Chapter 100 - GENERAL PROVISIONS [2]

(2) **Cross reference—** General provisions for procedures, ch. 200.

ARTICLE I. - IN GENERAL
ARTICLE II. - EMPLOYMENT NOTICE

ARTICLE I. - IN GENERAL

Sec. 100-1. - Short Title.
Sec. 100-2. - Definitions and Rules of Construction.
Sec. 100-3. - Catchlines of Sections; History Note References.
Sec. 100-4. - Effect of Repeals.
Sec. 100-5. - Amendments to Code; Effect of New Policies; Amendatory Language.
Sec. 100-6. - Supplementation of Code.
Sec. 100-7. - Severability.
Sec. 100-8. - Provisions Deemed Continuation of Existing Policies.
Secs. 100-9—100-20. - Reserved.

Sec. 100-1. - Short Title.

This part shall be known as the "South Florida Water Management District Policies Code," and may be so cited.

Sec. 100-2. - Definitions and Rules of Construction.

The following definitions and rules of construction shall apply to this Code and to all policies unless the context requires otherwise:

Generally. When provisions conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the Governing Board may be effectuated. Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

Code. The word "Code" means the South Florida Water Management District Policies Code, as designated in section 100-1.

Computation of Time. In computing any period of time prescribed or allowed, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the

period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:

(1) *And* indicates that all the connected terms, conditions, provisions or events apply.

(2) *Or* indicates that the connected terms, conditions, provisions or events apply singly or in any combination.

(3) *EitherOr* indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

Delegation of Authority. A provision that authorizes or requires a District officer or District employee to perform an act or make a decision authorizes such officer or employee to act or make a decision through subordinates.

District. The word "District" means the South Florida Water Management District.

Employee. The word "Employee" means a person employed by the District in any position and who is subject to all District policies, procedures, and rules.

F.A.C. The abbreviation "F.A.C." refers to the Florida Administrative Code, as amended.

F.S. The abbreviation "F.S." refers to the latest edition of Florida Statutes, as amended.

Gender. Words of one gender include all other genders.

Governing Board. The term "Governing Board" means the Governing Board of the District.

May. The word "may" is to be construed as being permissive and not mandatory.

May Not. The term "may not" states a prohibition.

Number. The singular includes the plural and the plural includes the singular.

Officers, Divisions ~~Departments~~, etc. References to officers, ~~Departments~~divisions, bureaus, offices, boards, committees or employees are to District officers, District ~~Departments~~divisions, bureaus, offices, District boards, District committees and District employees.

Person. The word "person" means any individual, firm, association, joint venture, club, partnership, estate, trust, business trust, syndicate, fiduciary, corporation (profit or not-for-profit), professional corporations or associations, any governmental unit, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

Policy. The word "policy" means any action of a general and permanent nature adopted by the Governing Board that does not constitute a rule within the meaning of the Administrative Procedures Act, Florida Statutes, Chapter 120, and that is not a procedure.

Procedure. The word "procedure" means a detailed statement that implements a policy or rule adopted by the Governing Board, a state statute or rule.

References to Statutes, Acts or Rules. Any reference to Florida Statutes is to Florida Statutes, as amended. Any reference to a State law or State act by short title or popular name is a reference to such law or act as amended. Any reference to a rule of the District or the State is to such rule as amended.

Regular Employee. The terms "regular employee" and "regular District employee" mean a full-time employee who receives District benefits and is assigned to an authorized regular position and whose workweek consists of 40 hours if non-exempt, or 80 hours bi-weekly if exempt, unless otherwise approved to work an alternative work schedule.

SFWMD. The acronym "SFWMD" refers to the South Florida Water Management District.

Shall. The word "shall" is to be construed as being mandatory.

Should. The word "should" is to be construed as being permissive and not mandatory.

State. The terms "the State" or "this State" mean the State of Florida.

Tenses. The present tense includes the past and future tenses. The future tense includes the present tense.

Written. The word "written" includes any representation of words, letters, symbols or figures.

Sec. 100-3. - Catchlines of Sections; History Note References.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and are not titles of such sections, or of any part of the section, nor unless expressly so provided shall they be so deemed when any such section, including the catchline, is amended or reenacted.

(b) The history or source notes appearing in parentheses after sections in this Code have no legal effect and only indicate legislative history, being the number assigned by Records Management for tracking purposes. Editor's notes, cross references and state law references that appear in this Code after sections or subsections or that otherwise appear in footnote form are provided for the convenience of the user of the Code and have no legal effect.

(c) Unless specified otherwise, all references to chapters or sections are to chapters or sections of this Code.

Sec. 100-4. - Effect of Repeals.

Unless specifically provided otherwise, the repeal of a policy does not revive or reinstate any policy previously repealed.

Sec. 100-5. - Amendments to Code; Effect of New Policies; Amendatory Language.

(a) All policies adopted subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of the Code and printed for inclusion in the Code. Portions of this Code repealed by subsequent policies may be excluded from this Code by omission from reprinted pages affected thereby.

(b) Amendments to provisions of this Code may be made with the following language: "Section (chapter, article, division or subdivision, as appropriate) of the South Florida Water Management District Policies Code is hereby amended to read as follows:."

(c) If a new section, subdivision, division, article or chapter is to be added to the Code, the following language may be used: "Section (chapter, article, division or subdivision, as appropriate) of the South Florida Water Management District Policies Code is hereby created to read as follows:."

(d) All provisions desired to be repealed should be repealed specially by section, subdivision, division, article or chapter number, as appropriate, or by setting out the repealed provisions in full in the repealing ordinance.

(e) Amendments to this Code that comply with the provisions of this section may be included herein only upon the adoption of a written resolution of the Governing Board.

Sec. 100-6. - Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the District. A supplement to this Code shall include all substantive permanent and general parts of policies adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of the supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete. The new pages shall be so prepared that when they have been inserted, the Code will be current through the date of the adoption of the latest policy included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in policies and parts of policies included in the supplement, insofar as necessary to do so in order to embody them into a unified code. For example, the person may:

(1) Arrange the material into appropriate organizational units.

(2) Supply appropriate catchlines, headings and titles for chapters, articles, divisions, subdivisions and sections to be included in the Code and make changes in any such catchlines, headings and titles or in any such catchlines, headings and titles already in the Code.

(3) Assign appropriate numbers to chapters, articles, divisions, subdivisions and sections to be added to the Code.

(4) Where necessary to accommodate new material, change existing numbers assigned to chapters, articles, divisions, subdivisions or sections.

(5) Change the words "this policy" or similar words to "this chapter," "this article," "this division," "this subdivision," "this section" or "sections to _____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the policy incorporated in the Code).

(6) Make other nonsubstantive changes necessary to preserve the original meaning of the policies inserted in the Code.

Sec. 100-7. - Severability.

If any provision of this Code or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Code that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Code are severable.

Sec. 100-8. - Provisions Deemed Continuation of Existing Policies.

The provisions of this Code, insofar as they are substantially the same as policies previously adopted by the District relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Secs. 100-9—100-20. - Reserved.

ARTICLE II. - EMPLOYMENT NOTICE

Sec. 100-21. - Availability of Policies and Procedures.
Sec. 100-22. - Terms of Employment.
Sec. 100-23. - Right of District to Modify Policies, Procedures and Practices.
Sec. 100-24. - Duties of Employees.

Sec. 100-21. - Availability of Policies and Procedures.

The South Florida Water Management District's (District) Policies and Procedures are codified with Municode with a link on the District's Intranet site (IWEB) ~~at the following Universal Resource Locator (URL): http://iweb/iwebB501/exo/gbops/d_clerk.shtml, and the Employee Handbook is located on the District's IWEB at the following URL: http://iweb/iwebB501/mso/handbook.htm.~~ Employees shall ~~visit the IWEB and/or~~ read the Policies and Procedures ~~and Employee Handbook~~ and familiarize themselves with the information contained therein. Employees shall seek verification or clarification where necessary and comply with the policies, requirements, and procedures which outline benefits, policies, and employee responsibilities at the District.

(R.M. No. 217)

Sec. 100-22. - Terms of Employment.

Employment with the District is for no specific term. No oral promise, District policy, custom, business practice, or other procedure (including the ~~District's Employee Handbook and~~ Policies and Procedures) constitutes an employment contract.

(R.M. No. 217)

Sec. 100-23. - Right of District to Modify Policies, Procedures and Practices.

The contents of the District's Policies and Procedures ~~and the Employee Handbook~~, or any other District practices, are subject to change or modification by the District, solely at its discretion, as deemed

appropriate and necessary. No Supervisor or other official of the District has the authority to enter into any agreement with employees or to make any agreement contrary to the foregoing.

(R.M. No. 217)

Sec. 100-24. - Duties of Employees.

Employees shall comply with the District's Policies and Procedures and the Employee Handbook and use them as a guide, and shall make a conscientious effort to keep informed of changes as they occur.

(R.M. No. 217)

ARTICLE IX. - PAID MEDIA AND PUBLIC RELATIONS

Sec. 101-240. - Objective.
Sec. 101-241. - Policy.
Sec. 101-242. - Philosophy.
Sec. 101-243. - General Criteria.
Sec. 101-244. - Approval and Funding Procedures.

Sec. 101-240. - Objective.

This policy seeks to guide decisions related to the District's use of paid media and public relations to implement or augment public information campaigns.

(Res. No. 2008-324, 3-13-2008)

Sec. 101-241. - Policy.

(a) After exhausting opportunities for unpaid media, paid media campaigns are used to share information with the public about the District's programs, educate the public about emergency conditions, water resource management and environmental protection and promote personal responsibility regarding water supply and resource protection.

(b) Paid media and public relations includes print and broadcast public service announcements; print, broadcast and web advertising; billboards; media consulting services and video news releases.

(Res. No. 2008-324, 3-13-2008)

Sec. 101-242. - Philosophy.

Funding for paid media relations activities should provide measurable value for Florida's taxpayers and water resources by:

(1) Raising awareness for restoring and protecting the South Florida ecosystem; land stewardship; flood control and ensuring an adequate supply of water for the environment and South Floridians.

(2) Augmenting recruitment, small business and procurement initiatives.

(3) Maximizing the District's water resource investments and leveraging resources.

(4) Reaching a diversity of audiences that fully reflects the make-up of the region's population.

(5) Following the procurement policies established by the Governing Board.

(Res. No. 2008-324, 3-13-2008)

Sec. 101-243. - General Criteria.

(a) Paid media campaigns must align with a District priority.

(b) Paid media campaigns should provide measurable outcomes.

(c) Paid media campaigns should not conflict with other District activities.

(d) Paid regional media campaigns should be developed to allow duplication across the District.

(e) Paid media campaigns should be developed ~~with the approval and in coordination with the Director of Media Relations.~~at the direction of the Director of Communications.

(f) Paid media campaigns must carry the District's brand and overall message.

(g) The District should exhaust opportunities for reaching audiences through unpaid media except in instances of emergency preparation and response.

(Res. No. 2008-324, 3-13-2008)

Sec. 101-244. - Approval and Funding Procedures.

(a) All paid media and public information initiatives meet the general funding criteria (as above).

(1) ~~Government and public affairs p~~Paid media and public information activities are approved and funded as a part of the budget process and through the communications work plan.

(b) ~~Unless specified in~~Deviations from the communications work plan, ~~fiscal year funding held at the media relations level and invested~~ may be approved based on regional needs and District priorities.

(1) Determinations made by the Communications~~Media Relations~~ Director in coordination with the ~~service centers~~Intergovernmental Programs Director.

(2) Exceptions can be made in the event of unanticipated initiatives or emergencies that require regional awareness building and public involvement.

(3) Exceptions will be reviewed for approval ~~approved~~ by the ~~Media Relations Director~~Chief of Staff and Governing Board Chair.

(Res. No. 2008-324, 3-13-2008)

ARTICLE VIII. - FUNDING COMMUNITY PARTNERSHIPS AND OUTREACH ACTIVITIES

Sec. 101-230. - Objective.
Sec. 101-231. - Policy.
Sec. 101-232. - Funding Philosophy.
Sec. 101-233. - General Funding Criteria.
Sec. 101-234. - Clarification of the Meaning of "Partnership."
Sec. 101-235. - Approval and Funding Procedures.
Secs. 101-236—101-239. - Reserved.

Sec. 101-230. - Objective.

This policy seeks to guide decisions related to funding the District's outreach activities, including local outreach programs, educational events and community partnerships.

(Res. No. 2008-324, 3-13-2008)

Sec. 101-231. - Policy.

The District utilizes community outreach to engage and educate the public, including governmental agencies, about water resource management and environmental protection; to involve and inform the public about the District's mission and decisions; and to develop partnerships that advance the mission and achieve the objectives of the District. Successful community outreach programs also result in a positive awareness of the organization with its customers and stakeholders.

(Res. No. 2008-324, 3-13-2008)

Sec. 101-232. - Funding Philosophy.

Funding for community outreach should be limited to those activities that directly advance the mission and goals of the South Florida Water Management District and provide value for Florida's taxpayers by:

(1) Raising awareness for the District's core mission and strategic priorities including restoring and protecting the South Florida ecosystem; land stewardship; flood control and ensuring an adequate supply of water for the environment and South Floridians.

(2) Augmenting recruitment, small business and procurement initiatives.

(3) Addressing the water management concerns of the communities we serve.

(4) Establishing active and mutually-beneficial relationships with organizations and communities through the sharing of expertise and knowledge about water resources.

(5) Maximizing the District's water resource investments and leveraging resources.

(6) Reaching a diversity of audiences that fully reflects the make-up of the region's population.

(7) Following the procurement policies established by the Governing Board.

(Res. No. 2008-324, 3-13-2008)

Sec. 101-233. - General Funding Criteria.

(a) *Generally.*

(1) The outreach activity must align with the District's mission and priorities.

(2) The outreach activity should foster long-term partnerships that bring lasting water resource management and/or the environment benefits to regional communities.

(3) The outreach activity should offer opportunities for direct community/constituent interaction with District staff beyond simply displaying the District's logo.

(4) The outreach activity should offer opportunities for direct involvement by District staff in conducting the event/activity (beyond simply attending the event or receiving tickets, invitations, etc.)

(5) The outreach activity should support activities that provide measurable outcomes.

(6) The outreach activity should not conflict with other District activities.

(7) The outreach activity should be developed in coordination with the Director of Communications and Director of Intergovernmental Programs. ~~Creative Services within the Office of Government and Public Affairs.~~

(8) High value events that allow the District to speak to targeted audiences should take preference over lower value events such as trade displays.

(b) *Examples of activities.* Examples of activities that can be considered for funding include, but are not limited to:

(1) Community events that raise environmental awareness like Earth Day and Everglades Day;

(2) Coastal, lake, river or watershed cleanups;

(3) School activities like World Water Quality Monitoring Day;

(4) Teacher workshops or internships that enhance science and environmental education in schools;

(5) Programs that promote water resource-related community volunteerism like Watershed Action Volunteers;

(6) Community events that promote Florida-friendly landscaping, water quality protection and water conservation;

(7) Industry and business events that aid in recruitment;

(8) Industry, business and community events that educate potential vendors about doing business with the District and support and promote the District's Small Business Enterprise program;

(9) Industry, business and local government events that inform customers about the District's regulatory role like permitting workshops, water academies or engineering trade shows; and

(10) Partnerships supporting water resource or mission related events carried out by external groups (see next section).

(Res. No. 2008-324, 3-13-2008)

Sec. 101-234. - Clarification of the Meaning of "Partnership."

(a) A "partnership" is the provision of financial support for a project or an event carried out by an external entity. Sponsored activities are typically neither initiated nor under the control or direction of the District. For this reason, such partnerships must, at a minimum, be approved by the ~~Executive Office (Director of the Office of Government and Public Affairs for general education and outreach and Deputy Executive Director for Corporate Resources for business, procurement and recruitment initiatives)~~Chief of Staff. In addition, the partner in receipt of District funds must provide justification as to how the proposed activity/event advances the mission and goals of the District and must demonstrate accountability for the partnership funds by providing documentation after the activity/event of the results achieved.

(b) Examples of activities not considered for funding include:

(1) Where the sole purpose is corporate hospitality and networking, such as purchasing tables at a dinner or luncheon event.

(2) Where the sole purpose is to enhance the District's public image, promote goodwill, prestige, or a favorable relationship with the public.

(3) Where the sole deliverable is logo placement.

(Res. No. 2008-324, 3-13-2008)

Sec. 101-235. - Approval and Funding Procedures.

(a) All community outreach activities and partnerships meet the general funding criteria (as above).

(1) ~~Government and public affairs o~~Outreach activities are approved and funded as a part of the budget process through the communications work plan.

(2)~~a.~~ Exceptions can be made in the event of newly established priorities that require awareness building and public involvement.

a. Using the Partnership Request Form – FY08, previously unbudgeted outreach activities or unanticipated partnership requests will be reviewed for approval by the Chief of Staff and Governing Board Chair.

~~b. Exceptions will be approved by the Executive Office (Government and Public Affairs Director) and Governing Board Chair.~~

~~(b) Funding for District-wide outreach is set at a maximum per capita rate of $0.15 per constituent.~~

~~(1) Of that available funding, 65 percent is held at the service center level for general outreach, education and community activities; 35 percent is held at the government and public affairs staff~~

~~level to fund special programs or unanticipated projects.~~

~~(2) Service centers receive equal base budget for general outreach, education and community activities and additional funding based on regional population.~~

~~(3) Exceptions can be made in the event of newly established priorities that require awareness building and public involvement.~~

~~(4) Exceptions will be approved by the Executive Office (Government and Public Affairs Director) and Governing Board Chair.~~

(c) Organizations seeking funding provide a match either through in-kind or financial contribution.

(d) Annual level of funding not to exceed $15,000.00 per organization or event.

(1) Requests for support in excess of $15,000.00 ~~would~~ will be evaluated by the ~~Executive Office (Government and Public Affairs Director)~~Chief of Staff for final approval by the Governing Board Chair.

~~(2) Using the Partnership Request Form — FY08, previously unbudgeted outreach activities or unanticipated partnership requests are endorsed by the Executive Office, regional Governing Board member and then approved by the Governing Board Chair.~~

(Res. No. 2008-324, 3-13-2008)

Secs. 101-236—101-239. - Reserved.

DIVISION 1. - GENERALLY

Sec. 101-21. - General Delegation.
Sec. 101-22. - Chapter 120, Florida Statutes, Administrative Proceedings Delegations.
Sec. 101-23. - Limitation on Authority.
Sec. 101-24. - Reports to Governing Board.
Secs. 101-25—101-40. - Reserved.

Sec. 101-21. - General Delegation.

The Governing Board ordains that, except as may be otherwise provided in this Code, any power, duty or function contained in this Code shall be implemented by the Executive Director. The Executive Director, without being relieved of the responsibility, has the authority to execute the power, duty or function delegated in this Code and develop procedures and other methods to implement the policies contained in this Code through such employees or Departments as the Executive Director shall designate.

(R.M. No. 216)

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

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

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

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

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

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

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

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

(b) The Governing Board delegates to the Executive Director~~,~~ and General Counsel ~~and Deputy General Counsel~~ authority to execute final orders following Governing Board action.

(R.M. No. 216; Res. No. 2010-1213, § 1, 12-9-2010)

Sec. 101-23. - Limitation on Authority.

The Executive Director or any other authorized staff shall refrain from exercising the authority set forth in this Code when a specific matter involves significant controversy or public policy issues, as determined by the Executive Director or a Governing Board member. Such matters shall be presented to the Governing Board for consideration.

(R.M. No. 216)

Sec. 101-24. - Reports to Governing Board.

At Governing Board direction, the Executive Director shall provide reports to the Governing Board summarizing specified actions taken pursuant to the delegations authorized herein other than those delegations that are solely ministerial in nature.

(R.M. No. 216)

Secs. 101-25—101-40. - Reserved.

DIVISION 2. - GOVERNING BOARD TRAVEL

Sec. 101-141. - Scope.
Sec. 101-142. - Definitions.
Sec. 101-143. - Authorization.
Sec. 101-144. - Subsistence.
Sec. 101-145. - Transportation.
Sec. 101-146. - Conferences.
Sec. 101-147. - Reimbursement.
Sec. 101-148. - Advances.
Secs. 101-149—101-160. - Reserved.

Sec. 101-141. - Scope.

It is the intent of this article to provide for the reimbursement of travel expenses incurred by Governing Board members while on official District business. These expenses shall not exceed the amount allowed State officers and employees as set forth in Section 112.061, Florida Statutes.

(R.M. No. 1)

Sec. 101-142. - Definitions.

For the purposes of this article, the following words and terms shall have the meanings respectively ascribed:

Covered Expenditures means travel expenses subject to reimbursement may include meals, lodging, subsistence, transportation, including local transportation, and incidental traveling expenses.

Normal Base Site means the personal residence of the Governing Board member, which is the normal base site for purposes of determining allowable transportation expenditures.

(R.M. No. 1)

Cross reference— Definitions and rules of construction, § 100-2.

Sec. 101-143. - Authorization.

(a) All out-of-state travel by Governing Board members shall be approved by the Chair or Vice Chair of the Governing Board. Authority to approve travel within the state is delegated by the Governing Board to the Executive Director or, in the Executive Director's absence, to the Assistant ~~Deputy~~ Executive Director~~s~~.

(b) A short statement that the Governing Board member is on official business of the District and the purpose of such travel shall be included in the request.

(R.M. No. 1)

Sec. 101-144. - Subsistence.

Lodging costs are reimbursed in full according to the statutory amount allowed. Meal costs are reimbursable at the District staff reimbursement rates in effect at the time. When the travel event is located within the city, town, or immediate vicinity of the member's normal base site, reimbursement is not permitted for subsistence unless the site of the meal is determined by the travel event and not by the member.

(R.M. No. 1)

Sec. 101-145. - Transportation.

(a) ~~District aircraft should be used whenever practicable within the State of Florida. Commercial air travel should be used to locations outside the State unless it is economically justifiable to use District aircraft.~~ Purely personal portions of an authorized trip are non-reimbursable. Travel on commercial aircraft is reimbursable for coach fares unless only first class is available.

(b) Private automobiles may be used when District vehicles are not readily available, and reimbursement shall be at the rates in effect at the time of the travel. Incidental transportation expenses such as local transportation, parking, tolls, communications, secretarial or transcribing services, and courier services are fully reimbursable if directly related to the purpose of the travel event or if for District business.

(R.M. No. 1)

Sec. 101-146. - Conferences.

Travel expenses for attendance at conferences shall be deemed appropriate where the main purpose of the conference is in connection with the official business or purpose of the District and directly related to the performance of the statutory duties and responsibilities of the District, or the activity provides a direct educational benefit supporting the work and public purpose of the member attending~~, or the member is providing the activity with a direct educational benefit for which the District may receive corresponding benefits at a later date~~.

(R.M. No. 1)

Sec. 101-147. - Reimbursement.

Reimbursement shall be requested on appropriate District forms by the affected Governing Board member. Travel authorized in advance does not require subsequent approval.

(R.M. No. 1)

Sec. 101-148. - Advances.

The Chair/Vice Chair of the Governing Board may approve the making of advances to cover anticipated costs of travel of Governing Board members.

(R.M. No. 1)

Secs. 101-149—101-160. - Reserved.

DIVISION 2. - SPECIFIC DELEGATIONS

Sec. 101-41. - Agency Administration Delegations.
Sec. 101-42. - Audit Committee and Internal Audit Delegations.
Sec. 101-43. - Claims Settlement and Litigation.
Sec. 101-44. - Finance Delegations.
Sec. 101-45. - Human Resources Related Delegations.
Sec. 101-46. - Land Resources Delegations.
Sec. 101-47. - Procurement Delegations.
Sec. 101-48. - Regulatory and Planning Delegations.
Sec. 101-49. - Risk Management Delegations.
Sec. 101-50. - Travel Delegations.
Sec. 101-51. - Vehicle Use Delegations.
Sec. 101-52. - Whistle-Blowers.
Secs. 101-53—101-70. - Reserved.

Sec. 101-41. - Agency Administration Delegations.

(a) *The Governing Board delegates to the Executive Director its authority to:*

(1) Take final action on permit applications under parts II or IV of Chapter 373, Florida Statutes, or petitions for variances or waivers of permitting requirements under parts II or IV of Chapter 373, Florida Statutes~~, provided it becomes law~~. The ~~executive~~ Executive D~~d~~irector may execute this delegated authority through designated staff.

(2) Employ an Ombudsman.

(b) *The Governing Board delegates to the Executive Director and General Counsel the authority to:*

(1) Accept donations of property to the District, including real property, interests in real property, and personal property.

(2) Grant rights of entry onto District property and accepting rights of entry onto non-District property.

(3) Execute all permit applications for permits sought by the District.

(4) Certify rules for filing with the Department of State or the District Clerk.

(5) Certify, pursuant to Section 112.31901, Florida Statutes, that investigatory records of the Inspector General require an exemption from disclosure under the Public Records Law, Chapter 119, Florida Statutes, to protect the integrity of an investigation or avoid unwarranted damage to an individual's good name or reputation.

(c) *The Governing Board delegates to the General Counsel, and Office of Counsel Attorneys the authority to:*

Accept service of process for the District or staff acting in their official capacity.

(R.M. No. 216; Res. No. 2009-614, § 1, 6-11-2009; Res. No. 2011-904, § 1, 9-8-2011)

Sec. 101-42. - Audit and Finance Committee and Internal Audit Delegations.

(a) *The Governing Board delegates from the Governing Board to the Audit and Finance Committee the authority to:*

(1) Assist the Governing Board in fulfilling the District's fiduciary and statutory responsibilities.

(2) Perform the financial reporting activities outlined in the Audit and Finance Committee Charter.

(3) Perform the District governance activities outlined in this Charter.

(4) Promote independence of the internal audit function.

(5) ~~The authority to act in~~ In conjunction with the Executive Director and the Inspector General, ~~to~~ prepare long-term and annual audit plans that include objectives and goals, audit schedules, staffing plans and financial budgets for Governing Board a~~A~~pproval.

(6) The Audit and Finance Committee selects and procures the selection of the independent certified public accountant to perform the annual financial audits.

(b) *The Audit and Finance Committee delegates to the Inspector General the authority to:*

Assist the Audit and Finance Committee Chair by providing planning and administrative support necessary for conducting committee meetings.

(c) *The Governing Board delegates to the Executive Director or designate the authority to:*

Request changes in the approved annual audit plan during the year, but these changes shall subsequently be submitted to the Audit and Finance Committee for approval.

(d) *The Governing Board delegates to the Inspector General:*

(1) The authority to have complete access to all District records and documents.

(2) The ability to request reasonable assistance from appropriate personnel in acquiring requested records and documents.

(3) Inspection privileges to all assets owned, leased or borrowed by the District.

(4) The ability to request reasonable assistance from appropriate personnel in locating assets owned, leased or borrowed by the District.

(5) Entry privileges to any and all facilities used by the District.

(6) Interview privileges, either written or oral, with all District management, staff and employees.

(7) The authority to conduct audits of all Divisions~~epartments~~, offices, activities and programs under the control of the District's Governing Board. Such audits may include operational, compliance, performance, and management functions.

(8) The authority to review the long-term and annual audit plans subject to Governing Board

approval.

(9) The authority to perform internal audits with proficiency and due professional care, and in accordance with Generally Accepted Governmental Auditing Standards (GAGAS) and the Standards for the Professional Practice of Internal Auditing as issued by the Institute of Internal Auditors.

(10) The authority to schedule a meeting with the Executive Director and respective audited Divisions~~epartment~~(s)/office(s) before issuing a final report.

(11) The authority to submit copies of the final audit report to all members of the Governing Board, Executive Director, and to the audited division(s)/~~Department(s)/~~office(s) after approval by the Audit Committee, and to retain a copy for permanent record.

(12) The authority to initiate and conduct any other audit or review deemed necessary after approval by the Audit and Finance Committee.

(13) The authority to advise in the development of performance measures, standards, and procedures for the evaluation of District programs.

(14) The authority to assess the reliability and validity of the information provided by the District on performance measures and standards, and to make recommendations for improvement, if necessary.

(15) The authority to review the actions taken by the District to improve program performance and meet program standards and make recommendations for improvement, if necessary.

(16) The authority to conduct, supervise, or coordinate other activities carried out or financed by the District for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations.

(17) The authority to initiate, conduct, supervise, and coordinate investigations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses in the District.

(18) The authority to conduct, supervise, or coordinate investigations, performance, financial, compliance, and electronic data processing audits of all Divisions~~epartments~~, offices, activities, and programs in accordance with Florida Statutes, Section 20.055, relative to the Agency Inspector General.

(R.M. No. 216; Res. No. 2003-626, 6-12-2003)

Cross reference— Audits, § 101-181 et seq.

Sec. 101-43. - Claims Settlement and Litigation.

(a) *The Governing Board delegates to the Executive Director, with written concurrence of General Counsel or designate, the following:*

(1) Authority to approve the settlement of any claims or lawsuits, ~~(~~except whistle-blower or discrimination claims,~~)~~ in the amount of $100,000 or less~~)~~.

(2) Authority to initiate any legal proceeding or claim in situations in which there exists an

immediate and significant threat of: harm to the natural resource; danger to the public health, safety and welfare; or financial loss or liability.

(b) *The Governing Board delegates to the General Counsel or designate the authority to:*

Approve the settlement of any claims or lawsuits, except whistle-blower or discrimination claims, in the amount of $25,000 or less.

(c) *The Governing Board delegates to the Executive Director the authority to:*

Adjust and pay all claims covered by the District's Self-Insurance Programs in the amount of $25,000 or less.

(R.M. No. 216)

Sec. 101-44. - Finance Delegations.

The following matters are hereby delegated from the Governing Board to the Executive Director:

(1) *Accounts Receivable:*

a. The authority to issue billings, maintain accounts receivable records, reconcile accounts receivable records, prepare monthly age and status reports, and prepare report of proposed write-offs.

b. The authority to request ~~for~~ i~~I~~nvoice ~~of~~ for (credit) sales or services to others.

c. The authority to approve credit, make collections, and follow-up on delinquent accounts.

d. The authority to approve the write-off of any delinquent account not to exceed $10,000.

(2) *Budgetary and Financial Control:*

The authority to approve budget transfers as stated in Section 110-25. ~~within major object codes within a fund and agency and budget transfers for capital project change orders within thresholds outlined in the District's Procurement policy.~~

(3) *Cash Receipts:*

The authority to establish and maintain procedures to administer the District's receipt and management of cash receipts.

(4) *Debt Management:*

a. The authority to develop and maintain procedures to administer this policy.

b. The authority to maintain adequate funding sources or credit facilities to meet the District's current long-term financial obligations and to ensure that all indebtedness is repaid within the legal timeframes.

(5) *Fixed Asset:*

a. The authority to act as custodian of District fixed assets.

b. The authority to approve all acquisitions of tangible personal property included in the approved budget.

c. The authority to declare fixed asset items as surplus.

d. The authority to oversee the management and control of District fixed assets, including their proper use and maintenance.

e. The authority to approve the disposal of fixed assets and to oversee the disposition of same.

(6) *Investment and Banking:*

a. The authority to develop and maintain procedures to administer this policy.

b. The authority to open and close bank accounts, invest funds, transfer funds between District investment and bank accounts, and sign disbursement checks with countersignature, if required, of the Chair or Vice Chair.

(7) *Petty Cash:*

The authority to establish and administer a petty cash fund in accordance with applicable statutory provisions, including the authority to approve procedures.

(R.M. No. 216; Res. No. 2003-626, 6-12-2003)

Cross reference— Finance policies, ch 110; finance procedures, ch. 210.

Sec. 101-45. - Human Resources Related Delegations.

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

(1) *Conflict Resolution:*

a. The authority to make final decision upon an employee appeal of a workplace conflict resolution.

b. The authority to approve administrative leave.

c. The authority to make decisions upon an appeal of a workplace conflict resolution by a Division Director.

d. The authority to make decisions upon an appeal of a workplace conflict resolution by an immediately preceding level of supervision.

e. The authority to make decisions regarding a workplace conflict.

f. The authority to administer policy.

(2) *Education Reimbursement:*

a. The authority to calculate and publish the undergraduate and graduate tuition reimbursement limits at the beginning of each fiscal year.

b. The authority to administer the Education Reimbursement Program.

(3) *Emergency Pay Practices:*

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

(4) *Employee Recognition:*

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

(5) *Employee Relocation:*

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

(6) *Management Employment:*

a. The authority to develop, communicate and administer management employment procedures.

b. The authority to designate all management jobs according to policy guidelines.

c. The authority to approve appointment and termination of all employees in a management employment job. EXCEPTION: The authority to appoint, discipline, or terminate the Inspector General~~, General Counsel, and Ombudsman~~ shall rest with the ~~respective appointing authority~~Governing Board.

d. The authority to suspend, demote, transfer, dismiss or take other personnel action against management appointees.

e. The authority to determine if any management appointee should be terminated for gross negligence or misconduct, or willful disregard for the District's public image. EXCEPTION: The authority to discipline the Inspector General~~, General Counsel, and Ombudsman~~ shall rest with the ~~respective appointing authority~~Governing Board.

~~f. The authority to develop and maintain a plan document for administering the Management Deferred Compensation Plan and appoint an administrative committee per the plan provisions.~~

f~~g~~. The authority to receive physician medical statements regarding an employee's ability to perform assigned duties.

(7) *Military Leave of Absence:*

The authority to implement this policy, including the reemployment of employees from military service.

(8) *Nepotism:*

a. The authority to administer the nepotism policy and to adopt procedures to implement the

policy.

b. The authority to make a final determination as to what action to take to resolve outstanding issues of nepotism, after consultation with affected employees, the ~~Department/~~Division Director, and the ~~Director~~ Bureau Chief of Human Resources.

(9) *Standards of Conduct and Corrective Action:*

a. The authority to administer the Standards of Conduct and Corrective Action Policy and to adopt procedures to implement the policy.

b. The authority to extend the deadline for taking corrective action beyond 20 working days from the date the Supervisor or Manager becomes aware of misconduct, provided a written request for extension is submitted by the Supervisor or Manager and approved within the 20-working-day time period.

c. The authority to authorize administrative leave.

d. The authority to review, prior to any action, all corrective action to be taken against an employee who is convicted of a felony or a misdemeanor of the first degree, as defined under state and federal law.

e. The authority to order corrective action by oral reprimand, written reprimand, reassignment of responsibilities, transfer, suspension, demotion and dismissal.

(10) *Telecommuting:*

a. The authority to direct the administration, interpretation, development, control and maintenance of the policy.

b. The authority to approve employees for participation in the programs.

c. The authority to administer the programs and to maintain appropriate records.

d. The authority to execute telecommuting agreements.

e. The authority to assure equity, compliance, productivity, and sound fiscal management of the program.

f. The authority to approve requests for employees requiring District equipment and services for telecommuting.

g. The authority to refer legal compliance issues to the Office of Counsel.

h. The authority to conduct periodic reviews to maintain competitive posture and legal compliance.

(11) *Temporary Assignment:*

a. The authority to approve requests for temporary assignment to non-appointed positions.

b. The authority to approve temporary assignment to appointed positions.

c. The authority to approve requests for temporary assignment to appointed positions.

d. The authority to establish a temporary position with work activities associated with special projects ~~which~~ that will not exceed one year in duration.

e. The authority to review requests for assignment to non-appointed positions.

(12) *Training:*

a. The authority to conduct training needs assessments for their staff using the Performance Planning and Evaluation System.

b. The authority to prepare agency-wide and division ~~resource area~~ level training plans and budget requirements.

(R.M. No. 216; Res. No. 2003-626, 6-12-2003)

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

Sec. 101-46. - Land Resources Delegations.

(a) *The Governing Board delegates to the Executive Director and General Counsel authority for the following:*

(1) Accepting or amending conservation easements that have been conveyed to the District in connection with the District's issuance of permits.

(2) Advising the Florida Department of Environmental Protection on the District's position (no objection/objection) to release ~~of~~ canal reservations held by the Board of Trustees of the Internal Improvement Trust Fund or the Board of Education.

(3) Approving utility easements on District lands to serve District facilities.

(4) Terminating leases or reservations of use of land for cause or convenience.

(5) Making determinations with regard to a displaced person's eligibility to receive relocation assistance benefits and the amount of the payment to be made to the displaced person as required under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended and as may be amended in the future. Such determinations include taking final agency action on a displaced person's relocation assistance benefits claim after a recommended order is issued in any formal administrative hearing held by the Division of Administrative Hearings.

(6) For those real estate transactions that are acted upon by the Governing Board, the following related matters to such transactions are delegated, including the execution of appropriate legal instruments:

a. Deciding the acceptability of title exceptions that affect the title to the property to be acquired.

b. Extending the time limits set forth in an Agreement for Sale and Purchase of real property and interests in real property, including but not limited to the time to close, review of title information, preparation and review of surveys and environmental audits, and such other time

extensions.

c. Approving ~~of~~ corrections to deeds, easements, and other recorded instruments, including legal descriptions, provided that such correction does not affect the purchase price, the price per acre, or require a re-appraisal of the value of the subject real property already approved by the Governing Board.

d. Approving assignments and amendments to Governing Board approved agreements for sale and purchase of land interests, and leases and reservations where such assignments and amendments do not affect the purchase price, the price per acre, or require a re-appraisal of the value of the subject real property and do not materially affect the terms of the Agreement for Sale and Purchase approved by the Governing Board.

(b) *The following are hereby delegated from the Governing Board to the Executive Director:*

Taking action with respect to real estate acquisitions as follows:

a. The authority to receive and evaluate all suggestions for selection of projects under the Save Our Rivers (SOR) program.

b. The authority to approve suggested projects for consideration.

c. The authority to provide direction to the SOR programs for the development of policies.

d. The authority to incorporate and prioritize projects currently on the District Strategic Plan with the SOR Five Year Plan.

e. The authority to direct the administration of Preservation 2000 requirements.

f. The authority to present proposals for selection of projects to include in the Five Year Plan to the Governing Board.

g. The authority to prepare the Acquisition Plan and Status Report annually, or more frequently if necessary.

(R.M. No. 216)

Sec. 101-47. - Procurement Delegations.

The following are hereby delegated from the Governing Board to the Executive Director:

(1) The authority to execute all procurement, revenue, and zero-dollar transactions, terminations, and other authority (see Definitions, section 155-3), except those items that specifically require Governing Board approval.

(2) The authority to develop and implement all practices and procedures necessary to carry out the provisions of this policy.

(3) The authority and the responsibilities covered by this policy can be delegated only to District employees.

(4) The authority to execute all contracts and agreements authorized by the Governing Board.

(5) The authority for maintenance responsibility and revision approval authority for the District procedures related to this policy.

(6) The authority to terminate, in writing, existing contracts with prior concurrence of the Office of Counsel.

(7) The authority to procure services without competition in emergency conditions not to exceed $500,000. These procurements must be documented in writing and reported to the Governing Board within 30 days.

(8) The authority to execute all procurement, revenue, and zero-dollar transactions, termination and other authority delegated to the Executive Director's respective designates.

(R.M. No. 216)

Sec. 101-48. - Regulatory and Planning Delegations.

The following ~~regulatory and planning matters~~ are hereby delegated from the Governing Board to the Executive Director and General Counsel:

(1) Approval of special case agreements that ~~to~~ deviate from the ~~Division of ERP~~ Environmental Resource ~~permitting~~ Permitting Bureau or enforcement responsibilities between the District and DEP.

(2) Review of, and recommendation of, appropriate changes to Chapter 298, Florida Statutes, Water Control District Water Control Plans, pursuant to Section 298.225, Florida Statutes.

(3) Issuance of general permits pursuant to Section 373.118(~~4~~-5), Florida Statutes.

(R.M. No. 216)

Sec. 101-49. - Risk Management Delegations.

The following matters ~~relating to risk management~~ are hereby delegated from the Governing Board to the Executive Director:

(1) The authority to administer the District's Risk Management policy and to develop the necessary procedures to support the District's Risk Management policy.

(2) The authority to administer the District's self-insured programs.

(3) The authority to administer the District's self-insured policy.

(4) The authority to investigate and settle claims in accordance with the District's Claims Settlement and Litigation Policy.

(R.M. No. 216)

Cross reference— Risk management policies, ch. 160; risk management procedures, ch. 260.

Sec. 101-50. - Travel Delegations.

The Governing Board delegates to the Executive Director:

(1) The authority to authorize and reimburse expenses for travel for District employees traveling on District Business, pursuant to Part I, Chapter 112, Florida Statutes.

(2) The authority to adopt and implement procedures for the authorization and reimbursement of travel expenses for District employees traveling on District business, pursuant to Part I, Chapter 112, Florida Statutes.

(R.M. No. 216; Res. No. 2003-626, 6-12-2003)

Cross reference— Travel policy, § 101-131 et seq.; use of district vehicle procedures, § 201-91 et seq.; travel procedure generally, § 201-131 et seq.

Sec. 101-51. - Vehicle Use Delegations.

The Governing Board delegates to the Executive Director:

(1) The authority to approve the assignment of twenty-four-hour vehicles to District employees who meet the established criteria.

(2) The authority to periodically validate the District's twenty-four-hour vehicle assignments and determine if their use meets the established criteria.

(3) The authority to administer the procedures for reporting the use of District vehicles in accordance with the Internal Service Regulations.

(4) The authority to develop and maintain procedures to administer this program.

(R.M. No. 216)

Cross reference— District aircraft use, § 101-161 et seq.; use of district vehicle, § 201-91 et seq.

Sec. 101-52. - Whistle-Blowers.

(a) *The Governing Board delegates the following to the Inspector General:*

(1) The authority to receive information, investigate data and report to the appropriate authorities at the conclusion of any investigation.

(2) The authority to determine within 20 days whether the information disclosed demonstrates reasonable cause to suspect an employee or agent of the District, or independent contractor of misconduct.

(3) The authority to determine within 20 days whether the source of the information is a person who is an employee or former employee of, or an applicant for employment with, the District.

(4) The authority to notify the complainant that the information disclosed does not demonstrate reasonable cause to suspect an employee or agent of the District, or independent contractor of misconduct.

(5) The authority to copy and return, upon request of the complainant, any documents and other materials that were provided by the complainant.

(6) The authority to decide whether an investigation is not necessary.

(7) The authority to inform the Governing Board, in writing, that the investigation is not necessary.

(8) The authority to inform the individual who made the disclosure of the specific reasons why an investigation is not necessary and why the disclosure will not be further acted on.

(9) The authority to submit to the complainant, within 60 days after the date on which a determination to conduct an investigation was made, a final written report that sets forth the findings, conclusions, and recommendations of the investigation, unless an investigation produces evidence of a criminal violation.

(10) The authority to notify the Governing Board and the Department of Law Enforcement, subject to applicable confidentiality requirements, if an investigation produces evidence of a criminal violation.

(11) The authority to notify the complainant that the complainant may submit to the Office of Inspector General comments on the final report.

(12) The authority not to disclose the name or identity of any individual who discloses in good faith to the Office of Inspector General information that alleges that an employee or agent of the District, or an independent contractor, has committed an improper act or violated a law.

(13) The authority to disclose the name or identity of any individual who discloses information after determining:

a. That the disclosure of the individual's identity is necessary to prevent a substantial and specific danger to the public's health, safety or welfare, or to prevent the imminent commission or a crime; or

b. That the disclosure is unavoidable and absolutely necessary during the course of the audit, evaluation or investigation; and

c. That the disclosure is made only to persons who are in a position to prevent the danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime.

(b) *The Governing Board delegates the following to the General Counsel:*

(1) The authority to act in the place of the Inspector General for all purposes under this policy, in the event a whistle-blower complaint or a complaint of retaliation concerns the Inspector General.

(2) The authority to act in the place of the Executive Director in the event a whistle-blower complaint or a complaint of retaliation concerns the Executive Director.

(c) *The Governing Board delegates the following to the complainant:*

The authority to submit to the Office of Inspector General comments on the final report.

(R.M. No. 216)

Secs. 101-53—101-70. - Reserved.

DIVISION 3. - DISTRICT AIRCRAFT USE [8]

(8) **Cross reference—** Use of district vehicles procedures, § 201-91 et seq.

Sec. 101-161. - Statements of Policy.
Sec. 101-162. - Use of Common Carriers.
Sec. 101-163. - Improper Use of Aircraft.
Secs. 101-164—101-169. - Reserved.

Sec. 101-161. - Statements of Policy.

(a) Any aircraft owned, leased, or operated by the South Florida Water Management District shall be available for official District business upon prior approval of the Governing Board, the Executive Director, or the Executive Director's designee.

(b) The Executive Director or Executive Director's designee will use the following criteria in determining what constitutes "official District business" to authorize use of District aircraft:

(1) Whether use of the aircraft is necessary to carry out Governing Board objectives or commitments or staff job assignments.

(2) Whether it is in the public interest to use District aircraft for transporting other public (non-District) officials and employees in furtherance of federal, state or local business, or in the performance of public service consistent with District objectives on a space-available basis.

(3) Whether, in the opinion of the Executive Director, an emergency exists requiring the use of District aircraft for the protection of life or property.

(c) District helicopters may not be assigned missions outside the geographical confines of the District unless authorized by the Executive Director.

(d) Use of District aircraft may not be assumed by any contractor in connection with providing any services to the District pursuant to a contract with the District.

(R.M. No. 28; Res. No. 2005-842, § 1, 8-10-2005)

Sec. 101-162. - Use of Common Carriers.

(a) As a general rule, the District requires that common carriers or alternate means of land transportation be used by District staff where such modes of travel~~, despite reasonable inconveniences to the traveler,~~ are less expensive than use of District aircraft. However, ~~Deputy Executive~~Division Directors may request and recommend to the Executive Office ~~for~~ approval for such use of District aircraft, in lieu of travel by common carrier, as exceptional conditions and needs may dictate. ~~or in order to limit the staff's non-productive travel time.~~ Such approval may only be granted by the Executive Director or his or her designee.

~~(b) The normal flight occupancy for each aircraft will be as follows:~~

~~Use Category~~	~~Total Number of Passengers~~
~~1. Governing Board Members, Executive Director, Assistant Executive Director, Deputy Executive Directors~~	~~One or more~~
~~2. District Staff~~	~~Minimum of three, except that rotary wing aircraft used for regulatory surveillance or information gathering or other job assignments (not for transportation from point to point) would only require a minimum of one~~
~~3. Others: public officials and employees, and invitees (when use of aircraft has been approved by Executive Director or Executive Director's designee)~~	~~Minimum of three~~

~~(c) The above minimum number of passengers may also be obtained through any combination of the above categories. However, the Executive Director, or his or her designee, may waive any of the above minimum requirements in an emergency or when the interests of the District so demand.~~

(b)~~(d)~~ Extra seats available on aircraft being utilized for official District business may be occupied upon prior approval by the Executive Director, or his or her designee, by persons whose travel is consistent with District objectives or for the purpose of providing services for the benefit of the public on a free-of-cost basis.

(c)~~(e)~~ No candidate for public office shall be transported on District aircraft solely for the purpose of furthering that person's candidacy.

(R.M. No. 28; Res. No. 2005-842, § 1, 8-10-2005)

Sec. 101-163. - Improper Use of Aircraft.

The Executive Director, upon notice of improper use of District aircraft, shall take such corrective action as may be justified under applicable state law, or District rules against the wrongdoer.

(R.M. No. 28)

Secs. 101-164—101-169. - Reserved.

DIVISION 3. - AUDIT AND FINANCE COMMITTEE CHARTER

Sec. 101-221. - Statements of Policy.
Sec. 101-222. - Authority.
Sec. 101-223. - Audit Responsibilities.
Sec. 101-224. - Finance Responsibilities.
Secs. 101-225—101-229. - Reserved.

Sec. 101-221. - Statements of Policy.

The District's Governing Board has the responsibility to District residents and taxpayers to properly account for public funds. In keeping with the adopted principles of sound financial management, the Governing Board establishes an Audit and Finance Committee to assist in its oversight responsibilities.

(R.M. No. 32; Res. No. 2004-357, 3-10-2004; Res. No. 2006-116, 1-11-2006; Res. No. 2007-918, 9-13-2007)

Sec. 101-222. - Authority.

(a) The primary responsibility for the District's financial reporting and internal operating controls is vested in senior management, as overseen by the Governing Board through its Audit and Finance Committee. The Audit and Finance Committee is a standing committee of the Governing Board. Its principal responsibilities are to see that appropriate accounting policies and internal controls are established that promote accountability and that the District issues financial statements and reports on time and in accordance with its legal obligations. The Audit and Finance Committee appointed by the Governing Board Chair will be composed of not less than three Board members. The Governing Board Chair shall appoint the Chair and Vice Chair of the Audit and Finance Committee. The duties and responsibilities of a member of the Audit and Finance Committee are in addition to those duties set out for a member of the Governing Board.

(b) The Board authorizes the Audit and Finance Committee to adopt reasonable rules of procedure to govern the conduct of its business, the scheduling of meetings, the establishment of a quorum, and other administrative matters. The Audit and Finance Committee shall furnish a copy of any adopted rules to the Board. The Audit and Finance Committee will be given adequate support to discharge its responsibilities. The Audit and Finance Committee shall ensure that the independent certified public accountants and the Inspector General will have unrestricted access to District personnel and public documents. The Audit and Finance Committee will meet on a quarterly basis, or more frequently as circumstances require and report its actions to the Governing Board with such recommendations as the Committee may deem appropriate.

(R.M. No. 32; Res. No. 2006-116, 1-11-2006; Res. No. 2007-918, 9-13-2007; Res. No. 2009-709, § 1, 7-9-2009)

Sec. 101-223. - Audit Responsibilities.

(a) *Financial Reporting.* The responsibility of the Audit and Finance Committee in the area of financial

reporting is to provide assurance that financial disclosures made by management reasonably portray the District's financial condition, the results of operations and plans, and long-term commitments. To accomplish this, the Audit and Finance Committee will

(1) Nominate the independent certified public accountants to the Governing Board.

(2) Review and approve the scope and plan for the annual audit and any nonaudit services to be performed by the independent accountant.

(3) Provide an open avenue of communications between the Inspector General, the independent certified public accountants, and the Governing Board.

(4) Review with management and the independent certified public accountants at the completion of their annual examination:

a. The District's annual financial statements and management letters, including management responses and plans to address the resulting recommendations.

b. Any significant changes required in the independent accountants' audit plan.

c. Any serious difficulties or disputes with management encountered during the course of the audit.

d. Any matters related to the conduct of the audit, which are to be communicated to the Committee under generally accepted auditing standards.

(5) View independent certified public accountants' performance.

(6) Commend, when appropriate, the discharge of the independent certified accountants to the Governing Board.

(b) *District Governance.* The Audit and Finance Committee will provide assurance to the Governing Board that District management is conducting District affairs ethically and is maintaining effective controls against employee conflict of interest, errors, and fraud. To accomplish this, the Audit and Finance Committee will:

(1) Review policies and management decisions related to accounting and recommend policy changes to the Governing Board, particularly those that result in any significant accounting accruals, reserves or estimates that had or may have a material impact on the financial statements.

(2) Review accounting changes or regulations proposed or adopted by bodies such as the Financial Accounting Standards Board, the Government Accounting Standards Board, and the Securities Exchange Commission that may materially affect the District.

(3) Review District policies relating to compliance with laws and regulations, ethics, conflict of interest, and the investigation of misconduct or fraud and review significant cases of employee conflict of interest, errors, or fraud.

(4) Review the Inspector General's annual work plan to determine that audit objectives and goals, the staffing plan, the budget, and audit schedules provide for adequate support of the Audit and Finance Committee's responsibilities. Apart from the annual work plan, the Committee will direct the Inspector General to study any particular areas of interest or concern that may occasionally arise.

(5) Direct the Inspector General to conduct investigations into any matters within the Committee's scope of responsibilities.

(6) Review and approve the audit reports issued in conjunction with the Inspector General's work plan and special audit work, including management responses and plans to address those areas identified during the audits.

(7) Discuss with the Inspector General and the independent certified public accountants the adequacy of the District's electronic data processing internal controls and procedures and inquire about the existence and adequacy of specific security programs to protect against computer fraud or misuse from within and outside the District.

(8) Require the Inspector General to report in writing annually on the activities of the office. Such report shall include, but need not be limited to:

a. A description of activities relating to the development, assessment, and validation of performance measures.

b. A description of significant abuses and deficiencies relating to the administration of programs and operations of the District disclosed by investigations, audits, reviews, or other activities during the reporting period.

c. A summary of each audit and investigation completed during the reporting period.

(9) View and monitor implementation of management's response to independent certified public accountants and the Inspector General's recommendations. The Inspector General will follow up on actions taken by management to implement audit recommendations. The Inspector General shall report at least annually the results of follow-up activity. Such report shall include, but need not be limited to:

a. A description of the recommendations for corrective action made by the Inspector General with respect to significant problems, abuses, or deficiencies identified.

b. An identification of the responsible District Department and the status of implementation.

(10) Review consultant reports such as cost allocation plans and fee studies.

(11) Assure necessary assistance is provided to other governmental agency auditors, including:

a. Access to District personnel and documents as appropriate;

b. The timing of the auditors' visits; and

c. Coordination with the Inspector General.

(12) Periodically review and recommend changes to the Internal Audit Charter to the Governing Board that explain the functional and organizational framework for providing services to management and to the Audit and Finance Committee, including the purpose, responsibility, authority, and reporting relationships of the Office of Inspector General.

(13) Review and approve the annual budget for the Office of Inspector General. The Audit and Finance Committee may consider comments to the annual budget by the Executive Director prior to

approval.

(14) Recommend appointment and termination of the Inspector General to the Governing Board. The Audit and Finance Committee will be responsible for the evaluation of the Inspector General's performance and related compensation. The percentage weight of the evaluation panel's review will be as follows:

Audit and Finance Committee Chair 25%

Audit and Finance Committee Vice Chair 25%

Remaining 50% divided equally among all other Audit and Finance Committee Members 50%

Total 100%

(R.M. No. 32, Res. No. 2004-357, 3-10-2004; Res. No. 2006-116, 1-11-2006; Res. No. 2007-918, 9-13-2007; Res. No. 2009-709, § 2, 7-9-2009)

Sec. 101-224. - Finance Responsibilities.

The responsibility of the Audit and Finance Committee in the area of finance is to review District financial strategies, policies, and programs and make recommendations to the Governing Board. Specifically, the Committee shall:

(1) Review and make recommendations to the Governing Board concerning management proposals for financing, and placement of long-term debt.

(2) Review short and long term investment strategies.

(3) Review methodology for financing long-term acquisition and divestitures proposed by District management.

(4) Review the District's risk management policies.

(5) Review other transactions or financial issues that management desires to have reviewed by the Audit and Finance Committee.

(6) Review such procurement matters and processes that management or the Governing Board desires to have reviewed by the Audit and Finance Committee.

(Res. No. 2007-918, 9-13-2007)

Secs. 101-225—101-229. - Reserved.

ARTICLE III. - BUDGETARY AND FINANCIAL CONTROL

DIVISION 1. - GENERALLY
DIVISION 2. - GENERAL FINANCIAL GUIDELINES
DIVISION 3. - SELF-INSURANCE

DIVISION 1. - GENERALLY

Secs. 110-16—110-20. - Reserved.

Secs. 110-16—110-20. - Reserved.

DIVISION 2. - GENERAL FINANCIAL GUIDELINES

Sec. 110-21. - Scope.
Sec. 110-22. - Purpose.
Sec. 110-23. - Definitions.
Sec. 110-24. - Statements of Policy.
Sec. 110-25. - Responsibilities.

Sec. 110-21. - Scope.

This policy establishes a financial structure, with defined classifications of expenditures, to be used by the District for budgetary reporting and financial control. This reporting and financial control includes, but is not limited to transfers, amendments, advertisements, budgetary performance reports, and budget resolutions.

(R.M. No. 26; Res. No. 2005-931, 9-14-2005; Res. No. 2005-1030, 10-12-2005)

Sec. 110-22. - Purpose.

(a) The purpose of this policy is to:

(1) Further define and specify general guidelines contained in Florida Statutes, Section 373.536, pertaining to budgetary and financial controls established for each of the state's five water management districts.

(2) Define the level at which the District establishes its budgetary and fiscal controls and classifies expenditures given the general guidelines established in Florida Statutes.

(3) Establish the fiscal level of control at which senior management must seek Governing Board approval to modify the approved fiscal year budget.

(b) This policy does not impact or modify the District's existing procurement and spending authorities or delegations established by other District policies.

(R.M. No. 26; Res. No. 2005-931, 9-14-2005; Res. No. 2005-1030, 10-12-2005)

Sec. 110-23. - Definitions.

For the purpose of this article, the following words and terms shall have the meaning respectively ascribed:

Budget Amendment means any action which increases or decreases total appropriation amounts by fund in the District's budget.

Budget Transfer means movement of budget authority within the District's financial structure (as outlined in section 110-24 of this policy).

Capital Outlay means commitment item ranges 580000 through 589999.

Capital Construction means budget authority for commitment items involving Land Improvements, Water Control Structures, and Buildings and Improvements, for which a separate budget transfer threshold is established in this policy.

Commitment Item Group means the grouping of commitment items based on type of expenditure (examples: personnel services, operating expenses, capital outlay, reserves and debt service).

Commitment Item means the grouping of expenditures according to the type of item purchased or service obtained.

Division and Office means an organizational unit within the District's organizational structure.

~~*Department*~~ Bureau means an organizational unit within a *division or office* within the District's organizational structure.

~~*Division*~~ Section means an organizational unit within a ~~*department*~~ *bureau* within the District's organizational structure.

Fiscal Level of Control means the level at which senior management must seek Governing Board approval to modify the approved fiscal year budget.

Fund means an account entity to record specific fiscal activities in accordance with legal requirements, special regulations, or specific restrictions, funding sources, or limitations. A fund is usually characterized by a self-balancing set of accounts.

Non-capital construction means budget authority for ALL commitment items NOT defined as capital construction.

Operating Expenses means commitment item ranges 530000 through 569999.

Personnel Services means commitment item ranges 510000 through 529999.

Functional Area (Program) means a group of activities or elements undertaken to achieve District goals and objectives as outlined in the District's strategic plan.

Funds Center represents the ~~departments and divisions~~, lowest organization unit for budgetary authority and spending activities within the District's organization structure.

~~*Resource Area*~~ Division and office represents a collection of related funds centers - ~~departments and divisions~~, bureaus and sections - under the direction of a single ~~Deputy Executive~~ Director.

Reserves and Debt Service means commitment item ranges 590000 through 599999.

(R.M. No. 26; Res. No. 2005-931, 9-14-2005; Res. No. 2005-1030, 10-12-2005)

Cross reference— Definitions and rules of construction, § 100-2.

Sec. 110-24. - Statements of Policy.

(a) The District shall establish and maintain a financial structure, with defined classifications of expenditures, consistent with Florida Statutes (Sections 200.065 and 373.536) and Generally Accepted Accounting Principles (GAAP).

(b) The District financial structure consists of the following levels of classification: fund, funds center, functional area, commitment item group, and commitment item as defined in section 110-23

(c) The District shall control, adopt and report expenditures by fund, ~~resource area~~ division or office, and functional area (program).

(d) The District shall review, monitor, track, and analyze expenditures for budgeted funds at levels of classification below levels specified for controlling, adopting and reporting expenditures. The lower level classifications may include: commitment item, funds center ~~(excluding the first two characters)~~, and commitment item group.

(e) Budget amendments shall be made according to the process outlined in Section 373.536, Florida Statutes.

(R.M. No. 2; Res. No. 2005-931, 9-14-2005; Res. No. 2005-1030, 10-12-2005)

Sec. 110-25. - Responsibilities.

(a) The Executive Director or his or her designee shall approve:

(1) Budget transfers in any amount for processes or capital projects provided that the transfers do not change the level of funding initially authorized by the Governing Board, but only change the ~~department or resource area~~ bureau, division or office administering the funds.

(2) Budget transfers in any amount for transfers of personnel, provided that budgeted personnel appropriations within a given budget fund are not exceeded.

(3) Budget transfers between ~~departments~~ bureaus within a ~~resource area~~ division or office in amounts not to exceed $150,000.00 for non-capital construction, and not to exceed $500,000.00 for capital construction.

(4) Budget transfers between elements within a program in amounts not to exceed $150,000.00

for non-capital construction, and not to exceed $500,000.00 for capital construction.

(b) Unless otherwise authorized pursuant to subsection (a), the Governing Board shall approve, by resolution adopted at a public meeting:

(1) Budget transfers between ~~resource area~~ division or office.

(2) Budget transfers between ~~departments~~ bureaus within a ~~resource area~~ division or office in amounts exceeding $150,000.00 for non-capital construction, and exceeding $500,000.00 for capital construction.

(3) Budget transfers between programs.

(4) Budget transfers between elements within a program in amounts exceeding $150,000.00 for non-capital construction, and exceeding $500,000.00 for capital construction.

(c) This authority shall be implemented by the Governing Board by adoption of a resolution at a public meeting authorizing budget transfers as set forth in such resolution.

(R.M. No. 26; Res. No. 2005-931, 9-14-2005; Res. No. 2005-1030, 10-12-2005; Res. No. 2011-219, § 1, 2-10-2011)

DIVISION 3. - SELF-INSURANCE

Sec. 110-26. - Scope.
Sec. 110-27. - Purpose.
Sec. 110-28. - Policy.
Sec. 110-29. - Responsibilities.
Secs. 110-30—110-40. - Reserved.

Sec. 110-26. - Scope.

(a) The District is exposed to various risks related to torts, theft, damage, destruction of assets, errors and omissions, injuries to employees, accidents and injuries resulting from public access to District lands and facilities, and natural disasters. The District's financial exposure for automobile and general liability is limited to $100,000.00 per person and $200,000.00 per occurrence pursuant to Section 768.28, Florida Statutes.

(b) The self-insurance program is accounted for in the District's general fund. Expenditures relating to these self-insurance costs are charged to other funds based on a cost allocation study. These expenditures include actuarial estimates prepared by an independent consultant firm in compliance with Government Accounting Standards Board Statement Numbers 10 and 30 ("GASB 10" and "GASB 30"). The actuarially-determined funding requirements are used to determine the amounts needed to pay prior and current year claims and to establish a reserve for catastrophe losses and for losses incurred but not reported at year end.

(c) Due to its large geographic area, diverse workforce and functionality, large number of assets, public access to District lands and facilities, and the many day-to-day risks faced by District in carrying out its

mission, the establishment and maintenance of self-insurance reserves that exceed actuarially-determined reserves is a prudent and sound business practice.

(Res. No. 2008-818, 8-14-2008)

Sec. 110-27. - Purpose.

The purpose of this policy is to allow an acceptable and reasonable maximum reserved fund balance to be maintained in its general fund resulting from retained earnings of ongoing estimated liabilities for workers' compensation, automobile and general liability claims exceeding the actuarially-estimated liabilities, plus the cost associated with actual claims incurred and paid out.

(Res. No. 2008-818, 8-14-2008)

Sec. 110-28. - Policy.

(a) The District may maintain a fund balance reserve for the self-insurance of workers' compensation, general and automobile liability claims, in excess of the most recent actuarially-estimated liability determination, of no more than $10,000,000.00 in excess of such determination.

(b) Annually, the District's recorded liability for insurance claims shall be re-assessed and adjusted as necessary considering actual claims paid during the year, and considering the estimates of recommended funding levels from the updated actuarial study.

(c) For financial statement (balance sheet) reporting purposes, a portion of fund balance shall be designated for insurance claims, the amount of which is based on the estimated liability at fiscal year end, plus any retained earnings resulting from estimated liabilities exceeding actual accumulated claims.

(Res. No. 2008-818, 8-14-2008)

Sec. 110-29. - Responsibilities.

(a) The Executive Director, or his or her designee, may maintain a reserved fund balance for self-insurance liabilities, as estimated by an independent actuarial determination, in its general fund of no more than $10,000,000.00 in excess of such determination.

(b) The Governing Board shall approve any exceptions, modifications, or adjustments to this policy and its noted established limitations.

(Res. No. 2008-818, 8-14-2008)

Secs. 110-30—110-40. - Reserved.

ARTICLE IV. - DEBT MANAGEMENT [12]

(12) **Editor's note—** Res. No. 2005-430, adopted April 13, 2005, enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter, consisted of §§ 110-41—110-45, and was derived from R.M. No. 26.

Sec. 110-41. - Purpose.
Sec. 110-42. - Scope.
Sec. 110-43. - Permissible Debt.
Sec. 110-44. - Debt Consideration Factors.
Sec. 110-45. - Short-Term Debt.
Sec. 110-46. - Long-Term Debt.
Sec. 110-47. - Measures of Debt Levels and Debt Issuance Limits.
Sec. 110-48. - Reserved.
Sec. 110-49. - Selection of Professionals.
Sec. 110-50. - Selecting Debt Sale Methods.
Sec. 110-51. - Financing Structure.
Sec. 110-52. - Debt Refundings.
Sec. 110-53. - Derivative Products—Interest Rate Hedge Contracts.
Sec. 110-54. - Compliance and Reporting.
Secs. 110-55—110-60. - Reserved.

Sec. 110-41. - Purpose.

(a) The purpose of this policy is to establish guidance for the issuance and management of the debt of the South Florida Water Management District (District) ~~(hereinafter referred to as the "District")~~. Debt includes short-term and long-term obligations issued by the District.

(b) This policy provides guidance when planning and evaluating alternative funding plans and decisions for capital projects. The Governing Board, District staff, and other participants are able to evaluate the impact of funding decisions on the District's debt position and credit quality. The policy and related guidelines enable the financial team to identify and address potential concerns and alternatives early in the capital planning and debt issuance process. It is important to manage the level of indebtedness in a manner which is both responsive to public trust and consistent with the District's Principles of Sound Financial Management.

(c) The District recognizes that borrowing money is at times an essential and cost-effective method of alternative financing needed to fund projects in carrying out its mission. The purpose of this policy is to adapt and implement sound debt management practices. It should aid in executing debt strategies that will continue the District's financial health and stability.

(d) Debt management helps accurately evaluate the impact of each financing decision on the District's debt position and credit quality. Sound debt issuance and management enhances credit quality and improves access to credit markets by demonstrating responsible management to credit analysts, underwriters, rating agencies and investors. Adherence to the policy should enhance the District's credit standing, improve the District's access to tax-exempt and taxable credit markets and

reduce costs of debt issuance.

(e) The policy includes, but is not limited to, traditional financing vehicles such as tax, revenue and/or bond anticipation notes; capital and operating leases, general obligation bonds; revenue bonds, commercial paper and certificates of participation.

(f) This policy is designed to:

(1) Set forth a liability management structure to facilitate the sound and efficient management of District debt, addressing both practical aspects of liability management and philosophical aspects.

(2) Provide guidelines that control the overall debt management process so that all liabilities are managed in accordance with stated objectives.

(3) Encourage and require communication between staff, the Board, District staff and the District's advisors (legal and financial).

(4) Develop formalized criteria for evaluating and establishing the basis for comparing actual performance results achieved by debt management.

(Res. No. 2005-430, 4-13-2005; Res. No. 2008-1020, 10-9-2008)

Sec. 110-42. - Scope.

The scope of this comprehensive debt policy covers all District borrowings authorized by Florida Statutes, Chapter 373 (Water Resources). This includes both general obligation debt and revenue supported debt and other forms of indebtedness including certificates of participation.

(Res. No. 2005-430, 4-13-2005)

Sec. 110-43. - Permissible Debt.

Debt is an integral part of the District's ongoing financial management program. Both short-term and long-term debt helps the District accomplish its core goals. Annual operating and capital revenues are cyclical, which may require the use of short-term financings. At the same time, the useful life of new and renovated facilities is often 30 years or more. As a result, it is prudent financial management to employ short-term and long-term financings as a cash management tool and to facilitate matching assets and liabilities.

(Res. No. 2005-430, 4-13-2005)

Sec. 110-44. - Debt Consideration Factors.

(a) This debt policy is one element of the District's financial service program strategy. However it must recognize that debt is but one tool in implementing that strategy. Its use commits the District to long-term fixed cost commitments. As a result, these commitments need balancing with the commensurate reduction of future discretionary spending.

(b) All planning participants need to review a number of factors when considering debt issuance. These include:

(1) The legal constraints and authority of Florida Statutes.

(2) The nature of projects to be financed: non-recurring major projects or recurring routine projects.

(3) The demand or requirement timeline for the project.

(4) The condition of the District's water control system infrastructure and other fixed assets and their need for replacement, or expansion.

(5) The urgency of the financing need and the economic cost of delaying.

(6) The balance between pay-as-you-go versus debt financing.

(7) The impact on current and future spending flexibility.

(8) The intergenerational equity of who should pay for the capital projects.

(9) The availability of alternative funding and debt repayment sources and future uses of those revenue streams.

(10) The overall impact on the District's financial condition.

(11) The current debt interest rates and the tax-exempt and taxable bond market.

This policy is set forth to provide a framework to apply the foregoing factors while assuring access to debt markets.

(c) The District shall project debt requirements on a five-year basis to facilitate better short-term decisions in light of other priorities that may arise and to examine the longer-range implications and effects of debt issuance. Debt plans and targets shall be reviewed annually in conjunction with the capital projects plan.

(d) In an effort to conserve debt capacity, the District shall borrow only when necessary and weigh pay-as-you-go capital financing to the extent practical. Financing alternatives other than debt financing shall be explored. Funding priorities should determine the validity of funded projects. Long-term borrowing shall not be used to finance current operations or normal maintenance.

(e) Ensuring adequate funding sources rests with the District's Executive Director ~~(or Chief Financial Officer)~~. This will be accomplished through the Executive Director's presentation of the District's annual budget to the Governing Board. Upon Governing Board approval of an annual budget in which borrowing has been determined to be a viable funding source, the District Treasurer is responsible for implementing a debt management plan.

(f) Failure to comply with any part of this policy shall not affect the validity of any indebtedness of the District. As a framework for debt issuance, deviation from the policy will be allowed ~~based on the recommendation of the Chief Financial Officer and~~ with Governing Board approval. However, every effort shall be made to comply with the policies and practices set ~~froth~~ forth herein. Any deviation from such policies and practices shall be justified due to extraordinary circumstances.

(Res. No. 2005-430, 4-13-2005; Res. No. 2008-1020, 10-9-2008)

Sec. 110-45. - Short-Term Debt.

(a) The District may issue obligations with a maturity of not more than one year ("Notes") to fund

anticipated short-term cash flow needs. Short-term borrowing may be used for the purposes authorized by law. Short-term debt, such as commercial paper, lines of credit with financial institutions, tax anticipation notes, or bond anticipation notes, may be used when it provides immediate financing and an interest cost advantage or the advantage to delay long-term debt until market conditions are more favorable.

(b) The following may be a factor for consideration when issuing short-term debt:

(1) Short-term debt is a vehicle to deal with temporary cash flow needs. This arises when cash receipts do not follow the same pattern as cash outlays.

(2) Short-term debt is also used to handle unexpected costs resulting from natural emergencies or other significant unexpected events.

(3) Short-term debt may be used in anticipation of issuing a long-term bond for capital financing. This form of financing offers an opportunity to borrow for short periods until the true, final costs of a project (e.g., a new field station facility or reservoir) are known or to accumulate capital costs until permanent financing is implemented by issuing long-term debt or to minimize negative arbitrage during construction.

(Res. No. 2005-430, 4-13-2005)

Sec. 110-46. - Long-Term Debt.

(a) Long-term borrowing shall not exceed the estimated life of the capital assets financed and shall not finance current operations or normal maintenance. Long-term financing is used to generate capital for financing the construction, purchase, or improvement of major fixed assets, and land.

(b) The District will not issue long-term debt obligations or use long-term debt proceeds to finance current operations (except when using excess proceeds to make debt service/lease payments as provided for in the financing documents). For purposes of this policy, long-term debt includes bonds, leases, certificates of participation and other similar obligations. The District may utilize long-term debt for the acquisition, construction or renovation of facilities or the acquisition of land or equipment that cannot be funded from current revenue sources or in such cases where it is more equitable to finance the facility or equipment over its useful life. The District may also issue long-term debt to refund all or a portion of its outstanding debt subject to limitations detailed in this policy. When debt is used to finance capital improvements, the financing term will be for a period not to exceed the useful life of the facilities or equipment with a preference that the final maturity not exceed 30 years from the issuance date.

(Res. No. 2005-430, 4-13-2005)

Sec. 110-47. - Measures of Debt Levels and Debt Issuance Limits.

The District's debt burden shall not exceed the benchmark levels, set forth below, and no additional debt shall be authorized if the projected debt burden would exceed such levels:

(1) The net debt-per-capita shall not exceed $350.

(2) Debt service shall not exceed 30% of revenues legally available to the District to pay debt service, including, but not limited to, the available ad-valorem revenues, related interest income thereon and permit fee revenue.

(3) The debt-to-assessed value shall not exceed .30% of the assessed value of property within the District.

(Res. No. 2005-430, 4-13-2005; Res. No. 2008-1020, 10-9-2008)

Sec. 110-48. - Reserved.

Editor's note— Res. No. 2008-1020, adopted Oct. 9, 2008, repealed § 110-48 which pertained to financing for Acceler8, the accelerated Comprehensive Everglades Restoration Plan projects, and derived from Res. No. 2005-430, adopted April 13, 2005.

Sec. 110-49. - Selection of Professionals.

Underwriters and other financing professionals will be selected through a Request for Proposals process. In addition, during the selection process, the following should be observed:

(1) All proposals should be evaluated by a selection committee;

(2) Each proposal should be evaluated independently by each selection committee member with no communication among grading committee members regarding the merits of any proposal;

(3) There shall be no lobbying of or communication with any Board member, employee of the District or selection committee member by any respondent to a Request for Proposal, its representative or lobbyist for such respondent, regarding the merits of the respondent's proposal. Each Request for Proposal shall include, but not be limited to, the following applicable provisions:

a. Each underwriter or other financing professional shall provide information on the outcome of any litigation or administrative proceeding, during the last two years prior to the date of the Request for Proposal, adverse to the underwriter or other financing professional in any matter related to the professional activities of the underwriter or other financing professional;

b. Each underwriter shall provide an estimate of the amounts for each component of the gross underwriting spread;

c. Each underwriter shall certify in their proposal that all information provided in the proposal is true and accurate and that they have complied with the prohibition on lobbying or communication with any Board member, employee of the District or member of the selection committee.

(Res. No. 2005-430, 4-13-2005)

Sec. 110-50. - Selecting Debt Sale Methods.

(a) Issuance of debt will be through a competitive sale unless a negotiated sale of bonds is supported by an analysis and recommendation that it would be more cost effective. The Following Method of Sale Guidelines shall be used. These guidelines apply to the sale of bonds, certificates of participation, loans, notes, lines of credit or any other form of indebtedness of the District.

Conditions Favoring a

Competitive Sale		
Conditions Favoring a Negotiated Sale		
Debt Structure		
Pledged Revenues	G.O. or Strong Revenue Stream	Non-Tax based or Project Supported Revenue
Security Structure	Conventional Resolution and Cash Flow; Rate Covenant and Coverage	Unusual or Weak Covenants
Debt Instrument	Traditional Serial and Term Bonds	Innovative, complex issues requiring special marketing, or refunding issues
Size	A smaller transaction size which can be comfortably managed	A larger size which the market cannot readily handle
Credit Quality		
Rating	"A" or Better	Below single "A"
Outlook	Stable	Uncertain
Issuer		
Type of Organization	Well Known, General Purpose	Special Purpose, Independent Authority
Frequency of Issuance	Regular Borrower in Public Market	New or Infrequent Issuer
Market Awareness	Active Secondary Market	Little or No Institutional Awareness
Market Conditions		
Interest Rates	Stable; Predictable	Volatile
Supply and Demand	Strong Investor Demand, Good Liquidity	Oversold, Heavy Supply
Changes in Law	None	Recent or Anticipated

(b) If a decision is made to incur debt on a negotiated basis, the following shall be observed in the execution of the transaction:

(1) A Financial Advisor knowledgeable and experienced with the type of transaction contemplated shall be retained to provide, at a minimum, advice and a written opinion as to the reasonableness of interest rate on the debt being incurred, the gross underwriting spread or any other fees and expenses on the transaction;

(2) Details of the transaction regarding gross spread and its components, participation levels for the underwriting syndicate, priority of orders that are acceptable to the District, designation policies to apply and any other provisions which determine the cost of the transaction to the District and the method of compensation for the financing professionals must be agreed to at least three days prior the execution of the transaction unless that time period is waived by the ~~Chief~~

~~Financial Officer and the~~ Executive Director.

(Res. No. 2005-430, 4-13-2005)

Sec. 110-51. - Financing Structure.

(a) The financing structure-consisting of principal amortization, call provisions, coupons/yields, credit enhancement, use of derivative products, etc-will be developed for each financing after considering relevant market conditions and then current practices. Each structure will be developed to provide the lowest long-term effective financing cost while considering all relevant risk factors and providing the greatest flexibility to extract additional value as market conditions change over time, i.e., refund debt, terminate swaps, etc.

(1) *Amortization Structure.* Principal should be structured to provide level debt service payments for the life of the transaction. "Wrapped debt service" and "bullet maturities" that defer the amortization of principal may be appropriate for certain financings, but should only be employed when deemed absolutely necessary.

(2) *Issuing Variable Rate Debt.* The District may issue variable rate obligations in amounts and in proportion to its fixed rate debt that meet with rating agency guidelines, the risks can be effectively managed, and the District and its Financial Advisor determine are appropriate to achieve the District's goals. In determining the proper amount of variable rate debt, the risks associated with variable rate debt must be carefully evaluated. Accordingly, the following risk factors shall be evaluated and taken into consideration or implemented prior to incurring variable rate debt:

a. Interest rate risk. This is the risk that short-term interest rates will increase and remain high over an extended period causing the District's cost of funds to increase over time or creating budgetary challenges if the interest cost exceeds the amount budgeted for debt service. Ways to manage the interest rate risk include limiting the amount of variable rate debt to a set percentage of total debt and establishing a limit on the amount of variable rate debt to a certain percentage of the District's short-term investments, thereby providing a hedge for the interest rate risk associated with variable rate debt. Ways to manage the effect on the budget include, but are not necessarily limited to, budgeting for debt service at an estimated high rate of interest or budgeting based upon a one-year historical average of short-term rates plus an additional amount of interest rate to provide for possible increases in short-term rates during the budget year. A system to monitor variable rates must be implemented in order to assess the effect on the budget, the overall and cost of capital and to ensure that interest rate resets are at market rate.

b. Renewal risk of external liquidity. Because short-term variable rate instruments typically have a feature which allows the investors to put the securities back to the District, a liquidity facility is normally used which provides sufficient money to satisfy the put in the event that the bonds cannot be remarketed to other investors. The duration of liquidity facilities are typically much shorter than the maturity of the variable rate debt creating the need to renew an existing liquidity facility or obtain a new liquidity facility. Relatively frequent renewal of a liquidity agreement creates the risk that liquidity costs will increase over time. The availability, terms and cost of liquidity facilities are also uncertainties which should be considered when evaluating the use of variable rate debt.

c. Tax risk. This is the risk of change in Federal tax rates which would cause tax-exempt

variable interest rates to increase permanently relative to taxable interest rates.

d. When evaluating a variable rate debt, there are costs in addition to those normally incurred with fixed rate bond issues which must be evaluated. Those additional costs include, but are not necessarily limited to, fees for remarketing agents, tender agents and liquidity providers.

(b) Credit Ratings. The credit review process incorporates both quantitative analysis (fund balance, debt levels, and wealth levels) and qualitative factors (management experience, political climate and policies/procedures). As a result, credit ratings provide an indication of both the short-term and long-term financial health of the District. Higher credit ratings also result in reduced borrowing costs and decreased cost of bond insurance.

(c) The District will exercise prudence and diligence in preparing its budget and managing its finances to maintain its current ratings and obtain rating upgrades that reflect the District's commitment to conservative financial management practices and will strive to achieve and maintain a superior investment grade bond rating for its obligations.

(d) Credit Enhancements. Credit enhancements (insurance, letters of credit, etc.) will be used only in those instances where the anticipated present value savings in terms of reduced interest expense exceeds the cost of the credit enhancement.

(e) Investing Debt Proceeds. Safety of capital is regarded as the highest priority in handling of investment of debt proceeds. All other investment objectives are secondary to the safety of capital. District staff and the Financial Advisor will develop investment strategies that are consistent with the investment policy and provide the maximum return while complying with this policy of safety and security being of paramount importance. Additionally, District staff, and the Financial Advisor will attempt to structure investments that allow the District to meet exceptions to the arbitrage rebate requirements in the Code. Debt proceeds are only to be invested in permitted investments, as defined in financing agreements, escrow agreements, resolutions, law and the District's written investment policy. Neither the District nor any other person under its control or direction will make any investment of bond proceeds in any manner that would cause the bonds to be deemed arbitrage bonds by the Internal Revenue Service. The District will comply with all federal tax arbitrage regulations.

(Res. No. 2005-430, 4-13-2005)

Sec. 110-52. - Debt Refundings.

The District will monitor outstanding debt in relation to existing conditions in the debt market and may refund any outstanding debt when sufficient cost savings can be realized. Debt may be refunded as long as the net present value savings meets District targets for refunding considering the then level of interest rates on historical basis and the term of the bond to be refunded. A target of 5% savings on the refunded obligations par amount is appropriate with minimum of at least 3% savings where market conditions, historical interest rates, and bond maturities make a lower threshold appropriate for consideration ~~by the Chief Financial Officer~~. Initial evaluation and documentation may be commenced at the three percent savings level. Additionally, unless circumstances warrant a deviation therefrom, the refunding bonds should be structured to achieve level annual savings and should not exceed the remaining life of the bonds being refunded. There may be other circumstances which warrant a refunding such as to restructure outstanding indebtedness or eliminate covenants deemed burdensome but such circumstances should be considered extraordinary to justify a refunding of outstanding debt.

(Res. No. 2005-430, 4-13-2005)

Sec. 110-53. - Derivative Products—Interest Rate Hedge Contracts.

(a) In structuring a particular financing, the District may employ the use of derivative products, which include, but are not limited to the following, interest rate swap agreements, interest rate exchange agreements, funding agreements, hedges, collars, options, puts or caps. In determining whether to apply a derivative product to a transaction, the District shall take into consideration all relevant risk factors, including, by way of example: (i) the creditworthiness of the provider of the derivative product provider (Counterparty Risk); (ii) the risk that the derivative may be terminated early and that a termination payment may be due from the District (Termination Risk); (iii) the risk that the payments received by the District under the derivative product do not correspond to the payments being made by the District on its underlying variable rate debt (Basis Risk); (iv) the risk that a change in federal tax would adversely affect the relationship between payments received under the derivative product and payments made on underlying debt (Tax Risk); and the risk that the District may not be able to assign the derivative product to another party (Liquidity Risk). Additionally, the District will work with its financial advisor to carefully structure a derivative product that best serves the needs of the District.

(b) Interest rate swaps, caps, collars and other hedging products (collectively referred to herein as "hedges") can be an effective tool to reduce financing costs, diversify certain risks and take advantage of unique market conditions. The District recognizes there may be occasion where it is prudent and useful to consider the use of such derivative products. The final decision to enter into such a contract will only be utilized in such cases where after careful analysis it is shown that the hedge will reduce risk or lower costs, and must be approved by the ~~Chief Financial Officer and~~ Executive Director prior to consideration by the Audit and Finance Committee of the Governing Board. The following list includes many of the conditions under which entering into a hedge may be appropriate:

(1) To achieve savings as compared to a traditional debt structure available in the bond market (both fixed and variable rate obligations).

(2) To achieve diversification of a particular debt offering.

(3) To reduce net interest expense within prudent risk guidelines.

(4) To prudently hedge risk in the context of a particular financing or the overall asset/liability management of the District.

(5) To incur variable rate exposure within prudent guidelines.

(6) To achieve more flexibility in meeting overall financial objectives than can be achieved in conventional markets, and

(7) The District has received an opinion acceptable to the market from a nationally recognized bond counsel firm that the agreement relating to the hedge is a legal, valid and binding obligation of the District and entering into the transaction complies with applicable state and federal laws, and

(8) Hedges shall not be used for speculative purposes.

In evaluating a particular transaction involving the use of hedges, the District shall review long-term implications including costs of borrowing, historical interest rate trends, variable rate capacity, credit enhancement capacity, opportunities to refund related debt obligations and other similar considerations.

Guidelines for such decision making will be outlined in the District's investment policy.

(c) General Guidelines. The District should follow the guidelines listed below in evaluating and recommending all hedge transactions:

(1) When using hedge instruments, the District should follow all guidelines established by Standard &~~amp;~~ Poor's, Moody's and any other nationally recognized rating service rating the District's debt.

(2) Ratings and Outstanding Obligations: Consideration should be given to the impact that any hedge agreement will have on the credit ratings of the District. The agreement should follow outstanding commitments with bond insurers, credit enhancers, and surety providers, if any.

(3) Existing Covenants: The hedge transaction must not conflict with existing covenants and debt policies.

(4) Long-Term Implications: In evaluating hedge transactions, the District should review the long-term implications associated with the proposed hedges including historical interest rate trends, bond capacity, and the potential impact on the ability to refund debt in the future.

(5) Accounting: The impact on the District's accounting should be determined before executing a hedge. The District should reflect the use of derivatives on its financial statements in accordance with generally accepted accounting principles and must comply with current GASB Technical Bulletins or other GASB issued directives.

(6) Prior to execution, the District should obtain estimates under various scenarios of the potential termination costs that might occur, and plan for how such costs would be funded.

(d) Counterparty Standards. Many hedges create an exposure to the creditworthiness of the firms that serve as the District's counterparties. To protect its interests, the District should use the following standards in choosing its counterparties.

(1) The District shall attempt to enter into hedges transactions with counterparties, at the time of the transaction, rated at least equal to the District, but in no event, lower than A-/A1/A by at least two of the three nationally recognized credit rating agencies (Standard &~~amp;~~ Poor's, Moody's, and Fitch Ratings, respectively) or the payment obligations of the Counterparty should be guaranteed by an entity with such ratings. Alternatively, the counterparty could post suitable and adequate collateral for the District's benefit or obtain credit enhancement that gets the counterparty to the "A" category levels.

(2) The counterparty must maintain a market for its derivative products.

(3) The counterparty should have presence in the municipal derivatives market and should have demonstrated experience in the successful execution of derivative transactions.

(e) Form of Agreements and Other Documentation. The hedges entered into by the District shall contain the terms and conditions set forth in the International Swap and Derivatives Association, Inc. ("ISDA") Master Agreement, including any schedules, credit support annexes and confirmations. The schedules and credit support annex should reflect specific requirements and business terms desired by the District for a particular transaction. Each agreement, including its modification and termination, should be approved by the Governing Board. Within the agreement documents, Events of Default should include the following:

(1) Failure to make payments when due.

(2) Material breach of representatives and warranties.

(3) Failure to comply with downgrade provisions or with any other provisions of the agreement after a specified notice period.

Upon certain credit rating events, the agreement should provide for the right of assignment by the affected party. If the District is the affected party, it should request that the counterparty post collateral or provide some other credit support. If the counterparty does not provide the required credit support, the District should have the right to assign the agreement to another counterparty and based on terms acceptable to both parties. The credit rating thresholds should be included in the documents. The mechanics for determining termination values at various times and upon various occurrences must be explicit in the hedge agreement. Prior to execution, the District staff and counsel will prepare a resolution pertaining to the transaction, and the resolution will contain the approval by the Governing Board to enter into the hedge transaction.

(f) Termination Provision. All swap transactions shall contain provisions granting the District the right to optionally terminate a swap agreement at any time over the term of the agreement. Such a provision shall be required even if any termination is at market. In general, exercising the right to terminate an agreement should produce a benefit to the District, either through the receipt of a payment from a termination or, if the termination payment is made by the District, in conjunction with a conversion to a more beneficial debt obligation of the District or by the purchase of a similar product from others, all as determined by the District.

(g) Evaluation and Management of Derivative Risks. The ~~Chief Financial Officer and the~~ District's Financial Advisor shall review all proposals prior to presentation to the Audit and Finance Committee. Only proposals that the District, in its sole discretion, believes should be considered further given, for example, the projected savings or other benefits and the ability to meet one or more of the objectives outlined herein shall be presented to the Committee. Before entering into a hedge, the District should assess all the risks inherent in the transaction. Certain risks will inevitably be created as the District enters into hedging transactions, and the District should periodically evaluate these risks and exposures. In addition to the risks detailed below, market-access, interest rate, tax, and bankruptcy risks should all be evaluated. Below are guidelines for the management and mitigation of certain risks.

(1) *Counterparty Risk:* The risk of a defaulting counterparty (or counterparty's insurer) that will not fulfill its obligations according to the agreement should be evaluated and managed.

a. The District should require that the counterparty meet the counterparty standards (described previously).

b. If the counterparty's credit rating is downgraded below the specified threshold, the District should require that its exposure to the counterparty be collateralized according to the terms of the Credit Support Annex.

c. The District should also diversify its exposure to counterparties. Before entering into a transaction, the District should determine its outstanding exposure to the relevant counterparty and determine how the proposed transaction will affect that exposure. The exposure should not only be measured in notional amount but also in how the change in rates would affect the fair values.

d. The District should give written permission prior to the transfer of the hedge agreement from the counterparty to another counterparty. The District should not authorize the transfer of the agreement to another counterparty unless the replacement counterparty fits the counterparty standards detailed above.

e. The District should require collateralization if the credit of the counterparty negatively changes as a result of a merger or acquisition.

(2) *Termination Risk:* The risk that a hedge's unscheduled end will affect the District's asset/liability strategy or will present the District with a significant unanticipated termination payment to the counterparty can be mitigated in the following ways:

a. The District should have the right to optionally terminate an agreement at any time at the market value of the hedge at the time of termination (as long as a counterparty receiving payment upon termination is not in default). Exercising this right should generally be in the District's favor, either with the receipt of a termination payment or if a termination payment is made by the District, with a change to a more beneficial position in relation to the District's debt. The termination value should be determined by the Second Method Market Quotation.

b. Upon downgrade or default by either party, a termination payment by the District may be required. In some instances, the defaulting party will be required to make a termination payment to the non-defaulting party. However, sometimes the non-defaulting party may be required to make a payment to the defaulting party. Prior to making a termination payment to a defaulting counterparty, the District should evaluate whether it is financially advantageous for the District to obtain a replacement counterparty or make the termination payment.

c. The District, upon a counterparty default, should require that the termination occur on the side of the bid-offer spread that is most beneficial to the District. This would allow the District, if it desires, to replace the defaulting counterparty with another counterparty at no cost to the District.

(3) *Term Risk:* The District should determine the appropriate term for a hedge agreement on a case-by-case basis.

a. In choosing the appropriate term, the slope and steepness of the curve, the change in rates and/or cost from year to year along the curve, potential termination values, and the impact that the term of the hedge has on the overall exposure to the District should all be considered.

b. The term of any agreement should not exceed the final maturity of the District's bonds or other obligations issued or outstanding in connection with the agreement.

(4) *Liquidity Risk:* Before entering into a hedge agreement, the District should consider the liquidity of the proposed transaction (if enough firms actively participate in the market for the proposed transaction to allow the District, if it wishes, to assign the trade and/or to have more transparent, fair pricing).

(5) *Basis Risk:* Basis risk arises when the variable rates on the hedged item and the rates on the hedge are based on different indices. This variance can adversely affect the District's payments and/or synthetic interest rates and the savings may not be realized.

a. If there is not a direct relationship between the indices of the hedge and the underlying hedged item, the risk should be analyzed prior to execution of the hedge.

b. The index chosen as the basis of the hedge should be a recognized market index such as The Bond Market Association Index or London Interbank Offering Rate (LIBOR).

(6) *Tax Risk:* The risk that changes or proposed changes in the tax laws or events relating to the tax-exempt status of the governmental entity's obligations or of tax-exempt obligations generally will cause interest rates on the debt of the governmental entity to increase.

(7) *Interest Rate Risk:* The risk that an adverse move in variable rates increases the overall cost of borrowing.

(h) Collateralization. As appropriate, the District, in consultation with its Bond Counsel and Financial Advisor, may require collateral or other credit enhancement to be posted by each swap counterparty. At a minimum, collateral requirements shall be subject to the following guidelines for the District and the counterparty.

(1) The counterparty is required to post collateral should the credit rating of either party fall below the "A-/A1/A" category by at least two of the nationally recognized rating agencies.

(2) Acceptable collateral is cash, treasuries, and AAA rated agency securities. The valuation of the collateral will be mutually agreed upon during negotiation of the agreement.

(3) The collateral should be marked-to-market periodically, either daily, weekly, or monthly, by an independent third party.

(4) Failure by either party to collateralize when required under the agreement will be considered a default.

(5) The hedge agreement should provide the minimum transfer amount and reasonable threshold amounts for the posting of collateral.

(Res. No. 2005-430, 4-13-2005; Res. No. 2008-1020, 10-9-2008)

Sec. 110-54. - Compliance and Reporting.

(a) *Disclosure Policy.* The District will:

(1) Provide full and fair disclosure in connection with the initial sale and distribution of its publicly marketed debt instruments and to provide ongoing secondary market information, in compliance with the requirements of applicable Federal and State securities laws, rules and regulations, including Securities and Exchange Commission Rule 15c 2-12.

(2) Follow a policy of full disclosure in all financial reports and official statements issued for indebtedness.

(b) *Budget Debt Service Payments.* Annually the ~~District's Chief Financial Officer will include in the~~ proposed budget presented to the Governing Board for its consideration and approval <u>will include</u> the appropriations necessary to make the required debt service and lease payments during the fiscal year.

(c) *Compliance with Financing Covenants, Federal and State Law.* The District shall comply with all

covenants and requirements of financing resolutions, and State and Federal laws authorizing and governing the issuance and administration of debt obligations including all Federal tax law requirements to maintain the tax-exempt status of interest on the District's debt.

(d) *Bond Yield Arbitrage Monitoring.* The District shall prepare or cause to be prepared annual arbitrage calculations to monitor the earnings on its debt proceeds for each debt series and determine whether a rebate is necessary.

(Res. No. 2005-430, 4-13-2005)

Secs. 110-55—110-60. - Reserved.

ARTICLE V. - FIXED ASSETS [13]

(13) **Cross reference—** Land resources, ch. 140.

Sec. 110-61. - Scope.
Sec. 110-62. - Purpose.
Sec. 110-63. - Definitions.
Sec. 110-64. - Introduction.
Sec. 110-65. - Statements of Policy.
Sec. 110-66. - Responsibilities.
Secs. 110-67—110-80. - Reserved.

Sec. 110-61. - Scope.

The District acquires and/or constructs tangible personal property and real property (e.g., land, interest in lands, land and improvements, buildings, water control structures, etc.) as may be necessary in order to provide for works of the District which will protect and conserve water and water-related resources, and otherwise support its operations, fulfill its missions and effectuate the purpose of Chapter 373, Florida Statutes. This policy document publishes District policies governing fixed asset responsibilities, capitalization, classification, acquisition, disposal, transfer, tagging, physical inventory and reporting.

(R.M. No. 152; R.M. No. 193)

Sec. 110-62. - Purpose.

The purpose of this policy is to provide guidance in acquiring, managing and disposing of tangible assets of the District. This policy establishes general rules that, when combined with associated guidelines, provide an organized source of information regarding the requirements necessary to maintain control over District assets and demonstrate stewardship to outside parties.

(R.M. No. 152; R.M. No. 193)

Sec. 110-63. - Definitions.

For the purpose of this article, the following words and terms shall have the meanings respectively ascribed:

Condemnation means the process by which the right of eminent domain is exercised, or the act of government invested with the right of eminent domain to take private property for public use and benefit, upon payment of just compensation.

Custodian means the ~~Department~~Bureau/Office Director who is delegated physical custody and stewardship responsibility for the property of the District assigned to the ~~Director's Department~~Bureau or Office.

Depreciation means an element of expense resulting from the use of long-lived assets. It is measured by

allocating the expected net cost of using the asset (original cost less estimated salvage value) over its estimated useful life in a systematic and rational manner.

Eminent Domain means the right or power of the government to take private property for public use upon payment of just compensation.

Estimated Useful Life means the total utility of the asset expressed in time of a Depreciable Asset (known as physical life). The utility of an asset to a specific owner, expressed in time, is called service life.

Fair Market Value means the price at which a willing seller would sell to a willing buyer, neither under any compulsion to buy or sell.

Fixed Asset means an item of property that is tangible in nature, has an economic useful life longer than one year, maintains its identity throughout its useful life, is not repair parts or supplies and has significant value.

General Fixed Assets means fixed assets other than those accounted for in the proprietary funds or trust funds.

Just Compensation means the compensation due to a property owner whose property has been taken by government exercising its power of eminent domain through condemnation proceedings. A final determination of just compensation is determined through such proceedings.

Physical Inventory means the process of ascertaining that a specific asset is physically present at the location as recorded on the property records.

Property Clerk means the Custodian's designee to perform the administrative duties as stipulated under guidelines and procedures developed to administer this policy.

Proprietary Funds means a classification of funds whose activities closely resemble those of ongoing businesses in which the purpose is to conserve capital and add to basic resources while meeting operating expenses from current revenues.

Real Property means the surface of land, improvements, and everything permanently attached or growing thereon, as well as the airspace above and the ground below, including the rights or interest thereto including leases, assignment of leases and subleases. This includes but shall not be limited to mineral rights, houses, barns, outbuildings, utility buildings, fences, water control structures, pumping stations, growing crops, fruit trees, permanent plant facilities, and appurtenances to the land.

Salvage Value means an estimate of the amount that will be realized at the end of the useful life of an asset.

Surplus Property means property declared by the Custodian as obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function.

Tangible Personal Property means items of a non-consumable nature with a value that meets the current State of Florida value threshold and which have a normal expected life of one year or more.

(R.M. No. 152; R.M. No. 193)

Cross reference— Definitions and rules of construction, § 100-2.

Sec. 110-64. - Introduction.

(a) Maintaining a complete and accurate accounting for fixed assets of significant value is fundamental to sound financial management. The responsibilities of stewardship involved in safeguarding such a large public investment is of the utmost importance. This responsibility can only be discharged effectively through adequate fixed asset accounting.

(b) A good system of fixed asset accounting:

(1) Facilitates overall control and custody of the District's property;

(2) Permits the assignment of direct responsibility for custody and proper use of specific fixed assets to individual public officials;

(3) Provides data essential to the proper costing of services and setting of rates and fees; and

(4) Provides data essential to the property management of fixed assets.

(c) To meet the test of full disclosure, an accounting of fixed assets is required for the preparation of a satisfactory and complete financial report.

(R.M. No. 152; R.M. No. 193)

Sec. 110-65. - Statements of Policy.

(a) *Scope and Organizational Responsibilities for Fixed Assets.* The scope and purpose for the accounting of, and control over, fixed assets and the organizational roles and responsibilities of District ~~Departments and Managers~~Bureaus and Sections for fixed asset custody and record keeping shall be outlined.

(b) *Fixed Asset Capitalization.* Definitions of fixed assets and the guidelines for their capitalization shall be established in accordance with generally accepted accounting principles and the rules of the Auditor General.

(c) *Fixed Asset Classification and Useful Lives.* A structure shall be established for the classification of fixed assets and their associated useful lives.

(d) *Acquisition Through Purchase.* Fixed assets shall be recorded at original (historical) cost, and if appropriate, plus or minus the effects of claims and judgments arising from the acquisition of assets (e.g., recoveries from contractors of judgments against the District).

(e) *Acquisition through Donation, Condemnation or Exchange.* Assets acquired through donation, condemnation or eminent domain and exchange shall be recorded in the appropriate fixed assets account classification using established valuation methods.

(f) *Capital Leases.* A lease shall be classified as a capital lease and capitalized if it meets the criteria set forth in generally accepted accounting principles.

(g) *Asset Systems.* A careful distinction shall be made in the definition and determination of individual fixed assets in those cases where a property unit is composed of distinguishable sub-units. These property units which are comprised of interdependent parts or sub-units acquired to be used together in normal operations shall be referred to as asset systems. The ~~Director of Accounting and Financial~~

~~Services~~Finance Bureau Chief, in consultation with other District Managers, shall determine the classification of asset systems.

(h) *Improvements and Betterments.* Expenditures attributable to individual assets after the asset has been placed in service shall be capitalized if such expenditures meet established policy guidelines.

(i) *Constructed Assets.* All construction work-in-progress costs shall be reported in a separate asset classification in either the General Fixed Asset Account Group or in the appropriate proprietary or trust fund. The asset under construction shall be transferred from construction-in-progress to the appropriate fixed asset classification when the construction project is completed and the asset is ready for its intended use.

(j) *Grant Funded Assets.* Fixed assets acquired in whole or in part with grant funds shall be controlled and accounted for in accordance with the Federal Office of Management and Budget, OMB Circular A-102 (revised), as well as requirements outlined in the Uniform Requirements for Grants and Cooperative Agreements with State and Local Governments as published in the Congressional Federal Register (CFR), subject to the specific requirements of the individual grantor agencies.

(k) *Retirement and Disposal of Fixed Assets.* Assets that can no longer be economically utilized shall be approved for retirement and disposal by the Executive Director in coordination with the ~~Director of General Services~~General Services Section Administrator and ~~Department/Office Directors~~Bureau Chief/Section Administrators.

(l) *Controlling and Safeguarding Fixed Assets.* All fixed and controllable assets under custody shall be assigned an identification number and tag. All controllable assets, as well as other fixed assets subject to pilferage, shall be appropriately safeguarded.

(m) *Physical Inventory.* Current and accurate fixed asset physical inventory records shall be maintained by Accounting, through annual physical inventories of tangible personal property conducted by user ~~Departments and Divisions~~Bureaus and Sections.

(n) *Transfer of Fixed Assets.* Timely reporting of fixed asset transfers shall be provided to Asset Management by area Property Clerks to ensure custodial responsibilities, accountability and maintenance of accurate fixed asset records.

(o) *Fixed Assets Reporting.* Reporting and disclosure requirements shall be in accordance with current Generally Accepted Accounting Principles (GAAP) for governmental entities, including pronouncements of the Governmental Accounting Standards Board (GASB) and authoritative literature codifying governmental accounting principles and methods, including publications of the Government Finance Officers Association (GFOA) and the American Institute of Certified Public Accountants (AICPA), as well as pronouncements of the Financial Accounting Standards Board (FASB), as appropriate.

(p) *Records Maintenance.* Fixed asset records shall be maintained for the life of each asset and retained in accordance with the District retention requirements for accounting records.

(R.M. No. 152; R.M. No. 193)

Sec. 110-66. - Responsibilities.

(a) The Governing Board has the ultimate authority and responsibility for District fixed assets as custodian in accordance with Chapter 274, Florida Statutes. In its custodial capacity, the Governing Board delegates control over District fixed assets to the Executive Director or delegate.

The Governing Board specifically approves all acquisitions of capital outlay items including fixed assets via the budget review process.

(b) The Executive Director, and/or ~~delegatee~~designee, is responsible for the management and Control of District fixed assets, including their proper use and maintenance.

(1) Only the Executive Director, or ~~delegatee~~designee, may grant approval for the loan of property for other than District use.

(2) The Executive Director has approval authority for all acquisitions of tangible personal property included in the approved budget. In addition, the Executive Director, or ~~delegatee~~designee, authorizes the disposition of fixed assets. The Executive Director, or ~~delegatee~~designee, also declares fixed asset items as surplus. All dispositions are required to be recorded in the minutes of Governing Board meetings annually.

(c) The ~~Chief Financial Officer~~Finance Bureau Chief, or ~~delegatee~~designee, is responsible for developing and maintaining policies, procedures, guidelines and accounting records necessary to administer District fixed assets through its appropriate ~~Departments~~Bureaus/Offices.

(1) The ~~Chief Financial Officer~~Finance Bureau Chief is responsible for establishing fixed asset accounting and reporting procedures, approving any subsequent procedural changes and defining record keeping requirements in conformity with Generally Accepted Accounting Principles (GAAP) for governmental entities. The ~~Accounting and Financial Services Director~~Finance Bureau Chief is responsible for communicating fixed asset accounting policies to the ~~Director of General Services~~General Services Section Administrator, the ~~Director~~Section Administrator of Real Estate, the ~~Director~~Bureau Chief of Engineering and Construction, the ~~Director~~Bureau Chief of Information Technology and ~~the Director of~~ Fleet Management, and for communicating policy requirements to the end user ~~Department~~Bureaus.

(2) The ~~Accounting and Financial Services Director~~Finance Bureau Chief works with the above responsibility areas and their representatives, as necessary, to ensure compliance with the established fixed asset accounting policies and to verify the accuracy of the fixed asset accounting records for financial disclosure. The ~~Accounting and Financial Services Director~~Finance Bureau Chief reviews the fixed asset accounting system to verify and ensure the system provides the desired results.

(3) The ~~Director of General Services~~General Services Section Administrator, or ~~delegatee~~desingee, is responsible for coordination and control over the District physical inventory process and the transfer and disposition of tangible personal property. In carrying out these duties, the ~~Director of General Services~~General Services Section Administrator shall:

a. Define inventory procedures for ~~Departments~~ Bureaus/Offices to follow in carrying out the inventory and assist in the reconcilement process, coordinating with the Finance Bureau~~the Accounting and Financial Services Division~~.

b. Establish and coordinate periodic inventories of District personal property.

c. Assist in the development of standardized forms and inventory control procedures, and confirm that ~~Departmental~~ Bureau/Offices procedures and practices are consistent throughout the District.

d. Coordinate the disposal/retirement of District tangible personal property assets and obtain approval for disposition from the Executive Director ~~Director~~.

e. Coordinate, through Fleet Management, the disposal/retirement of vehicle and rolling stock assets of the District.

f. Coordinate, through the Information Technology Bureau ~~Department~~, the disposal/retirement of computer equipment assets of the District.

g. Register and secure title and license for any property acquired other than vehicles and boats.

(d) The ~~Director~~Bureau Chiefs of Real Estate, Engineering and Construction, or ~~delegatees~~designee, are responsible for the acquisition, management and disposition of all District real property, including improvements thereon. The ~~Director~~Bureau Chiefs of Land Management, Real Estate, Engineering and Construction are also responsible for managing and processing all transactions relating to these activities and for recommending to the Executive Director and the Governing Board their approval and acceptance on behalf of the District.

(1) Representatives of the ~~Director~~Bureau Chiefs of Real Estate, Engineering and Construction, and Land Management advise the ~~Accounting and Financial Services Division~~Finance Bureau when a real estate transaction has been completed and provide sufficient supporting information concerning the transaction in a timely manner to allow for the accurate recording of the fixed assets in the fixed asset system.

(2) The ~~Director~~Bureau Chiefs of Real Estate, Engineering and Construction are responsible for the maintenance and safeguarding of real property records such as deeds, maps, closing statements and listings.

(3) The Engineering and Construction ~~Department~~Bureau provides sufficient supporting information identifying and itemizing project costs in a timely manner to allow for the accurate recording of the fixed assets in the fixed asset system.

(e) ~~The~~ Fleet Management ~~Director~~ is responsible for the development of technical specifications for the acquisition, coordination of physical control, and declaration of surplus items, and for providing assistance to the ~~Director of General Services~~General Services Section Administrator regarding ultimate disposal and disposition of fleet equipment and rolling stock. ~~The~~ Fleet Management ~~Director~~ is responsible for securing titles for, registering and licensing all vehicles and boats. ~~The~~ Fleet Management ~~Director~~ is also responsible for the continuous assessment of fleet equipment utilization and recommendations concerning the use, maintenance and redeployment of fleet equipment within the District.

(f) The ~~Director~~Bureau Chief of Information Technology, or delegate, is responsible for development of technical specifications for the acquisition and coordination of computer equipment, for the declaration of surplus items, and for providing assistance to the ~~Director of General Services~~General Services Section Administrator ~~—~~regarding the ultimate disposal and disposition of computer equipment. The ~~Director~~Bureau Chief of Information Technology, or delegate, is responsible for the continuous assessment of computer equipment utilization and for recommendations concerning the use, maintenance and redeployment of computer equipment within the District.

(g) ~~Department/Office Directors~~Bureau Chief/Office Directors/Section Administrators are delegated

physical custody and stewardship responsibility for the property of the District assigned to their areas. This includes all classes of assets: land, buildings, water control structures, equipment (including rolling stock and computer equipment) and construction-in-progress. Stewardship responsibilities may be delegated within the ~~Department~~Bureau in those instances defined in terms of ~~Divisions~~Sections, locations, and ~~sections~~ areas within the responsible ~~Department~~Bureau and, wherever possible, to the employee assigned responsibility for the individual asset.

(1) ~~Department/Office Directors~~Bureau Chief/Office Directors/Section Administrators annually conduct a full inventory of tangible personal property under their stewardship in accordance with procedures established by the ~~Director of General Services~~General Services Section Administrator. The ~~Department/Office Director~~Bureau Chief/Office Directors/Section Administrator's signature on the inventory report attests to the accuracy and completeness of the physical inventory. The completed signed inventory reports are provided to the ~~Director of General Services~~General Services Section Administrator in accordance with the inventory schedule. Results of the annual inventories are also provided to the ~~Accounting and Financial Services Division~~Finance Bureau. Completion of the inventory schedule occurs on or before the end of each fiscal year to ensure that the balances recorded in the fixed asset system at year's end reflect the results of the annual inventory. Results of such inventories are reconciled to the official asset records, with discrepancies investigated and either resolved or explained by the appropriate ~~Director~~Bureau Chief/Office Directors/Section Administrator/Custodian.

(2) As assets are reported as lost or stolen, the ~~Department/Office Directors~~Bureau Chief/Office Directors/Section Administrators or ~~delegatees~~ designees will attempt to locate the asset or account for its loss.

(3) ~~Department/Office Directors~~Bureau Chief/Office Directors/Section Administrators may designate individuals as "Property Clerks" to perform administrative duties to assist the ~~Director~~Bureau Chief/Office Directors/Section Administrator, which may include the following:

a. Assist ~~Director of General Services~~General Services Section Administrator in the physical inventory for the respective ~~Department~~Bureau/Office/~~Division~~Section;

b. Document any changes in the inventory of property assigned such as transfers, lost or stolen items, destroyed items, or declaring property as surplus;

c. Assist in the tagging of assets; and

d. Assist in maintaining a complete inventory listing of property.

(h) For questions related to this policy, contact ~~the~~ Asset Management ~~Specialist~~ staff in the General Services ~~Division~~Section, or the following:

Subject	Contact
Coding requisitions as capital outlay	~~Accounting and Financial Services Director~~Finance Bureau Chief
Transfers of property between locations	~~Director of General Services~~General Services Section Administrator
Disposal of property	~~Director of General Services~~General Services Section Administrator
Tagging of assets	~~Fixed Assets Accountant~~Asset Management Staff

Policy clarifications	~~Accounting and Financial Services Director~~Finance Bureau Chief
Physical inventory of tangible property	~~Director of General Services~~General Services Section Administrator

(R.M. No. 152; R.M. No. 193)

Secs. 110-67—110-80. - Reserved.

ARTICLE VIII. - PROPERTY ACQUISITION AND DISPOSITION [14]

(14) **Cross reference—** Land resources, ch. 140; donation of surplus property, § 210-101 et seq.

Sec. 110-161. - Policy and Purpose.
Sec. 110-162. - Land Acquisition.
Sec. 110-163. - Sale or Exchange of Surplus Lands.
Sec. 110-164. - Rights of Entry.
Sec. 110-165. - Lease of Lands.
Sec. 110-166. - Releases and Non-Use Commitments.
Sec. 110-167. - Conveyances to Other Governmental Entities.
Sec. 110-168. - Fee Schedule.

Sec. 110-161. - Policy and Purpose.

(a) When used in this policy, the terms "land" or "lands" shall mean and refer to real property, land and/or interests in land.

(b) When used in this policy, the terms "Governing Board" or "Board" means the Governing Board of the District.

(c) It is the policy of the District to acquire such land as may be necessary to provide for works of the District to protect and conserve water and water-related resources, and to otherwise effectuate the purposes of Chapter 373, Florida Statutes. It is further the policy of the District to sell, exchange, lease, release or otherwise dispose of such land which, in the discretion of the District, is of no present or apparent future use to the District.

(d) This policy provides the procedures by which the District may acquire land and the terms and conditions under which the District may sell, exchange, lease, release or otherwise dispose of land.

(e) The District is concerned with the protection of environmentally sensitive areas, especially those in which the District has a property interest. Therefore, applications for sales, exchanges, leases, easements, rights of entry, releases or non-use commitments in the Water Conservation Areas and other environmentally sensitive areas are discouraged. Such applications will be evaluated on a case-by-case basis and will be denied if the sale, exchange, lease, easement, right of entry, release or non-use commitment would adversely impact the environmentally sensitive area.

(R.M. No. 42)

Sec. 110-162. - Land Acquisition.

(a) The District may acquire land necessary to effectuate its public purposes.

(b) Land acquisition shall be accomplished as follows:

(1) Purchase or exchange through negotiations;

(2) Donation;

(3) Lease; or

(4) Condemnation, if land cannot be acquired by other means.

(c) Acquisition Procedures; Negotiations.

(1) Upon determination of land requirements, descriptions sufficient to identify the lands to be acquired shall be prepared pursuant to section 110-162(e).

(2) Ownership information shall be obtained and reviewed in order to determine the title to the land being acquired.

(3) The District shall determine the approved appraised value of the lands being acquired pursuant to section 110-162(f), but may enter into a contract to purchase subject to obtaining such appraisal.

(4) All agreements to acquire land shall be subject to approval by the Board and shall be reduced to writing unless the Board determines that the agreement does not need to be reduced to writing.

(5) The District may accept donations of land. In such event, the provisions of section 110-162(c)(1), (2), and (4) shall be followed.

(d) Acquisition Procedures; Condemnation.

(1) When the District has condemnation authority to acquire such land, the Executive Director ~~of the Construction and Land Management Department~~ or the Director's designee may send a memorandum to the Office of Counsel which shall include:

a. A request for a resolution to institute eminent domain proceedings;

b. Identification of parcels by tract number; and

c. The legal interest or estate considered for acquisition.

(2) Proceedings in eminent domain shall not be commenced until authorized by the Board, with the advice and consent of the appropriate Basin Board (as defined in Section 373.0693, Florida Statutes) whenever Basin (as defined in Section 373.0693, Florida Statutes) funds will be utilized for such acquisition.

(3) The Board may adopt a resolution authorizing the institution of eminent domain proceedings in accordance with applicable law.

(e) Surveys.

(1) In order to determine the location, acreage and legal description of land to be acquired, the District may obtain a survey.

(2) In the event a survey is not obtained, the District shall then use the best available data in order to arrive at the boundaries and acreage of the land to be acquired.

(3) All surveys shall meet the minimum technical standards for land surveying in the State of

Florida as adopted by the Florida State Board of Surveyors and Mappers.

(f) Appraisals.

(1) All lands to be acquired shall be appraised by at least one real estate appraiser, except as provided in section 110-162(c)(5). Notwithstanding the foregoing, unless the funding source requires obtaining an appraisal or an appraisal is otherwise required by statute, appraisals will not be required for:

a. Acquisitions where the District estimates the value of the land to be less than $5,000; or

b. Acquisitions in projects where the Board adopts a specific policy permitting certain acquisitions of lands without obtaining an appraisal; or

c. Acquisitions in projects where the District has obtained a generic appraisal.

(2) If approved by the Executive Director or the Director's designee, District-approved appraisals from other government agencies or non-profit organizations cooperating with the District on acquisitions may be used to establish approved appraised values.

(g) Notwithstanding the provisions of section 110-162(c), (e) and (f), pursuant to Section 373.056, Florida Statutes, the District may accept conveyances of land from governmental bodies as may be necessary to effectuate its public purposes, upon terms and conditions approved by the Board.

(R.M. No. 42)

Sec. 110-163. - Sale or Exchange of Surplus Lands.

(a) *Generally.* The District may sell or exchange surplus District lands. District lands are considered surplus when:

(1) They are not required for present or future works of the District;

(2) They are not required for present or future recreational development;

(3) They have no apparent present or future utility in the District's land management program;

(4) They have been declared surplus by the Board;

(5) In the event the lands to be declared surplus were acquired with funds from the Water Management Lands Trust Fund, it is determined that they are not required for District or project purposes pursuant to Section 373.59, Florida Statutes; and

(6) In the event the lands to be declared surplus were acquired with funds from the Florida Preservation 2000 (P2000) Trust Fund, it is determined that:

a. Such land no longer needs to be preserved in furtherance of the Florida Preservation 2000 Act; and

b. Such disposition would not have the effect of causing all or any portion of interest on any P2000 bonds to lose their exclusion from gross income for purposes of federal income taxation.

(b) *Application.* Requests to purchase or exchange surplus District lands shall be accompanied by the fee required in Rule 40E-9.965, Florida Administrative Code, and shall include the following information:

(1) The applicant's name and address;

(2) A sketch and an accurate legal description, including the acreage, of the land. If the sketch is not adequate to identify the land to the satisfaction of the District, the District may require a boundary survey, prepared in accordance with section 110-162(e)(3);

(3) A statement of the proposed use or development of the land;

(4) A statement evidencing that the proposed sale or exchange is not contrary to the public interest; and

(5) Other survey or engineering data necessary to evaluate the request for sale or exchange.

(c) *Terms and Conditions—General.*

(1) The Board shall determine whether the land requested is surplus and available for sale or exchange and upon what terms and conditions land determined to be surplus may be sold or exchanged.

(2) A certified appraisal of the lands to be sold or exchanged, prepared and dated within 120 days prior to the sale or exchange, must be obtained. The District may require the applicant to provide such appraisal or may make such appraisal itself. If the District requires the applicant to provide such appraisal, then it shall be made by an appraiser with qualifications acceptable to the District. If the District elects to make the appraisal, the applicant shall immediately deposit the estimated cost of the appraisal with the District. The District reserves the right to reject any and all appraisals Notwithstanding the foregoing, based upon Section 373.089(4), Florida Statutes, which provides in part that the Board "may pay or receive any sum of money that the Board considers necessary to equalize the value of exchanged properties," with respect to exchanges where the District estimates the value and/or utility of the interest to be received by the District equals or exceeds the value and/or utility of the interest to be conveyed by the District and therefore obtaining an appraisal would result in an unnecessary expenditure of funds, the Board may waive obtaining an appraisal.

(3) Surplus land may be conveyed to an appropriate governmental entity. The provisions of section 110-167 shall apply to such conveyances.

(4) All sales or exchanges shall be for cash or upon such terms and security as approved by the Board. Deeds shall not be executed and delivered until full payment has been made and all terms and conditions have been met.

(5) All costs of the sale or exchange shall be assumed by the applicant or successful bidder, including but not limited to the fees specified in Rule 40E-9.965, Florida Administrative Code, actual surveying and appraisal expenses, advertising fees, state documentary and surtax stamps and all recording fees.

(6) Simultaneously with declaring land surplus, the Board may release the oil, gas and mineral reservations required to be reserved pursuant to Section 270.11, Florida Statutes, provided the applicant submits to the District a statement of reasons justifying such release that is acceptable to the District.

(7) Other than granting releases of easements described in section 110-166(c) to the underlying fee owner pursuant to the provisions of section 110-166, easements described in section 110-166(c) may not be declared surplus for sale or conveyance to any person or entity other than a governmental entity or governmental agency.

(8) The District may issue and receive documents and instruments to clarify or clear title to District lands as well as lands of others upon terms and conditions approved by the Board, including entering into boundary agreements, as well as issuance by the District of quitclaim deeds or disclaimers with respect to lands in which the District has determined that it has no interest or wishes to assert no interest. Such actions are considered curative measures, not sales or exchanges of surplus District lands, and are therefore exempt from the other requirements and provisions of this section except that applicants will be required to submit applications in accordance with section 110-163(b).

(9) Before the District may grant easements with respect to lands acquired pursuant to the Florida Preservation 2000 Act, the requirements of Section 259.101(7), Florida Statutes, must be complied with.

(d) *Terms and Conditions Specific to Public Sales of Surplus Lands.*

(1) Prior to any public sale of surplus lands, the District shall publish a notice of intention to sell as required under Section 373.089, Florida Statutes. All sales shall be conducted pursuant to Section 373.089, Florida Statutes.

(2) The District reserves the right to reject any and all bids or offers.

(3) All funds received from the sale of surplus lands which were originally acquired with funds from the Water Management Lands Trust Fund shall be used to purchase other lands meeting the criteria specified in Section 373.59, Florida Statutes.

(4) All funds received from the sale of surplus lands which were originally purchased with funds from the Florida Preservation 2000 Trust Fund must be deposited into the Florida Preservation 2000 Trust Fund pursuant to Section 259.101(6)(c), Florida Statutes.

(5) If required by Department of Environmental Protection rules, the District shall notify the Department of its pending Governing Board action in connection with the disposal of land as well as the pending transfer of title to District lands in accordance with the Department's rules.

(e) *Terms and Conditions Specific to Exchanges of Surplus Lands.*

(1) Prior to any exchange of surplus lands, the applicant shall provide evidence of marketable title in the applicant to the applicant's land and other title assurances satisfactory to the District.

(2) All lawfully assessed taxes shall be paid by the applicant.

(3) All lands to be exchanged which were originally acquired with funds from the Water Management Lands Trust Fund shall be in return for other lands meeting the criteria specified in Section 373.59, Florida Statutes. All funds received in connection with an exchange of lands which were originally acquired with funds from the Water Management Lands Trust Fund shall be used to purchase other lands meeting the criteria specified in Section 373.59, Florida Statutes.

(4) If required by Department of Environmental Protection rules, the District shall notify the

Department of pending Governing Board action in connection with the exchange of land as well as the pending transfer of title to District lands in accordance with the Department's rules.

(f) *Terms and Conditions Specific to Utility Easements.* In the event a utility requires the District to grant to such utility a utility easement across District lands as a condition to providing utility service to District property, such easements are not considered a sale or exchange of District lands and therefore shall be exempt from the other requirements and provisions of this section. The terms and conditions of such utility easements shall be as determined and approved by the Board.

(R.M. No. 42)

Sec. 110-164. - Rights of Entry.

(a) The District may enter into right of entry agreements for the purpose of allowing access to lands that the District owns or has an interest in to conduct specific limited activities. Such agreements do not convey interests in real property. With respect to such agreements which are for periods not to exceed one year, they may be approved and executed by the Executive Director, or the Director's designees, on behalf of the District.

(b) The District may enter into right of entry agreements for the purpose of entering lands of others in order to conduct specific activities. With respect to such agreements which are for periods not to exceed one year, they do not convey interests in real property and they may be approved and executed by the Executive Director, or the Director's designees, on behalf of the District.

(c) Any right of entry agreement referenced in section 110-164(a) or (b) which exceed one year in duration or contain additional terms and conditions which would otherwise require Board approval pursuant to the District's Procurement and Contracting Policy shall require Board approval.

(R.M. No. 42)

Sec. 110-165. - Lease of Lands.

(a) *General.* The District may lease any lands, including but not limited to oil, gas and mineral rights, to which the District has or may hereafter acquire title as long as the lease is consistent with the purposes for which the lands were acquired, for the best price and terms obtainable as determined by the Board. Additionally, the District may also utilize its existing Request for Proposal and Request for Bid procedures to meet the requirements of this section.

(b) *Application.*

(1) Requests for leases shall be accompanied by the fee required in Rule 40E-9.965, Florida Administrative Code, and shall include the following information:

a. The applicant's name and address;

b. An accurate legal description including the acreage of the land; and:

1. A sketch, or

2. If the sketch is not adequate to identify the land to the satisfaction of the District; the District may require a boundary survey, in accordance with section 110-162(e)(3);

c. A statement of the proposed use of the land;

d. A statement evidencing that the proposed lease is not contrary to the public interest and is consistent with the purposes for which the land was acquired; and

e. Other survey or engineering data necessary to evaluate the request for lease.

(2) In the event the lease is made in conjunction with a land acquisition as provided in Section 373.093(3), Florida Statutes, the foregoing provisions of section 110-165(b)(1) shall not apply.

(c) *Terms and Conditions.*

(1) The Board shall determine whether the land is available for lease.

(2) Except in cases where the District estimates the rental value of the lease to be less than $500 per year, an appraisal of the lands to be leased, prepared and dated within 120 days prior to the date the proposed lease is to be considered by the Board, must be obtained. The District may require the applicant to provide such appraisal or may make such appraisal itself. If the District requires the applicant to provide such appraisal, then it shall be made by an appraiser with qualifications acceptable to the District. If the District elects to make the appraisal, the applicant shall immediately deposit the estimated cost of the appraisal with the District. The District reserves the right to reject any and all appraisals.

(3) Except where the lease is made in conjunction with land acquisition and the lease results in diminution of the District's land acquisition costs, the District shall publish a notice of intention to lease in a newspaper published in the county in which the land is situated, and such other places as the Board may determine, once each week for three successive weeks (three insertions being sufficient), the first publication of which shall be not less than 30 nor more than 45 days prior to the date the proposed lease is executed by the District, required under Section 373.093, Florida Statutes. The notice will solicit sealed bids, or proposals if appropriate, from interested parties. The applicant must submit a sealed bid, or proposal if appropriate, in order to be considered.

(4) The District reserves the right to reject any and all bids or proposals.

(5) If the District accepts a bid or proposal, the successful bidder/proposer will be notified in writing. All bids or proposals accepted by the District shall be subject to execution by the successful bidder/proposer and the District of a lease on terms and conditions approved by the District within the time frames set for in section 110-165(c)(3) above.

(6) All costs of the lease shall be assumed by the applicant or successful bidder/proposer including but not limited to the fees specified in Rule 40E-9.965, Florida Administrative Code, actual surveying and appraisal expenses, advertising fees, state documentary and surtax stamps and all recording fees.

(7) All leases shall be prepared by the District and shall be on the terms and conditions approved by the District. Upon execution of a lease by the successful bidder/proposer and the District, the District will deliver a copy of the executed lease agreement to the lessee.

(8) Upon execution of the lease, the land shall be placed on the tax rolls in the lessee's name.

(9) Before the District may lease land acquired with funds from the Florida Preservation 2000 Act, the requirements of Section 259.101(7), Florida Statutes, must be complied with.

(10) Before the District may lease land acquired with funds from the Water Management Lands Trust Fund, the requirements of Section 373.59, Florida Statutes, must be complied with.

(R.M. No. 42)

Sec. 110-166. - Releases and Non-Use Commitments.

(a) *General.* In addition to the sale or exchange of easements as surplus lands in the manner and procedure as set forth in section 110-163, the District may release or agree not to exercise any easement, reservation or right-of-way interest as provided herein.

(b) *Application.* Applications for releases and non-use commitments shall be made on forms provided by the District, accompanied by the fee required in Rule 40E-9.965, Florida Administrative Code. All such applications shall include the following information:

(1) The applicant's name and address;

(2) An accurate legal description, including the acreage, of the land;

(3) A survey, sketch or recorded plat;

(4) The name of any unit of local government within which the land is located. Units of local government include counties, municipalities and drainage or county water management Districts;

(5) The current and proposed land uses;

(6) The current and proposed zoning, including a description of the pertinent zoning classifications;

(7) A certificate of ownership which shall provide satisfactory evidence that the applicant is the owner of record of the subject land. Such evidence shall consist of either a current title insurance policy, title commitment issued by a title insurance company authorized to do business in the State of Florida, or an opinion of title prepared by a member of the Florida Bar. The burden shall be on the applicant to demonstrate, to the satisfaction of the District, the applicant's status as underlying fee owner or agent. The word "current" as used in this paragraph shall mean no more than six months old;

(8) In the event that the applicant is any person or entity holding the real property which is the subject of the release in the form of a partnership, limited partnership, corporation, trust, or any form of representative capacity whatsoever for others, the applicant shall provide an affidavit disclosing all persons and entities having a beneficial interest in the property in the form required by the District; and

(9) A copy of the easement, reserving deed, or other information relating to the easement or reserving deed, including number, date, recording data and grantee.

(c) *Terms and Conditions Specific to Canal Reservations, Right-of-Way Interests, Canal Easements and Canal Maintenance Easements.*

(1) District Canal Reservations, Right-of-Way Interests, Canal Easements and Canal Maintenance Easements. The District may release, upon application of the underlying fee owner or its agent, any District canal reservations, right-of-way interests, canal easements, and canal

maintenance easements in whole or in part under the following circumstances:

a. The District determines that the lands in the requested release are not required in the overall flood control project, or any District project, or for use in an area in which there is not an existing secondary plan of water control; or

b. The lands are in an area with a secondary plan of water control that has been designed and approved and the right-of-way requested to be released is not required in said plan; and

c. The District determines that such reservation or easement, or portion thereof, to be released has no other present or apparent future use to the District.

(2) Trustees of the Internal Improvement Trust Fund and State School Board Canal Reservations. Rule 15Q 011(2), Florida Administrative Code, requires District approval prior to releases of canal reservations reserved by the Trustees of the Internal Improvement Trust Fund or the State School Board. Upon receipt of a copy of a Department of Environmental Protection release application, accompanied by the fee required in Rule 40E-9.965, Florida Administrative Code, the District will process such application in the same manner and with the same criteria as an application for release of District canal reservations. However, since the District holds no interest in these reservations, with respect to parcels that are less than five acres, approval may be determined by the Executive Director~~ of the Construction and Land Management Department~~, or the Director's designee, without the necessity of obtaining Board action.

(3) Upon receipt of an application, the District will seek the concurrence of appropriate governmental entities having a possible use for the canal reservations, right-of-way interests, canal easements or canal maintenance easements to be released. The governmental entities shall have 30 days from date of notice to respond. Failure of any such governmental entity to respond within the allotted time frame shall constitute an indication of no objection.

(4) All releases shall be according to terms and conditions approved by the Board. Such conditions may include:

a. With respect to releases applicable to any right-of-way interests, canal easements or canal maintenance easements for which the District originally paid consideration to obtain, it may be a condition of such release that the applicant pay to the District at least the pro rata share of that portion of the right-of-way interest, canal easement or canal maintenance easement to be released originally paid by the District.

b. In the event the District only releases a portion of the right-of-way interest, canal easement or canal maintenance easement applicable to the applicant's land, the District, as a condition of such partial release, may require the applicant to execute such documents and instruments required by the District in order to clarify, further define and/or improve the quality of title of the interest to be retained by the District. In such event, the applicant will be required to provide title assurance acceptable to the District.

c. The District may require the applicant to make such improvements and to assume ongoing maintenance responsibilities to the canal, canal bank and any overbank areas, such as installation of sea walls, rip-rap and other structures and improvements determined to be appropriate by the Board.

d. The District may require such other terms and conditions which are determined by the

Board to be appropriate in connection with a specific release.

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

(1) State road reservations. The Florida Department of Transportation has approved the requested release.

(2) County road reservations. The County Engineer of the affected county has approved the requested release.

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

(1) Releases.

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

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

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

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

(2) Non-Use Commitments. The District may agree not to exercise rights of ingress and egress reserved with oil, gas and mineral reservations if the lands do not qualify for a release under section 110-166(e)(1). The District may issue a non-use commitment under the following conditions:

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

b. The lands are to be used for residential, industrial, commercial, conservation, governmental, or preservation purposes;

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

d. The provisions of this section 110-166(e) shall not apply to oil, gas and mineral reservations to be reserved pursuant to section 270.11, Florida Statutes, which are released pursuant to section 110-163(c)(6). If such oil, gas and mineral reservations to be reserved pursuant to Section 270.11, Florida Statutes, are not released pursuant to said section 110-163(c)(6), then any subsequent application made by an applicant for release thereof shall be treated in accordance with the procedures and provisions of this section 110-166(e).

(f) *Terms and Conditions Specific to Easements Other Than Those Referenced in Section 110-166(c), (d) and (e).* In addition to the sale or exchange of easements as surplus lands in the manner and procedure as set forth in section 110-163, easements acquired by the District, other than those easements and reservations referenced in section 110-166(c), (d) and (e), may be released, upon application of the underlying fee owner or its agents, under the procedure provided for the sale or exchange of District surplus lands as set forth in section 110-163. Since a release made in response to an

application by the underlying fee owner, or its agents, is not considered a sale of District lands, the provisions of section 110-163(d)(1) shall not be applicable. As a condition of such release, the applicant shall be required to pay to the District the appraised value of the easement to be released as determined in accordance with section 110-163(c)(2).

(R.M. No. 42)

Sec. 110-167. - Conveyances to Other Governmental Entities.

(a) *General.* The District may convey, dedicate, lease, exchange, or grant lands to other governmental entities, including state agencies, counties, municipalities, drainage or county water management Districts or other governmental bodies, all on terms and conditions approved by the Board. Any conveyance, dedication or grant shall be to effectuate the public purposes of the other governmental entity.

(b) *Easements.*

(1) Applications. Requests for easements across District lands shall comply with the provisions of section 110-163(b) and shall set forth the public need for the request.

(2) Terms and Conditions:

a. Before the District may grant easements with respect to lands acquired pursuant to the Florida Preservation 2000 Act, the requirements of Section 259.101(7), Florida Statutes, must be complied with.

b. Except in cases where the District estimates the value of the requested easement or right-of-way to be less than $5,000, an appraisal of the lands to be sold or exchanged must be prepared and dated within 120 days prior to the date the proposed easement or right-of-way is to be considered by the Board. The District may require the applicant to provide such appraisal or may make such appraisal itself. If the District requires the applicant to provide such appraisal, then it shall be made by an appraiser with qualifications acceptable to the District. If the District elects to make the appraisal, the applicant shall immediately deposit the estimated cost of the appraisal with the District. The District reserves the right to reject any and all appraisals.

c. The Board may require such other terms and conditions which are determined appropriate by the Board.

(3) Utility Easements. In the event any utility requires the District to grant to such utility a utility easement across District lands as a condition to providing utility services to District property, such easements shall be exempt from the other requirements and provisions of this section 110-167(b). The terms and conditions of such utility easements shall be as determined and approved by the Board.

(c) *Dedications of District Lands.*

(1) Applications. Requests for dedications of District lands shall include the following information:

a. A request for dedication by the applicant, setting forth the public need, the proposed specific public use, the legal description and acreage of the land sought, the use of the proceeds from the land and its use, manner of administration, whether commercial

concessions are contemplated, and assurance as to the development and use within a specified time;

b. A sketch and accurate legal description, including the acreage, of the land. If the sketch is not adequate to identify the land to the satisfaction of the District, the District may require a boundary survey prepared in accordance with section 110-162(e)(3);

c. A copy of the development plan; and

d. Other survey or engineering data necessary to evaluate the request for dedication.

(2) Terms and Conditions:

a. Before the District may grant dedications with respect to lands acquired pursuant to the Florida Preservation 2000 Act, the requirements of Section 259.101(7), Florida Statutes, must be complied with.

b. The Board may require such other terms and conditions which are determined appropriate by the Board.

(d) *Use of Canal Reservations for Secondary Construction.*

(1) Applications. Requests for use of canal reservations held by the District or which are subject to transfer to the District from the Board of Trustees of the Internal Improvement Trust Fund for secondary construction shall include the following information:

a. The governmental entity's name and address;

b. A sketch of the lands showing the proposed secondary drainage project to be covered by the requested transfer;

c. A statement by the applicant requesting the transfer, setting forth the public need for the secondary drainage project, a legal description and acreage of the parcel sought, an assurance that the reservations are to be utilized for drainage facilities and no other purpose, and that they are needed for the applicant's drainage plans;

d. A statement attesting that the reservations have not been released of record or otherwise invalidated; and

e. Other survey or engineering data necessary to evaluate the request for use of canal reservations.

(2) Terms and Conditions:

a. The District will transfer canal reservations pursuant to this subsection only to appropriate governmental entities, including state agencies, counties, municipalities, drainage or county water management Districts or such other similar public or quasi-public bodies.

b. The Board may require such other terms and conditions which are determined appropriate by the Board.

(e) *Conveyances or Exchanges.*

(1) Applications. Requests for conveyances or exchanges of District lands shall comply with the provisions of section 110-162(b), and shall set forth the public need.

(2) Terms and Conditions:

a. The Board shall determine whether the land requested is surplus and available for sale or exchange in accordance with the provisions of section 110-163(a) and (c)(1).

b. Except in cases where the District estimates the value of the land to be less than $5,000, a current appraisal of the lands to be sold or exchanged must be prepared and dated within 120 days prior to the date the proposed sale or exchange is to be considered by the Board. The District may require the applicant to provide such appraisal or may make such an appraisal itself. If the District requires the applicant to provide such appraisal, then it shall be made by an appraiser with qualifications acceptable to the District. If the District elects to make the appraisal, the applicant shall immediately deposit the estimated cost of the appraisal with the District. The District reserves the right to reject any and all appraisals.

c. All funds received from the sale of surplus lands which were originally acquired with funds from the Water Management Lands Trust Fund shall be used to purchase other lands meeting the criteria specified in Section 373.59, Florida Statutes.

d. All funds received from the sale of surplus lands which were originally purchased with funds from the Florida Preservation 2000 Trust Fund must be deposited into the Florida Preservation 2000 Trust Fund pursuant to Section 259.101(6), Florida Statutes.

e. All lands to be exchanged which were originally acquired with funds from the Water Management Lands Trust Fund shall be in return for other lands meeting the criteria specified in Section 373.59, Florida Statutes. All funds received in connection with an exchange of lands which were originally acquired with funds from the Water Management Lands Trust Fund shall be used to purchase other lands meeting the criteria specified in Section 373.59, Florida Statutes.

f. All lands to be acquired in exchange for District lands which were originally acquired with funds from the Florida Preservation 2000 Trust Fund must be described in the same paragraph of Section 259.101(3), Florida Statutes, as the District lands to be disposed of.

g. The District may require such other terms and conditions which are determined appropriate by the Board.

(f) *Leases.*

(1) Requests for leases of District lands shall comply with the provisions of section 110-165(b), and shall set forth the public need.

(2) Terms and Conditions:

a. All leases shall be on the terms and conditions approved by the District.

b. Before the District may lease land acquired pursuant to the Florida Preservation 2000 Act, the requirements of Section 259.101(7), Florida Statutes, must be complied with.

c. Before the District may lease land acquired with funds from the Water Management

Lands Trust Fund, the requirements of Section 373.59, Florida Statutes, must be complied with.

d. The Board may require such other terms and conditions which are determined appropriate by the Board.

(R.M. No. 42)

Sec. 110-168. - Fee Schedule.

(a) The fee schedule provided in Rule 40E-9.965, Florida Administrative Code, shall be applicable to all applications under this policy, except as provided in section 110-168(b).

(b) Upon request, the Board will waive application fees owed by a governmental entity in connection with applications made in accordance with section 110-167 of this policy only if provided with a resolution or other documentation as to the governmental entity's reciprocal policy which excludes the District from the payment of similar types of fees. It shall be the governmental entity's responsibility to provide the District, upon request, a copy of its policy.

(R.M. No. 42)

DIVISION 1. - INVESTMENTS

Sec. 110-81. - Scope.
Sec. 110-82. - Purpose.
Sec. 110-83. - Statement of Investment Objectives.
Sec. 110-84. - Prudence and Ethical Standards.
Sec. 110-85. - Internal Controls.
Sec. 110-86. - Authorized Investment and Portfolio Composition.
Sec. 110-87. - Maturity and Liquidity Requirements.
Sec. 110-88. - Risk and Diversification.
Sec. 110-89. - Authorized Investment Institutions and Dealers.
Sec. 110-90. - Third Party Custodial Agreements.
Sec. 110-91. - Bid Requirement.
Sec. 110-92. - Sale of Securities.
Sec. 110-93. - Performance Measurement.
Sec. 110-94. - Reporting.
Sec. 110-95. - Continuing Education.
Secs. 110-96—110-120. - Reserved.

Sec. 110-81. - Scope.

(a) In accordance with Section 218.415, Florida Statutes, this article shall apply to all funds held or controlled by the South Florida Water Management District as related to investment activities.

(b) The investment policy shall apply to funds under the control of the unit of local government in excess of those required to meet current expenses. The investment policy shall not apply to pension funds or funds related to the issuance of debt where there are other existing policies resolutions or indentures in effect for such funds.

(c) The management responsibility for all District funds in the investment program and investment transactions is delegated to the Executive Director. The Executive Director shall establish written procedures for the operation of the investment portfolio and a system of internal accounting and administrative controls to regulate the activities of employees.

(R.M. No. 214; Res. No. 2005-431, 4-13-2005; Res. No. 2008-615, 6-12-2008)

Sec. 110-82. - Purpose.

The purpose of this policy is to set forth the investment objectives and parameters for the management of public funds of the District. These policies are designed to ensure the prudent management of public funds, the availability of operating and capital funds when needed, and an investment return competitive with comparable funds and financial market indices. The District recognizes the importance of managing its investments in a manner responsive to public trust and consistent with applicable Florida Statutes.

(R.M. No. 214; Res. No. 2008-615, 6-12-2008)

Sec. 110-83. - Statement of Investment Objectives.

(a) *Safety of Principal.* The foremost objective of this investment program is the safety of the principal of those funds within the portfolio. Investment transactions shall seek to keep capital losses at a minimum, whether they are from securities defaults or erosion of market value. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio. From time to time, securities may be traded for other similar securities to improve yield, maturity or credit risk. For these transactions, a loss may be incurred for accounting purposes, provided any of the following occurs with respect to the replacement security:

(1) Yield has been increased; or

(2) Maturity has been reduced; or

(3) Quality of the investment has been improved.

(b) *Maintenance of Liquidity.* The second highest priority is liquidity of funds. The portfolio shall be managed in such a manner that funds are available to meet reasonably anticipated cash flow requirements in an orderly manner. Periodical cash flow analyses will be completed in order to ensure that the portfolio is positioned to provide sufficient liquidity.

(c) *Return on Investment.* The third highest priority is the return on investment of funds. The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

(R.M. No. 214; Res. No. 2005-431, 4-13-2005; Res. No. 2008-615, 6-12-2008)

Sec. 110-84. - Prudence and Ethical Standards.

(a) The standard of prudence to be used by investment officials shall be the "Prudent Person" standard and shall be applied in the context of managing the overall investment program. Investment officers acting in accordance with written procedures and this investment policy and exercising prudent person standards shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectation are reported to the Executive Director in a timely fashion. The Executive Director shall report such deviations in a timely fashion to the District's Governing Board.

(b) For the purposes of this section, the "Prudent Person" standard shall be defined as follows:

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment.

(R.M. No. 214; Res. No. 2005-431, 4-13-2005; Res. No. 2008-615, 6-12-2008)

Sec. 110-85. - Internal Controls.

(a) A system of internal controls and operational procedures that are made a part of the District's operational procedures shall be established. The internal controls shall be designed to prevent losses of funds, which might arise from fraud, employee error, and misrepresentation, by third parties, or imprudent actions by employees. The procedures shall include reference to safekeeping, bonding, repurchase agreements, separation of transaction authority from accounting and recordkeeping, wire transfer agreements, banking service contracts and collateral/depository agreements.

(b) No person may engage in an investment transaction except as authorized under the terms of this policy.

(c) Independent auditors, as a normal part of the annual financial audit ~~to~~ of the District, ~~conduct a review of~~ shall evaluate the system of internal controls to ensure compliance with policies and procedures.

(d) Maturity and Liquidity Requirements~~.~~: Each year District staff will present to the Investment Committee for review, a cash flow analysis ~~will be completed~~ to determine the acceptable allocation and balances for each of the following funds:~~. The District staff will be responsible for the cash flow analysis, which will be presented to the investment Committee for review.~~

____(~~e~~1) *Operating Funds:*~~.~~ To the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash flow requirements. Investments of current operating funds shall have maturities of no longer than 12 months ("short-term portfolio").

____(~~f~~2) *Core Funds:* Investments of reserves, capital funds, and other non-operating funds ("long-term portfolio") shall have a term appropriate to the need for funds, but in no event shall exceed five years and the average duration of the portfolio as a whole may not exceed three years.

(R.M. No. 214; Res. No. 2008-615, 6-12-2008)

Sec. 110-86. - Authorized Investment and Portfolio Composition.

The following are the District's authorized investments, allocation limits on security types, issuers, and maturity limitations. The Executive Director shall have the option to modify investment percentages from time to time based on market conditions, risk and diversification of investment strategies. The percentage allocation requirements for investment types and issuers shall be calculated based on the original cost of each investment. Asset allocation guidelines are calculated at the time of purchase.

(1) *The Florida Local Government Surplus Funds Trust Fund (SBA):* A maximum of 25 percent of available funds may be invested in the SBA. The fund must retain its AAAm rating by Standard and Poor's or the equivalent by another rating agency.

(2) *United States Government Securities:*

a. Funds may be invested in negotiable direct obligations, or obligations the principal and interest of which are unconditionally guaranteed by the United States government.

b. A maximum of 100 percent of available funds may be invested in the United States government securities. The maximum length to maturity of any direct investment in the United States government securities is five years from the date of purchase.

(3) *United States Government Agencies or Instrumentalities:*

a. Funds may be invested in bonds, debentures or notes which may be subject to call, issued or guaranteed as to principal and interest by the United States government's agencies, provided such obligations are backed by the full faith and credit of the United States government.

b. A maximum of 100 percent of available funds may be invested in United States government agencies. A maximum of 50 percent of available funds may be invested in individual United States government agencies. The maximum length to maturity for an investment in any United States government agency security is five years from the date of purchase.

(4) *United States Government Sponsored Agencies:*

a. Funds may be invested in bonds, debentures or notes which may be subject to call, issued or guaranteed as to principal and interest by United States government sponsored agencies which are non-full faith and credit agencies. Those agencies are limited to the following:

1. Federal Farm Credit Bank (FFCB).

2. Federal Home Loan Bank or its district banks (FHLB).

3. Federal National Mortgage Association (FNMA).

4. Federal Home Loan Mortgage Corporation (FHLMC), including Federal Home Loan Mortgage Corporation participation certificates.

5. Government National Mortgage Association (GNMA).

6. Student Loan Marketing Association (SLMA).

b. Permitted investments shall include mortgage pass-throughs, collateralized mortgage obligations, adjustable rate securities and adjustable rate mortgages.

c. A maximum of 80 percent of available funds may be invested in United States government sponsored agencies.

d. A maximum of 35 percent of available funds may be invested in an individual United States government sponsored agency.

e. The maximum length to maturity for an investment in any United States government sponsored agencies security is five years from the date of purchase.

(5) *Interest Bearing Time Deposit or Savings Accounts:*

a. Funds may be invested in nonnegotiable interest bearing time certificates of deposit or savings accounts in banks organized under the laws of this state and/or in national banks organized under the laws of the United States and doing business and situated in the State of Florida, provided that any such deposits are secured in accordance with the Florida Security for Public Deposits Act, Chapter 280, Florida Statutes. Additionally, the bank shall

not be listed with any recognized credit watch information service.

b. A maximum of 25 percent of available funds may be invested in non-negotiable interest bearing time certificates of deposit.

c. A maximum of 5 percent of available funds may be deposited with any one issuer.

d. The maximum maturity on any certificate shall be no greater than one year from the date of purchase.

(6) *Commercial Paper:*

a. Funds may be invested in commercial paper issued by any United States company that is rated, at the time of purchase, "Prime-1" by Moody's, "A-1" by Standard & ~~amp;~~ Poor's or "F-1" by Fitch.

b. A maximum of 35 percent of available funds may be directly invested in prime commercial paper. A maximum of 5 percent of available funds may be invested with any one issuer. The maximum length to maturity for prime commercial paper shall be 270 days from the date of purchase.

(7) *Corporate Notes:*

a. Funds may be invested in corporate notes issued by corporations organized and operating within the United States or by depository institutions licensed by the United States that have a long term debt rating, at the time of purchase, at a minimum "Aa" by Moody's, "AA" by Standard & ~~amp;~~ Poor's or "AA" by Fitch.

b. A maximum of ten percent of available funds may be directly invested in corporate notes. A maximum of two percent of available funds may be invested with any one issuer. The maximum length to maturity for corporate notes shall be three years from the date of purchase.

(8) *Bankers' Acceptances:*

a. Funds may be invested in bankers' acceptances issued by a domestic bank or a federally chartered domestic office of a foreign bank which are eligible for purchase by the Federal Reserve System if, at the time of purchase, the short-term paper is rated, at a minimum, "P-1" by Moody's Investors Services and "A-1" by Standard & ~~amp;~~ Poor's.

b. A maximum of 35 percent of available funds may be directly invested in ~~Bankers'~~ bankers' acceptances. A maximum of ten percent of available funds may be invested with any one issuer's acceptances. The maximum length to maturity for ~~Bankers'~~ bankers' acceptances shall be 180 days from the date of purchase.

(9) *State and/or Local Government Taxable and/or Tax-Exempt Debt:*

a. Funds may be invested in state and/or local government taxable and/or tax-exempt debt, general obligation and/or revenue bonds, rated at least "Aa" by Moody's and "AA" by Standard & ~~amp;~~ Poor's or "AA" by Fitch for long-term debt, or rated at least "MIG- 1" by Moody's and "SP-1" by Standard & ~~amp;~~ Poor's for short-term debt.

b. A maximum of 20 percent of available funds may be invested in taxable and tax-exempt debts. A maximum length to maturity for an investment in any state or local government debt security is three years from the date of purchase.

(10) *Registered Investment Companies (Money Market Mutual Funds).*

a. Funds may be invested in shares in open-end, no-load funds provided such funds are registered under the Federal Investment Company Act of 1940 and operate in accordance with 17 C.F.R. § 270.2a-7, which stipulates that money market funds must have an average weighted maturity of 90 days or less. The prospectus of such funds must indicate that the share value shall not fluctuate. Money market accounts may be invested in direct obligations of the United States government or any agency or federal instrumentality thereof. The money market funds shall be rated "AAAm" or "AAAm-G" or better by Standard & ~~amp;~~ Poor's, or the equivalent by another rating agency.

b. A maximum of 75 percent of available funds may be invested in money market funds. A maximum of 25 percent of available funds may be invested with any one money market fund.

(11) *Master Repurchase Agreement:*

a. Funds may be invested in repurchase agreements composed of only those investments based on the requirements set forth by the District's master repurchase agreement. All firms are required to sign the master repurchase agreement prior to the execution of a repurchase agreement transaction. A third-party custodian with whom the District has a current custodial agreement shall hold the collateral for all repurchase agreements with a term longer than one business day. A clearly marked receipt that shows evidence of ownership must be supplied to the District and retained.

b. Securities authorized for collateral are negotiable direct obligations of the United States government, government agencies, and federal instrumentalities with maturities under five years and must have a market value for the principal and accrued interest of 102 percent of the value for the term of the repurchase agreement. Immaterial short-term deviations from the 102 percent requirement are permissible only upon the approval of the Treasurer.

(12) *Hedging Instruments:*

a. Interest rate swaps, interest rate exchange agreements, investment contracts, or contracts providing for payments based on levels of or changes in interest rates, or contracts to exchange cash flows, a series of payments, or to hedge payment rate, spread or similar exposure "hedging instruments" are authorized.

b. Maturities of up to ten years from the date of execution and delivery of the confirmation or investment are authorized or such longer maturity as otherwise provided by the Governing Board or the governing bond indenture, trust agreement or bond resolution approved by the Governing Board.

c. Investment in Hedging Instruments will not be made unless the ~~Chief Financial Officer or designee~~ District ~~responsible for making investment decisions have~~ has developed a sufficient understanding of the hedging instruments and has the expertise to manage them.

(13) *Reverse Repurchase Agreements:* The District may enter into a reverse repurchase

agreement with a primary government dealer, not for the purposes of increased leverage, but for legitimate cash management purposes only. A reverse repurchase can only be used to avoid liquidating a security in order to meet an unexpected or immediate cash flow requirement. The investment shall be limited to transactions in which the proceeds are intended to provide liquidity and for which the District staff has sufficient resources and expertise to manage.

(14) *Mortgage Backed Securities:*

a. Funds may be invested in mortgage-backed pass-throughs guaranteed by the U.S. Government or a Government Sponsored agency, including securities collateralized by the same. A maximum of 30 percent of available funds may be invested in Mortgage Backed Securities.

b. Funds may be invested in nonagency mortgage backed securities that maintain a AAA rating. A maximum of 10 percent of available funds may be invested into nonagency mortgage investments.

(R.M. No. 214; Res. No. 2005-431, 4-13-2005; Res. No. 2008-615, 6-12-2008)

Sec. 110-87. - Maturity and Liquidity Requirements.

(a) To the extent possible, investment maturities will be matched with known cash needs and anticipated cash flow requirements.

(b) No security shall have an estimated average return of principal exceeding five years. The weighted average duration of principal return for the portfolio as a whole shall be no more than three years.

(c) These restrictions shall be modified for adjustable rate and mortgage-backed securities where the stated final maturities of the collateral may be up to 30 years. The individual securities will still have an estimated average return of principal not to exceed five years.

(R.M. No. 214; Res. No. 2008-615, 6-12-2008)

Sec. 110-88. - Risk and Diversification.

Assets held shall be diversified to the extent practicable to control the risk of loss resulting from over-concentration of assets in a specific maturity, issuer, instrument, dealer, or bank through which financial instruments are bought and sold. Diversification strategies within the established guidelines shall be reviewed and revised periodically.

(R.M. No. 214; Res. No. 2008-615, 6-12-2008)

Sec. 110-89. - Authorized Investment Institutions and Dealers.

(a) The District staff shall maintain a list of financial institutions and broker/dealers that are approved for investment purposes ("qualified institutions"). Only firms meeting the following requirements will be eligible to serve as qualified institutions:

(1) "Primary" dealers and regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule);

(2) Capital of no less than $10,000,000.00;

(3) Registered as a dealer under the Securities Exchange Act of 1934;

(4) Member of the National Association of Dealers (NASD);

(5) Registered to sell securities in Florida; and

(6) The firm and assigned broker have been engaged in the business of effecting transactions in U.S. government and agency obligations for at least five consecutive years.

(b) All brokers, dealers and other financial institutions deemed to be qualified institutions shall be provided with current copies of the District's investment policy. A current audited financial statement is required to be on file for each financial institution and broker/dealer with which the District transacts business.

(c) District staff shall only enter into repurchase and/or reverse repurchase agreements with financial institutions that are primary securities dealers as designated by the Federal Reserve Bank of New York.

(d) All securities dealers will be required to sign a letter stating that they have read, understand, and will adhere to the District's investment policy prior to conducting business with the District.

(R.M. No. 214; Res. No. 2005-431, 4-13-2005; Res. No. 2008-615, 6-12-2008)

Sec. 110-90. - Third Party Custodial Agreements.

(a) All securities shall be held with a third party custodian, and all securities purchased by, and all collateral obtained ~~bythe~~ by the District should be properly designated as an asset of the District. The securities must be held in an account separate and apart from the assets of the financial institution.

(b) A "third party custodian" is defined as any bank depository chartered by the Federal government, the State of Florida, or any other state or territory of the United States which has a branch or principal place of business in the State of Florida as defined in Section 658.12, Florida Statutes, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in the State of Florida.

(c) The Executive Director shall designate an individual or individuals that will approve, on behalf of the District, third party custodial agreement(s) with its bank(s) and depository institution(s). Such agreements may include letters of authority from the District, details as to the responsibilities of each party, method of notification of security purchases, sales and delivery, procedures related to repurchase agreements and wire transfers, safekeeping and transaction costs, procedures in case of wire failure or other unforeseen mishaps, and describing the liability of each party.

(d) The custodian shall accept transaction instructions only from those persons who have been duly authorized by the District, which authorizations have been provided, in writing, to the custodian. No withdrawal of securities, in whole or in part, shall be made from safekeeping, unless by such a duly authorized person.

(e) The custodian shall provide the District with safekeeping receipts that provide detailed information on the securities held by the custodian. Security transactions between a broker/dealer and the custodian involving the purchase or sale of securities by transfer of money or securities must be made on a "delivery vs. payment" basis, if applicable, to ensure that the custodian will have the security or

money, as appropriate, in hand at the conclusion of the transaction. Securities held as collateral shall be held free and clear of any liens.

(R.M. No. 214; Res. No. 2008-615, 6-12-2008)

Sec. 110-91. - Bid Requirement.

(a) After District staff has determined the approximate maturity date based on cash flow needs and market conditions and has analyzed and selected one or more optimal types of investments, a minimum of three qualified banks and/or approved brokers/dealers must be contacted and asked to provide bids/offers on the securities in question. Bids will be held in confidence until the bid deemed to best meet the investment objectives is determined and selected.

(b) In certain circumstances, if obtaining bids/offers is not feasible and appropriate, securities may be purchased utilizing the comparison to current market price method on an exception basis. Acceptable current market price providers include, but are not limited to:

(1) Bloomberg Information Systems.

(2) The Wall Street Journal or a comparable nationally recognized financial publication providing daily market pricing.

(3) Daily market pricing provided by the District's custodian or its correspondent institutions.

(c) The District staff shall utilize the competitive bid process to select the securities to be purchased or sold. Selection by comparison to a current market price, as indicated above, shall only be utilized when, in the judgment of District staff, competitive bidding would inhibit the selection process. Examples of when this method may be used include:

(1) When time constraints due to unusual circumstances preclude the use of the competitive bidding process.

(2) When no active market exists for the issue being traded due to the age or depth of the issue.

(3) When a security is unique to a single dealer.

(4) When the transaction involves new issues or issues in the "when issued" market.

(5) When a specific issue mortgage backed security has been identified through careful analysis by staff as beneficial to the overall investment strategy but is currently only available through a single dealer.

(R.M. No. 214; Res. No. 2005-431, 4-13-2005; Res. No. 2008-615, 6-12-2008)

Sec. 110-92. - Sale of Securities.

(a) Investments should be made subject to the cash flow needs of the District, and such cash flows are subject to revisions as market conditions and the District's needs change. However, when the invested funds are needed, in whole or in part, for the purpose originally intended or for more optimal investments, investments may be sold at the then-prevailing market price and the proceeds placed into the proper account at the District's custodian. District staff is responsible for monitoring market conditions to evaluate the proper timing and conditions under which an investment sale may occur.

(b) On occasion, it may be considered prudent and in the best interest of the District to sell an investment security and reinvest into a similar investment. These trades may be done in order to improve the investment yield, target duration, or credit risk of the portfolio. For these transactions, a loss may be incurred for accounting purposes in order to achieve optimal investment return.

(R.M. No. 214; Res. No. 2008-615, 6-12-2008)

Sec. 110-93. - Performance Measurement.

(a) In order to assist in the evaluation of the portfolios' performance, the District will use nationally recognized performance benchmarks for the short-term and long-term portfolios. The use of benchmarks will allow the District to measure its returns against other investors in the same markets. Performance calculations will not include any balances invested in the overnight sweep accounts. A benchmark should not be chosen which will induce the investment officer to take on undue risk in order to outperform the benchmark.

(b) A nationally recognized money market fund index, such as the Standard ~~and~~ & Poor's Governmental Investment Pool Index/Government will be used as a benchmark as compared to the portfolios' net book value rate of return for current operating funds (short-term portfolio).

(c) Investment performance of the long-term portfolio will be compared to the Merrill Lynch's 1—3 Year United States Treasury Index or an equivalent index comprised of U. S. Treasury or Government securities. The appropriate index will have a duration and asset mix that approximates the portfolio and will be utilized as a benchmark to be compared to the portfolio's total rate of return.

(R.M. No. 214; Res. No. 2005-431, 4-13-2005; Res. No. 2008-615, 6-12-2008)

Sec. 110-94. - Reporting.

(a) ~~The Accounting Division shall be provided timely transaction~~ Transaction data ~~as necessary~~ will be recorded timely ~~to record and~~ in order to document investment activity.

(b) On a quarterly basis, the Treasurer shall prepare and submit to the District's Governing Board a written report on all invested funds. The report shall provide all, but not limited to, the following: a complete list of all invested funds, name or type of security in which the funds are invested, the amount invested, the maturity date, earned income, the book value, the market value and the yield on each investment. The annual report will show performance on both a book value and total rate of return basis and will compare the results to the above-stated performance benchmarks. All investments shall be reported at fair value per GASB standards. Investment reports shall be available to the public.

(R.M. No. 214; Res. No. 2008-615, 6-12-2008)

Sec. 110-95. - Continuing Education.

All appropriate District staff shall annually complete eight hours of continuing education in subjects or courses of study related to investment practices and products.

(R.M. No. 214; Res. No. 2008-615, 6-12-2008)

Secs. 110-96—110-120. - Reserved.

ARTICLE II. - RECRUITMENT AND SELECTION

Sec. 120-21. - Management Employment.
Sec. 120-22. - Nepotism.
Sec. 120-23. - Recruitment.
Secs. 120-24—120-60. - Reserved.

~~**Sec. 120-21. - Management Employment.**~~

~~(a) *Statement of Policy:*~~

~~(1) The District shall work to attract, develop and retain highly qualified individuals to work as Executives and Managers. Accordingly, the District shall: develop and maintain a Salary Classification Program for its Executives and Managers; provide and pay for a basic program of medical and dental benefits for its Executives and Managers and their eligible dependents; provide its Executives and Managers with an enhanced life insurance benefit; provide its Executives and Managers with a matching Deferred Compensation Program; and, provide its Executives and Managers with enhanced Annual and Sick Leave credits.~~

~~(2) At separation, the District may provide its Executives and Managers with severance benefits so long as they are not separated for gross negligence or willful disregard for the District's public image.~~

~~(b) *Authorities:*~~

~~(1) The Executive Director is charged with the overall responsibility for ensuring compliance with this policy. The Executive Director shall designate staff to administer this policy; administration includes, but is not limited to, the design and implementation of procedural guidelines and associated materials and the management of this policy on a day-to-day basis.~~

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

~~(Res. No. 2005-617, art. 120.200, 6-8-2005)~~

~~**Reference—** Florida Statutes § 373.0795.~~

Sec. 120-22. - Nepotism.

(a) *Statement of Policy:*

(1) The District prohibits any employee or public official, who has been delegated with the authority to appoint, employ, promote, advance or review subordinate employees, to employ any relative in a position over which such employee or public official exercises jurisdiction or control. The District further prohibits any employee or public official, who has been delegated with the authority to appoint, employ, promote, advance or review subordinate employees, to advocate the employment of a relative. In addition, an individual may not be appointed, employed, promoted or advanced in or

to a position in the District if such appointment, employment, promotion or advancement has been advocated by a Governing Board Member of the District, serving in or exercising jurisdiction or control over the District, who is a relative of the individual or if such appointment, employment, promotion or advancement is made by a collegial body of which a relative of the individual is a member.

(2) The District prohibits employees who are related from working in supervisor/subordinate relationships. This prohibition extends to all individuals working for or performing services on behalf of the District.

(b) *Authorities:*

(1) The Executive Director is charged with the overall responsibility for ensuring compliance with this policy. The Executive Director shall designate staff to administer this policy; administration includes, but is not limited to, the design and implementation of procedural guidelines and the management of this policy on a day-to-day basis.

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

(Res. No. 2005-617, art. 120.210, 6-8-2005)

Reference—Florida Statutes § 112.3135.

Sec. 120-23. - Recruitment.

(a) *Statement of Policy:* The District is committed to recruiting and employing qualified individuals for every type of employment at every level of the organization. The District is also committed to employing a work force that is diverse beyond race and gender. Accordingly, the District shall comply with the provisions of such federal, state and local laws and regulations that affect the recruitment and employment of individuals at the District as may from time to time be promulgated. The District shall apply these provisions while working to recruit and employ qualified individuals both internal and external to the organization.

(b) *Authorities:*

(1) The Executive Director is charged with the overall responsibility for ensuring compliance with this policy. The Executive Director shall designate staff to administer this policy; administration includes, but is not limited to, the design and implementation of procedural guidelines and the management of this policy on a day-to-day basis.

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

(Res. No. 2005-617, art. 120.240, 6-8-2005)

References—Chapter 760 Florida Statutes, the Florida Civil Rights Act; Florida Statutes §§ 295.065-295.11; Chapter 55A-7 Florida Administrative Code; 42 U.S.C. § 2000e *et seq.,* Title VII of the Civil Rights Act of 1964, as amended; 29 U.S.C. § 621 *et seq.,* the Age Discrimination in Employment Act of 1967, as amended; 42 U.S.C. § 12101 *et seq.,* the Americans with Disabilities Act of 1990, as amended; 8 U.S.C. § 1101 *et seq.*, the Immigration Reform and Control Act of 1986; and such other federal, state and local laws or ordinances as may from time to time be enacted.

Secs. 120-24—120-60. - Reserved.

ARTICLE IV. - COMPENSATION AND BENEFITS

Sec. 120-101. - Emergency Assignment and Pay.
Sec. 120-102. - Salary Administration Policy.
Sec. 120-103. - Benefits Administration.
Sec. 120-104. - Educational Reimbursement.
Sec. 120-105. - Employee Recognition.
Sec. 120-106. - Leave Generally.
Sec. 120-107. - Military Service.
Sec. 120-108. - Separation from Employment.

Sec. 120-101. - Emergency Assignment and Pay.

(a) *Statement of Policy:*

(1) District employees shall respond to emergency situations of minor, major and catastrophic proportions.

(2) During those emergencies when usual District operations not supporting the emergency are suspended, the District shall compensate employees for time worked and other eligible costs incurred due to District emergency staffing requirements.

(b) *Authorities:*

(1) The Executive Director is charged with the overall responsibility for ensuring compliance with this policy. The Executive Director shall designate staff to administer this policy; administration includes, but is not limited to, the design and implementation of procedural guidelines and the management of this policy on a day-to-day basis.

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

(Res. No. 2005-617, art. 120.400, 6-8-2005)

Sec. 120-102. - Salary Administration Policy.

(a) *Statement of Policy:* The District shall maintain a performance-based salary administration program designed to attract, retain and reward quality employee performance. The District shall strive to construct salary ranges that are externally equitable and competitive as compared to the relevant labor market and internally equitable as compared to the District's hierarchy of positions.

(b) *Authorities:*

(1) The Executive Director is charged with the overall responsibility for ensuring compliance with this policy. The Executive Director shall designate staff to administer this policy; administration includes, but is not limited to, the design and implementation of procedural guidelines and associated materials and the management of this policy on a day-to-day basis.

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

(3) The Governing Board reserves the responsibility to approve each annual salary administration program as expressed and detailed in the District's annual budget.

(Res. No. 2005-617, art. 120.405, 6-8-2005)

Sec. 120-103. - Benefits Administration.

(a) *Statement of Policy:*

(1) The District shall maintain a competitive benefits administration program designed to attract, retain and reward quality employee performance. The District's group health and welfare benefits shall include, but not be limited to, medical insurance, dental insurance and life insurance. Moreover, the District shall provide its employees with a retirement benefit program.

(2) The District may modify or terminate any of its group health and welfare benefits, retirement benefits, or contribution limits associated with group health and welfare benefits at any time.

(b) *Authorities:*

(1) The Executive Director is charged with the overall responsibility for ensuring compliance with this policy. The Executive Director shall designate staff to administer this policy; administration includes, but is not limited to, the design and implementation of procedural guidelines and associated materials and the management of this policy on a day-to-day basis.

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

(3) The Governing Board reserves the responsibility to approve each annual benefits administration program as expressed and detailed in the District's annual budget.

(Res. No. 2005-617, art. 120.407, 6-8-2005)

References—Florida Statutes § 112.08; Florida Statutes § 112.11; Florida Statutes § 121.011 *et seq.,* the Florida Retirement System Act; and such other federal, state and local laws or ordinances as may from time to time be enacted.

Sec. 120-104. - Educational Reimbursement.

(a) *Statement of Policy:* The District shall reimburse employees tuition paid for educational courses from an accredited college or university, subject to eligibility requirements, established maximum limits and continuing employment requirements.

(b) *Authorities:*

(1) The Executive Director is charged with the overall responsibility for ensuring compliance with this policy. The Executive Director shall designate staff to administer this policy; administration includes, but is not limited to, the design and implementation of procedural guidelines and the management of this policy on a day-to-day basis.

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

(Res. No. 2005-617, art. 120.410, 6-8-2005)

Sec. 120-105. - Employee Recognition.

(a) *Statement of Policy:* The District shall recognize the significant contributions and superior achievements of District employees as prescribed by published procedures and guidelines.

(b) *Authorities:*

(1) The Executive Director is charged with the overall responsibility for ensuring compliance with this policy. The Executive Director shall designate staff to administer this policy; administration includes, but is not limited to, the design and implementation of procedural guidelines and associated materials and the management of this policy on a day-to-day basis.

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

(Res. No. 2005-617, art. 120.415, 6-8-2005)

Reference—Florida Statutes § 373.604, and such other federal, state and local laws or ordinances as may from time to time be enacted.

Sec. 120-106. - Leave Generally.

(a) *Statement of Policy:*

(1) The District shall provide its employees with both paid and unpaid leave. Paid leave shall include, but not be limited to, Annual Leave, Sick Leave, Holiday Leave, Bereavement Leave and Civil Leave; unpaid leave shall include, but not be limited to, Family and Medical Leave. District employees shall request and the District may approve requests for leave time. The District shall consider all requests for leave in keeping with its business needs, but requests for leave shall not be unreasonably denied.

(2) The District shall allow employees to participate in leave sharing subject to eligibility requirements, established guidelines and continuing employment requirements.

(3) Leave, when paid, is paid at the employee's regular rate. The following leave will be considered time worked in the calculation of overtime and/or compensatory time-Holiday Leave, Military Leave, Civil Leave and "Other Paid Leave." All other leave whether paid or unpaid, is not considered time worked in the calculation of overtime and/or compensatory time.

(4) Procedures and practices that flow from this policy shall be established pursuant to principles of public accountability. In keeping with the principles of public accountability, an employee's pay shall be reduced for absences for personal reasons, illness or injury when his or her available accrued leave balances have been exhausted.

(b) *Authorities.*

(1) The Executive Director is charged with the overall responsibility for ensuring compliance with this policy. The Executive Director shall designate staff to administer this policy; administration includes, but is not limited to, the design and implementation of procedural guidelines and the management of this policy on a day-to-day basis.

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

(Res. No. 2005-617, art. 120.420, 6-8-2005; Res. No. 2006-118, 1-11-2006)

References— 29 U.S.C. § 2601 *et seq.*, the Family Medical Leave Act; 29 U.S.C. § 201 *et seq.*, the Fair Labor Standards Act, 29 C.F.R. § 541.710; and such federal, state and local laws or ordinances as may from time to time be enacted.

Sec. 120-107. - Military Service.

(a) *Statement of Policy:* District employees who serve in the Florida National Guard, the United States Armed Forces, and the Armed Forces Reserves shall receive, at a minimum, those benefits and rights provided by applicable federal and state laws.

(b) *Authorities:*

(1) The Executive Director is charged with the overall responsibility for ensuring compliance with this policy. The Executive Director shall designate staff to administer this policy; administration includes, but is not limited to, the design and implementation of procedural guidelines and the management of this policy on a day-to-day basis.

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

(Res. No. 2005-617, art. 120.425, 6-8-2005)

References—Florida Statutes § 115.01 *et seq.*; Chapter 250 Florida Statutes, the Florida Uniformed Servicemembers Protection Act; 38 U.S.C. § 4301 *et seq.,* the Uniformed Services Employment and Reemployment Rights Act; and such other federal, state and local laws, orders or ordinances as may from time to time be enacted.

Sec. 120-108. - Separation from Employment.

(a) *Statement of Policy:*

(1) The District recognizes that, from time to time, employees shall separate from their employment with the District. These separations are either initiated by the employee or initiated by the District. In either case, the District is interested in ensuring that each separation event is orderly and well reasoned. To these ends:

a. The District requests that regular employees who elect to separate from the District provide the District with at least two weeks notice of separation.

b. The District shall provide regular employees who are separated from the District for performance or conduct, including an employee's failure to adhere to the Policies adopted by the Board and the Procedures adopted by Administration, with notice and an opportunity to be heard and such other due process as may be required.

(2) Moreover, the District recognizes that, from time to time, business needs, economic considerations, including efficiency and effectiveness, changing technologies and refocused initiatives, among others, may drive a change in the number or composition of the District's workforce. To this end:

The District shall provide affected, regular employees with specific assistance as appropriate

to the individual situation, which assistance may include, but is not limited to~~, severance,~~ employee assistance and outplacement services, when the number or composition of the workforce is subject to a redefinition or reduction by position elimination, either through the redefinition, reduction or abolishment of agency functions, or the redefinition, reduction or abolishment of individual position responsibilities.

(3) Any assistance provided to separating employees shall be in accordance with applicable Florida Statutes.

(b) *Authorities:*

(1) The Executive Director is charged with the overall responsibility for ensuring compliance with this policy, including the approval of workforce reductions. The Executive Director shall provide notice to all Governing Board Members of proposed reorganizations and Senior Management changes prior to their implementation. The Executive Director shall designate staff to administer this policy; administration includes, but is not limited to, the design and implementation of procedural guidelines and the management of this policy on a day-to-day basis.

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

(Res. No. 2005-617, art. 120.505, 6-8-2005)

Reference—Florida Statutes § 373.0795.

Chapter 130 - INFORMATION TECHNOLOGY [16]

(16) **Cross reference—** Technology procedures, ch. 230.

ARTICLE I. - IN GENERAL
ARTICLE II. - ACCEPTABLE USE OF INFORMATION TECHNOLOGYAND TELECOMMUNICATIONS
ARTICLE III. - RESERVED
ARTICLE IV. - INTELLECTUAL PROPERTY AND WORKS-MADE-FOR-HIRE
ARTICLE V. - SECURITY
ARTICLE VI. - REMOTE ACCESS

ARTICLE I. - IN GENERAL

Sec. 130-1. - Definitions.
Secs. 130-2—130-20. - Reserved.

Sec. 130-1. - Definitions.

For the purpose of this chapter, the following words and terms shall have the meanings respectively ascribed:

Analog means a voice transmission mode that is not digital in which information is transmitted in its original form by converting it to a continuously variable electrical signal.

Asset means a resource or item with a purchase value of $1,000 or greater.

Authentication means a function controlling access and transactions between computer systems to validate information or the identities of users, terminals, computers, and peripheral devices.

Authorized Access means approved permission to approach, view, communicate with, store data in, retrieve data from, or otherwise make use of IT resources.

Backup means files copied from the hard disk to another destination, such as floppy disks or magnetic tape, for the purposes of recovery, safekeeping, archiving or data transfer.

Cable Modem is an external device that provides connectivity via a cable connection. Instead of establishing an Internet connection through a telephone wire, a connection is established through a cable network (the same source as your cable TV connection). Cable modems translate radio frequency (RF) signals to and from the cable plant into Internet Protocol (IP), the communications protocol spoken by all computers connected to the Internet.

Challenge Handshake Authentication Protocol (CHAP) is an authentication method that uses a one-way hashing function.

Computing Resources means all computing equipment, stationary or mobile, used to create data or access data stored in databases or files, including hardware and software.

Confidential Information means data, documents or any other material maintained by the District that is exempt from disclosure under state and, in some instances, federal law.

Copy, in terms of information technology systems and resources, may mean a duplicate instance of software files or data or the result of transferring or duplicating software files or data from one medium to another.

Copyright means an exclusive right to an original work set in a tangible, reproducible medium or expression.

Daemon is a process lurking in the background, usually unnoticed, until something triggers it into action.

Data Link Connection Identifier (DLCI) is a unique number assigned to a Permanent Virtual Circuit (PVC) end point in a frame relay network. DLCI identifies a particular PVC endpoint within a user's access channel in a frame relay network, and has local significance only to that channel.

Dial-in Modem is a peripheral device that connects computers to each other for sending communications via the telephone lines. The modem modulates the digital data of computers into analog signals to send over the telephone lines, then demodulates back into digital signals to be read by the computer on the other end; thus the name "modem" for modulator/demodulator.

Digital Subscriber Line (DSL) is a form of high-speed Internet access competing with cable modems. DSL works over standard phone lines and supports data speeds of over two Mbps downstream (to the user) and slower speeds upstream (to the Internet).

Direct Inward Dial (DID) is an analog circuit intended for use with voice or data. DID circuits allow inward directed calls to reach a specific extension without human intervention.

Direct Outward Dial (DOD) is an analog circuit intended for use with voice or data. DOD circuits enable the extension users to dial directly outside the system without human intervention.

Download means to transfer data or programs from a central computer to a peripheral computer or device.

Dual Homing means having concurrent connectivity to more than one network from a computer or network device.

E-mail means electronic mail, electronic messages or information sent through the District information technology network or over the Internet to specified addressees.

Encryption means the conversion of clear data and data files into enciphered (concealed meaning) data.

End User/User Group means the person or group for whom a hardware or software product is designed or designated for use.

Firewall means a set of related programs located at a network gateway server that protect the resources

of a private network from users of other networks. District users may access the wider Internet while the firewall prevents external access to the District's intranet, the IWEB.

Frame Relay is a method of communication that incrementally can go from the speed of an ISDN to the speed of a T1 line. Frame Relay has a flat-rate billing charge instead of a per time usage. Frame Relay connects via the telephone company's network.

Hardware means the physical inventory of IT resources.

Inappropriate Content is a subject matter in written or graphical form that can be construed as harassing or intimidating, debasing, defamatory, discriminatory, racist or racially motivated, threatening or derogatory in nature, including but not limited to such topics as race, sex, sexual orientation, age, religion, politics, national origin, disability or any other legally protected status.

Infrastructure also means IT infrastructure, which is the data communication networks connectivity software, and hardware, database systems, computing platforms, application development tools, security hardware and software, and other components that support the District's technology systems and the services that support and are supported by these systems and tools, including: Client Services (Help desk/Service Requests, Planning and Administration, Geographic Information Systems, Web Support, Management Information Support, Technical Support, Network Systems, and Systems Administration.

Intellectual Property can be divided into four categories:

(1) Copyrights;

(2) Trademarks;

(3) Trade secrets;

(4) Patents.

Integrated Services Digital Network (ISDN) is a wide area network (WAN) oriented data communication service provided by telephone companies. ISDN is unique among WAN services in that it provides access both to the circuit switched public switched telephone network and to packet switched services, such as X.25 and frame relay. ISDN utilizes digital local facilities and provides out-of-band signaling capabilities.

Internet Service Provider (ISP) is a company that provides Internet access to individuals, organizations and businesses.

IPSec VPN is a method of access that requires the use of client side application to negotiate and set up the secure virtual network connection between two end points; commonly referred to by just VPN.

IT Infrastructure means the information resources and facilities needed for the function of District technology systems.

IT Resources means the systems or supporting infrastructures relating to or used by information technology equipment, including telecommunication devices, telecommunication services, equipment or interconnected systems used in the development, automatic acquisition, storage, display, manipulation, management, transmission or reception of data.

Note: Usage of some IT resources or telecommunication devices, although not owned by the

District, may also be governed by this policy (e.g., any device utilizing the District telecommunications infrastructure).

Logical Security means restricted electronic access to computers, networks, software and/or peripheral equipment. Also: The capability for the prevention of electronic access to computers, networks, software and/or peripheral equipment.

Maintenance means an activity providing for the operational upkeep of District systems and services.

Meta Data means information about data—the underlying facts or description of the data itself.

Pager means a wireless messaging unit.

Private Branch Exchange (PBX) is a private telephone network used within an enterprise. Users of the PBX share a certain number of outside lines for making telephone calls external to the PBX.

Production Systems means the computer, network, telephone and voicemail systems; IT applications, server, database, microwave, radio, and network environments; and any other information resources supporting the real-time performance and operations of the communications infrastructure.

Public Records Request means requests for documents that are subject to Public Records Law, Chapter 119, Florida Statutes.

Reasonable Incidental Use means infrequent and brief personal connection and use of a District resource.

Remote Access means any access to the District's corporate network through a remote connection medium that establishes communications between the remote device and a District IT resource.

Resource means any HTML document or other item or service available via the web. Resources are what URLs point to.

Secure Socket Layer Virtual Private Network (SSL VPN) is a secure method of remote access that leverages the use of a common Web browser to gain access or connectivity to the District's network.

Software means computer programs and applications existing as data files on a computer hard drive or network and their peripheral accessory files.

Software License means a license agreement governing the authorized use of software, including but not limited to: individual (single copy) licenses, shareware, freeware, bulletin board or demonstration software licenses, which may be available in the public domain, software upgrades, and font licenses.

Split-tunneling is simultaneous direct access to a non-District network (such as the Internet, or a home network) from a remote device (PC, PDA, WAP phone, etc.) while connected into the District's corporate network via a VPN tunnel.

Telecommunication Devices means telephony (receiver) sets, wireless telephones, pages, radios, personal communication devices (e.g., personal digital assistants), laptops/PCs, video conferencing devices, facsimile machines, etc., with on-site or remote access to District telecommunications systems and data.

Telecommunication Services means wireless phone service carriers, LAN/WAN equipment and facilities,

voice (telephone) service carriers (local and long distance), microwave network equipment and facilities, computer data, etc.

Telnet is client software that allows a user to login from a local desktop computer to a remote server and use its resources, providing the remote server is running a Telnet daemon.

Token is an object that represents something else, such as another object (either physical or virtual). A security token is a logical or physical entity, such as a special smart card, that together with something that a user knows, such as a PIN, will enable authorized access to a computer system or network. Currently, SFWMD uses Defender tokens for remote access authentication.

Users means District employees, the Governing Board, temporary staff and contractors engaged to conduct business on the District's behalf, and in some cases, the general public, using or accessing District IT resources.

Virtual Card (V-Card) means a virtual business card, also referred to as a "signature file" attached to electronic mail messages to supply detailed information about the message sender. V-Cards may include the sender's name, organizational affiliation, title, phone number, e-mail address and other pertinent contact information. They are available as a feature of Microsoft Outlook as "personal cards".

Virtual Private Network (VPN) is a private connection between two systems or two groups of systems that sends private data traffic over a shared or public network, like the Internet.

Wireless Telephone means a mobile, wireless telephone.

Work Products means all results of work performed, including documents, technical reports, research notes, scientific data, computer and source and object code, processes, designs, formulae, techniques, work in progress, etc., in draft and final form.

Works-Made-For-Hire means work products resulting from the obligation of employment or requirements under a contract or agreement to perform work.

(R.M. No. 61; Res. No. 2008-328, 3-13-2008)

Cross reference— Definitions and rules of construction, § 100-2.

Secs. 130-2—130-20. - Reserved.

ARTICLE II. - ACCEPTABLE USE OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

Sec. 130-21. - Scope.
Sec. 130-22. - Objectives.
Sec. 130-23. - Statements of Policy.
Sec. 130-24. - Policy Violations.
Sec. 130-25. - Responsibilities.
Sec. 130-26. - Policy Administration Guidelines.

Secs. 130-27—130-40. - Reserved.

Sec. 130-21. - Scope.

This article applies to the acceptable use of South Florida Water Management District (SFWMD or District) information technology and telecommunication devices and services. These devices and services can be either provided or owned by the District or be specific devices and services not owned by SFWMD but being utilized by District users accessing District data or files.

(R.M. No. 202; Res. No. 2008-328, 3-13-2008)

Sec. 130-22. - Objectives.

The objectives of this article are to ensure that:

(1) The District's information technology and telecommunication devices are utilized in an acceptable, efficient and effective manner.

(2) Users are informed about the applicability of policies and laws pertaining to information technology and telecommunication device utilization.

(3) Managers review utilization to ensure compliance with those policies and laws enforce effective usage controls.

(4) District information technology and telecommunication devices are utilized incurring minimal cost to the District.

(5) Users of District IT resources have no right to privacy or expectation of privacy when using District IT resources, and the institution or utilization of passwords or encryption or deletion functions to protect or limit access to use of District IT resources is not a guarantee of past, present or future confidentiality or privacy. The District may monitor, inspect, review, search, remove, or otherwise alter any information communicated or stored using District IT resources at any time and without notice. In addition, all communications are subject to the public records laws.

(R.M. No. 202; Res. No. 2004-845, 8-11-2004; Res. No. 2008-328, 3-13-2008)

Sec. 130-23. - Statements of Policy.

The District considers IT resources to be District resources. It shall be the policy of the District to maintain these corporate resources in a consistent, predictable, and reliable manner to serve the District as business communications tools. All users of these IT resources are expected to conduct themselves in a responsible, efficient, professional, ethical manner and in accordance with District policies and procedures, as well as federal, state and local laws.

(1) Acceptable Use: District IT resources are the property of the District. They are provided to facilitate communications required to accomplish official District business and as a result should be used primarily for the purposes of conducting bona fide District business; however the District will permit reasonable incidental use of these resources. Reasonable incidental use is infrequent and brief personal connection and use of a District resource. No employee shall cause the District to incur costs for incidental personal use. Incidental personal use shall not interfere or otherwise conflict with District employee's job performance.

(2) Prohibited Use of IT Resources: The following is not an all-inclusive list of prohibited behavior, and management reserves the right to discipline employees for improper use of District IT resources even if the prohibited acts are not enumerated in this policy. District staff is prohibited from using IT resources for inappropriate activities, which include but are not limited to unlawful activities, political activities, or misrepresentation of identity. Staff is also prohibited from using District IT resources for commercial purposes which do not fall under the auspices of the District which includes but is not limited to personal financial gain, the promotion of "for profit" and/or privately owned businesses or the sale of private property. District staff shall not use IT resources to gain unauthorized access to non-District-owned systems or resources or to modify IT resources without proper IT ~~department~~ Bureau authorization. District full time and contract staff are prohibited from permitting the unauthorized access or modification of IT resources by a non-District employee.

(a) District staff is prohibited from using IT resources to store, possess, view, produce, reproduce, download, print, distribute or otherwise communicate inappropriate material in written, graphic, audio, or any other medium. Inappropriate material includes, but is not limited to, material that is sexual, pornographic, harassing, debasing, intimidating, racist, sexist, or disrespectful based on race, color, religion, sex, age, pregnancy, disability, marital status, sexual orientation or other status protected by law.

(b) District staff is prohibited from using IT resources to reproduce or distribute copyrighted or patented materials whether the materials are licensed to the District as District property or not. The exception to this prohibition is for District personnel directly responsible for installing, copying, or distributing licensed computer software. Approval to reproduce or distribute non-District licensed materials must be obtained from the IT ~~department.~~Bureau. Approval to reproduce or distribute such material will also require written authorization from the owner of the intellectual property.

(c) District staff is prohibited from using IT resources to download or install non-District-approved software, programs, executables, scripts or electronic files for District or non-District (personal) use. Such programs include but are not limited to freeware, shareware, demonstration software, bulletin board software and other open-license software available in the public domain; banking software, games, digital media (such as music files, MP3/MP4 files, video files, etc.). Staff is also prohibited from loading, downloading or viewing streaming media (including but not limited to radio, video and TV streams, etc.), for non-District/personal use. IT resources shall not be used to install or configure wireless access points, peer-to-peer ports, instant messaging services, Internet Service Provider and/or e-mail client software (such as for personal e-mail accounts, or for similar purposes). IT resources shall not be used to configure District-standard utilities or applications for personal use or to access or participate in internet relay chat (IRC) or chat room forums. District staff exempt from this prohibition must receive authorization from the ~~Chief Information Officer~~ Executive Director.

(d) District staff is prohibited from using IT resources to use or implement any computing software, program or utility designed to circumvent or gain unauthorized access to systems or accounts or passwords. District staff shall not scan for inventory ports, create, break into or deconstruct electronic viruses nor infiltrate or violate normal system services or functions for any purpose (malicious or otherwise). This prohibition includes but is not limited to peer to peer software, port scanners, network sniffers, password crackers, hacker tools/virus creation tools, keyloggers, and keylogger removal tools.

(e) District staff is prohibited from using IT resources for producing, reproducing,

propagating, downloading, distributing, circulating or otherwise communicating unacceptable correspondence, which includes but is not limited to, non-business related electronic correspondence such as junk mail, SPAM, pyramid mail, chain mail, letter bombs, or denial of service attacks.

(f) District staff is prohibited from using IT resources for any other use that violates the District's Standards of Conduct Policy or other District policies or procedures or in any manner which may interfere with the user's employment, another employees's employment or other District or business obligations.

(g) Only District staff who are frequently at locations apart from their normal duty stations or at duty stations that do not have IT network connections may receive District-owned remote-access IT resources (such as wireless telephones, PDAs, or portable computers, etc.) on an ongoing basis.

(h) Only IT resources sanctioned or authorized by the IT ~~Department~~ Bureau should be used to access the telecommunications infrastructure and the District's data.

(i) District staff is prohibited from storing information in a foreign language with information only being stored in English.

(j) District staff is prohibited from using personal devices to store, or transfer District data.

Prohibited uses of IT resources, as described in this policy are for illustrative purposes only. Not all prohibited activities have been identified and described in this policy. District management reserves the right to determine that behavior not explicitly proscribed or prohibited herein, may in fact be an unacceptable use of IT resources.

(3) Cost Effectiveness: Users shall choose the most cost-effective IT resources available at the time, including toll-free or local access numbers, whenever possible.

(4) Transmission of Confidential Information: The District is proactive in its obligations related to the public access of information governed by Public Records Laws. Users are reminded that almost all information transmitted using District IT resources is public record. Confidential information (e.g., passwords, security measures, etc.) or other protected information should not be communicated using telecommunication devices, and users are reminded to comply with the District's Information Technology Security Policy in this regard.

(5) Ownership and Audit of IT Resources, Records or Files: All data, voice messages or multi-media files created or transmitted while using District IT resources remain the property of the District. As such, all e-mail and voicemail messages created, transmitted or received using District IT resources are and remain the property of the District. By using District IT resources, users have no right of privacy or expectation of privacy in electronic and stored communications (including e-mail and voicemail) and thereby consent to monitoring. The District may monitor, inspect, review, search, remove, or otherwise alter any information communicated or stored using District IT resources at any time and without notice. In addition, all communications shall be subject to the public records laws.

(R.M. No. 202; Res. No. 2004-845, 8-11-2004; Res. No. 2008-328, 3-13-2008)

Sec. 130-24. - Policy Violations.

Employees may be subject to disciplinary action up to and including separation from employment for violating this policy or any other District policy or procedure.

(R.M. No. 202; Res. No. 2004-845, 8-11-2004; Res. No. 2008-328, 3-13-2008)

Sec. 130-25. - Responsibilities.

The Executive Director is charged with the overall responsibility for ensuring compliance with this policy. ~~The Executive Director can designate this authority to the Chief Information Officer. The Executive Director, or the CIO if authorized, shall designate staff to administer this policy. Administration includes, but not limited to, the design and implementation and procedural guidelines and the management of this policy on a day-to-day basis.~~

(R.M. No. 202; Res. No. 2008-328, 3-13-2008)

~~**Sec. 130-26. - Policy Administration Guidelines.**~~

~~The Chief Information Officer, or his or her designee, will administer this policy and all related IT security procedures.~~

~~(R.M. No. 202; Res. No. 2008-328, 3-13-2008)~~

Secs. 130-27—130-40. - Reserved.

ARTICLE III. - RESERVED [17]

(17) **Editor's note—** Res. No. 2008-328, adopted March 13, 2008, repealed art. III, §§ 130-41—130-47, which pertained to electronic mail (e-mail) and derived from R.M. No. 37.

Secs. 130-41—130-60. - Reserved.

Secs. 130-41—130-60. - Reserved.

ARTICLE IV. - INTELLECTUAL PROPERTY AND WORKS-MADE-FOR-HIRE

Sec. 130-61. - Scope.
Sec. 130-62. - Objectives.
Sec. 130-63. - Introduction.
Sec. 130-64. - Statements of Policy.

Sec. 130-65. - Compliance.
Sec. 130-66. - Policy Violations and Enforcement.
Sec. 130-67. - Responsibilities.
Secs. 130-68—130-80. - Reserved.

Sec. 130-61. - Scope.

This article applies to all South Florida Water Management District personnel and contracted workers regarding the intellectual property of the District and works made for hire on the District's behalf.

(R.M. No. 41)

Sec. 130-62. - Objectives.

The objectives of this policy are to ensure that:

(1) The ownership of intellectual property and works made for hire is clearly established;

(2) Contracted workers understand their responsibilities regarding the final disposition of intellectual property and works made for hire developed on the District's behalf; and

(3) District personnel understand their obligations regarding the proper distribution of copyrighted materials and other intellectual property not owned by the District.

(R.M. No. 41)

Sec. 130-63. - Introduction.

The ownership and dissemination of intellectual property, work products and works-made-for-hire is one of the most highly disputed and controversial topics in the information technology industry. The right to copy, distribute or sell information or work products is not clear until ownership is ascertained. Unfortunately, the ownership of intellectual property and works-made-for-hire is often dependent upon a variety of factors unless it is established before the work product is developed.

(R.M. No. 41)

Sec. 130-64. - Statements of Policy.

(a) *Ownership:* All work products, works-made-for-hire and/or intellectual property created or developed by District workers in connection with and within the scope of their employment or contractual obligations to the District are the property of the District. Unless stated otherwise in writing, the District shall retain exclusive title, copyright and other proprietary rights in all such work products, including but not limited to:

(1) All work products, works-made-for-hire and/or intellectual property created on District premises utilizing District IT resources.

(2) All work products, works-made-for-hire and/or intellectual property created or developed by District workers in addition to their obligations to the District at the request of the District.

(3) All work products, works-made-for-hire and/or intellectual property resulting from the activities of District workers for which they are paid by the District.

(4) All intellectual property, work products and works-made-for-hire that are offered to the District voluntarily.

(b) *Reproduction and Distribution:*

(1) Work products, intellectual property and works-made-for-hire owned by the District may only be reproduced or distributed as authorized to fulfill District business activities or obligations.

(2) Copyrighted and patented materials that are not the property of the District may not be reproduced or distributed without written authorization from the owner of the rights thereto and in accordance with local, state and federal laws.

(c) *Additional Compensation:* The District is not obligated to provide additional compensation for intellectual property, work products and works-made-for-hire that are offered to the District voluntarily, including ideas or suggestions that are used by the District.

(d) *Deconstructing and Copying Source Codes.* Under no circumstances shall users be permitted to "reverse engineer" or deconstruct a proprietary software package for which the District does not own the intellectual property rights for the purpose of copying source code. Applications developed from proprietary software packages may not employ a reverse-engineering approach. Such actions will be held in violation of the provisions of the District's intellectual property and works-made-for-hire policy and federal law.

(R.M. No. 41)

Sec. 130-65. - Compliance.

(a) *Acknowledgement of Responsibility:* District workers who are not District employees will be informed of the District's intellectual property and works-made-for-hire policy and will be required to sign an acknowledgement of responsibility and ownership thereto prior to commencing work for the District.

(b) *Licensed Use:* Strict compliance with intellectual property rights is required in all cases where the District obtains a license for the use of intellectual property or copyrighted materials (e.g., computer software, training programs, etc.). Licensed materials should not be duplicated or distributed unless specifically authorized by the respective license agreement.

(R.M. No. 41)

Sec. 130-66. - Policy Violations and Enforcement.

All violations of information systems policies, standards and procedures will be reviewed for appropriate disciplinary and/or corrective action. Violations will be handled in accordance with the guidelines and procedures established in the District's Standards of Conduct and Corrective Action Policy.

(R.M. No. 41)

Sec. 130-67. - Responsibilities.

The Executive Director is charged with the overall responsibility for ensuring compliance with this policy.

~~(a) The Information Technology Department Director is responsible for the development and~~

~~maintenance of this policy for issuance by the Executive Director.~~

(b) District workers are responsible for compliance to this and other District policies and federal, state and local laws.

(c) Contractors and contracted employees performing work on the District's behalf are responsible to assist the District in its compliance with bona fide public records requests or to effect compliance with public records law or the Government-in-the-Sunshine Law, as directed by the District.

(R.M. No. 41)

Secs. 130-68—130-80. - Reserved.

ARTICLE V. - SECURITY

Sec. 130-81. - Scope.
Sec. 130-82. - Objective.
Sec. 130-83. - Statement of Policy.
Sec. 130-84. - Responsibilities.
Sec. 130-85. - Policy Violations.
Sec. 130-86. - Policy Administration.
Secs. 130-87—130-100. - Reserved.

Sec. 130-81. - Scope.

This policy is designed to address the physical and logical security requirements of all information technology (IT) systems and related resources of the South Florida Water Management District (SFWMD or District). These resources can be either provided or owned by the District or be specific devices and services not owned by SFWMD but being utilized to access the District's information technology infrastructure.

(Res. No. 2008-328, 3-13-2008)

Sec. 130-82. - Objective.

The objectives of this policy are to ensure that:

(1) District personnel and contract workers appropriately recognize why, when and how to implement information technology security measures; and,

(2) District personnel and contract workers understand information technology security from the perspectives of:

(a) *Physical Harm.* Preventing damage to information technology resources;

(b) *Integrity.* Safeguarding against the corruption of District data and services; and

(c) *Confidentiality.* Defending against inadvertent or unauthorized disclosure or alteration of

information legally exempt from public records.

District personnel and contract workers have no right to privacy or expectation of privacy when using District IT resources. Additionally, the institution or utilization of passwords or encryption or deletion functions to protect or limit access to District IT resources is not a guarantee of past, present or future confidentiality or privacy. The District may monitor, inspect, review, search, remove, or otherwise alter any information communicated or stored using District IT resources at any time and without notice. In addition, all communications are subject to the public records laws.

(Res. No. 2008-328, 3-13-2008)

Sec. 130-83. - Statement of Policy.

The District will implement security measures to protect District information and IT resources against accidental or unauthorized modification, destruction, disclosure, or loss. Security measures will also be used to protect District IT resources from fraudulent use or other criminal acts. Finally, security measures will be used to secure IT resources and information from natural disasters, such as fire and flood.

(1) *Acceptable Use:* District IT resources are the property of the District. They are provided to facilitate communications required to accomplish official District business and as a result should be used primarily for the purposes of conducting bona fide District business; however the District will permit reasonable incidental use of these resources. Reasonable incidental use is infrequent and brief personal connection and use of a District resource. No employee shall cause the District to incur costs for incidental personal use. Incidental personal use shall not interfere or otherwise conflict with District employee's job performance. Incidental use is subject to all District policies, procedures and public record laws.

2) *Physical Security of Assets:* Hardware and peripheral devices must be kept safe from physical harm including accidental damage, theft, abuse, or loss. The physical location of District IT resources (Hardware and other physical assets) must be adequately designed and constructed to restrict unauthorized access and use (theft, vandalism and sabotage, etc.), prevent damage due to environment factors (such as heat, moisture or electrical charge), or avoid accidental physical damage. Similarly, data reserved for long-term storage on diskettes or hard drives must be protected from loss due to magnetic fields or electrical pulses, in addition to preventing physical damage or loss.

(3) *Data Integrity:* The logical security of District information and critical data files that are essential, sensitive or confidential will be safeguarded from unauthorized access, disclosure, modification or destruction, in addition to the following security measures:

(a) *Access and Authorizations.* User accounts, passwords, permissions, access authorizations and appropriate levels of authority will be implemented wherever necessary to sufficiently restrict access to IT resources and data to authorized Users and equipment only. User accounts and access privileges will be reviewed periodically and upon a user's change in employment status (such as a promotion, change of job responsibilities or termination of employment, etc.) to ensure that the appropriate levels of access authorizations are still in effect.

(b) *Backups.* To protect against the interruption of District operations and the loss or corruption of critical data, routine backups will be performed as often as necessary to capture copies of resident data, critical data files, software and computer applications (as appropriate)

and other essential information for the purposes of complete recovery, if data are lost or destroyed. Employees may not disable these processes without proper authorization.

(c) *Virus Protection.* Virus protection measures will be implemented, including the use of virus-detection/correction software to identify viruses and clean infected files, and best practices security guidelines and procedures will be observed to prevent the infection and spread of computer viruses.

(d) *Encryption.* Encryption shall be implemented whenever passwords, user IDs, permissions, etc., are transmitted for the purposes of authentication.

(e) *Power Supply.* The data integrity of District's IT resources are dependent, in part, upon an adequate and uninterrupted supply of electricity. Protective equipment that ensures an interruption-resistant power supply shall be installed in all data center facilities and at all appropriate workstations to prevent voltage disturbances to computer and telephone servers and critical data files.

(f) *Change Control Management.* The District's change control policy and procedures will be observed as appropriate as a security measure to ensure that change has a minimum impact upon the integrity and availability of IT resources and data.

(g) *Validation of Data.* In terms of volume, errors and omissions are the greatest cause of incorrect information processing. Administrators are responsible for ensuring that data is validated, and to verify that it comes from a source appropriate to its intended use.

(h) *Remote Access.* No remote access technology or device is to be attached to District IT resources or the information technology systems infrastructure to gain remote access without the express authorization of the IT ~~Department Director~~ Bureau Chief or Chief IT Security Officer or their duly authorized delegates.

(4) *Confidential Information:* Users are reminded that information transmitted using District IT resources is generally public record. There are some legal exemptions from public records requiring special security measures to protect the information from disclosure. One important example of such confidential information is the security measures used to safeguard District IT resources from unauthorized access, use or modification in order to maintain the integrity of critical data files or the physical safety of resources. This legally exempt information under public records laws should be kept confidential using appropriate security measures including in part:

(a) Passwords, permissions, access/user IDs, transaction controls, firewall configurations, encryption, and extended authentication;

(b) Observing the District's prohibition of transmitting legally exempt information via IT resources; and,

(c) Nondisclosure.

(5) *Risk Analysis:* A risk analysis shall be performed routinely to identify systems and resources that pose a risk to the continuation of District services and business processes.

(6) *Audits:* Audits of information technology resources and services shall be conducted to assess the validity and timeliness of security measures in effect. The audits should take risk analyses into consideration as a standard against which the effectiveness of the District security program is

measured. Systems or resources identified as high-risk areas should be a primary focus of security audits, and shall be the primary consideration of contingency and recovery plans. Where audits reveal ineffective or insufficient security controls, additional security measures shall be developed and implemented to reduce the risk to information technology systems and resources.

(7) *Contingency and Recovery Plans:* All IT resources identified as critical to the continuity of District operations shall have a written and cost-effective contingency plan that will provide for the continuation of critical District functions in the event of service interruption. Recovery plans, including natural disaster and emergency management plans, will be implemented for the prompt and effective recovery of critical District data and services in the event of loss.

(8) *Appropriate Measures:* The degree to which security and safeguards are implemented should be commensurate with the value of the asset, or the level of risk associated with the loss of data and/or the potential damage to information systems or resources. In all cases, the consequence of loss and/or damage should be the primary factor in determining appropriate security measures.

(9) *Training and Awareness:* The District will implement a training program to ensure that all users accessing or modifying District IT resources are aware of the security requirements of the systems made available to them, and that users have been adequately trained to fulfill the expectations of the District's security policy, standards and procedures.

(Res. No. 2008-328, 3-13-2008)

Sec. 130-84. - Responsibilities.

The Executive Director is charged with the overall responsibility for ensuring compliance with this policy.

~~The Chief Information Officer is responsible for the overall responsibility for ensuring compliance with this policy. The Executive Director, or CIO if authorized, shall designate staff to administer this policy. Administration includes, but is not limited to, the design and implementation of procedural guidelines and the management of this policy on a day-to-day basis~~.

(Res. No. 2008-328, 3-13-2008)

Sec. 130-85. - Policy Violations.

Employees may be subject to disciplinary action up to and including separation from employment for violating this policy or any other District policy or procedure.

(Res. No. 2008-328, 3-13-2008)

~~**Sec. 130-86. - Policy Administration.**~~

~~The Chief Information Officer or his/her designee will administer this policy and all related IT Security procedure.~~

~~(Res. No. 2008-328, 3-13-2008)~~

Secs. 130-87—130-100. - Reserved.

ARTICLE VI. - REMOTE ACCESS

Sec. 130-101. - Scope.
Sec. 130-102. - Objective.
Sec. 130-103. - Statement of Policy.
Sec. 130-104. - Responsibilities.
Sec. 130-105. - Policy Violations.
Sec. 130-106. - Policy Administration.

Sec. 130-101. - Scope.

This policy defines the requirements and methods available to remotely access South Florida Water Management District (District) networks and information systems, and the intranet. Compliance and enforcement of this policy will prevent unauthorized access to District data stores while mitigating the introduction of malicious code into District information technology (IT) resources.

This policy applies to all District employees, contractors, vendors and agents with a District-owned or personally-owned computer or workstation used to connect to the District's network. This policy applies to remote access connections used to do work on behalf of the District, including reading or sending email, accessing files, running applications and viewing intranet web resources.

Remote access implementations that are covered by this policy include, but are not limited to, frame relay, ISDN, DSL, VPN, SSH, and cable modems, etc.

(Res. No. 2008-328, 3-13-2008)

Sec. 130-102. - Objective.

The objective of this policy is to define standards for connecting to the District's network from any remote host. These standards are designed to minimize the potential exposure to District from damages which may result from unauthorized use or access to District computer resources. Damages include the loss of sensitive or company confidential data, intellectual property, damage to public image, damage to critical District data repositories or compromise of the flood control system.

Remote Access Users have no right to privacy when using District IT resources. Additionally, the institution or utilization of passwords or encryption or deletion functions to protect or limit access to District IT resources is not a guarantee of past, present or future confidentiality or privacy. The District may monitor, inspect, review, search, remove, or otherwise alter any information communicated or stored using District IT resources at any time and without notice. In addition, all communications are subject to the public records laws.

(Res. No. 2008-328, 3-13-2008)

Sec. 130-103. - Statement of Policy.

The District will allow remote access to District networks and systems for employees and authorized third parties working from external locations to reduce travel cost, increase productivity, and provide for optimal use of District networks and systems. Security measures will be implemented to protect District information and IT resources against accidental or unauthorized modification, destruction, disclosure, or

loss. Security measures will also be used to protect District IT resources from inappropriate fraudulent use or other criminal acts.

(1) *General Provisions:*

(a) Secure remote access must be strictly controlled.

(b) Remote access will require the use of two factor authentication. District issued RSA tokens is the current two factor standard in use at the District.

(c) At no time should any District employee provide their login, PIN or email password to anyone, not even family members.

(d) District employees, contractors, vendors and agents with remote access privileges to the District's corporate network are prohibited from accessing the Internet for personal use.

(e) District employees, contractors, vendors and agents with remote access privileges to District's corporate network must ensure that their remote access connection is given the same consideration as the user's on-site connection to the District.

(f) District employees and contractors with remote access privileges must ensure that their District-owned or personal computer, which is remotely connected to District's corporate network, is not connected to any other network at the same time, with the exception of personal networks that are under the complete control of the user.

(g) District employees and contractors with remote access privileges to the District's corporate network must not use non-District email accounts (i.e., Hotmail, Yahoo, AOL), or other external resources to conduct District business, thereby ensuring that official business is never confused with personal business and making their personal email subject to public record laws.

(h) Routers for dedicated ISDN lines configured for access to the District network must meet minimum authentication requirements of CHAP.

(i) Configuration of a home user's equipment for the purpose of split-tunneling or dual homing is not permitted at any time.

(j) Frame Relay must meet minimum authentication requirements of DLCI standards.

(k) Non-standard hardware configurations must be approved by the Chief Information Security Officer (CISO).

(l) Remote access to the SCADA network will require additional authorization by the ~~Operations Control Staff Director~~Bureau Chief - Water Control Operations.

(m) All hosts that are connected to District internal networks via remote access technologies will be subjected to posture validation in accordance with the current requirements and best practices established by the CISO. The District will require the temporary installation of host validation software to ensure the remote device meets the minimum configuration and security requirements.

(n) Organizations or individuals who wish to implement nonstandard remote access solutions

to the District production network must obtain prior approval from the District's CISO.

(2) *Acceptable Use:* District IT resources are the property of the District. They are provided to facilitate communications required to accomplish official District business and as a result should be used primarily for the purposes of conducting bona-fide District business; however the District will permit reasonable incidental use of specified resources. Reasonable incidental use is infrequent and brief personal connection and use of a District resource. No employee shall cause the District to incur costs for incidental personal use. Incidental personal use shall not interfere or otherwise conflict with District employee's job performance. Incidental use is subject to all District policies and procedures and public records laws.

(3) *Physical Security of Assets:* Hardware and peripheral devices must be kept safe from physical harm including damage, theft, abuse, or loss. The physical location of District IT resources (Hardware and other physical assets) must be adequately designed and constructed to restrict unauthorized access and use (theft, vandalism and sabotage, etc.), prevent damage due to environment factors (such as heat, moisture or electrical charge), or avoid physical damage. Similarly, data reserved for long-term storage on diskettes or hard drives must be protected from loss due to magnetic fields or electrical pulses, in addition to preventing physical damage or loss.

(4) *External Connection Methods and Guidelines:*

(a) Modems.

(i) DUN technology (modem bank) is presently being discontinued at the District.

(ii) Use of telephone modems installed on District computers are prohibited unless there is specific business need and they are granted an exception by the CISO.

(iii) Fax machine analog connections are to be used by the fax equipment only. Unauthorized use of the fax line for connection to a computer modem is strictly prohibited.

(b) Virtual Private Network (VPN).

(i) It is the responsibility of remote access users with VPN privileges to ensure that unauthorized users are not allowed access to District internal networks by protecting their computer, passwords, tokens, and accounts.

(ii) VPN user must be authenticated using two-factor authentication such as a token device and password.

(iii) When actively connected to the District networks, the VPN will force all traffic to and from the PC over the VPN tunnel. All other traffic will be dropped.

(iv) Dual (split) tunneling is prohibited in the District computer environment; only one network connection is allowed while a user is connected to the District VPN.

(v) All computers connected to District internal networks via VPN must have an up-to-date anti-virus software which shall be checked by universal access control (UAC) and forwarded to the appropriate site when District standards are not met. UAC is in the process of being implemented.

(vi) VPN users will be automatically disconnected from District network after 20 minutes

of inactivity or immediately if any security policy violation is detected. If disconnected due to inactivity, the user must then logon again to reconnect to the network. Automatic network processes are prohibited from being used to keep the connection open.

(vii) The VPN concentrator is limited to an absolute connection time of 24 hours. After that, the VPN concentrator should require the user to reconnect and re-authenticate to the VPN.

(viii) Users of computers that are not District issued equipment must configure their equipment to comply with District VPN and security procedures.

(ix) Only District approved and installed VPN clients may be used.

(x) By using VPN technology with personal equipment, users should understand that the District internal network has been extended to include their remote devices. Because of this, the systems are subject to the same rules and regulations that apply to District-owned equipment. User's machines must be configured to comply with District standards.

(xi) VPN implementations must maintain point-to-point hardware encryption of at least 128 bits.

(xii) VPN implementations must support a hardware address that can be registered and tracked, i.e., a MAC address.

(xiii) VPN Implementation must support and employ strong user authentication which checks against an external database such as TACACS+, RADIUS, or a similar product.

(xiv) VPN access must be obtained with District Supervisor or District Management Sponsor approval in support of a demonstrated legitimate business need.

(xv) VPN accounts/access is prohibited from being shared with other users.

(c) *Broadband Access.*

(i) Broadband connection types are used by remote access users when connecting to the District VPN. These types of connections include but are not limited to wireless networks provided by District, hotels and service providers (T- mobile hotspots, internet cafes, etc), Sprint AirNet wireless networking cards, and satellite connections (such as DirectPC).

(ii) While broadband connections are a legitimate method for accessing the internet, they also present several security risks. DSL and cable modem connections are "always on" connections. This means that as long as a computer is turned on, it is connected to the Internet. Always-on connections allow computers susceptible to attack at any hour of the day, providing the computer is powered on. The mandatory use of a District authorized client required when using broadband access will help mitigate the risk associated with DSL and modem connections.

(iii) The remote access mechanisms provided by the District VPN must adhere to District timeout guidelines.

(d) *Mobile Device Access.*

(i) Mobile computing devices are any type of device that can move or be moved and is capable of collection, storing, transmitting, or process electronic data or images. Movement in this case refers to the device generally not having a fixed connection to the network. Personal digital assistant (PDA) combines computing, telephone, fax, internet and other networking features.

(ii) Mobile devices such as Blackberries, Palm Treo devices, and PDAs may be provided with access to internal resources at District. These devices should be configured as securely as possible so that in the event of loss or theft, potential compromise of District data is minimized.

(iii) Modern mobile devices contain nearly as much functionality as laptop or desktop computers. They can access many of the same network resources including documents, email, and web resources as a user connected to the internal network through other mechanisms such as the VPN. Because of this, mobile devices should follow many of the same guidelines for security as laptop and desktop computers.

(iv) Mobile Device connectivity must be accomplished through the IT ~~Systems Administration Group~~ Bureau responsible for support of these devices. Currently, these mechanisms include corporate email access from Blackberry devices, Palm Treo devices and Personal Digital Assistants.

(v) Mobile devices should receive updates and security patches from the operating system vendor. This must occur on a regular basis as necessary to prevent operating system patches from becoming out of date or vulnerable to attacks.

(vi) Mobile devices should use encryption capabilities to protect data stored on the device.

(vii) If application-level firewall package is available, it should be installed and activated on mobile devices.

(viii) Mobile devices that are lost or stolen must be reported immediately to the IT System Administration Group so that actions may be taken to minimize potential risk.

(e) *Wireless Access.*

(i) District wireless access for employees and contractors is allowed for accessing the District's Enterprise Network, Internal systems, Internet, and intranet using District laptops which have been loaded with the District standard firewall, anti-virus and odyssey pc client software to enhance computer security and to direct Internet access through the District's enterprise network.

(ii) Public wireless access for contractors, vendors, partners, and the general public is allowed for accessing the "internet only". This wireless access does not traverse the District's Enterprise Network. District contract employees are allowed to use the public wireless access to the "internet only" to communicate with their employers for business purposes only. The District assumes no liability for use or the security of this service. Users of this service are encouraged to have an up-to-date firewall and antivirus loaded

and operational on their non-District laptop.

(f) *Internet Service Providers (ISP).* District employees and contractors may also access their District e-mail by using their personal IPS and accessing https://exmail.sfwmd.gov. All applicable District policies and procedures apply to this access.

(5) *Remote Access Methods for Internal Systems:*

(a) Connections required for systems outside of the District's perimeter firewall must be accessed using a secure connection facility, with a suitable form of encryption to secure the connection. Examples of suitable mechanisms include SSH2, SSL, or Triple-DES encrypted remote desktop protocol (RDP).

(b) Connections required for systems outside of the District's perimeter firewall must be accessed using a secure connection facility, with a suitable form of encryption to secure the connection. Examples of suitable mechanisms include SSH2, SSL, or Triple-DES encrypted remote desktop protocol (RDP).

(c) Remote administration of routers, switches or other critical network attached appliances shall be accomplished using router software containing a version of the SSH server for remote administration of these devices. Telnet shall not be used and is no longer authorized for network appliance management. Whenever available the SSH2 protocol should be leveraged for remote network device administration.

(d) Mission critical systems (e.g., SCADA, router systems, windows domain controllers), management or administrative access must only be allowed through secure (i.e. encrypted) sessions.

(Res. No. 2008-328, 3-13-2008)

Sec. 130-104. - Responsibilities.

The Executive Director is charged with the overall responsibility for ensuring compliance with this policy. ~~The Executive Director can designate this authority to the Chief Information Officer. The Executive Director, or the CIO if authorized, shall designate staff to administer this policy. Administration includes, but is not limited to, the design and implementation of procedural guidelines and the management of this policy on a day-to-day basis.~~

(Res. No. 2008-328, 3-13-2008)

Sec. 130-105. - Policy Violations.

Employees may be subject to disciplinary action up to and including separation from employment for violating this policy or any other District policy or procedure.

(Res. No. 2008-328, 3-13-2008)

~~**Sec. 130-106. - Policy Administration.**~~

~~The Chief Information Officer or his/her designee will administer this policy and all related IT Security procedures.~~

(Res. No. 2008-328, 3-13-2008)

ARTICLE II. - PROJECTS AND LANDS COMMITTEE

Sec. 140-11. - Statements of Policy.
Sec. 140-12. - Authority.
Sec. 140-13. - Responsibilities.
Sec. 140-14. - District Governance.
Sec. 140-15. - Delegation of Authority.
Secs. 140-16—14-20. - Reserved.

Sec. 140-11. - Statements of Policy.

The Governing Board of the South Florida Water Management District (District) has the responsibility to District residents and taxpayers to thoroughly review Operations, ~~and~~ Maintenance, and Construction Projects, Comprehensive Everglades Restoration Plan and Northern Everglades Projects~~,~~; proposed acquisitions of public lands needed to support District environmental restoration initiatives (such as Minimum Flows and Levels) and land management and land stewardship issues. In keeping with the principles of sound public government management, the Governing Board establishes a Project and Lands Committee to assist in its oversight responsibilities.

(Res. No. 2006-115, 1-11-2006; Res. No. 2008-910, 9-11-2008)

Sec. 140-12. - Authority.

(a) The Project and Lands Committee shall be a standing committee of the Governing Board. Its principal duties are to ensure that proposed land acquisitions are necessary, economical for the tax paying public and fair to the selling property owner, to review proposed District capital construction and to oversee District land management and land stewardship matters.

(b) The Project and Lands Committee appointed by the Governing Board Chairman will be composed of at least three standing Board members with invitation extended to other Board Members who represent geographic areas impacted by proposed acquisitions. The duties and responsibilities of a member of the Project and Lands Committee are in addition to those duties set out for a member of the Governing Board.

(c) The Governing Board authorizes the Project and Lands Committee to adopt reasonable rules of procedure to govern the conduct of its business, selection of a presiding officer, the scheduling of meetings, establishment of a quorum and other administrative matters. The Project and Lands Committee shall furnish a copy of any adopted rules to the full Governing Board. The Project and Lands Committee will be given adequate support to discharge its responsibilities.

(d) The Project and Lands Committee will meet on an as needed basis at the call of the presiding officer and will report its actions to the Governing Board with such recommendations as the Committee may deem appropriate.

(Res. No. 2006-115, 1-11-2006; Res. No. 2008-910, 9-11-2008)

Sec. 140-13. - Responsibilities.

The responsibility of the Project and Lands Committee in the area of real estate acquisition is to provide assurance to the Governing Board that disclosures, offers and sale agreements made by management and staff reasonably portray the most effective and efficient method to acquire land that enhances restoration, preservation, construction, water supply, or flood control efforts on behalf of the District. In addition, the Project and Lands Committee shall review proposed District capital construction and other capital projects associated with the Comprehensive Everglades Restoration Plan, the Northern Everglades and Operations, ~~and~~ Maintenance, and Construction ~~Projects~~projects. To accomplish this responsibility, the Project and Lands Committee will:

(1) Provide an open avenue of communications between the Bureau Chief of Land Resources ~~Department Director of Land Acquisition and Land Management~~ and the Governing Board.

(2) Consult with the ~~Deputy Executive~~ Director of the Everglades Policy and Coordination Office and ~~Restoration and~~ Operations, ~~and~~ Maintenance, and Construction Division ~~Resource Areas~~.

(Res. No. 2006-115, 1-11-2006; Res. No. 2008-910, 9-11-2008)

Sec. 140-14. - District Governance.

The Project and Lands Committee will provide assurance to the Governing Board that District acquisitions and projects are in compliance with pertinent laws and regulations and are operating in accordance with sound business practices.

(Res. No. 2006-115, 1-11-2006; Res. No. 2008-910, 9-11-2008)

Sec. 140-15. - Delegation of Authority.

The Governing Board delegates to the Project and Lands Committee the authority to assist the Governing Board in:

(1) Fulfilling the District's land acquisition responsibilities,

(2) The review of Comprehensive Everglades Restoration Plan, Northern Everglades ~~Projects~~ and Operations, ~~and~~ Maintenance, and ~~Projects~~Construction projects~~.~~;

(3) The exercise of its authority over land management and land stewardship matters;.

(4) Performing the District governance activities outlined in this article.

(Res. No. 2006-115, 1-11-2006; Res. No. 2008-910, 9-11-2008)

Secs. 140-16—14-20. - Reserved.

ARTICLE III. - LAND STEWARDSHIP

Sec. 140-21. - Scope.
Sec. 140-22. - Purpose.
Sec. 140-23. - Statements of Policy.
Sec. 140-24. - Definitions.
Sec. 140-25. - Responsibilities.
Secs. 140-26—140-40. - Reserved.

Sec. 140-21. - Scope.

This policy shall apply to all lands managed by the Land Stewardship Program, including property acquired with Save Our Rivers, Preservation 2000 or mitigation funding. Nothing in this policy shall negate any statute, administrative rule, or other policy requirement. This policy may be reviewed and approved by the District Governing Board at five-year intervals or earlier and updated as required. Public comment may be solicited as part of the review process.

(R.M. No. 139)

Sec. 140-22. - Purpose.

(a) This policy establishes a commitment to the responsible management of District lands in a manner consistent with legislative directives and the District's mission.

(b) In 1981, the Florida Legislature established the "Save Our Rivers" program (SOR) for the five water management Districts to acquire water resource lands. This legislation (Section 373.59, Florida Statutes) produced the Water Management Lands Trust Fund, empowering the water management Districts to acquire lands needed to protect, manage, and conserve the state's water resources. Preservation 2000 (P2000), enacted by the Legislature in 1990, also added land acquisition funds to the Save Our Rivers program. The 1999 Florida Forever Act consolidated the legislative directives of SOR/P2000 and expanded the funding to take over when P2000 terminates. The 1999 legislation authorized funds to be appropriated for acquisition, management, maintenance and capital improvements, including perimeter fencing, signs, control of invasive exotic species, controlled burning, habitat inventory and restoration, law enforcement, access roads and trails, and minimum public accommodations.

(c) Land acquired by the District's Save Our Rivers program and managed by the Land Stewardship program must satisfy several requirements set forth in Sections 373.139 and 373.1391, Florida Statutes. Section 373.139, Florida Statutes, declares it necessary for the public health and welfare that water and water-related resources be conserved and protected. The acquisition of real property for this objective shall constitute a public purpose for which public funds may be budgeted.

(d) Section 373.1391(1)(a), Florida Statutes, states that lands titled to the water management districts shall be managed and maintained to the extent practicable to ensure a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition.

(e) Section 373.1391(1)(b), Florida Statutes, states, in part, that "Whenever practicable, such lands shall be open to the general public for recreational uses. General public recreational uses shall include, but not be limited to, fishing, hunting, horseback riding, swimming, camping, hiking, canoeing, boating, diving, birding, sailing, jogging, and other related outdoor activities to the maximum extent possible considering the environmental sensitivity and suitability of those lands."

(f) Section 373.1391(1)(d), Florida Statutes, states that the District shall first consider using soil and water conservation Districts to administer agricultural leases.

(g) Section 373.1391(3), Florida Statutes, encourages each District to use volunteers to provide land management and other services.

(h) Section 373.1391(4), Florida Statutes, encourages each District to enter into cooperative land management agreements with state agencies or local governments to provide the coordinated and cost-effective management of lands.

(i) Section 373.1391(5), Florida Statutes, authorizes water resource and supply projects, stormwater management projects, linear facilities, and sustainable agriculture and forestry where it is compatible with the natural resource values and the public interest and is consistent with the project management plan, the proposed use is appropriately located on the property and other lands have been considered, and the titleholder of the property has been properly compensated.

(j) Section 373.591, Florida Statutes, mandates the District to solicit input on current management programs through professional peer reviews.

(R.M. No. 139)

Sec. 140-23. - Statements of Policy.

The Land Stewardship Program mission is to provide natural resource protection and management while allowing compatible multiple uses on designated public lands. The mission statement, together with requirements set forth in the Florida Statutes, provide three primary goals for the District Land Stewardship Program, each of which is linked to sections in this Land Stewardship Policy document:

(1) Conservation and protection of water resources (section 140-25(1)).

(2) Protection and/or restoration of land to its natural state and condition:

a. Restoration and Protection of Natural Communities (section 140-25(2)); and

b. Resource Operations and Maintenance (section 140-25(3)).

(3) Provide public use (section 140-25(4)).

(R.M. No. 139)

Sec. 140-24. - Definitions.

For the purpose of this article, the following words and terms shall have the meanings respectively ascribed:

Archaeological/Historic Resources means any prehistoric or historic district site, building, object, or property of historic, architectural, or archaeological value relating to the history, government, and

culture of a historic or pre-historic people.

Best Management Practice (BMP) means the best available technology or process that is practical and achieves the desired goal or objective.

Capital Improvement means activities relating to the restoration, public access, recreational uses and necessary services for land and water areas, including the initial removal of invasive plants, and the construction, improvement, enlargement or extension of facilities' signs, fire lines, access roads, and trails. Such activities shall be identified prior to the acquisition of a parcel or the approval of a project.

Cooperating Agencies means two or more agencies working together to operate a specific management area.

Cooperative Management Agreement means an agreement between two or more agencies outlining the respective duties and responsibilities of each agency in the management of a specific tract of land.

Critical Habitat means areas designated for the survival and recovery of state/federally listed rare, threatened, endangered or other sensitive species.

Desirable Vegetation means native plant species that are appropriate for a specific community type and provide benefits to wildlife in the form of food, cover and nesting.

Habitat Diversity means richness and variety of native plant communities within a particular area of the landscape.

Hydroperiod means flooding duration, depth, and timing that influences species composition, ecosystem structure and function.

Interim Land Management means management of non-natural areas that provides revenue without impacting long-term water-development projects.

Invasive/Exotic Vegetation means certain plants that displace native species and adversely affect wildlife habitat, water quality, recreation, and biological diversity.

Lead Manager means the prime managing entity designated for a given tract of land; generally provides the on-site staff.

Management Area means a single tract or combination of tracts under one management program.

Mitigation means, for purposes of this policy, the actual acquisition, restoration, creation, or enhancement of wetlands to compensate for permitted wetland impacts.

Mitigation Banking means wetland acquisition, restoration, creation or enhancement undertaken expressly to provide compensation in advance of wetland losses from development activities.

Multiple-Use means the management of renewable resources for a variety of purposes such as recreation, range, timber, wildlife habitat, and water resource development.

Prescribed Fire means burning of vegetative fuels using controlled application of fire within specified environmental conditions.

Primary Resource Lands means lands having high water resource, fish, wildlife, and recreational values requiring acquisition or protection.

Regional Mitigation Area means, for purposes of this policy, permitted wetland impacts offset through payment for the acquisition, restoration and perpetual management of a Save Our Rivers identified and duly noticed project.

Responsible Management means level of management described in the General Management Plan.

Sustainable Use means to provide continued use of a natural resource without degradation or loss of that resource.

Water Resource Buffer means that portion of a Preservation 2000 or Save Our Rivers project necessary to protect the aquatic environment.

Wildlife Corridor means a connection between natural areas that allows the safe movement of wildlife.

(R.M. No. 139)

Cross reference— Definitions and rules of construction, § 100-2.

Sec. 140-25. - Responsibilities.

The Land Stewardship Program is responsible for:

(1) Water Resource Protection. The basis for the Land Stewardship Program is the protection and management of natural hydrologic resources. The following policies guide implementation of this objective:

a. Acquired lands shall be managed to provide water resource-related benefits.

b. Land uses or activities that significantly or permanently alter or degrade the quality, quantity and/or natural movement of ground or surface water are not allowed unless they are a part of a regional water management system.

c. Where feasible, an attempt shall be made to restore a more natural hydroperiod on tracts where the drainage patterns have been altered.

d. Public use shall not result in detrimental impacts to water resources. When a public use activity produces detrimental effects on water resources, it shall be discontinued until an evaluation determines that such use is compatible.

e. Water resource lands designated as necessary to implement the Central and Southern Florida "Restudy" Project shall, upon acquisition, become the responsibility of the Land Stewardship Program ~~(Interim) Land Management Program~~, and follow the guidelines set forth under Section 373.1391(5), Florida Statutes.

(2) Restoration and Protection of Natural Communities:

a. The Land Stewardship Program will encourage the acquisition of large or regionally significant areas that protect important natural resources and provide wildlife corridors.

b. Particular emphasis shall be placed on the identification, protection and management of rare, threatened and endangered species.

c. The planting of invasive exotic plant species shall be prohibited in all management

areas. Management practices will strive to identify existing infestations and implement appropriate control or eradication measures.

d. Where practicable, an attempt shall be made to restore and maintain desirable vegetation to promote habitat diversity in areas where invasive exotic vegetation, grazing practices, or improved land uses have substantially altered the historic landscape.

(3) Resource Operations and Maintenance:

a. Lands acquired for natural and/or hydrologic resource benefits shall be managed to conserve and protect those resources.

b. Exotic plant control in all management areas shall strive to attain a level of success where periodic maintenance eliminates the infestation or reduces the coverage of exotic plants.

c. Prescribed fire will be a primary management tool on District lands and will be applied within fire-maintained communities at appropriate intervals.

d. The Division of Forestry will be notified of all wildfires on District lands. Land Stewardship will provide initial suppression when commensurate personnel and equipment are available.

e. Inventories of natural and historic resources shall be performed to provide information for effective land management planning, natural community maintenance and ecological restoration.

f. Evaluation and monitoring of management activities shall be conducted to improve program effectiveness and efficiency.

1. Research shall evaluate the environmental response of certain management activities to assist staff in making appropriate management decisions.

2. Monitoring shall be conducted to identify landscape changes resulting from management activities.

3. Legislative-mandated management reviews will provide input from professional peers.

g. Resource protection shall be provided by professional law enforcement services through funded and unfunded contractual agreements to safeguard the public and protect natural and cultural resources on District-managed natural areas.

h. Sustainable use of forest resources shall be conducted where these activities adhere to a series of environmental criteria (see 1999 Forest Management Plan) that meet Land Stewardship Program goals. Timber contractors will be required to meet silvicultural Best Management Practices (BMP) developed for Florida forests.

i. Range management (grazing) will be considered on improved or native ranges when the introduction of cattle will not conflict with other natural resource management and public use goals.

j. Archaeological and historic resources are protected by site identification and inter-agency coordination with the Florida Division of Historical Resources. Land stewardship planning shall include an analysis of archeological data accompanied by appropriate public education opportunities.

k. Infrastructure support shall be developed and maintained to provide safe access for responsible management and public use on District lands. Such infrastructure may include access points, roads, trails, signs, utilities, and minimal public facilities.

l. Mechanical equipment may be used in conjunction with prescribed burning and other management tools to control vegetation and restore habitat structure.

m. Agricultural developments previously existing on acquired natural areas may be maintained if management of these developments is consistent with other land stewardship goals.

(4) Public Use and Environmental Education:

a. Public use of management areas that is consistent with other management goals shall be encouraged. Public use that may have detrimental impacts on sensitive environmental resources shall be restricted until an evaluation determines such use is compatible. A public use compatibility assessment will be included in the General Management Plan completed for each management area and will be based on the following criteria:

1. Consistency with the reason the lands were acquired.

2. Restrictions and/or prohibitions imposed by easements, leases, reservations, adjacent land ownership, conditions of the purchase agreement, and any other agreements concerning the property.

3. Infrastructure and support facility requirements, such as fences, gates, signage, entry design, stabilized off-road parking, trails, campsites, maintenance, and other operational and budgetary impacts.

4. Opportunities for persons with disabilities.

5. Limitations resulting from endangered species, other sensitive natural resources, archaeological resources, or land management practices.

6. Public health, safety and welfare.

7. Environmental education program opportunities.

b. Public Use Regulation:

1. Public use regulations are set forth in 40E-7, Part V~~.511~~, Florida Administrative Code, to implement Section 373.1391(1)(b), Florida Statutes. Accordingly, the District shall publish and make available to the public a "Public Use Guide" for designated land management areas. The Public Use Guide will be adopted by the Governing Board at a public meeting advertised in accordance with Chapter 120, Florida Statutes.

2. Rules and regulations governing the public use of each management area shall be

enforced by agencies with appropriate law enforcement jurisdiction.

3. Pursuant to Section 373.609, Florida Statutes, the District shall seek the cooperation of every state and county attorney, sheriff, police officer, and appropriate city and county official in the enforcement of the provisions set forth according to 40E-7, Part V, ~~.511~~, Florida Administrative Code.

4. Florida Fish and Wildlife Conservation Commission regulations shall govern hunting in areas opened for such use.

(5) Implementation Strategies. The District will secure dedicated funding sources, personnel and other resources to support program goals and objectives. Project funding needs and sources for cooperative management agreements with government and non-government entities will be identified during acquisition. A cooperative management agreement will designate a lead Manager and identify whether District funding is required.

a. The private sector may be solicited to furnish certain management-related facilities and services through the execution of leases and agreements. These leases/agreements will assure mutual benefits to both the District and private parties and be consistent with the program management objectives.

b. Mitigation:

1. Mitigation Banking: Mitigation banking provides an opportunity to accomplish large-scale restoration that may otherwise go unfunded. Pursuant to Section 373.4135, Florida Statutes, the District is encouraged to develop mitigation banks. Land managers will evaluate opportunities in their regions to implement mitigation banks that are consistent with the guidelines established in the Joint State and Federal Mitigation Bank Review Team Process for Florida.

2. Regional Mitigation Areas: The acquisition, restoration and management of District lands as mitigation shall be consistent with ~~Chapter 2000-133, amending~~ Sections 373.414 and 373.4135, Florida Statutes. This includes the establishment of Memorandums of Agreement (MOA) that include restoration plans, success criteria, and monitoring requirements. The MOAs will be used to implement mitigation using full-cost accounting, public noticing, and approval by the Governing Board for use as a mitigation area. The mitigation shall meet restoration objectives as provided in the General Management Plan.

c. Revenue Generation:

1. Private concessions and/or agreements with non-profit organizations will be considered to implement needed services through concession contracts.

2. Entrance and user fees, permits, licenses and/or advance reservations may be required where considered necessary by the managing agency.

3. Timber sales will be conducted to improve forest health or to support specific forest management goals.

4. Grazing leases will be encouraged on selected rangeland to generate revenue or to provide services that offset program management costs.

d. Volunteers and Interns:

1. Volunteers, interns and alternative work forces will be used when possible to supplement existing staff and services.

2. Any volunteer services must meet the standards and procedures prescribed by the District (Risk Management Manual, Volume 1).

(6) Program Components:

a. Management Assessment: A brief summary of the management issues completed when the site is identified for acquisition.

b. General Management Plan (GMP): Provides a description of recommended management and is required for each Land Stewardship Management Area. The GMP follows a designated format and is updated every ten ~~five~~ years.

c. Activity Plan (AP): Provides a detailed implementation strategy for specific activities such as prescribed burning, exotic removal and restoration. The plan shall be developed by the lead Manager in consultation with the cooperating agencies for each major tract of land (or group of tracts) to be operated as a single management unit. The AP may be included in the GMP and is updated when necessary.

d. Annual Work Plan (AWP): Summarizes activities corresponding with annual budget development and is prepared by the Land Stewardship Section ~~Operations Section of the Land Stewardship Program.~~

e. Reporting: Summaries of management activities for each management area will be reported quarterly within the District and annually as part of the Florida Forever Work Plan.

(R.M. No. 139)

Secs. 140-26—140-40. - Reserved.

ARTICLE V. - PUBLIC RECREATIONAL ACCESS AND USE

Sec. 140-171. - Scope.
Sec. 140-72. - Purpose.
Sec. 140-73. - Statement of Policy.
Sec. 140-74. - Definitions.
Sec. 140-75. - Recreational Use Plans.
Sec. 140-76. - Appendix A.
Sec. 140-77. - Appendix B.

Sec. 140-171. - Scope.

This policy shall apply to lands of the South Florida Water Management District and to District involvement in the management of other lands or planning of other water resource related activities and facilities. Nothing in this policy shall negate, supercede or replace any existing statute, administrative rule, permit, license, subordination, delegation, agreement, contract or other non-recreational policy. This policy may be reviewed and approved by the District Governing Board at five-year intervals or earlier, and updated as required. Public comment shall be solicited as part of the review process.

(Res. No. 2004-356, § I, 3-10-2004)

Sec. 140-72. - Purpose.

This policy establishes a commitment to the responsible planning, management, and promotion of public recreational access and use on District lands. This policy shall provide guidance for the South Florida Water Management District in decisions related to public recreational access and use of District lands, including stormwater treatment areas and Comprehensive Everglades Restoration Plan (CERP) projects. It incorporates by reference, recommendations of the South Florida Ecosystem Restoration Task Force in Strategy for Restoration of the South Florida Ecosystem, and reports from the Governor's Commission for a Sustainable South Florida. These references are set forth in appendix A.

(Res. No. 2004-356, § II, 3-10-2004)

Sec. 140-73. - Statement of Policy.

(a) *Generally.* Public recreational access and use shall be provided for and encouraged to ensure the public's opportunity for enjoyment and appreciation of the natural resources of south Florida. District lands shall be open to public recreational access and use activities as is practicable and in a manner consistent with legislative directives, intended uses, legal considerations, and resources. Land and project plans shall incorporate public recreational access and use.

(b) *Intended Uses.*

(1) The intended uses of the property shall be given primary consideration.

(2) A balanced mix of public recreational access and use shall be allowed except when specific activities are not in the best interest of the land.

(3) Public recreational access and use shall be consistent with the protection of natural resources, ecological value and function of lands.

(c) *Legal Considerations.*

(1) Public recreational access and use shall be consistent with the District's land ownership rights and environmental laws.

(2) All access and use of District lands shall be governed by rules and policies of the District and/or other units of government in partnership with the District, and/or general laws of the State of Florida.

(d) *Resources.*

(1) There shall be a reasonable dedication of land, financial, and human resources as directed by the Governing Board, to ensure an equitable distribution and variety of recreational activities.

(2) Reasonable consideration of public recreational access and use and the resources required to accomplish such shall be given to lands in transition.

(3) Stable partnerships with private and public entities that expand the opportunities for public recreational access and use shall be encouraged.

(e) *Planning.*

(10 Recreational use plans for public recreational access and use on District lands shall be undertaken by the District in a proactive manner.

(2) Recreational use plans for public recreational access and use on District lands shall undergo public review and comment.

(3) New projects shall be designed to enhance fish and wildlife, as appropriate, and in consideration of a recreation compatibility analysis, shall have plans for appropriate public recreational access and use facilities. Two examples of fish and wildlife enhancements include:

a. Leave trees in reservoirs to create "stick marsh;"

b. Scalp canal banks to create littoral zones.

(4) Facilities to accomplish current and reasonably optimistic future general public access needs, such as parking and other facilities that support many activities, shall be a necessary part of planning and site design for District water resource management projects.

(f) *Recreational Advisory Committee.*

(1) The District shall establish a standing recreation advisory committee to assist staff and provide recommendations to the WRAC and the Governing Board on District recreational matters.

(2) The committee shall meet at various locations within the District on a semi-annual basis.

(3) The committee shall include a WRAC member, community leaders and interested stakeholder groups.

(Res. No. 2004-356, § III, 3-10-2004)

Sec. 140-74. - Definitions.

All definitions provided are for the purposes of this policy only.

Access means the right to enter an area and the means or facilities provided to accomplish entrance.

Cooperative Management Agreement means an agreement between two or more government agencies outlining the respective duties and responsibilities of each agency in the management of a specific tract of land.

Interim Land means land purchased for a future use in projects.

Lands means, for the purpose of this policy, those lands in which the South Florida Water Management District has a fee simple interest or sufficient ownership rights.

These lands shall include:

Stewardship lands;

Interim lands;

Stormwater treatment areas;

CERP lands;

Canal and levee rights of way adopted as works of the District;

Spoil areas;

Such other lands as the District may acquire from time to time.

These lands shall not include:

Headquarters and service centers sites;

Field stations;

Pump stations;

Navigation locks and lock tender residences;

Water control structure sites;

Telemetry or tower sites;

Lands with less than sufficient ownership interests or control;

Other lands defined by management.

Recreation means resource based activities such as, but not limited to, hiking, biking, horse back riding, camping, canoeing, kayaking, boating, off road vehicles, wildlife viewing, fishing, and hunting. Facility based activities such as team and field games or swimming pools are not typical.

Recreational Use Plan means a document that defines the recreational uses of a property that are consistent with the primary use of the property and are compatible with the resource and other uses.

Stormwater Treatment Area (STA) means a human-made marsh constructed to filter nutrients; a water resource project.

Water Resource Management Project means lands constructed or operated for the purpose of water supply, flood protection, environmental enhancement or water quality improvement, such as an STA.

Works of the District means those canals, levees, structures, lands, water bodies and other associated facilities or works which have been specifically adopted as works of the District, pursuant to Chapter 373.086, Florida Statutes.

(Res. No. 2004-356, § IV, 3-10-2004)

Sec. 140-75. - Recreational Use Plans.

(a) *Generally.* Recreational use plans shall define the recreational uses of a property that are consistent with the primary use of the property, and are compatible with the resource and other uses. Copies of the recreational use plans shall be provided to the recreation advisory committee at the periodic meetings. Recreational use plans shall determine the best mix of opportunities for public recreational access and use. The District recognizes that the lands and the public recreational access and use described in recreational use plans may vary. Recreational use plans may coordinate between management areas to accomplish separation of activities and the related facilities. Provided below is guidance on how specific activities may typically be considered by recreational use plans. Lands declared works of the District may use those applicable rules as the recreational use plans. The absence of a Recreational Use Plan does not negate the District's policy that all District lands are open and available for outdoor recreational purposes unless otherwise specifically prohibited.

(b) *Fishing.* Fishing shall be permitted where public access is allowed. Fishing shall be in compliance with Florida State laws and seasons.

(c) *Hunting.* Hunting shall be allowed on District lands except when determined to be incompatible with land use or other policy concerns. Hunting on District lands shall be managed through the authority of the Florida Fish and Wildlife Conservation Commission (FWC). The District and FWC shall work in cooperation to plan for hunting. ~~Where lands are not open to hunting the discharging of firearms shall not be allowed unless provided for as an activity in the recreational use plan.~~

(d) *Equestrian Activities.* Equestrian trails and facilities shall be developed through partnerships with equestrian groups or associations that express an interest.

(e) *Trails.* Trails shall be developed, using appropriate partnerships, where access and trail heads can be sufficiently provided. Trails and Greenways shall be incorporated to create links or spurs, as possible, with the various state and county trails, blueways, and greenway programs and systems.

(f) *Motorized Vehicles and Boats.*

(1) Street legal vehicles may be allowed on named or numbered roadways. The use of vehicles may be defined as to purpose of use, seasonal conditions or other. Off road vehicles may be allowed in specific areas, for defined purposes, when specifically authorized. Off-road vehicles, including airboats, all-terrain vehicles, swamp buggies and other motorized recreational vehicles, shall be allowed only where it is deemed compatible with adjacent land use and other users.

Off-road vehicle use shall not cause serious harm to nor interfere with ecosystem restoration or operations and maintenance activities.

(2) Where appropriate, the size and type of boat ramps shall be based upon user and resource, and a compatibility analysis. The use of motorized boats may require consideration of wave action and levee sizes.

(3) Non-motorized aquatic access, such as canoeing and kayaking, shall be a priority for sensitive areas where visitors can experience natural sounds.

(Res. No. 2004-356, § V, 3-10-2004)

Sec. 140-76. - Appendix A.

(a) Provided here are statements on recreation from the Governor's Commission for a Sustainable South Florida and the South Florida Ecosystem Restoration Task Force.

(b) In its 1998 Interim Report the Governor's Commission for a Sustainable South Florida (Governor's Commission) included as Recommendation 9: "Procured lands should be managed for compatible multiple uses consistent with Florida law. Use and management activities on these lands must be compatible with overall conservation and conservation goals." In its 1995 Initial Report the Governor's Commission objectives included:

(1) Creating an array of cultural and recreational opportunities that are affordable and available to all

(2) Shared and extended use of public facilities for recreational purposes

(3) Ensuring appropriate public access to public lands consistent with the purposes for which the public lands were acquired and managed.

(c) Likewise, the South Florida Ecosystem Restoration Task Force in its Strategy for Restoration of the South Florida Ecosystem stated: "As citizens and their governments work to restore and protect the unique South Florida ecosystem, they must not lose sight of the importance of public access to natural areas. At the same time, the public must respect the sensitivities of the natural system and ensure that their activities do not unduly stress the wildlife and the landscapes that are such an important part of their heritage."

(Res. No. 2004-356, § VI, 3-10-2004)

Sec. 140-77. - Appendix B.

(a) *Generally.* The following appendix is provided as a reference for the reader. These are parts of the existing rules at the time of the development of this public recreational access and use policy that have provided guidance and with which this policy is intended to be consistent.

(b) *Land Stewardship.* Please see Chapter 40E-7, Part V~~.5~~, Florida Administrative Code and SFWMD Policy 140, Land Resources.

(c) *Right of Way Management.* The right of way program was developed to preserve the District's ability to construct, operate and maintain the canal and levee system of the federally-authorized Central and Southern Florida Flood Control Project and other "works of the District" while allowing for

compatible uses. The program also seeks to preserve the District's proprietary interests in the works of the District and to minimize exposure to unnecessary litigation. The following policies guide implementation of this objective:

(1) The works of the District shall be those works or lands adopted by the ~~governing~~ Governing ~~board~~Board. (Chapter 373.086~~85~~, Florida Statutes)

(2) The Governing Board has the authority to prescribe the manner in which the works or lands may be used. (Chapter 373.085, Florida Statutes)

(3) It is the policy of the District to allow, without charge for admission or use, public, passive recreational uses of District owned rights of way, given legally sufficient District property interests. However, the District retains the ability to, either temporarily or permanently, limit or otherwise preclude public access to certain portions of the District works or lands, such as structures and associated facilities. (Rule 40E-7.523~~6.011 and 40E-6.311(1)~~)

(4) The District may close works and lands of the District temporarily or, with Governing Board approval, permanently. (Rule 40E-7.523~~6.311(1)(2)~~)

(Res. No. 2004-356, § VII, 3-10-2004)

ARTICLE I. - WATER RESOURCES ADVISORY COMMISSION CHARTER

Sec. 150-1. - Creation.
Sec. 150-2. - Purpose.
Sec. 150-3. - Tasks.
Sec. 150-4. - Status reporting.
Sec. 150-5. - Membership.
Sec. 150-6. - Appointments.
Sec. 150-7. - Meetings.
Sec. 150-8. - Staff support.
Sec. 150-9. - Miscellaneous.

Sec. 150-1. - Creation.

The South Florida Water Management District Governing Board's Water Resources Advisory Commission ("Commission") is hereby created.

(Res. No. 2004-1246, 12-8-2004)

Sec. 150-2. - Purpose.

The Commission shall serve as an advisory body to the Governing Board, and as a forum for improving public participation and decision-making in water resource issues affecting south Florida by:

(1) Working to build consensus among and within the public and private sectors regarding water resource activities impacting south Florida, including the further development and implementation of the Comprehensive Everglades Restoration Plan (CERP) and Regional Water Supply Plans,

(2) Examining the effects of continued population growth, development and agriculture on south Florida's natural resources,

(3) Assisting in developing actions that are needed to restore, preserve, and protect the greater south Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection, and

(4) Assisting in promoting and monitoring the implementation of its consensus-based recommendations to the Governing Board.

(Res. No. 2004-1246, 12-8-2004)

Sec. 150-3. - Tasks.

The Commission shall carry out the following tasks:

(1) Serve as a forum for coordinating information on the status of the numerous efforts under way to study, restore, manage, protect, and preserve south Florida's water resources.

(2) Serve as a forum for consensus building among the interests represented on the Commission on a variety of water resource issues, projects and/or programs.

(3) Identify opportunities for enhancing coordination in the approaches being taken to studying, restoring, managing, preserving and protecting south Florida's water resources among those federal, state, and regional agencies, local governments, task forces, private and non-private organizations, and other parties that either have jurisdiction within south Florida or otherwise are involved in efforts impacting or benefiting south Florida's water resources.

(4) Solicit and provide opportunities for public input on key issues involved in establishing and sustaining a healthy ecosystem and economy into the future.

(5) Recommend strategies and actions for:

a. Improving coordination and eliminating duplicative efforts among governments, agencies, task forces, and other organizations;

b. Increasing understanding of the workings of south Florida's water resources, and the Central and Southern Florida Flood Control Project;

c. Restoring, managing, protecting, and preserving south Florida's natural resources including the greater Kissimmee-Lake Okeechobee-Everglades ecosystem;

d. Promoting sustainable and environmentally compatible urban and agricultural development that supports healthy ecosystems;

e. Enhancing the public's understanding of the necessity for both preserving and restoring natural resources and supporting sustainable urban and agricultural development; and

f. Allocating and reserving water resources needed for the environment and all beneficial uses.

(6) Identify and evaluate critical water resource issues, and prepare practical recommendations for timely resolution.

(7) Evaluate and monitor implementation of regional water supply plans.

(8) Evaluate and monitor CERP implementation and other Everglades restoration initiatives.

(Res. No. 2004-1246, 12-8-2004)

Sec. 150-4. - Status reporting.

The Commission shall provide the Governing Board with monthly status reports on its activity. The status report shall include tasks undertaken during the previous period. Minutes shall be posted to the Commission's website. The Commission shall develop a Priority Plan, update the Plan as needed and submit the updated Plan for review and concurrence at a regularly scheduled Governing Board monthly meeting. The WRAC Priority Plan shall include, but not be limited to, a listing of specific issues, programs and/or projects which shall be the focus of the Commission's deliberations. The Commission may submit additional reports and amendments and updates to previous reports as necessary to meet its charge.

(Res. No. 2004-1246, 12-8-2004; Res. No. 2007-600A, § 1, 6-14-2007)

Sec. 150-5. - Membership.

(a) The Commission members, which shall reflect the diversity of the overall south Florida community, shall include balanced and appropriate representation from the following six classifications:

(1) The South Florida business community;

(2) Water supply utilities;

(3) Agriculture;

(4) Public interest groups;

(5) Local government; and

(6) Environmental organizations.

(b) The Commission membership shall also include one representative from each of the following:

(1) Miccosukee Tribe of Indians of Florida; and

(2) Seminole Tribe of Florida.

(c) The following agencies and entities shall be requested to provide a representative to attend Commission meetings to provide technical assistance to the Commission. The individuals from these agencies and entities who attend Commission meetings shall not be considered members of the Commission.

(1) U.S. Army Corps of Engineers;

(2) U.S. Department of the Interior;

(3) U.S. Environmental Protection Agency;

(4) National Oceanic and Atmospheric Administration;

(5) Florida Department of Environmental Protection;

(6) Florida Department of Agriculture and Consumer Services;

(7) Florida Department of Community Affairs;

(8) Florida Department of Transportation;

(9) Florida Fish and Wildlife Conservation Commission.

(Res. No. 2004-1246, 12-8-2004; Res. No. 2009-714, § 1, 7-9-2009; Res. No. 2010-1200, § 1, 12-9-2010; Res. No. 2011-1203, § 1, 12-15-2011)

Sec. 150-6. - Appointments.

(a) The members of the Commission shall be appointed by the Governing Board. Each Governing Board member, including the Governing Board Chair, shall appoint two Commission members.

(b) The Governing Board Chair shall select an appropriate number of Commission members to ensure balanced representation among the six classifications set forth in section 150-5. The Governing Board Chair's selections shall be subject to ratification by the Governing Board.

(c) The Chairperson of the Commission shall be selected by the Governing Board Chair.

(d) The Chair of the Commission may appoint one or more alternates for each member of the Commission.

(e) Commission members shall serve two-year terms. A member may be reappointed to serve subsequent terms of office. Notwithstanding the preceding provisions, the term of any Commission member appointed by a member of the Governing Board and the term of his or her alternate, including members appointed by the Governing Board Chair to balance the Commission, shall automatically expire upon the expiration or termination of the term of the Governing Board member who made the appointment.

(f) The Governing Board may remove any member or any alternate member of the Commission.

(g) Vacancies on the Commission shall be filled in the same manner as the original appointment and shall be for the same term of the original appointment.

(h) If a member has been appointed to serve as a representative of an entity named in section 150-5, failure to maintain that employment or membership may constitute cause for removal by the Governing Board Chair or, at the discretion of the Chair, by vote of the Governing Board.

(i) The Commission may request the creation of one or more technical committees by the Governing Board to assist with preparing technical information and briefings for the Commission. The Commission may request the creation of one or more subcommittees by the Governing Board to focus on subregional or local issues. Any subcommittee of the Commission shall be created by resolution of the Governing Board. The resolution shall specify the membership of the subcommittee and the task(s) to be accomplished by the subcommittee.

(Res. No. 2004-1246, 12-8-2004; Ord. No. 2007-600A, § 1, 6-14-2007; Res. No. 2010-1200, § 1, 12-9-2010)

Sec. 150-7. - Meetings.

The Commission shall meet on a regular basis as necessary to complete the tasks set out in the mission of the Commission in accordance with the Priority Plan. The Commission shall also meet upon the call of the Governing Board chairperson or as directed by vote of the Governing Board. A member, or his or her alternate, that misses three consecutive meetings will forfeit his or her membership on the Commission and a vacancy shall be deemed to have been created.

(Res. No. 2004-1246, 12-8-2004)

Sec. 150-8. - Staff support.

A reasonable and appropriate level of technical and administrative staff support to the Commission shall be provided. ~~A reasonable and appropriate level of administrative staff support shall be provided by Governing Board Operations staff.~~

(Res. No. 2004-1246, 12-8-2004)

Sec. 150-9. - Miscellaneous.

(a) The Governing Board reserves the right to appoint either a paid or unpaid facilitator to assist the Commission in resolving issues or in their deliberations.

(b) Commission members and alternate members shall not receive remuneration for their services. However, Commission members or his or her approved designated member alternate shall be reimbursed for travel and expenses in accordance with Chapter 112, Florida Statutes, for attendance at Commission or Committee meetings, to the extent funds are available for this purpose. Public officers and employees shall be reimbursed by their respective agencies in accordance with the same policy (Chapter 112, F.S.).

(c) Commission members and members of any technical committee or subcommittee created by the Governing Board upon request from the Commission, shall be subject to the applicable provisions of Chapter 286, Florida Statutes, Government in the Sunshine Law; Part III, Chapter 112, Florida Statutes, Code of Ethics for Public Officers and Employees; and Chapter 119, Florida Statutes, Public Records.

(Res. No. 2004-1246, 12-8-2004; Res. No. 2009-714, § 2, 7-9-2009)

Chapter 155 PROCUREMENT AND CONTRACTING*

Sec. 155-1. Scope.
Sec. 155-2. Purpose.
Sec. 155-3. Effective Date.
Sec. 155-4. Statements of Policy.
Sec. 155-5. Competitive Procurements.
Sec. 155-6. Exceptions to Competitive Procurements.
Sec. 155-7. Special Procurements.
Sec. 155-8. Transactions Requiring Governing Board Approval.

Sec. 155-1. Scope.
The scope of this policy and the supporting documents listed in this section shall apply to all District purchasing and contracting activities authorized by the Governing Board. Purchasing and contracting activities not covered by this policy are listed below:
(1) Transactions involving real estate interests governed by Sections 373.089 and 373.139, Florida Statutes, and/or by Chapters 40E-7 and 40E-9, Florida Administrative Code.
(2) Reimbursement for purchases of selected small items, which are covered under the Petty Cash Policy and Disbursement Policy, Chapter 210,*Finance*, District Policies and Procedures Code.
(3) Regulated item purchases, which are covered under the Disbursement Policy, Chapter 210,*Finance*, District Policies and Procedures Code.
(4) Disposal of surplus property, which is governed by Chapter 274, Florida Statutes and the Fixed Assets Policy, Chapter 210,*Finance*, District Policies and Procedures Code.
(5) Transactions involving Procurement Card purchases, which are covered under Chapter 255, Procurement and Contracting, District Policies and Procedures Code.
(6) Travel Services, which are covered under Chapter 101, District Policies and Procedures Code.
(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006)

Sec. 155-2. Purpose.
(a) The purpose of this policy is to provide an efficient, effective, economical and equitable means of procuring needed commodities, equipment and services.
(b) This policy incorporates the provisions of Chapter 40E-7, Florida Administrative Code, and the provisions of Section 287.055, Florida Statutes, Consultants' Competitive Negotiation Act (CCNA).
(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006)

Sec. 155-3. Effective Date.
(a) This policy, as revised, is effective on October 15, 2004.
(b) All transactions not initiated as of the effective date shall be subject to the provisions of this revised policy for the entire process of competition (as applicable), transaction authority and execution authority.
(c) Transactions already in process as of the effective date shall be subject to the provisions of this revised policy only for those transaction phases (competition, transaction authority and execution authority) which have not yet commenced. Phases, which have already commenced as

of the effective date of this policy, shall be subject to the provisions of the policy in effect at the time of phase commencement.
(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006)

Sec. 155-4. Statements of Policy.
The following policy statements govern the procurement of all commodities, equipment and services by the District:
(1) The District embraces diversity and is committed to ensuring that the District's vendors reflect the full diversity of the communities we serve.
(2) The District shall follow generally accepted public procurement practices, and to the extent practicable and applicable, implement the legislative intent of Section 287.001, Florida Statutes.
(3) The District shall conduct contract negotiations in a manner that ensures that the District receives fair value for its money, and that vendors and contractors receive fair compensation for their commodities, equipment and services.
(4) The District shall actively encourage the participation of certified Small Business Enterprises in the procurement process in accordance with Chapter 40E-7, Part VI, Florida Administrative Code, the "Small Business Enterprise Contracting Rule." The purpose of the program is to spur economic development and support small businesses, including women-owned and minority-owned businesses to successfully encourage expansion in the marketplace.
(5) District employees shall refrain from making representations or entering into any oral agreements unless they have delegated procurement authority.
(6) District employees shall neither solicit nor accept privileges, benefits, gifts or exemptions for themselves or for others and shall adhere to the Code of Ethics for Public Officers and Employees Part III, Chapter 112, Florida Statutes.
(7) District solicitations are valid as the basis of a contract for a period of one year from the date of solicitation opening. After this period, new solicitations for the same commodities, equipment or services must be issued.
(8) The dollar amount required for the procurement of particular commodities, equipment or services from one source shall not be intentionally divided among two or more procurements as a means of avoiding competition requirements.
(9) Pursuant to Rule 40E-7, Part II, Florida Administrative Code., the District's Governing Board may temporarily or permanently suspend contractors from doing business with the District whenever a contractor materially breaches its contract with the District.
(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006; Res. No. 2007-327, § 1, 3-15-2007)

Sec. 155-5. Competitive Procurements.
(a) The following competition standards govern District procurements. Note that all dollar thresholds refer to the "total procurement amount," which is defined as the full amount of the individual transaction regardless of the cost of each item procured.
(b) Professional services are subject to the requirements of the Consultants' Competitive Negotiation Act (CCNA), Section 287.055, Florida Statutes. These requirements involve the services of architects, professional engineers, landscape architects and registered land surveyors and mappers. Threshold amounts are set under Section 287.017~~(1)~~, Florida Statutes, and are subject to revision. The District will adhere to any revised threshold amounts.

(c) Agricultural leases of District land shall be administered in accordance with the procedures set forth under Chapter 140, District Policies and Procedures Code.

General Procurements

No Competition Required	*Request for Quotes (RFQ)*	*Formal Competition*
< or = $50,000.00 Verbal Quotes Highly Desirable	> $50,000.00 to $150,000.00 3 Written Quotes, including faxed	> $150,000.00

Construction Procurements

No Competition Required	*Request for Quotes (RFQ)*	*Formal Competition*
< or = $50,000.00 Verbal Quotes Highly Desirable	> $50,000.00 to $200,000.00 3 Written Quotes, including faxed	> $200,000.00

CCNA Procurements

No Competition Required	*Formal Competition*
Professional Services involving Planning or Study activities < or = $25,000.00	Professional Services involving Planning or Study activities > $25,000.00
Professional Services when the construction cost is < or = $250,000.00	Professional Services when the construction cost is > $250,000.00

(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006; Res. No. 2007-327, § 1, 3-15-2007)

Sec. 155-6. Exceptions to Competitive Procurements.
Circumstances that permit noncompetitive procurement may include but are not limited to:
(1) Contractual Services or commodities needed for:
a. Artistic services;
b. Lectures by individuals;
c. ~~Auditing service;~~
~~d.~~ Legal services, including attorney, paralegal, expert witness, appraisal, court reporting, mediator, arbitrator, or dispute resolution services;
d~~e~~. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration;
e~~f~~. Services or commodities provided between government agencies;
f~~g~~. Away-from-base or unscheduled or emergency aircraft services/repairs in order to keep the aircraft airworthy and operational (*pilot to use most practicable local procurement*);
g~~h~~. Office space leases less than 5,000 square feet in privately owned buildings for District purposes;

h~~i~~. Licensing, warranty, compatibility requirements that limit the selection to the manufacturer;
i~~j~~. Insurance in abnormal market conditions (*determined by Executive Director*).
(2) Services or commodities required from entities which are prohibited from competing by law (e.g., utilities)
(3) Services or commodities where the state or federal law prescribes with whom the agency must contract or if the rate of payment is established funding the appropriations process.
(4) Commodities or contractual services available only from a single source (*must follow District Procurement Procedures for sole source procurements and waivers of competition*)
(5) Under*emergency* circumstances, an agreement may be executed without competitive selection as follows:
a. If the Executive Director or the Executive Director's delegate determines that the procurement of services without competition is necessitated in order to respond to an immediate danger to the public health, safety, welfare or other substantial loss to the public, the Executive Director or the Executive Director's delegate may proceed with such procurement accordingly. However, such procurement shall not exceed the amount of $500,000.00. The need for such procurement without competition shall be evidenced in writing. In order to make procurement of services in an amount greater than $500,000.00, the Governing Board must make a determination that emergency conditions exist. All procurements made pursuant to this paragraph shall be reported to the Governing Board within 30 days.
b. Whenever the President of the United States, or the Governor of the State of Florida, or the head of the Department of Environmental Protection shall formally declare that a major disaster area exists anywhere within the boundaries of the District, or issues an emergency order temporarily suspending the application of any specified laws otherwise applicable to the operations of the District, then the Executive Director of the District shall have the authority to undertake all such actions, without competition, regarding the procurement of commodities, equipment and services so required to deal with the emergency conditions up to the next meeting of the Governing Board notwithstanding that such authority resides in the Governing Board. At the next Governing Board meeting, the Board shall determine if the further emergency procurement of commodities, equipment and services is still required. However, all emergency procurements shall be made with such competition as is practicable under the circumstances. The Executive Director shall report to the Governing Board all actions taken pursuant to this exception within 30 days.
(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006)

Sec. 155-7. Special Procurements.
Alternative competitive procurements authorized by the District include:
(1) The District may purchase commodities and contractual services from purchasing agreements established and state term contract procured by the Department of Management Services, pursuant to Section 287.057, Florida Statutes.
(2) The District may use a request for quote to obtain written pricing or services information from a state term contract vendor for commodities or contractual services available on state term contract from the vendor. The purpose of a request for quote is to determine whether a price, term, or condition more favorable to the agency or eligible user than that provide in the state term contract is available. Use of a request for quote does not constitute a decision or intended decision that is subject to protest under 120.57(3), Florida Statutes.

(3) If less than two responsive bids, proposals, or replies for commodity or contractual services purchases are received, the District may negotiate on the best terms and conditions. The District shall document the reasons that such action is in the best interest of the District in lieu of resoliciting competitive sealed bids, proposals or replies.
(4) The District may purchase from a contract awarded by another government agency, if that contract was based on either a competitive bid, a competitive proposal or a competitive sealed reply.
(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006)

Sec. 155-8. Transactions Requiring Governing Board Approval.
(a) Commodities in excess of the approved annual District budget by appropriation unit.
(b) Single award to a single vendor for one or more of the same commodity or one or more pieces of equipment with a total combined value exceeding $1,000,000.00 even if such commodities or equipment have been approved as part of the annual District budget.
(c) Unbudgeted services, commodities or equipment funded from capital outlay savings in excess of the amounts specified in the table below.
(d) Transactions consisting of both commodities (or equipment) and services require Governing Board approval if the services dollar amount exceeds the thresholds noted in the table below, and/or thresholds relating to (a) or (b) above (commodities and/or equipment) are exceeded.
(e) Agricultural Land Leases - refer to Chapter 140, District Policies, for administration.
(f) Dollar Thresholds by category as follows:

Table of Governing Board Thresholds

> $150,000.00	> $500,000.00	> $500,000.00	> $1,000,000.00
Services Procurements Including: • General Procurements	Construction Procurements (Services and Materials)	Emergency Procurements (Services, Commodities and/or Equipment)	Single vendor/single award of one or more of the same commodity or equipment
• CCNA Procurements	Construction Change Orders (Services and Materials)		
• Exceptions to Competition			
• Special Procurements			
• Revenue Agreements except for cost reimbursement agreements with any Local, State or Federal Government agency			

to reimburse the District for expenditures made during emergencies			

(Res. No. 2003-867, 8-13-2003; Res. No. 2004-1081, 10-13-2004; Res. No. 2006-820, 8-9-2006; Res. No. 2007-327, § 1, 3-15-2007)

Chapter 160 - RISK MANAGEMENT [20]

[20] **Cross reference—** Risk management procedures, ch. 260.

Sec. 160-1. - Scope.
Sec. 160-2. - Purpose.
Sec. 160-3. - District Responsibilities, Recognitions, and Commitments.
Sec. 160-4. - Statements of Policy.
Sec. 160-5. - Responsibilities.

Sec. 160-1. - Scope.

This policy applies to those risks which can cause losses and whose undertaking involves no possible profit; e.g., fire, liability, theft, Workers' Compensation, and other casualties and property losses, both direct and indirect.

(R.M. No. 157)

Sec. 160-2. - Purpose.

This policy sets forth the District's guiding principles dealing with issues such as risks, insurance, self insurance and a safe work environment. The policy sets strategic objectives for the District to use in constructing risk management rules, standards, guidelines, procedures, methods, programs, training sessions, and inspections. It also establishes the authority for enforcing this policy.

(R.M. No. 157)

Sec. 160-3. - District Responsibilities, Recognitions, and Commitments.

(a) The District recognizes its responsibility to select the most cost-effective and efficient method of protecting its financial assets. This may be accomplished through the purchase of a commercial insurance product or through a self-insurance mechanism.

(b) The District recognizes its responsibility to respond to all claims against the District in a timely and equitable manner in accordance with all legal requirements. The settlement of claims is governed by the Claims Settlement Policy.

(c) The District recognizes no safety rule is a complete substitute for common sense, nor can safety rules be devised to cover every situation an employee may experience on the job. For these reasons, good judgment must be used in every work situation.

(d) The District is committed to providing an environment which will protect the public against losses to property or person.

(e) The District is committed to the identification and control of those adverse conditions which would

significantly affect the ability of the District to fulfill its mission.

(f) The District recognizes its responsibility to hire those applicants that are physically and mentally capable of performing their functions without endangering themselves or others. However, the District does not discriminate against the physically or mentally challenged.

(R.M. No. 157)

Sec. 160-4. - Statements of Policy.

(a) The District shall be protected against fortuitous loss or losses which, in the aggregate, during any financial period, would significantly affect District personnel, property, budget, or the ability for the District to continue to fulfill its mission.

(b) In no event shall any loss of life or personal injury to its employees or members of the public be acceptable to the District.

(c) In no event shall any loss of property to either the District or the public be acceptable to the District. Any such loss shall be reported immediately to Risk Management, ~~Finance and Administration Department.~~ Human Resources Bureau.

(d) The District shall apply to risk of fortuitous loss the risk management process, which includes:

(1) A systematic and continuous identification and analysis of loss exposures.

(2) Selecting the best combination of techniques for preventing and financing losses consistent with District financial resources.

(3) Implementing these techniques.

(4) Monitoring the results to control the program.

(e) The District shall, in evaluating the insurability of specific areas of exposure, evaluate the availability, premium cost, breadth of coverage, market stability and effect on the District's Sovereign Immunity status before purchasing an insurance product. In those areas where the purchase of insurance is not possible or cost effective (e.g., premium/coverage vs. expense), then said exposure should be considered a part of the District's Self-Insurance Program. At minimum, the District recognizes the following liability exposures which shall be financed through the purchase of commercial insurance or self-insurance:

(1) Real and personal property.

(2) Boiler and machinery.

(3) Electronic data processing.

(4) Aircraft.

(5) Director and Officer liability.

(6) Workers' Compensation.

(7) General liability.

(8) Automobile liability.

(9) Public employee bond.

(f) The District shall provide a safe, healthy, and productive work environment for all of its employees.

(g) The District shall train each employee in District-approved safety work practices for any operation the employee is asked to perform. Employees shall follow the instructed safe work practices at all times unless deviation in writing has been specifically approved by their Supervisors.

(h) Care shall be exercised in the conservation of District property and the avoidance of potentially harmful situations to staff and the public.

(i) Any injury which occurs at work, no matter how slight, or any accident which causes damage to property shall be reported immediately to the affected employee's Supervisor.

(j) The District, through its risk management function, shall utilize principles of financial management to contain the cost of managing risk, defined as the sum of insurance premiums, self-insured losses, risk control expenses, and the cost of risk management administration.

(k) New programs or projects shall be reviewed for potential risk situations prior to entering into contractual relations which could put the District at risk.

(l) Except as authorized by law, no one will bring firearms, ammunition or other weapons onto District properties unless approved by the Executive Director.

(m) The District prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances on District property or while conducting District business. (Exception—medically necessary prescriptions.)

(n) The District prohibits the possession and use of alcoholic beverages on District property unless prior written approval is granted by the Executive Director or designee.

(o) No District employee shall be permitted to operate a District vehicle unless the employee possesses a valid driver's license suitable for the type of vehicle being driven, as defined under the state's Driver's License Law. If an employee who is required to drive a District vehicle has had driving privileges suspended or license revoked, the employee must report this condition to the employee's Supervisor immediately.

(p) The District shall develop and maintain those policies, procedures and standards necessary to protect the District and its employees.

(q) The District shall inspect at least annually all District facilities for reasonable compliance with safety regulations and practices.

(r) Each employee shall safeguard such employee's own personal belongings.

(s) The District shall conduct an actuarial study at a minimum once every three years to determine the funding requirements on all self-insured liabilities, known, suspected and incurred but not reported (IBNR).

(t) The District shall require that the appropriate personal protective equipment be utilized by those

employees who are exposed to hazards which can not be engineered out of the work environment.

(u) The District shall perform an environmental risk assessment on any land prior to its acquisition.

(v) The District shall inform employees of the toxic substances to which they are exposed in the workplace and to provide the necessary training in the safe handling practices and emergency procedures.

(w) Each employee shall make frequent inspections of tools, vehicle, and other equipment to ensure such are in good physical condition.

(x) ~~The District shall employ a Risk/Insurance Manager who will develop and maintain a risk identification, avoidance, and control program.~~

~~(y) The District shall employ a Safety Manager who will develop and maintain a loss prevention program.~~

~~(z) The District shall employ a Workers' Compensation/Occupational Health Manager who will develop and maintain an employee medical care program.~~

~~(aa) The District shall employ a Security Manager who will develop and maintain a security plan.~~The District shall employ staff as needed to develop and maintain a risk identification, avoidance and control program; a loss prevention program; a Worker's Compensation program and an agency-wide security plan.

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

Sec. 160-5. - Responsibilities.

(a) The Executive Director or delegate is responsible for the establishment of those directives necessary to carry out the policy described herein.

(b) The ~~Director of the Finance and Administration Department~~ Human Resources Bureau Chief ~~-~~or delegate will insure that a proactive risk management program is maintained.

(c) The ~~Risk/Insurance Manager~~Risk/Benefits Section Administrator or delegate is responsible for the development and implementation of those programs necessary to carry out the objectives identified within this policy:

(1) Evaluation of the best method with which to protect the District's financial integrity.

(2) Selection of those insured products which will protect and respond to loss within identified areas.

(3) Coordination of insured claims and financial recovery.

(4) Selection and management of the District's self-insured programs.

(5) Investigation and administration of self-insured general liability and automobile liability claims.

(6) Implementation of training programs for protection of District assets.

(7) Coordination of the administration and financial management of Workers' Compensation

injuries.

(8) Inspection of all District facilities and operations.

(9) Collection of loss data to develop cost allocation and funding levels necessary for financial stability.

(10) Administration of both insured and self-insured programs.

(11) Review of new programs, projects or contractual obligations relating to risk identification and control.

(12) Coordination of all claims reporting activities.

(d) Each ~~Division, Office, or Department Director and said Director's Managers~~Division/Office or Bureau Chief and/or designee shall be responsible for the following:

(1) Compliance with all risk management policies, procedures and standards.

(2) Immediate correction of any unsafe conditions or practices which may result in a loss or injury.

(3) Reporting and filing all required report forms on employee injuries, motor vehicle accidents, property damage or public liability exposures to the appropriate authority and to Risk Management within 48 hours.

(4) Ensuring that their respective employees are aware of employee responsibilities as they relate to employee safety and health as well as the protection of District property.

(5) Providing training to their respective employees for the safety and welfare of the employees and District assets.

(e) All employees shall be responsible for the following:

(1) Compliance with all District risk management policies, procedures and standards.

(2) Performance of their duties in a safe manner to protect themselves, their co-workers and the general public from harm.

(3) Utilization of all required personal protective equipment.

(4) Immediate reporting of all injuries or accidents to their respective Supervisors.

(5) Completion of all required District reports.

(6) Operating District vehicles and equipment in a safe, lawful manner.

(7) Frequent inspection of their tools, vehicles and other equipment to ensure safe operations.

(8) Safeguarding their own personal belongings.

(R.M. No. 157)

Chapter 163 - SCIENTIFIC DATA MANAGEMENT

Sec. 163-1. - In General.
Sec. 163-2. - Scope.
Sec. 163-3. - Purpose.
Sec. 163-4. - Effective Date.
Sec. 163-5. - Statements of Policy.
Sec. 163-6. - Responsibilities.
Sec. 163-7. - Literature Cited.

Sec. 163-1. - In General.

(a) This policy supports environmental monitoring, research, and management by providing guidance to identify, standardize, organize, document, serve, and preserve scientific data. Scientific data includes its metadata, defined as information to describe data content, context, quality, structure, and accessibility (Michener and Brunt 2000).

(b) To create an understanding of the elements of our natural environment, how they interact, and how they change over time, scientific data must be collected and analyzed. The District supports and encourages the sharing of environmental and scientific data. Collaboration enhances the advancement of scientific and technical knowledge for decision making, public safety, education, and economic advancement. Since measurements of environmental quantities are unique in time and space they cannot, in this sense, be repeated. Therefore, scientific data should be preserved, documented, and archived for future generations.

(c) Documentation of data is as important as the actual data and provides for greater ease of use, especially in cases where data sets are used for purposes other than those for which they were collected. The District has a responsibility to collate, archive, and distribute scientific data, and should provide the capability to readily identify, access, and properly use data sets of interest. The cost of collecting, processing, validating, and submitting data to an archive should be considered an integral part of all research and operational programs.

(Res. No. 2007-1000, 10-11-2007)

Sec. 163-2. - Scope.

The scope of this policy includes all hydrologic, meteorologic, hydrogeologic, physical, chemical, and ecological data for which South Florida Water Management District funds are expended, using in-house or contractual services, in the collection, validation, archiving, or publication of such data. This policy applies to scientific data collected for any experimental, research, regulatory, operational, or monitoring purpose regardless of discipline. These data include raw data, derived data, documentation, and reports.

(Res. No. 2007-1000, 10-11-2007)

Sec. 163-3. - Purpose.

The purpose of this policy is to guide the effective use of District scientific data.

(Res. No. 2007-1000, 10-11-2007)

Sec. 163-4. - Effective Date.

The effective date of this policy is October 11, 2007.

(Res. No. 2007-1000, 10-11-2007)

Sec. 163-5. - Statements of Policy.

(a) *Ownership(s).* Scientific data and its corresponding metadata, within the scope of this policy, are owned by the District. Thus, all scientific data will have its stewardship defined.

(b) *Accountability.* Individual and organizational accountability will be established and documented for the entire data life cycle. The data life cycle includes data collection, quality assurance, quality control, validation, data analysis, archiving, post-processing, and reporting. District data shall be created and maintained as close to the originator as feasible with recognition of downstream business processes and their informational needs. All employees and designated contractors must recognize that the proper management of scientific data is critical to the success of the District.

(c) *Inventory.* The District will identify and document data sets used for its business purposes.

(d) *Data Input Responsibilities.* The responsibility for ensuring permanent archival in a District-accessible database will be defined and assigned for all data sets.

(e) *Data Access Rights.* All data will be preserved in a manner that makes it readily accessible according to an approved data distribution procedure in keeping with the District's Mission and Public Records Law. Interim or permanent storage of District data at another organization's facility may be acceptable under formal agreements.

(f) *Standardization.* Standards will be established by discipline, documented, and conformed to. Such standards include procedures, quality requirements, and definitions of terms. All District scientific data shall be named, and defined, in a manner to be understood throughout the scientific community.

(g) *Data Quality.* Data quality and associated processes will be documented.

(h) *Data Distribution.* Data may be certified for distribution after it is processed. Such procedures will be defined for all data.

(i) *Security.* The District will protect its data from unauthorized changes.

(j) *Auditability.* Data lineage, including its origin and subsequent changes, will be documented. Data changes will follow approved change control procedures.

(k) *Retention.* Scientific data in all forms shall be safeguarded and secured. Appropriate backups and disaster recovery measures shall be administered and deployed. Data will be retained until it is of no administrative, legal, fiscal, and historical value.

(l) *Data Consistency.* The District will provide uniformity of access to data and metadata and minimize

the redundant storage of that data.

(m) *Cost-effectiveness.* Funding will be budgeted for the complete life cycle of the data.

(Res. No. 2007-1000, 10-11-2007)

Sec. 163-6. - Responsibilities.

(a) This policy will be maintained by the Enterprise Scientific Data Manager, in conjunction with the District's data stewards, under the direction of the Consolidated Data Management Sponsors.

(b) In practice, all stewards, scientists, and managers share the responsibilities for implementing an effective data policy. Not only are scientists, engineers, and other staff responsible for acquiring and archiving the data, but also for promptly submitting well documented metadata. While data life cycle details may vary, along every phase of the data life cycle, data stewards coordinate efforts and provide support to those responsible with the production of complete and validated data sets. Specifically, data stewards will be involved in project inception to ensure accountabilities are defined. Supervisors of those fulfilling any data stewardship roles are responsible for developing performance plans that include performance measures for policy implementation. ~~Department Directors~~Bureau Chiefs assume responsibility for ensuring effective implementation of this policy.

(Res. No. 2007-1000, 10-11-2007)

Sec. 163-7. - Literature Cited.

Michener, William and Brunt, James eds. (2000) Ecological Data - Design, Management and Processing, Blackwell Science, Malden, MA.

(Res. No. 2007-1000, 10-11-2007)