



South Florida Water Management District

GOVERNING BOARD MEETING AGENDA ADDENDUM

October 9, 2008

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

The following item has been changed:

Item #:12

Original Item Text:

Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Denials

Environmental Resource Permit Extensions

Consent Agreements

Conservation Easements

Power Plant Site Certifications

Enforcement Actions

Original Item With Changes:

Water Use Permit Applications Surface Water Management Permit Applications (includes Conservation Easements) Environmental Resource Permit Applications (includes Conservation Easements) Denials Environmental Resource Permit Extensions Consent Agreements Conservation Easements Power Plant Site Certifications Enforcement Actions Page 2 No 3 Naples Reserve (WU): Postponed to November Board Page 3 No 5 Treviso Bay-Aka Wentworth Estates (WU): Postponed to November Board Page 4 No 1 Brighton Agricultural Project (WU): Postponed to November Board Page 4 No 2 Red Barn Snake Pens (WU): Postponed to November Page 6 No 3 Sherley RB (WU): Postponed to November Board Page 7 No 5 Wild Island (WU): Postponed to November Page 8 No 2 Corkscrew Excavation (WU): Postponed to November Board Page 16 No 3 Coral Springs Stormwater Master Plan (WU Denial): Withdrawn Page 17 No 5 Lago Mar Country Club (WU Denial): Removed from agenda Page 19 No 1 Schmidt Grove (WU Denial): Withdrawn Page 20 No 2 Agro Carrasco Site 1 (WU Denial): Removed from agenda Page 20 No 3 Agro

Carrasco Site 2 (WU Denial): Removed from agenda Page 20 No 4 Green Forest Nursery (WU Denial): Withdrawn Page 21 No 5 Jaimes Nursery (WU Denial): Remove from agenda Page 21 No 6 Lover Green Nursery Incorporated (WU Denial): Removed from agenda Page 21 No 7 McGrove (WU Denial): Removed from agenda Page 22 No 9 Preferred Enterprises Inc (WU Denial): Removed from agenda Page 22 No 10 Raul G. Molina Property (WU Denial): Removed from agenda Page 22 No 11 South Florida Foliage Inc Site 2 (WU Denial): Removed from agenda Page 23 No 3 Surface Facilities for Lake Okeechobee ASR Pilot Project (WU Denial): Withdrawn Page 24 No 3 Twelve Oaks Condominium (WU Denial): Removed from agenda

Modified Item Text:

Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Denials

Environmental Resource Permit Extensions

Consent Agreements

Conservation Easements

Power Plant Site Certifications

Enforcement Actions

Page 2 No 3 Naples Reserve (WU): **Postponed** to November Board

Page 3 No 5 Treviso Bay-Aka Wentworth Estates (WU): **Postponed** to November **Board**

Page 4 No 1 Brighton Agricultural Project (WU): **Postponed** to November Board

Page 4 No 2 Red Barn Snake Pens (WU): **Postponed** to November

Page 6 No 3 Sherley RB (WU): **Postponed** to November Board

Page 7 No 5 Wild Island (WU): **Postponed** to November

Page 8 No 2 Corkscrew Excavation (WU): **Postponed to November Board**

Page 16 No 3 Coral Springs Stormwater Master Plan (WU Denial): **Withdrawn**

Page 17 No 5 Lago Mar Country Club (WU Denial): **Removed** from agenda

Page 19 No 1 Schmidt Grove (WU Denial): **Withdrawn**

Page 20 No 2 Agro Carrasco Site 1 (WU Denial): **Removed** from agenda

Page 20 No 3 Agro Carrasco Site 2 (WU Denial): **Removed** from agenda

Page 20 No 4 Green Forest Nursery (WU Denial): **Withdrawn**

Page 21 No 5 Jaimes Nursery (WU Denial): **Remove** from agenda

Page 21 No 6 Lover Green Nursery Incorporated (WU Denial): **Removed** from agenda

Page 21 No 7 McGrove (WU Denial): **Removed** from agenda

Page 22 No 9 Preferred Enterprises Inc (WU Denial): **Removed** from agenda

Page 22 No 10 Raul G. Molina Property (WU Denial): **Removed** from agenda

Page 22 No 11 South Florida Foliage Inc Site 2 (WU Denial): **Removed** from agenda

Page 23 No 3 Surface Facilities for Lake Okeechobee ASR Pilot Project (WU Denial): **Withdrawn**

Page 24 No 3 Twelve Oaks Condominium (WU Denial): **Removed** from agenda

The following item has been changed:

Item #:17

Original Item Text:

Authorize publication of a Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Rule 40E-4.091, Florida Administrative Code (F.A.C.), to incorporate by reference the Agreement for Delegation of a Portion of the Environmental Resource Permitting Program between the Florida Department of Environmental Protection, South Florida Water Management District and Miami-Dade County and to delete section 2(b) of Rule 40E-400.315, F.A.C., regarding Thresholds and Additional Conditions within Dade County (Robert M. Brown, ext. 6283)

Original Item With Changes:

Authorize publication of a Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Rule 40E-4.091, Florida Administrative Code (F.A.C.), to incorporate by reference the Agreement for Delegation of a Portion of the Environmental Resource Permitting Program between the Florida Department of Environmental Protection, ~~The~~ South Florida Water Management District and Miami-Dade County and to delete section 2(b) of Rule 40E-400.315, F.A.C., regarding Thresholds and Additional Conditions within Dade County (Robert M. Brown, ext. 6283)

Modified Item Text:

Authorize publication of a Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Rule 40E-4.091, Florida Administrative Code (F.A.C.), to incorporate by reference the Agreement for Delegation of a Portion of the Environmental Resource Permitting Program between The South Florida Water Management District and Miami-Dade County and to delete section 2(b) of Rule 40E-400.315, F.A.C., regarding Thresholds and Additional Conditions within Dade County (Robert M. Brown, ext. 6283)

Supporting documents for the following item have been added:

Item #:23

Resolution #:2008-1002

See supporting document: [ca_lr_104_sd.pdf](#)

SURPLUS LANDS EXECUTIVE SUMMARY

- PROJECT:** C-14 (Pompano) Canal (a/k/a Cypress Creek Canal)
- COUNTY:** Broward
- SIZE:** 0.18 +/- acres
- PURPOSE:** Request to release Right of Way interest and execute plat regarding surplus property
- APPLICANT:** MMJC Realty, Inc., the adjacent fee owner
- HIGHLIGHTS:** Applicant, the adjacent landowner, requests this parcel in order to clear overgrown vegetation and to construct a marina as part of its Subdivision.

CONSIDERATIONS: MMJC Realty, Inc., the applicant and adjacent landowner of the Sundance Marine Subdivision, requested and received approval from the District for the release of its interest in a portion of the District's C-14 canal right of way located in Section 1, Township 49 South, Range 42 East, Broward County, Florida, within the city limits of Pompano Beach. (See Resolution No. 2007-712.)

The applicant is in the process of developing a plat of the property to be known as Atlantic Yacht Club Villas. They have not yet completed the construction of the seawall/bulkhead as required under Resolution 2007-712; therefore, the District still retains ownership of the right of way. In order to proceed with the development of the property, the applicant is requesting that the District, due to its ownership interest, join in on the plat. Resolution No. 2007-712 will be rescinded and replaced with the resolution approving this item, subject to additional terms and conditions. District staff reviewed their request and recommends approval with the following conditions:

1. A full description of the District's interest must be included on the Plat dedication page. Said description is to include a reference to the Resolution approving this item.
2. Change construction of the seawall to construction of a seawall or an alternative form of bank stabilization, whichever is deemed acceptable by the District and all other permitting agencies.
3. The applicant, or its successors or assigns, shall complete construction of the seawall/bank stabilization, whichever is deemed acceptable by the District and all other permitting agencies, and execute an agreement accepting liability and maintenance responsibilities for the seawall/bank stabilization and conservation easement area, as applicable, by August 1, 2012.
4. The approval of a portion of the Atlantic Yacht Club Villas project running along the C-14 Canal, including a portion of the surplus lands, to be placed under a conservation easement in favor of Broward County subject to the District's maintenance and permitting requirements. The easement is intended to address concerns raised during discussions between the applicant, adjacent landowners, Broward County and District staff during which the adjacent landowners and the County expressed concerns regarding potential impacts of the project.
5. Delegate authority to the Executive Director to sign the plat on behalf of the District.

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FISCAL IMPACT: As stated in Resolution 2007-712, this parcel is part of the C-14 Canal and the District obtained its interest in the right of way from the Trustees, via Everglades Drainage District, at no cost. The applicant will pay no less than appraised value for the interest to be released and the lands shall be returned to the tax roll.

AUTHORIZATION: Pursuant to Sections 373.089 and 373.096, Florida Statutes, the Governing Board may sell or exchange lands or interests or rights in lands to which the District has acquired title, and may release any right of way interest conveyed to it for which it has no present or apparent future use under terms and conditions determined by the Governing Board.

RECOMMENDATION: A Resolution of the Governing Board of the South Florida Water Management District approving the release of right of way interests containing 0.18 acres, more or less, C-14 (Pompano) Canal, Section 1, Township 49 South, Range 42 East, Broward County, subject to certain terms and conditions; approving the District joining in the plat of Atlantic Yacht Club Villas to be recorded in the public records of Broward County, subject to certain terms and conditions; delegating authority to the Executive Director to execute said joinder; rescinding Resolution No. 2007-712 relating to the same subject; providing an effective date.

Prepared by: _____
Linda Schindeler, Senior Closing Specialist
Title & Closing Section
Date _____

Reviewed by: _____
Marcy Zehnder, Manager
Title & Closing Section
Date _____

Reviewed by: _____
Ruth Clements, Department Director
Land Acquisition and Land Management Dept.
Date _____

Approved by: _____
Kenneth G. Ammon, P.E.
Deputy Executive Director
Everglades Restoration Resource Area
Date _____

Beneficial Interest and Disclosure for:

MMJC Realty, Inc., a Florida corporation

Joseph V. Clawges (50%)
Mitchell Milesi (50%)

The following item has been deleted:

Item #:40

2008-1019 A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit, pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against the Villas at Lauderhill, LLC, and any other appropriate or necessary parties, in Palm Beach County Circuit Court or other appropriate forum, regarding the property located at 2360 NW 56th Avenue, Section 26, Township 49, Range 41, Lauderhill, Broward County, Florida. (Alison Kelly, Ext. 2977)

The following item has been moved:

Item #:41

FROM: Consent Agenda, Executive Office

TO: Discussion Agenda, Executive Office

2008-1020 A Resolution of the Governing Board of the South Florida Water Management District amending Sections 110-41, 110-44, 110-47 and 110-53 of Article IV, Chapter 110, of the District Policies Code regarding issuance of debt to revise debt issuance ratios, to include provisions regarding the use of derivative products and interest rate hedge contracts and to make other changes; repealing Section 110-48, District Policies Code, relating to financing for Acceler8 Projects; providing for inclusion in the District Policy Code; providing for severability; providing an effective date. (Paul E. Dumars, Sr., ext. 6212)

The following item has been deleted:

Item #:46

2008-1025 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a six month agreement with Weston Solutions / Bean Environmental Joint Venture for Miami River Dredging and authorize a Waiver of Competition as an exception to the general standards of competition and authorize a budget transfer of ad valorem funds from the future projects reserve in an amount not to exceed \$900,000; providing an effective date (Contract Number 46000XXXXX) (Evan Skornick, x7290)

Supporting documents for the following item have been added:

Item #:50

See supporting document: [40E-2 Amendments.pdf](#)

See supporting document: [40E-20 Amendments.pdf](#)

See supporting document: [40E-24 Draft Rule.pdf](#)

**10-7-08 DRAFT
Consumptive Use
40E-2**

40E-2.051 Exemptions.

(1) and (2) no change.

~~(3) Water used at a single family dwelling or duplex including but not limited to home lawn and ornamental irrigation, car washing, and other incidental uses provided that water is obtained from one withdrawal facility for each single family dwelling or duplex.~~
Specific Authority 373.044, 373.113, 373.171, FS. Law Implemented 373.219 FS. History – New 9-3-81, Formerly 16K-2.025, Amended 2-24-85, 4-20-94, _____.

40E-2.061 No-Notice General Permit by Rule.

(1) The Board hereby grants a general water use permit by rule to each person within the District to use, withdraw, or divert water at a single family dwelling or duplex including but not limited to home lawn and ornamental irrigation, car washing, and other incidental uses provided that water is obtained from one withdrawal facility for each single family dwelling or duplex.

(2) The filing of an application for a permit under this rule is not required.

(3) As a condition of this permit, each person issued pursuant to this rule shall comply with Chapters 40E-21 and 40E-24, F.A.C.

(4) Persons using or proposing to use water in a manner that differs from the conditions imposed by Chapter 40E-24, F.A.C., shall apply for a modification of this permit pursuant to Rule 40E-2.331(4), F.A.C.

Specific Authority 373.044, 373.113, 373.118, 373.171, FS. Law Implemented 373.219, 373.223, History -- New _____.

40E-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____ February 13, 2008”, is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08, _____.

“Basis of Review for Water Use Permit Applications Within the South Florida Water Management District”

Section 2.6.1(A)

All public water supply utilities applying for an individual permit are required to develop and implement a water conservation plan. The water conservation elements of each plan need to be identified as part of the application. A timetable outlining the implementation schedule of each of the required water conservation elements will be required to be submitted or shown to already exist prior to issuance or renewal of a public water supply water use permit. The conservation plan shall be prepared and

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Consumptive Use
40E-2

1 implemented for the service area incorporating, at a minimum, the following mandatory
2 components. For those components which require ordinance adoption, such ordinance
3 should incorporate the entire boundary of the enacting jurisdiction. The Permittee shall
4 provide a copy of the ordinances for each of the mandatory elements for which
5 ordinances are adopted. The mandatory water conservation elements are as follows:
6

7 A. The limitation of all lawn and ornamental irrigation to the hours and days
8 specified in Rule 40E-24.201, F.A.C., or alternative landscape irrigation conservation
9 measures which have been approved by the District pursuant to Rule 40E-24.301,
10 F.A.C. at a minimum, of 4:00 P.M. to 10:00 A.M. The permit Applicant or enacting local
11 government may adopt an ordinance which includes exemptions from the irrigation hour
12 restrictions for the following circumstances, irrigation systems and/or users:

- 13 1. ~~Irrigation using a micro-irrigation system;~~
- 14 2. ~~Reclaimed water end users;~~
- 15 3. ~~Preparation for or irrigation of new landscape;~~
- 16 4. ~~Watering in of chemicals, including insecticides, pesticides,~~
17 ~~fertilizers, fungicides, and herbicides when required by law,~~
18 ~~recommended by the manufacturer, or constituting best~~
19 ~~management practices;~~
- 20 5. ~~Maintenance and repair of irrigation systems;~~
- 21 6. ~~Irrigation using low volume hand watering, including watering by~~
22 ~~one hose attended by one person, fitted with a self-canceling or~~
23 ~~automatic shutoff nozzle or both or~~
- 24 7. ~~Users irrigating with 75% or more water recovered or derived from~~
25 ~~an aquifer storage and recovery system.~~

26
27 B. through I. no change.
28

29 **40E-2.331 Modification of Permits.**

30 (1) through 4(a)(5). No change.

31 4(a)(6) Does not allow more cumulative days and time to conduct landscape irrigation
32 pursuant to Chapter 40E-24, F.A.C., for those permits issued pursuant to Rule 40E-
33 2.061, F.A.C. and those permits classified as landscape irrigation use.

34 4(b) No change.

35 Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239
36 FS. History—New 9-31-81, Formerly 16K-2.09(1), Amended 4-20-94, 7-11-96, 4-9-97,
37 12-10-97, 8-1-02, 4-23-07, 2-13-08, _____.

10-6-08 DRAFT
General Water Use Permits
40E-20

1 **40E-20.091 Publications Incorporated by Reference.**

2 The “Basis of Review for Water Use Permit Applications within the South Florida Water
3 Management District – _____ ~~February 13, 2008~~” is hereby published
4 by reference and incorporated into this chapter. A current version of this document is
5 available upon request.

6 *Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421,*
7 *373.103(4), 373.118, 373.223, 373.229, FS. History–New 8-14-02, Amended 8-31-03,*
8 *4-23-07, 9-13-07, 2-13-08, _____.*

9
10 (For proposed amendments to the “Basis of Review for Water Use Permit Applications
11 within the South Florida Water Management District”, see Rule 40E-2.091, F.A.C.)

12
13 **40E-20.331 Modification of Permits.**

14 (1) through 3(a)(5). No change.

15 3(a)(6) Does not allow more cumulative days and time to conduct landscape irrigation
16 pursuant to Chapter 40E-24, F.A.C.

17 3(b) No change.

18 *Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239*
19 *FS. History–New 4-20-94, Amended 7-11-96, 4-9-97, 12-10-97, 8-14-02, 8-31-03, 4-23-*
20 *07, 2-13-08, _____.*

10-7-08 DRAFT
District-wide Year-Round Water Conservation
40E-24, F.A.C.

1 **40E-24.011 Policy and Purpose.**

2 (1) This chapter comprises the ~~South Florida Water Management District's (District)~~
3 ~~Mandatory Year-Round Landscape Irrigation Conservation Measures for the area within~~
4 ~~Lee, Collier and that portion of Charlotte County~~ within the boundaries of the South
5 Florida Water Management District (District). These mandatory conservation measures
6 are intended to provide a framework for consistent implementation to ensure the long-
7 term sustainability of the water resources of the region, increase water use efficiency
8 and prevent and curtail wasteful water use practices through regulatory means for
9 landscape irrigation by all users. Local governments are encouraged to implement
10 these conservation measures through the adoption of ordinances that would include
11 these measures, variance and enforcement provisions. These measures are in addition
12 to Chapters 40E-2 and 40E-20, F.A.C., provisions and non-regulatory measures, such
13 as education and incentive programs, which are also utilized by the District to promote
14 water conservation. These conservation measures prohibit landscape irrigation during
15 those periods of the day when irrigation efficiency significantly decreases, and limit
16 landscape irrigation water use to a maximum number of two ~~three~~ days per week unless
17 specified otherwise herein.

18 (2) through (3) No Change.

19 *Specific Authority 373.016, 373.044, 373.0831, 373.113, 373.171, 373.227 FS. Law*
20 *Implemented 373.042, 373.0421, 373.0831, 373.171, 373.223, 373.227 FS. History–*
21 *New 6-12-03, Amended _____.*

22 **40E-24.101 Definitions.**

23 When used in this chapter:

24 (1) "Address" means the "house number" (a numeric or alphanumeric designation)
25 that, together with the street name, describes the physical location of a specific
26 property. This includes "rural route" numbers but excludes post office box numbers. If a
27 lot number in a mobile home park or similar community is used by the U.S. Postal
28 Service to determine a delivery location, the lot number shall be the property's address.
29 If a lot number in a mobile home park or similar residential community is not used by the
30 U.S. Postal Service (e.g., the park manager sorts incoming mail delivered to the
31 community's address), then the community's main address shall be the property's
32 address. If a property has no address it shall be considered "even-numbered".

33 (2) "Athletic play area" means all golf course fairways, tees, roughs, and greens, and
34 other athletic play surfaces; including, football, baseball, soccer, polo, tennis and lawn
35 bowling fields, and rodeo, equestrian and livestock arenas.

36 (3) "Consumptive Use Permit (CUP)" means a permit issued pursuant to Chapter
37 40E-2 or 40E-20, F.A.C., authorizing the consumptive use of water.

38 (4) "Even Numbered Address" means an address, ending in the numbers 0, 2, 4, 6,
39 8, or rights-of-way or other locations with no address, or the letters A-M.

40 (5) "Existing landscaping" means any landscaping which has been which has been
41 planted and in the ground for more than sixty (60) days.

42 (6) "Landscaping" means shrubbery, trees, lawns, sod, grass, ground covers, plants,

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District-wide Year-Round Water Conservation
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1 vines, ornamental gardens, and such other flora, not intended for resale, which are
2 situated in such diverse locations as residential landscapes, recreation areas,
3 cemeteries, public, commercial, and industrial establishments, public medians, and
4 rights-of-way except athletic play areas as defined in Subsection 40E-24.101(2), F.A.C.

5 ~~(5 7)~~ “Low Volume Hand Watering” means the watering of landscape by one person,
6 with one hose, fitted with a self-canceling or automatic shutoff nozzle.

7 ~~(8)~~ “Low Volume Irrigation” means the use of equipment and devices specifically
8 designed to allow the volume of water delivered to be limited to a level consistent with
9 the water requirement of the plant being irrigated and to allow that water to be placed
10 with a high degree of efficiency in the root zone of the plant. The term also includes
11 water used in mist houses and similar establishments for plant propagation. Overhead
12 irrigation and flood irrigation are not included.

13 ~~(6 9)~~ “Landscape Irrigation” means the outside watering of delivery of water to
14 shrubby, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens,
15 and such other flora, not intended for resale, which are planted and established for
16 more than sixty (60) days and are situated in such diverse locations as residential
17 landscapes, recreation areas, cemeteries, public, commercial, and industrial
18 establishments, public medians, and rights-of-way except athletic play areas as defined
19 in Subsection 40E-24.101(2), F.A.C.

20 ~~(10)~~ “Micro-irrigation” means the application of small quantities of water on or below
21 the soil surface as drops or tiny streams of spray through emitter or applicators placed
22 along a water delivery line. Micro-irrigation includes a number of methods or concepts
23 such as bubbler, drip, trickle, mist or microspray, and subsurface irrigation.

24 ~~(11)~~ “New landscaping” means any landscaping which has been planted and in the
25 ground for sixty (60) days or less.

26 ~~(12 7)~~ “Odd Numbered Address” means an address ending in the numbers 1, 3, 5, 7,
27 9 or the letters N-Z.

28 ~~(13 8)~~ “Reclaimed Water” means wastewater that has received at least secondary
29 treatment and basic disinfection and is reused after flowing out of a wastewater
30 treatment facility as defined by Rule 62-40.210, F.A.C.

31 ~~(14)~~ “Supplemented reclaimed water” and “blended reclaimed water” means
32 reclaimed water which has been commingled with other sources of water, such as
33 potable water, groundwater, surface water, and water treatment process by-product by
34 a public or private utility.

35 ~~(15 9)~~ “User” means any person, individual, firm, association, organization,
36 partnership, business trust, corporation, company, agent, employee or other legal entity
37 whether natural or artificial, the United States of America, and the State and all political
38 subdivisions, regions, districts, municipalities, and public agencies thereof, which
39 directly or indirectly takes water from the water resource, including uses from private or
40 public utility systems, uses under water use permits issued pursuant to Chapter 40E-2
41 or 40E-20, F.A.C., or uses from individual wells or pumps.

42 ~~(16 40)~~ “Wasteful and unnecessary” means allowing water to be dispersed without
43 any practical purpose to the water use; for example, excessive landscape irrigation,
44 leaving an unattended hose on a driveway with water flowing, allowing water to be

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1 dispersed in a grossly inefficient manner, regardless of the type of water use; for
2 example, allowing landscape irrigation water to unnecessarily fall onto pavement,
3 sidewalks and other impervious surfaces; allowing water flow through a broken or
4 malfunctioning water delivery or landscape irrigation system.

5 *Specific Authority* 373.016, 373.044, 373.0831, 373.113, 373.171, 373.227 FS. *Law*
6 *Implemented* 373.042, 373.0421, 373.0831, 373.171, 373.223, 373.250, 373.227 FS.
7 *History*—New 6-12-03, Amended _____.

8 **40E-24.201 Year-Round Landscape Irrigation Measures.**

9 (1) The year-round landscape irrigation conservation measures contained in this
10 chapter are applicable to all users as defined in Subsection 40E-24.101(16 9), F.A.C.,
11 including permitted and exempt users under Chapter 40E-2, F.A.C., unless indicated
12 otherwise herein. These conservation measures apply to all water sources, except that
13 landscape irrigation accomplished using reclaimed water and/or supplemented
14 reclaimed water is subject to only Paragraphs 5(a)(1) and 5(b)(1) of this section. In
15 addition to the requirements of this section, all permitted users under Chapters 40E-2
16 and 40E-20, F.A.C., are required to maintain compliance with all CUP conditions and
17 terms, including those designed to require the implementation of water conservation
18 practices.

19 (2) Any restrictions or other measures declared pursuant to Chapter 40E-21, F.A.C.,
20 or related Board or Executive Director orders which are more restrictive than a measure
21 contained within this chapter, shall supersede this rule for the duration of the applicable
22 water shortage declaration.

23 (3) It shall be the duty of each water user to keep informed as to the landscape
24 irrigation conservation measures presented within this chapter, which affect each
25 particular water use.

26 (4) In addition to the specific conservation measures enumerated below, all wasteful
27 and unnecessary water use as defined in Subsection 40E-24.101(10), F.A.C., is
28 prohibited.

29 (5) The following requirements or exceptions shall apply to all users unless specified
30 otherwise herein:

31 (a) ~~Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m.~~
32 ~~and 4:00 p.m., except as otherwise provided herein. Irrigation of existing~~
33 ~~landscaping shall comply with the following provisions:~~

34 1. Landscape irrigation shall be prohibited daily between the hours of
35 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.

36 2. (b) Even addresses, installations with irrigation systems that irrigate
37 both even and odd addresses within the same zones, including multi-family units and
38 homeowners' associations, and rights-of-way or other locations with no address as
39 defined in Subsection 40E-24.101(4), F.A.C., may accomplish necessary landscape
40 irrigation only on Tuesday, and/or Thursday and/or Sunday.

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40E-24, F.A.C.

1 ~~3.(c)~~ Odd addresses as defined in Subsection 40E-24.101(13.7), F.A.C.,
2 ~~and rights-of-way or other locations without an address~~ may accomplish necessary
3 landscape irrigation only on ~~Monday, and/or~~ Wednesday and/or Saturday.

4 (b) Irrigation of new landscaping shall comply with the following provisions:

5 1. Irrigation of new landscaping shall be prohibited daily between the
6 hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.

7 2. On the day the new landscaping is installed, the new landscaping
8 may be irrigated once without regard to the normally allowable watering days and times.
9 Irrigation of the soil immediately prior to the installation of the new landscaping is also
10 allowable without regard to the normal allowable watering days and times.

11 3. The sixty (60) day period begins the day the new landscaping is
12 installed. The new landscaping shall be installed within a reasonable time from the date
13 of purchase, which may be demonstrated with a dated receipt or invoice.

14 4. Irrigation of new landscaping which has been in place for thirty (30)
15 days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday,
16 Saturday, and/or Sunday.

17 5. Irrigation of new landscaping which has been in place for thirty-one
18 (31) to sixty (60) days may be accomplished on Monday, Wednesday, Thursday, and/or
19 Saturday.

20 6. Irrigation of the new landscaping is limited to areas containing the
21 new landscaping only. An entire zone of an irrigation system shall only be utilized for
22 landscape irrigation under this paragraph if the zone in question is for an area that
23 contains at least 50% new landscaping. If a zone contains less than 50% new
24 landscaping, or if the new landscaping is in an area that will not typically be irrigated by
25 an irrigation system, only the individual new plantings are eligible for additional irrigation
26 under this paragraph. Targeted watering may be accomplished by low volume hand
27 watering, or any appropriate method which isolates and waters only the new
28 landscaping.

29 ~~(c-d)~~ Landscape irrigation systems may be operated during restricted days
30 and/or-times for cleaning, maintenance, and repair purposes with an attendant on site in
31 the area being tested. Landscape irrigation systems may routinely be operated for such
32 purposes no more than once per week, and the run time for any one test should not
33 exceed 10 minutes per zone.

34 (d_e) Landscape irrigation for the purpose of watering-in fertilizers, insecticides,
35 pesticides, fungicides and herbicides, where such watering-in is ~~required~~ recommended
36 by the manufacturer, or by federal, state or local law, or best management practices,
37 shall be allowed under the following conditions:

38 1. Such watering-in shall be limited to one application unless the need for
39 more than one application is stated in the directions for application specified by ~~in the~~
40 absence of specific alternative instructions from the manufacturer; and

41 2. Such watering-in shall be accomplished during normally allowable
42 watering days and times set forth in Paragraphs 5(a) and 5(b) unless a professional
43 licensed applicator has posted a temporary ~~pesticide~~ sign containing the date of
44 application and the date(s) of needed watering-in activity.

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1 (e_f) Any plant material may be watered using low volume irrigation, micro-
2 irrigation, low-volume hand watering methods, and rain barrels, cisterns, or other rain-
3 harvesting devices without regard to the watering days or times allowed pursuant to this
4 section.

5 *Specific Authority* 373.016, 373.044, 373.0831, 373.113, 373.171, 373.227 FS.
6 *Law Implemented* 373.042, 373.0421, 373.0831, 373.171, 373.223, 373.250, 373.227
7 *FS. History—New* 6-12-03, *Amended* _____.

8
9 **40E-24.301 Local Government Option.**

10 (1) Local governments that wish to enforce alternative landscape irrigation
11 conservation measures, shall be considered to be in substantial compliance with this
12 rule upon the enactment of an ordinance establishing landscape irrigation measures
13 which achieve water conservation and which allow no more cumulative days and time
14 for landscape irrigation than Subsection 40E-24.201(5), F.A.C. Such ordinance shall
15 provide for variance and enforcement procedures that do not diminish the intent and
16 effectiveness of the measures and which do not conflict with the District's authority
17 under Chapter 373, F.S. and District rules.

18 (2) Irrigation of landscapes, as defined above, may be further restricted by local
19 governments only in response to concerns directly related to the local water supply
20 system.

21 (3) Local governments with a jurisdiction divided between the South Florida Water
22 Management District and another water management district may propose an
23 alternative schedule of landscape irrigation conservation measures as necessary for the
24 local government to achieve a uniform schedule within its jurisdiction.

25 (4) At least thirty (30) days prior to the adoption of an ordinance for alternative
26 landscape irrigation conservation measures, the local government shall submit the
27 proposed ordinance to the District to review for consistency with Chapter 373, F.S., and
28 District rules and approval. The ordinance must be adopted as approved by the District.

29 (5_2) In order to evaluate the effectiveness of the approved alternative landscape
30 irrigation conservation measures, such local governments shall provide an annual report
31 to the District which includes any variances granted or denied, enforcement actions
32 taken and any measures proposed to be amended in the next reporting period. Each
33 annual report shall be submitted no later than September 30th of each year following
34 the adoption of this Chapter. The first report shall be submitted no later than January 1,
35 2004.

36 (6_3) Users within the jurisdiction or customers of such local governments shall
37 comply with the alternative landscape irrigation conservation measures contained within
38 the ordinance implementing that program and are not subject to the measures
39 contained in Subsection 40E-24.201(5), F.A.C.

40 *Specific Authority* 373.016, 373.044, 373.0831, 373.113, 373.171, 373.227 FS. *Law*
41 *Implemented* 373.042, 373.0421, 373.0831, 373.171, 373.223, 373.227 FS. *History—*
42 *New* 6-12-03, *Amended* _____.

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40E-24.401 Enforcement.

(1) As required by Section 373.609, F.S., each county and city commission, state and county attorney, sheriff, police officer and other appropriate local government official in the region covered by this chapter which is not implementing alternative landscape irrigation conservation measures pursuant to a local government ordinance, shall respond to address-specific or location-specific violations of this chapter upon request from the District.

(2) A local government may enforce Rule 40E-24.201, F.A.C., within its jurisdiction by adopting an ordinance incorporating the provisions specified therein. At least thirty (30) days prior to the adoption of an ordinance to enforce Rule 40E-24.201, F.A.C., the local government shall submit the proposed ordinance to the District to review for consistency with Chapter 373, F.S., and District rules and approval. The ordinance must be adopted as approved by the District.

~~Irrigation of landscapes, as defined above, may be further restricted by local governments only in response to concerns directly related to the local water supply system or as provided in Rule 40E-24.301, F.A.C., above.~~

(3) In enforcing the provisions of this chapter the District will utilize any of the enforcement remedies available pursuant to Chapter 120 or 373, F.S., or applicable District rule. The Executive Director may take appropriate action pursuant to Sections 373.119, 373.175(4), 373.246(7) and 120.69, F.S., to enforce the provisions of this chapter.

Specific Authority 373.016, 373.044, 373.0831, 373.113, 373.171, 373.227 FS. Law Implemented 373.0831, 373.119, 373.171, 373.175, 373.246, 373.603, 373.609, 373.227 FS. History—New 6-12-03, Amended _____.

Section 40E-24.501 Variances and Waivers.

(1) Users may request relief from the provisions of this Chapter by filing a petition for variance or waiver pursuant to Section 120.542, Florida Statutes, and Rule 28-104, F.A.C. Examples of circumstances, which subject to the above-referenced statute and rule and the provisions below, may be candidates for the issuance of a variance, include but are not limited to:

- (a) Two or more properties which share a common source of water;
- (b) A public or private water system experiencing, or anticipating, distribution problems that cannot be addressed through Rule 40E-24.301, F.A.C.;
- (c) A property utilizing modern, properly maintained and highly efficient irrigation technologies, including but not limited to soil moisture sensors and weather/evapotranspiration-based irrigation controllers,

(2) A variance or waiver is invalid if it has expired or if the user or its agent violates the terms of the variance or waiver.

(3) Where a local government has adopted an ordinance incorporating the provisions set forth in Rule 40E-24.201, F.A.C., or alternative landscape irrigation measures pursuant to Rule 40E-24.301, F.A.C., users requiring relief from such landscape irrigation conservation measures must petition that local government for

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1 relief.

2 Specific Authority 373.016, 373.044, 373.0831, 373.113, 373.171, 373.227 FS. Law

3 Implemented 373.0831, 373.119, 373.171, 373.175, 373.246, 373.603, 373.609,

4 373.227 FS. History–New.

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**Supporting documents for the following item have been added:
Item #:55**

See supporting document: [da_wr_112_sd.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Chip Merriam, Deputy Executive Director, Water Resources

DATE: September 15, 2008

SUBJECT: Approve Water Use Permit Modification and Renewal Application 070518-16 for the City of Miramar for proposed water use demands from the Biscayne aquifer and the Floridan aquifer system with 20-year duration (Broward County)

SUMMARY

Staff recommends approval of the modification and renewal of Water Use Permit 06-00054-W, for the City of Miramar to withdraw a maximum of 533 million gallons per month and 5,855 million gallons per year (16.05 million gallons per day) to provide water to the service area through the year 2028. The modification includes the addition of two proposed Floridan aquifer system wells (an alternative source not previously utilized by the permittee). The recommended allocation of 5,855 million gallons per year is comprised of the established Biscayne aquifer base condition of 4,271 million gallons per year (11.7 million gallons per day) according to the Regional Water Availability Rule, plus an additional 1.6 million gallons per day from the Biscayne aquifer, as well as 2.7 million gallons per day from the Floridan aquifer system. The permittee has provided a calibrated three-dimensional MODFLOW model demonstrating that the additional (beyond established baseline condition) requested Biscayne aquifer water allocation of approximately 1.6 million gallons per day will be offset by retiring existing irrigation permits currently utilizing regional water and supplying these irrigation permits with reclaimed water. The quantitative MODFLOW analysis indicates that the proposed permitted condition will result in a slight net gain in water to the regional canal delivery system.

In order to accomplish these goals, the applicant has requested a temporary Biscayne aquifer withdrawal rate of 13.8 million gallons per day (2.1 million gallons per day greater than the established base condition) for a period of five years in order to meet demands while the Floridan aquifer system treatment plant is completed and reclaimed water lines are constructed.

BACKGROUND

The City of Miramar is located in southern Broward County. The service area is all within the Town limits and includes a portion of Hypoluxo Island. The City has 13 primary Biscayne aquifer wells which comprise two well fields. The Eastern Well Field is currently permitted to withdraw up to 1,591 million gallons per year (4.4 million gallons per day), and the Western Wellfield is permitted to withdraw up to 4,647 million gallons per year (8.4 million gallons per day). The current allocation exceeds the calculated baseline condition by approximately 1.1 million gallons per day. The applicant projects an estimated population of approximately 133,500 people in the year 2028 with a finished water per-capita use rate of 99 gallons per person per day.

MFL RECOVERY and CERP ISSUES

The recommended allocation for this modification and renewal includes use of the Floridan aquifer for part of the additional water supply needed to meet demand. It also allows for an additional 1.6 million gallons per day (MGD) beyond the established base condition of 11.7 MGD from the Biscayne aquifer. This is because the City of Miramar is expanding their reclaimed water system from 2 MGD to 4 MGD and connecting customers to this alternative water source (AWS) that are currently using Biscayne aquifer water for irrigation. By providing this AWS water to existing Biscayne aquifer users they will retire that allocation allowing that water to be reallocated to the City of Miramar.

Staff Contacts: **Marjorie Craig, Director, Water Supply Department**
(561) 682-2987

Supporting documents for the following item have been added:

Item #:56

Resolution #:2008-1029

See supporting document: [da_wr_002_sd.pdf](#)

See resolution document: [da_wr_003_rd.pdf](#)

See supporting document: [da_wr_004_sd.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: Chip Merriam, Deputy Executive Director, Water Resources

DATE: October 9, 2008

SUBJECT: Proposed 2009 Minimum Flows and Levels Priority List and Schedule

Background: This is a request for the Governing Board to authorize submittal of the proposed 2009 Minimum Flow and Level (MFL) Priority Water Body List to the Department of Environmental Protection (FDEP) for its review and approval. The list identifies water bodies to be addressed and schedules for adoption of MFL rules. The schedule for development of water reservations is also included.

How this helps meet the District's 10-year Strategic Plan: Section 373.042, Florida Statutes, requires the District to update its MFL priority list on an annual basis. The FDEP is required to review and approve the list based on importance of the water body and the potential for significant harm to the water resources or ecology of the region or state. One of the primary success indicators in the Water Supply portion of the Strategic Plan is to complete MFLs.

Funding Source: Staff resources are funded with ad valorem revenue.

This Board item impacts what areas of the District, both resource areas and geography: The priority list identifies specific wetlands, lakes, rivers and estuaries. This year's list identifies the activities anticipated over the next two years and includes water bodies throughout the District. The effort is primarily supported by District staff in the Water Supply, Watershed Management and Everglades Restoration Planning departments and the Office of Counsel.

What concerns could this Board item raise? The same technical, scientific and modeling support staff involved with MFL development also develops Water Reservations and provide support to the regional Water Supply Plans. The proposed list reflects changes to last year's list due to the adoption of the Lake Okeechobee Service Area's Regional Water Availability Rule. The proposed reservation schedule may be subject to change during the year due to possible changes in Everglades Restoration priorities.

Why should the Governing Board approve this item? Section 373.042, Florida Statutes requires the District to provide the MFL priority list to FDEP each year.

If you have any questions, please do not hesitate to call me at ext. 6597.

CM/mc

1 to the Department of Environmental Protection for review and approval pursuant to Section
2 373.042, Florida Statutes.

3 **Section 2.** A copy of the proposed 2009 Minimum Flows and Levels Priority List is
4 attached hereto and made a part hereof.

5 **Section 3.** This resolution shall take effect immediately upon adoption.
6

7 **PASSED** and **ADOPTED** this 09 day of October, 2008.

8 SOUTH FLORIDA WATER MANAGEMENT
9 DISTRICT, BY ITS GOVERNING BOARD

10
11 By:

12 _____

13 Chair

14 ATTEST:

15
16 _____

17 Assistant Secretary

18 Approved as to form:

19
20 BY:

21 _____

22 Office of Counsel

SFWMD

2009 Priority Water Body List

Minimum Flows and Levels and Water Reservations

FY 09 Planned Activities

Picayune Strand Water Reservation

- Publish rule

Biscayne Bay MFL or Water Reservation

- Complete peer review in first quarter
- Proceed with rule development unless significant issues emerge during peer review
- Publish rule

Kissimmee River and Chain of Lakes Water Reservation

- Complete science compilation. (Investigation will look at lakes within the Central and Southern Florida Project system. Specific lakes included in reservation will be selected on sufficiency of technical information and analysis to providing scientific foundation.)
- Peer review
- Rule development
- Publish rule

IRL – South Reservation

- Complete peer review
- Complete rule development

Other Everglades Restoration Water Reservations

- In addition to IRL – South, the District is prepared to hold peer reviews supporting the establish water reservations for up to three water bodies related to Everglades Restoration projects. Due to uncertainties of federal authorization and funding, and project changes that may result from the River of Grass Land Acquisition effort, specific projects can not be identified at this time and water reservation may be deferred to future years as necessary.

FY10 Planned Activities

IRL – South Reservation

- Publish rule

Kissimmee River and Chain of Lakes

- Implement peer review recommendations as necessary to strengthen or expand rule during future updates of the water reservation. Publish modified rule if appropriate

Estero Bay

- Begin compilation and analysis of available data to support MFL development

FY11 Planned Activities

Estero Bay

- Complete peer review and rule development
- Publish rule

Rookery Bay

- Begin compilation and analysis of available data to support MFL development

FY12 Planned Activities

Rookery Bay

- Complete peer review and rule development.
- Publish rule

Supporting documents for the following item have been added:

Item #:57

Resolution #:2008-1030

See supporting document: [da_om_102_sd.pdf](#)

MEMORANDUM

TO: Governing Board Members

FROM: George L. Horne, Deputy Executive Director, Operations & Maintenance.

DATE: October 01, 2008

SUBJECT: **4600001518 - Ft. Lauderdale USGS Cooperative Agreement for Hydrologic Monitoring (Groundwater and Surface Water) between the District and the U.S. Geological Survey**

Background: This Cooperative Agreement between the District and the USGS has been supported for 54 years. It has allowed the District to count on groundwater and surface water monitoring support from the USGS. These data support various District programs related to ecosystems restoration, water supply and baseline monitoring. Continuing this agreement will insure continuity of the monitoring work that the USGS has partially funded for the sites listed in the statement of work of the agreement. Continuation of this agreement from October 20, 2008 to October 19, 2009 is requested. The monitoring work includes the collection of monthly and continuous data from approximately 27 surface water sites and ground-water level data from 191 groundwater stations. Data will be archived in the USGS's national database, and then transferred to the District via direct computer link on a monthly or as-needed basis.

How this helps meet the District's 10 Year Strategic Plan: Priorities outlined in the District's Strategic Plan include preserving and protecting South Florida's ecosystem while providing for other water-related needs of the region, including water quality, water supply and flood protection. The monitoring support provided by USGS assists the District's efforts at assessing water resources available, changes in flow trends due to structural changes in the system and their impact on water quality issues. The data is particularly useful in the assessment of environmental compliance of waters being discharged into Lake Okeechobee and the Everglades Protection Area with state quality standards.

Funding Source: This is a one-year cooperative agreement using budgeted ad valorem funds in the amount of \$1,867,613.

This Board item impacts what areas of the District, both resource areas and geography: This item applies to groundwater and surface water monitoring throughout the District. The main impact areas include Lake Okeechobee, Water Conservation Areas, and Everglades Protection Area.

What concerns could this Board item raise? The amount of monitoring being performed or contracted by the District is a possible concern. However, optimization of the monitoring network under this agreement is on going and has resulted in no increased monitoring for the last three years.

Why should the Governing Board approve this item? The hydrologic data collected under this agreement are critical for the success of key components of the District mission including regulatory compliance, water supply, flood control, Everglades restoration and environmental protection. Furthermore, implementation of this cooperative agreement is the most efficient way for supplementing the District's in-house monitoring efforts.

GLH/cj

The following item has been deleted:

Item #:63

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl G. Wood, Ext. 6976)

The following item has been deleted:

Item #:64

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, Ext. 6976)

The following item has been deleted:

Item #:65

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. (Sheryl G. Wood, Ext. 6976)