

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2
3 RESOLUTION NO. 2009 -

4
5 A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA
6 WATER MANAGEMENT DISTRICT ADVISING THE DEPARTMENT OF
7 ENVIRONMENTAL PROTECTION OF THE ADOPTED BUDGET NEEDS FOR
8 FISCAL YEAR 2010, UTILIZING FUNDS FROM THE WATER MANAGEMENT
9 LANDS TRUST FUND; AUTHORIZING THE EXECUTIVE DIRECTOR OR HER
10 DESIGNEE TO REQUEST REIMBURSEMENT QUARTERLY BASED ON ACTUAL
11 EXPENDITURES; PROVIDING AN EFFECTIVE DATE.
12

13 WHEREAS, South Florida Water Management District has an active program underway to
14 acquire land interests and manage land under Section 373.59, Florida Statutes; and

15
16 WHEREAS, Section 373.59(5), Florida Statutes, and Chapter 62-402, Florida Administrative
17 Code, requires submission of a resolution of the Governing Board of the District to the Department of
18 Environmental Protection specifying the designated managing agency, specific management
19 activities, public use, and estimated annual operating cost for management, maintenance and capital
20 improvements using funds from the Water Management Lands Trust Fund; and

21
22 WHEREAS, Section 373.59(11), Florida Statutes, allows the governing board of a water
23 management district to request moneys from the Water Management Lands Trust Fund for purposes
24 consistent with the provisions of s. 373.0361, s. 373.0831, s. 373.139, or ss. 373.451-373.4595, and
25 for legislatively authorized land acquisition and water restoration initiatives.

26
27 NOW THEREFORE, BE IT RESOLVED by the Governing Board of the South Florida Water
28 Management District that:

29 (1) It does hereby advise the Secretary of the Department of Environmental Protection of
30 its intent to utilize up to \$6,912,397 for debt service, consistent with the provisions of Sections
31 373.0361 (regional water supply planning), 373.0831 (water resource development, water supply
32 development), 373.453 (surface water improvement and management), 373.4592 (Everglades
33 improvement and management), 373.4593 (Florida Bay restoration), or 373.4595 (Lake Okeechobee
34 protection program), Florida Statutes; and for legislatively authorized land acquisition and water
35 restoration initiatives. The expenditures are as described in Exhibit "A", which is attached hereto and
36 made a part hereof.
37

1 (2) The Executive Director of the South Florida Water Management District, or her
2 designee, is hereby authorized to request reimbursement of the funds on a quarterly basis. The
3 quarterly request to the Department of Environmental Protection will be in invoice format for the
4 actual expenditures incurred by the South Florida Water Management District for that preceding
5 quarter.

6 (3) The management of these lands is consistent with the District's Florida Forever Work
7 Plan adopted December 11, 2008.

8 (4) The funds requested shall be used only to provide management, maintenance and
9 capital improvements for the lands titled to the District, or for purposes consistent with the provisions
10 of s. 373.0361, s. 373.0831, s. 373.139, or ss. 373.451-373.4595, Florida Statutes, or for legislatively
11 authorized land acquisition and water restoration initiatives.

12 (5) The proposed use of the requested moneys is consistent with Section 373.59, Florida
13 Statutes, and Chapter 62-402, Florida Administrative Code.

14 (6) Any revenue derived from the use and management of lands shall be utilized for pre-
15 acquisition costs, acquisition costs, management, maintenance and capital improvement costs, for
16 payment of debt service on land acquisition bond issues as provided in Rule 62-402.060, Florida
17 Administrative Code, and for other purposes where specified by state law.

18 (7) It hereby certifies that these moneys are needed to reimburse the District for
19 expenditures during the District's Fiscal Year 2010 (October 1, 2009 – September 30, 2010) and that
20 these moneys have been or will be used:

- 21 (a) to manage and maintain the lands in an environmentally acceptable manner and, to
22 the extent practicable, in such a way as to restore and protect their natural state and
23 condition;
- 24 (b) to develop management plans, which include an evaluation of the resource value,
25 environmental sensitivity and recreational suitability of these lands;
- 26 (c) to make available to the public those lands suitable for general public recreational
27 purposes, unless such use is demonstrated to be incompatible with the purposes for
28 which the lands were acquired.
- 29 (d) for purposes consistent with the provisions of s. 373.0361, s. 373.0831, s. 373.139, or
30 ss. 373.451 – 373.4595, and for legislatively authorized land acquisition and water
31 restoration initiatives.

32 (8) The designated management agencies for these activities are:

- 33 a) South Florida Water Management District
- 34 b) Florida Fish and Wildlife Conservation Commission
- 35 c) Department of Environmental Protection
- 36 d) United States Fish and Wildlife Services

1 **PASSED** and **APPROVED**, this 10th day of December, 2009.

2

3

4 **APPROVED:**

5

6

7 By _____

8 Office of Counsel

9

10

11 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT,**
12 **BY ITS GOVERNING BOARD**

13

14 (Corporate Seal)

15

16

By _____

17

Chair

18

19

20 **ATTEST:**

21

22

23

24 By _____

25 District Clerk/Secretary