).



experiencing high volume freshwater discharges for a long duration, the salinity levels off-shore were low enough for the bloom to survive. Samples taken at Bathtub Reef Beach in Martin County confirmed that the algae present was highly toxic *Microcystis* algae.<sup>126</sup>

Exposure to algal toxins may occur through the consumption of tainted water, fish or shellfish; recreational activities; or inhalation of aerosolized toxins.<sup>127</sup> The toxins can have a range of lethal and non-lethal effects on humans, wildlife, and companion animals.<sup>128</sup> The excessive freshwater discharges in 2016 impacted not only the ecology of the estuaries, but the quality of life of the residents, regional property values, revenues of area businesses, and continue to have effects on the local economies.<sup>129</sup>

### Additional Storage

According to the National Academies of Sciences, Engineering, and Medicine in their biennial review of Everglades restoration progress, little has been accomplished through CERP to reduce the high volume discharges to the St. Lucie and Caloosahatchee estuaries.<sup>130</sup> Additionally, the review noted that storage components in CERP have been scaled back and provided an analysis of the significance of that loss of storage. The review concluded that a scaled-back CERP under LORS has resulted in 104 and 167 percent increases in regulatory releases by volume to the St. Lucie and Caloosahatchee estuaries, respectively, compared to the original CERP projections under the previous regulation schedule.<sup>131</sup>

The 2015 University of Florida Water Institute Study (UF Study), titled *Options to Reduce High Volume Freshwater Flows to the St. Lucie and Caloosahatchee Estuaries and Move More water From Lake Okeechobee to the Southern Everglades*, concluded that providing relief to the estuaries would require an enormous increase in storage and treatment both north and south of the lake and that all existing and currently authorized projects are insufficient to achieve these goals.<sup>132</sup> The KRR project is expected to attenuate the flows into Lake Okeechobee; the C-43 and C-44 reservoir projects are expected to significantly reduce local-basin flows into the estuaries; and Restoration Strategies and CEPP together are expected to increase the delivery of clean water to the Everglades.<sup>133</sup> The UF Study concluded, however, that even after all of these projects are completed as planned, the lake-triggered high volume discharges to the estuaries would be reduced by less than 55 percent.<sup>134</sup>

<sup>126</sup> FDEP, *South Florida Algal Bloom Response and Monitoring* (June 30, 2016).

<sup>127</sup> The United States Department of Interior, United States Geological Survey (USGS), *Harmful Algal Blooms* (Jan. 2007), available at [https://pubs.usgs.gov/fs/2006/3147/pdf/FS2006\\_3147.pdf](https://pubs.usgs.gov/fs/2006/3147/pdf/FS2006_3147.pdf) (last visited Jan. 31, 2017).

<sup>128</sup> USGS, *New Science Challenges Old Assumptions about Harmful Algal Blooms*, <https://www.usgs.gov/news/new-science-challenges-old-assumptions-about-harmful-algal-blooms> (last visited Jan. 31, 2017).

<sup>129</sup> See Caloosahatchee Watershed Regional Management Issues, *Storage and Treatment Progress Summary*, 1 (updated July 1, 2016), available at <https://estero-fl.gov/wp-content/uploads/library/Agenda%20Attachments/Caloosahatchee%20Watershed%20Regional%20Water%20Management%20Issues%20White%20Paper%20-%20205a.pdf> (last visited Jan. 31, 2017).

<sup>130</sup> *The Sixth Biennial Review* at 108.

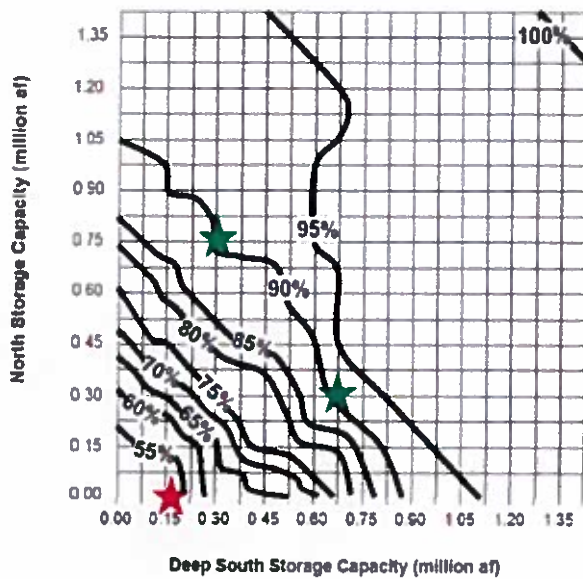
<sup>131</sup> *Id.* at 139.

<sup>132</sup> *UF Study* at 36.

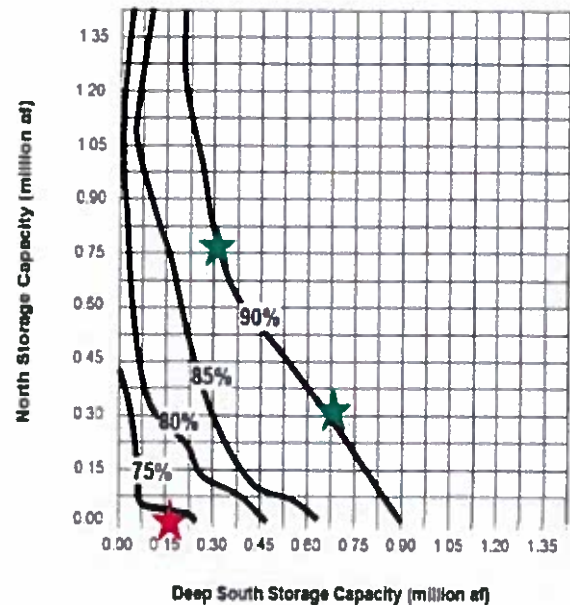
<sup>133</sup> *Id.* at 85.

<sup>134</sup> *Id.*

% Reduction in Lake-Triggered High Discharges to the Northern Estuaries



Dry Season Everglades Demand Target Delivered - Standard Score



The UF Study provided two possible configurations that are expected to provide a 90 percent reduction in lake-triggered discharges. In the graphs above, the red stars represent system performance after 112,000 acre-feet of storage is added under current projects and the green stars represent the two possible configurations that would achieve 90 percent restoration.<sup>135</sup>

Based on the modeling results, the UF Study made the following findings:

[These figures show] that storage can be effective at reducing damaging discharges to the St. Lucie and Caloosahatchee estuaries whether it is constructed north or south of the lake. Storage north of the lake is effective for managing lake levels within a desirable range and thus reducing damaging discharges to the estuaries. Furthermore, water storage and treatment is needed north of the lake to meet the Lake Okeechobee TMDL. However, due to the extended time it takes to route water from north of the lake to the Water Conservation Areas (WCAs), northern storage is not likely to be as effective as southern storage in meeting the timing and distribution objectives of the water deliveries to the [Everglades Protection Area]. Furthermore, it is likely that water stored north of the lake, if passed through the Lake or through perimeter canals subject to agricultural runoff, may need to undergo additional water quality treatment to meet applicable standards before it is released to the [Everglades Protection Area]. Thus, the additional required storage will be needed to be distributed both north and south of the lake to achieve all restoration objectives.<sup>136</sup>

<sup>135</sup> *Id.* at 86.

<sup>136</sup> *Id.* at 87.

### ***Lake Okeechobee Watershed Project***

Planning began in August 2016 under the CERP for the Lake Okeechobee Watershed Project (LOW). The study area for the project consists of approximately 950,000 acres, primarily located north of Lake Okeechobee extending to Lake Istokpoga.<sup>137</sup> The LOW is designed to increase water storage capacity in the northern watershed which will improve water levels in Lake Okeechobee; improve the quantity and timing of discharges to the St. Lucie and Caloosahatchee estuaries; restore degraded habitat for fish and wildlife; and increase the spatial extent and functionality of wetlands.<sup>138</sup> The following conceptual storage and restoration features under consideration to be included in the LOW are a Taylor Creek/Nubbin Slough storage and treatment area, a 5,000 acre reservoir with total storage capacity of 50,000 acre-feet; and the North of the Lake Okeechobee Storage Reservoir, a 17,500 acre reservoir with a total storage capacity of 200,000 acre-feet.<sup>139</sup>

### ***Everglades Agricultural Area Storage Reservoir***

The EAA Storage Reservoirs – Phase I project was initially authorized in the Water Resources Development Act of 2000.<sup>140</sup> The CERP originally planned for 360,000 acre-feet of storage located in the EAA.<sup>141</sup> The initial design assumed 60,000 acres, divided into three, equally sized compartments with water depth fluctuating up to 6 ft.<sup>142</sup> The purpose of the project was to improve the timing of environmental water deliveries to the WCAs by reducing damaging flood releases from the EAA; reduce Lake Okeechobee regulatory releases to the estuaries; meet supplemental agricultural irrigation demands; and increase flood protection within the EAA.<sup>143</sup>

Planning began under the assumption that the project would be located on lands associated with the Talisman Land purchase in the EAA and the Woerner South property acquisition.<sup>144</sup> A portion of such lands are commonly referred to as the A-1 and A-2 land parcels: A-1 consists of approximately 17,000 acres and A-2 consists of approximately 14,000 acres. In 2005, the State of Florida initiated the Acceler8 program to accelerate the funding, design, and construction of critical restoration projects, one of which was a part of Phase-I of the EAA Reservoir.<sup>145</sup>

<sup>137</sup> USACE, *Fact Sheet: Lake Okeechobee Watershed Project* (Jan. 2017), available at [http://www.saj.usace.army.mil/Portals/44/LOW\\_FS\\_January2017\\_web.pdf](http://www.saj.usace.army.mil/Portals/44/LOW_FS_January2017_web.pdf) (last visited Jan. 31, 2017).

<sup>138</sup> *Id.*

<sup>139</sup> USACE, *Lake Okeechobee Watershed Project, Frequently Asked Questions* (Sept. 2016), available at [http://www.saj.usace.army.mil/Portals/44/docs/Environmental/Lake%20O%20Watershed/LakeO\\_FAQs\\_September2016\\_web.pdf?ver=2016-09-21-150613-913](http://www.saj.usace.army.mil/Portals/44/docs/Environmental/Lake%20O%20Watershed/LakeO_FAQs_September2016_web.pdf?ver=2016-09-21-150613-913) (last visited Jan. 31, 2017).

<sup>140</sup> The Water Resources Development Act of 2000 (P.L. 106-541, Dec. 11, 2000).

<sup>141</sup> *Restudy* at 9-9.

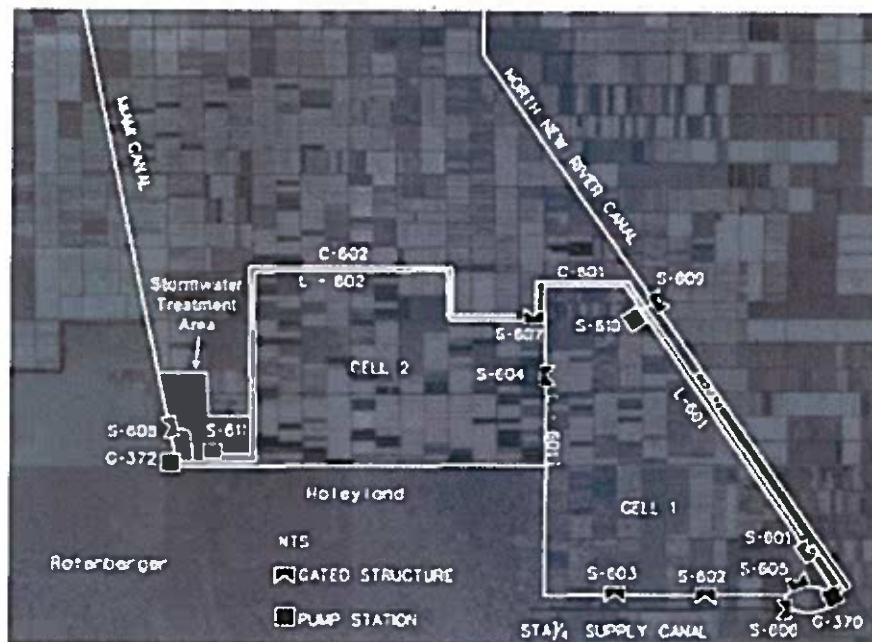
<sup>142</sup> *Id.*

<sup>143</sup> USACE and SFWMD, *Everglades Agricultural Area Storage Reservoirs – Phase I, Project Management Plan*, 11 (Jan. 2002), available at [http://141.232.10.32/pm/pmp/pmp\\_docs/pmp\\_08\\_eaa/pmp\\_eaa\\_main\\_current.pdf](http://141.232.10.32/pm/pmp/pmp_docs/pmp_08_eaa/pmp_eaa_main_current.pdf) (last visited Jan. 31, 2017).

<sup>144</sup> *Id.*

<sup>145</sup> USACE and SFWMD, *Central and Southern Florida Project Everglades Agricultural Area Storage Reservoirs Revised Draft Project Implementation Report and Environmental Impact Statement*, ES-xiv (Feb. 2006), available at [http://141.232.10.32/pm/projects/project\\_docs/pdp\\_08\\_eaa\\_store/revised\\_draft\\_pir/022206\\_eaa\\_pir\\_mainbody.pdf](http://141.232.10.32/pm/projects/project_docs/pdp_08_eaa_store/revised_draft_pir/022206_eaa_pir_mainbody.pdf) (last visited Jan. 31, 2017).





The SFWMD moved forward under the Acceler8 program and completed the detailed design and engineering work on the A-1 reservoir project, which was to be constructed on the A-1 land parcel, as depicted in Cell 1 on the map above.<sup>146</sup> During 2007, construction for the A-1 reservoir was in full swing and was expected to be completed in the spring of 2011.<sup>147</sup> Then, in May of 2008, a lawsuit was filed against the USACE alleging that the Section 404 Dredge and Fill Permit to construct the A-1 reservoir was inconsistent with the intent of the Water Resources Development Act of 2000 and the National Environmental Policy Act.<sup>148</sup> Due to this litigation and in light of the pending *River of Grass* land acquisition, the reservoir construction contract was terminated so that the site could be integrated into plans that would be developed following the major acquisition.<sup>149</sup>

The state decided to use some of the Talisman lands to expand the existing STAs and another portion of the lands for interim shallow features to help improve the water quality and treatment in STA 3/4.<sup>150</sup> To fulfill federal water quality standards, the A-1 Reservoir was converted to a FEB as part of the mandated Restoration Strategies Plan. The project is now in an operational testing and monitoring phase and has proved successful at improving the performance of the

<sup>146</sup> *Id.*

<sup>147</sup> SFWMD, 2008 *South Florida Environmental Report*, 7A-14 (2008), available at [http://my.sfwmd.gov/portal/page/portal/pg\\_grp\\_sfwmd\\_sfer/portlet\\_sfer/tab2236041/volume1/chapters/v1\\_ch\\_7a.pdf](http://my.sfwmd.gov/portal/page/portal/pg_grp_sfwmd_sfer/portlet_sfer/tab2236041/volume1/chapters/v1_ch_7a.pdf) (last visited Jan. 31, 2017).

<sup>148</sup> SFWMD, 2009 *South Florida Environmental Report*, 7A-3 (2009), available at [http://my.sfwmd.gov/portal/page/portal/pg\\_grp\\_sfwmd\\_sfer/portlet\\_sfer/tab2236041/2009report/report/v1/chapters/v1\\_ch7A.pdf](http://my.sfwmd.gov/portal/page/portal/pg_grp_sfwmd_sfer/portlet_sfer/tab2236041/2009report/report/v1/chapters/v1_ch7A.pdf) (last visited Jan. 31, 2017).

<sup>149</sup> *Id.*

<sup>150</sup> USACE, *CERP 2010 Report to Congress*, 11 (2010), available at [https://evergladesrestoration.gov/content/cerpreports/cerp\\_2010\\_rpt\\_to\\_congress.pdf](https://evergladesrestoration.gov/content/cerpreports/cerp_2010_rpt_to_congress.pdf) (last visited Jan. 31, 2017).

STAs, effectively reducing the total phosphorous loads to the STAs by approximately 80 percent.<sup>151</sup>

The A-2 land parcel, Cell 2 as depicted in the map above, is subject to lease agreements which are set to expire in 2018. The A-2 parcel is included in the project implementation report for the Central Everglades Planning Project (CEPP) as an FEB that will work in conjunction with the A-1 FEB. Cumulatively, the A-1 and A-2 FEBs will provide 116,000 acre-feet of storage, the primary purpose of which is to optimize the performance of the STAs.<sup>152</sup>

### **St. Johns River Water Management District**

The St. Johns River Water Management District (SJRWMD) is one of five water management districts established in the state. The SJRWMD covers all or part of 18 counties in Northeast and East-Central Florida and includes ten major watersheds.

#### ***St. Johns River***

The St. Johns River is the longest river that is entirely within the state.<sup>153</sup> The St. Johns River is divided into three watersheds: the Lower St. Johns River Basin, the Middle St. Johns River Basin, and the Upper St. Johns River Basin. Because the river flows north, the upper basin is the area that forms in Indian River and Brevard counties, south of the middle and lower basins.<sup>154</sup> Major tributaries that flow into the St. Johns River include the Wekiva River, the Econlockhatchee River, and the Ocklawaha River.<sup>155</sup>

Stormwater runoff from urban areas, treated domestic and industrial wastewater, and agricultural runoff from farming areas affect the water quality of the St. Johns River.<sup>156</sup> The largest contributor of pollution in the lower basin is treated wastewater with additional significant sources of nutrient pollution coming from agricultural areas.<sup>157</sup> The upper basin was drained and diked and now the floodwaters from the basin are drained to the Indian River Lagoon to the east, which diminishes the water quality in the lagoon and degrades the upper basin's remaining marshes.<sup>158</sup>

#### ***Keystone Heights Area Lakes***

The Keystone Heights area lakes are located in Southwestern Clay County.<sup>159</sup> The lakes were created when a layer of limestone collapsed creating sinkholes that connect to the Upper Floridan

<sup>151</sup> See Terrie Bates, Water Resources Division Director, SFWMD, Governing Board Meeting, *Environmental Conditions Update*, slide 26 (June 09, 2016), available at <https://www.sfwmd.gov/news-events/meetings> (last visited Jan. 31, 2017).

<sup>152</sup> *The Sixth Biennial Review* at 128.

<sup>153</sup> SJRMD, *The St. Johns River*, <http://www.sjrwmd.com/stjohnsriver/> (last visited Jan. 23, 2017).

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> *Id.*

<sup>157</sup> SJRWMD, *Lower St. Johns River Basin*, <http://www.sjrwmd.com/lowerstjohnsriver/> (last visited Jan. 23, 2017).

<sup>158</sup> SJRWMD, *Upper St. Johns River Basin*, <http://www.sjrwmd.com/upperstjohnsriver/> (last visited Jan. 23, 2017).

<sup>159</sup> SJRWMD, *Keystone Heights area lakes*, <http://www.sjrwmd.com/keystoneheights/> (last visited Jan. 23, 2017).



Aquifer.<sup>160</sup> The natural geologic features of this karst terrain result in lake level fluctuations that have occurred over many decades.<sup>161</sup>

The SJRWMD has been working to protect and maintain the water levels in the lakes in the Keystone Heights region and has undertaken numerous projects and studies regarding the region to better understand the dramatic fluctuations in lake water levels and to help meet current and long-term water supply needs for the region.<sup>162</sup> The SJRWMD has focused on projects that will lead to improved water levels in the lakes and the underlying Floridan aquifer. The SJRWMD is reevaluating the minimum flows and levels for certain lakes to include the implementation of updated methods, development of a hydrologic model, and an analysis of additional long-term hydrologic data to ensure that the minimum flows and levels are based on the most up-to-date methods and criteria.<sup>163</sup> The SJRWMD has also focused on projects that benefit the Floridan aquifer by increasing recharge or by reducing water withdrawals in the region.<sup>164</sup>

### State Revolving Loan Fund

The State Revolving Loan Fund (SRF) is a federal-state partnership that is administered by the state for the purpose of providing low-interest loans for investments in water and sanitation infrastructure, such as stormwater management facilities and drinking water treatment, as well as the implementation of nonpoint source pollution control and estuary protection projects.<sup>165</sup> The SRF receives its initial capital from federal grants and state funds, which then revolves through the repayment of principal and interest on outstanding loans.<sup>166</sup> The SRF program is the DEP's largest funding program and makes \$200-\$300 million or more available, primarily to local governments, each year.<sup>167</sup>

The state currently administers two SRF programs: the Clean Water State Revolving Fund (CWSRF) under the federal Clean Water Act and the Drinking Water State Revolving Fund (DWSRF) under the federal Safe Drinking Water Act. Under the CWSRF there are generally eleven types of projects that are eligible under the program, including, but not limited to, projects for the construction, repair, or replacement of decentralized wastewater treatment systems; measures to manage, reduce, treat, or recapture stormwater; and measures to reduce the demand for publicly owned treatment works capacity through conservation, efficiency, or reuse.<sup>168</sup> Projects that address or prevent future violations of health-based drinking water standards are eligible under the DWSRF.<sup>169</sup> This includes projects that are necessary to maintain compliance

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<sup>160</sup> *Id.*

<sup>161</sup> *Id.*

<sup>162</sup> SJRWMD, *Status of Keystone Heights lakes projects*, <http://www.sjrwmd.com/keystoneheights/projectsstatus.html> (last visited Jan. 23, 2017).

<sup>163</sup> SJRWMD, *Senate Bill 234: Land Acquisition Trust Fund Bill Analysis* (Feb. 3, 2017) (on file with the Senate Environmental Preservation and Conservation Committee).

<sup>164</sup> *Id.*

<sup>165</sup> FDEP, *State Revolving Loan Fund*, <http://www.dep.state.fl.us/Water/wff/index.htm> (last visited Mar. 8, 2017).

<sup>166</sup> *Id.*

<sup>167</sup> *Id.*

<sup>168</sup> See Environmental Protection Agency (EPA), *Overview of Clean Water State Revolving Fund Eligibilities*, 3 (May 2016), available at [https://www.epa.gov/sites/production/files/2016-07/documents/overview\\_of\\_cwsrf\\_eligibilities\\_may\\_2016.pdf](https://www.epa.gov/sites/production/files/2016-07/documents/overview_of_cwsrf_eligibilities_may_2016.pdf) (last visited Mar. 9, 2017).

<sup>169</sup> 40 C.F.R. § 35.3520 (2014).

with existing national primary drinking water regulations for contaminants with acute and chronic health effects.<sup>170</sup> Projects for dams or reservoirs, or projects needed primarily to serve future population growth are ineligible for assistance.<sup>171</sup>

### **Land Acquisition Trust Fund and Legacy Florida**

In 2014, Florida voters approved a constitutional amendment to provide a dedicated funding source for water and land conservation and restoration. The amendment required that, starting on July 1, 2015, for 20 years, 33 percent of net revenues derived from the existing excise tax on documents be deposited into the Land Acquisition Trust Fund (LATF).

To comply with s. 28, Art. X of the State Constitution, the legislature in the 2015 Special Session A passed ch. 2015-229 Laws of Florida.<sup>172</sup> Chapter 2015-229 Laws of Florida, amended:

- Section 201.15, F.S., to conform to the constitutional requirement that the LATF receive at least 33 percent of net revenues derived from the existing excise tax on documents; and
- Section 375.041, F.S., to designate the LATF within the Department of Environmental Protection as the trust fund to serve as the depository for the constitutionally required funds.<sup>173</sup>

In 2016, the legislature passed ch. 2016-201, Laws of Florida, referred to as “Legacy Florida.”<sup>174</sup> Legacy Florida amended s. 375.041, F.S., to provide minimum distributions required from the funds deposited into the LATF. Under s. 375.041, F.S., funds deposited into the LATF must be distributed in the following order:

- First, obligations relating to debt service, specifically:
  - First to payments relating to Florida Forever Bonds and Everglades restoration bonds; and
  - Then to payments relating to bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District;
- Then, of the funds remaining after the payment of debt service, and before funds are authorized to be appropriated for other uses:
  - A minimum of the lesser of 25 percent of the funds remaining or \$200 million annually for Everglades projects that implement the CERP, the Long-Term Plan,<sup>175</sup> and the NEEPP, with priority given to projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. These funds are required to be distributed as follows:
    - \$32 million through the 2023-2024 Fiscal Year for the Long-Term Plan;
    - After deducting the \$32 million, a minimum of the lesser of 76.5 percent of the remainder or \$100 million through the 2025-2026 Fiscal Year for the CERP; and
    - The remainder for Everglades projects under the CERP, the Long-Term Plan, or the NEEPP.

<sup>170</sup> *Id.*

<sup>171</sup> *Id.*

<sup>172</sup> Ch. 2015-229, Laws of Fla.

<sup>173</sup> Ch. 2015-229, s. 9, 50, Laws of Fla.

<sup>174</sup> Ch. 2016-201, Laws of Fla.

<sup>175</sup> Note that the “Long-Term Plan” includes the Restoration Strategies Regional Water Quality Plan.

- A minimum of the lesser of 7.6 percent of the funds remaining or \$50 million annually for springs restoration, protection, and management projects; and
- Five million annually for the restoration of Lake Apopka.<sup>176</sup>
- Then, any remaining moneys are authorized to be appropriated from time to time for the purposes set forth in s. 28, Art. X, of the State Constitution.<sup>177</sup>

The General Revenue Estimating Conference in December of 2016 estimated that for the 2017- 2018 Fiscal Year a total of \$2.48 billion will be collected in documentary stamp taxes with \$814.1 million required to be deposited into the LATF in accordance with s. 28, Art. X of the State Constitution.<sup>178</sup>

### **Water Protection and Sustainability Program Trust Fund**

The Water Protection and Sustainability Program Trust Fund was created for the purpose of implementing the Water Sustainability Program created in s. 403.890, F.S.<sup>179</sup> The revenues appropriated into or appropriated to the trust fund are required to be distributed by the DEP in the following manner:

- Sixty-five percent for the implementation of an alternative water supply program<sup>180</sup>;
- Twenty-two and five-tenths percent for the implantation of best management practices and capital project expenditures necessary for the implementation of the goals of the total maximum daily load program; and
- Twelve and five-tenths percent for the Disadvantaged Small Community Wastewater Grant Program.<sup>181</sup>

### **Onsite Sewage Treatment and Disposal Systems**

Onsite sewage treatment and disposal systems, hereafter referred to as septic systems, can contain any one of the following components: a septic tank; a subsurface drainfield; an aerobic treatment unit (ATU); a graywater tank; a laundry wastewater tank; a grease interceptor; a pump tank; a waterless, incinerating or organic waste-composting toilet; and a sanitary pit privy.<sup>182</sup> Septic systems are located underground and treat sewage without the presence of oxygen. Sewage flows from a home or business through a pipe into the first chamber, where solids settle out. The liquid then flows into the second chamber where anaerobic bacteria in the sewage break

<sup>176</sup> Section 375.041, F.S.

<sup>177</sup> *Id.*

<sup>178</sup> Office of Economic and Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Executive Summary* (Dec. 12, 2016) available at <http://www.edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf>.

<sup>179</sup> Section 403.891, F.S.

<sup>180</sup> The term "alternative water supply" is defined in s. 373.019(1), F.S., to mean salt water; brackish surface and groundwater; surface water captured predominately during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater, water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; stormwater; and any other water supply source that is designated as nontraditional for a water supply planning region in the applicable regional water supply plan."

<sup>181</sup> Section 403.890, F.S.

<sup>182</sup> FDEP, *Wastewater: Septic Systems*, <http://www.dep.state.fl.us/water/wastewater/dom/septic.htm> (last visited Mar. 5, 2017).

down the organic matter, allowing cleaner water to flow out of the second chamber into a drainfield.<sup>183</sup>

The Department of Health (DOH) administers septic system programs, develops statewide rules, and provides training and standardization for county health department employees responsible for issuing permits for the installation and repair of septic systems within the state.<sup>184</sup> An estimated 2.7 million septic systems are in use statewide, serving approximately one third of the state's population.<sup>185</sup>

In Florida, development in some areas is dependent on septic systems due to the cost and time it takes to install central sewer systems. For example, in rural areas and low-density developments, central sewer systems are not cost effective. Less than one percent of septic systems in Florida are actively managed.<sup>186</sup> The remainder systems are generally serviced only when they fail, often leading to costly repairs that could have been avoided with routine maintenance.<sup>187</sup> In Florida, approximately 30-40 percent of the nitrogen levels are reduced in a system that is installed 24 inches or more from groundwater.<sup>188</sup> This still leaves a significant amount of nitrogen to percolate into the groundwater. Nitrogen from septic systems is a potential contaminant in groundwater and surface water.<sup>189</sup> Nitrogen sensitivity of Florida watersheds varies greatly, and includes areas of extremely high sensitivity to nitrogen loading and other areas where nitrogen loading from septic systems may be less critical.<sup>190</sup>

#### ***Florida Keys Area of Critical State Concern***

Section 381.0065(4)(l), F.S., requires that all onsite treatment and disposal systems in the Florida Keys cease discharge by December 31, 2015, unless the system is in compliance with DOH rules and able to meet advanced wastewater treatment standards. Since 1999, 23,000 on-site sewage systems and approximately 249 Wastewater Treatment Package Plants have been connected to central sewer.<sup>191</sup> The estimated cost to provide central sewer services in unincorporated Monroe County is \$1 billion.<sup>192</sup> County-wide approximately 80 percent of systems have been connected to central sewer.<sup>193</sup>

<sup>183</sup> *Id.*

<sup>184</sup> Section 381.0065(3), F.S.

<sup>185</sup> Florida Department of Health (FDOH), *Florida Onsite Sewage Nitrogen Reduction Strategies Study Final Report*, 17 (Dec. 31, 2015), available at <http://www.floridahealth.gov/environmental-health/onsite-sewage/research/documents/rnac/10212016-finalnitrogenreport.pdf> (last visited Mar. 5, 2017).

<sup>186</sup> FDOH, *Report on Range of Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program*, 1 (Oct. 1, 2008), available at <http://www.floridahealth.gov/environmental-health/onsite-sewage/research/documents/rnac/2008-11-06.pdf> (last visited Mar. 5, 2017).

<sup>187</sup> *Id.*

<sup>188</sup> *Id.* at 18.

<sup>189</sup> University of Florida Institute of Food and Agricultural Sciences, *Onsite Sewage Treatment and Disposal Systems: Nitrogen*, 3 (Feb. 2014), available at <http://edis.ifas.ufl.edu/pdf/SS/SS55000.pdf> (last visited Mar. 8, 2017).

<sup>190</sup> FDOH, *Florida Onsite Sewage Nitrogen Reduction Strategies Study Final Report*, 14 (Dec. 31, 2015).

<sup>191</sup> Florida Department of Economic Opportunity (DEO), *2015 Florida Keys Area of Critical State Concern Annual Report*, 4 (July 1, 2014-June 30, 2015), available at <http://www.floridajobs.org/docs/default-source/2015-community-development/community-planning/2015-cmtty-plan-acsc/2015-florida-keys-area-of-critical-state-concern-annual-report.pdf?sfvrsn=2> (last visited Mar. 5, 2017).

<sup>192</sup> *Id.* at 10.

<sup>193</sup> *Id.* at 11.



Any element of a local comprehensive plan in the Florida Keys area must contain construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems which meet or exceed criteria for wastewater treatment and disposal facilities or onsite sewage treatment and disposal systems.<sup>194</sup>

Monroe County, the Florida Keys Aqueduct Authority, the Key Largo Wastewater Treatment District, the Village of Islamorada, and the cities of Key Colony Beach and Key West have entered into an interlocal agreement in light of their engaged efforts to provide centralized wastewater treatment plants and collection systems throughout the Florida Keys and to upgrade and improve existing wastewater treatment systems to protect the fragile ecosystem of the Florida Keys and comply with the requirements for all wastewater management facilities in the area. The agreement establishes a specific distribution formula for state funds and provides specific allocation amounts for each party to the agreement. During the 2016 Session, the Legislature passed the Florida Keys Stewardship Act, which provided an appropriation in the sum of \$5 million which was required to be distributed in accordance with the interlocal agreement.<sup>195</sup>

### *Indian River Lagoon*

During 2011, a massive phytoplankton algae bloom occurred throughout most of the Indian River Lagoon system, extending from Southern Mosquito Lagoon to just north of Ft. Pierce Inlet.<sup>196</sup> This “2011 Superbloom” lasted for a duration of 7 months and resulted in a massive loss of seagrass coverage. There is no single answer as to why the bloom occurred, but studies have indicated that nitrogen inputs from septic systems in the Indian River Lagoon basin are a major source of nutrients that drive harmful algae blooms.<sup>197</sup> The DEP has awarded more than \$24 million in funding for 12 recent projects to improve water quality in the Indian River Lagoon.<sup>198</sup>

In Brevard County alone, there are approximately 82,000 permitted septic systems, of which nearly 59,500 pollute groundwater that migrates to the lagoon.<sup>199</sup> The SJRWMD and local governments have been proactive in implementing projects to address water quality issues in the lagoon. Brevard County established the Save Our Indian River Lagoon Project Plan. The plan outlines local projects planned to meet water quality targets and improve the health, productivity, aesthetic appeal, and economic value of the lagoon.<sup>200</sup> The plan includes septic system upgrades

<sup>194</sup> Section 380.0552(9)(a), F.S.

<sup>195</sup> 2016-225, LOF.

<sup>196</sup> Indian River Lagoon Consortium, *Indian River Lagoon 2011 Superbloom Plan of Investigation*, 2 (June 2012), available at [http://www.sjrwmd.com/indianriverlagoon/technicaldocumentation/pdfs/2011superbloom\\_investigationplan\\_June\\_2012.pdf](http://www.sjrwmd.com/indianriverlagoon/technicaldocumentation/pdfs/2011superbloom_investigationplan_June_2012.pdf) (last visited Mar. 8, 2017).

<sup>197</sup> See Brian E. Lapointe, Laura W. Herren, David D. Debortoli, Margaret A. Vogel, *Evidence of sewage-driven eutrophication and harmful algae blooms in Florida's Indian River Lagoon*, (Jan. 28, 2015), available at <http://static.politico.com/27/4c/d449d31440529b9d75d8ac3bb461/2015-study-of-indian-river-lagoon-algae.%202015.pdf> (last visited Mar. 8, 2017).

<sup>198</sup> FDEP, *DEP Awards More Than \$24 Million for Projects to Improve the Water Quality in the Indian River Lagoon*, (Feb. 28, 2017), available at <https://content.govdelivery.com/accounts/FLDEP/bulletins/17c88c8> (last visited Mar. 9, 2017).

<sup>199</sup> Tetra Tech, Inc. and Closewaters, LLC, *Save Our Indian River Lagoon Project Plan*, 5 (July 2016), available at [http://loveourlagoon.com/BCsave-our-lagoon-project-plan\\_final.pdf](http://loveourlagoon.com/BCsave-our-lagoon-project-plan_final.pdf) (last visited Mar. 8, 2017).

<sup>200</sup> *Id.* at vi.

and removals at a total cost of approximately \$64 million.<sup>201</sup> The estimated total cost to convert all septic tanks in the county to central sewage treatment is \$1.19 billion.<sup>202</sup> In Brevard County, a referendum was approved by 62.4 percent to authorize the issuance of a ½ cent infrastructure sales tax to raise approximately \$300 million to pay for a portion of the plan.<sup>203</sup>

### III. Effect of Proposed Changes:

Section 1 titles the act the “Coast-to-Coast Water Resources Program.”

Section 2 amends s. 201.15, F.S., to require that amounts deposited into the Land Acquisition Trust Fund (LATF) be used to pay the debt service on water resource protection and development bonds. The amount of debt service that is available each fiscal year is limited to \$300 million.

Section 3 creates s. 215.613, F.S. to establish a new set of bonds up to \$3.3 billion to finance or refinance the cost of acquisition and improvement of land, water areas, or related property interests for the purposes of water resource protection and development, and for capital improvements to land or water areas which facilitate water resource protection and development. The authority to issue bonds is redistributed from Florida Forever bonding authority, no new bonding authority is created. Water resource protection and development bonds are payable from taxes distributable to the LATF and the proceeds of such bonds are required to be deposited into the LATF.

Section 4 amends s. 215.618, F.S., to reduce the bonding authority for Florida Forever bonds from \$5.3 billion to \$2 billion.

Sections 5 and 9 creates s. 373.4598, F.S., and amends s. 375.041, F.S., respectively, to set out legislative findings and intent, define terms, and establish options for additional storage south of Lake Okeechobee which are intended to reduce the damaging discharges to the St. Lucie and Caloosahatchee estuaries.

#### *Option A: Acquire the Land from Willing Sellers*

The bill requires the South Florida Water Management District (SFWMD), upon the effective date of the act, to seek proposals from willing sellers of property within the Everglades Agricultural Area in order to acquire approximately 60,000 acres of land suitable for one or two above-ground storage reservoirs that have a total storage capacity of 360,000 acre-feet. The bill clarifies that SFWMD may not exercise eminent domain to implement the reservoir project.

If the SFWMD is able to find willing sellers of property that is suitable for the reservoir project, then, once the land has been agreed upon, the SFWMD must immediately begin the reservoir

<sup>201</sup> *Id.* at viii.

<sup>202</sup> *Id.* at 5.

<sup>203</sup> Brevard County Supervisor of Elections, *2016 General Election Official Results*, <http://enr.electionsfl.org/BRE/1616/Summary/> (last visited Mar. 9, 2017); see Brevard County Ordinance 2016-15, *Placing a Referendum on November 8, 2016 Ballot for One-Half Cent Infrastructure Sales Tax to Fund Implementation of the Save our Lagoon Project Plan* (August 23, 2016), available at <http://www.brevardfl.gov/docs/default-source/countymanager/save-our-lagoon-referendum-election-2016-ordinance-august-23-2016.pdf?sfvrsn=2> (last visited Mar. 9, 2017).

project with the goal of providing adequate storage and conveyance south of Lake Okeechobee to reduce the volume of regulatory discharges to the St. Lucie and Caloosahatchee estuaries. Additionally, once the land has been acquired, the SFWMD is required to expeditiously pursue the necessary permits required for the reservoir project and begin implementation and construction as soon as practicable. The SFWMD is required to give preferential consideration to the hiring of agricultural workers displaced as a result of the reservoir project, consistent with their qualifications and abilities, for the construction and operation of the reservoir project.

Unless other funding is available, the bill directs the SFWMD, in coordination with the United States Army Corps of Engineers (USACE), to begin the planning study for the Everglades Agricultural Area Reservoir Project by March 1, 2018. According to the 2016 Draft IDS schedule, the project is scheduled to begin in 2021.<sup>204</sup> Additionally, the SFWMD is required to abide by applicable federal and state law in order to obtain federal credit under the Comprehensive Everglades Restoration Plan (CERP). The bill specifies that the SFWMD, when developing the planning study, must focus on the goal of the reservoir project, which is to provide adequate storage and conveyance south of the lake to reduce the volume of regulatory discharges of water from the lake to the St. Lucie and Caloosahatchee estuaries.

The bill requires \$800 million in Florida Forever bond proceeds in the 2017-2018 FY and \$400 million in Florida Forever bond proceeds in the 2018-2019 FY to be deposited into the LATF if the SFWMD acquires land from willing sellers of property that is suitable for the reservoir project. If the reservoir project receives Congressional authorization, the SFWMD is required to seek applicable federal credits towards the state's share of funding the land acquisition and implementation of the reservoir project.

The SFWMD has until December 31, 2017, to acquire the land before Option B is triggered.

***Option B: Exercise the Option***

Under Option B the SFWMD is required to assign the Entire Option Property Non-Exclusive Option (Option) to the Board of Trustees of the Internal Improvement Trust Fund (Board) by January 31, 2018. Such Option is available to the SFWMD pursuant to the 2010 Second Amended and Restated Agreement (Agreement).<sup>205</sup> If the U.S. Sugar Corporation, the seller, does not find the assignment to be "reasonably acceptable in form and substance," the SFWMD is required to retain the Option. The assignment of the Option to the Board is authorized in the Agreement which also provides the seller with the opportunity to decline acceptance of such assignment.

The bill requires the Board or the SFWMD, whichever holds the Option, to exercise the Option by March 1, 2018. The Board or the SFWMD, the buyer, is not authorized to propose a purchase price for less than the average of \$7,400 per acre, unless the highest appraised value of the land

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<sup>204</sup> USACE and SFWMD, *Integrated Delivery Schedule 2016 Update* (Dec. 2016), available at [http://www.saj.usace.army.mil/Portals/44/docs/Environmental/IDS/IDS\\_PLACEMAT\\_05JAN2017\\_web.pdf?ver=2017-01-07-164638-380](http://www.saj.usace.army.mil/Portals/44/docs/Environmental/IDS/IDS_PLACEMAT_05JAN2017_web.pdf?ver=2017-01-07-164638-380) (last visited Jan. 31, 2017).

<sup>205</sup> See Second Amended and Restated Agreement for Sale and Purchase (2010), available at [https://www.sfwmd.gov/sites/default/files/documents/rog\\_0\\_amended\\_rested\\_agt\\_for\\_sale\\_and\\_purchase.pdf](https://www.sfwmd.gov/sites/default/files/documents/rog_0_amended_rested_agt_for_sale_and_purchase.pdf) (last visited Jan. 31, 2017).

is less than the average of \$7,400 per acre. Under the Agreement, if the proposed purchase price is less than the average of \$7,400 per acre, the seller has the absolute right to not sell the Option property by providing written notice to the buyer within 60 days after the purchase price has been determined.

If land is acquired under Option B then the SFWMD is required to identify which of the acquired land is suitable for the reservoir project. The bill authorizes the Board or the SFWMD, if applicable, to dispose of or exchange any land or lease interest in the land in order to achieve the optimal siting for the reservoir project or to dispose of land that is not necessary for the reservoir project. However, any such exchange or disposal may not be in violation of the Agreement.

Additionally, the SFWMD, in coordination with the USACE, is required to begin the planning study for the Everglades Agricultural Area Reservoir Project by October 1, 2019. According to the 2016 Draft IDS schedule, the project is scheduled to begin in 2021.<sup>206</sup> The bill specifies that the SFWMD, when developing the planning study must focus on the goal of the reservoir project, which is to provide adequate storage and conveyance south of the lake to reduce the volume of regulatory discharges of water from the lake to the St. Lucie and Caloosahatchee estuaries.

If the Board or the SFWMD, if applicable, acquires land pursuant to the agreement, then in the 2018-2019 Fiscal Year \$1.2 billion in Florida Forever bond proceeds are required to be deposited into the LATF. If the reservoir project receives Congressional authorization, the SFWMD is required to seek applicable federal credits towards the state's share of funding the land acquisition and implementation of the reservoir project.

The Board or the SFWMD, if applicable, has until November 30, 2018, to acquire the land before Option C is triggered.

#### ***Option C: Legacy Florida***

Under Option C, if the SFWMD or the Board fail to acquire land under Option A or Option B, then, effective January 1, 2019, the annual minimum distribution required under Legacy Florida for Everglades restoration projects is increased from "25 percent or \$200 million" to "30 percent or \$250 million." The bill applies this increase in funding to the distribution to the CERP, which includes the Everglades Agricultural Area Storage Reservoir as a project component.

Additionally, the SFWMD, in coordination with the USACE, is required to begin the planning study for the Everglades Agricultural Area Reservoir Project by October 1, 2019. According to the 2016 Draft IDS schedule, the project is presently planned to begin in 2021.<sup>207</sup> The bill specifies that the SFWMD, when developing the planning study must focus on the goal of the reservoir project, which is to provide adequate storage and conveyance south of the lake to reduce the volume of regulatory discharges of water from the lake to the St. Lucie and Caloosahatchee estuaries.

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<sup>206</sup> USACE and SFWMD, *Integrated Delivery Schedule 2016 Update* (Dec. 2016).

<sup>207</sup> *Id.*



***Lake Okeechobee Regulation Schedule***

The bill requires the SFWMD to request that the USACE pursue the reevaluation of the Lake Okeechobee Regulation Schedule as expeditiously as possible taking into consideration the repairs made to the Herbert Hoover Dike and any increase in outlet capacity south of the lake which has the potential to offset the harmful freshwater discharges to the St. Lucie and Caloosahatchee estuaries.

**Section 6** creates s. 373.475, F.S., to implement the water resource protection and development bonds. The bill requires the Department of Environmental Protection (DEP) to distribute bond proceeds from the LATF for the purposes of financing water resource protection and development projects, including the reservoir project.

**Section 7** creates s. 373.478, F.S., to create a water storage facility revolving loan fund to provide funding assistance to local governments and water supply entities for the development and construction of water storage facilities to increase the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems.

The bill requires the DEP to adopt rules to implement the water storage revolving loan fund, including setting forth a priority system for loans based on compliance with state requirements, establishing the requirements for the award and repayment of financial assistance; and requiring evidence of credit worthiness and adequate security to ensure that each loan recipient can meet its loan repayment requirements.

The Water Protection and Sustainability Program Trust Fund established under s. 403.891, F.S., will be used to carry out the revolving loan fund.

**Section 8** amends s. 375.041, F.S., to conform changes relating to the payment of debt service for water resource protection and development bonds from the LATF. The bill requires that ongoing CERP projects, which are currently being funded, continue to receive funding under the statutorily required minimum distributions for Everglades restoration projects.

The bill adds the following annual distributions from the LATF:

- \$35 million to the St. Johns Water Management District for projects dedicated to the restoration of the St. Johns River and the Keystone Heights Lake region.
- \$2 million for the Florida Keys Area of Critical State Concern to be distributed in accordance with an established interlocal agreement.
- \$20 million to conduct muck dredging and large-scale stormwater improvement and offset property owner costs for retrofitting or converting onsite sewage treatment and disposal systems that the DEP determines to collectively contribute to excess nutrient pollution in counties contributing to the Indian River Lagoon, the St. Lucie Estuary, or the Caloosahatchee Estuary.

**Section 10** creates s. 403.0878, F.S., to establish a water reuse grant program which requires the DEP to use funds specifically appropriated to award such grants to assist wastewater treatment facilities in expanding their capacity to make reclaimed water available for reuse. The department is authorized to provide grants for up to 100 percent of the costs of planning,

designing, constructing, upgrading, or replacing wastewater collection, transmission, and treatment designed to expand the facility's capacity to make reclaimed water available for reuse.

**Section 11** provides legislative findings relating to water availability, specifically declaring that the Legislature finds that sufficient water availability is a paramount concern for existing and future reasonable-beneficial uses and natural systems in this state. The bill encourages water supply projects to employ all practical means of obtaining water, including, but not limited to, withdrawals of surface water and groundwater, reclaimed water, and desalination. The bill declares that it is the policy of the state that projects to increase water supply be planned on a regional basis.

**Section 12** amends s. 215.44, F.S., to require the State Board of Administration in its annual report to the Legislature include a summary of the type and amount of potential water supply investments that will have the effect of increasing water supply in the state on a regional basis.

**Section 13** amends s. 403.890, F.S. to revise for what purposes the revenues deposited into or appropriated to the Water Protection and Sustainability Program Trust Fund may be distributed to include revenues and appropriations related to the water storage facility revolving loan fund. The bill also removes the provisions relating to the implementation of best management practices and capital improvement projects for the implementation of the goals of the total maximum daily load program and the provisions relating to the Disadvantaged Small Community Wastewater Grant Program. The revisions to this trust fund do not have any immediate effect because this trust fund is not currently being used for such purposes.

**Section 14** requires the SFWMD or the Board to notify the Division of Law Revision and Information no later than December 1, 2018, whether they have acquired land pursuant to s. 373.4598, F.S.

**Section 15** requires the Division of Law Revision and Information to replace the phrase "the effective date of this act" with the date the act becomes a law.

**Sections 16, 17, and 18** provide contingent appropriations for debt service payments on water resource protection and development bonds that are authorized to be issued for the purposes of s. 373.4598, F.S. Contingent upon bonds being issued for Option A: \$64 million in recurring funds from the LATF are appropriated for the 2017-2018 FY and \$36 million in recurring funds from the LATF are appropriated for the 2018-2019 FY. Contingent upon bonds being issued for Option B: \$100 million in recurring funds from the LATF are appropriated for the 2018-2019 FY.

**Section 19** provides that the bill takes effect upon becoming a law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. Constitutional Issues:**

Section 28, Art. X of the Florida Constitution requires that 33 percent of net revenues derived from documentary stamp taxes be deposited into the LATF to be used for the acquisition and improvement of land, water areas, and related property interests, together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands. The bill requires certain distributions from the LATF. Such distributions must be consistent with the constitutional requirements.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The impact to the private sector is indeterminate. There will be an immediate positive impact to the landowners whose property is purchased. However, converting the agricultural land to a reservoir will have an indeterminate negative fiscal impact to the sugar mills and local farmers due to the reduction in available farmland.

**C. Government Sector Impact:**

If land is acquired under Option A or B there may be a negative indeterminate fiscal impact to local governments due to a loss of property tax revenue (shifting ownership (private) and use (agricultural) to the state or a political subdivision of the state (immune from taxation). The magnitude of this impact is indeterminate because the specific land to be acquired has not been determined.

Depending on the land that is acquired and if the SFWMD purchases the land, the impact to property tax revenues may be offset under s. 373.59, F.S., for any affected county, or local government within a county, with a population of 150,000 people or fewer.

Any amount recovered under s. 373.59, F.S., as payment in lieu of taxes will be paid by SFWMD, resulting in a negative indeterminate impact on the SFWMD. The SFWMD, like the other local governments levying ad valorem taxes on the land targeted for purchase, will experience an indeterminate loss of ad valorem tax revenues. Additionally,

the SFWMD may have a negative fiscal impact associated with a reduction of the Everglades Agricultural Privilege Tax pursuant to s. 373.4592(6), F.S.

The impact to the state will depend on which option is exercised under the bill. Under Options A and B, \$100 million in recurring funds will be set aside through the 2037-2038 Fiscal Year (under Option A only \$64 million is appropriated for the 2017-2018 Fiscal Year) to pay debt service on bonds issued under the bill. Under Option C, the required annual minimum distribution to Everglades restoration projects from the LATF is increased by \$50 million.

The bill requires additional distributions from the LATF that may have an impact on other programs funded from the LATF.

Specifically, the bill provides \$35 million from the LATF for St. Johns Water Management District projects dedicated to the restoration of the St. Johns River and its tributaries or the Keystone Heights Region. It provides \$2 million from the LATF for the Florida Keys to be distributed in accordance with the existing interlocal agreements to deal with wastewater and conservation issues in the Keys. Another \$20 million is provided for retrofitting or converting onsite sewage treatment and disposal systems to address nutrient pollution in the counties contributing to the Indian River Lagoon, St. Lucie and Caloosahatchee estuaries and their watersheds.

The bill transfers the remaining \$3.3 billion in bond authority from the Florida Forever Program to a new bonding program for the purposes of water resource protection and development. This reduces Florida Forever bonding authority to \$2 billion.

The bill creates the storage facility revolving loan fund to provide loans to local governments for water storage projects to protect and conserve water resources. The bill expands the purposes of the Water Protection and Sustainability Trust Fund to include this program. The fiscal impact of this program is indeterminate.

The bill also creates the water reuse grant program for the expansion of reuse capacity for wastewater utilities. The bill stipulates that the program is subject to specific appropriations. The fiscal impact of this program is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 201.15, 215.44, 215.618, 375.041, and 403.890.

This bill creates the following sections of the Florida Statutes: 215.613, 373.4598, 373.475, 373.478, and 403.0878.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

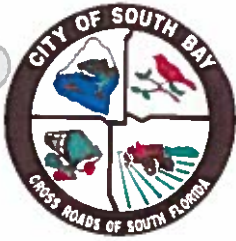
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**Recommended CS by Appropriations Subcommittee on The Environment and Natural Resources on March 8, 2017:**

- Provides the following short title for the act, “Coast-to-Coast Comprehensive Water Resources Program.”
- Redistributes current bonding authority for Florida Forever bonds to create a new set of bonds called water resource protection and development bonds.
- Establishes the water storage facility revolving loan fund to provide financial assistance to local governments and water supply entities for water storage facilities.
- Provides an annual distribution from the Land Acquisition Trust Fund (LATF) of:
  - \$35 million to the St. Johns Water Management District for projects dedicated to the restoration of the St. Johns River and the Keystone Heights Lake region.
  - \$2 million for the Florida Keys Area of Critical State Concern to be distributed in accordance with their established interlocal agreement.
  - \$20 million to conduct muck dredging and large-scale stormwater improvement and offset property owner costs for retrofitting or converting onsite sewage treatment and disposal systems that the DEP determines to collectively contribute to excess nutrient pollution in counties contributing to the Indian River Lagoon, the St. Lucie Estuary, or the Caloosahatchee Estuary.
- Establishes a water reuse grant program for the expansion of reuse capacity for wastewater utilities.
- Requires the State Board of Administration to include in its annual report to the Legislature a summary of the type and amount of potential water supply investments that will have the effect of increasing water supply in the state on a regional basis.
- Revises the requirements for the distribution of revenues in the Water Protection and Sustainability Program Trust Fund.

**B. Amendments:**

None.



## **City of South Bay**

South Bay City Hall  
335 SW 2<sup>nd</sup> Avenue  
South Bay, FL 33493  
Telephone: 561-996-6751  
Facsimile: 561-996-7950

[www.southbaycity.com](http://www.southbaycity.com)

### **Commission**

Joe Kyles Sr.  
Mayor

John Wilson  
Vice Mayor

Esther E. Berry  
Taranza L. McKelvin  
Shanique S. Scott

Leondrae D. Camel  
City Manager

Jessica Figueroa  
City Clerk

Burnadette Norris-Weeks  
City Attorney

"An equal Opportunity  
Affirmative Action Employer"

TO: Honorable Mayor and Commissioners

FROM: Leondrae D. Camel, City Manager

THRU: Leondrae D. Camel, City Manager

DATE: March 28, 2017

### **COMMISSION**

MEETING DATE: April 4, 2017

SUBJECT: Approval and Ratification of CDBG Program with  
Palm Beach County FY 2017 Community  
Development Block Grant Program – Code  
Enforcement funding in the amount of \$30,372.

### **Executive Brief**

The City of South Bay has submitted a new Code Enforcement CDBG Grant funding request in the amount of \$30,372 for FY 2017-2018 Budget. The eligible activities carried out under the FY 2016 agreement were satisfactorily met according to the CDBG Program's National Objectives consisting of Code Enforcement Services to meet applicable housing and building codes, within the municipal boundaries.

### **Fiscal Impact:**

The proposed awarded amount \$30,372

### **Recommendation:**

Commission ratification of CDBG application with Palm Beach County for FY 2017–2018 Code Enforcement funding in the amount of \$30,372.

### **Attachments:**

Community Development Block Grant Program Application  
City of South Bay Target Area  
Code Enforcement Departmental Proposed budget

# COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

## APPLICATION FOR FUNDING ASSISTANCE

### LOCAL ENTITLEMENT MUNICIPALITIES

FUNDING PERIOD: OCTOBER 1, 2017 - SEPTEMBER 30, 2018

Applications must be received by DES Strategic Planning Section  
by 4:00pm, March 31, 2017.



Sherry Howard, Deputy Director

100 Australian Avenue, Suite 500  
West Palm Beach, Florida 33406

IN ACCORDANCE WITH THE PROVISIONS OF THE ADA, THIS DOCUMENT MAY BE  
REQUESTED IN AN ALTERNATE FORMAT. PLEASE CONTACT THE DEPARTMENT OF  
ECONOMIC SUSTAINABILITY AT (561) 233-3623 or [msklar@pbcgov.org](mailto:msklar@pbcgov.org)

## **ESSENTIAL PROGRAM AND APPLICATION INFORMATION**

### **DEPARTMENT OF ECONOMIC SUSTAINABILITY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM OCTOBER 1, 2017 – SEPTEMBER 30, 2018**

Palm Beach County's Department of Economic Sustainability (DES) is accepting applications from eligible local municipalities for FY 2017-2018 CDBG Program funding.

#### **APPLICATION INFORMATION**

The CDBG application is available in Microsoft Word format. To obtain the application electronically, please contact Michael Sklar, Planner II at (561) 233-3623 or at [mshklar@pbcgov.org](mailto:mshklar@pbcgov.org).

#### **SUBMITTAL FORMAT**

Submit the original signed application and all attachments on paper no larger than 8.5" X 11". ***Applications must be signed by the municipality's chief elected official or manager/administrator.*** Unsigned applications will not be considered. Applications should be submitted to:

***Carlos Serrano, Director, Strategic Planning Section  
Department of Economic Sustainability  
160 Australian Avenue, Suite 500  
West Palm Beach, Florida 33406***

#### **DEADLINE DATE**

**The completed applications must be received by DES Strategic Planning Section by 4:00pm, March 31, 2017.**

#### **MAXIMUM NUMBER OF APPLICATIONS & AMOUNT OF FUNDS REQUESTED**

Each municipality is allowed to submit **only one (1) application** requesting funding for **only one (1) activity**. If the activity consists of two or more phases, each part must be directly related to other. Since HUD has not yet determined the overall CDBG grant amount to the County, please limit your funding request to the FY 2016-2017 local municipal entitlement amount provided by DES.

#### **SUMMARY OF ELIGIBLE AND INELIGIBLE ACTIVITIES**

All funded activities must be eligible per CDBG regulations at 24 CFR Part 570. In addition to activities designated as ineligible by the CDBG regulations, Planning and Administrative activities and Public Service activities are prohibited.

#### **CITIZEN PARTICIPATION**

The municipal process for planning for use of CDBG funds must provide the opportunity for citizen participation, particularly by low- and moderate-income persons, non-English speaking persons, and persons with disabilities. Each municipality is responsible for notifying residents of its intent to apply for CDBG funding and to receive input on housing and community development needs.



## **ESSENTIAL PROGRAM AND APPLICATION INFORMATION**

### **TECHNICAL ASSISTANCE**

For any CDBG-related questions, contact DES at (561) 233-3623 or [msklar@pbcgov.org](mailto:msklar@pbcgov.org).

### **SUMMARY OF PROGRAM REQUIREMENTS**

- Proposed activities must be eligible per HUD's CDBG regulations at 24 CFR Part 570, and per the County's CDBG Program.
- Proposed activities must meet one (1) of the following three (3) CDBG National Objectives:
  1. to benefit low- and moderate-income persons;
  2. to aid in the prevention or elimination of slums and blight; or
  3. to meet a community development need of particular urgency
- CDBG funds are provided through a grant agreement with the County.
- CDBG funds are provided on a reimbursement basis. Funds cannot be used to reimburse for costs incurred prior to the October 1st start of the program year or prior to the execution of a grant agreement.
- All CDBG-funded activities are subject to an environmental review. CDBG funds cannot be expended prior to addressing all environmental concerns.
- All CDBG-funded projects are required to comply with federal, state, and local statutes, regulations, and other applicable requirements, including but not limited to: Section 3 of the Housing and Community Development Act, concerning employment and contracting opportunities; the Davis-Bacon Act, concerning payment of prevailing wage rates in construction projects; Asbestos and Lead-Based Paint requirements; and General Liability, Automobile, and Worker's Compensation Insurance requirements.
- CDBG-funded goods and services must be obtained in accordance with Federal and County procurement requirements.
- CDBG-funded capital projects must be completed and placed into service within 36 months of funding award. Funding not encumbered within 24 months may be recaptured by DES.
- CDBG-funded activities involving real property acquisition or causing the displacement of persons or businesses must comply with the Uniform Real Property Acquisition and Relocation Assistance Act. An activity will cause displacement if the property is occupied by owners or tenants at the time of application submittal. The CDBG applicant must provide the following with their application: a) a relocation plan meeting all requirements of 24 CFR 570.606, as amended. This plan shall be prepared by a consultant with demonstrated experience in relocation matters, and shall include all relocation costs for the proposed project; b) a document binding the grant awardee to place in the project budget sufficient funds to fully implement the relocation plan; and c) documentation evidencing that all required notices to tenants have been prepared and are available to be provided.

**DEPARTMENT OF ECONOMIC SUSTAINABILITY  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
ENTITLEMENT MUNICIPALITY APPLICATION FOR FUNDING  
FUNDING PERIOD: OCTOBER 1, 2017 –SEPTEMBER 30, 2018**

---

To request technical assistance, please call Michael Sklar, Planner II at (561) 233-3623 or email [msklar@pbcgov.org](mailto:msklar@pbcgov.org).

**I. APPLICANT INFORMATION**

Municipality:	City of South Bay
Contact:	Leondrae D. Camel
Title:	City Manager
Address:	335 SW 2nd Avenue
City; State; Zip Code:	South Bay, FL 33493
Phone Number:	(561) 996-6751 EXT. 13
Fax Number:	561-996-7950
E-mail Address:	camell@southbaycity.com
Printed Name of Person Signing:	Leondrae D. Camel
Title of Person Signing:	City Manager

Signature:



Date:

3/27/17

**NOTE: UNSIGNED APPLICATIONS WILL NOT BE CONSIDERED.**

## II. ACTIVITY DESCRIPTION

### a. Activity Type and Description

1. Name of Activity:

**CODE COMPLIANCE OFFICER**

2. Type of CDBG-eligible Activity:

**AID IN THE PREVENTION OR ELIMINATION OF SLUM AND BLIGHT**

3. Describe the activity in detail, including the specific use of CDBG funds:

**To inspect properties for their compliance with existing state, county and city codes.**

4. Units of Measurements and Proposed Accomplishments:

List proposed activity components showing units of measurements and proposed accomplishments.

<u>Proposed Activity Components</u>	<u>Unit of Measurement</u>	<u>Accomplishments</u>
<i>Example: Installation of sidewalks</i>	<i>Example: 300 Linear Feet</i>	<i>Example: 55 people who reside along the street.</i>
<b>Property Inspections</b>	<b>Each property</b>	<b>85% of the affected properties will be brought into compliance</b>

5. Activity Location

- a) Activity Address:  
b) Exact Location:  
c) Property Control Number(s):  
d) Owner of Property:  
e) Owner's Address:  
f) Owner's Telephone Number:

**South Bay (city-wide)**

6. Activity Specific Information

YES NO

- a) Is the proposed activity currently in compliance with zoning and land use designations? 

X	
---	--

If not, please explain:

--

- b) Activities involving property acquisition, rehabilitation, and/or new construction please complete:

YES NO

- i. Has an appraisal been conducted?

	X
--	---

If "yes", insert value and attach report:

\$	
----	--

YES NO

- ii. Is the property vacant land?

--	--

If "no", complete item "c" below:

- c) For activities affecting properties with existing structure(s), complete:

YES NO N/A

- i. Is the structure vacant?

		X
--	--	---

If "yes", indicate previous use:

If "no", indicate current use:

--	--	--

--	--	--

- ii. Year structure was built:

--	--	--

- iii. Describe the composition and condition of the structure:

--

- d) Activities mentioned above in subsections "b" and "c", please complete:

YES NO N/A

- i. Has site control been obtained? *If "yes", documentation must be attached.*

		X
--	--	---

- ii. Are there any liens on the property?

--	--	--

- iii. Is public water/sewer available?

--	--	--

- iv. Has an environmental review been completed?

--	--	--

### III. ACTIVITY/PROJECT MANAGEMENT AND IMPLEMENTATION

#### a. Activity Implementation

1. Explain in detail how the municipality (and which specific organizational unit) will implement the activity:

The City of South Bay would retain the Code Compliance Officer to aid in
--

the prevention and/or elimination of slum and blight.

2. Identify tasks to be undertaken and start/complete dates for each. (If the activity has already started, please indicate what has been completed).

Implementation Task	Start Date	Complete Date
Educate I.D. City-wide Trash Piles Addressed	04/01/2015	Ongoing
"Off Scheduled" Garbage Cans Addressed	05/01/2015	Ongoing
I.D. Inoperative Vehicles Addressed	06/01/2015	07/01/2015/Ongoing
Address Trucks in Residential Zones	07/01/2015	08/01/2015/Ongoing
Address Overgrown Lots in	08/01/2015	09/01/2015/Ongoing
Educate IMPC Addressed/ Mortgage Foreclosure Registration	09/01/2015	11/01/2015/Ongoing

3. Will the activity cause the temporary or permanent displacement of persons or businesses?

YES NO N/A

		X
--	--	---

*If "yes", attach a relocation plan meeting all requirements of 24 CFR 570.606, as amended. This plan shall be prepared by a consultant with demonstrated experience in relocation matters, and shall include all relocation costs for the proposed project; b) a document legally binding the grant awardee to place in the project budget sufficient funds to fully implement the relocation plan; and c) documentation evidencing that all required notices to tenants have been prepared and available to be provided.*

4. Are fees charged, or projected to be charged for the use of the facility?

YES NO N/A

		X
--	--	---

If "yes", describe the fee schedule, including \$ costs to users:

--

5. Is the facility leased, or anticipated to be leased, to users other than the municipality?

YES NO N/A

		X
--	--	---

If "yes", identify the proposed user(s) and describe the anticipated use(s):

--

YES NO N/A

6. Are assessment fees going to be charged to residents to recover costs of the CDBG-assisted improvements?

X

If "yes", please explain:

When correction requires legal expenditures and related matters to correct the violation; property owner will be charged accordingly.

#### IV. BUDGET AND MATCHING CONTRIBUTION

##### a. Budget

1. Total activity cost:

\$ 52,526

(An itemized budget must be attached to this application. The budget must include all sources and uses of funds, and must explicitly identify line items for all proposed uses of CDBG funds.)

2. Total CDBG funds requested:

\$ 30,372

3. Explain how the overall activity cost was determined:

Salary - \$33,561 annually; Operation Expenses - \$5,025; Fringe - \$13,515

4. Explain how the proposed activity will be implemented if the activity is funded at a lower level than the amount of CDBG requested:

The City would minimize the employee hours or contribute more to maintain the effectiveness of the activity.

##### b. Matching Contribution

1. Is the municipality providing a matching contribution?

YES NO

X

If "yes", identify the source, amount, and availability of the match:

\$ Amount	Source	Use	Date Available
	General Funds	Code Officer	10-01-2017
	General Funds	Operations	10-01-2017

#### V. ACTIVITY IMPACT

**a. Justification for Funding Activity**

1. Identify the need that will be addressed by the activity (cite sources of information):

**Many homes and properties reflect neglect and abandonment do to economic distress and poor property management/oversight.**

2. Explain how the activity will address the identified need:

**Assistance will be given to identify violation that reflect urgent concerns and require immediate corrective action.**

**b. Activity Benefit**

1. Please insert the total number of unduplicated persons to benefit annually from the proposed CDBG activity:

**City-wide benefit**

2. Estimated percentage of low and moderate income persons to benefit:

**100 %**

3. Explain basis for estimates of beneficiaries:

**City Demographics - 30% unemployment**

**VI. ATTACHMENTS REQUIRED**

Please indicate the attachment number for documents attached to the application.

<u>Document</u>	<u>Attachment Number</u>
1. Detailed street map showing location of activity and service area boundaries.	A
2. Itemized activity budget (including all sources and uses of funds, explicitly identifying line item uses of CDBG funds)	B
3. Evidence of site control, e.g., purchase option, sales contract, deed, etc (for acquisition, new construction, rehabilitation, etc.)	
4. Appraisal report, if available (for acquisition, new construction, rehabilitation, etc.)	
5. Relocation Plan (for activities causing displacement).	

THE DES STRATEGIC PLANNING SECTION WILL PROVIDE TECHNICAL ASSISTANCE REGARDING THE CDBG APPLICATION. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE SECTION AT (561) 233-3623 OR [mshklar@pbcgov.org](mailto:mshklar@pbcgov.org).

S:\2017-18\CDBG\Municipal Letter and Application\Municipal CDBG Application 2017-2018.doc





PBC Dept. of Economic Sustainability -July 2016

**ORGANIZATION: City of South Bay**

**PROGRAM: Code Enforcement**  
**FY 2017-18 PALM BEACH COUNTY CDBG**

CONTACT NAME: Leonora Camel  
TITLE: City Manager  
PHONE: 561-995-6731

### A. PERSONNEL EXPENSES

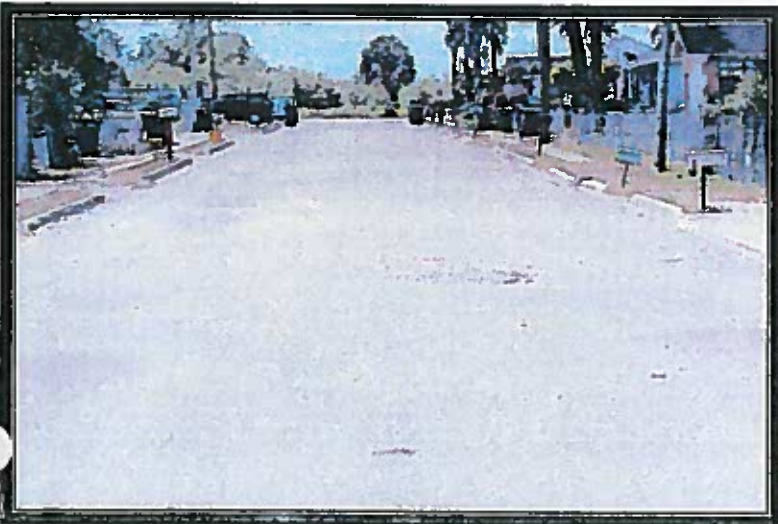
**Salaries:**

[illegible]



# CITY OF SOUTH BAY

## 2019 SMALL COUNTY OUTREACH PROGRAM



### *SPECIFIC APPROPRIATION FOR RURAL AREAS OF OPPORTUNITY*

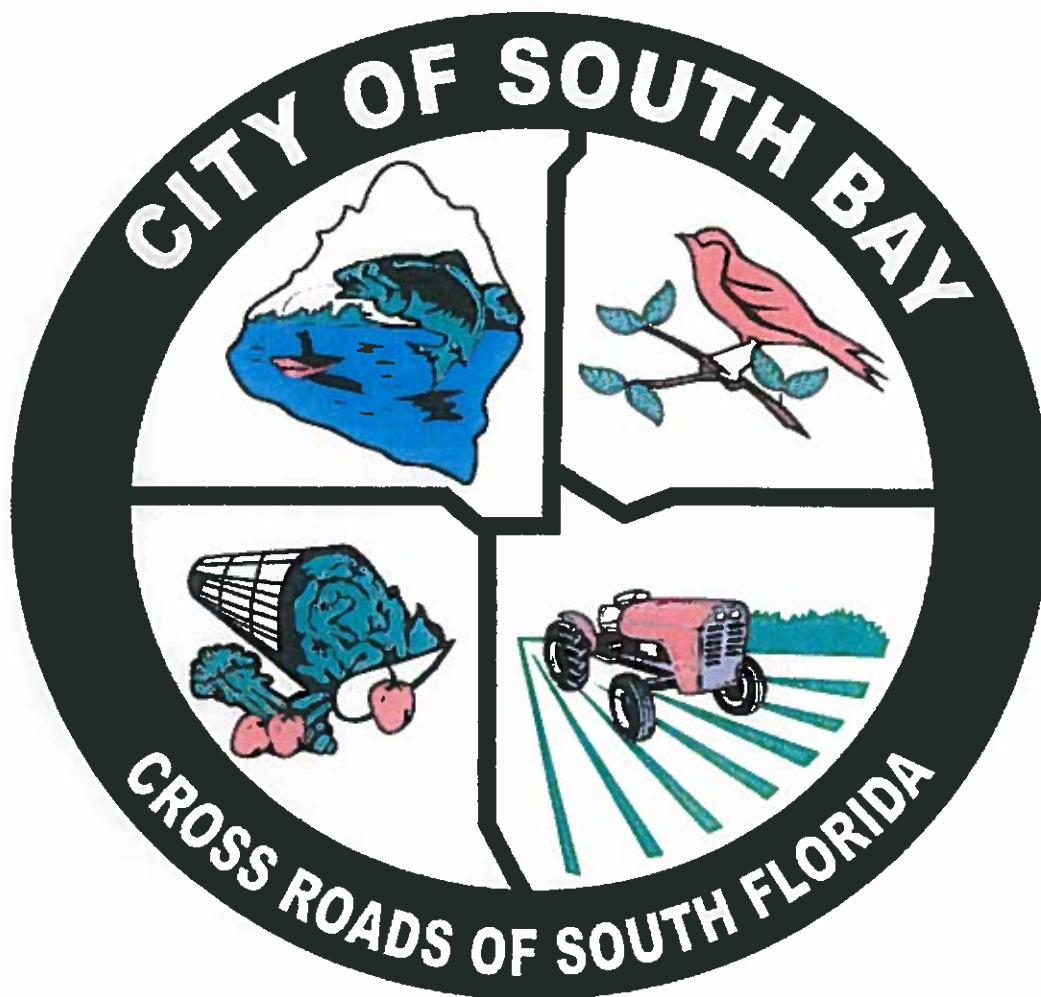
#### **CITY COMMISSIONERS**

**Joe Kyles, Mayor**  
**John Wilson, Vice Mayor**  
**Esther Berry**  
**Taranza McKelvin**  
**Shanique Scott**

**Leondrae D. Camel,**  
**City Manager**

**Jessica Figueroa,**  
**City Clerk**

**Burnadette Norris-Weeks,**  
**City Attorney**



*South Bay, the Crossroads of South Florida,  
We envision a sustainable economy, Let Us Grow Together*

## *Cross Roads of South Florida*

(561) 996-6751

[www.southbaycity.com](http://www.southbaycity.com)

335 SW 2<sup>nd</sup> Avenue • South Bay, FL 33493



**FDOT – FLORIDA DEPARTMENT OF TRANSPORTATION**  
**SMALL COUNTY OUTREACH PROGRAM (SCOP)**  
**SPECIFIC APPROPRIATION FOR RURAL AREAS OPPORTUNITY**  
**SCOP MUNICIPAL APPLICATION**  
**2019**

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- Description of Project
- Proposed Quality Review Schedule and Management
- Fiscal Administration

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**D. TYPICAL SECTION**

- NW/SW 10<sup>TH</sup> AVENUE
- SW 2<sup>ND</sup> STREET

**E. PROJECT COST**

- NW/SW 10<sup>TH</sup> AVENUE
- SW 2<sup>ND</sup> STREET





## City of South Bay

South Bay City Hall  
335 SW 2nd Avenue  
South Bay, FL 33493  
Telephone: 561-996-6751  
Facsimile: 561-996-7950

[www.southbaycity.com](http://www.southbaycity.com)

### Commission

Joe Kyles  
Mayor

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Vice Mayor

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Taranza McKelvin

Shanique Scott

Leondrae D. Camel  
City Manager

Jessica Figueroa  
City Clerk

Burnadette Norris-Weeks  
City Attorney

"An Equal Opportunity  
Affirmative Action Employer"

March 27, 2017

Florida Department of Transportation  
SCOP Municipal Application  
Attention: Lorraine Moyle, Program Management Office  
605 Suwannee Street, M.S. 75  
Tallahassee, Florida 32399

Re: Small County Outreach Program (SCOP) Specific Appropriation for Rural Areas of Opportunity- Letter of Application

Dear Ms. Moyle:

In reply to your request, the City of South Bay submits road reconstruction project recommendation for NW/SW 10<sup>th</sup> Avenue from south terminus and NW 2<sup>nd</sup> Street to US Highway 27 a MPO recognized evacuation route (refer to project location map). This project consists of a total cost of \$3,611,734.53 for reconstruction. Also, NW/SW 10<sup>th</sup> Avenue from south terminus and NW 2<sup>nd</sup> Street to US Highway 27 is the City's tertiary emergency evacuation route for residents, children and families. Recently, with exemplary effort, Rosenwald students wrote and sent letters to Governor Rick Scott which expressed their concern about the condition of the City roads and to thank him for funding the current projects that are enhancing their community and safe routes to school.

The NW/SW 10<sup>th</sup> Avenue from south terminus and NW 2<sup>nd</sup> Street to US Highway 27 reconstruction project will provide safe roadway for pedestrian and vehicle traffic and in support of the project, recommendation and application details are attached for your review. With unequivocal gratitude, the City of South Bay acknowledges the significance of the Small County Outreach Program Specific Appropriation for Rural Areas and the opportunity to participate in the application process.

Respectfully,

Leondrae D. Camel  
City Manager  
[camell@southbaycity.com](mailto:camell@southbaycity.com)

Cc: Honorable Mayor and Commissioners

Enclosures



## Florida Department of Transportation

RICK SCOTT  
GOVERNOR

605 Suwanee Street  
Tallahassee, FL 32399-0450

JIM BOXOLD  
SECRETARY

### Small County Outreach Program Rural Areas of Opportunity Application Limited to Municipalities and Communities per s. 288.0656(7)(a) F.S.

#### General Information

---

Municipality or Community (Agency): City of South Bay

Agency Contact Person: Leondrae D. Camel Title: City Manager

Email: camell@southbaycity.com

Agency Address: 335 SW 2<sup>nd</sup> Avenue

City: South Bay Zip Code: 33493

Phone: 561-996-6751

Project Priority Ranking (relative to other applications submitted by Agency): N/A

Project Title: NW/SW 10<sup>th</sup> Ave & NW 2<sup>nd</sup> St. Reconstruction

Road Name: NW/SW 10th Ave & NW 2nd St.

Road Number: N/A

Project Begins: NW/SW 10th Ave & NW 2nd St. Ends: US HWY 27

#### The project is:

- ☒ On the municipality or community road system of the applicant agency.
- ☐ On the County road system within the boundaries of the applicant agency.

#### I. Eligibility Requirements

**Check all the eligibility requirements that apply to the proposed project.** Eligible activities must be consistent with details described under Florida Statute 339.2818.

- ☒ Transportation facility is publically owned and maintained
- ☒ Physical condition of the roadway necessitates improvements requested.
- ☒ The Agency or County has an established pavement management plan including this roadway.

#### The project is:

- ☐ For the repair or rehabilitation of bridges.
- ☐ For paving unpaved roads.
- ☐ For addressing road-related drainage improvements.

- ☒ For resurfacing or reconstruction of roads.
- ☒ For constructing safety improvements to roads.

**The road:**

- ☒ Is a designated evacuation route.
- ☐ Has high levels of agricultural travel.
- ☒ Is considered a major arterial route.
- ☒ Is considered a feeder road.

## II. Funding Requirements

All of the following items are **required** - applications without this information will not be reviewed.

- (a) Describe any restrictions on funding availability in State Fiscal Year 2019. No local funding match is required for this program, but ineligible scope items will require local funds. Agencies will be reimbursed by the Department based on expenses incurred and paid.

(Please type your description here)

Phase requested:	Estimated SCOP Funds	Estimated Local Funds
<input checked="" type="checkbox"/> Design	\$600,309	Click here to Local funds
<input checked="" type="checkbox"/> Construction	\$2,401,238.95	Click here to Local funds
<input checked="" type="checkbox"/> CEI	\$360,185.84	Click here to Local funds

- (b) ☒ Provide a detailed cost estimate (**The template *Estimate.xlsx* is provided for use as needed.**)

Estimate should use FDOT typical pay items to allow for verification of eligible project costs.  
**Estimate should to be prepared and signed by a Professional Engineer.**

## III. Project Description and Scope Of Work

**All of the following items are required unless noted - applications without this information will not be reviewed.**

Project scope must meet eligibility criteria identified in Section 1 of this application. Provide a detailed scope of work including, specific features, special considerations, and other key information.

The project will require a complete clearing and grubbing, regular excavation, concrete curb and gutter, concrete sidewalks for the safe route to school and evacuation route. The project also includes improved outfalls and sidewalks. The typical section to be utilized for the majority of this arterial section



will include two 13.25' lane along NW/SW 10th Avenue and sidewalks; additional two 11' lane along SW 2nd Street and sidewalk in each direction along with 2' widening on each side of the roadway.

Upon completion of this improved evacuation roadway project, the local citizens and taxpayers will benefit from a newly aligned corridor which will make it a safer route within the community, aid in the reduction of public safety response time, and enhance the City's redevelopment efforts.

- (a) ☒ A location map is attached.
- (b) ☒ No Right-of-Way acquisition is proposed.
- (b) ☒ Existing right-of-way width 50'

Describe the project's existing Right-of-Way ownerships. This description shall identify when the Right-of-Way was acquired and how ownership is documented (i.e. plats, deeds, prescriptions, certified surveys, easements).

This roadway is part of the City's original plat from 1930's

- (c) ☒ Typical sections are attached. If available, include a Typical Section depicting existing and proposed features and dimensions and right of way lines. Summarize any special project characteristics in the project scope description above.

Provide additional details for typical section here, as needed. See attached typical section

### **BRIDGES**

- ☒ Repair or Rehabilitation and meets eligibility criteria in Section 1.
- ☒ No work to existing bridge is proposed.
- ☒ There is no bridge within the project limits.

[Click here to enter text.](#)

### **ROADWAY:**

- ☒ Existing curb and gutter to remain
- ☐ Widen for bike-lane
- ☒ Re-stripe for bike lane

### **MEDIAN:**

- ☒ No existing median
- ☐ Existing median width: [Click here to enter text.](#)

- ☐ Proposed median width: Click here to enter text.
- ☒ Existing number of travel lanes 2; width 26.5'; total width 50'

**DRAINAGE/PERMIT**

- ☐ Existing closed drainage system to remain
- ☐ Existing open drainage system to remain
- ☐ Drainage improvements required [Click here to enter text.](#)
- ☒ No new drainage proposed

**SAFETY IMPROVEMENTS**

- ☒ Upgrade or add signage
  - ☐ Upgrade or add guardrail
  - ☐ Clear zone violations removal
  - ☒ Existing cross slope or super-elevation
  - ☐ Upgrade or add guardrail
  - ☒ Upgrade or add pavement markings (passing zones, turn lanes, shoulders, etc.)
- [Click here to enter text.](#)

**ADA**

- ☒ Check all crosswalks, sidewalks, ramps for compliance with ADA standards
  - ☐ No modifications proposed
- [Click here to enter text.](#)

**SCHOOL ZONE**

- ☒ Existing flashing school zone signal.
  - ☐ Existing school zone signs without flashing beacons.
  - ☐ High emphasis cross walk at un-signalized crossing, determine if signal warranted.
  - ☐ No school zones within the project limits.
- [Click here to enter text.](#)

**UTILITIES**

- ☐ Sub-surface relocation is required.
  - ☒ Utility Coordination is required.
  - ☐ No utility relocation required.
- [Click here to enter text.](#)

**RAILROAD**

- ☐ Rail crossing within project limits.
- ☐ Replace all railroad signal equipment and gates.
- ☒ There is no railroad within the project limits.

[Click here to enter text.](#)

#### IV. Project Implementation Information:

---

Describe the proposed method of performing (i.e. contract or in-house) and administering (i.e. local or state) each work phase of the project.

- Will the project be managed by the County on behalf of the Agency? The project will be managed by the City.

*\*Signature by County Staff is required in Section V of the Application.*

- If yes, provide the County's contact person name and information:

Click here to enter text

Design to be conducted by:

- ☒ Agency staff
- ☐ County staff
- ☒ FDOT pre-qualified consultant <sup>(1)</sup>
- ☐ Non-FDOT pre-qualified consultant <sup>(1)</sup>

CEI to be conducted by:

- ☐ Agency staff
- ☒ County staff
- ☐ FDOT pre-qualified consultant <sup>(1)</sup>
- ☐ Non-FDOT pre-qualified consultant <sup>(1)</sup>

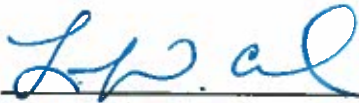
*<sup>(1)</sup> Design consultant and CEI consultant shall not be the same.*

## V. Certification of Project by Agency

I hereby certify that the proposed project herein described is supported by City of South Bay (Agency/County) and that said entity:

- (1) Shall provide any required local funding for cost overruns and/or non-participating project costs;
- (2) Shall enter into the Joint Participation Agreement with the Florida Department of Transportation to perform the work;
- (3) Shall certify that no additional right of way is required to perform the work;
- (4) Has the legal right to construct the project within the identified right of way;
- (5) Shall acquire necessary permits required to construct the project;
- (6) Is responsible for all costs associated with utility relocation(s); and
- (7) Shall support other actions necessary to fully implement the proposed project.

I further certify that the estimated costs included herein are reasonable and that City of South Bay (Agency/County) will follow through on the project once programmed in the Florida Department of Transportation's Work Program. I understand that failure to deliver the project within the fiscal year programmed and/or significant increases in estimated costs could cause the project to be removed from the Work Program and/or significantly increase the Agency's local funds participation.



Agency Signature

Leondrae D. Camel

Name

City Manager

Title

March 29, 2017

Date

County Signature *\*If Applicable*

Click here to enter text

Name

Click here to enter text

Title

Click here to enter text

Date

### FOR FDOT USE ONLY

Application Complete	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Project Eligible	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Implementation Feasible	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Include in Work Program	<input type="checkbox"/> Yes	<input type="checkbox"/> No



**FDOT – FLORIDA DEPARTMENT OF TRANSPORTATION**  
**SMALL COUNTY OUTREACH PROGRAM (SCOP)**  
**SPECIFIC APPROPRIATION FOR RURAL AREAS OPPORTUNITY**  
**SCOP MUNICIPAL APPLICATION**  
**2019**

# **PROJECT SUMMARY**



**FDOT – FLORIDA DEPARTMENT OF TRANSPORTATION**  
SMALL COUNTY OUTREACH PROGRAM (SCOP)  
SPECIFIC APPROPRIATION FOR RURAL AREAS OPPORTUNITY  
SCOP MUNICIPAL APPLICATION  
2019

**CONTACT:**

Leondrae D. Camel, City Manager  
561-996-6751  
[camell@southbaycity.com](mailto:camell@southbaycity.com)  
335 SW 2<sup>ND</sup> Avenue  
South Bay, Florida 33493

**MUNICIPALITY**

City of South Bay

**DESCRIPTION OF PROJECT**

Understanding of the Scope

To achieve the values and goals of the Department, the City of South Bay has assembled a highly qualified team of experienced professionals who will successfully complete this project. The City will coordinate all aspects of construction with along with a qualified engineering firm and Palm Beach County Metropolitan Planning Organization (PBCMPO).

As shown in the location map, the scope of work for this project involves reconstruction of NW/SW 10<sup>th</sup> Ave from south terminus and NW 2<sup>nd</sup> Street to US Highway 27 a MPO recognized evacuation route.

The project will require a complete clearing and grubbing, regular excavation, concrete curb and gutter, concrete sidewalks for the safe route to school and evacuation route. The project also includes improved outfalls and sidewalks. The typical section to be utilized for the majority of this arterial section will include two 13.25' lane along NW/SW 10<sup>th</sup> Avenue and sidewalks; additional two 11' lane along SW 2<sup>nd</sup> Street and sidewalk in each direction along with 2' widening on each side of the roadway.

Upon completion of this improved evacuation roadway project, the local citizens and

taxpayers will benefit from a newly aligned corridor which will make it a safer route within the community, aid in the reduction of public safety response time, and enhance the City's redevelopment efforts.

**PROPOSED QUALITY REVIEW  
SCHEDULE & MANAGEMENT**

Project Schedule

The City of South Bay is dedicated and committed at all levels of our organization to meet the goals of completing this project in a timely and effective manner. The City and Palm Beach County will effectively manage project schedules, timely analysis of potential delay impacts, and thorough documentation and presentation of factual details will significantly contribute to the resolution of complex issues in advance on this project. The schedules will be closely checked and we will verify that the progress of critical activities is being made and that changes in logic sequence are verified and accepted.

Described below is the anticipated start date and project duration for the Resurfacing and Construction project:

Within ten (10) days after the Notice-To-Proceed, and prior to the CITY beginning work, the CITY shall provide a detailed project activity/event schedule for DEPARTMENT and CITY scheduled activities required to meet the current DEPARTMENT Bid Date (TBD). The schedule shall be based upon standard industry design schedules for municipal work and will include at a minimum permitting, pavement design approval, and 2 review submittals before FINAL plans submittal. The schedule shall be accompanied by an anticipated payout and fiscal progress curve. For the purpose of scheduling, the CITY shall allow for a 2 week review time for each phase review and other submittals as appropriate.



## FDOT – FLORIDA DEPARTMENT OF TRANSPORTATION

### SMALL COUNTY OUTREACH PROGRAM (SCOP) SPECIFIC APPROPRIATION FOR RURAL AREAS OPPORTUNITY SCOP MUNICIPAL APPLICATION

2019

The schedule shall indicate all required submittals.

All fees and price proposals are to be based on the negotiated schedule of TBD months for final plans production. However, the contract deadline is TBD months from the Notice to Proceed.

Periodically, throughout the life of the project, the schedule and curves shall be reviewed and, with the approval of the DEPARTMENT, adjusted as necessary to incorporate changes in the work concept and progress to date.

The approved schedule and schedule status report, along with progress and payout curves, shall be submitted with the monthly progress report.

To help develop our staff estimate for this project, we reviewed the construction work activities and their relationships with one another. The project may be delayed if Palm Beach County Water Utilities Division activities change during the phasing of this project.

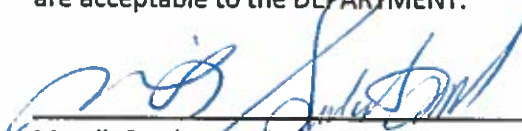
### FISCAL ADMINISTRATION

#### Financial Responsibility

Payment for the work accomplished will be in accordance with Method of Compensation of this contract. Invoices shall be submitted to the DEPARTMENT, in a format prescribed by the DEPARTMENT. The DEPARTMENT Project Manager and the CITY/COUNTY shall monitor the cumulative invoiced billings to insure the reasonableness of the billings compared to the project schedule and the work accomplished and accepted by the DEPARTMENT.

The CITY/COUNTY will provide a list of key events and the associated total percentage of work considered to be complete at each event. This list will be used to control invoicing.

Payments will not be made that exceed the percentage of work for any event until those events have actually occurred and the results are acceptable to the DEPARTMENT.

  
Massih Saadatmand, Finance Director

### SUMMARY

Staying on or ahead of schedule, creating and executing safe MOT procedures, producing a quality project that meets all the contract document requirements, keeping the motoring public and members of the community well informed throughout the duration of this project, and minimizing the impacts on motorists and property owners will be essential to the success of this project. The team assembled is well trained and experienced in dealing with all of these elements. The City is firmly committed to applying our best management practices to every aspect of this important project and will support this commitment with a comprehensive, proven quality assurance system.





**FDOT – FLORIDA DEPARTMENT OF TRANSPORTATION**  
**SMALL COUNTY OUTREACH PROGRAM (SCOP)**  
**SPECIFIC APPROPRIATION FOR RURAL AREAS OPPORTUNITY**  
**SCOP MUNICIPAL APPLICATION**  
**2019**

# **LOCATION MAP**



Google Earth

© 2016 Google

Imagery Date: 2/18/2016 28°39'46.97" N 80°43'11.01" W elev 19 ft eye alt 4367 ft

1996

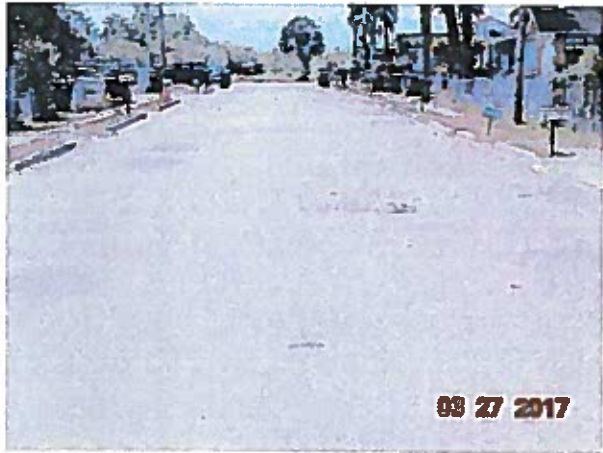




**FDOT – FLORIDA DEPARTMENT OF TRANSPORTATION**  
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**2019**

# **EXISTING ROADWAY PHOTOS**

NW/SW 10<sup>TH</sup> AVENUE & NW 2<sup>ND</sup> STREET TO US HIGHWAY 27

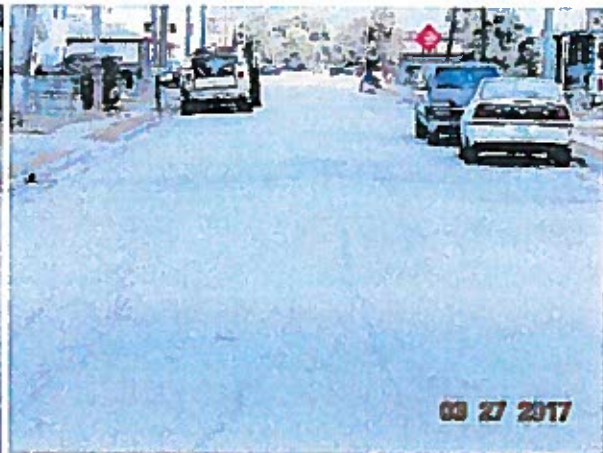




NW/SW 10<sup>TH</sup> AVENUE & NW 2<sup>ND</sup> STREET TO US HIGHWAY 27



NW/SW 10<sup>TH</sup> AVENUE & NW 2<sup>ND</sup> STREET TO US HIGHWAY 27



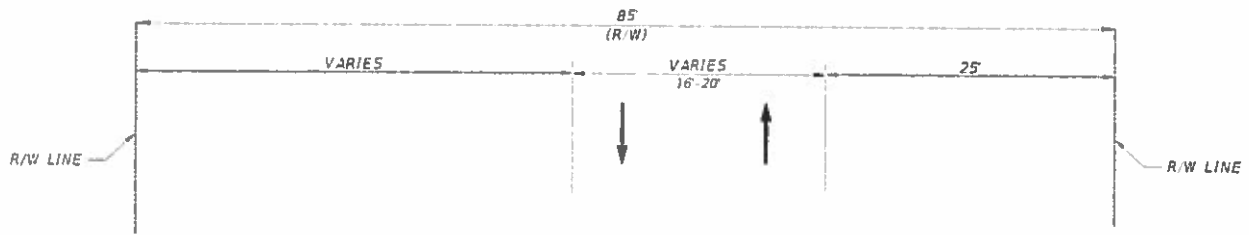


**FDOT – FLORIDA DEPARTMENT OF TRANSPORTATION**  
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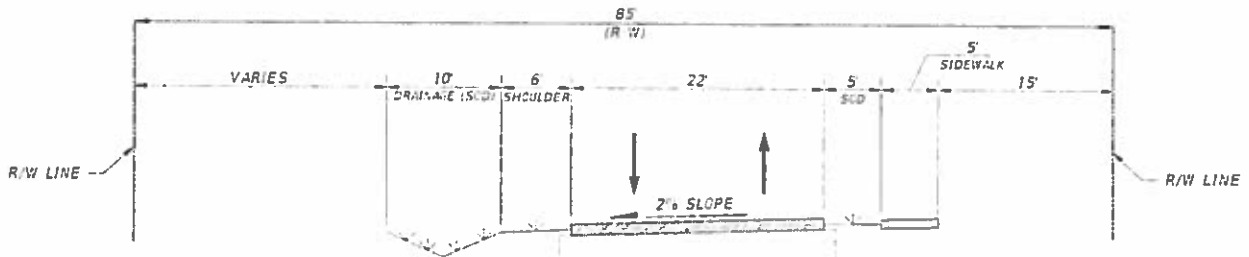
# **TYPICAL SECTION**







**EXIST TYPICAL SECTION**  
NW 2nd ST  
DESIGN SPEED = 25 MPH



**RECONSTRUCTION**  
NW 2nd ST  
DESIGN SPEED = 25 MPH  
12" LR BASE LBR 100  
220 LB YD, TYPE SP 9.5, LEVEL C  
12" STABILIZATION SUBGRADE (LBR 40) (EXISTING)

NOT FOR CONSTRUCTION

cap engineering

P. R. # 27251  
1118 S. 10th St.  
PO Box 1221  
PO Box 1221  
PO Box 1221  
PO Box 1221

DATE	DESCRIPTION	BY	CHKD
11/11/11	1118 S. 10th St.	1118 S. 10th St.	1118 S. 10th St.
11/11/11	1118 S. 10th St.	1118 S. 10th St.	1118 S. 10th St.
11/11/11	1118 S. 10th St.	1118 S. 10th St.	1118 S. 10th St.

TYPICAL SECTION

NW 2nd ST RECONSTRUCTION

DATE

BY

C-1



**FDOT – FLORIDA DEPARTMENT OF TRANSPORTATION**  
**SMALL COUNTY OUTREACH PROGRAM (SCOP)**  
**SPECIFIC APPROPRIATION FOR RURAL AREAS OPPORTUNITY**  
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# **PROJECT COST**

**Project Name: NW/SW 10<sup>th</sup> Ave & NW 2<sup>nd</sup> St. Reconstruction**

**Date: 3/29/17**

[illegible]**Total Cost of FDOT Non-Participating Items\*\***

Design Estimated Cost	\$ 600,309.74
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CEI Estimated Cost	\$ 360,185.84
--------------------	---------------

<b>TOTAL PROJECT COST</b>	<b>\$ 3,611,734.53</b>
---------------------------	------------------------

**CEI - Construction Engineering and Inspection**

**Total Project Cost** - Total cost of project

**F Non-Participating - Local funds not reimbursable**

**Non-participating items:**