



# Town of Loxahatchee Groves

## Town Council Meeting

Tuesday, March 4, 2014 at 7:00 p.m.

Loxahatchee Groves Water Control District, 101 West "D" Road

Mayor David Browning (Seat 4)  
Vice Mayor Ronald D. Jarriel (Seat 1)  
Councilman Tom Goltzené (Seat 5)  
Councilman Ryan Liang (Seat 3)  
Councilman Jim Rockett (Seat 2)

Town Manager Mark Kutney  
Town Clerk Janet K. Whipple  
Town Attorney Michael D. Cirullo, Jr.

Tentative  
Subject to Revision

### **PUBLIC NOTICE/AGENDA**

#### **1. OPENING**

- a. Call to Order & Roll Call
- b. Pledge of Allegiance & Invocation – Mayor Browning
- c. Approval of Agenda

#### **2. CONSENT AGENDA**

- a. Invoice from Goren, Cherof, Doody & Ezrol, P.A.
- b. Medical PODS (Point of Dispensing) - Consideration of a Transmittal of Memorandum of Agreement between the Town of Loxahatchee Groves and the Florida Department of Health in Palm Beach County for Support Services for Emergency Dispensing of Strategic National Stockpile.

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**Town Council Agenda**  
**03/04/2014**

3. **PUBLIC COMMENT**

4. **PRESENTATIONS** - NONE

5. **COMMITTEE REPORTS**

- a. Approval of the January 2014 Financial Report.
- b. Consideration to retain the Town's external auditors Nolen, Holt, Miner.
- c. Discussions relative to options for municipal financial systems software.
- d. FAAC Power Point Presentation requesting reconsideration on the use of Town reserves.

6. **RESOLUTIONS** - NONE

7. **ORDINANCES**

**ORDINANCES: PUBLIC HEARING**

a. **ORDINANCES NO. 2013-11: FIRST READING / PUBLIC HEARING:**  
**(Historical Legacy):**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO HISTORICAL LEGACY USES AND APPROVALS; AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO AMEND SECTION 75-035, ENTITLED "USES AS OF OCTOBER 1, 2006" TO ADD THE TERM HISTORICAL LEGACY TO THE SECTION TITLE; TO SPECIFY THE CATEGORY OF SPECIAL EXCEPTION NECESSARY FOR CERTAIN USES IN THE ZONING CATEGORY; TO REQUIRE THAT THE PROPERTY ON WHICH THE USE IS LOCATED SHALL HAVE BEEN**

OWNED AND SUBJECT TO A HOMESTEAD EXEMPTION IN THE NAME OF THE OPERATOR; TO REQUIRE THAT THE USE DOES NOT PRESENT A THREAT TO PUBLIC HEALTH; TO REQUIRE THAT THE USE HAS NO HISTORY OF CODE VIOLATIONS OR THE USE HAS BEEN BROUGHT INTO CODE COMPLIANCE; TO REQUIRE THAT THE OWNER-OPERATOR SUBMIT AN AFFIDAVIT STIPULATING TO COMPLIANCE WITH CERTAIN CONDITIONS; TO REQUIRE REVIEW AND INSPECTION BY THE TOWN; PROVIDING THAT CERTAIN USES ARE NOT ELIGIBLE FOR APPROVAL UNDER THIS SECTION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE. *(This will be a 2<sup>nd</sup> First Reading for lack of consistency in title advertisement.)*

**b. ORDINANCE NO. 2014-01 / SECOND READING / PUBLIC HEARING (Drysdale – Comprehensive Plan Amendment):**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AN AMENDMENT TO THE TOWN OF LOXAHATCHEE GROVES ADOPTED COMPREHENSIVE PLAN, IN ACCORDANCE WITH CHAPTER 163, FLORIDA STATUTES, CONCERNING A SMALL-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY NANCY C. DRYSDALE THE APPLICANT AND PROPERTY OWNER TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL 5 (1 DU PER 5 ACRES) IN THE TOWN'S ADOPTED PLAN, TO COMMERCIAL LOW (CL) FOR FUTURE DEVELOPMENT OF PROPERTY ON 6.55 ACRES MORE OR LESS LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND LOXAHATCHEE AVENUE, LOXAHATCHEE GROVES, FLORIDA (AMENDMENT 2013-02), LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCES – QUASI-JUDICIAL**

**c. ORDINANCE NO. 2014-02 / SECOND READING/QUASI JUDICIAL HEARING: (Drysdale – Zoning Change):**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF 6.55 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND LOXAHATCHEE AVENUE, LOXAHATCHEE GROVES, FLORIDA (REZ 2013-03), LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT “A” TO THIS ORDINANCE, FROM TOWN OF LOXAHATCHEE GROVES ZONING DESIGNATION AGRICULTURAL RESIDENTIAL (AR) TO THE TOWN’S ZONING DESIGNATION COMMERCIAL LOW (CL) IN ACCORDANCE WITH A SMALL-SCALE LAND USE PLAN AMENDMENT APPLICATION BY NANCY C. DRYSDAL , THE APPLICANT AND PROPERTY OWNER THROUGH ORDINANCE 2014-01; PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**8. ADMINISTRATIVE UPDATE – *Town Manager Kutney***

- a. IGC (Intergovernmental Coordination Committee)
- b. Traffic Study Meeting
- c. Western Communities Council
- d. Update on Compton Road

**9. OLD BUSINESS**

- a. Draft ordinance for discussion of issues regulating Town moratorium on manure hauling.
- b. Update of Priorities List for Council Review
- c. Florida Department of Agriculture and Consumer Services: “Water Quality/Quantity – Best Management Practices for Florida Equine Operations” (2011 Edition) (*Receive and File*)

- d. Discussion of Speed Humps, and Template from Simmons and White.

**10. NEW BUSINESS**

- a. Town-District Funding ILA (Interlocal Agreement) for District Road/Canal Maintenance – Fiscal Year 2013-2014

**11. CLOSING COMMENTS**

- a. Public
- b. Town Attorney
- Town of Loxahatchee Groves (“Town”) adv. Todd McLendon, Palm Beach County Circuit Court Case No. 502013CA011543XXXXMB (AY) Petition for Writ of mandamus
- c. Town Council Members

**12. ADJOURNMENT**

**The next regular Town Council Meeting is tentatively scheduled for March 18, 2014.**

**Comment Cards:** Anyone from the public wishing to address the Town Council must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk’s Office (561-793-2418), at least 48 hours in advance to request such accommodation.



**Item 2.a.**

**Consent Agenda**

**Attorney Invoice**

GOREN, CHEROF, DOODY & EZROL, P.A.  
 Attorneys at Law  
 3099 East Commercial Boulevard  
 Suite 200  
 Fort Lauderdale, Florida 33308  
 Telephone (954) 771-4500

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 02/25/2014

TOWN OF LOXAHATCHEE GROVES  
 14579 Southern Boulevard  
 Suite 2  
 Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1107580R  
 STATEMENT NO: 2

Attn: Mark Kutney, Town Manager

Drysdale Small Scale Land Use Amendment

			HOURS	
02/07/2014	MDC	Review materials for second public hearing; review status of published notice.	0.70	
		FOR CURRENT SERVICES RENDERED	0.70	129.50
RECAPITULATION				
	<u>TIMEKEEPER</u>		<u>HOURS</u>	<u>HOURLY RATE</u>
	MICHAEL D. CIRULLO		0.70	\$185.00
		TOTAL CURRENT WORK		129.50
		BALANCE DUE		\$129.50

*MDC*

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

GOREN, CHEROF, DOODY & EZROL, P.A.  
 Attorneys at Law  
 3099 East Commercial Boulevard  
 Suite 200  
 Fort Lauderdale, Florida 33308  
 Telephone (954) 771-4500

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TOWN OF LOXAHATCHEE GROVES  
 14579 Southern Boulevard  
 Suite 2  
 Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1107572R  
 STATEMENT NO: 5

Attn: Mark Kutney, Town Manager

adv. Camry Investments (Antonio Alonso) 2380 C.  
 Rd., Loxahatchee, FL 33470

		HOURS	
02/06/2014	MDC Review Summary Judgment, status of foreclosure and title matters.	0.30	
	FOR CURRENT SERVICES RENDERED	0.30	55.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	0.30	\$185.00	\$55.50

COPYING COST	9.45
TOTAL EXPENSES THRU 02/24/2014	9.45
TOTAL CURRENT WORK	64.95
BALANCE DUE	<u>\$64.95</u>

*MDC*

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02/25/2014

TOWN OF LOXAHATCHEE GROVES  
 14579 Southern Boulevard  
 Suite 2  
 Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1107570R  
 STATEMENT NO: 11

Attn: Mark Kutney, Town Manager

adv. McLendon, Todd

			HOURS	
01/29/2014	MDC	Review Boca Raton case; update Council.	0.50	
02/06/2014	MDC	Telephone call with Robert Hartsell on status of case, 4th DCA Opinion.	0.30	
02/17/2014	MDC	Confirm status of Boca case interpreting initiative matters in Florida; research taxable costs.	0.30	
02/18/2014	MDC	Telephone call with opposing counsel; miscellaneous telephone calls with Town Officials on status of case.	0.20	
02/24/2014	MDC	Telephone call with Robert Hartsell; review status of case; prepare update memo to Town Council.	0.80	
		FOR CURRENT SERVICES RENDERED	2.10	388.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	2.10	\$185.00	\$388.50

TOTAL CURRENT WORK 388.50

BALANCE DUE 388.50

*MDC*

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TOWN OF LOXAHATCHEE GROVES  
14579 Southern Boulevard  
Suite 2  
Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1107564R  
STATEMENT NO: 14

Attn: Mark Kutney, Town Manager

Wellington Edge Code Matter

			HOURS	
02/10/2014	MDC	Review Supplemental Appendix; prepare Motion to file Supplemental Answer.	0.50	
02/11/2014	MDC	Revise and file Motion to File Supp. Reply.	0.30	
		FOR CURRENT SERVICES RENDERED	0.80	<u>148.00</u>

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	0.80	\$185.00	\$148.00

COPYING COST	2.10
TOTAL EXPENSES THRU 02/24/2014	<u>2.10</u>
TOTAL CURRENT WORK	150.10
BALANCE DUE	<u>\$150.10</u>

*mac*

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TOWN OF LOXAHATCHEE GROVES  
 14579 Southern Boulevard  
 Suite 2  
 Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1107562R  
 STATEMENT NO: 20

Attn: Mark Kutney, Town Manager

adv. Day, Willie and Frankie

			HOURS	
01/31/2014	MDC	Review order granting Town's Motion for Summary Judgment, update council.	0.70	
		FOR CURRENT SERVICES RENDERED	0.70	129.50
RECAPITULATION				
<u>TIMEKEEPER</u>		<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO		0.70	\$185.00	\$129.50
		TOTAL CURRENT WORK		129.50
		BALANCE DUE		<u>\$129.50</u>

*MDC*

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TOWN OF LOXAHATCHEE GROVES  
 14579 Southern Boulevard  
 Suite 2  
 Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1004840R  
 STATEMENT NO: 24

Attn: Mark Kutney, Town Manager

Loxahatchee Groves Commons

			HOURS	
02/21/2014	MDC	Telephone call with Town Management and Developers on status of road agreement.	0.90	
		FOR CURRENT SERVICES RENDERED	0.90	166.50
RECAPITULATION				
	<u>TIMEKEEPER</u>		<u>HOURS</u>	<u>HOURLY RATE</u>
	MICHAEL D. CIRULLO		0.90	\$185.00
				<u>\$166.50</u>
		TOTAL CURRENT WORK		166.50
		BALANCE DUE		<u>\$166.50</u>

*MDC*

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TOWN OF LOXAHATCHEE GROVES  
 14579 Southern Boulevard  
 Suite 2  
 Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1004800R  
 STATEMENT NO: 18

Attn: Mark Kutney, Town Manager

Equestrian Partners Land Use Amendment (Solar  
 Sportsystems, Inc.)

			HOURS	
02/14/2014	MDC	Review correspondence re: status of road agreement, scheduling of meeting.	0.40	
	MDC	Telephone call with M. Kutney and Marty Perry.	0.50	
		FOR CURRENT SERVICES RENDERED	0.90	166.50

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	0.90	\$185.00	\$166.50

TOTAL CURRENT WORK 166.50

BALANCE DUE \$166.50

*moc*

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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TOWN OF LOXAHATCHEE GROVES  
14579 Southern Boulevard  
Suite 2  
Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-0702400R  
STATEMENT NO: 90

Attn: Mark Kutney, Town Manager

General Matters

*MDC*

			HOURS
01/29/2014	SRW	Meet with M. Cirullo re: land use conditions of approval.	0.30
	MDC	Review materials on agenda items.	0.30
01/30/2014	MDC	Review agenda materials for 2/4 council meetings.	0.50
02/03/2014	MDC	Continue reviewing items for 2/04/14 hearing.	0.30
02/04/2014	MDC	Review materials; miscellaneous telephone conference with Council, MK, JW; prepare for and attend Council meetings.	4.70
02/05/2014	MDC	Review materials; follow-up from 2/4/14 council meeting.	0.30
02/06/2014	MDC	Review miscellaneous LDR issues, correspondence.	0.50
02/07/2014	MDC	Review materials on ULDC issues.	0.30
02/10/2014	MDC	Review correspondence on ULDC matters; review materials on Swerdlin Fence; confer with DJD; telephone call with MK; telephone call with Swerdlin attorney; prepare documents for fence encroachment.	1.50
02/11/2014	MDC	Review materials on pending matters.	0.30
	SRW	Research re: Town of Jupiter v. Byrd 4th DCA opinions. E-mail correspondence re: same. Telephone conference with Tom Baird's office re: same.	0.50
02/12/2014	MDC	Review materials re: 2/18/14 agenda; telephone conference with M. Kutney.	0.50
	DJD	Revise encroachment agreement, telephone conference with Mike Cirullo.	0.40
02/13/2014	MDC	Review materials for 2/18/14 meeting, miscellaneous telephone calls on pending matters.	0.30
02/14/2014	MDC	Revise agenda materials for February 18 Council Meeting; telephone call with MK on pending items.	0.50
02/17/2014	MDC	Continue reviewing materials for 2/18 meeting.	0.30

General Matters

			HOURS		
02/18/2014	MDC	Review materials; miscellaneous telephone calls with Council members; prepare for, attend Town Council meeting.	4.50		
02/19/2014	MDC	Review items from 2/18 Council Meeting; research issues with revisions to manure ordinance; review notice for ULDC revisions.	1.10		
02/20/2014	MDC	Review materials re: manure ordinance, ULDC notices.	0.30		
	DJD	Revise Encroachment Agreement.	0.40		
02/21/2014	MDC	Research issues with manure ordinance proposed revisions.	0.70		
02/24/2014	MDC	Review issues with manure ordinance; review correspondence on Raymond Drive; telephone call with MK, BG on pending items; begin drafting ordinance second memo on manure ordinance.	1.90		
		FOR CURRENT SERVICES RENDERED	20.40	3,774.00	

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
D.J. DOODY	0.80	\$185.00	\$148.00
MICHAEL D. CIRULLO	18.80	185.00	3,478.00
STACEY R WEINGER	0.80	185.00	148.00

COPYING COST	60.20
TOTAL EXPENSES THRU 02/24/2014	60.20
TOTAL CURRENT WORK	3,834.20
BALANCE DUE	<u>\$3,834.20</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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 Attorneys at Law  
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TOWN OF LOXAHATCHEE GROVES  
 14579 Southern Boulevard  
 Suite 2  
 Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1107575R  
 STATEMENT NO: 4

Attn: Mark Kutney, Town Manager

2014 Special Act (LGWCD)

			HOURS	
01/28/2014	MDC	Review status of Special Acts, correspond with District representatives on status.	0.30	
		FOR CURRENT SERVICES RENDERED	0.30	55.50
RECAPITULATION				
	<u>TIMEKEEPER</u>		<u>HOURS</u>	<u>HOURLY RATE</u>
	MICHAEL D. CIRULLO		0.30	\$185.00
				<u>TOTAL</u>
				\$55.50
		TOTAL CURRENT WORK		55.50
		BALANCE DUE		<u>55.50</u>

(MDC)

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TOWN OF LOXAHATCHEE GROVES  
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Loxahatchee Groves FL 33470

Attn: Mark Kutney, Town Manager

Sirdar Trucking

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02/25/2014  
ACCOUNT NO: 1574-1107573R  
STATEMENT NO: 6

Federal Express - Invoice 2-541-38718 FedEx to Robert Jones, Esq.	13.67
TOTAL ADVANCES THRU 02/24/2014	13.67
TOTAL CURRENT WORK	13.67
BALANCE DUE	<u>\$13.67</u>

*mkc*

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE



**Item 2.b.**

**Consent Agenda**

**Medical PODS**

**TOWN OF LOXAHATCHEE GROVES**

**OFFICE OF THE TOWN MANAGER**

**AGENDA REPORT**

**TO:** Mayor and Town Council

**FROM:** Braeden Garrett, Town Planning Technician

**THROUGH:** Mark A. Kutney, Town Manager, AICP, ICMA-CM

**DATE:** February 25, 2014

**SUBJECT:** Amendment #0001 between The Florida Department of Health in Palm Beach County and The Town of Loxahatchee Groves

**I. BACKGROUND/HISTORY**

On November 7, 2007 the Town of Loxahatchee Groves entered into an agreement with the State of Florida, Department of Health, and the Palm Beach County Health Department. Said agreement delineates responsibility of the Palm Beach County Health Department and the Town for activities related to the prophylaxis of the Town's residents, employees, and their immediate family members under the Cities Readiness Initiative in the event of a catastrophic biological incident – or other communicable threat of epidemic proportion.

**II. DISCUSSION**

Daniel J. McKenna, Contact Administrator from the Florida Department of Health, is requesting the execution of two copies of Amendment #0001 (one is to be sent back to the Florida Department of Health, and the other copy is for the Town's records).

**III. FISCAL IMPACT**

- N/A

**IV. ATTACHMENTS**

- One (1) copy of Amendment #0001
- One (1) copy of the November 7, 2007 Memorandum of Agreement

**V. REQUESTED ACTION**

Town Management is recommends a signature approving the proposed amendments to the 2007 Memorandum of Agreement

**Mission:**

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



**Rick Scott**  
Governor

**John H. Armstrong, MD, FACS**  
State Surgeon General & Secretary

**Vision:** To be the Healthiest State in the Nation

February 7, 2014



Mayor David Browning  
Town of Loxahatchee Groves  
14579 Southern Boulevard  
Loxahatchee Groves, 33470

**Re: TRANSMITTAL OF MEMORANDUM OF AGREEMENT, AMENDMENT # 0001 BETWEEN THE FLORIDA DEPARTMENT OF HEALTH IN PALM BEACH COUNTY AND TOWN OF LOXAHATCHEE GROVES**

Mayor David Browning:

Enclosed are two (2) originals of the subject document for execution by your organization as initiated by Alfred Grasso for our department.

**Please sign and date both original amendments, then return one fully executed original to my attention at:**

**Palm Beach County Health Department  
Finance & Accounting, 5th Floor, Rm. 5507  
800 Clematis Street  
West Palm Beach, FL 33401-5107**

If there are any questions concerning this correspondence, please contact me at (561) 671-4115 or <mailto:daniel.mckenna@flhealth.gov> All other questions should be directed to Mr. Philip Levenstein at (561)-671-4017 or e-mail: [philip.levenstein@flhealth.gov](mailto:philip.levenstein@flhealth.gov)

Sincerely,

Daniel J. McKenna  
Contract Administrator

Encl.

cc: P. Levenstein  
A. Grasso  
file

## AMENDMENT # 0001

### MEMORANDUM OF AGREEMENT Support Services for Emergency Dispensing of Strategic National Stockpile

THIS AMENDMENT, entered into between the **Florida Department of Health in Palm Beach County** hereinafter referred to as the “**Department**” and **The Town of Loxahatchee Groves**, hereinafter referred to as the **Town**, as a Closed Point of Dispensing presently in effect, amends the Memorandum of Agreement, Support Services for Emergency Dispensing of Strategic National Stockpile as follows:

- A. Memorandum of Agreement, Section IV., C., 1., Page 3. The Ending Date is hereby replaced to read: It shall end on December 31, 2018.
- B. Memorandum of Agreement, the following statements are hereby added to Section IV., A., Page 2.
  6. The coordination of the SNS assets will be determined jointly by the Logistics Section of the Palm Beach County Division of Emergency Management and the Department in the event of a decision to distribute.
  7. To provide sample copies of Client Registration Forms, educational materials and other resources in the event of a catastrophic public health emergency requiring the mass prophylaxis of the identified population, and other documentation for the required accountability of these materials.
  8. To provide the Closed Point of Dispensing with as much advance notice as feasible of the decision to request and deploy SNS assets.
  9. To provide the telephone numbers for the Health and Medical Unit at the Palm Beach County Emergency Operations Center (EOC) – (561) 712-6741, and the County Warning Point – (561) 712-6428.
- C. Memorandum of Agreement, Section IV., B., Page 3, 6. is replaced to read:
  6. Twice daily reporting (at 12:00 pm and at 4:00 pm) and reconciliation of medication and/or medical materials dispensed and on-hand to the Department at the Health and Medical Unit at the Emergency Operations Center (EOC), (561) 712-6741.
- D. Memorandum of Agreement, the following statements are hereby added to Section IV., B., Page 3
  8. Contacting the Health and Medical Unit at the EOC if additional medical countermeasures and related supplies are required to provide sufficient regimens for the intended population.
  9. Ensuring that no fee of any kind is charged for the material or any function associated with the dispensing activities.
  10. Returning to the Department all unused medication and related supplies, and completed Client Registration and Inventory Forms accounting for all of the medical countermeasures dispensed.

- E. Memorandum of Agreement, Section IV., C., 3. Indemnification, Page 4 the following statements are hereby added as part of the Indemnification section:

Section 768.28, F.S. (Waiver of Sovereign Immunity in Tort Actions) states in part in paragraph (9)(a) that “No officer, employee, or agent of the state or any of its subdivisions shall be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.”

Section 110.504, F.S. (Volunteer Benefits) states in paragraph (7) that volunteers shall be covered by Section 768.1355 (Florida Volunteer Protection Act) which states in part in paragraph (1) that “Any person who volunteers to perform any service for any nonprofit organization, shall be considered an agent of such nonprofit organization when acting within the scope of any official duties performed under such volunteers services.”

#### Federal Immunity

The Public Readiness and Emergency Preparedness Act (PREP Act) (Title 42 USC § 247d-6d), in part, “authorizes the Secretary of the Department of Health and Human Services (Secretary) to issue a declaration (PREP Act declaration) that provides immunity from tort liability (except for willful misconduct) for claims of loss caused, arising out of, relating to, or resulting from administration or use of countermeasures to diseases, threats and conditions determined by the Secretary to constitute a present or credible risk of a future public health emergency to entities and individuals involved in the development, manufacture, testing, distribution, administration, and use of medical countermeasures. A PREP Act declaration is specifically for the purpose of providing immunity from tort liability, and is different from, and not dependent on, other emergency declarations.”

- F. This amendment shall begin on the date on which the amendment has been signed by both parties, whichever is later.

All provisions in the Memorandum of Agreement and any attachments thereto in conflict with this amendment shall be and are hereby changed to conform with this amendment.

All provisions not in conflict with this amendment are still in effect and are to be performed at the level specified in the contract.

This amendment and all its attachments are hereby made a part of the Memorandum of Agreement.

**THIS SPACE LEFT BLANK INTENTIONALLY**

IN WITNESS THEREOF, the parties hereto have caused this 3 page amendment to be executed by their officials thereunto duly authorized.

	<b>Enter complete name of Closed Point of Dispensing in the space below</b>
FLORIDA DEPARTMENT OF HEALTH, IN PALM BEACH COUNTY	THE TOWN OF LOXAHATCHEE GROVES
	SIGNED BY:
NAME: Alina Alonso, M.D.	NAME:
TITLE: Director	TITLE:
DATE: 1.30.14	DATE:

**AMENDMENT # 0001**

MEMORANDUM OF AGREEMENT

Support Services for Emergency Dispensing of Strategic National Stockpile

THIS AMENDMENT, entered into between the **Florida Department of Health in Palm Beach County** hereinafter referred to as the “**Department**” and **The Town of Loxahatchee Groves**, hereinafter referred to as the **Town**, as a Closed Point of Dispensing presently in effect, amends the Memorandum of Agreement, Support Services for Emergency Dispensing of Strategic National Stockpile as follows:

- A. Memorandum of Agreement, Section IV., C., 1., Page 3. The Ending Date is hereby replaced to read: It shall end on December 31, 2018.
- B. Memorandum of Agreement, the following statements are hereby added to Section IV., A., Page 2.
6. The coordination of the SNS assets will be determined jointly by the Logistics Section of the Palm Beach County Division of Emergency Management and the Department in the event of a decision to distribute.
  7. To provide sample copies of Client Registration Forms, educational materials and other resources in the event of a catastrophic public health emergency requiring the mass prophylaxis of the identified population, and other documentation for the required accountability of these materials.
  8. To provide the Closed Point of Dispensing with as much advance notice as feasible of the decision to request and deploy SNS assets.
  9. To provide the telephone numbers for the Health and Medical Unit at the Palm Beach County Emergency Operations Center (EOC) – (561) 712-6741, and the County Warning Point – (561) 712-6428.
- C. Memorandum of Agreement, Section IV., B., Page 3, 6. is replaced to read:
6. Twice daily reporting (at 12:00 pm and at 4:00 pm) and reconciliation of medication and/or medical materials dispensed and on-hand to the Department at the Health and Medical Unit at the Emergency Operations Center (EOC), (561) 712-6741.
- D. Memorandum of Agreement, the following statements are hereby added to Section IV., B., Page 3
8. Contacting the Health and Medical Unit at the EOC if additional medical countermeasures and related supplies are required to provide sufficient regimens for the intended population.
  9. Ensuring that no fee of any kind is charged for the material or any function associated with the dispensing activities.
  10. Returning to the Department all unused medication and related supplies, and completed Client Registration and Inventory Forms accounting for all of the medical countermeasures dispensed.

- E. Memorandum of Agreement, Section IV., C., 3. Indemnification, Page 4 the following statements are hereby added as part of the Indemnification section:

Section 768.28, F.S. (Waiver of Sovereign Immunity in Tort Actions) states in part in paragraph (9)(a) that "No officer, employee, or agent of the state or any of its subdivisions shall be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, unless such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property."

Section 110.504, F.S. (Volunteer Benefits) states in paragraph (7) that volunteers shall be covered by Section 768.1355 (Florida Volunteer Protection Act) which states in part in paragraph (1) that "Any person who volunteers to perform any service for any nonprofit organization, shall be considered an agent of such nonprofit organization when acting within the scope of any official duties performed under such volunteers services."

#### Federal Immunity

The Public Readiness and Emergency Preparedness Act (PREP Act) (Title 42 USC § 247d-6d), in part, "authorizes the Secretary of the Department of Health and Human Services (Secretary) to issue a declaration (PREP Act declaration) that provides immunity from tort liability (except for willful misconduct) for claims of loss caused, arising out of, relating to, or resulting from administration or use of countermeasures to diseases, threats and conditions determined by the Secretary to constitute a present or credible risk of a future public health emergency to entities and individuals involved in the development, manufacture, testing, distribution, administration, and use of medical countermeasures. A PREP Act declaration is specifically for the purpose of providing immunity from tort liability, and is different from, and not dependent on, other emergency declarations."

- F. This amendment shall begin on the date on which the amendment has been signed by both parties, whichever is later.

All provisions in the Memorandum of Agreement and any attachments thereto in conflict with this amendment shall be and are hereby changed to conform with this amendment.

All provisions not in conflict with this amendment are still in effect and are to be performed at the level specified in the contract.

This amendment and all its attachments are hereby made a part of the Memorandum of Agreement.

**THIS SPACE LEFT BLANK INTENTIONALLY**

IN WITNESS THEREOF, the parties hereto have caused this 3 page amendment to be executed by their officials thereunto duly authorized.

	<b>Enter complete name of Closed Point of Dispensing in the space below</b>
FLORIDA DEPARTMENT OF HEALTH, IN PALM BEACH COUNTY	THE TOWN OF LOXAHATCHEE GROVES
	SIGNED BY:
NAME: Alina Alonso, M.D.	NAME:
TITLE: Director	TITLE:
DATE: 1.30.14	DATE:

November 7, 2007

**MEMORANDUM OF AGREEMENT**

**Support Services for Emergency Distribution of Strategic National Stockpile**

**BETWEEN PALM BEACH COUNTY HEALTH DEPARTMENT and  
THE TOWN OF LOXAHATCHEE GROVES, a Florida Municipal Corporation**

This Memorandum of Agreement ("Agreement") is entered into between the State of Florida, Department of Health, Palm Beach County Health Department, hereinafter referred to as the "Department," and The Town of Loxahatchee Groves, a Florida municipal corporation, hereinafter referred to as the "Town."

**RECITALS**

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) has established the Cities Readiness Initiative program to assist certain Metropolitan Statistical Areas (MSA) in the event of a catastrophic biological incident; and

**WHEREAS**, the CDC, through the Florida Department of Health, will provide the Strategic National Stockpile(SNS), which includes medications and medical supplies, to the Palm Beach County Health Department (the Department) for the Palm Beach MSA; and

**WHEREAS**, the Department approves the transfer of a pre-determined quantity of the aforementioned medication to the Town; and

**WHEREAS**, the Department wishes to collaborate with the Town to enhance its ability to respond to a catastrophic biological incident or other communicable threat of epidemic proportion.

**NOW THEREFORE**, in consideration of the foregoing, the parties hereto agree as follows:

**I. PURPOSE**

- A. This agreement delineates responsibility of the Department and the Town for activities related to the prophylaxis of the Town's residents and employees and their immediate family members under the Cities Readiness Initiative in the event of a catastrophic biological incident or other communicable threat of epidemic proportion.
- B. This Agreement serves as the Scope of Work between the Town and the Department.

**II. SCOPE**

- A. The provisions of this Agreement apply to activities to be performed at the request of the Department in conjunction with the implementation of the Cities Readiness Initiative Response Plan, an appendix to the Department's Emergency Operations Plan.
- B. No provision in this Agreement limits the activities of the Department in performing local and state functions.

**III. DEFINITIONS**

- A. Cities Readiness Initiative (CRI). A CDC program providing direct assistance to specific densely populated areas (known as Metropolitan Statistical Areas) to build the response capacity needed for the prophylaxis of 100 percent of their populations within a 48-hour period in the event of a catastrophic public health emergency.

- B. Logistical Staging Area (LSA). A temporary facility that receives, breaks down, and processes the SNS push pack for redistribution. Also referred to as Receipt, Storage and Staging (RSS).
- C. Prophylaxis. Measures designed to prevent the occurrence of disease or its dissemination. For the purposes of this Agreement it shall refer to the distribution of oral medications.
- D. Strategic National Stockpile (SNS). A national repository of antibiotics, chemical antidotes, antitoxins, life support medications and medical supplies, managed by the CDC, that can be delivered anywhere in the United States within 12 hours of the decision to deploy.

#### **IV. THE PARTIES AGREE**

##### **A. The Department Agrees:**

1. To designate, in part or in total, the Town as a Municipal Point of Dispensing, (M-POD) for the Strategic National Stockpile (SNS). This residential community will be used only for a declared Nuclear, Biological, or Chemical (NBC) emergency.
2. To the extent that resources permit, to arrange for the delivery of quantities of medication, antidotes and/or vaccines to the Municipal Point of Dispensing , (M-POD), from the Strategic National Stockpile (SNS) in the event of a Nuclear, Biological, or Chemical (NBC) emergency on a 24/7 schedule.
3. To provide sample descriptions of the various volunteer jobs to be assigned to the residents and employees of the Town.
4. To assist in the training of said volunteers in dispensing said medication, antidotes and/or vaccines to the residents and employees of the Town, and will provide sample copies of Patient Registration Forms and other documentation for the required accountability of these materials.
5. To review, approve and provide credentials to volunteers who complete Florida Department of Health "Volunteer Services Application" forms (DH-1474, 10/05) (Attachment 1) with accompanying "Volunteer Personal References" (Attachment 2). Said volunteers will be covered by Workmen's Compensation in accordance with Florida Statute Chapter 110.504, and be further provided with state liability protection under the Florida Volunteer Protection Act as part of Florida Statute 768.28.

##### **B. The Town Agrees:**

- 1 To provide the Department with a census count of the number of residences – year 'round vs. seasonal – and estimates of the number of adults and children in the Town.

2. To provide adequate numbers of volunteers from the community to assist in the dispensing of the above-mentioned medication, antidotes and/or vaccines to all residents and employees in their community without prejudice.
3. To provide its own resources for, but not be limited to: Transportation, Communications, Public Works, Mass Care, Resident Information, and Security for its residents and employees.
4. Residents and employees, upon completing the required Patient Registration Form, may pick up medication for themselves, their immediate family and/or neighbors and friends.
5. Said distribution of medication or other medical materials is to be done under the supervision of a volunteer medical professional from their community who is authorized to dispense pharmaceuticals. Medical professionals authorized to dispense pharmaceuticals are defined as: Pharmacists (RPh/ PharmD), Physicians (MD/DO), Physicians Assistants (PA), Advanced Registered Nurse Practitioners (ARNP), or other medical providers registered as "dispensing practitioners" (Dentists, Podiatrists). In the absence of such a designated person, the Department will attempt to arrange for a member of its staff or a member of the Palm Beach Medical Society, via their Medical Reserve Corps, to be at the site and be designated to supervise the dispensing of medication/medical supplies to the residents and employees.
6. Twice daily reporting and reconciliation of medication and/or medical materials dispensed and on-hand to the Department at Emergency Support Function-8 (ESF-8) at the Emergency Operations Center, (561) 712-6408.
7. The Town will designate the location(s) at which the Point of Dispensing will be used temporarily for the dispensing of medication to its residents and employees. The temporary term of use will begin on the date the Town receives written notification or telephone communication from the Department that the Strategic National Stockpile has been activated due to a medical emergency and for a period not to exceed seven (7) days from that date of notification, unless amended or cancelled in writing.

C. The Town and the Department Mutually Agree:

1. Effective and Ending Dates.

This Agreement shall begin on January 1, 2008, or on the date on which the Agreement has been signed by both parties, whichever is later. It shall end on December 31, 2013.

2. Termination. Termination at Will.

This Agreement may be terminated by either party without cause upon no less than thirty (30) calendar days notice in writing to the other party unless a lesser time is mutually agreed upon in writing by both parties. Said notice shall be delivered by certified mail, return receipt requested, or in person with proof of delivery.

3. Indemnification.

The Department, as a state agency, agrees to be fully responsible to the limits set forth in Section 768.28, F.S. for its own negligent acts which result in claims or suits against the Department or the Town arising out of this Agreement, and agrees to be liable to the limits set forth in Section 768.28, F.S. for any damages proximately caused by said acts or omissions. Nothing herein shall be construed as a waiver of sovereign immunity or consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any Agreement. The Town agrees to be fully responsible for its own negligent acts which result in suits or claims against the Town or the Department arising out of this Agreement, and agrees to be liable for any damages proximately caused by said acts or omissions.

4. Relationship.

Nothing herein shall create or be construed to create an employer-employee, agency, joint venture, or partnership relationship between the parties.

5. Renegotiation or Modification.

Modifications of provisions of this Agreement shall only be valid when they have been reduced to writing and duly signed by both parties.

6. Official Representatives.

(a) For The Department:

Name: Alfred M. Grasso  
Title: Operations and Management Consultant Manager  
Organization: Palm Beach County Health Department  
Mailing Address: 826 Evernia Street, West Palm Beach, FL 33401  
Telephone/Fax: 561-355-3524/ Fax 561-355-3035  
e-mail: [Alfred\\_Grasso@doh.state.fl.us](mailto:Alfred_Grasso@doh.state.fl.us)

(b) For the Town:

Name: Matthew Lippman

Title: Town Clerk

Organization: Town of Loxahatchee Groves

Mailing Address: 14579 Southern Blvd, Suite 2

Telephone/Fax: 561-793-2418 561-793-2420

e-mail: clerk@loxahatcheegroves.org

Reference Information From Municipalities

Number of Residences: 2700

Number of Employees: 0

~~Number of Residents (est): Total: Year 'Round: Seasonal:~~

Number of Adults/Children (est): ? Year 'Round: Adults: Children:

M-POD Contacts: (1) Name: Mayor David Brauning Address: 3065 D Road

City: Loxahatchee Groves Zip: 33470 Telephone: 561-793-2193 Cell: 561-985-2103

e-mail: bdawe442@bellsouth.net

(2) Name: Vice Mayor Herzog Address: 966 A Road

City: Loxahatchee Groves Zip: 33470 Telephone: 561-791-9875 Cell: 561-818-9114

e-mail: margee@herzog.ms

7. All Terms and Conditions Included.

This Agreement contains all the terms and conditions agreed upon by the parties. There are no provisions, terms, conditions, or obligations other than those contained herein, and the Agreement shall supersede all previous communications, representations, or agreements, either verbal or written between the parties. If any term or provision of the Agreement is found to be illegal or unenforceable, the remainder of the Agreement shall remain in full force and effect and such term or provision shall be stricken.

END OF TEXT

IN WITNESS THEREOF, the parties hereto have caused this 9 page Agreement to be executed by their undersigned officials as duly authorized.

THE TOWN OF LOXAHATCHEE GROVES	STATE OF FLORIDA DEPARTMENT OF HEALTH PALM BEACH COUNTY HEALTH DEPARTMENT
Signed by: <i>David Brauning</i>	Signed by:
Name: <i>David Brauning</i>	Name: Jean Marie Malecki, MD, MPH, FACPM
Title: <i>Mayor</i>	Title: Director
Date: <i>2/5/08</i>	Date:

APPROVED AS TO FORM!

*DONTA*, Town Attorney  
2/5/08



**Item 4**

**Presentations**

**None**



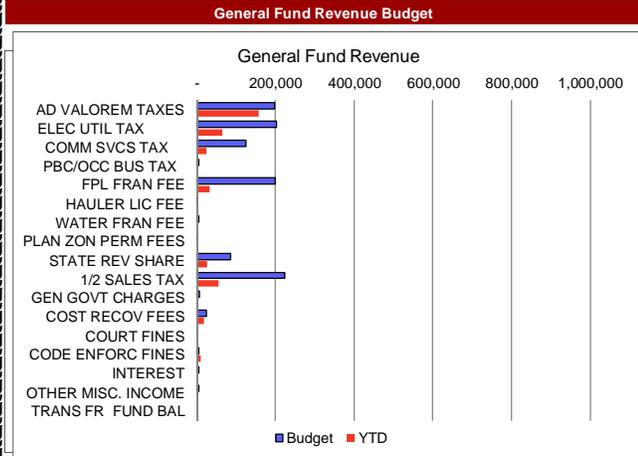
**Item 5.a.**

**Committee Reports**

**Approval of the January 2014 Financial Report**



## Town of Loxahatchee Groves Financial Activity Report as of January 30, 2014 (33% of year elapsed)



General Fund Revenues			
Revenues	Budget	Year-to-Date	%
AD VALOREM TAXES @ 1.2000	197,297	157,818	80.0%
ELECTRIC UTILITY TAX	203,000	64,360	31.7%
COMMUNICATION SERVICES TAX	125,446	25,349	20.2%
COUNTY OCCUPATIONAL LICENSES	5,000	3,675	73.5%
FPL FRANCHISE FEE	200,000	32,275	16.1%
HAULER LICENSE FEE	2,000	1,685	84.3%
PBC WATER UTILITY FRANCHISE	5,050	1,861	36.9%
PLANNING & ZONING PERMIT FEES	100	2,140	2140.0%
STATE REVENUE SHARING	85,446	25,755	30.1%
HALF CENT SALES TAX	224,014	55,121	24.6%
GENERAL GOVERNMENT CHARGES	7,000	1,780	25.4%
COST RECOVERY FEES	25,000	17,376	69.5%
COURT FINES	2,500	-	-
CODE ENFORCEMENT FINES	5,000	9,648	193.0%
INTEREST	5,000	49	1.0%
OTHER MISC. INCOME	5,000	2,633	52.7%
TRANSFER FROM FUND BALANCE*	-	-	-
<b>Total Revenues</b>	<b>1,096,853</b>	<b>401,525</b>	<b>36.6%</b>

General Fund Expenditures			
Expenditures	Budget	Year-to-Date	%
LEGISLATIVE	103,885	16,300	15.7%
EXECUTIVE	285,230	94,529	33.1%
FINANCIAL AND ADMINISTRATIVE	24,250	910	3.8%
LEGAL COUNSEL	90,000	37,189	41.3%
COMPREHENSIVE PLANNING & ZONING	170,042	62,260	36.6%
OTHER GENERAL GOVERNMENT	128,665	38,795	30.2%
LAW ENFORCEMENT	280,781	93,427	33.3%
PUBLIC WORKS	14,000	798	5.7%
<b>Total Expenditures</b>	<b>1,096,853</b>	<b>344,207</b>	<b>31.4%</b>
Excess(deficiency)	-	57,318	-

YTD-Total Funds Expen. Budget			
Expenditures	Budget	Year-to-Date	%
<b>Total Townwide Budget</b>	<b>4,550,949</b>	<b>543,944</b>	<b>12.0%</b>

Selected Other Funds			
Transportation Fund	Budget	Year-to-Date	%
FIRST LOCAL OPTION FUEL TAX (6 CENT)	249,245	59,247	23.8%
SECOND LOCAL OPTION FUEL (5 CENT)	117,326	29,515	25.2%
CONTRIBUTION FROM GENERAL FUND	-	-	-
TRANSFER FROM FUND BALANCE	856,191	-	-
<b>Total Revenues</b>	<b>1,222,762</b>	<b>88,762</b>	<b>7.3%</b>
TRAFFIC CONTROL SIGNS (6 CT) MAINT.	6,000	106	1.8%
TOWN ROADS (6 CT) MAINT.	93,245	22,673	24.3%
DISTRICT ROADS (6 CT) MAINT.	150,000	2,915	1.9%
ROADS AND STREETS (5 CT)	-	-	-
SPECIAL PROJECTS (6 CT)	-	-	0.0%
148th TERR BRIDGE(5)/CULVERT	-	-	-
CONSTRUCTION TOWN RDS & STREETS	-	-	-
TRANSFER TO CIP FUND	973,517	15,070	1.5%
<b>Total Expenses</b>	<b>1,222,762</b>	<b>40,764</b>	<b>3.3%</b>
Excess(deficiency)	-	47,998	-

Solid Waste Fund			
Budget	Year-to-Date		
SOLID WASTE ASSESSMENTS	432,873	327,190	75.6%
DISCOUNT FEES	(12,103)	(12,968)	107.2%
SWA RECYCLING INCOME	8,000	669	8.4%
CONTRIBUTION FROM GENERAL FUND	-	-	-
<b>Total Revenues</b>	<b>428,770</b>	<b>314,891</b>	<b>73.4%</b>
CONTRACTUAL-WASTE OVERSIGHT	7,010	8,374	119.5%
PBC ADMINISTRATION FEE 1%	4,460	3,142	70.5%
POSTAGE & FREIGHT	500	-	0.0%
SOLID WASTE CONTRACTOR	415,800	131,686	31.7%
OTHER SANITATION SERVICES	-	-	0.0%
LEGAL ADVERTISING	1,000	700	70.0%
MANAGEMENT FEES	-	-	-
<b>Total Expenses</b>	<b>428,770</b>	<b>143,902</b>	<b>33.6%</b>
Excess(deficiency)	-	170,988	-

Capital Improvement Program (CIP) Fund			
Budget	Year-to-Date		
CONTRIBUTION FROM TRANSPORTATION FUND	973,517	15,070	0.0%
TRANSFER FROM FUND BALANCE	829,047	-	0.0%
<b>Total Revenues</b>	<b>1,802,564</b>	<b>15,070</b>	<b>0.8%</b>
Develop Town Hall Alternatives	-	-	-
Surveying Town Roads	100,000.00	9,070.00	9.1%
OGEM Collecting Canal Road	943,630.00	-	-
Okeechobee and D Road Traffic Light	250,000.00	6,000.00	2.4%
Town Roads OGEM Projects	100,000.00	-	-
Trails	80,000.00	-	-
D Road to Southern Blvd	300,000.00	-	-
Purchase Roads from LGWCD	28,934.00	-	-
<b>Total Expenditures</b>	<b>1,802,564</b>	<b>15,070</b>	<b>0.8%</b>

Contract Services Expenditures			
Expenditures	Budget	Year-to-Date	%
Waste Pro	415,800	131,686	31.7%
Palm Beach County Sheriff	280,281	93,428	33.3%
Underwood Management Services Group	373,148	119,848	32.1%
Goren, Cherof, Doody, Ezrol	90,000	37,147	41.3%
Tew & Associates	35,000	10,961	31.3%
Land Research Management	20,000	14,050	70.2%
Engineering Services*	140,000	26,403	18.9%
Frank Schiola	25,000	12,001	48.0%
YEE's Corporation	10,800	3,600	33.3%
Loxahatchee Water Control District	178,934	13,122	7.3%
<b>Total Expenses</b>	<b>1,568,963</b>	<b>462,246</b>	-

\* Keshavarez & Assoc.; A&B Engineering; Simmon & White



**BUDGET VS ACTUAL  
AS OF JANUARY 31, 2014**  
33% Elapsed  
General Fund  
Revenues

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
001-311-100-000	Ad Valorem Taxes	11,470.90	157,817.76	-	197,297	(39,479.24)	80.0%
	<b>Ad Valorem Taxes Subtotal</b>	<b>11,470.90</b>	<b>157,817.76</b>		<b>197,297</b>	<b>(39,479.24)</b>	
001-314-100-000	Electric Utility Tax	22,681.45	64,360.02	-	203,000	(138,639.98)	31.7%
001-315-100-000	Communications Services	8,353.14	25,349.05	-	125,446	(100,096.95)	20.2%
001-316-200-000	County Occupational License	127.82	3,675.16	-	5,000	(1,324.84)	73.5%
	<b>Local Taxes Subtotal</b>	<b>31,162.41</b>	<b>93,384.23</b>		<b>333,446</b>	<b>(240,061.77)</b>	
001-323-100-000	FPL Franchise Fee	15,762.34	32,274.70	-	200,000	(167,725.30)	16.1%
001-323-125-000	Haulers License Fee	180.00	1,685.00	-	2,000	(315.00)	84.3%
001-323-300-000	PBC Water Utility Franchise	-	1,861.07	-	5,050	(3,188.93)	36.9%
001-329-100-000	Planning & Zoning Permit	120.00	2,140.00	-	100	2,040.00	2140.0%
	<b>Permits, Franchise Fees &amp; Special Subtotal</b>	<b>16,062.34</b>	<b>37,960.77</b>		<b>207,150</b>	<b>(169,189.23)</b>	
001-335-120-000	State Revenue Sharing	6,438.71	25,754.84	-	85,446	(59,691.16)	30.1%
001-335-180-000	Half Cent Sales Tax	19,580.47	55,121.09	-	224,014	(168,892.91)	24.6%
	<b>Intergovernmental Revenue Subtotal</b>	<b>26,019.18</b>	<b>80,875.93</b>		<b>309,460</b>	<b>(228,584.07)</b>	<b>26.1%</b>
001-341-000-000	General Government Charges	370.00	1,780.30	-	7,000	(5,219.70)	25.4%
001-343-349-000	Cost Recovery Fees	4,295.51	17,376.09	-	25,000	(7,623.91)	69.5%
	<b>Charges for Services Subtotal</b>	<b>4,665.51</b>	<b>19,156.39</b>		<b>32,000</b>	<b>(12,843.61)</b>	
001-351-100-000	Court Fines	-	-	-	2,500	(2,500.00)	
001-354-100-000	Code Enforcement Fines	-	9,647.50	-	5,000	4,647.50	193.0%
	<b>Code Enforcement Fines Subtotal</b>	<b>-</b>	<b>9,647.50</b>		<b>7,500</b>	<b>2,147.50</b>	
001-361-100-000	Interest	10.54	49.09	-	5,000	(4,950.91)	1.0%
001-369-000-000	Other Misc Income	86.50	2,633.11	-	5,000	(2,366.89)	52.7%
	<b>Other Misc Revenue Subtotal</b>	<b>97.04</b>	<b>2,682.20</b>		<b>10,000</b>	<b>(7,317.80)</b>	
001-399-000-000	Transfer from Fund Balance*	-	-	-	-	-	
	<b>Other Non-operating Sources Subtotal</b>	<b>-</b>	<b>-</b>		<b>-</b>	<b>-</b>	
	<b>Grand Total Revenue</b>	<b>89,477.38</b>	<b>401,524.78</b>	<b>-</b>	<b>1,096,853</b>	<b>(695,328.22)</b>	<b>36.6%</b>



**TOWN OF LOXAHATCHEE GROVES**  
**BUDGET VS ACTUAL**  
**AS OF JANUARY 31, 2014**  
 33% Elapsed  
**General Fund**  
**Expenditures**

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
001-511-310-000	Professional Services	-	-	-	60,000	60,000.00	0.0%
001-511-400-000	Travel	-	-	-	3,000	3,000.00	0.0%
001-511-492-000	Other Operating Expenses	-	-	-	1,500	1,500.00	0.0%
001-511-499-000	Other Current Charges - Council Reimbursement	2,500.00	12,500.00	-	30,000	17,500.00	41.7%
001-511-500-000	Education & Training	-	-	-	1,000	1,000.00	0.0%
001-511-510-000	Office Supplies	-	-	-	300	300.00	0.0%
001-511-520-000	Operating Supplies	-	-	-	300	300.00	0.0%
001-511-540-000	Books, Publications & Subscriptions	335.70	3,799.70	-	2,435	(1,364.70)	156.1%
001-511-820-000	Special Events/Contributions	-	-	-	5,350	5,350.00	0.0%
	<b>Legislative Total</b>	<b>2,835.70</b>	<b>16,299.70</b>	<b>-</b>	<b>103,885</b>	<b>87,585.30</b>	<b>15.7%</b>
001-512-340-000	Other Services	22,008.83	88,035.32	-	264,106	176,070.68	33.3%
001-512-400-000	Travel	93.76	395.16	-	1,000	604.84	39.5%
001-512-420-000	Postage & Freight - NEW	59.44	145.28	-	1,000	854.72	14.5%
001-512-490-000	Legal Advertising	-	141.60	-	1,000	858.40	14.2%
001-512-492-000	Other Operating Expenses	5.00	65.00	-	944	879.00	6.9%
001-512-493-000	Election Expense	247.50	247.50	-	8,010	7,762.50	3.1%
001-512-510-000	Office Supplies	1,371.77	5,499.02	-	8,600	3,100.98	63.9%
001-512-540-000	Books, Publications & Subscriptions	-	-	-	570	570.00	0.0%
	<b>Executive Total</b>	<b>23,786.30</b>	<b>94,528.88</b>	<b>-</b>	<b>285,230</b>	<b>190,701.12</b>	<b>33.1%</b>
001-513-320-000	Accounting and Auditing	-	-	-	18,000	18,000.00	0.0%
001-513-470-000	Printing and Binding	-	-	-	4,750	4,750.00	0.0%
001-513-490-000	Legal Advertising	-	910.00	-	1,500	590.00	60.7%
001-513-493-000	Election Expense (moved)	-	-	-	-	-	0.0%
	<b>Financial &amp; Administrative Total</b>	<b>-</b>	<b>910.00</b>	<b>-</b>	<b>24,250</b>	<b>23,340.00</b>	<b>3.8%</b>
001-514-310-000	Professional Services	16,387.97	37,188.84	-	90,000	52,811.16	41.3%
	<b>Legal Total</b>	<b>16,387.97</b>	<b>37,188.84</b>	<b>-</b>	<b>90,000</b>	<b>52,811.16</b>	<b>41.3%</b>



**TOWN OF LOXAHATCHEE GROVES**  
**BUDGET VS ACTUAL**  
**AS OF JANUARY 31, 2014**  
 33% Elapsed  
**General Fund**  
**Expenditures**

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
001-515-310-000	Professional Services	(19,382.16)	12,074.50	-	40,000	27,925.50	30.2%
001-515-340-000	Other Services	19,760.49	26,347.32	-	79,042	52,694.68	33.3%
001-515-343-000	Planning & Zoning Contract	(2,385.76)	406.25	-	20,000	19,593.75	2.0%
001-515-347-000	Comprehensive Plan	-	-	-	-	-	0.0%
001-515-349-000	Cost Recovery Expenditure	4,536.01	17,616.59	-	25,000	7,383.41	70.5%
001-515-490-000	Legal Advertising - NEW	1,332.96	5,815.12	-	6,000	184.88	96.9%
	<b>Comprehensive Planning &amp; Zoning Total</b>	<b>3,861.54</b>	<b>62,259.78</b>		<b>170,042</b>	<b>107,782.22</b>	<b>36.6%</b>
001-519-315-000	Special Magistrate	-	3,580.20	-	16,000	12,419.80	22.4%
001-519-354-000	Code Compliance	2,554.00	9,743.25	-	41,000	31,256.75	23.8%
001-519-410-000	Communications Services	739.04	1,981.27	-	5,700	3,718.73	34.8%
001-519-440-000	Rentals and Leases	1,270.54	5,810.63	-	20,000	14,189.37	29.1%
001-519-450-000	Insurance	-	15,111.00	-	18,000	2,889.00	84.0%
001-519-460-000	Repair & Maint - Building	-	600.00	-	2,450	1,850.00	24.5%
001-519-470-000	Printing and Binding	-	-	-	-	-	0.0%
001-519-480-000	Promotional Activities	-	-	-	-	-	0.0%
001-519-490-000	Computer Repair	240.00	240.00	-	2,500	2,260.00	9.6%
001-519-491-000	Computer Services	1,101.06	1,521.06	-	3,631	2,109.94	41.9%
001-519-494-000	Inspector General Office	-	-	-	5,280	5,280.00	0.0%
001-519-810-000	Aids to Govt Agencies Grant - LGWCD	-	-	-	-	-	-
001-519-820-000	Loxahatchee Groves CERT	-	208.00	-	2,000	1,792.00	10.4%
001-519-900-000	Transfer toTransportation Fund	-	-	-	-	-	0.0%
001-519-910-000	Transfer to Sanitation Fund	-	-	-	-	-	-
001-519-920-000	Transfer to Capital Projects	-	-	-	-	-	-
001-519-990-000	Contingency	-	-	-	12,104	-	0.0%
	<b>Other Governmental Services Total</b>	<b>5,904.64</b>	<b>38,795.41</b>		<b>128,665</b>	<b>77,765.59</b>	<b>30.2%</b>
001-521-341-000	Professional Services-PBSO	23,356.75	93,427.00	-	280,281	186,854.00	33.3%
001-521-342-000	Contractual-ADDL PBSO	-	-	-	500	500.00	0.0%
	<b>Law Enforcement Total</b>	<b>23,356.75</b>	<b>93,427.00</b>		<b>280,781</b>	<b>187,354.00</b>	<b>33.3%</b>
001-539-310-000	Other Services	-	-	-	-	-	0.0%
001-539-340-000	Professional Services	644.50	797.50	-	14,000	13,202.50	5.7%
	<b>Public Works Total</b>	<b>644.50</b>	<b>797.50</b>		<b>14,000</b>	<b>13,202.50</b>	<b>5.7%</b>
	<b>Grand Total Expenditure</b>	<b>76,777.40</b>	<b>344,207.11</b>	<b>-</b>	<b>1,096,853</b>	<b>740,541.89</b>	<b>31.4%</b>
	<b>Net Revenue</b>	<b>12,699.98</b>	<b>57,317.67</b>		<b>-</b>		



**TOWN OF LOXAHATCHEE GROVES**  
**BUDGET VS ACTUAL**  
**AS OF JANUARY 31, 2014**  
 33% Elapsed  
 Transportation Fund  
 Revenues

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
101-312-410-000	1st Local Option Fuel Tax (1 to 6 cent)	19,628.38	59,246.72	-	249,245	(189,998.28)	23.8%
101-312-420-000	2nd Local Option Fuel Tax (1 to 5 cent)	9,119.09	29,515.41	-	117,326	(87,810.59)	25.2%
101-363-990-000	Contribution from General Fund	-	-	-	-	-	0.0%
101-399-000-000	Transfer from Fund Balance	-	-	-	856,191	(856,191.00)	0.0%
<b>Total Revenue</b>		<b>28,747.47</b>	<b>88,762.13</b>		<b>1,222,762</b>		<b>7.3%</b>

**Transportation Fund**  
**Expenditures**

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
101-541-467-000	Traffic Control Signs (6 ct) Maint.	-	106.00	-	6,000	5,894.00	1.8%
101-541-468-000	Non-District Roads (6 ct) Maint.	5,905.49	22,673.35	-	93,245	70,571.65	24.3%
101-541-469-000	District Roads (6 ct) Maint.	-	2,915.00	-	150,000	147,085.00	0.0%
101-541-631-000	Road and Streets (5 cent)	-	-	-	-	-	0.0%
101-541-632-000	Special Projects (6 cent)	-	-	-	-	-	0.0%
101-541-634-000	148th Terr Bridge (5)/Culvert	-	-	-	-	-	0.0%
101-541-636-000	Construct Town Rds & Sts	-	-	-	-	-	0.0%
101-541-920-000	Transfer to Capital Projects	-	15,070.00	-	973,517	958,447.00	1.5%
101-541-990-000	Transfer to Fund Balance	-	-	-	-	-	0.0%
101-541-996-000	Transfer to Fund Balance	-	-	-	-	-	0.0%
<b>Total Expenditure</b>		<b>5,905.49</b>	<b>40,764.35</b>	<b>-</b>	<b>1,222,762</b>		<b>3.3%</b>
<b>Net Revenue</b>		<b>22,841.98</b>	<b>47,997.78</b>		<b>-</b>	<b>-</b>	



**TOWN OF LOXAHATCHEE GROVES**  
**BUDGET VS ACTUAL**  
**AS OF JANUARY 31, 2014**  
 33% Elapsed  
**Capital Improvement Program**  
**Revenues**

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
305-363-990-000	Contributions from General Fund	-	-	-	-	-	0.0%
305-363-991-000	Contributions from Transportation Fund	-	15,070.00	-	973,517	(958,447.00)	1.5%
305-399-000-000	Transfer from Fund Balance	-	-	-	829,047	(829,047.00)	0.0%
	<b>Total Revenue</b>	<b>-</b>	<b>15,070.00</b>	<b>-</b>	<b>1,802,564</b>	<b>(1,787,494.00)</b>	<b>0.8%</b>

**Capital Improvement Program**  
**Expenditures**

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
305-519-600-000	Develop Town Hall Alternatives	-	-	-	-	-	0.0%
305-541-610-000	Surveying Town Roads	-	9,070	-	100,000	90,930.00	9.1%
305-541-620-000	OGEM Collecting Canal Road	-	-	-	943,630	943,630.00	0.0%
305-541-630-000	Okeechobee and D Road Traffic Light	-	6,000.00	-	250,000	244,000.00	2.4%
305-541-640-000	Town Roads OGEM Projects	-	-	-	100,000	100,000.00	0.0%
305-541-650-000	Trails	-	-	-	80,000	80,000.00	0.0%
305-541-652-000	D Road to Southern Blvd	-	-	-	300,000	300,000.00	0.0%
305-541-654-000	Purchase Roads from LGWCD	-	-	-	28,934	28,934.00	0.0%
	<b>Total Expenditure</b>	<b>-</b>	<b>15,070</b>	<b>-</b>	<b>1,802,564</b>	<b>1,787,494</b>	<b>0.8%</b>
	<b>Net Revenue</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	



**TOWN OF LOXAHATCHEE GROVES**  
**BUDGET VS ACTUAL**  
**AS OF JANUARY 31, 2014**  
 33% Elapsed  
**Solid Waste Fund**  
**Revenues**

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
405-323-125-000	Haulers Licensing Fee - MOVED TO GF	-	-	-	-	-	0.0%
405-325-205-000	Solid Waste Assessments	22,685.42	327,189.79	-	432,873	(105,683.21)	75.6%
405-325-206-000	Discount Fees	(718.71)	(12,968.38)	-	(12,103)	(865.38)	107.2%
405-343-120-000	SWA Recycling Income	-	669.16	-	8,000	(7,330.84)	8.4%
405-363-990-000	Contributions from General Fund	-	-	-	-	-	0.0%
	<b>Total Revenue</b>	<b>21,966.71</b>	<b>314,890.57</b>	<b>-</b>	<b>428,770</b>	<b>(113,879.43)</b>	<b>73.4%</b>

Account Number	Account	Month to Date	Year to Date	Encumbrance	Annual Budget	Annual Variance	% Used
405-534-345-000	Contractual - Waste Over	1,802.00	8,374.00	-	7,010	(1,364.00)	119.5%
405-534-346-000	PBC Administration Fee 1	219.66	3,142.21	-	4,460	1,317.79	70.5%
405-534-420-000	Postage & Freight	-	-	-	500	500.00	0.0%
405-534-434-000	Solid Waste Contractor	68,100.00	131,686.20	-	415,800	284,113.80	31.7%
405-534-436-000	Other Sanitation Service	-	-	-	-	-	0.0%
405-534-490-000	Legal Advertising	-	700.00	-	1,000	300.00	70.0%
405-534-595-000	TOLG Management Fee	-	-	-	-	-	0.0%
	<b>Total Expenditure</b>	<b>70,121.66</b>	<b>143,902.41</b>	<b>-</b>	<b>428,770</b>	<b>284,867.59</b>	<b>33.6%</b>
	<b>Net Revenue</b>	<b>(48,154.95)</b>	<b>170,988.16</b>		<b>-</b>		



**Item 5.b.**

**Committee Reports**

**Retain External Auditors Nolen, Holt, and Miner**

# Underwood Management Services Group, LLC

840 N.E. Stokes Terrace  
Jensen Beach, Florida 34957  
Telephone: 772.233.1511

William F. Underwood, II  
Managing Partner  
Email: umsg@att.net

## Memorandum

To: Finance Advisory and Auditing Committee  
From: William F. Underwood, II, Managing Partner *WFU*  
Date: February 18, 2014  
Subject: External Auditor Retention

The Town's external auditor Nowlen, Holt, and Miner, PA contract is due to expire upon completion of the fiscal year 2013 audit. The original contract was for a term of 3 years with two 1-year renewals. The staff believes the Town has been well served by employing the firm. The firm provides historical stability in the Town's financial operations, which UMSG found to be extremely beneficial to the Town. Further, to the best of our knowledge, auditing services are not required to be bid pursuant to state statutes.

Additionally, it is my professional opinion that auditing firms and the government staff become more effective and efficient in their cooperation for audit work after the third or fourth year of experience with a particular entity.

Due to the background and understanding the firm has of the operations of the Town, we would recommend to the FAAC and Town Council that the current auditing contract be amended to provide for an additional three (3) years of service.

This matter is brought to your attention at this time in order to provide sufficient time for the Town to bid auditing services. It would also allow sufficient time to provide for an audit selection committee, review, analyze, and receive presentations from prospective vendors in order to provide a recommendation to the Council well before October, in the event the FAAC or Town Council choose not to amend the existing contract.



# NOWLEN, HOLT & MINER, P.A.

CERTIFIED PUBLIC ACCOUNTANTS

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MARK J. BYMASTER, CFE, CPA  
RYAN M. SHORE, CPA  
TIMOTHY H. SCHMEDES, CPA  
WEI PAN, CPA

March 5, 2014

Town of Loxahatchee Groves, Florida  
C/O Mark A. Kutney, Town Manager  
14579 Southern Blvd, Suite 2  
Loxahatchee Groves, FL 33470

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333 S.E. 2nd STREET  
POST OFFICE BOX 338  
BELLE GLADE, FLORIDA 33430-0338  
TELEPHONE (561) 996-5612  
FAX (561) 996-6248

To the Honorable Mayor, Members of the Town Council and Town Manager:

We are pleased to confirm our understanding of the services we are to provide the Town of Loxahatchee Groves, Florida for the years ended September 30, 2014, 2015 and 2016, with options to renew for September 30, 2017 and 2018. We will audit the financial statements of the governmental activities, the business-type activities, and each major fund, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Town of Loxahatchee Groves, Florida as of and for the years ended September 30, 2014, 2015 and 2016, with options to renew for September 30, 2017 and 2018. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management’s discussion and analysis (MD&A), to supplement the Town of Loxahatchee Groves, Florida’s basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Loxahatchee Groves, Florida’s RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management’s responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management’s Discussion and Analysis
- 2) Budgetary Comparison Schedule – General Fund
- 3) Budgetary Comparison Schedule – Transportation Fund

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our audit's report will not provide an opinion or any assurance on that other information:

- 1) Introductory and Statistical Sections

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the Town of Loxahatchee Groves, Florida and other procedures we consider necessary to enable us to express such opinions. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and compliance will include a paragraph that states that the purpose of the report is solely to describe the scope of testing of internal control over financial reporting and compliance, and the result of that testing, and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance, and that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering internal control over financial reporting and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that the Town of Loxahatchee Groves, Florida is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

### **Management Responsibilities**

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will assist with preparation of your financial statements and related notes. You will be required to acknowledge in the written representation letter our assistance with preparation of the financial statements and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. You agree to assume all management responsibilities for any non-audit services we provide; oversee the services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for ensuring that management is reliable and financial information is reliable and properly recorded. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing

management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

### **Audit Procedures - General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors or any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

### **Audit Procedures - Internal Controls**

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from

illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

### **Audit Procedures - Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of Loxahatchee Groves, Florida's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

### **Engagement Administration, Fees, and Other**

We will provide one electronic and 30 copies of our reports to the Town of Loxahatchee Groves, Florida; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Nowlen, Holt & Miner, P.A. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a regulatory agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Nowlen, Holt & Miner, P.A. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by a federal awarding agency, state awarding agency or pass through entity. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

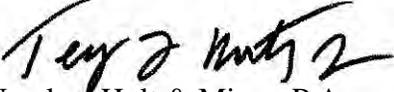
We expect to begin our audit in January 2015 and issue our reports no later than March 20, 2015. Terry L. Morton is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be in accordance with the attached fee schedule. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been

completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

You have requested that we provide you with a copy of our most recent external peer review report and any subsequent reports received during the contract period. Accordingly, our peer review report dated October 23, 2012, accompanies this letter.

We appreciate the opportunity to be of service to the Town of Loxahatchee Groves, Florida and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

  
Nowlen, Holt & Miner, P.A.

RESPONSE:

This letter correctly sets forth the understanding of the Town of Loxahatchee Groves, Florida:

Management Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Governance Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**TOWN OF LOXAHATCHEE GROVES  
AUDIT SERVICES  
SCHEDULE OF FEES**

**SCHEDULE OF PROFESSIONAL FEES AND EXPENSES  
FOR THE AUDIT OF THE SEPTEMBER 30, 2014 - 2018 FINANCIAL STATEMENTS  
SUPPORTING SCHEDULE FOR AUDIT SERVICES**

	<u>PROPOSED HOURLY RATES</u>
Partner	185
Manager	155
Supervisor	140
Senior	125
Staff	110
Other (Para-Professionals)	65
Less: Multi-year Contract Discount	
Other Expenses*	
	<u>Audit Fee</u>
Total All-Inclusive Price for Audit Services	
Year 2014	16,700 (1)(2)
Year 2015	16,700 (1)(2)
Year 2016	16,700 (1)(2)
Year 2017 (Option year)	16,700 (1)(2)
Year 2018 (Option year)	16,700 (1)(2)

(1) Fee includes total CAFR costs including preparing, editing and printing 30 copies.

(2) Does not include Single Audit. If a Single Audit is required, the fee would not exceed \$5,500 per major program.

Note: Price Proposal assumes that no significant audit adjustments will be necessary and no significant deficiencies in internal control or significant non-compliance will be noted.

Note: Invoices for audit services will be rendered each month as work progresses and are payable on presentation. In accordance with our firm's policies, work may be suspended if your account becomes overdue and may not be resumed until your account is paid in full.



## System Review Report

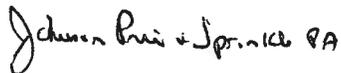
October 23, 2012

To the Shareholders of Nowlen, Holt & Miner, P.A.  
and the Peer Review Committee of the Florida Institute of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Nowlen, Holt & Miner, P.A. (the firm) in effect for the year ended May 31, 2012. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Nowlen, Holt & Miner, P.A. in effect for the year ended May 31, 2012, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Nowlen, Holt & Miner, P.A. has received a peer review rating of *pass*.

  
Johnson Price Sprinkle PA

Johnson Price Sprinkle PA

79 Woodfin Place, Suite 300 • Asheville, NC 28801 • 828.254.2374 • Fax 252.9994 • [www.jpspa.com](http://www.jpspa.com)

An Independent Member of the BDO Seidman Alliance.

**AGREEMENT**  
**FOR AUDITING SERVICES**

THIS AGREEMENT is made and entered into this 1<sup>st</sup> day of DECEMBER, 2009, by and between the TOWN OF LOXAHATCHEE GROVES, a Florida municipal corporation (the "TOWN"), and NOWLEN, HOLT & MINER, P.A., a Florida Corporation ("AUDITOR").

WHEREAS, the TOWN issued Request for Proposals (RFP) No. 2009-006, seeking Financial Auditing Services for the TOWN; and,

WHEREAS, the TOWN'S Finance Advisory and Audit Committee ("FAAC"), reviewed the responses to RFP 2009-006, and unanimously recommended that the Town Council select NOWLEN, HOLT & MINER, P.A., for Financial Auditing Services for the TOWN; and,

WHEREAS, at its November 17, 2009, meeting, the TOWN Council selected NOWLEN, HOLT & MINER, P.A., to provide Financial Auditing Services for the TOWN

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

**1.0 PURPOSE/AUTHORIZATION**

- 1.1 The purpose of this Agreement is to provide for the TOWN'S retention of AUDITOR to perform all Auditing Services for the TOWN as described in Section 2 below.
- 1.2 RFP 2009-006, AUDITOR'S Response, and the November 24, 2009, Engagement Letter are incorporated herein and made a part hereof. Any conflicts among the documents shall be resolved as set forth in Section 9.1.

**2.0 SCOPE OF SERVICES**

**2.1 Scope of Work to be Performed**

AUDITOR shall provide the Auditing Services to the TOWN set forth in Article II of RFP 2006-006, attached hereto and incorporated herein as Exhibit "A".

**2.2 Auditing Standards to be Followed**

AUDITOR shall meet the Auditing Standards set forth in Article II (C) of RFP 2009-006, attached hereto and incorporated herein as Exhibit "A".

**2.3 Reports to be Issued**

Following the completion of the audit of the fiscal year's financial statements, the  
Page 1 of 14

AUDITOR shall issue the Reports listed in Article II (D) of RFP 2009-006, attached hereto as Exhibit "A".

- 2.4 Article II(E) of RFP 2009-006 attached hereto and incorporated herein, entitled "Special Considerations," provides additional services and standards for performance, with which AUDITOR agrees to comply.

2.5 **Additional Services**

AUDITOR shall provide additional services to the TOWN as determined by the TOWN Council, at the same hourly rates as set forth within the Schedule of Proposal Prices, within AUDITOR'S Response to RFP 2009-006, attached hereto as Exhibit "B" and incorporated herein.

3. **COMPENSATION**

- 3.1 For all Auditing Services provided by AUDITOR as described in Sections 2.1 through 2.4 of this Agreement, AUDITOR shall be compensated as set forth within the Schedule of Proposal Prices within AUDITOR'S Response to RFP 2009-006, attached hereto as Exhibit "B", as follows:
- a. \$14,500 for the fiscal year ending 9/30/09;
  - b. \$15,000 for the fiscal year ending 9/30/10;
  - c. \$15,525 for the fiscal year ending 9/30/11;
  - d. \$16,100 for the fiscal year ending 9/30/12; and
  - e. \$16,700 for the fiscal year ending 9/30/13.
- 3.2 AUDITOR will invoice the TOWN monthly for work performed under this agreement for each applicable Fiscal Year on the basis of the percentage of the work completed based on the fees in Section 3.1. It is expressly understood that any incidental or out-of-pocket costs incurred by AUDITOR are covered by the total compensation and are not to be billed separately.
- 3.3 Invoices received from the AUDITOR pursuant to this agreement will be reviewed and approved by the Town Manager, indicating that services have been rendered in conformity with this Agreement.
- 3.4 The AUDITOR shall provide any such backup documentation, including staff time records, requested by the TOWN to support the amounts invoiced to the TOWN for the audit services contemplated herein. The TOWN shall pay the AUDITOR for all approved invoices, no later than 30 calendar days from the date of approval by the TOWN Manager of the invoice.

- 3.5 For all Additional Services as described in Sections 2.5 of this Agreement, the TOWN shall pay AUDITOR a fee mutually agreed to in writing by the TOWN Manager, as directed by the TOWN Council, and AUDITOR.

4. **RECORDS/RIGHT TO INSPECT AND AUDIT**

- 4.1. All working papers and reports must be retained during the term of this Agreement and for a period of five (5) years following termination or expiration of this Agreement in accordance with the requirements and procedures set forth by the General Records Schedule for Local Government Agencies as promulgated by the Division of Archives, History and Records Management (a division of the Florida Department of State) at the auditor's expense, unless the firm is notified in writing by the TOWN of the need to extend the retention period. The AUDITOR shall be required to make working papers available, upon request, to the following parties or their designees:
- 4.1.1. Town of Loxahatchee Groves;
  - 4.1.2. U.S. Government Accountability Office (GAO);
  - 4.1.3. Auditors of entities of which the TOWN is a sub-recipient of grant funds;
  - 4.1.4. Parties designated by the federal or state governments of by the TOWN as part of an audit quality review process.
- 4.2 In addition, AUDITOR shall respond to reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance.
- 4.3 All records, books, documents, papers and financial information (the "Records") that result from AUDITOR providing services to the TOWN and provided to the AUDITORS by the TOWN under this Agreement shall be the property of the TOWN.
- 4.4. Upon termination or expiration of this Agreement, or at any time during the term of this Agreement, and upon the written request of the TOWN Manager, any and all Records shall be delivered to the TOWN by AUDITOR within fifteen (15) calendar days of the date of such request. Any compensation due to AUDITOR shall be withheld until such records are received by the TOWN.
- 4.5. The Town Manager or his designee shall, during the term of this Agreement and for a period of five (5) years from the date of termination or expiration of this Agreement, have access to and the right to examine and audit any Records of AUDITOR involving transactions related to this Agreement under supervision of the AUDITOR'S personnel.
- 4.7. The TOWN may cancel this Agreement for unreasonable refusal by AUDITOR to allow access by the Town Manager to any Records pertaining to work performed

under this Agreement that are subject to the provisions of Chapter 119, Florida Statutes.

5. **INDEMNIFICATION**

5.1. AUDITOR shall defend, indemnify, and hold harmless the TOWN, its officers, elected and appointed officials, attorneys, agents and employees, from and against any and all demands, claims, losses, suits, liabilities, causes of action, judgment or damages, arising out of, related to, or in any way connected with AUDITOR, its officers', agents' or employees' failure to satisfy its obligations under Auditing Standards Generally Accepted in the United States through negligence or error or omission of AUDITOR or its officers', agents' or employees', including, but not limited to, liabilities arising from contracts between AUDITOR and third parties made pursuant to this Agreement. AUDITOR shall pay all claims and losses of any nature whatever rising therefrom, and may, if elected by the TOWN, defend all suits arising therefrom, in the name of the TOWN when applicable, and shall pay all costs and judgments which may issue thereon, except to the extent caused by the negligence of TOWN officers or employees.

5.2. AUDITOR shall defend, indemnify, and hold harmless the TOWN, its officers, attorneys, agents and employees, from all losses, injuries, damages, wages or overtime compensation due AUDITOR'S agents or employees in rendering services pursuant to this Agreement, including payment of TOWN's reasonable attorneys' fees and costs in the defense of any claim made under the Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act or any employment related litigation or claims under federal or state law.

5.3. The provisions of this section shall survive termination of this Agreement.

6. **INSURANCE**

6.1. AUDITOR shall procure and maintain, and require each joint vendor and/or sub-vendor and/or subcontractor to procure and maintain, during the life of this project, the insurance coverage listed below. The policies of insurance shall be primary and written on forms acceptable to the TOWN and placed with insurance carriers approved and licensed by the Insurance Department in the State of Florida and meet a minimum financial A.M. Best & Company rating of no less than Excellent: VII. At or prior to the commencement of AUDITOR performance, AUDITOR shall deliver the original certificate of insurance required herein to TOWN naming the TOWN as an additional insured. AUDITOR shall pay premiums for all insurance required by this Agreement. AUDITOR shall cause all policies of insurance required by this Agreement to be renewed from time to time so that at all times the insurance protection required by this Agreement shall continuously exist. The policy shall not be cancelled or materially changed

without giving of at least thirty (30) days' prior written notice thereof to TOWN, and in such event, a policy pursuant to the above terms must be substituted.

1. Worker's Compensation

Provide Worker's Compensation Insurance on behalf of all employees who are to provide a service for this project, as required under Florida Laws Chapter 440 and Employers Liability of limits no less than:

- \$500,000 each accident
- \$500,000 disease – policy limit
- \$100,000 – each employee

2. Commercial General Liability

This includes but is not limited to bodily injury, property damage and personal injury with limits of not less than:

- \$1,000,000 combined single limit per occurrence
- \$1,000,000 per location aggregate covering all work performed for this project.

3. Automobile Liability

This is to include bodily injury, property damage liability for all vehicles owned, hired, leased and non-owned with limits of not less than \$1,000,000 combined single limit covering all work performed for this project.

4. Umbrella Liability

This is to include the Employer's Liability, General Liability and Automobile Liability in underlying policy schedule, with limits of not less than \$1,000,000.

5. Professional Liability

This is to include limits of not less than \$3,000,000 for professional services rendered in accordance with this project. The AUDITOR shall maintain such insurance for at least two (2) years from the termination of this project.

7. **TERM**

7.1 This Agreement shall become effective upon execution by both parties and shall continue through the reporting period ending September 30, 2011 unless earlier terminated as provided in Section 8 (the "Term").

7.2. This Agreement includes two one (1) year renewal options, which may be exercised for the Fiscal Years ending September 30, 2012 and September 30, 2013 upon the mutual agreement of the parties.

8. **TERMINATION**

- 8.1 The TOWN may elect to terminate all or a portion of the services provided by AUDITOR in this Agreement by giving AUDITOR written notice at least 30 calendar days prior to the effective date of termination. Upon receipt of written notice of termination, AUDITOR shall not enter into any third party agreements and shall incur only those expenses specifically approved or directed in writing by the TOWN Manager. Upon written notice of termination, the TOWN Manager may elect not to use the services of AUDITOR.
- 8.2 AUDITOR may terminate the Agreement at any time by giving the TOWN written notice at least 180 calendar days prior to the effective date of termination.
- 8.3 In the event of termination or expiration of this Agreement, AUDITOR and the TOWN shall cooperate in good faith in order to effectuate a smooth and harmonious transition from AUDITOR to the TOWN, or to any other person or entity the TOWN may designate, and to maintain during such period of transition the same services provided to the TOWN pursuant to the terms of this Agreement.
- 8.4 AUDITOR will take all reasonable and necessary actions to transfer all books, records and data of the TOWN in its possession in an orderly fashion to either the TOWN or its designee in a hard copy and a standard electronic computer format.
- 8.5 In the event that this Agreement is terminated for convenience, the AUDITOR shall be paid for any Auditing Services performed up to the date of termination. Upon receipt of a notice of termination, the AUDITOR shall perform only those services specified by the TOWN Manager and shall not incur additional expenses without the TOWN Manager's prior written approval.
- 8.6 Upon termination or expiration, any compensation payable by TOWN to AUDITOR shall be withheld until all Records and documents are provided to TOWN pursuant to Section 4.4 of this Agreement.
- 8.7 Upon termination or expiration, the TOWN shall not be liable to AUDITOR for any additional compensation, consequential or incidental damages, lost profits, or any other compensation, beyond the compensation structure specifically provided for in this Agreement.

9. **ENTIRE AGREEMENT/MODIFICATION/AMENDMENT**

- 9.1. This writing, including Exhibit "A", RFP 2009-006, Exhibit "B", AUDITOR'S Response to RFP 2009-006, and Exhibit "C," November 24, 2009, Engagement Letter, contains the entire Agreement of the parties and supersedes any prior oral or written representations. In the event of a conflict between this Agreement and any of the Exhibits, the conflict shall be resolved by reference to the Agreement, then RFP 2009-006 then AUDITOR'S response, then the Engagement Letter. No representations were made or relied upon by either party, other than those that are expressly set forth herein.

9.2. No agent, employee, or other representative of either party is empowered to modify and amend the terms of this Agreement, unless executed with the same formality as this document.

10. **SEVERABILITY**

10.1. If any term or provision of this Agreement shall to any extent be held invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each remaining term and provision of this Agreement shall be valid and be enforceable to the fullest extent permitted by law.

11. **GOVERNING LAW**

11.1. This Agreement shall be construed in accordance with and governed by the laws of the State of Florida. Exclusive venue for any litigation shall be in Palm Beach County, Florida.

12. **WAIVER**

12.1. The failure of either party to this Agreement to object to or to take affirmative action with respect to any conduct of the other which is in violation of the terms of this Agreement shall not be construed as a waiver of the violation or breach, or of any future violation, breach or wrongful conduct.

13. **NOTICES/AUTHORIZED REPRESENTATIVES**

13.1. Any notices required or permitted by this Agreement shall be in writing and shall be deemed to have been properly given if transmitted by hand-delivery, by registered or certified mail with postage prepaid return receipt requested, or by private postal service, addressed to the parties at the following addresses:

For the TOWN:           Town of Loxahatchee Groves  
                                Attention: Frank Spence, Town Manager  
                                14579 Southern Boulevard, Suite #2  
                                Loxahatchee Groves, Florida 33470  
                                Telephone:     (561) 793-2418  
                                Facsimile:     (561) 793-2420

Copy to:                 Michael D. Cirullo, Jr., Office of the Town Attorney  
                                3099 East Commercial Blvd. Suite 200  
                                Fort Lauderdale, Florida 33308  
                                Telephone: 954-771-4500  
                                Facsimile: 954-771-4923

For AUDITOR:           Nowlen, Holt & Miner, P.A.  
                                215 Fifth Street, Suite 200

West Palm Beach, FL 33402  
Phone: (561) 659-3060  
Facsimile: (561) 835-0628

Either party shall have the right to change its address for notice purposes by sending written notice of such change of address to the other party in accordance with the provisions hereof.

14. **INDEPENDENT AUDITOR**

14.1. AUDITOR is and shall remain an independent contractor and is not an employee or agent of the TOWN. Services provided by AUDITOR shall be by employees of AUDITOR working under the supervision and direction of AUDITOR and nothing in this Agreement shall in any way be interpreted or construed to deem said employees to be agents, employees, or representatives of the TOWN. AUDITOR agrees that it is a separate and independent enterprise from the TOWN.

14.2. AUDITOR shall be responsible for all compensation, tax responsibilities, insurance benefits, other employee benefits, and any other status or rights of its employees during the course of their employment with AUDITOR. This Agreement shall not be construed as creating any joint employment relationship between AUDITOR and the TOWN, and the TOWN will not be liable for any obligation incurred by AUDITOR, including but not limited to unpaid minimum wages and/or overtime payments.

15. **STAFFING/REMOVAL**

15.1 If at any time during the term of this Agreement the TOWN Manager becomes dissatisfied with the performance of any of AUDITOR'S staff assigned to provide services under this Agreement, the TOWN Manager may request that the particular employee be removed from servicing this account. Representatives of AUDITOR and the TOWN Manager shall meet to discuss appropriate remedial action to alleviate the performance deficiencies experienced by the TOWN. If the proposed resolution is unsatisfactory to the Town Manager, AUDITOR shall reassign said personnel out of the TOWN within 3 calendar days of notification by the Town Manager.

15.2 AUDITOR agrees to act in good faith and to use its best efforts to resolve any problems experienced by the TOWN.

15.3 AUDITOR shall be responsible for maintaining current background checks on all employees and agents assigned to work in the TOWN. Background checks for each individual must be performed prior to providing any services to the TOWN.

Written verification of any background checks must be provided to the TOWN if requested by the Town Manager.

16. **WAIVER OF JURY TRIAL**

16.1. In the event of any litigation arising out of this Agreement, each party hereby knowingly, irrevocably, voluntarily and intentionally waives its right to a trial by jury.

17. **ASSIGNMENT/SUBCONTRACTS**

17.1. This Agreement shall not be assignable by AUDITOR without the prior approval of the Town Council, at the TOWN'S sole discretion.

17.2. AUDITOR shall not subcontract any portion of the work required by this Agreement, except with the prior approval of the Town Manager, which shall be on his or her sole and absolute discretion.

18. **PROHIBITION AGAINST CONTINGENT FEES/CONFLICTS**

18.1. AUDITOR warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for AUDITOR, to solicit or secure this Agreement, and that it has not paid or agreed to pay any person(s), company, corporation, individual or firm, other than a bona fide employee working solely for AUDITOR, any fee, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this Agreement.

18.2. Neither AUDITOR nor its employees shall have or hold any continuing or frequently recurring employment or contractual relationship that is substantially antagonistic or incompatible with AUDITOR'S loyal and conscientious exercise of judgment related to its performance under this Agreement.

18.3. AUDITOR agrees that none of its officers or employees shall, during the Term or any renewal term of this Agreement, serve as an expert witness against TOWN in any legal or administrative proceeding in which he or she is not a party, unless compelled by court process.

19. **WARRANTIES OF AUDITOR**

19.1. AUDITOR warrants and represents that at all times during the Term or any renewal term of this Agreement that it shall maintain in good standing with the State of Florida, that all required licenses and certificates of AUDITOR and its employees and agents required to perform services hereunder under federal, state and local laws necessary to perform the Scope of Services specified in this Agreement shall remain current and active.

- 19.2 AUDITOR warrants and represents that its employees have received sexual harassment training and that AUDITOR maintains appropriate sexual harassment and anti-discrimination policies.
- 19.3 The AUDITOR warrants and represents that it does not unlawfully discriminate (as proscribed by federal, state, county, or other local law) on the basis of the fact or perception of a person's race, color, creed, religion, national origin, ancestry, age above the age of 21, sexual orientation, gender identity or expression, marital status, pregnancy, familial status, veterans status, political affiliation, or physical or mental disability. AUDITOR shall require such contractor to include a similar provision in all subcontracts executed or amended thereunder.
- 19.4 AUDITOR represents that all persons delivering the Auditing Services as required by this Agreement have the requisite knowledge and skills, either by training, experience, education, or a combination thereof, to adequately and competently perform the duties, obligations, and services set forth in this Agreement and agrees to provide and perform such Auditing Services to TOWN'S satisfaction for the agreed compensation.
- 19.5 AUDITOR shall maintain a Drug-Free workplace as that term is defined in Florida Statutes.
- 19.6 AUDITOR shall comply with all applicable federal, state, county and TOWN laws, rules and regulations in the performance of Auditing Services.
- 19.7 The audit firm's professional personnel have received adequate continuing professional education within the proceeding two (2) years in accordance with the requirements of the Florida State Board of Accountancy and *Government Auditing Standards*.

20. **ATTORNEYS' FEES**

- 20.1 In the event of any litigation arising out of this Agreement, the prevailing party shall be entitled to recover its attorneys' fees and costs, including the fees and expenses of any paralegals, law clerks and legal assistants, and including fees and expenses charged for representation at both the trial and appellate levels.

**[THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK]**

IN WITNESS OF THE FOREGOING, the parties have hereunto set their hands and seals on the dates written below.

TOWN

ATTEST:

BY:

David Browning  
DAVID BROWNING, MAYOR

Ann Harper  
OFFICE OF THE TOWN CLERK

APPROVED AS TO FORM:

*COUNCIL Approved  
12-1-2009*

Michael D. Cirullo, Jr.  
TOWN ATTORNEY OFFICE

AUDITOR

NOWLEN, HOLT & MINER, P.A.

WITNESSES:

Jamie Ahrens  
Judy Drake  
ATTEST:

BY: Edward T. Holt

Robert W. Herby, Jr.  
SECRETARY

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing Agreement was acknowledged before me this 8TH day of JANUARY, 2009, by EDWARD T. HOLT, as PRESIDENT of Nowlen, Holt & Miner, P.A., a Florida Corporation, who is personally known to me, and who has affirmed that he/she has been duly authorized to execute the above document on behalf of the corporation.

NOTARY'S SEAL:

Geraldine Sibel  
NOTARY PUBLIC, STATE OF FLORIDA



GERALDINE SIBEL  
Name of Acknowledger, typed, printed, or Stamped



**Item 5.c.**

**Committee Reports**

**Financial System Software**

# Underwood Management Services Group, LLC

840 N.E. Stokes Terrace  
Jensen Beach, Florida 34957  
Telephone: 772.233.1511

William F. Underwood, II  
Managing Partner  
Email: umsg@att.net

## Memorandum

To: Finance Advisory and Auditing Committee  
From: William F. Underwood, II, Managing Partner *WFM*  
Date: February 18, 2014  
Subject: Governmental Software Acquisition

At the January FAAC meeting, a question was posed by Vice Chair Ryan as to the possibility of the Town acquiring its own financial package that provides the security internal controls, auditing standards, accountability, and complies with Generally Accepted Accounting Principles (GAAP) in accordance with the Governmental Accounting Standards Board (GASB).

In early calendar year 2012, UMSG provided advice on this subject and staff recommended to the Committee and Town Council the Town invest in their own financial system in order to avoid future issues with regard to migration of historical and current data from their contract management company to a new contact company. The acquisition of Town controlled software would avoid excessive cost and work to migrate and implement old records into new a format.

USMG also advised the current physical location of Town Hall offices was inadequate to meet even the most minimal security concerns regarding potential illicit use of financial software. Accepting the premise the current physical location should not house a Town financial hardware and software system, UMSG would recommend several options be analyzed by the FAAC that would meet the security, internal control, auditing standards that complies with GAAP and GASB standards.

Several options exist:

- Town outsource to an independent contractor apart from the management firm to meet appropriate compliance standards.
- Town enter into a Software as a Service (SaaS) contract for the provision of the ability of the Town to control their own financial transactions through the equivalent rental of "seats" from a governmental software provider.
- Town could purchase governmental software to be hosted in a secure environment as an Application Service Provider (ASP).
- Town could contract with another governmental unit to provide either the SaaS or ASP model.

As you may note, it is **not my recommendation** the Town purchase and maintain its own hardware and software in-house at this time.

As you are aware, UMSG contract is due to expire on September 30, 2014, and it is unknown if the Town will choose to exercise its renewal option. Further, the FAAC and Council should consider the cost to train, migrate, and implement any methodology described above with the possibility the Town's investment may not be fruitful and a reinvestment may need to occur within a period of six months or less.

The Town should take sufficient time to fully vet the life cycle cost for the choice made to implement any method of supplying this functionality.

UMSG has had some recent discussions regarding possible implementations as follows:

- We have learned that minimalist applicable software could cost between \$20,000 and \$30,000, with an annual license fee of between \$7,000 and \$15,000 per year.
- The hardware to meet the software requirements could be purchased for under \$7,000 or \$8,000.
- The cost of initial implementation could approach \$20,000.
- We have discussed with another City the provision of a SaaS model to which we were informed that each seat cost about \$5,000 per year with a 5-seat minimum or \$25,000 per year.
- I did not find out the cost of the training and implementation cost for the SaaS 5-seat model.
- We have also requested information from other firms for either of the two models but have not yet received feedback.

In the meantime, if the FAAC desires to move forward with a bid for software, we have provided a rough draft of a request, which the committee can review, edit, and modify in any fashion desired.

I hope this memorandum and attached documents will assist the FAAC and Council in the acquisition of the services the Town should have within its control.

Enclosures



**Item 5.d.**

**Committee Reports**

**FAAC PowerPoint Presentation**

# The Road Ahead



## Town Of Loxahatchee Groves FAAC February 2014



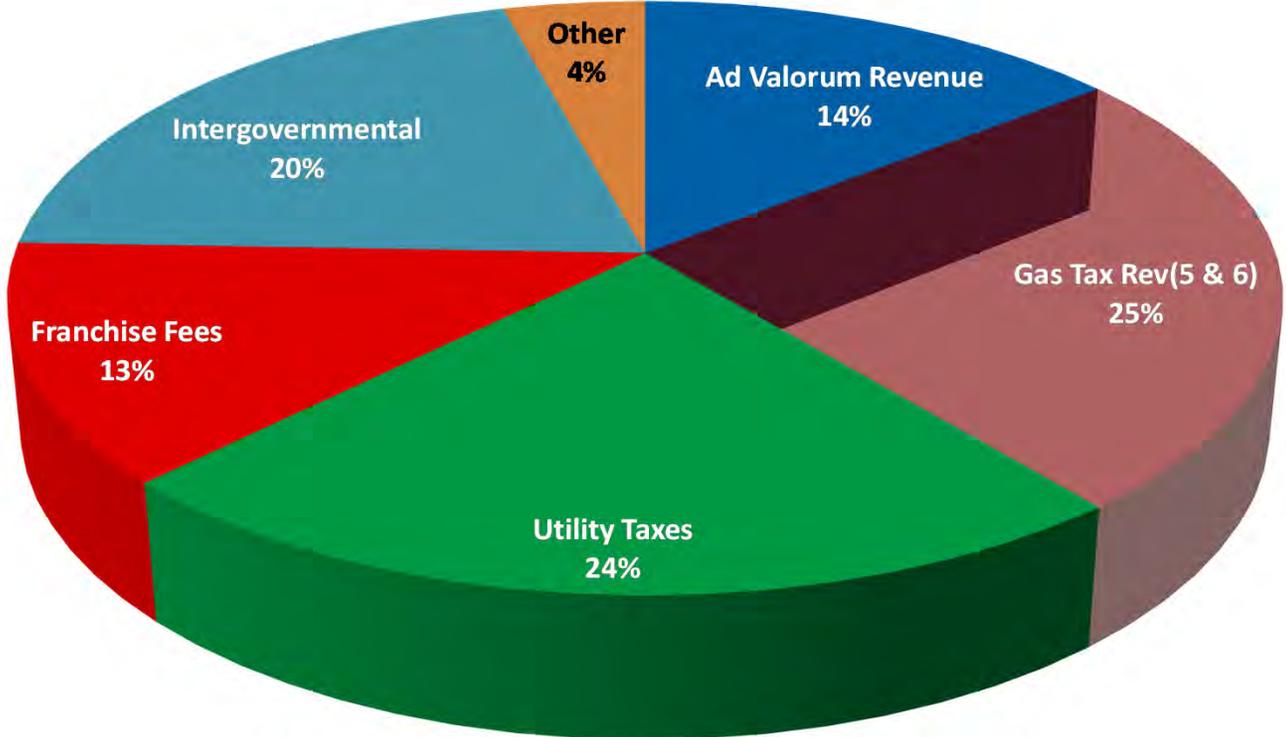
# The Road Ahead

- Where we are today
  - Revenue
  - Property taxes – millage and property values
  - Expenses
  - Reserves
- Challenges and opportunities
  - Protecting our natural environment and rural lifestyle
  - Future development will drive Increased traffic
  - Resident demands for Town funded road/drainage maintenance and Improvements are increasing
- Recommendations for 2014-15 Budget
  - Maintain current fiscal policy for reserves
  - Review and revise Capital Budget
  - Evaluate options for Town payment of debt for existing OGEM Roads

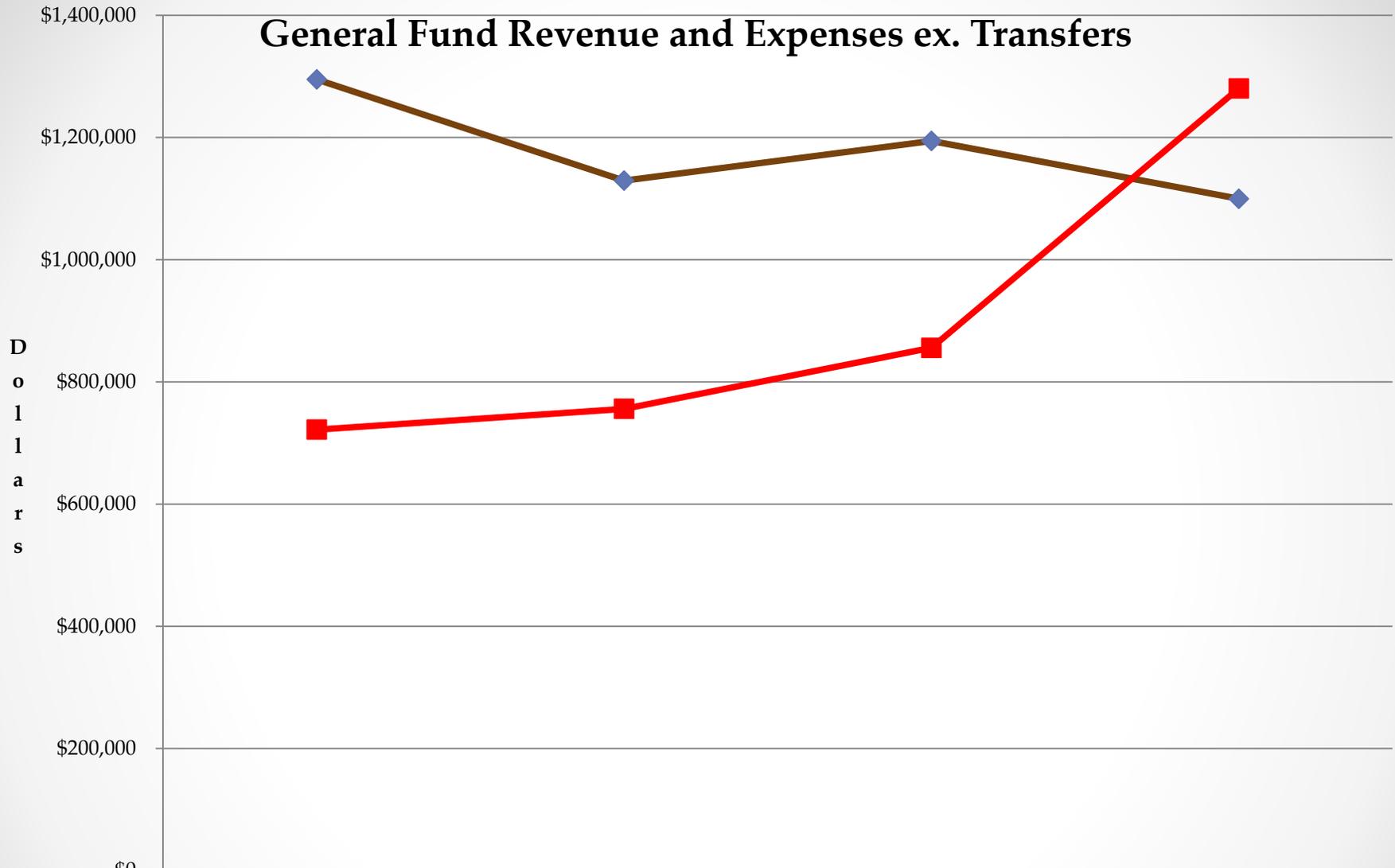
# General and Transportation Fund Revenue by Category

Fiscal Year 2013

General and Transportation Fund Revenue by Category  
Fiscal Year 2013



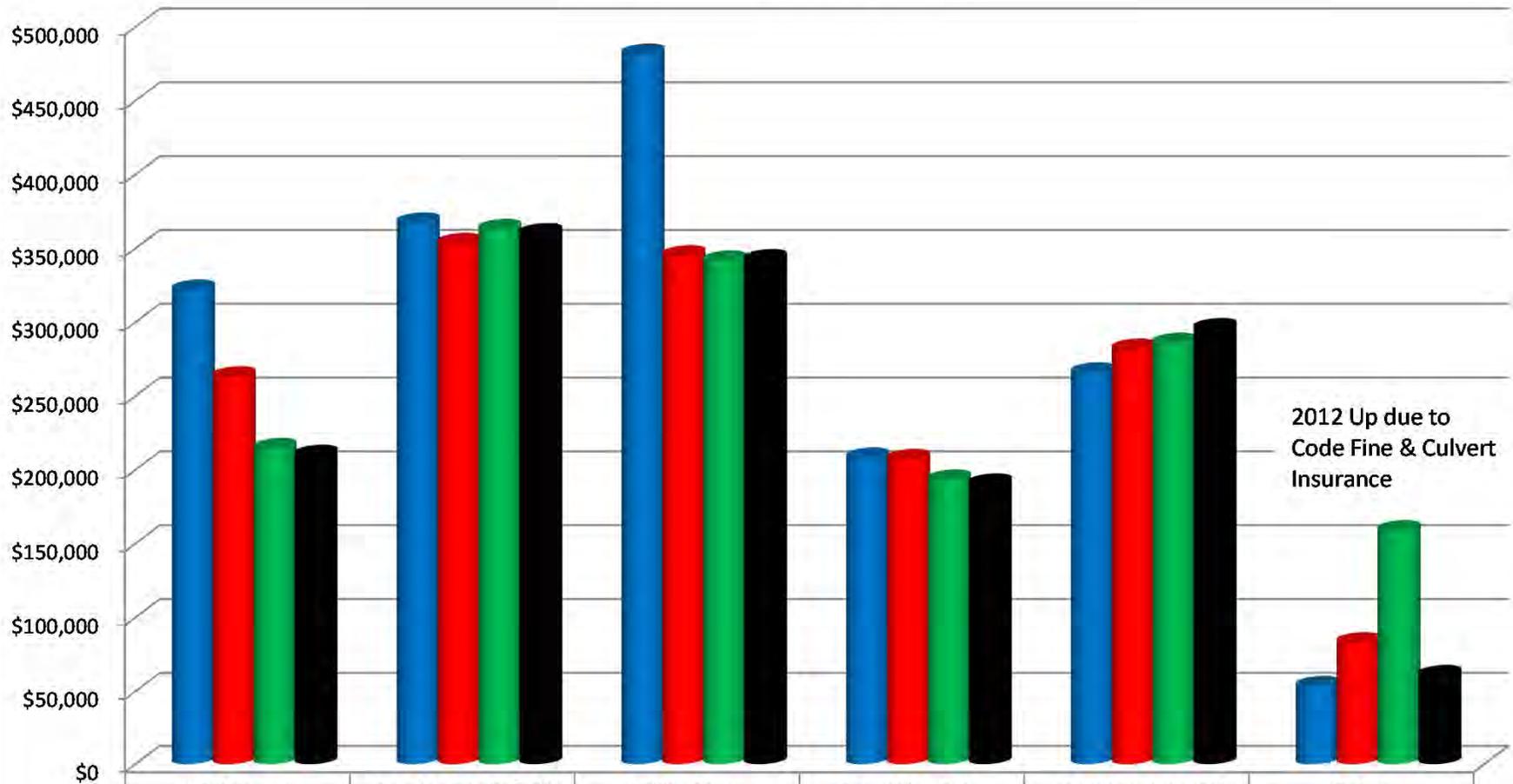
## General Fund Revenue and Expenses ex. Transfers



	2009-10/Audited	2010-11/Audited	2011-12/Audited	2012-13/Unaudited
◆ Revenues	\$1,295,126	\$1,129,436	\$1,194,310	\$1,099,666
■ Expenses	\$721,925	\$755,856	\$855,745	\$1,280,309

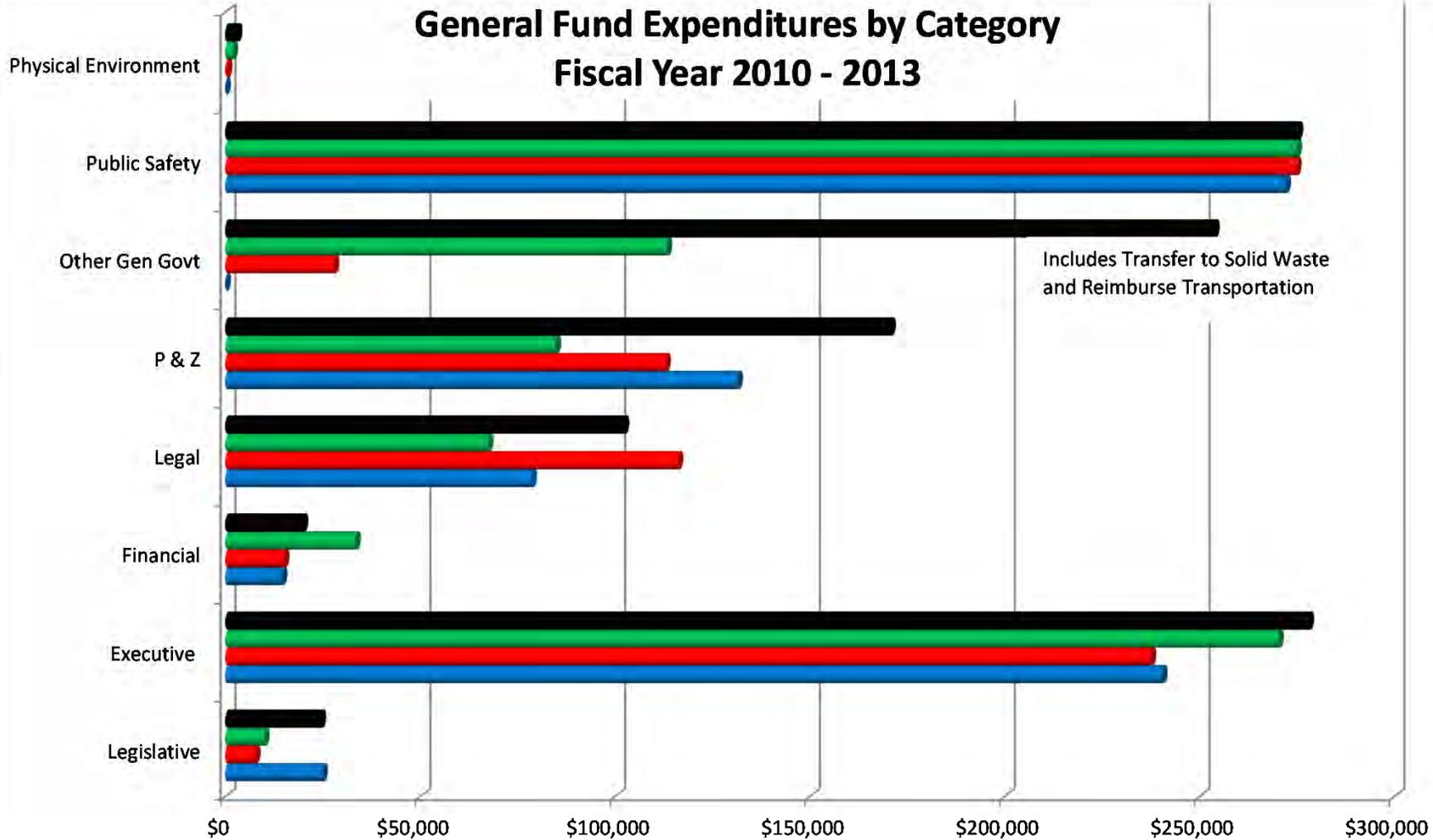
Fiscal Year

## Revenues by Category Fiscal Years 2010 - 2013



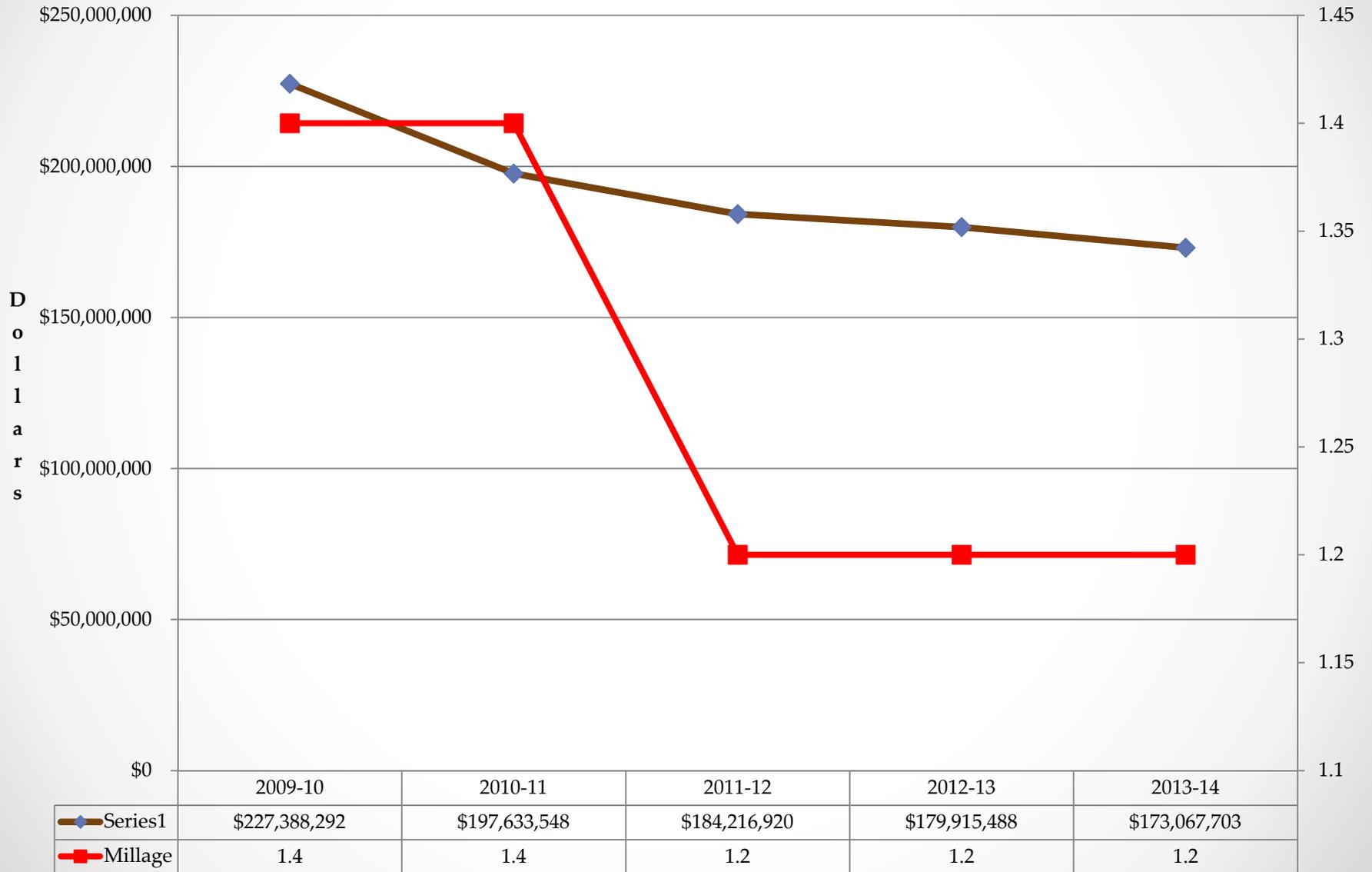
	Ad Valorum Revenue	Gas Tax Rev(5 & 6)	Utility Taxes	Franchise Fees	Intergovernmental	Other
■ 2010	\$321,912	\$367,332	\$481,710	\$208,158	\$265,839	\$53,385
■ 2011	\$263,170	\$353,519	\$345,155	\$207,153	\$281,946	\$83,012
■ 2012	\$214,645	\$362,938	\$341,596	\$193,270	\$285,900	\$158,899
■ 2013	\$210,006	\$360,071	\$342,478	\$190,552	\$295,817	\$60,813

## General Fund Expenditures by Category Fiscal Year 2010 - 2013

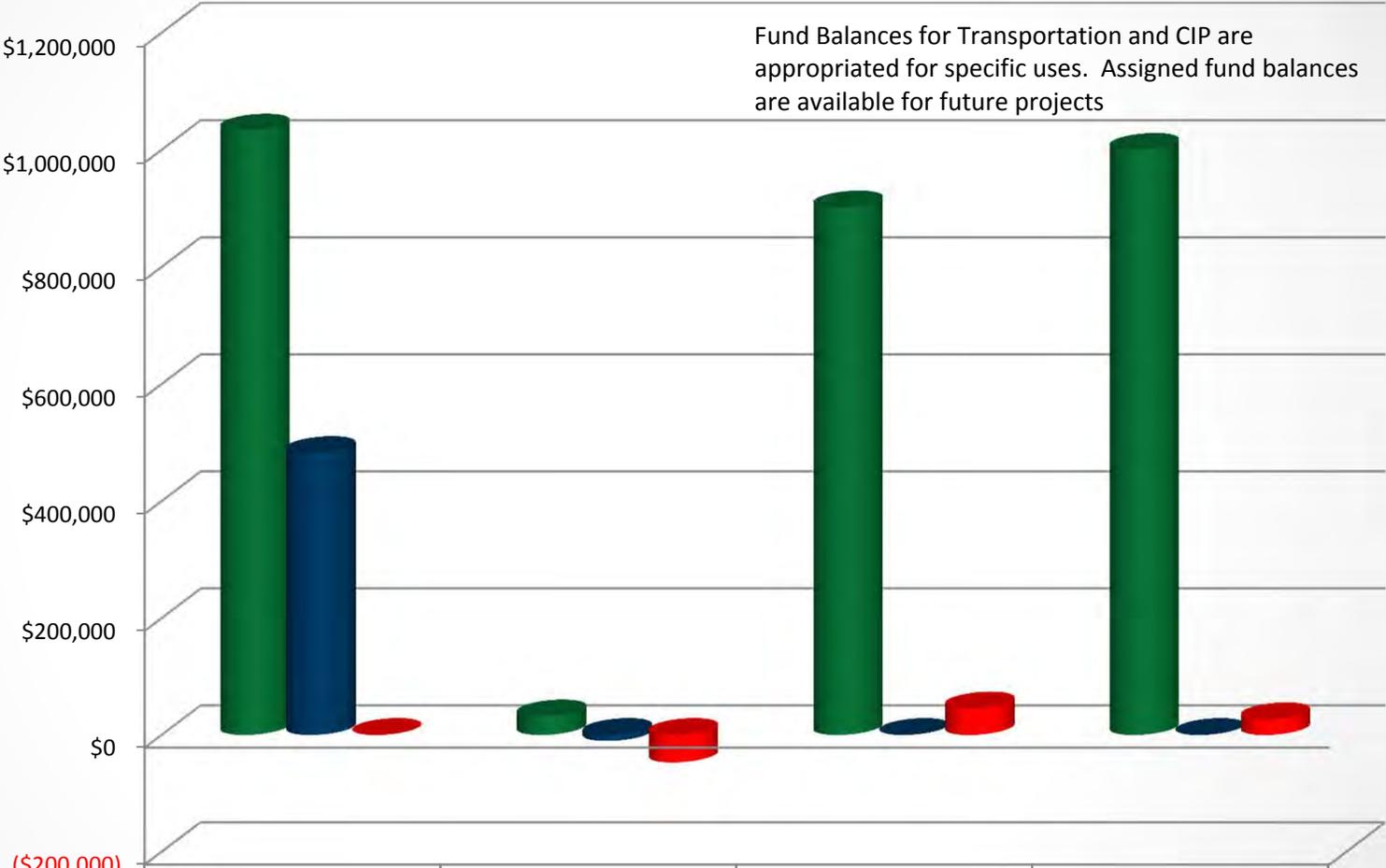


	Legislative	Executive	Financial	Legal	P & Z	Other Gen Govt	Public Safety	Physical Environment
■ 2013	\$24,449	\$278,009	\$19,828	\$102,247	\$170,641	\$253,790	\$275,243	\$2,950
■ 2012	\$9,923	\$270,261	\$33,372	\$67,402	\$84,773	\$113,256	\$274,911	\$1,847
■ 2011	\$7,606	\$237,526	\$15,000	\$116,099	\$112,922	\$27,847	\$274,785	\$407
■ 2010	\$24,915	\$240,406	\$14,500	\$78,530	\$131,446	\$0	\$272,064	\$0

## Assessed Taxable Value and Millage Fiscal Year 2010 - 2014



## Estimated Fiscal Year 2014 Fund Balances vs Fund Balances with Applied Fiscal Policy & GAAP



	General Fund	Solid Waste Fund	Transportation Fund	Capital Improvement Fund
Fund Balances	\$1,032,735	\$31,689	\$901,529	\$1,000,000
Fund Balances With Fiscal Policy	\$482,094	(\$10,308)	\$0	\$0
Assigned Fund Balance	\$0	(\$46,997)	\$45,338	\$26,843

<b>Statement of Estimated Changes in Fund Balances</b>			
<b>General Fund</b>			
CAFR UNASSIGNED FUND BALANCE			
9/30/12 Fund Balance	\$1,311,888		
FY2014 Fiscal Policy Reserve @ 25%	(\$550,641)		
FY 2013 Transfer to CIP	(\$400,000)		
Reimburse Transportation Fund for Capital Expenditure (North Road OGEM)	(\$141,844)		
FY 2013 July Transfer to Solid Waste Fund	(\$137,309)		
<b>FY 2013 Est. Total Fund Balance</b>	<b>\$82,094</b>		
FY 2014 Transfer from CIP	\$400,000		
<b>FY 2014 Est. Total Fund Balance</b>	<b>\$482,094</b>		
<b>Transportation Fund</b>			
CAFR UNASSIGNED FUND BALANCE			
<b>5 cent Fund Balance</b>		<b>6 cent Fund Balance</b>	
9/30/12 Fund Balance	\$320,012	9/30/12 Fund Balance	\$322,347
FY 2013 Estimated Change	\$117,326	FY 2013 Reimbursement North Road OGEM	\$141,844
<b>FY 2013 Est. Total Fund Balance</b>	<b>\$437,338</b>	<b>FY 2013 Est. Total Fund Balance</b>	<b>\$464,191</b>
<b>FY 2014 Appropriated (Budgeted ) Fund Balance</b>	<b>(\$437,000)</b>	<b>FY 2014 Appropriated (Budgeted ) Fund Balance</b>	<b>(\$419,191)</b>
<b>FY 2014 Est. Total ASSIGNED Fund Balance</b>	<b>\$338</b>	<b>FY 2014 Est. Total ASSIGNED Fund Balance</b>	<b>\$45,000</b>
<b>Solid Waste Fund</b>			
CAFR UNASSIGNED FUND BALANCE			
9/30/12 Fund Balance	\$31,689		
Fiscal Policy Reserve @ 10%	(\$46,997)		
FY 2013 Estimated Change	5,000		
<b>Est. Total Fund Balance 9/30/12</b>	<b>(\$10,308)</b>		
<b>FY 2014 Est. Total Fund Balance</b>	<b>(\$10,308)</b>		
Actual results may require a contribution from the General Fund to meet the Fiscal Policy			
<b>Capital Improvement Program</b>			
CAFR ASSIGNED FUND BALANCE			
9/30/12 ASSIGNED Fund Balance	\$1,000,000		
FY 2013 Estimated Change	\$400,000		
<b>FY 2013 Est. Total ASSIGNED Fund Balance</b>	<b>\$1,400,000</b>		
<b>FY 2014 Appropriated (Budgeted ) Fund Balance</b>	<b>(\$973,517)</b>		
FY 2014 Transfer to General Fund	(\$400,000)		
<b>FY 2014 Est. Total ASSIGNED Fund Balance</b>	<b>\$26,483</b>		

# Challenges

- Increasing Resident Demands for Town Funded Road/Drainage Maintenance and Improvements
- Implement a Cost Effective Town Owned/ Controlled Financial System
- Need Improved Security in Town Office
- Potential Reduction of Gas Tax Revenue resulting from Technological Changes
- Potential Reduction of Communications Srvs. Taxes
- Future Development will Drive Increased Traffic
- Protecting our Natural Environment- Water and Soil

# Opportunities

- Obtain grant funding
- Potential Revenues from increasing property values
- Development of a Trails network
- Improved appearance of roads and canals

# Recommendations for 2014-15 Budget

- Maintain Current Fiscal Policy for Reserves
- Review and Revise Capital Budget
- Evaluate Options for Town Payment of Existing OGEM Roads

# Maintain Current Fiscal Policy for Reserves

- Long term financial stability will ensure a sound foundation for our Town to sustain itself in a changing economy and allow us to survive financial emergencies
- A strong balance sheet will ensure our ability to provide for needs when the market is in decline. While in a stronger economy, it will allow us flexibility in spending while maintaining our reserves.

# Hold on Capital Expenditures

- The FAAC recommends that the Council immediately put a hold on Capital Expenditures
- Develop a methodology for prioritization of Town roads improvements
- Conduct a joint workshop with FAAC
- Research potential grant opportunities

# Methodology for the Prioritization of Town Roads Improvements

- Incorporate existing Town Roads provided by LGWCD into plan to meet goals of service needs. Fiscal capabilities managed on a fair and equitable basis.
- Define policy for payment (Town pays vs Landowner pays vs cost share)
- What funding level is the Town willing to commit?
- Establishment of Prioritization
- Selection of Identified roads (methodology)
- Upon identification and consent for selected road improvements by citizens, determine legal requirements, need for surveys, bid specifications, drainage.

## Methodology for the Prioritization of Town Roads Improvements

Goal: The Town shall balance the public service needs of the community with the fiscal capabilities. New programs, services, or facilities shall be based on general citizen demand, need, or legislative mandate. The Town shall provide funding for public services on a fair and equitable basis, and shall not discriminate.

1. Incorporate existing Town roads provided by LGWCD into plan to meet the Goals of service needs, fiscal capabilities managed on a fair and equitable basis.
  - a. Existing OGEM roads are now Town roads at a construction price of about \$1.5 million
    - i. Excess borrowed funds in LGWCD used to liquidate ~\$1.0 million outstanding loan
    - ii. Funding provided from transfer to LGWCD discontinued
    - iii. Town annually appropriates \$150,000 to pay for existing transferred roads
2. What funding level is the Town willing to commit?
  - a. Millage increase
  - b. Reduction in expenses
  - c. Bond Referendum through dedicated millage
  - d. Expansion of other revenue sources
3. Establishment of prioritization
  - a. Road improvements should be based on a cost benefit analysis, i.e., the greatest benefit to the most people at the least cost per capita
    - i. Would residents on prioritized Roads be in favor of such improvements?
  - b. Random selection for improvements
    - i. Would residents on random selection be in favor of such improvements?
  - c. Improve Roads classified in the most deteriorated conditions
    - i. Would residents on road classified in the most deteriorated conditions be in favor of such improvements?
4. Selection of Identified Roads
  - a. Cost Benefit Analysis for selection for funding
  - b. Random selection for funding (pulling out of a hat)

## Methodology for the Prioritization of Town Roads Improvements

5. Upon identification and consent for selected road improvement by citizens
  - a. Legal requirements are completed
  - b. Survey completed if necessary
  - c. Plan & Design Bid Specifications for Improvements by Town Engineers
  - d. Drainage accommodation with respect to improvements

DRAFT



**Item 6**

**Resolutions**

**None**



**Item 7.a.**

**Ordinances**

**Ordinance No. 2013-11 / 1st Reading Public Hearing**

**Historical Legacy**

**TO:** Town Council

**FROM:** Underwood Management Services Group, L.L.C.

**RE:** Ordinance 2013- 011: Town Initiated Amendment to the Loxahatchee Groves Unified Land Development Code (ULDC) to Addition of Section 75-035 – *Uses as of October 1, 2006 (i.e. Historical Legacy Uses)*.

**DATE:** November 22, 2013; Rev: December 13, 2013; Rev: January 29, 2014; February 24, 2014.

**CC:** William F. Underwood, Managing Partner

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### **I. BACKGROUND INFORMATION**

Per Section 05-070, the Town Council may amend the Unified Land Development Code (ULDC) for the purposes of public necessity, convenience, general welfare, or good planning and zoning practice. Any amendment to the ULDC requires a super majority vote of four or more Council members.

The issue of “historical legacy” uses has undergone a lengthy Town review process and morphed from the previously proposed addition to the ULDC of Section 80-60. *Residential Agricultural Sales and Services* to the current proposed revision of ULDC Section 75-035. *Uses as of October 1, 2006*.

The following represents a brief chronology of events leading to the current proposed revisions to ULDC Section 75-030:

- A code enforcement complaint was initially filed against several entities alleging the improper retail sales of hay without appropriate approvals. The complaint was investigated by the Town’s Code Enforcement Staff and it was determined that the three entities were operating in the Agricultural Residential (AR) zoning district without the proper authority and approval.
- At the June 5, 2012 Town Council Meeting, the respondents appeared and requested consideration for their current operations. Town Council deliberated on the matter and directed Town Management Staff and the Town Attorney to review the matter and propose possible remedies that would address the issue.
- At the June 20, 2012 meeting, Town Management Staff presented a strategy including the following elements: Limiting the operation to property residents; restricting the operation to resident owners rather than vesting with the land; requiring a business tax receipt; and other requirements consistent with the intent of the ULDC.

- At the November 8, 2012 meeting, the Planning and Zoning Board (PZB) heard a presentation of proposed ULDC Section 80-60. *Residential Agricultural Sales and Services*. PZB recommended approval of Section 80-60 by a 3-0 vote subject to clarifying that uses be limited to the following: straw, flakes, shaving, pellet shavings, hay, feed and grain. This change was incorporated within the draft by Staff.
- At the November 20, 2012 Town Council meeting, Resolution 2012-19 was passed by the Council creating the Unified Land Development Code Review Committee (ULDC Review Committee) for the purpose of advising the Council on code related matters.
- At the Town Council meeting of December 4, 2012, proposed Ordinance 2012-012 (Hay Sales Ordinance) was heard by the Town Council which voted to continue the item to the January 15, 2013 meeting by a 4-1 vote to allow more time for review.
- At the Town Council meeting of January 15, 2013, Council voted to approve Ordinance 2012-012 on first reading by a 3-2 vote subject to the following changes to the Staff proposal:
  - Strike the requirement for special exception approval for semi-truck deliveries.
  - Strike the provision regarding limiting the number of employees to two persons.
  - Change hours of operation to: 8:00 a.m. – 8:00 p.m. five days a week, and on Saturday; Sunday hours – 12:00 p.m. to 5:00 p.m.

Public discussion centered around the need to adopt an ordinance that encompassed all “mom and pop” organizations that existed prior to incorporation rather than focusing on hay sales.

- At the February 5, 2013 meeting, Ordinance 2012-012 was continued to the March 5, 2013 meeting, as language revisions approved by the Council at its January 5, 2013 meeting was not included in the current draft.

The Council also directed staff to have Ordinance 2012-012 reviewed by the ULDC Review Committee at its February 21, 2013 meeting. The Town Manager noted that if the title of the ordinance was changed as a result of ULDC Committee review, it would have to come back to Council for a new first reading.

- Ordinance 2012-012 was reviewed at the February 21, 2013 ULDC Review Committee. There was considerable discussion as to whether or not the ordinance should be limited to hay sales or expanded to include all “historical legacy” businesses. A motion was made and passed, by a 5-0 vote, to incorporate the pre-existing business intent of proposed Ordinance 2012-012, expanded to include the concept of businesses classified as “historical legacies”, within Section 75-035. *Uses as of October 1, 2006* of the ULDC.
- At the March 5, 2013 Town Council meeting, Ordinance 2012-012 was considered on second reading. A motion to table Ordinance 2012-012 and suspend code enforcement on any use that would fall under the concept of historical legacy, as presented to the ULDC Committee was made and passed by a 5-0 vote.

A second motion was made and passed, by a 5-0 vote, directing Staff to process an ordinance addressing the “historical legacy” issue.

- ULDC Article 75, including Section 75-035. *Uses as of October 1, 2006*, was included on the ULDC Committee agendas of March 21, 2013, April 18, 2013, May 16, 2013, September 19, 2013 and October 3, 2013. The item was continued at each meeting due to the length of discussions on prior agenda items.
- ULDC Article 75. *Nonconforming Uses, Structures and Plots*, including Section 75-035. *Uses as of October 1, 2006*, was discussed by the ULDC Review Committee at its meeting on October 17, 2013. The Committee recommended approval, by a 5-0 vote, of Staff proposed Article 75 revisions, subject to several conditions. Recommended conditions of approval for Section 75-035 include the following:
  - The “historical legacy” use will not be allowed to continue in the event of a sale of the business or the property on which it is located.
  - A “historical legacy” business may continue if previous code violations have been brought into compliance with the ULDC.
  - A “historical legacy” business may not be diversified (i.e. add a new business operation).
  - The owner-operator must undergo an inspection and review by the Town to determine compliance with Sections 75-035 (A) – (F).

Each of the above recommendations have been incorporated within the current Staff recommendation.

## **II. GENERAL INFORMATION**

**A. APPLICANT:** Town of Loxahatchee Groves.

**B. PURPOSE:** Incorporate revisions to the Unified Land Development Code (ULDC) revising Section 75-035. *Uses as of October 1, 2006* to:

1. Expand the title to read: Section 75-035. *Historical Legacy Uses as of October 1, 2006*.
2. Require that historical legacy use comply with either of the following criteria: (1) Be located on a property owned by a resident with a homestead exemption; or (2) be located on a separate property, either contiguous or non-contiguous to the homesteaded property.
3. Require an applicant to apply for a Category B Special Exception.
4. Require that the applicant comply with a list of stated conditions.

5. Require that the applicant undergo a review and inspection by the Town to determine compliance with the list of stated conditions.
6. Provide that certain specified uses are not eligible for historical legacy designation.

### **III. REQUESTED ULDC AMENDMENTS**

The final proposed amendment to ULDC Section 75-035 is included as Exhibit A of proposed Ordinance 2013-11. Exhibit A of the Ordinance differs somewhat from the ULDC Review Committee recommendation, as further revisions were proposed by the Local Planning Agency (LPA). The LPA recommendation, including additional language requested by the Town Council (Ref: Items B.2. and B.6., above) represents the final staff recommendation, per Exhibit A of Ordinance 2013-11. Revisions proposed by the ULDC Review Committee as further revised by the LPA can be tracked in Attachment A of the staff report dated December 13, 2013, included herein by reference.

### **IV. STAFF ANALYSIS**

The proposed text amendment is reviewed in accordance with the following criteria, as listed in Section 160-020 of the ULDC.

#### **A. REASON AND/OR NEED FOR THE PROPOSED TEXT CHANGE:**

The basic purpose of the proposed amendment is to implement Town Council direction to process an ordinance addressing the "historical legacy" land use issue.

#### **B. REASON THE PRESENT TEXT IS INVALID OR INAPPROPRIATE:**

The current text of the ULDC is not necessarily invalid or inappropriate; however, current Code language does not permit a use existing as of October 1, 2006 to continue to exist if the applicant had not filed an application for Special Exception approval within eight months of the effective date of the ULDC (i.e. November 2010). In effect, existing ULDC language prohibits any use in the AR District that was in existence on October 1, 2006, but not listed as a "permitted use" in Section 20-015 of the ULDC, from continuing to exist. The proposed ULDC text amendment will provide an opportunity for qualified longstanding non-conforming land uses (i.e. Historical Legacy uses) to gain permitted use status, provided that specified conditions are met and verified by the Town.

#### **C. HOW DOES THE PROPOSED TEXT AMENDMENT FURTHER THE PURPOSES OF THE COMPREHENSIVE PLAN OR OTHER TOWN CODES, REGULATIONS OR PLANS DESIGNED TO IMPLEMENT THE COMPREHENSIVE PLAN:**

The proposed ULDC revisions, which allow and regulate uses in the AR zoning district that were in existence at the time of incorporation of the Town, are consistent with the following general Future Land Use Element Comprehensive Plan directives:

1. Policy 1.1.4(h): Create codes allowing diverse low impact home-based businesses.
2. Policy 1.1.6: The Town shall encourage the use of innovative land development regulations that enhance the rural atmosphere, reduce energy usage, and reduce greenhouse gas emissions.

3. Policy 1.1.8.5: Maintain specific regulations to restrict the types of non-residential and nonagricultural uses allowed and promote the rural character and design.
4. Policy 1.1.8.6: Allow home occupation uses that will not degrade the rural character of the area.
5. Policy 1.1.8.7: Include provisions for legal non-conforming agricultural uses consistent with this Plan, while not violating the Right-to-Farm Act.
6. Policy 1.11.2: The Town shall adopt and maintain land development regulations which protect the rights of property owners to continue non-conforming uses, but which, at a minimum, provide for the termination of such rights upon the abandonment of a non-conforming use for an extended period of time.
7. Policy 1.12.4: The Town will continue to allow home based businesses to the extent that impacts are compatible with an agricultural/residential community.

**D. IS THERE AN ERROR OR AMBIGUITY TO BE CORECTED:** There are no identified errors or ambiguities identified in the Town's current ULDC regarding the issue. Rather, the proposed amendments provide an opportunity to allow longstanding non-conforming uses the opportunity to legally continue consistent with the direction of the Town's Comprehensive Plan.

**V. STAFF FINDINGS:** Planning staff finds the proposed ULDC revisions to be consistent with the intent and direction of the Loxahatchee Groves Comprehensive Plan and the review criteria for a text amendment listed in Section 160-020 of the ULDC.

**VI. STAFF RECOMMENDATION:** Staff recommends approval of the proposed ULDC revisions to ULDC Section 75-035 as presented in Exhibit A of proposed Ordinance 2013-11. Revisions recommended by both the ULDC Review Committee and the Local Planning Agency are presented in Attachment A of this staff report. Revisions proposed by the LPA, including a majority if those revisions proposed by the ULDC Review committee, constitute the staff recommendation.

**VII. ULDC COMMITTEE ACTION:** The Committee recommended approval, by a 5-0 vote, of Staff proposed Section 75-035 include the following:

- The "historical legacy" use will not be allowed to continue in the event of a sale of the business or the property on which it is located.
- A "historical legacy" business may continue if previous code violations have been brought into compliance with the ULDC.
- A "historical legacy" business may not be diversified (i.e. add a new business operation).
- The owner-operator must undergo an inspection and review by the Town to determine compliance with Sections 75-035 (A) – (F).

Each of the above recommendations have been incorporated within the Staff recommendation presented in Attachment A of Ordinance 2013-11.

**VIII. LOCAL PLANNING AGENCY (LPA) ACTION:** The LPA, at its meeting of December 12, 2013, recommended that the Council approve proposed Ordinance 2013-11, by a 3 – 0 vote, subject to revisions highlighted in Attachment A of the staff report dated December 13, 2013, included herein by reference.

**IX. TOWN COUNCIL ACTION:** The item appeared on the Town Council agenda of March 5, 2013 in its previous form (i.e. Ordinance 2012-012 - “Hay Sales Ordinance”). At the meeting, a motion was made and passed, by a 5-0 vote, directing Staff to process an ordinance addressing the more general issue of “historical legacy”, as opposed to focusing solely upon hay sales.

Ordinance 2013-11, reflecting ULDC Committee and Planning and Zoning Board recommendations (Ref: Attachment A of the staff report dated December 13, 2013), was presented to the Town Council at its January 14, 2014 meeting. The Town Council approved Ordinance 2013-11, by a 5 – 0 vote, subject to the following revisions:

1. Definitions need to be created for undefined terms in Section (H) of the ordinance.
2. Revise the ordinance to allow historical legacy businesses to continue: (1) on a property owned by a resident with a homestead exemption; or (2) on an off-site property, either contiguous or non-contiguous to the homesteaded property. In either case, the business owner’s homestead exemption and the business shall have been in continuous operation since October 1, 2006.

Further, based upon Town Council discussion, staff has revised Section (E) to read as follows:

“(E) The property upon which the use is located is not currently the subject of a Town code enforcement action”.

Staff’s response to Council’s direction is incorporated within the proposed ULDC revisions presented in Exhibit A of Ordinance 2013-11.

**TOWN OF LOXAHATACHEE GROVES**

**ORDINANCE NO. 2013-11**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO HISTORICAL LEGACY USES AND APPROVALS; AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO AMEND SECTION 75-035, ENTITLED “USES AS OF OCTOBER 1, 2006” TO ADD THE TERM HISTORICAL LEGACY TO THE SECTION TITLE; TO SPECIFY THE CATEGORY OF SPECIAL EXCEPTION NECESSARY FOR CERTAIN USES IN THE ZONING CATEGORY; TO REQUIRE THAT THE PROPERTY ON WHICH THE USE IS LOCATED SHALL HAVE BEEN OWNED AND SUBJECT TO A HOMESTEAD EXEMPTION IN THE NAME OF THE OPERATOR; TO REQUIRE THAT THE USE DOES NOT PRESENT A THREAT TO PUBLIC HEALTH; TO REQUIRE THAT THE USE IS NOT CURRENTLY THE SUBJECT OF A TOWN CODE ENFORCEMENT ACTION; TO REQUIRE THAT THE OWNER-OPERATOR SUBMIT AN AFFIDAVIT STIPULATING TO COMPLIANCE WITH CERTAIN CONDITIONS; TO REQUIRE REVIEW AND INSPECTION BY THE TOWN; PROVIDING THAT CERTAIN USES ARE NOT ELIGIBLE FOR APPROVAL UNDER THIS SECTION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** the Town Council has directed staff and the Unified Land Development Code (ULDC) Review Committee to prepare corrective amendments to Section 75-035 that will result in a process to permit “historical legacy” uses in the Agricultural Residential (AR) zoning district.

**WHEREAS,** In response to the Council directive the Town’s staff has prepared proposed amendments to the Town’s Unified Land Development Code (ULDC) and,

**WHEREAS,** the Town’s ULDC Review Committee considered the proposed ULDC amendments at its October 17, 2013, meeting and recommended that the Town Council approve the amendments to the ULDC proposed by staff subject to revisions which have been incorporated in Exhibit A hereto; and,

**WHEREAS,** the Town’s Planning and Zoning Board considered the proposed ULDC amendments at its December 12, 2013, meeting and pursuant to Chapter 163, Part

II, Florida Statutes, recommended that the Town Council approve the amendments to the ULDC as worded in “Exhibit A” hereto; and,

**WHEREAS**, the Town Council of Town of Loxahatchee Groves finds that the adoption of this ordinance, to revise Section 75-035, entitled “Uses as of October 1, 2006”, is consistent with the Town’s Comprehensive Plan, and in the best health and welfare interests of the Town, its property owners and residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:**

**Section 1:** That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

**Section 2:** That the Town Council of the Town of Loxahatchee Groves, hereby amends the Town’s Unified Land Development Code (ULDC) by amending Section 75-035, entitled “Uses as of October 1, 2006” , as fully set forth in “**EXHIBIT A**”, and incorporated herein by reference.

**Section 3: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

**Section 5: Codification.** The Town Clerk shall cause this ordinance to be codified as a part of the ULDC.

**Section 6: Effective Date.** This ordinance shall take effect immediately upon adoption.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THE 4th DAY OF MARCH, 2014.**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Janet K. Whipple, MMC  
Town Clerk

\_\_\_\_\_  
Vice-Mayor Ron Jarriel

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Tom Goltzené

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Council Member Jim Rockett

## EXHIBIT A

### Historical Legacy Amendments

(Ref: Following Page)

#### Amendments to the following ULDC Section:

1. Section 75-035. *Uses as of October 1, 2006*

**NOTE:** Underlined text is an addition to Section 75-035 and ~~struck through text~~ is a deletion to Section 75-035.

**Section 75-035. - Historical Legacy Uses as of October 1, 2006.**

Certain uses that were in existence as of October 1, 2006 are not contained in the table of permitted uses for the Agricultural Residential (AR) zoning district. Such uses, referred to as "Historical Legacy Uses", but may be allowed to continue to exist, subject to following:

- (A) The applicant shall have the burden of proof to demonstrate that the use was in existence on the property as of October 1, 2006; and
- (B) The applicant shall apply for a Category B Special Exception pursuant to Section 170-010(B) of this Code; and
- (C) ~~The application for the Special Exception shall be filed within eight months of the effective date of these regulations.~~ A historical legacy use shall comply with either of the following criteria: (1) Be located on a property owned by a resident with a homestead exemption; or (2) be located on a separate property, either contiguous or non-contiguous to the homesteaded property. In either case, the business owner's homestead exemption shall have been in effect and the historical legacy business shall have been in continuous operation since October 1, 2006.
- (D) The use does not present a threat to public health or safety..
- (E) The property upon which the use is located is not currently the subject of a Town code enforcement action, with the exception of a property containing a use that qualifies for a Historical Legacy Category B Special Exception.
- (F) The owner-operator has submitted an affidavit: (1) certifying compliance with Sections (A) –(E) above (2) limiting the continued operation of the use to both the Parcel Control Number (PCN) and operator; (3) agreeing not to diversify the existing business; (4) agreeing that no signs visible from the road which advertise or promote the use will be erected on the property; (5) agreeing to maintain, and provide a copy to the Town, an active annual local business tax receipt; (6) acknowledging that, in the event of the transfer of the property to a new owner the right to operate the use shall cease; (7) acknowledging that, in the event of the owner's loss of his or her homestead exemption on the property, the right to operate the use shall cease; and (8) agreeing to conditions imposed by Town Staff including, but not limited to, access, parking, hours of operation, noise generation, location of the business activities upon the property, number of on-site employees, clients or customers allowed, deliveries, waste disposal, proof of insurance, etc.

(G) The owner-operator has undergone a review and inspection by the Town to determine compliance with Sections (A) – (F) above.

(H) The following uses are not eligible for approval under this section:

(1) Adult entertainment establishment, as defined in Section 10-015: *Definitions*.

(2) Recreational vehicle or mobile home park, where parking spaces are rented or sold and provided with one or more of the following services: potable water, electrical and/or sewage disposal.

(3) Junk dealer, as defined in Section 17-75(a) of the Palm Beach County Code of Ordinances.

(4) Additional uses determined by Town staff to be non-compliant with Articles 45: *Property Maintenance* and Article 50: *Public Nuisances*.



**Item 7.b.**

**Ordinances**

**Staff Report for Ordinance No's 2014-01 and 2014-02  
Ordinance No. 2014-01 / 2<sup>nd</sup> Reading Public Hearing  
Drysdale – Comp Plan Amendment**

**TOWN OF LOXAHATCHEE GROVES  
TOWN COUNCIL MEETING  
March 4, 2014**

**AGENDA ITEM STAFF SUMMARY:**

- 1. Small-Scale Comprehensive Plan Amendment (CPA)2013-2(SS); and**
- 2. Rezoning (REZ) 2013-3.**

**Project Name:** Drysdale Property.

**Agent:** Nancy Drysdale.

**Applicant:** Nancy Drysdale.

**Owner:** Nancy C. Drysdale, as trustee, under the Nancy C. Drysdale Revocable Trust Agreement dated September 19, 2005.

**Parcel Control Numbers (PCN):** 41-41-43-32-01-000-2080 (0.67 acres); 41-41-43-32-01-000-2090 (0.67 acres); 41-41-43-32-01-000-2100 (5.21 acres).

**Project Location:** Northwest Corner of Valencia Drive (Southern Blvd.) and Loxahatchee Avenue.

**Size of Property:** 6.55 acres.

**Current FLU Map Designation:** Rural Residential 5 (RR5).

**Current Zoning Map Designation:** Agricultural Residential (AR).

**Existing Use:** Single-family, in part; 1,751 sq. ft. residence; and vacant, in part.

**Proposed Land Use Designation:** Commercial Low (CL).

**Proposed Zoning Designation:** Commercial Low (CL).

**Maximum Development Potential Proposed Land Use:** 28,532 sq. ft. of CL space (6.55 acres x 43,560 sq. ft. per acre x 0.1 FAR)

**Application Summary**

The application has requested a joint change in the Future Land Use Map (FLUM) designation from Rural Residential 5 and the Zoning District designation of Agricultural Residential<sup>1</sup> (AR) to FLUM and Zoning District Map designations of Commercial Low.

## **Staff Finding and Recommendation**

Proposed FLUM and Zoning Map amendments are presented in Attachments A1 and A2. Following a review of the joint applications, Town Planning staff finds Amendments CPA 2013-02 and REZ 2013-03 to be generally consistent with the intent and direction of the Comprehensive Plan and the rezoning criteria, as depicted in Section 160-020(A) (1) – (6) of the ULDC, and recommends approval of the following:

1. FLUM Amendment Application CPA 2013-2(SS); and
2. Rezoning Application REZ 2013-03.

However to insure consistency with the Town's planning documents and compatibility with surrounding land uses, Staff recommends approval of the proposed future land use amendment subject to the following conditions:

1. Development of the property shall be limited to a maximum of 28,532 sq. ft. of commercial space. A County Traffic Performance Standards (TPS) review, including a concurrency determination, shall be completed at the time of site plan review, when a specific plan of development is proposed, in order to establish traffic-based building potential and the timing thereof.
2. Direct ingress and egress to a future commercial development from Tangerine Drive shall be prohibited.
3. The Rural Vista Guidelines, as directed by the Town Council, shall be incorporated within the development design.
4. PalmTran shall be contacted during the site plan approval process to determine if a bus shelter is needed and feasible.
5. A vegetative survey, including a native plant and habitat inventory, shall be completed at the time of site plan approval, including identification of an appropriate mitigation and/or preservation program, as necessary.
6. Prior to submitting a site plan, the Roadway Equestrian Trails and Greenways (RETAG) Advisory Committee shall be consulted regarding the incorporation of an equestrian trail within the development program.

## **Local Planning Agency (LPA) Recommendation**

The LPA, at its meeting of December 12, 2013, recommended that the Council approve CPA Amendment 2013-02(SS) and REZ Amendment 2013-03, each by a 2 – 1 vote.

## Town Council Action

The Town Council, at its meeting of January 14, 2014, voted to approve CPA Amendment 2013-02(SS) and REZ Amendment 2013-03 on first reading, each by a 5 - 0 vote.

### Staff Report Summary

#### A. Adjacent Land Uses

Direction	Existing Uses	FLU and Zoning Designations
North	Tangerine Drive. Beyond Tangerine Drive are 6 0.35 acre lots (Five with a single family residence and one vacant). To the west is a 2.06 acre parcel owned by the School District	Rural Residential 5 FLU and Agricultural Residential AR zoning
South	Valencia Drive and Southern Boulevard rights-of-way.	NA – Road rights-of-way
East	Loxahatchee Avenue. Beyond Loxahatchee Avenue is a vacant 9.23 acre property with the following development approval: Southern Crossings MUPD: 29,856 sq. ft. of medical office space and 7,552 sq. ft. of bank space.	Commercial Low Office (CL-O) FLU and Multiple Use Planned Development (MUPD) zoning (County zoning designation).
West	Orange Avenue. Beyond Orange Avenue are two 0.54 acre lots (One with a single-family residence and one vacant)	Rural Residential 5 FLU and Agricultural Residential AR zoning.

#### B. Infrastructure Impacts

Infrastructure Service	Summary
Water/wastewater	Property can be served by County central water/wastewater along Southern Boulevard. Letter from County provided (Attachment Q of the FLUM Amendment Application).
Surface Water Management	Drainage statement provided (Attachment H of the FLUM Amendment Application). Property currently drained by sheet flow to adjacent public rights-of-way. The property is within the SFWMD C-51 Basin. A drainage system will be designed to meet the requirements of SFWMD, LGWCD and Palm Beach County in order to incorporate all measures necessary to assure that there will be no adverse effects on the on-site collection system, neighboring properties, or a receiving body. A portion of the property is the #1 ranked priority site for a pond in Drainage Basin 7 for the State Road 80 widening project.
Solid Waste Disposal	Solid Waste Authority letter confirms disposal capacity available. Applicant must execute contract with private hauler for collection.
Transportation	Traffic impact statement provided by Town Traffic Engineer (Attachment D of the FLUM Amendment Application) which determines no significant impact on Southern Boulevard. Applicant must comply with the County's Traffic Performance Standards Ordinance when a site plan including a specific plan of development is proposed.
Parks and Recreation	Not Applicable – Commercial land use and zoning
Public Schools	Not Applicable – Commercial land use and zoning

<b>Infrastructure Service</b>	<b>Summary</b>
FIRE/EMS	Letter from Palm Beach County Fire/Rescue (Attachment P of the FLUM Amendment Application) indicating an estimated response time less than the average for the nearest station.

### **C. Environment**

<b>Item</b>	<b>Summary</b>
Natural Resources	The applicant states that the property has no wetlands or surface waters and has been previously cleared and filled and periodically mowed (Attachment M of the FLUM Amendment Application). Existing vegetation is primarily upland grasses, with limited areas of Cabbage Palm, Slash Pine, and exotics, including Brazilian Pepper.
Historical Resources	Letter from the County Archaeologist provided(Attachment O of the FLUM Amendment Application) stating that there are no known archaeological sites on or within 500 feet of the property
Flood Zone	Zone X-500, per Map # FLU 1.5 of the Comprehensive Plan (Attachment K of the FLUM Amendment Application). Zone X-500 is the area lying between the limits of the 100-year and 500-year flood; or certain areas subject to the 100-year flood with average depths of less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the 100-year flood.

### **D. Comprehensive Plan Consistency**

Proposed amendment CPA 2013-2(SS) and rezoning REZ 2013-03 are generally consistent with the following Comprehensive Plan directives:

- FLU Objective 1.2 The Town shall support development of rural style commercial center along the Southern Boulevard Corridor.
- FLU Policy 1.2.1 The Town shall limit new commercial development to areas south of East Citrus Road border to border.
- FLU Policy 1.12.3 The Town shall encourage development of a rural-style commercial center along the Southern Boulevard Corridor to provide a center of accessible shopping, recreation, and employment opportunities for Loxahatchee Groves' residents.

### **E. Zoning Requirements: CL Zoning District**

<b>Regulation</b>	<b>Standard</b>	<b>Property Complies?</b>
Minimum lot size	1 acre	Yes
Frontage and Access	Paved Collector or Arterial	Yes
Minimum frontage/width	150 feet	Yes
Minimum depth	150 feet	Yes
Maximum Floor-Area-Ratio	0.10	Yes
Maximum building and roofed structures lot coverage	25%	Yes

<b>Regulation</b>	<b>Standard</b>	<b>Property Complies?</b>
Front setback	50 feet	Yes
Side setback	25 feet	Yes
Side street setback	25 feet	Yes
Rear setback	50 feet	Yes
Minimum pervious area	30%	Yes
Maximum building height	35 feet	Yes

## **F. ULDC Section 160-020 Rezoning Criteria**

A rezoning petition is reviewed in accordance with the following criteria:

1. Must comply with both of the following:

<b>Criterion</b>	<b>Can Property Comply?</b>
Consistency with the Comprehensive Plan	Yes – See Item D Above
Approval would not give privileges not generally extended to similarly situated property in the area, or result in an isolated district unrelated to adjacent or nearby districts.	Yes – Other properties along Southern Boulevard either have commercial zoning or can meet the criteria to apply for rezoning. Adjacent property to the east has a commercial zoning approval

2. Must comply with one or more of the following:

<b>Criterion</b>	<b>Can Property Comply?</b>
An error or ambiguity must be corrected	Not Applicable
There exists changed or changing conditions which make the approval of the request appropriate.	Yes – Southern Boulevard is currently a 4-lane divided major arterial roadway and programmed to be expanded to 6-lanes in FY 2017/18
Substantial reasons exist why the property cannot be used in accordance with the existing zoning.	Yes - The Loxahatchee Homes Plat 1 was originally filed in 1949. At that time Southern Blvd. was a 2-lane road. It is now 4-lane and soon to be expanded to 6-lanes. Southern Boulevard corridor frontage has seen virtually no residential development activity in the past 50 years.
The rezoning is appropriate for the orderly development of the Town and is compatible with existing and conforming adjacent land uses, and planned adjacent land uses.	Yes – The rezoning is consistent with Comprehensive Plan directives for future development along Southern Boulevard and compatible with the approved Southern Crossings MUPD property to the east. The low floor-area-ratio provides opportunities for buffering of residential properties to the north and west.

**G. ULDC Section 110-025(B). Minimum required information.**

Requirement	Response
Vehicular and pedestrian access	Property is bordered by four roads: Southern Boulevard (Valencia Drive); Tangerine Drive; Loxahatchee Avenue; and Orange Avenue. Potential access available from each of these roads. No proposed site plan at this time.
On-site circulation	To be determined at the time of site plan approval.
Parking	To be determined at the time of site plan approval.
Proposed roadway or easement vacations or road closures	Potential easement vacation of Valencia Drive
Off-site roadway improvements and traffic impacts in adjacent neighborhoods.	To be determined at the time of site plan approval, including Traffic Performance Standards (TPS) review and Concurrency determination.

**H. Compatibility**

An inventory of land uses adjacent to the subject property is presented in Section A. All adjacent properties lie beyond street rights-of way. Properties to the west and north are currently assigned Future Land Use designations of Rural Residential 5 (density of one dwelling unit per five acres) and Zoning designations of Agricultural Residential (AR). Actual densities are considerably higher, however, as all properties are considerably smaller than 5 acres (i.e. 0.35 to 0.54 acres each).

The adjacent property to the east, beyond Loxahatchee Avenue, is a vacant 9.23 acre property (i.e. Southern Crossings MUPD) with the following development approval: 29,856 sq. ft. of medical office space and 7,552 sq. ft. of bank space.

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety, or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can compliment and support each other. For example, a residential use can help support a commercial use and, conversely, the

commercial use can provide essential goods and services to residents of surrounding neighborhoods.

Separation of potentially incompatible uses can act to fully or partially mitigate potential incompatibilities. To the west and north the subject property is separated from adjacent residential properties by fifty foot rights-of-way (i.e. Orange Avenue and Tangerine Drive).

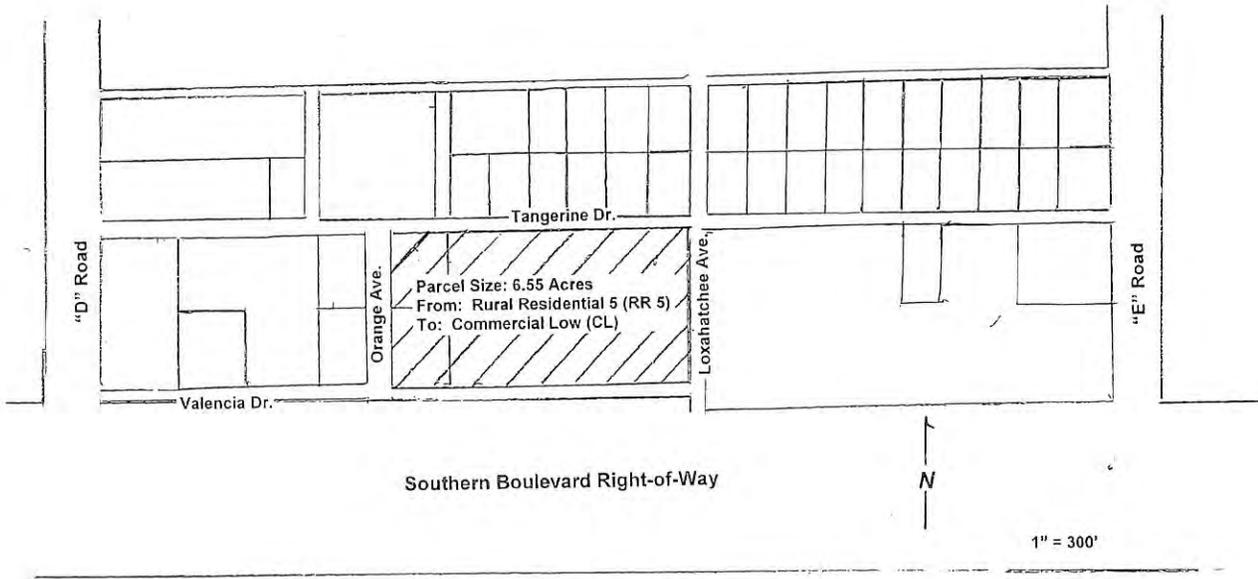
In addition to separation of uses, access management, buffering, screening, setback, height, landscaping, and architectural requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

A review of the subject site vicinity leads to the conclusion that the area is comprised of a mixture of existing and planned land uses along Southern Boulevard, including commercial (retail and office), institutional (government) and recreation with moderate intensity (i.e. 2 to 3 units per acre) residential and agricultural uses behind the frontage.

The CL Future Land Use and Zoning designations (maximum intensity of 0.10 F.A.R.) provides the Town with an opportunity to establish rural-style commercial uses along Southern Boulevard. Comprehensive Plan directives (Ref: Section VII. B for further discussion) regarding compatibility with neighboring properties and implementation of Rural Vista Guidelines directives (Ref: Section D), along with implementation of buffering and screening techniques during site plan review, can be used as the basis to insure compatibility.

**ATTACHMENT A1  
FUTURE LAND USE MAP AMENDMENT: CPA 2013-02(SS):  
DRYSDALE PROPERTY**

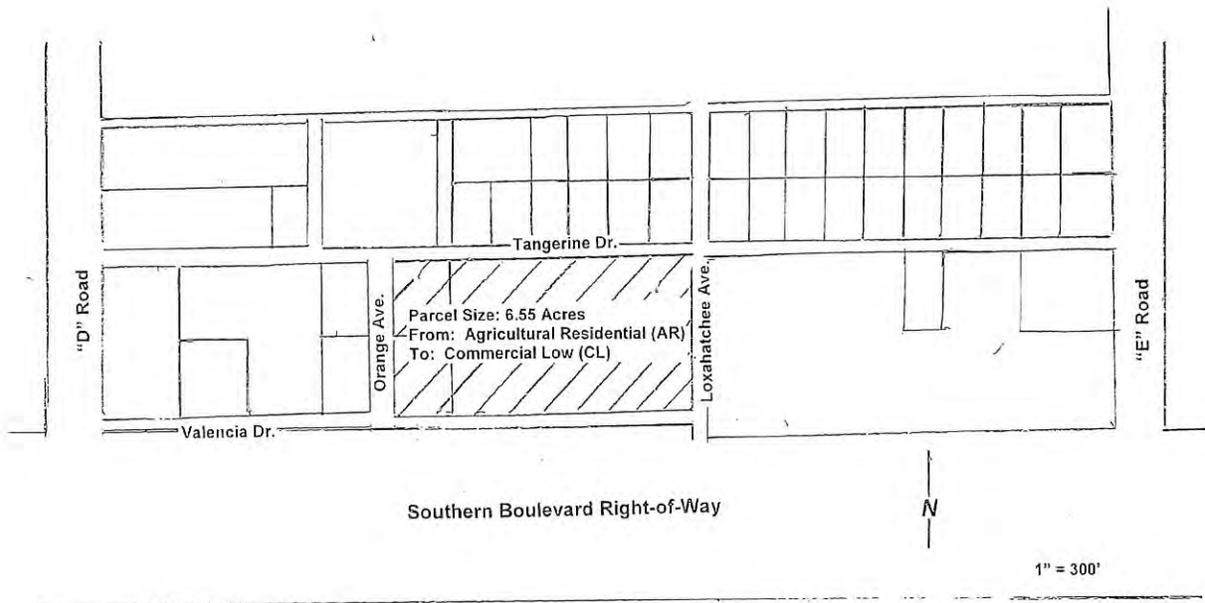
**ATTACHMENT A1  
FUTURE LAND USE MAP AMENDMENT: CPA 2013-02(SS):  
DRYSDALE PROPERTY**



Drysdale Property  
CPA 2013-02(SS) and REZ 2013-03 Applications  
December 4, 2013

**ATTACHMENT A2  
ZONING MAP AMENDMENT REZ 2013-03:  
DRYSDALE PROPERTY**

**ATTACHMENT A2  
ZONING MAP AMENDMENT REZ 2013-03:  
DRYSDALE PROPERTY**



Drysdale Property  
CPA 2013-02(SS) and REZ 2013-03 Applications  
December 4, 2013

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-01**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING AN AMENDMENT TO THE TOWN OF LOXAHATCHEE GROVES ADOPTED COMPREHENSIVE PLAN, IN ACCORDANCE WITH CHAPTER 163, FLORIDA STATUTES, CONCERNING A SMALL-SCALE LAND USE PLAN AMENDMENT APPLICATION PROPOSED BY NANCY C. DRYSDALE THE APPLICANT AND PROPERTY OWNER TO CHANGE THE DESIGNATION OF THE SUBJECT USE OF LAND FROM RURAL RESIDENTIAL 5 (1 DU PER 5 ACRES) IN THE TOWN'S ADOPTED PLAN, TO COMMERCIAL LOW (CL) FOR FUTURE DEVELOPMENT OF PROPERTY ON 6.55 ACRES MORE OR LESS LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND LOXAHATCHEE AVENUE, LOXAHATCHEE GROVES, FLORIDA (AMENDMENT 2013-02), LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT "A" TO THIS ORDINANCE; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** provisions of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 require adoption of a comprehensive plan; and;

**WHEREAS,** the Town of Loxahatchee Groves, Florida, pursuant to the Local Government Comprehensive Planning Act, and in accordance with all of its terms and provisions, adopted a Comprehensive Plan which has been found to be "in compliance" by, the State Department of Community Affairs (DCA); and,

**WHEREAS,** the Town's Planning Consultant recommends approval of the Land Use Amendment Application on Applicant's Property from the Rural Residential 5 Land Use Category to the Commercial Low Land Use Category, as set forth in a report to the Town Council, setting forth recommendations and conditions, which report is incorporated herein; and,

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-01**

**WHEREAS**, Nancy C. Drysdale has applied to amend the property that she owns, 6.55 acres located at the northwest corner of Southern Boulevard and Loxahatchee Avenue, within the Town of Loxahatchee Groves, from the Rural Residential 5 Land Use Category to the Commercial Low Land Use Category (the “Application”); and,

**WHEREAS**, the application meets all conditions as a small-scale land use amendment pursuant to Section 163.3187, Florida Statutes; and,

**WHEREAS**, the Town of Loxahatchee Groves Local Planning Agency, at its meeting on December 12, 2013, conducted the required public hearing on this Amendment to the Town of Loxahatchee Groves adopted Comprehensive Plan and recommended approval; and,

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves has conducted the required public hearing on this Amendment to the Town of Loxahatchee Groves adopted Comprehensive Plan; and,

**WHEREAS**, the reports, records, and materials from the public hearings to adopt Ordinance 2014-01 are incorporated herein and relied upon by the Town Council to the extent not inconsistent with this Ordinance; and,

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves has deemed it to be in the best interest of the citizens and residents of the Town of Loxahatchee Groves to adopt an Amendment to the Town’s Adopted Comprehensive Plan in accordance with Chapter 163, Florida Statutes, concerning a Small-Scale Land Use Plan Amendment proposed by Nancy C. Drysdale, LLC, the Applicant and property owner, to change the designation of the subject use of

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-01**

land from Rural Residential 5 (1 du/ 5 ac) in the Town's adopted Comprehensive Plan to the Commercial Low (CL) category, as recommended by the Town's Planning Consultant and Local Planning Agency, to accommodate the future development on 6.55 acres more or less of land, for the property located at the northwest corner of Southern Boulevard and Loxahatchee Avenue, Loxahatchee Groves, Florida, as legally described in Exhibit "A" hereto.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:**

**SECTION 1:** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Ordinance upon adoption hereof; all exhibits attached hereto or referenced herein are incorporated herein and made a specific part of this Ordinance.

**SECTION 2:** The Town Council has reviewed the application and finds the following:

1. The Amendment, as approved herein, is consistent with the goals, objectives and policies of the Town of Loxahatchee Groves Adopted Comprehensive Plan;
2. The characteristics of the surrounding area and the characteristics included in the proposed land use are compatible;
3. The Town of Loxahatchee Groves has the ability or will have the ability to provide necessary services for the additional demand for public facilities.

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-01**

**SECTION 3:** The Town Council approves and adopts the recommendations of the Town's Planning Consultant and Local Planning Agency, which are incorporated herein.

**SECTION 4:** The Small-Scale Land Use Plan Amendment to the adopted Comprehensive Plan of the Town of Loxahatchee Groves (Amendment No. 2013-02) approved by the Town Council, changing the land use from Rural Residential 5 (1 du/ 5 ac) in the Town's adopted Comprehensive Plan to Commercial Low (CL), as shown in Exhibit "A" hereto, is hereby adopted, subject to the conditions of the Planning Consultant's Report, which is adopted and approved.

**SECTION 5:** The Town's Planning Consultant is further authorized and directed to make the necessary changes to the Future Land Use Map in the plan, in order to reflect the above-stated change.

**SECTION 6:** All Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 7:** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 8:** This Ordinance shall become effective as provided in Section 163.3187(5)(c), Florida Statutes.

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-01**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 14<sup>th</sup> OF JANUARY, 2014.**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Janet K. Whipple, Town Clerk

\_\_\_\_\_  
Vice-Mayor Ron Jarriel

\_\_\_\_\_  
Council Member Tom Goltzené

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Council Member Jim Rockett

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Office of the Town Attorney

## **EXHIBIT A – AMENDMENT 2013-02**

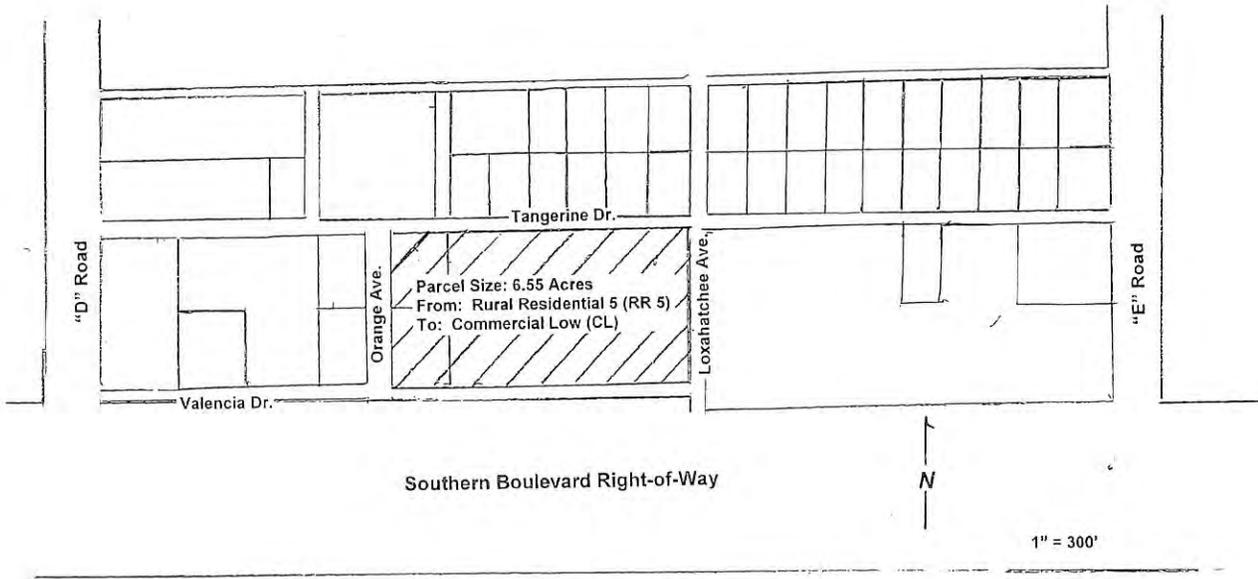
- 1. Legal Description**
- 2. Future Land Use Map Amendment**

## **1. LEGAL DESCRIPTION**

**LOT 208, LOT 209, LOTS 210 – 215, INCLUSIVE, PLAT ONE LOXAHATCHEE HOMES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGE 55, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.**

**2. FUTURE LAND USE MAP AMENDMENT CPA 2013-02**

**ATTACHMENT A1  
FUTURE LAND USE MAP AMENDMENT: CPA 2013-02(SS):  
DRYSDALE PROPERTY**



Drysdale Property  
CPA 2013-02(SS) and REZ 2013-03 Applications  
December 4, 2013



**Item 7.c.**

**Ordinances**

**Ordinance No. 2014-02 / 2<sup>nd</sup> Reading Quasi-Judicial Hearing**

**Drysdale – Zoning Change**

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-02**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF 6.55 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND LOXAHATCHEE AVENUE, LOXAHATCHEE GROVES, FLORIDA (REZ 2013-03), LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT “A” TO THIS ORDINANCE, FROM TOWN OF LOXAHATCHEE GROVES ZONING DESIGNATION AGRICULTURAL RESIDENTIAL (AR) TO THE TOWN’S ZONING DESIGNATION COMMERCIAL LOW (CL) IN ACCORDANCE WITH A SMALL-SCALE LAND USE PLAN AMENDMENT APPLICATION BY NANCY C. DRYSDALE, THE APPLICANT AND PROPERTY OWNER THROUGH ORDINANCE 2014-01; PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on November 16, 2010, the Town adopted Ordinance 2010-009, which adopted the Town’s Unified Land Development Code (ULDC), including the designation of zoning districts in the Town, consistent with the Town’s Comprehensive Plan; and,

**WHEREAS**, the Property Owner, Nancy C. Drysdale (Applicant), owner of the property, has petitioned the Town to approve a Small-Scale Land Use Amendment and a the proposed rezoning of certain property located at the Northwest corner of Southern Boulevard and Loxahatchee Avenue, Loxahatchee Groves, Florida, totaling approximately 6.55 acres, more or less, legally described and as designated on the map in Exhibit “A”, attached hereto (the “Property”), to change the Town of Loxahatchee Groves zoning designation on the property from Agricultural Residential (AR) to the Town’s zoning designation of Commercial Low (CL), as the property is being proposed for commercial development; and,

**WHEREAS**, the Town’s Planning Consultant recommends approval of the Rezoning Application on Applicant’s Property from the Agricultural Residential (AR) Zoning Category to the Commercial Low (CL) Zoning Category, subject to Ordinance 2014-01 being approved and becoming

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-02**

effective, as further set forth in a report to the Town Council, setting forth recommendations and conditions, which report is incorporated herein; and,

**WHEREAS**, at its meeting of December 12, 2013, the Town’s Local Planning Agency, considered the request to rezone the Property, and recommended approval to the Town Council; and

**WHEREAS**, the notice and hearing requirements for adoption of rezoning ordinances contained in the Florida Statutes and the Town’s Code of Ordinances have been satisfied; and

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves has conducted a quasi-judicial hearing and considered the petition for rezoning, the recommendation of the Town’s Planning Consultant and Local Planning Agency, and the comments from the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct, and are hereby made a specific part of this Ordinance.

**Section 2.** The rezoning of the property located at the Northwest corner of Southern Boulevard and Loxahatchee Avenue, Loxahatchee Groves, Florida (REZ 2013-03, totaling approximately 6.55 acres, more or less legally described, and as designated on the map, in Exhibit “A”, attached hereto, from Town of Loxahatchee Groves zoning designation Agricultural Residential (AR) to the Town’s zoning designation of Commercial Low (CL) is hereby Approved, subject to Ordinance 2014-01 being approved and becoming effective, as further set forth in a report to the Town Council, setting forth recommendations and conditions, which report is incorporated herein.

**Section 3.** The Town Administration is hereby authorized and directed to make appropriate changes on the zoning map of the Town, to effectuate the purpose of this ordinance.

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-02**

**Section 4.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered eliminated and so not affecting the validity of the remaining portion or applications remaining in full force and effect.

**Section 5.** All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

**Section 6.** This Ordinance shall take effect upon Ordinance 2014-01 becoming effective.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 14th DAY OF JANUARY, 2014.**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
Vice-Mayor Ron Jarriel

\_\_\_\_\_  
Council Member Tom Goltzené

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Jim Rockett

## **EXHIBIT A – REZONING 2013-03**

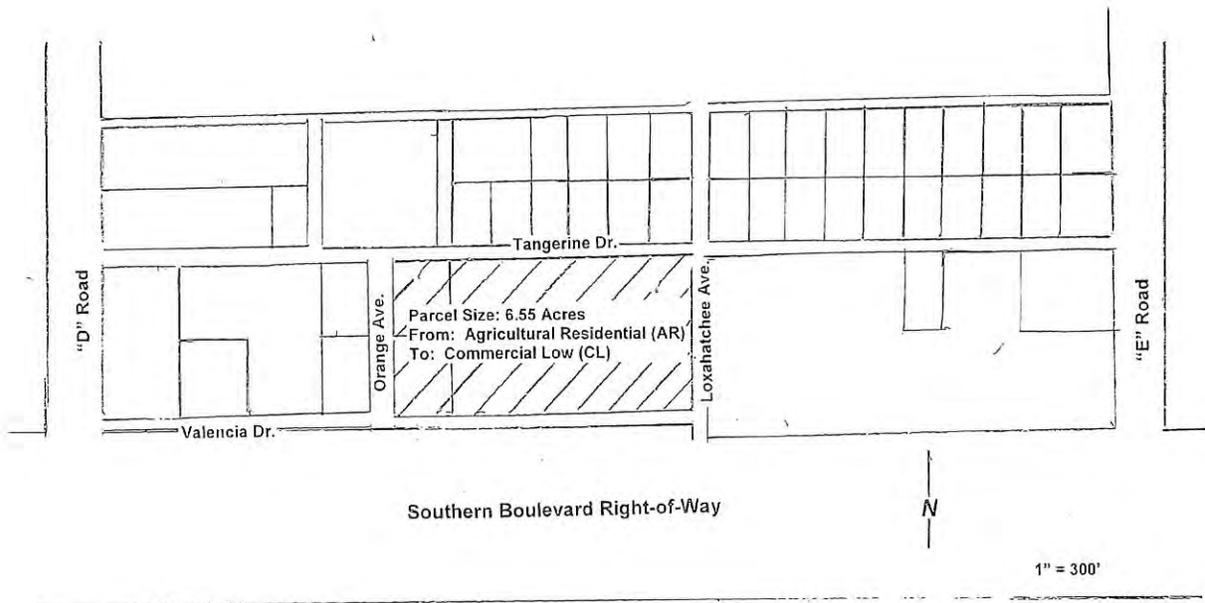
- 1. Legal Description**
- 2. ZONING MAP Amendment**

## **1. LEGAL DESCRIPTION**

**LOT 208, LOT 209, LOTS 210 – 215, INCLUSIVE, PLAT ONE LOXAHATCHEE HOMES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGE 55, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.**

**2. ZONING MAP AMENDMENT REZ 2013-03**

ATTACHMENT A2  
ZONING MAP AMENDMENT REZ 2013-03:  
DRYSDALE PROPERTY



Drysdale Property  
CPA 2013-02(SS) and REZ 2013-03 Applications  
December 4, 2013



**Item 8**

**Administrative Update (no backup)**

- a. IGC (Intergovernmental Coordination Committee)**
- b. Traffic Study Meeting**
- c. Western Communities**
- d. Update on Compton road**



**Item 9.a.**

**Old Business**

**Draft ordinance - Town Moratorium on manure hauling**

**TOWN OF LOXAHATCHEE GROVES**

**MEMORANDUM NO. 2014-06**

TO: Mayor David Browning  
Members of the Town Council

CC: Mark Kutney, Town Manager  
Janet Whipple, Town Clerk

FROM: Michael D. Cirullo, Jr., Office of the Town Attorney *MDC*

DATE: March 4, 2014

RE: Town of Loxahatchee Groves (“Town”)/Revisions to Town Manure and Horse Bedding Depositing on Property within the Town

---

At its February 18, 2014, meeting, the Town Council adopted a motion to direct the preparation of an ordinance that would require that all manure and horse bedding delivered to properties within the Town originate from within the Town. Pursuant to that direction, the Town Attorney has prepared the attached draft ordinance for discussion purposes.

As part of implementing the direction of the Town Council, the Town Attorney and Town Management note the following issues:

1. Manure and Horse Beddings have value as a commodity, so it is likely to be considered an item of commerce, and therefore consideration of the Commerce Clause of the United States Constitution, which prohibits excessive burdens on interstate commerce, is necessary.
2. Enforcement. How can the location of origin of the load in a truck or deposited on a property be verified at the time of interaction with Town enforcement agents?
3. Effect on the local market. Could limiting the supply of the manure and horse beddings to only those originating in the Town affect supply and prices for users of such within the Town?
4. There may be alternatives to limiting the origins of the loads to Town properties. For example, the Town could consider smaller loads regardless of the source since the use is limited to agricultural or personal use.

The proposed draft ordinance provides for the limitation on the transport of manure as directed by the Town Council, as well as provisions that may address commerce clause issues. In

addition, the ordinance provides for a review of the ordinance at a later date by the Town Council so that its effectiveness can be confirmed.

The proposed ordinance and associated issues will be discussed at the March 4, 2014, Town Council meeting.

Enclosure

MDC:clb

H:\\_GOV CLIENTS\LOX 1574\\_070240 GM\MEMOS 2014\2014-06 Manure Ordinance.docx

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-\_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCE 2012-03, RELATING TO DUMPING OF MANURE AND HORSE BEDDING WITHIN THE TOWN; PROVIDING LIMITATIONS ON THE SOURCE OF MANURE AND HORSE BEDDINGS DELIVERED TO PROPERTIES IN THE TOWN FOR USES PERMITTED BY THE TOWN; PROVIDING THAT EXCEPT AS AMENDED HEREIN, ORDINANCE 2012-03 IS RESTATED AND IN FORCE AND EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on April 6, 2010, the Town Council of the Town of Loxahatchee Groves adopted Ordinance 2010-003, to provide requirements for permits by landowners and transporters of manure and horse bedding in the Town; and,

**WHEREAS**, on April 3, 2012, the Town Council adopted Ordinance 2012-03, which amended and restated Ordinance 2010-03, to provide for properties eligible to receive manure and horse bedding materials, amend permit requirements and provide regulations on how such materials are used on eligible properties; and,

**WHEREAS**, the Town Council has heard concerns from Town Management relating to the current permitting process and continued abuses by haulers and property owners for dumping manure and horse droppings on properties within the Town; and,

**WHEREAS**, the Town Council continues to be concerned with water quality within the drainage canals in the Town, and has heard from residents with scientific and academic backgrounds that raised phosphorous levels are possible from continued abuse of manure and horse bedding dumping by transporters and property owners within the Town; and,

**WHEREAS**, the Town Council believes that increased equestrian activities in neighboring municipalities during certain periods of time each year causes transporters of manure and horse

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-\_\_\_\_\_**

beddings originating on facilities in those areas to seek out places in close proximity to those communities to dump their loads and avoid expenses and perhaps industry regulations associated with taking such loads to facilities designed to accept such; and,

**WHEREAS**, the Town Council believes that when used properly and in limited quantities, manure and horse beddings can provide agricultural benefits, and thus a total ban on the dumping of manure and horse dumping is not in the best interest of the community; and,

**WHEREAS**, the Town Council seeks to balance permitting the limited and beneficial use of manure and horse bedding with avoiding the abuses associated with the dumping of such materials within the Town; and,

**WHEREAS**, the Town believes that given the limited beneficial use of manure and horse beddings, it is fair and reasonable to require that manure and horse bedding delivered within the Town originate from within the Town; and,

**WHEREAS**, it is not the Town Council's intent to promote or favor local businesses at the expense of those engaged in the hauling and use of manure and horse bedding across state lines, and therefore finds that manure and horse beddings originating from outside the state may be hauled into and used within the Town pursuant to the permit process contained within this ordinance; and,

**WHEREAS**, the Town Council will review this ordinance to ensure that no unintended market consequences occur, including but not limited to monopolistic activities by properties from which manure and horse beddings originate within the Town, pricing fixing, or insufficient supply to meet demand of property owners within the Town; and,

**WHEREAS**, the Town Council finds that it is in the best interest of the Town to interpret this Ordinance to effectuate its intent of preventing abusive practices associated with the dumping of

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-\_\_\_\_\_**

manure and horse bedding within the Town, in a manner that does not offend constitutional requirements; and,

**WHEREAS**, except as amended herein, Ordinance 2012-03 shall remain in full force and effect in the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:**

**Section 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof. Ordinance 2012-03 is amended as set forth herein.

**Section 2.** It shall be prohibited for a property owner to permit the depositing of Manure and Horse Bedding onto real property within the Town except when the Manure and Horse Bedding (1) originates from within the Town or is shown by the filing of an affidavit by the property owner that it originated from outside the State of Florida; and, (2) is being used by the property owner for bona fide agricultural purposes in appropriately limited quantities after obtaining a permit from the Town.

**Section 3.** It shall be prohibited for any person to deposit Manure and Horse Bedding on any property within the Town, regardless of the consent of the property owner, unless such person, and the property owner, has obtained a permit from the Town confirming that the Manure and Horse Bedding (1) originates from within the Town or is shown by the filing of an affidavit by the property owner that it originated from outside the State of Florida; (2) is to be used for bona fide agricultural purposes; and, (3) in no case may the amount of Manure and Horse Bedding deposited exceed the amount set forth in the permit issued to the Property Owner

## TOWN OF LOXAHATCHEE GROVES

### ORDINANCE NO. 2014-\_\_\_\_\_

by the Town. With the exception of a Town Manager-approved permit for residential property hereinafter provided, the property on which the Manure and Horse Bedding is to be deposited must be designated as agricultural by the Palm Beach County Tax collector for property tax purposes; provided that when a property owner applies for the first time for a permit, the property owner may obtain its initial permit notwithstanding not having the agricultural use tax designation when the property owner certifies to the Town Manager that the property owner is making a good faith effort to obtain the agricultural use tax designation. This exception shall not apply to subsequent years. Property owners of property designated as residential by the Palm Beach County Tax Collector may obtain a permit from the Town Manager when the property owner of the residential property demonstrates to the Town Manager that the Manure and/or Horse Bedding (1) originates from within the Town or is shown by the filing of an affidavit by the property owner that it originated from outside the State of Florida; and (2) is solely for private, personal use on-site. The Town Manager shall advise the Town Council of all permits approved for residential properties. A permit issued to a property owner pursuant this Ordinance is limited to one transporter, and a property owner may have only one permit at a time.

**Section 4.** Notwithstanding the issuance of a permit, the depositing of manure and horse bedding shall be prohibited between the hours of sunset and sunrise on Mondays through Saturdays, and prohibited at all times on Sundays. A hauler shall not dump Manure and Horse Bedding within fifty (50) feet of the property line or within seventy five (75) feet of any well on the property. The limitations in this Section do not apply to the spreading or use of the manure and horse bedding.

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-\_\_\_\_\_**

**Section 5.** The Town Council hereby finds that a violation of this ordinance presents a public nuisance for purposes of enforcement of Section 403.413, Florida Statutes, and law enforcement officers charged with the enforcement of state and local laws within the Town shall strictly enforce Section 403.413, Florida Statutes.

**Section 6.** The Town Administration is authorized to use the Town's Code Enforcement process to enforce violations of this ordinance where a law enforcement officer has not otherwise issued violations of Section 403.413, Florida Statutes. In such instances, the fine shall be \$250 for the initial violation and \$500 for each subsequent violation, with each load or each day being a separate violation. Each day a violation remains, and each haul for which there is no permit, constitutes a separate violation of this ordinance.

**Section 7.** Upon the issuance of a violation notice under Section 403.413, Florida Statutes, or this ordinance, any permits issued by the Town shall be suspended and all Manure and Horse Bedding deposit activity stopped until such time as a hearing is conducted or the fines paid. Should a person violate this ordinance on more than one (1) occasion during a calendar year, that person shall not be granted a permit from the Town for a period of one (1) calendar year from the date of the last violation.

**Section 8.** Permits shall be obtained by both property owners and transporters from the Town.

a. Property Owners shall obtain a permit from the Town for each use of manure or horse bedding, regardless of the number of loads, during which time the Property Owner shall advise in writing: (1) that the manure and horse bedding originates from within the Town or is shown by the filing of an affidavit by the property owner that it originated from outside the State

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-\_\_\_\_\_**

of Florida; ~~(2)~~ ~~(4)~~ whether the real property on which the manure and/or horse bedding is to be dumped is designated agriculture or residential on the tax roll for property tax purposes; ~~(3)~~ ~~(2)~~ the volume being used under the permit; ~~(4)~~ ~~(3)~~ the transporter for the material; ~~(5)~~ ~~(4)~~ that the manure or horse bedding is being used for bona fide agricultural purposes, and for residential properties include sufficient information to enable the Town Manager to determine whether the use is for private, personal use on site; ~~(6)~~ ~~(5)~~ confirming through a property site drawing or layout that the manure and horse bedding will not be dumped within fifty (50) feet of the property line or within seventy five (75) feet of any well on the property; and ~~(7)~~ ~~(6)~~ that the property owner has verified that the transporter for the materials has a permit from the Town. One of the conditions on the issuance of a permit to a property owner is that it shall provide consent for a Town representative to inspect the property solely for purposes of ensuring compliance with the terms of the permit. There shall be no charge for a Property Owner Permit. The Property Owner shall spread the manure and horse bedding within seventy-two (72) hours of receipt of the materials.

b. Transporters shall obtain an annual permit from the Town for the deposit of up to twenty (20) loads of Manure and Horse Bedding within the Town. For purposes of this ordinance, a “load” shall be approximately twenty (20) to twenty-five (25) cubic yards. In obtaining the permit, the transporter will acknowledge that (1) its loads originate from within the Town or is shown by the filing of an affidavit by the Transporter that it originated from outside the State of Florida; ~~(2)~~ it is aware of the Town’s regulations relating to the deposit of manure and horse bedding, and ~~(3)~~ that it will confirm upon receipt of a request for materials from a property owner within the Town that the purpose for such manure and horse bedding is for bona

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-\_\_\_\_\_**

fide agricultural purposes, and that the property owner has obtained the necessary permit from the Town. All permits for transporters shall expire each September 30 regardless of the date of issuance. Transporters are responsible for the timely renewal of its annual permit. The annual permit fee shall be Five Hundred Dollars (\$500.00). A hauler may exceed twenty (20) loads permitted that it pays, in advance, an additional fee of forty dollars (\$40.00) per load. A transporter who applies for an application subsequent to transporting manure into the Town shall be charged a fee of Two Thousand Dollars (\$2,000.00), and for permitted haulers that exceed the permitted number of loads and do not pay in advance for additional loads, the cost per additional load shall be one hundred dollars (\$100.00) The application fees set forth herein may be adjusted by the Town Council by resolution. No permit shall be issued to a transporter who has not remedied previous violations of this Ordinance.

**Section 9.** As used in this ordinance “bona fide agricultural purposes” means farming, pasture, grove, or forestry operations, including horticulture, floriculture, viticulture, dairy, livestock, poultry, bee and aquaculture, consistent with Section 823.14, Florida Statutes (Right to Farm) and Section 570.02, Florida Statutes (Agriculture).

**Section 10.** **Effect on Ordinance 2012-03.** Except as amended herein, Ordinance 2012-03 remains in full force and effect.

**Section 11.** **Interpretation and Review of Ordinance.** The Town Council understands that manure and horse bedding are commodities with value, and thus is seeking to balance abuses of dumping of such materials with their legitimate use for agricultural and personal residential purposes. Given the local nature of generation, transport, and use of manure and horse beddings, any effect on interstate commerce is deemed to incidental, and not clearly

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-\_\_\_\_\_**

excessive in relation to the local benefits of this Ordinance. Regardless, it is not the intent of the Town Council to adopt an ordinance that conflicts with interstate commerce rights and therefore this Ordinance is to be interpreted to effectuate its intent without violating such rights. Moreover, the Town Council shall review this ordinance no later than November 1, 2014, to ensure that the requirements of this ordinance do not result in unintended market consequences.

**Section 12. Repeal of Laws in Conflict.** All Ordinances or part of Ordinances in conflict herewith are in the same are hereby repealed to the extent of such conflict.

**Section 13. Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

**Section 14. Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

**Section 15. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS \_\_\_ DAY OF \_\_\_\_\_, 2014.**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS \_\_\_ DAY OF \_\_\_\_\_, 2014.**

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2014-\_\_\_\_\_**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
Janet K. Whipple, Town Clerk

\_\_\_\_\_  
Vice-Mayor Ron Jarriel

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Tom Goltzené

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Council Member Jim Rockett

MDC

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**Item 9.b.**

**Old Business**

**Update on Priorities List**



TOWN OF LOXAHATCHEE GROVES  
OFFICE OF THE TOWN MANAGER  
MEMORANDUM

**TO:** Mayor and Town Council

**FROM:** Mark A. Kutney, Town Manager, AICP, ICMA-CM

**DATE:** July 15, 2013 (Red = Revised February 12, 2014)

**SUBJECT:** Town Management/Council Priorities/Business Plan Initiatives

Please allow this memorandum to serve as a continued update to previous correspondence related to Business Plan Initiatives/Work Priorities. Town Management will be spending the majority of time on the First Tier identified; however, Town Management Staff would appreciate any Town Council input relative to the ranking of these work priorities. (Town Council had previously directed Town Management to develop the priorities for these initiatives). As items are completed, other initiatives will be moved up the priority list. In a similar fashion, should new assignments be added to the list, those assignments will be prioritized in accordance with importance to the Town. Please note that items **in red** are amendments or adjustments from the July 15, 2013, Memorandum. Town Management would appreciate Town Council providing input at the February 18<sup>th</sup> or March 4<sup>th</sup> Town Council Meetings.

**BUSINESS PLAN INITIATIVES/PRIORITIES FIRST TIER**

1. 2014-2015 Budget/ CIP/NAV
2. **Comprehensive Annual Financial Report (CAFR)**
3. Work Authorizations (UMSG)
  - A. Amendments to Comprehensive Plan (Okeechobee and Southern Boulevards)
  - B. Capital Improvements Element Update (**note: will be completed soon**)
  - C. ULDC Review Committee Activities and Meetings **and 2013 Annual Report**
  - D. ULDC Text Amendment Hay Sales/Historical Business Legacy (**note: will be completed soon**)
4. **Debris Management Procurement/Purchasing**
5. **Annual Financial Report (AFR)**
6. FEMA Flood Zone Mapping/Designations
7. **Compton Road/ Marcella Blvd/Bryan Road OGEM Applications /Compton Culvert Replacement**
8. PUD Processing for Lox Groves Commons and Lox Groves Center with Multiple Parties  
Agreements for Off-site Road Improvements

9. Okeechobee Blvd Traffic Signal
10. Speed Hump Study

### **BUSINESS PLAN INITIATIVES/PRIORITIES SECOND TIER**

1. 6<sup>th</sup> Street Culvert Connection/Easement 6<sup>th</sup> Court C Road to A Road
2. Auditing Procurement/Purchasing
3. Collecting Canal Road OGEM Project
4. Revisions to Manure Ordinance
5. Codification of Town Ordinances with Muni Code
6. 2013 Interlocal Agreement for Road/Canal Maintenance Funding with LGWCD
7. Comprehensive Emergency Plan Revisions (CEMP)
8. Roadway/Hedging Procurement/Purchasing
9. Cost Recovery Program Revisions
10. Town Road Surveys/ OGEM Project

### **BUSINESS PLAN INITIATIVES/ PRIORITIES THIRD TIER**

1. All Town Legal Matters (Day, McLendon, Smiley, etc.)
2. Shopping Center Improvements at Palms West Plaza
3. OGEM Treatment for D Road/Southern Blvd Traffic Signal
4. OGEM Roads Transfer to Town
5. Accounting Software Procurement/Purchase
6. Manure/Testing
7. Legislative Acts
8. Exotic and Invasive Vegetation Ordinance
9. Western Communities Council State Road 7 Lobbyist
10. Foreclosure Matters

### **BUSINESS PLAN INITIATIVES/PRIORITIES FOURTH TIER**

1. Non-Town Development Activity (Minto/Highland Dunes, etc.)
2. Code Enforcement Procurement/Purchasing
3. Charter Amendments (Canvassing Board, etc.)
4. Ethics Training Schedule
5. Procurement Code Revisions
6. ULDC Amendments Resulting From ULDC Committee Review
7. ULDC Amendment to Pools/Structural Setbacks
8. Town Hall Alternatives
9. White Paper on Treatment of Agricultural Uses
10. Banking Services

The listing above does not include the work activities that occur on a continuing and yearly basis including, but not limited to; election activities, erection of traffic control signage, road grading requests, lien searches, building permit reviews, public record requests, and continued support to the Town's Boards and Committees. Should you have any questions or need further information related to the above, please contact me.



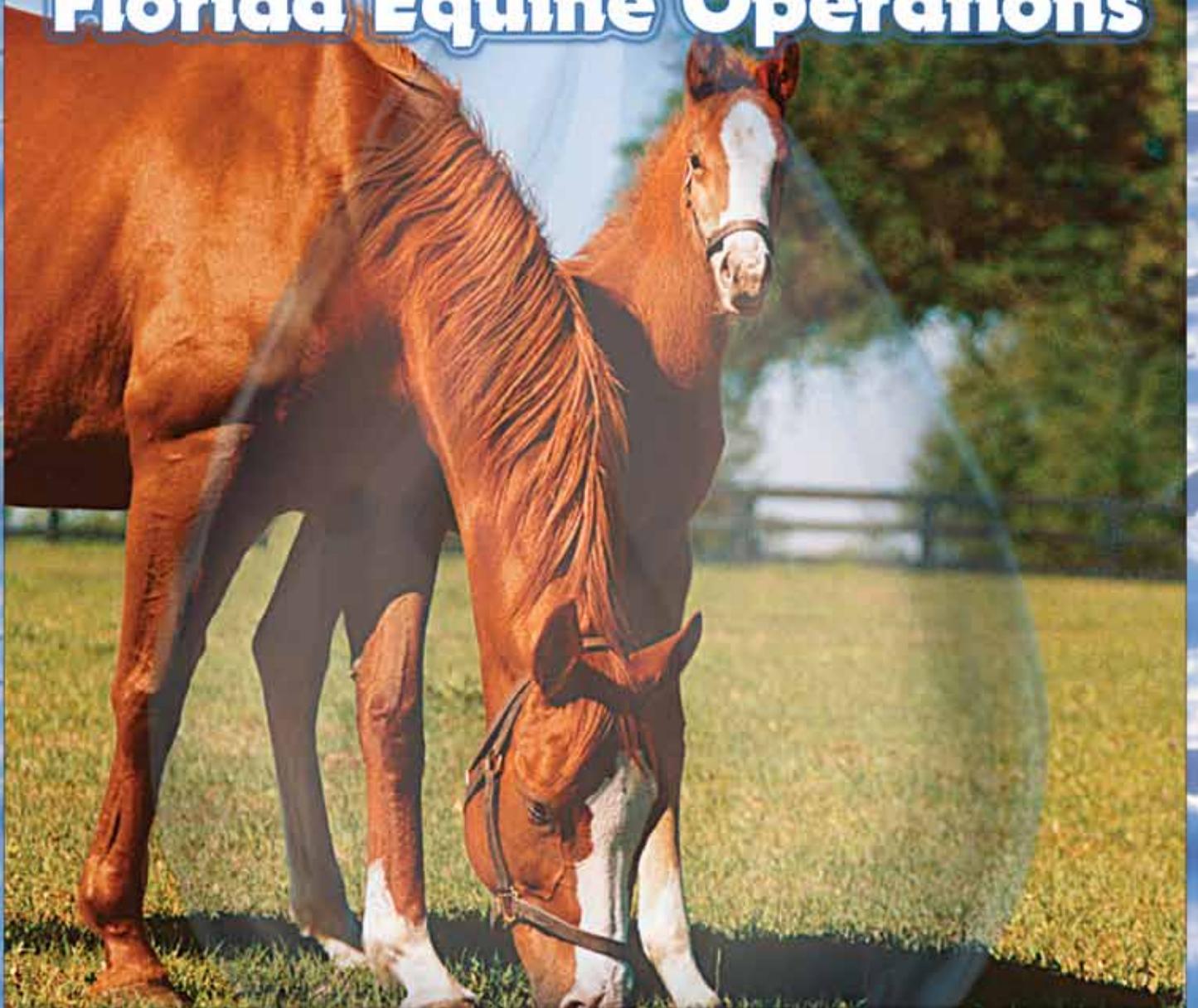
**Item 9.c.**

**Old Business**

**Best management Practices**

**(Receive and File)**

# **Water Quality/Quantity Best Management Practices for Florida Equine Operations**



**FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**



**2011 Edition**

**DACS-P-01531**

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## FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES COMMISSIONER ADAM H. PUTNAM

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### COMMENTS BY COMMISSIONER ADAM H. PUTNAM

#### Dear Agricultural Producers:

This manual, *Water Quality/Quantity Best Management Practices for Florida Equine Operations*, reflects the hard work of representatives of the industry; federal, state, and local government; and other stakeholders. In general, agricultural lands maintain valuable water recharge areas and preserve open spaces. The BMPs in this manual address water quality and quantity impacts from production activities and help maintain the environmental advantages of keeping the land in agriculture.

While best management practices have been in place for many years in our state, their role in environmental protection was formally established in 1999 with the passage of the Florida Watershed Restoration Act. This legislation provides the framework for implementing Florida's Total Maximum Daily Load program, which sets water quality targets for impaired waters. It also identifies best management practices implementation as the means for agriculture to help meet those targets.

As Florida's population continues to increase, there are more impacts to and competition for Florida's limited water resources. All Floridians must take part in conserving and protecting these resources. This manual represents the industry's commitment to do just that.

As a native Floridian whose family has long been involved in agriculture, I want to thank all who participated with the Department in the development of this important manual. With the active support and participation of so many dedicated people, I am optimistic about the future of Florida's agricultural industry. I trust that you will join me in supporting this valuable water resource protection effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam H. Putnam".

Adam H. Putnam  
Commissioner of Agriculture

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# ACKNOWLEDGEMENTS

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The following is a list of individuals who participated in the development of this manual. Each of these individuals and their organizations made important contributions to the process, and their work is sincerely appreciated.

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# PREFACE

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## The Equine Industry in Florida

Florida's equine industry is very diverse, consisting of multiple breeds and use categories. Florida is home to almost all breeds of horses, led by Thoroughbreds, Warmbloods, Quarter Horses, and Arabians. Categories of equine operations include breeding, training horses for racetracks, horse shows, hunter/jumper operations, rodeos, polo, and pleasure-riding. The highest density of equine operations in the state is in Marion County.

According to the American Horse Council's 2005 *The Economic Impact of the Horse Industry on the United States*, Florida is home to more than 500,000 horses year round and has the third-largest equine population in the United States. That is an increase of 200,000 since the last major study was conducted in 1998.

## Human Population

According to the U.S. Census Bureau 2010 estimate, more than 18.8 million people live in Florida, which makes it the fourth most populated state in the nation. Florida's Office of Economic and Demographic Research estimates that by 2030 Florida will be home to about 24 million residents. Rapid population growth brings many issues to our attention. Where will people live in the future? How will our cities adapt? What will happen to rural areas? Will our new neighbors understand the dynamics of agriculture and equine farms and facilities, and what about limited natural resources, such as water?

## Addressing Water Quality Impacts

Elevated levels of phosphorus, nitrogen, sediment, bacteria, and oxygen-demanding organic material all contribute to water quality degradation. As an equine owner or manager, your facility management practices determine your impact on Florida's water resources.

How will we manage equine facilities to minimize negative impacts on water quality? The practices outlined in this manual are designed to protect Florida's water resources and allow you to comply with state water quality standards. Use this manual to improve practices at your equine facility. Implementing the BMPs in this manual will demonstrate the equestrian industry's commitment to water resources protection, thereby minimizing regulatory intervention. This manual is a living document, to be updated as new technologies and new practices are developed.

As an industry, we must take advantage of the opportunity to implement water quality practices, such as the BMPs outlined in this document. Good management techniques beautify our properties and reduce odors, flies, and parasites. This also helps to improve our image with non-equine owning neighbors. A clean, green, equine facility invites admiration and increases property values. When you implement the BMPs in this manual, you help demonstrate the effectiveness of using non-regulatory programs to protect water resources.

# INTRODUCTION

## Operations Intended to use this Manual

This manual is adopted by the Florida Department of Agriculture and Consumer Services (FDACS), and is designed for use by commercial agricultural equine operations. Therefore:

- FDACS efforts will be focused on enrolling agricultural equine operations conducted as a business, rather than on non-commercial horse owners.
- The Florida Department of Environmental Protection (FDEP) is developing a set of BMPs for use by non-commercial horse owners. This list will be made available through FDEP, FDACS, and the University of Florida Institute of Food and Agricultural Sciences (UF-IFAS). In the meantime, you may contact the FDEP Nonpoint Source Management Section (see **Appendix 8**) to ask questions or provide input on the development of these BMPs.

Also, note that commercial non-agricultural equine operations, such as racetracks (pari-mutuel operations) and large horse shows, are regulated by the FDEP Industrial Wastewater Section.

**Note:** If your farm/facility is considered a Concentrated Animal Feeding Operation (CAFO), or an Animal Feeding Operation (AFO) you may be subject to federal and/or state permitting requirements. If so, federal National Pollutant Discharge Elimination System regulations pursuant to 40 CFR, Part 122, and/or state regulations pursuant to 62-670, F.A.C., may apply. See <http://www.dep.state.fl.us/water/wastewater/iw/afo.htm> or call (850)245-8589 if you need help determining whether your facility requires a permit.

## Things to Keep in Mind as You Use This Manual

- Words that appear in ***bolded red italics*** are defined in the glossary.
- Specific record-keeping requirements are noted using a pencil icon: 

You can access this manual electronically at [www.floridaagwaterpolicy.com](http://www.floridaagwaterpolicy.com).

## Best Management Practices Defined

**Best Management Practices** are individual practices or combinations of practices that, based on research, field-testing, and expert review, are

determined to be the most effective and practicable means for improving water quality. BMPs are typically implemented in combination to prevent, reduce, or treat pollutant discharges. BMPs must be based on sound science, be technically feasible, and be economically viable for landowners.

## BMPs and Water Quality

Studies conducted by the Environmental Protection Agency (EPA) indicate that nonpoint sources (both urban and agricultural) are the nation's greatest contributors to water pollution. Much of the contribution is due to stormwater carrying pollutants (which may include manure and fertilizer) into lakes, rivers, wetlands, estuaries, and ground water. It is good stewardship and makes good sense for horse owners to prevent or minimize these impacts by using BMPs. In fact, the Florida Legislature has established BMP implementation as the non-regulatory means for agricultural nonpoint sources to comply with state water quality standards. When you implement BMPs you are also confirming the Legislature's support for this approach.

Under the Federal Clean Water Act and Florida law, FDEP must identify impaired surface waters and establish total maximum daily loads (TMDLs) for pollutants entering these waters. A TMDL establishes the maximum amount of a pollutant that can be discharged to a waterbody and still meet state water quality standards. Some pollutants for which TMDLs have been set include: total phosphorus, total nitrogen, total suspended solids, and coliform bacteria.

FDEP may develop and adopt Basin Management Action Plans (BMAPs), which contain the activities that affected interests will undertake to reduce point and nonpoint source pollutant loadings. In ***watersheds*** with adopted BMAPs, and in some other areas designated by statute, agricultural producers either must implement FDACS-adopted BMPs or conduct water quality monitoring prescribed by FDEP or the water management district.

Florida already has adopted a significant number of TMDLs, and many more waterbodies are listed for TMDL development. This list encompasses lakes, rivers, streams, springs, and estuarine systems. More information on listed waterbodies and adopted TMDLs is available at <http://www.dep.state.fl.us/water/tmdl/index.htm>. To see a map of BMAP areas, go to <http://www.dep.state.fl.us/water/watersheds/>

[bmap.htm](#). If you need help figuring out whether you are in a BMAP area, call (850) 617-1727, or e-mail [AgBMPHelp@freshfromflorida.com](mailto:AgBMPHelp@freshfromflorida.com).

### Benefits of Implementing BMPs

Before FDACS adopts BMPs, the FDEP reviews them and determines whether they will be effective in addressing water quality impacts from agricultural operations. Benefits to enrolling in and implementing FDACS BMPs include:

- A presumption of compliance with state water quality standards for the pollutants addressed by the BMPs.
- Release from the provisions of s. 376.307(5), F.S., (fines for damages) for pollutants addressed by the BMPs.
- Technical assistance with BMP implementation.
- Eligibility for cost-share for certain BMPs (as available).
- The Florida Right to Farm Act generally prohibits local governments from regulating an agricultural activity that is addressed through rule-adopted BMPs when farmers implement them.
- Producers who implement FDACS-adopted BMPs might qualify for exemptions from water management district surface water permitting, and/or satisfy other permitting requirements.
- Some BMPs increase production efficiency and reduce costs.
- BMP participation demonstrates agriculture's commitment to water resource protection, and maintains support for this approach to meeting water quality and conservation goals.

Implementation of BMPs does not excuse agricultural operations from complying with applicable permitting or other regulatory requirements.

### Permit Exemptions

Some agricultural activities, especially those that alter on-site hydrology, may require an Environmental Resource Permit (ERP) or other surface water permit, for example, the construction of a stormwater management system (e.g., retention or detention pond). Check with your water management district before beginning construction of any stormwater management system to see whether a permit is needed, or whether the following exemptions apply:

- Under subsection 373.406(2), F.S., any person engaged in the occupation of agriculture may alter the topography of any tract of land for purposes consistent with the practice of agriculture. However, these activities may not be for the sole or predominant purpose of diverting or impeding surface waters, or adversely impacting wetlands. Agricultural activities that meet these criteria may be exempt from an ERP, as FDACS has the authority to make this binding determination whenever a dispute arises.
- Under 373.406(9), F.S., environmental restoration activities on agricultural lands that have minimal or insignificant impacts to water resources may also be exempt from an ERP, upon written request by the producer and written notification from FDEP or the water management district that the proposed activity qualifies for the exemption.

Even if an exemption applies, producers within a watershed with an adopted BMAP that addresses agricultural impacts either must implement BMPs or conduct water-quality monitoring.

### Local Government Regulation

In general, nonresidential farm buildings are exempt from the Florida Building Code and associated county building codes, in accordance with sections 604.50 and 553.73, Florida Statutes. However, permits may still be required for construction or improvement of certain farm buildings, so it is important to check with your county building and permitting office before beginning construction.

The Florida Right to Farm Act (section 823.14, F.S.) provides that, with certain exceptions, a farm that has been in operation for one year or more and was not a nuisance at the time of its established date of operation is not a public or private nuisance if the farm conforms to generally accepted agricultural and management practices. In addition, the Act provides that a local government may not adopt any ordinance, regulation, rule, or policy to limit an activity of a bona fide farm operation (with an agricultural land classification under s. 193.461, F.S.) if the activity is regulated through implemented BMPs adopted by FDEP, FDACS, or a water management district. Not all activities conducted on a farm are addressed by adopted BMPs.

# POTENTIAL WATER QUALITY IMPACTS ASSOCIATED WITH EQUINE OPERATIONS

Florida's grazing lands provide significant benefits to society and the environment. Grazing lands release oxygen to the atmosphere, help to significantly cool surrounding surface temperatures, naturally filter pollutants from runoff water, reduce soil erosion, replenish our water supply, and provide aesthetic and recreational value. However, improperly managed runoff may adversely affect the quality of our lakes, streams, and other surface waters. In addition, pollutants may also leach with infiltrated water through the soil into ground water. These concerns are especially pertinent to high-density equine operations.

Nonpoint source pollution from livestock is affected by the stocking rate, length of grazing period, the season of use, concentrated manure deposition sites and proximity of livestock to the nearest watercourse. Animals grazing on native pastures generally do not increase the nutrient levels in an area as long as sufficient space is provided for each animal. Intense grazing on pastures that are fertilized, along with the use of supplemental feed, can increase the amount of nutrients, sediments, and/or coliform bacteria moving offsite and entering surface waters. This can elevate nutrient levels, adversely affecting water quality and aquatic plants and animals.

Impervious areas on the farm can be useful, and in some cases are necessary, but they should be minimized as much as possible. Impervious areas can increase and channelize the runoff (flow) from the farm, which can lead to greater erosion rates. This problem can be compounded downstream, as high flows often cause undercutting and slumping along stream banks, resulting in increased stream sedimentation. Because of these potential impacts, the creation of impervious areas on the farm should be limited to roofing, flooring, and waste storage/composting areas. Check with your water management district before creating any new impervious areas on your property, since this may be a regulated activity.

## Nutrients

Excess nitrogen and phosphorus are the most common sources of water quality impairments in Florida. These nutrients can enter surface waters through stormwater runoff, or can be introduced directly into the water from animal waste if livestock

are allowed to loaf in **wetlands** or waterbodies. High nutrient levels in surface waters may result in excessive plant growth. Nutrients can also leach through soils into ground water.

The nitrogen form most abundant in natural waters is nitrate, which is an oxidized form of nitrogen that can originate from both organic (e.g., animal wastes) or inorganic (e.g., fertilizer) sources. Due to its high mobility, nitrate can also leach into ground water. Ammonium is a reduced form of nitrogen that commonly originates from organic sources and either volatilizes or converts to nitrate in soil under aerobic conditions. On equine operations, sources of ammonium include urine, decomposing manure, feed, and other organic matter.

Phosphorus is one of the key elements necessary for growth of plants and animals. In terms of freshwater ecology, it tends to be the limiting nutrient for growth. Unlike nitrogen, phosphorus is more effectively retained in the soil. It enters waterbodies attached to particulate matter via sediment transport or it can exist in various chemical forms in water. In some soils, phosphorus is prone to leaching into ground water.

High levels of nutrients in surface waters can result in abnormal plant growth, including algae. Algae are essential to aquatic systems; as a vital part of the food chain, algae provide the nutrition necessary to support aquatic animal life. Certain types of algae also provide habitat for aquatic organisms. However, excess algal production can cause many problems in a waterbody. The presence of algal blooms, noxious weeds, and too many floating aquatic plants can block sunlight necessary for photosynthesis by submerged aquatic plants. The mass die off and decomposition of these materials lowers the available dissolved oxygen, which can lead to fish kills.

Blue-green algae (**Cyanobacteria**) can become so abundant that they will cause a scum layer to form on the surface, shading the sunlight-dependent life below and disturbing the food chain. Untreated surface water (any water not obtained through a public water system) with increased Cyanobacteria poses a health risk. Livestock and pet deaths have been attributed to consumption of water with an abundance of Cyanobacteria. It produces a toxin known to cause liver and nervous-system effects in

humans. Potential risks from recreational contact include skin, respiratory, and mucous membrane irritation.

### **Sedimentation**

Sedimentation occurs when eroded soils are washed into surface waters, creating a buildup of solids on the bottom and suspended solids (turbidity) in the water column. Sedimentation impacts most commonly associated with livestock grazing come from the erosion of denuded areas and streambanks. Care must be used to prevent livestock-induced erosion and the movement of eroded soils to waterbodies.

Sediments can fill in water bodies, clog waterways and affect water clarity. These effects combine to reduce fish, shellfish, and plant populations, and decrease the overall productivity of lakes, streams, estuaries, and coastal waters. Decreased penetration by sunlight can affect the feeding and breeding behaviors of fish, and the sediments themselves can clog gills and cause irritation to the mucous membranes covering the eyes and scales. As the sediment settles, fish eggs can be buried. Recreational use may also decline because of reduced fish populations, less visibility, and reduced desirability of downstream swimming areas.

Deposited sediment also reduces the flow capacity of ditches, streams, rivers, and navigation channels,

which can result in more frequent maintenance dredging or flooding. Nutrients and other contaminants can attach to sediments, which can contribute to downstream water quality impairments. Chemicals, such as some pesticides, phosphorus, and ammonium, may be transported in sediment. Over time, these chemicals may be released from the sediment and become suspended in the water column.

### **Fecal Coliforms**

Fecal coliforms are another cause of water quality degradation. The decomposition of fecal and other organic matter in water can lead to increased biological oxygen demand and lower dissolved oxygen levels. Fecal coliforms also can pose a health hazard to animals and humans. Health impacts to humans and livestock include dysentery, gastrointestinal infections, ear infections, and skin infections, especially in open wounds.

The risk of fecal coliform contamination by animals that are allowed direct access to a waterbody is high. Runoff from **high-intensity areas** and areas receiving uncomposted manure or biosolids as fertilizer may also lead to elevated fecal coliform numbers in nearby waterbodies. The likelihood of contamination is increased if these materials are applied in excess of agronomic rates or under wet weather conditions.

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# KEYS TO POLLUTION PREVENTION

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It is the responsibility of Florida equine operations to protect water quality by implementing good land management practices. Implementing the BMPs in this manual helps demonstrate the industry's commitment to protecting water resources and the effectiveness of using incentive-based programs in lieu of the traditional regulatory approach. This also helps us improve our image with our neighbors.

Key information and water quality considerations are summarized below; however, these are provided as an overview. The BMPs for selection appear later in this manual.



## Understand Water Quality Issues

Water quality relates to water's chemical, biological, and physical characteristics. Elevated levels of phosphorus, nitrogen, sediment, bacteria, and oxygen-demanding organic material all contribute to the degradation of water quality.

The potential for discharges from equine operations to cause water quality problems varies, depending on soil type, slope, drainage features, stocking rate, nutrient management, and activities in or near wetlands, surface waters, or **karst** features. Your equine facility management practices determine your operation's impact on water quality. Some common equine facility issues/problems include:

- Dumping manure in or near **sinkholes**, wetlands, lakes, streams, or canals, which introduces contaminants into ground water and surface water.
- Piling manure in areas subject to stormwater runoff, which could cause contamination of surface water.
- Allowing pastures to become denuded of vegetation (overgrazed), which leads to soil erosion and sedimentation.
- Having areas where horses congregate (around a feeding/water trough, or near a gate) can create a concentrated source of bacteria and organic material, which may end up in surface or ground water and lead to a decrease in oxygen levels.
- Application of manure or fertilizer to pastures without regard to soil test results.



## Manage Nutrient Sources Properly

You can minimize pollutants that leave your property by controlling the materials you use on your farm. Nutrient-related pollutants can come from excess use or careless handling of fertilizers, manure, **biosolids**, and/or feedstock materials containing nitrogen and phosphorus. Managing nutrients carefully is critical to protecting water quality.



## Minimize the Potential for Erosion Impacts

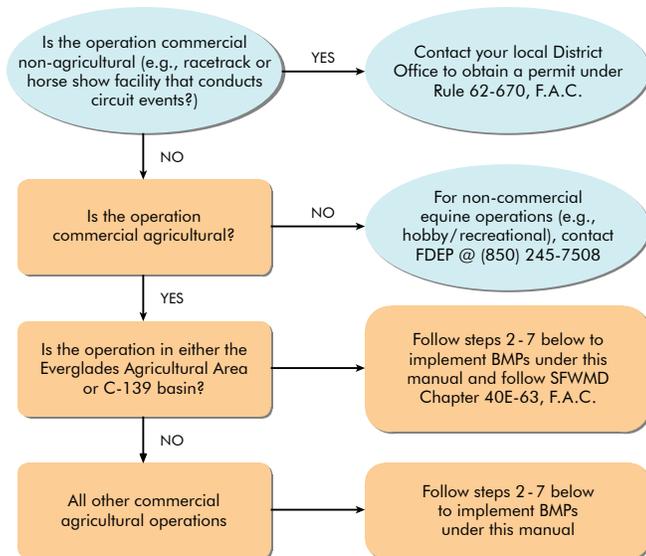
Over-grazing, land clearing, culvert installation, road building, ditch and canal maintenance, pasture renovation activities, and cultivating short-term crops can expose soil and lead to erosion that can increase pollutant loading. It is important to take appropriate erosion control measures during these activities.

# BMP ENROLLMENT AND IMPLEMENTATION

## User's Guide to BMP Enrollment and Implementation

The steps below will help you select which BMPs to implement to reduce or avoid impacts to water quality coming from your facility.

**1. Choose the Pathway Applicable to You:** In the flowchart below, identify the circumstances that best apply to you.\*



**\*Note:** In areas where FDEP has adopted a Basin Management Action Plan, agricultural operations must either implement applicable FDACS-adopted BMPs or monitor their water quality. Contact FDACS field office staff for more information (See **Appendix 8** for contact information).

**2. Request On-farm Technical Assistance, as Needed:** FDACS, UF-IFAS BMP Implementation Teams, Soil and Water Conservation Districts (SWCDs), USDA-NRCS and/or UF-IFAS Extension staff are available to assist with the mechanics of BMP identification, selection, and implementation. Contact information for these entities is in **Appendix 8** of this manual.

**3. Conduct an Inventory:** The selection of BMPs begins with a basic inventory of the farm's natural features, which will help you determine how the operation of your farm may affect environmentally sensitive areas. When developing the inventory, sketch your farm/facility, noting buildings, high-intensity areas, well locations and other water sources, ditches, retention/detention areas, flow control structures, etc. Identify areas of particular concern that need to be addressed.

These may include streams, wetlands, springs, sinkholes, and ponded or other poorly drained areas, among others. You can use the inventory as a starting point to select the BMPs applicable to your farm. To help you conduct your inventory effectively, the following tools are available:

- ✓ Aerial photographs (<http://earth.google.com/index.html>, or other providers)
- ✓ USDA-NRCS soil survey maps (<http://websoil.survey.nrcs.usda.gov/app/>)
- ✓ USGS topographic maps (<http://topomaps.usgs.gov>)
- ✓ National Wetlands Inventory (<http://www.fws.gov/wetlands/data/index.html>)
- ✓ Historic rainfall records (<http://www.ncdc.noaa.gov/oa/ncdc.html>)

Numerous factors influence the movement of nutrients or other contaminants to areas where they can cause undesirable impacts to the environment, humans, or animals. The types of soils and the topography of the site may lead to significant surface runoff during a typical storm event and/or rapid seepage of rainfall into the ground water. Knowing the physical characteristics of your area will help you select the most appropriate BMPs to minimize or avoid environmental impacts.

The assessment questions below will help you determine the environmental sensitivity of your site. The results of the assessment will suggest BMPs to address specific concerns, which should be identified on the BMP checklist along with the other BMPs in the manual that are applicable to your operation.

### A. Assessment of Surface Water Concerns

- Y  N When digging fence posts or other holes on your property, would you describe the soil within the top 6 inches as compacted (i.e., penetration with a shovel at the soil surface is difficult)?
- Y  N When digging fence posts or other holes on your property, would you describe the texture of the soil within the top 24 inches as clay or sandy clay (i.e., Soil sticks to the shovel, or penetration with a shovel is difficult through all soil layers, and is almost impossible when the soil is dry.)

- Y  N During an average afternoon thunderstorm, does rainfall begin to runoff immediately or do puddles form in your pasture and remain more than 30 minutes after a rain event?
- Y  N When inspecting your pasture and area of operation, is there any evidence of surface water runoff? (Runoff indicators may be in the form of gullies where soils are exposed and eroded, or sediment and plant debris that have been relocated and concentrated on the surface).
- Y  N During the wet season (June to October) is the water table on your property within a few feet of the soil surface or occasionally saturated at the soil surface?
- Y  N Does your area of operation have slopes where the elevation changes 5 feet or more over a horizontal distance of 100 feet or less?
- Y  N Do you have a lake, stream, river, spring, or wetland adjacent to or flowing through your property?
- Y  N Do you have a drainage ditch or swale that directs runoff from your property to a water body?

#### Evaluation of Surface Water Responses:

If you answered "YES" to any of the questions above, it is possible that during a storm event, stormwater runoff carrying contaminants is discharging to surface water. Therefore, practices under BMP groups 4.2, 5.1, and 6.2 may be particularly critical for you to implement, in addition to other applicable BMPs contained in the manual.

#### B. Assessment of Ground Water Concerns

- Y  N Is your equine operation in a karst area (i.e., sinkholes, springs, caves, sinking streams, etc., on or near your property), or is there any exposed limestone on your property?
- Y  N Would you describe the texture of the soil within the top 24 inches as "uncompacted sand" (i.e., a shovel or posthole digger easily penetrates the soil), and is the depth to ground less than 10 feet?

#### Evaluation of Ground Water Responses:

If you answered "YES" to any of the questions above, rapid infiltration of water into soils may pose a threat to ground water and possibly drinking water sources. Therefore, practices under BMPs 6.3 and 9.0 may be particularly critical for you to implement, in addition to other applicable BMPs contained in this manual.

**4. Select the Applicable BMPs:** Carefully read BMP sections 1.0 through 9.0 and select all of the BMPs in the manual that are applicable to your operation and are technologically and economically feasible for you to implement. Record the BMPs on the checklist in **Appendix 10** of this manual. The checklist includes a column for you to schedule BMP implementation if a practice is not already in place.

**Level I BMPs** focus primarily on management actions, rather than structural practices. In general, Level I BMPs should not require cost share to implement, though there may be a few exceptions. Depending on the location and specific conditions of the farm, not all of the Level I BMPs may be applicable to a particular site.

**Level II BMPs** address water quality risk features that require more attention. Producers may need to implement one or more of these BMPs, based on site-specific needs identified by the Level II assessment questions.

It is advisable to consolidate your inventory and all your BMP decision-making, including the BMP Checklist, into a simple implementation plan. This can serve as a record of scheduled and completed BMPs, including operation and maintenance activities. A well thought-out, written plan enables managers and owners to schedule their activities and accomplish their objectives. Remember to keep the plan available and update it regularly. It will help you communicate with your employees, your county extension agent, USDA-NRCS staff, or others.

**5. File a Notice of Intent to Implement (NOI) BMPs:** Complete and submit to FDACS an NOI, contained in **Appendix 10** of this manual, along with the BMP checklist. Once received by FDACS, the Notice of Intent formally enrolls your operation under the BMP program. Implementation of the BMPs provides a presumption of compliance with state water quality standards for the pollutants the BMPs address. Implementation includes ongoing record keeping and maintenance of the BMPs.

**6. Implement the BMPs:** Implement all applicable Level I BMPs as soon as you can, but no later than 18 months after submittal of the Notice of Intent to Implement. However, if you need additional time to implement Level I BMP 6.2.1 (Streams Protection), you must justify the time needed in the space provided at the end of the checklist. Implement all other BMPs according to the schedule (month/year) you have indicated on the BMP checklist.

**7. Keep Records on BMP Implementation:** FDACS rule requires record-keeping to document BMP implementation. Fertilizer applications and rainfall amounts are two types of record-keeping. Record-keeping requirements in the manual are highlighted using this figure:  All BMP records should be accurate, clear, and well-organized. You may develop your own record-keeping forms or use the ones provided in Appendix 7. You must retain the records for at least 5 years. However, it is desirable to retain records for as long as possible, to address any potential future legal issues. All documentation is subject to review.

## BMP Implementation Follow-Up

FDACS has developed a BMP “Implementation Assurance” program to help evaluate how BMPs are being implemented, and to gather feedback on whether there are obstacles to using any of the practices. On a staggered schedule by BMP program, FDACS mails surveys to enrollees, which contain questions about BMP-related activities on enrolled operations. FDACS staff also visit selected operations to get more direct input from producers. The Implementation Assurance effort helps in:

- Documenting the level of participation in implementing agricultural BMPs.
- Identifying needs for education and implementation assistance.
- Reinforcing the importance of BMP implementation.
- Evaluating the effectiveness of FDACS BMP programs.
- Updating FDACS NOI records.

Your participation in these follow-up activities is important to the continuing success of agricultural BMP programs in Florida.

# **BEST MANAGEMENT PRACTICES**



## 1.0 NUTRIENT MANAGEMENT

**Nutrient management** is the control of the amount, source, placement, form, and timing of the application of nutrients and soil amendments to ensure adequate soil fertility for plant production and to minimize impacts to water quality.

Most commonly used farm materials contain plant nutrients such as nitrogen (N), phosphorus (P), and potassium (K). Typical sources of these nutrients on equine operations are manure, commercial fertilizers, and residual nutrients from legumes. Nitrogen and phosphorus are two of the essential elements for plant and animal growth, and are necessary to sustain production. However, excess N and P in runoff stimulate algal blooms and growth of noxious plants in receiving water bodies and wetlands. Nutrient management is an integral part of a BMP program that helps to minimize these impacts.

### Nutrient Budget

An important step in nutrient management is to quantify nutrient demand and available on-farm nutrient sources to determine the need for additional nutrient inputs. This calculation is often termed a "nutrient budget." Using a nutrient budget helps to avoid the over-application of nutrients and thereby reduce impacts to water quality. The major components of a nutrient budget are: (1) nutrients required by pasture forage, (2) nutrients already available in the soil, and (3) nutrients applied using

animal manure, biosolids, and commercial fertilizers. The following sections provide more detail about each component of the nutrient budget.

### Nutrients Required by Pasture Forage

The amount of fertilizer needed to grow forage (agronomic rate) is dependent on the forage, desired production level, and existing soil fertility level (see **Appendix 4** for details on soil and tissue testing). When establishing pastures, follow the recommendations in *Forage Planting and Establishment Methods* at: <http://edis.ifas.ufl.edu/ag107> and *Pastures and Forage Crops for Horses* at: <http://edis.ifas.ufl.edu/pdf/AA/AA21600.pdf>. A properly designed pasture forage nutrient management program should include:

- Determining the amount of P and K needed based on soil test results (combined soil/tissue test for P for bahiagrass).
- Determining the amount of N needed based on UF-IFAS recommended fertilizer application rates for your forage type.
- Determining the availability of nutrients based on soil pH.
- When planting new pastures, delaying fertilization until after roots are established.
- Applying additional nutrients to the pasture only when there is an unmet crop nutrient demand.

The UF-IFAS agronomic-based fertilizer recommendations for N, and laboratory soil test recommendations for P and K, give you the amount of nutrients you should apply to your pasture. To meet this nutrient demand, there are four potential nutrient sources: manure, biosolids (wastewater residuals and septage), residual from previous crops (legumes) and manure applications, and commercial fertilizer.

### Nutrients Available in the Soil

Adequate soil fertility is necessary for good forage production. The soil fertility level may be sufficient to support the crop nutrient demand of most pastures. If not, manure and fertilizers can be applied to increase nutrients available for forage establishment and production.

Soil testing provides an estimate of the amount of plant-available nutrients already in the soil. It is the most scientifically acceptable method of determining P, K, Ca, Mg, and other micronutrients based on forage type, and is the foundation of a sound nutrient management program. The University of Florida Soil Testing Laboratory offers a testing service where samples can be submitted directly to the laboratory or through your local county extension office. Results of the test provide basic fertilizer and lime application recommendations. Most acidic soils require periodic liming to increase soil pH, and to supply calcium and magnesium. The availability of many nutrients decreases with low soil pH, as indicated in **Figure 1**. Therefore, producers should consider periodically incorporating lime to maintain availability of these beneficial nutrients and to decrease the availability of other toxic elements, such as aluminum. Apply lime according to soil test recommendations.

### Applied Nutrients

#### Manure

Manure, which includes animal excrement and/or bedding waste, is often an abundant material. Although manure can be a locally available source of N, P, K, and organic matter, the use of manure as a sole nutrient source can be challenging. For detailed information see **2.0 Manure Management**, and follow the manure storage and handling guidelines in that section.

#### Nutrients in Feed

The nutrients in forages, commercial feeds, and other ingredients commonly fed to horses are not

usually in balance with the horse's nutrient requirements. Nutrients provided in excess of what the horse needs will be excreted in the urine or feces. This excretion can add to nitrogen and phosphorus loads that, if not properly managed, may affect surface or ground water quality. Because of this, managers should avoid excessive supplementation of protein and phosphorus in horses' diets. For more information on nutrients in feed, go to Rutgers Equine Science Center, *Nutrition Management on Livestock Farms* at: [http://esc.rutgers.edu/publications/factsheets\\_nutrition/FS1064.htm](http://esc.rutgers.edu/publications/factsheets_nutrition/FS1064.htm).

### Land Application of Manure

If you have sufficient land available, application of fresh or composted manure on cropland or pasture may be a good nutrient management option. Manure contains nitrogen, phosphorus, potassium, sulfur, and various micronutrients, which are all required for proper plant growth. It is also high in organic matter, which can enhance soil quality by improving soil structure, increasing water and nutrient-holding capacity, and reducing susceptibility to erosion. When to apply the manure and how much to apply depends on several factors, such as: physical, chemical, and biological characteristics of the soil; composition of the manure; and the type of crop or pasture where the manure will be spread.

Before land applying fresh or composted manure, obtain a sample of your soil and the manure

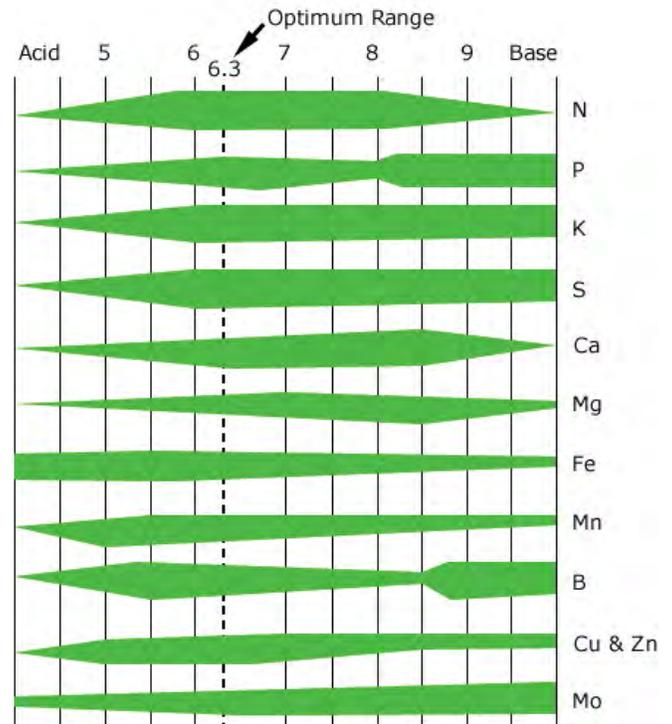


Figure 1

product and have them analyzed. Calculate the manure application rate based on the crop nutrient requirement and test results, and apply the material using a manure spreader that is properly calibrated. It is important to remember that not all nutrients in manure are immediately available to the present crop. Approximately 50 percent of the total nitrogen, 80 percent of P, and 90 percent of K in the manure are available the first year. Therefore, nutrients remaining in the soil from previous manure applications must be considered each time you apply manure or compost to pasture or cropland.

Over-applying manure can add excess nutrients to the soil. The ratio of N to P in the manure typically is different than the ratio of crop nitrogen to phosphorus requirements. When the plant has taken up all available N from the manure there is still likely to be excess P that the plant cannot utilize. Consequently, an equine operation fertilizing with manure at a rate sufficient to supply all the N needs of the crop will likely be applying much more P than needed. Therefore, application rates of manure must be based on P concentrations, with additions of N from commercial fertilizers to make up the difference in crop requirements.

If using land application, be careful to prevent manure from entering streams adjacent to pastures due to runoff from heavy rains. Avoid spreading manure within a 100-foot radius of a drinking water well because of potential contamination.

### **Biosolids**

Biosolids include wastewater residuals and septage. Wastewater residuals are the solid, semi-solid or liquid residue generated from the treatment of domestic wastewater from an FDEP-permitted wastewater treatment facility. This material is more commonly referred to as sewage sludge. Septage is the mixture of sludge, fatty materials, human feces, and wastewater removed from on-site sewage treatment and disposal systems (septic tanks). Equine operations should not accept or use untreated septage.

Land application is the most common disposal method for domestic wastewater residuals and treated septage. Their high organic matter content can improve soil water-holding capacity and provide nitrogen, phosphorus, potassium, calcium, sulfur, and magnesium in a slow-release form. Lime or other alkaline materials are sometimes added to reduce pathogens, and the treated material is required to have a minimum pH of 12.5 prior to land application.

Abide by all applicable regulations in FDEP Rule 62-640, F.A.C., for wastewater residuals application, and Florida Department of Health (FDOH) Rule 64E-6, F.A.C., for treated septage application. When applying biosolids, follow the applicable provisions of the Agricultural Use Plan or Nutrient Management Plan for the site.

Residuals used for land application are classified as Class AA or B depending on how they have been heated or processed to remove pathogens, in accordance with Title 40 of the Code of Federal Regulations. Class AA residuals are the highest quality, and do not have harvesting or grazing restrictions. Only Class AA residuals can be used to grow leafy vegetables. Class B residuals are of lower quality, are treated to eliminate only a portion of the pathogens, and have harvesting and grazing restrictions.

All residuals have required setbacks from surface waters and drinking water wells, and must be applied at agronomic rates in accordance with an approved Agricultural Use Plan (AUP), or a Nutrient Management Plan (NMP) which is now required. Refer to your FDEP permit for specific setback requirements. A NMP must be developed for each land application site to be used by the wastewater facility, and must be approved by FDEP as part of the facility permit. The landowner of the application site must sign the NMP form to acknowledge the accuracy of the plan.

Whether using wastewater residuals or treated septage, there are cumulative application limits for certain constituents, such as heavy metals. Some of these constituents may accumulate in the soil and create long-term plant toxicity effects. Therefore, producers should educate themselves before using these products.

### **Commercial Fertilizers**

Commercial fertilizers come in many different blends and are formulated as water-soluble (quick release) or as controlled-release (slow release) products. Commercial fertilizers list the amount of each nutrient in the bag, which is referred to as a guaranteed fertilizer analysis. An example fertilizer analysis is indicated in **Figure 2**. By matching the amount of N-P-K in commercial fertilizer with your soil analysis and the forage nutrient requirements you can apply the appropriate amount of nutrients to your pasture. Remember first to account for nutrients from any land-applied manure sources and from nutrients remaining in the soil from the previous year.

**GUARANTEED ANALYSIS  
14-0-26**

TOTAL NITROGEN (N) .....	14.00%
14.00 % Urea Nitrogen (N)*	
SOLUBLE POTASH (K <sub>2</sub> O) .....	26.00%
SULFUR (S) Total.....	19.70%
10.50% Free sulfur (S)	
9.20% Combined sulfur (S)	
IRON (Fe) Total.....	0.96%
MANGANESE (Mn) Total .....	0.48%
Water Soluble Manganese (Mn)	
DERIVED FROM: Polymer Coated Sulfur, Coated Urea, Sulfate of Potash, Iron sulfate, Manganese sulfate.	
CHLORINE (Cl) Max.....	2.00%
*7.00% Slowly Available Urea Nitrogen from Polymer Coated Sulfur Coated Urea	

Figure 2

Although slow-release fertilizers are often more expensive, these engineered fertilizer materials release nutrients at a rate that more closely matches the plant uptake rate, which means more of the nutrients go to plant growth and less is likely to leach or runoff into the environment. An alternative way to approximate the effect of a slow-release fertilizer is to apply the same total amount of fertilizer, but use multiple (split) applications throughout the growing season.

Florida forage pasture fertilization recommendations are available through Extension Circular SL-129 titled: *UF-IFAS Standardized Fertilization Recommendations for Agronomic Crops*. This document is on the internet at <http://edis.ifas.ufl.edu/SS163>, and provides up-to-date fertilizer recommendations for bahiagrass and common bermudagrass, the two most common pasture grasses in Florida. SL-129 also includes guidance on when to conduct soil and/or tissue testing.

**Minimizing Nutrient Loss to the Environment**

Nutrient loss can result in degradation to the environment and/or waste of valuable plant nutrients.

- To avoid nutrient loss through runoff, apply fertilizers and manures during times when soils are not saturated. Do not apply fertilizer if a heavy

rain event (2 inches or more) is forecast.

- Time your applications so that they coincide with periods of rapid plant growth and nutrient uptake.
- If applying highly soluble commercial fertilizers, apply the fertilizer in several small (split) amounts instead of one single application, to maximize availability and minimize runoff and leaching.
- Consider using controlled-release fertilizers near environmentally sensitive areas. Avoid spreading fertilizers in or near ditches, canals, karst features, or filter strips, as this may result in the off-site loss of nutrients.
- Locate fertilizer mixing/loading sites away from water bodies where spills can contaminate water resources.

**Nutrient Management BMPs**

**1.1 Fertilizer Management**

**Level I BMPs**

- ✓ 1. Comply with the recommended rates in UF-IFAS Circular SL-129 (*revised April, 2009*) for the forage grown. See Reference 2 below.
- ✓ 2.  Base fertilization rates for P and micronutrients on soil test-based recommendations from a lab that uses a method used by the UF-IFAS Extension Soil Testing Laboratory. For bahiagrass, a tissue sample must be submitted along with the soil sample. See **Appendix 4** for more information on soil and tissue testing. Keep a copy of your soil and tissue test results.
- ✓ 3.  If land applying manure or biosolids, or incorporating leguminous forage into the soil, use the Nutrient Budget Worksheet in **Appendix 5** to account for these nutrient inputs, and adjust your fertilization program accordingly. Keep a copy of your worksheet(s).
- ✓ 4. Follow split application recommendations in UF-IFAS Circular SL-129 (*revised April 2009*) for your particular forage and fertilization regime to maximize nutrient uptake and minimize leaching and runoff potential. See Reference 2 below. As an alternative, use **enhanced-efficiency fertilizers** as practicable for your operation.
- ✓ 5. Avoid applying nutrients when the soil is saturated or inundated with water, or when heavy rain is forecast.

- ✓ 6.  Keep records of all nutrient applications. Include, at a minimum: date of application, total amount applied, acreage covered, fertilizer analysis or grade, rate per acre, and application method.

### References:

1. USDA-NRCS Nutrient Management Code 590, Feed Management Code 592, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg/>
2. UF-IFAS, Standardized Fertilization Recommendations for Agronomic Crops, SL-129. April, 2009. <http://edis.ifas.ufl.edu/SS163>

3. Rutgers Equine Science Center, Nutrient Management on Livestock Farm: Tips for Feeding. <http://www.esc.rutgers.edu/publications/nutrition.htm>
4. UF-IFAS, Pasture and Forage Crops for Horses, SS-AGR-65. <http://edis.ifas.ufl.edu/AA216>
5. UF-IFAS, Forage Planting and Establishment Methods, SS-AGR-161. <http://edis.ifas.ufl.edu/AG107>

**Note:** See Appendix 7 for list of record-keeping requirements and example record-keeping forms.



## 2.0 MANURE MANAGEMENT

**Manure management** is the proper handling and beneficial recycling of manure to prevent nutrients and potential pathogens from entering surface and ground water.

A 1,000-pound horse produces nearly 10 tons of manure and stall waste each year. A poorly managed manure pile can harbor intestinal parasites, provide a breeding ground for flies and insects, and produce objectionable odors. Runoff from improperly stored manure can quickly become a pollutant source, because it can carry nutrients, pathogens, and organic particles into surface waters or can leach into underlying ground water. This can create significant health and environmental concerns.

As an equine operator, your land management decisions affect not only your property, but also adjoining properties. A poorly managed equine operation that stockpiles large quantities of manure draws negative attention from neighbors and the general public. Proper manure management can prevent complaints, and can help offset commercial fertilizer use on pastures. For instance, a ton of fresh manure containing bedding has an average nutrient content of 8 pounds of nitrogen, 2.5 pounds of phosphorus, and 8 pounds of potassium. Not all of these nutrients are readily available to plants in the first year, with the remaining balance becoming available in subsequent years.

Effective manure management incorporates storage and handling, on-site composting, land applying fresh and composted manure at agronomic rates, and/or disposal of product when it exceeds the on-site reuse capacity.

### Manure Storage and Handling

#### Storage Location

Regardless of the method of disposal, manure will generally have to be stored for some period of time, whether in a formal storage facility or a simple free-standing manure pile.

In deciding on a location, a producer must consider seasonal water table depths, the degree of stormwater flow through the potential storage area, drainage features, whether areas are prone to flooding, and the need for setbacks from adjacent environmental features. Locate manure storage facilities where there is minimal runoff potential to reduce the risk of surface water contamination. Do not locate manure storage facilities in depressional areas, where water tends to pool, because of the potential to contaminate ground water. The manure storage facility should be convenient to barns and other areas where horses are housed and manure is generated, but not too close in case of a fire. If possible, locate manure storage facilities out of sight of public places and neighboring residences.

## Storage Facility Design

The design of a manure-storage and handling facility depends on two key factors:

- **Volume of manure** – The number of horses, the type of feed, and the type and amount of bedding used will determine the amount of manure produced in each operation. The density of horse manure (feces and urine, no bedding) is approximately 63 lb/ft<sup>3</sup> (or 1700 lb/yd<sup>3</sup>). The manure generated by a 1000-pound horse will average 0.9 ft<sup>3</sup>/day. The addition of bedding can easily double or triple this volume.
- **Length of storage** – The length of storage will depend on the intended use of the manure. For example, if the manure is to be used as a fertilizer material, storage facilities must hold all the manure until the appropriate time for application, which can be six months or more. As a general rule, the longer the intended storage time, the larger the storage facility will need to be.

## Storage Facility Construction

The type of material used in facility construction is important. The flooring material should prevent contaminants from leaching into ground water. An impervious surface, such as a concrete slab or well-compacted soil high in clay, is suitable flooring material. Concrete, tightly fitted wood planks, or cement blocks can be used for constructing walls. Storage facilities that have walls will better contain the manure pile and will facilitate the use of mechanical equipment. Remember to consider wind-load requirements for any farm structures that are not exempt under the Florida Building Code.

Constructing a roof or covering the manure pile with a tarp or similar material will reduce runoff and seepage from the storage area. Leaving the storage area open may be suitable during the dry season, but this is not recommended year-round. Covering the pile will reduce the risk of producing contaminated runoff.

## On-Site Composting

Composting is of particular



Figure 3

interest to equine owners because if it is done properly, composting kills parasite eggs, insect larvae, pathogens, and destroys weed seeds in manure. If the compost is later land-applied on pastures, the possibility of re-infection is reduced. Composting also reduces manure odor and can decrease the size of the pile by as much as 50 percent. **Figure 3** depicts a multiple bin composting system. Finished compost can be used as a slow-release fertilizer for pastures, as mulch, or as a growing medium for plant nurseries, mushroom growers, and worm farms.

The microorganisms that are active in composted manure and other wastes need food, water, and air to survive and reproduce. The goal of composting is to provide the ideal environment and the proper

**Table 1. Carbon-to-Nitrogen Ratios for Typical Compost Materials**

Material	% Carbon	% Nitrogen	C:N Ratio
Blood meal	43	13.0	3.3:1
Cottonseed meal	42	6.0	7:1
Legume hay, dry	40	2.0-2.5	20:1
Grass hay, dry	40	1.0-1.5	40:1
Fresh manure, cow	20-30	0.6-1.0	20-30:1
Fresh manure, horse	20-35	0.5-1.0	20-70:1
Fresh manure, laying chickens	11-20	1.5-3.0	3-15:1
Fresh manure, broiler chickens	20-33	1.3-2.0	15:1
Wheat or oat straw, dry	48	0.5	96:1
Grass clippings, fresh	10-15	1-2	7-15:1
Peanut hulls, dry	50-60	1-2	40-50:1
Fallen leaves	20-35	0.4-1.0	20-75:1
Newspaper or cardboard, dry	40	0.1	400:1
Wood chips, shavings or sawdust	25-50	0.1	250-500:1

balance of nutrients needed by the microorganisms to encourage a rapid rate of decomposition of the manure. Key considerations affecting the rate of decomposition are moisture content and the carbon-to-nitrogen (C:N) ratio.

The moisture content of the composting material should be maintained at approximately 50% for the growth of microorganisms in the compost. During the composting process, heat will be generated. This will result in a loss of moisture from the compost, so water may need to be added periodically. When composting, aerate materials adequately (through turning or via passive aeration systems) and monitor internal temperature.

In general, a high C:N ratio immobilizes nitrogen, while a low C:N ratio results in a rapid release of nitrogen. A high proportion of carbon (C:N ratio greater than 30:1) can immobilize or tie up nitrogen in the material/compost pile, and may even immobilize available nitrogen in the soil if the material is land-applied prematurely. **Table 1** above presents carbon and nitrogen concentrations and ratios found in typical compost materials.

Bedding practices can affect C:N ratios. Below is some guidance on the use of bedding in composting.

- **Use less bedding** – Large quantities of bedding mixed with manure can slow the composting process by contributing excess carbon and upsetting the ideal C:N ratio. Be conservative with the amount of bedding in your stalls, and make an effort to remove only soiled material when cleaning.
- **Straw or hay bedding material** – The porous, spongy consistency of straw or hay usually provides close to the right amount of free air space within the pile. However, the large particle size might delay the composting of straw. If a shredder or chipper is available, consider processing straw or hay bedding before adding it to the compost pile. Adding nitrogen to stall waste containing straw or hay may be necessary to promote proper composting if large amounts of bedding are used.
- **Wood chips or sawdust bedding** – Wood bedding products, such as pine chips, shavings, or sawdust contain very little nitrogen and a lot of carbon. Therefore, it is usually necessary to add supplemental nitrogen to promote proper composting, particularly when large amounts of bedding are used. Wood shavings or chips are less likely to compact the pile, compared to

finer sawdust. If you bed on sawdust, you may need to add other bulking materials to improve aeration during composting. The advantage that sawdust has over straw and wood shavings or chips is its smaller particle size. In fact, if managed properly, sawdust will compost faster than coarser bedding materials.

### **Composting System Design**

There are several ways to design an on-farm composting system; no one approach is appropriate for all sizes and types of equine facilities. You can tailor your composting system to meet your needs depending on how many horses you have, the space and equipment available, and how intensively you plan to manage the pile.

### **Free-Standing Piles**

Free-standing piles are usually the least costly option for composting because they do not require special structures or equipment. A free-standing pile works well for one- or two-horse operations. When the pile gets too big, additional piles can easily be created. Frequent turning of the pile and the addition of supplemental nitrogen will hasten the composting process and help reduce parasites and weed seeds. However, some prefer the less labor-intensive approach of building a new pile once or twice a year, turning the pile two or three times, then letting it take a year or so to mature. In this case, parasites and weed seeds may not be adequately destroyed. To prevent contamination of water resources, free-standing piles will require more space and labor, and careful consideration of their location. These considerations can be addressed through the use of setbacks. Unless covered or under-roof, the surface below the pile should be impervious material, such as a concrete slab or well-compacted soils high in clay.

### **Windrow Composting**

Manure and bedding can be formed into long, horizontal piles (or windrows) for composting. The windrow pile is typically about 5 to 6 feet tall and 6 to 10 feet wide. Materials are added at the end of the pile until it grows to a pre-determined length. The piles are generally turned with front-end loaders or specially equipped tractors, although they can also be turned by hand. Windrow composting works well for large operations with adequate space.

### **Multiple-Bin Composting**

Placing materials in bins or some other type of

enclosure may result in better decomposition and more efficient use of space than stacking manure in a pile or windrow. At least two bins are recommended for small operations that support just a few horses, or for those with no mechanical equipment. The first bin is filled to capacity and periodically turned and mixed with a shovel or pitchfork to promote decomposition. When the first bin is full, materials can be added to the second bin. Larger facilities or those equipped with a small tractor or front-end loader should consider building three or more bins. A series of bins accommodates the containment of waste at different stages of the composting process.

**Table 2. Bin-Size Calculation Formulas**

Calculation	Amount
Waste volume calculated	ft <sup>3</sup> /horse/day x No. of horses = X ft <sup>3</sup> /day
Storage Required	ft <sup>3</sup> /day x 120 days * = total ft <sup>3</sup>
Calculate bin volume based on total ft <sup>3</sup>	Bin volume (length x width x height)

\* 120 days is the standard length of time for composting

For more information on composting systems, see: [http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/agdex7956](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/agdex7956) and <http://cwmi.css.cornell.edu/composting.htm>

### Utilization and Marketing

For some operations, more manure is produced annually than can be used on-site. If you do not have the available land to use the manure and stall waste your horses produce, you should make other arrangements to use the manure beneficially or dispose of it properly. Depending on the amount of manure produced, a number of options are available, including:

- **Commercial Users** – Many large equine operations have formed agreements with professional landscapers, organic farmers, land reclamation and road construction companies, or other commercial users to remove their manure. You may choose to enter into one of these agreements on your own or sell the manure to an intermediate party that already has a contract.
- **Packaged Product** – You may choose to package the product and sell it locally. A less labor-intensive option is to have potential buyers shovel their own compost. If you choose the former, check with local garden centers to find out the price of packaged compost.
- **Centralized facility** – You may be able to work with county government staff or equestrian com-

munity residents to plan and develop a centralized manure handling facility.

- **Home gardens or nurseries** – Composted manure is a valuable fertilizer product for gardeners. The nutrient composition in manure is particularly suited to rose gardening. Marketing to rose gardeners and other recreational gardening enthusiasts is a viable option for most equine owners.
- **Mushroom farms** – Mushroom growers are particular about the quality of the product; they want manure mixed with straw bedding only and with no foreign material. If you are interested in this option, but do not have a large, dependable supply, consider forming agreements with neighbors to store their straw-bedded manure for a one-stop pickup by the mushroom farm.
- **Donating** – Small farmers or home garden enthusiasts may be able to use the manure pile. Having someone remove and dispose of the excess manure can be well worth the donation.
- **Disposal** – Check with your local landfill to see if they will accept this product.

**Note:** Equine owners/operators who will market manure as commercial fertilizer must apply for a Fertilizer License pursuant to Chapter 576, F.S. If owner/operators are selling their manure as a “soil amendment” with no guarantee of fertilizer analysis, then this license is generally not required. There are also regulations that may apply if selling composted material off-site. FDEP Rule 62-709.530, titled, Criteria for the Production and Use of Compost made from Solid Waste should be referenced if these conditions apply. For more information about buying, selling, and/or trading manure, go to FDACS “Florida Market Bulletin” at: [www.Florida-agriculture.com](http://www.Florida-agriculture.com); or [www.Agriseek.com](http://www.Agriseek.com).

### Waste to Energy Options

Horse farm wastes and other sources of organic matter can be processed to produce energy. The processes that are most likely to be applicable to horse farm wastes are anaerobic digestion, thermal gasification, and incineration (direct combustion). Other processes, such as fermentation to produce ethanol, are not very applicable to horse farm wastes at the current time.

## Anaerobic Digestion

This process utilizes an airtight chamber, referred to as a digester, where microbes thrive in an anaerobic environment. The digester uses manure, urine, and other organic materials or wastes as feedstock, and converts them into biogas (a mixture of primarily methane and carbon dioxide) and a stabilized effluent.

**Figure 4** shows a small digester. The anaerobic digestion process kills



Figure 4

most pathogens and lowers the oxygen demand. However, most of the nutrients remain in the effluent (solids and liquid) from the digester. The effluent can be used for its fertilizer value and for its value as a soil amendment. The solids can also be removed from the effluent and used as a component in the growing media used in the plant nursery industry. The biogas can be used much like natural gas. It can be burned for space or water heating, and it can be burned in internal combustion engines to produce shaft power for electrical generators or water pumps. It can also be used to produce steam to drive a turbine to produce electricity in larger-scale operations. To help spur the advancement of this technology, the U.S. EPA established the "AgSTAR" program in 1994. It is a voluntary outreach and educational program that promotes the recovery and use of methane from animal manure. For more information on AgSTAR and on anaerobic digestion, go to <http://www.epa.gov/agstar/>.

## Thermal Gasification

This process involves burning a carbonaceous material (such as coal, peat, or biomass) in a reactor with a limited supply of oxygen or air. It has been around since the late 18th century, and early applications of this technology were designed to process wood, peat, or coal into a gas for lighting and heating. The gases that were produced were sometimes referred to as "town gas." There are several variations of the gasification process (up-draft, down-draft, fluidized bed, entrained flow, etc.). Depending upon the process and how it is controlled, the composition of the gases and the residue (ash, char, etc.) will vary. The gas is usually called synthesis gas, producer gas, or low-Btu gas, and it is a mixture of mostly carbon monoxide, hydrogen, methane, and carbon dioxide. Gas-

ification can be used in a variety of applications, including generation of electricity and synthesis of commodity chemicals and fuels. A solid byproduct is also produced and can be used as a fertilizer material. More advanced treatment systems can produce "biochar," a mostly solid charcoal-like carbon residue. The addition of biochar to soils is gaining new popularity, in part because of biochar's ability to retain nutrients in the soil and prevent runoff. Currently, there is research being conducted on the use of biochar to limit greenhouse gas emissions and to evaluate this product as a potential agent to absorb pesticides and other agrichemicals in order to prevent them from leaching. To learn more about gasification technologies, go to <http://www.gasification.org>.

## Incineration

Incineration is a type of thermal treatment process which involves the combustion or burning of a material. The products are flue gas, heat, and ash. Incineration can be practiced with or without heat recovery. The heat can be used for space heating or for heating water. In larger installations, the heat from incineration can be used to generate steam and electricity. The ash can be used as fertilizer in most cases, and incineration reduces the quantity of material which must be handled. The gaseous and particulate pollutants must be removed from the flue gases before they can be discharged into the atmosphere. This may require environmental permitting and testing. In many places there is still a lot of community resistance to incineration of any material.

Packaged incineration or bio-burner units vary in size and can handle the waste from a minimum of 20 horses up to 1,500 horses. Manure and used bedding can be fed directly into a bio-burner. A control system on the bio-burner regulates how much waste is fed into the burner at a time. The material going into the bio-burner must contain no more than 50% moisture, so more dry material, such as used shavings, can be added if necessary. Horse manure is normally about 45% moisture. For more information about incineration technologies, go to <http://en.wikipedia.org/wiki/Incineration>.

## Choosing a System

Implementing a waste to energy facility on your equine operation requires the consideration of many factors that may be unique to your operation. The system that you see at another equine operation may not be the best choice for your operation. Also, a system may be feasible, but it may not be

the best or optimal choice. You should carefully answer several questions:

1. Does the proposed system address the problem(s) that you are trying to solve?
2. Is the system compatible with the surrounding neighbors and community?
3. Is the system economically feasible? Consider initial cost, maintenance costs, and operating costs, including labor.
4. Can you utilize or sell the energy which is produced?
5. Can you utilize or sell the residues or effluent from the process?
6. Do you have the skills needed (or can you hire someone) to operate a waste to energy system?
7. Do you have enough waste or other biomass (in the right form) to fuel the system? Many of these systems operate more efficiently on a large scale, so collecting material from several farms for conversion to energy at a larger facility should be considered.
8. What types of permits, approvals, testing, or reporting will be required?

A more detailed discussion of the factors to consider in deciding whether to implement a waste to energy system and the type of system to use, go to <http://www.puco.ohio.gov/emplibrary/files/util/biomass/publications/TurningManuretoGold.pdf>

## Manure Management BMPs

### 2.1 On-site Manure Management and Off-site Transport

#### Level I BMPs

- ✓ 1. Collect manure from confined areas (e.g., small paddocks and feeding areas) and riding trails at least monthly, and properly store the manure pending appropriate use or disposal. In the comments section of the BMP checklist describe how you utilize or dispose of collected manure and stall clean-out material.

- ✓ 2. If composting, use the appropriate on-site composting system (free-standing pile, wind-row, or bin system), based upon the amount of manure generated on-site. Using the information in **Table 1**, estimate the carbon-to-nitrogen ratio of manure and other materials to be composted, so that the pile will properly decompose. Ensure that adequate water sources are available to maintain pile moisture.
- ✓ 3. Locate manure storage areas to protect surface and groundwater sources in accordance with the setback distances listed in **Appendix 3**.
- ✓ 4.  If using a commercial hauler to transport manure material offsite, maintain records (e.g. bill of lading) to document that the manure has been transported off-site.

Refer to the section on Utilization and Marketing for information on other ways to manage manure.

#### References:

1. USDA-NRCS, Waste Storage Facility Code 313, Composting Facility Code 317, Waste Utilization Code 633, Manure Transfer Code 634, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg/>
2. Alberta Agriculture Food and Rural Development, Manure and Pasture Management for Horse Owners. [http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/agdex7956](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/agdex7956)
3. UF-IFAS, Utilization of Organic Wastes in Florida Agriculture, SS-AGR-166. <http://edis.ifas.ufl.edu/AG113>
4. Extension, Business Arrangements for Manure Offsite Transfer. [http://www.extension.org/pages/Business\\_Arrangements\\_for\\_Manure\\_Offsite\\_Transfer](http://www.extension.org/pages/Business_Arrangements_for_Manure_Offsite_Transfer)
5. Rutgers Equine Science Center, Best Management Practices for Horse Manure Composting on Small Farms, Bulletin E307. <http://www.esc.rutgers.edu/publications/stablemgmt/E307.htm>

**Note:** See Appendix 7 for list of record-keeping requirements and example record-keeping forms.



## 3.0 SEDIMENT AND EROSION CONTROL

*Sediment and erosion control measures are permanent or temporary practices to prevent sediment loss from fields, slow water flow, and/or trap and collect debris and sediments in runoff water.*

Runoff containing sediments with nutrients and pesticides attached can adversely affect surface waters or ground water. Site characteristics such as clay-type soils and/or sloped terrain can significantly increase the risk of erosion and off-site sediment transport. The first principle of erosion control is to maintain vegetation to hold soil and decrease the velocity of runoff water. Removal of natural vegetation and topsoil increases the potential for soil erosion, which can change runoff characteristics and result in loss of soil and increased turbidity and sedimentation in surface waters.

### Erosion Control

Examples of erosion control BMPs are critical-area planting, **prescribed grazing**, and filter strips, where appropriate. Filter strips are areas of permanent vegetation between production areas and natural waterbodies. Their main purpose is to decrease the velocity of runoff water and remove sediment particles before they reach surface waters.

Controlling off-site sediment transport involves the use of BMPs to limit the movement of sediments downstream. Examples of these types of BMPs

include sediment traps and diversions/terraces. The installation of these types of BMPs usually requires technical assistance.

Erosion-control devices should be used progressively, beginning with the more passive erosion-control devices first (e.g., re-vegetation, prescribed grazing, filter strips), and subsequently employing more aggressive measures as the need arises (e.g., sediment traps to capture sediment-laden water to allow enough time for larger particles to settle out). Collectively, these practices will reduce the mass load of sediment reaching a waterbody, which will minimize water quality impacts.

### Construction Activities

Erosion control during construction is critical, since areas under construction will be especially prone to sediment loss. When constructing, pens, barns, roads, trails, or other infrastructure, minimize the amount of land that is cleared of vegetation, and incorporate the use of silt screens, as needed. Whenever feasible, clearing vegetation to develop new pastures should be conducted during the dry season, and re-vegetation with forage should occur as quickly as possible.

## Sediment and Erosion Control BMPs

### 3.1 Road and Trail Construction and Maintenance

Minimize the amount of vegetation that is cleared when constructing roads, buildings, etc. Use silt fences when protection from sedimentation during sheetflow conditions is needed for up to 6 months during construction activities. Properly trench in, backfill, and compact silt fences in accordance with the Florida Stormwater, Erosion, and Sediment Control Inspector's Manual referenced below.

#### Level I BMPs:

- ✓ 1. Stabilize access roads or trails that cross streams and creeks, using rock crossings, culverts, or bridges.
- ✓ 2. Maintain vegetative cover on road banks.
- ✓ 3. When constructing above-grade access roads, follow USDA-NRCS FOTG Conservation Practice No. 560, and locate the road(s) a minimum of 25 feet from regulated wetlands. Check with your water management district to see whether a permit is needed.

#### Level II BMPs:

*If your answer to the following question is "yes," implement Level II BMP 3.1.4:*

**Question:** Under normal wet-season weather conditions, have you ever had a road with a culvert "blow out" due to high water levels?  Yes  No

- ✓ 4. Install a new culvert of the appropriate size, if the existing culvert is not functional. Contact USDA-NRCS or FDACS for technical assistance and/or structure- design guidance.

#### References:

1. USDA-NRCS, Access Road Code 560, Heavy Use Protection Area Code 561, Recreation Trail and Walkway Code 568, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg>
2. FDEP, The Florida Stormwater, Erosion, and Sediment Control Inspector's Manual. <http://www.dep.state.fl.us/water/nonpoint/erosion.htm>
3. USDA-ARS, Revised Universal Soil Loss Equation, Version 1.06 <http://www.ars.usda.gov/Research/docs.htm?docid=5974>
4. USDA-NRCS, Recreational Trail and Walkway Code 568, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg>
5. USDA-NRCS, Grade Stabilization Code 410; Structure for Water Control Code 587, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg>



## 4.0 PASTURE MANAGEMENT

**Pasture Management** involves managing the harvest of vegetation by grazing and/or browsing livestock.

### Pasture Management

Poor pasture management can lead to loss of groundcover and soil erosion, and increased use of pesticides as a result of weed growth. These problems ultimately can lead to degradation of water resources. All too often, pastures suffer from neglect or overuse. Overstocked and overgrazed pastures typically result in bare ground, soil compaction, and/or weed infestations that create a loss of forage. Bare spots or denuded areas can quickly be churned to dust and mud, causing health risks such as respiratory disease, sand colic, and thrush. At the very least, overgrazed pastures present an eyesore and can cause a strain on neighbor relations.

Good pasture management will decrease feeding expenses, help maintain healthy horses, and reduce environmental impacts. Healthy pastures allow grass roots to increase the soil's absorption

of rainfall and slow the rate of stormwater runoff. Slowing the rate and reducing the amount of runoff from hillside pastures will reduce erosion and drainage problems.

Good pasture management may involve adjusting stocking rates, utilizing rotation and rest periods, confining horses to **sacrifice areas** or stalls during periods of drought or extreme wet conditions, managing manure, maintaining soil fertility, and/or mowing the pasture to even out under-grazed areas and control weed populations. For more information on pasture management, see: [http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/agdex8017](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/agdex8017)

### Stocking Rate

Equine owners frequently ask how many animals a particular piece of property will support. The answer depends on available acreage, forage species, use of supplemental feed, soil and climatic factors, grazing management techniques, livestock activity municipal restrictions, and other factors. The following equation can be used as preliminary guidance to estimate a reasonable **stocking rate**.

$$\text{Pasture Acres Required} = \frac{(\# \text{ horses}) \times (\text{average body weight in pounds}) \times (.03) \times (\# \text{ grazing days})}{\text{Average forage production, in pounds per acre}}$$

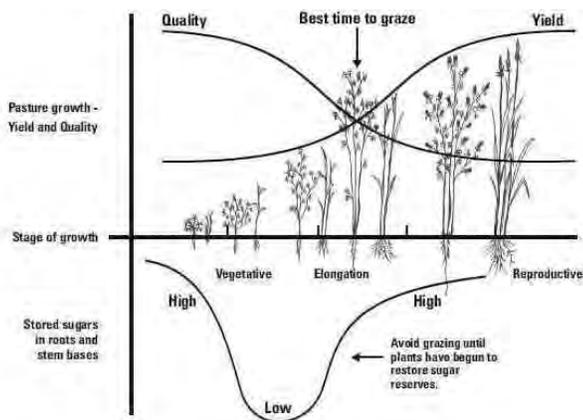


Figure 5

### Forage Growth

Pasture plants have three distinct growth stages: vegetative, elongation, and reproductive. The nutritional quality of pasture forage varies with the plant’s growth stage. Plants in the vegetative stage are the most nutritious, but they are also the most fragile and susceptible to damage by grazing or trampling (See **Figure 5**). Therefore, pasture plants are best grazed when they enter the elongation phase, to ensure the plants will survive livestock grazing pressure.

During the growing season, forages should be grazed to an appropriate height, and then allowed to re-grow before returning horses to the pasture. Heights may vary according to forage type. **Table 3** below lists general guidelines for grazing of selected forages.

Owners/operators should manage grazing so that a cover of dry residual vegetation protects the soil from the first rains that occur with the onset

**Table 3. General Guidelines for Forage Grazing Heights\***

Forage	Average Height (inches)	
	Begin Grazing	End Grazing
Bahiagrass	6	1-2
Bermudagrass	6	2-4
Clovers	6	3
Indiangrass	14	6-10
Limpopgrass	24	10
Pearl Millet	14	6
Rhodesgrass	18	8
Rhizoma Peanut	12	4
Ryegrass, annual	6	3-4
Stargrass	12-18	6-8
Small Grains (oats, wheat, rye)	6	4

\* Table adapted from UF-IFAS Publication SS-AGR-133 (<http://edis.ifas.ufl.edu/AG268>)

of the rainy season. Soil compaction due to grazing should be minimized. A porous soil improves plant health by allowing the infiltration of water, air, and nutrients. Hoof impact and heavy equipment operation on saturated soils will likely compact soil particles and cause loss of porosity.

Information on the various types of warm season perennial grasses, summer annual grasses, winter annual grasses, and summer and winter legumes can be obtained from *Pasture and Forage Crops for Horses* found at: <http://edis.ifas.ufl.edu/AA216>

### Grazing Pressure

Close cropping of pasture plants, trampling, and selective grazing can seriously affect the productivity of a pasture. Intensive, repeated grazing of areas with short, new growth causes the plants to become unhealthy or die. As the desirable species of forage are grazed out or trampled, weeds tend to invade the pasture. Thus, horses can quickly turn a pasture into a weed patch or dry lot.

Horses are instinctively selective grazers, basing their forage choice on palatability, as well as availability. Since young forage is more digestible and palatable than older forage, the horses start to “spot graze,” and will graze some areas of a pasture down to the bare ground. Horses will not graze in areas where they defecate, so pasture plants around manure piles become mature and less palatable. They seldom graze pastures to a uniform height unless the stocking rate is very high. Mowing the pasture to a uniform height helps control weeds and other undesirable plants, promotes uniform re-growth of forage for the next grazing cycle, and helps break up manure piles.

Grazing pressure can also be managed by establishing paddocks (pens) as “sacrifice areas” to preserve pastures. Doing this reduces churning and compaction of saturated soils, and eliminates overgrazing when pastures require rest. If feasible, locate these paddocks or other high-intensity areas at least 200 feet from wetlands, streams, and other watercourses. Also, maintain a vegetated border around them to help filter runoff that may carry pollutants.

## **Prescribed Grazing**

Horses can be persuaded to eat pasture forage that they might otherwise choose to avoid. Prescribed grazing prevents over-grazing and gives them more pasture use for a longer time. Prescribed grazing may be done continuously or rotationally.

## **Continuous Grazing**

With **continuous grazing**, horses graze the same pasture for extended periods of time, perhaps for the entire season. This requires less fencing to subdivide large pastures and less time and labor to handle horses. However, the major challenge is to match the stocking rate to the forage growth rate. If the pasture cannot supply enough forage for the horses, supplemental feed is usually needed to prevent over-grazing.

## **Rotational Grazing**

With **rotational grazing**, horses move from pasture to pasture during the grazing season. This allows the pasture forage to recover and re-grow, which helps prevent erosion and weed infestation. Large pastures are fenced, either temporarily or permanently, into smaller units. Horses are confined in one area until the forage has been grazed down to the desired stubble height; then are moved into the next area and the process repeated. The length of the grazing period in each area depends on the stocking rate and forage growth rate. Rotational grazing helps maintain quality pastures. Also, internal parasite infective larvae and/or eggs contained in manure are not as likely to survive when horses are periodically removed from a pasture, because this breaks the life cycle.

The advantages of rotational grazing include:

- Increases the amount and quality of grazing forage.
- Allows for a greater number of animals to be supported on the same acreage.
- Allows for more complete use of pasture forage.
  - *Reduces or eliminates spot grazing*
  - *Minimizes areas where horses will not graze*
- Promotes the growth of desired species over undesirable species and weeds.
- Helps control parasites and discourages some animal diseases.
- Permits harvesting of excess forage in spring and stockpiling forage for the fall.
- Provides better manure distribution and nutrient recycling.

## **Fence Installation**

Fences are usually installed around the perimeter of pasture lands and across them, to allow for rotation and resting of grazing lands. They are also used to define paddocks, runs, turn-out areas, and riding arenas, and to separate horses in different production stages. For instance, bred mares are usually separated from open mares, and growing horses or yearlings are separated from mature horses.

Use fencing material compatible with the site's soil and water properties, and construct fences or barriers so that they are structurally adequate for their intended purpose. The location and construction of all fences should comply with local, state and federal laws. Consult with water management district staff and USDA-NRCS prior to conducting land-clearing activities and associated fencing projects in surface waters or wetlands, to ensure that proper authorization is obtained, if needed.

## **High-intensity Areas**

High-intensity areas (HIAs) are areas of an equine operation that are used repeatedly by livestock for short periods of time and become denuded of ground cover. HIAs are common in many equine operations, but they usually comprise a small amount of the total land area. They are often referred to as "sacrifice" areas because they are generally planned to be devoid of vegetation in order to support their intended high-impact uses. Wash racks, round pens, and riding arenas are typical examples of HIAs. Shaded or covered shelter areas may also qualify as HIAs. For purposes of this manual, HIAs do not include watering troughs and supplemental feeding and mineral stations. However, any denuded areas around these sites should be addressed, as needed.

Confining livestock or allowing them to congregate for extended periods of time can adversely impact both the environment and the animals' health. Proper management of HIAs will help alleviate environmental concerns, improve livestock health, and improve the overall aesthetics of the equine operation.

## **Pasture Management BMPs**

### **4.1 Forage management**

#### **Level I BMPs:**

Manage the intensity, frequency, duration, and season of grazing in a manner that will promote

a stable, desirable plant community, and will give concentrated areas time for re-growth. Graze riparian areas seasonally, when soils are dry enough to withstand trampling. Stocking rates of one mature animal on less than 2 acres may require additional measures such as using supplemental feed and temporarily confining animals in sacrifice areas or stalls.

- ✓ 1. Manage grazing of pastures based on established forage stubble heights (See **Table 3** for guidelines) to maintain plant vigor and prevent soil erosion.
- ✓ 2. To ensure uniform grazing, subdivide larger pastures using fencing.
- ✓ 3. Minimize denuded areas by establishing sacrifice areas for exercise, feeding (e.g., salt, mineral, and hay), and other non-forage production activities.
- ✓ 4. Seed and mulch denuded areas, as needed, to promote healthy pastures.
- ✓ 5. Use temporary exclusion fencing on denuded areas to allow for the re-growth of vegetation.

#### References:

1. USDA-NRCS Fence Code 382; Use Exclusion Code 472; Pasture and Hay Planting Code 512; Prescribed Grazing Code 528, Range Planting Code 550, Livestock Shade Structure Code 717, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg>
2. EPA, National Management Measures for the Control of Nonpoint Pollution from Agriculture, Chapter 4E, EPA 841B03004. <http://www.epa.gov/nps/agmm/>
3. Alberta Agriculture Food and Rural Development, Manure and Pasture Management for Horse Owners. [http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/agdex7956](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/agdex7956)
4. UF-IFAS, Pasture and Forage Crops for Horses, SS-AGR-65. <http://edis.ifas.ufl.edu/AA216>
5. UF-IFAS, Forage Planting and Establishment Methods, SS-AGR-161. <http://edis.ifas.ufl.edu/AG107>

## 4.2 High-Intensity Areas (HIAs)

### Level I BMPs:

- ✓ 1. Route runoff around all HIAs using **berms** or **swales**, and direct it away from watercourses, wetlands, or sinkholes into a grassed area.
- ✓ 2. When there is evidence of **sheetflow** from an HIA, construct berms or swales downgradient of the HIA to slow the movement of water and reduce the transport of sediments.
- ✓ 3. Inspect HIAs after severe weather events to ensure that associated runoff diversion mechanisms are functioning properly. Make any necessary repairs.
- ✓ 4. Apply appropriate aggregate materials (such as shell) in and around HIAs, watering troughs, or other denuded areas with excessive mud or erosion.

### Level II BMPs

**If your answer to the following question is “yes,” implement Level II BMP 4.2.5.**

**Question:** Under normal **hydrologic** conditions, have you observed a sandbar or significant gully erosion where your drainage ditches/canals meet, or at a point where runoff leaves your property?

Yes  No

- ✓ 5. Contact the USDA-NRCS County Office for assistance in correcting existing ditch or field erosion and preventing future erosion.

### References:

1. USDA-NRCS, Filter Strip Code 393; Heavy Use Area Protection Code 561, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg>
2. San Francisco Bay Resource Conservation and Development Council, Horse Keeping: A Guide to Land Management for Clean Water <http://www.californiarcandd.org/Horse%20Keeping.pdf>
3. FDEP, The Florida Stormwater, Erosion, and Sediment Control Inspector's Manual. <http://www.dep.state.fl.us/water/nonpoint/erosion.htm>



## 5.0 STORMWATER MANAGEMENT

**Stormwater management** is the on-site management of rainfall and associated runoff through the use of nonstructural and structural BMPs to provide flood protection and water quality protection.

Alteration of the land (e.g., construction of impervious surfaces such as roads, driveways, parking lots, urban and agricultural structures) increases stormwater runoff. Lack of appropriate stormwater management can lead to on-site and off-site flooding, increased pollutant loading to surface and ground waters, and erosion and sedimentation.

Construction of a stormwater management system (e.g., retention or detention pond) may alter on-site hydrology, and therefore may require an ERP or other WMD surface water management permit. Check with your water management district before beginning construction of any stormwater management system.

There may be individual farm circumstances that create the need for specific stormwater management practices. Some operations may already have an ERP or other WMD surface water management permit that requires on-site stormwater management requirements. However, if stormwater problems exist that are not addressed by a WMD permit, it is important to develop and implement a stormwater management plan suited to the operation's unique circumstances.

### Stormwater BMPs

#### 5.1 Stormwater Conveyance Systems

##### Level I BMPs:

- ✓ 1. Install gutters and downspouts on all buildings adjacent to HIAs, and divert this water away from the HIA toward pastures or other vegetated areas.
- ✓ 2. Operate and maintain all stormwater management conveyances (swales, ditches, and canals) to ensure that they operate as designed.
- ✓ 3. ✎ If you have an existing operation that does not have an ERP or other WMD surface water permit and has a history of downstream flooding issues, develop and implement a written stormwater management plan that provides specific responses to various types and levels of rainfall, as feasible. The goal of the plan should be a reduction in volume of off-site discharge while maintaining a healthy rooting environment. Evaluate the plan's effectiveness, and make adjustments as needed.

In developing a stormwater management plan:

- Contact your local NRCS District Conservationist to obtain information about the soil types for the proposed or existing farm location. The District Conservationist can identify soil types that are

historically prone to flooding or standing water. Evaluate the storage capacity, size, and elevations of existing ditches, ponds, creeks, rivers, and wetlands, and the size, layout, and elevations of the fields. You should also contact your county or water management district to obtain maps (FEMA, FIRM) or other information related to flooding issues at the proposed or existing location. You can access this information via the web at <http://www.fema.gov/hazard/map/firm.shtm>.

- Consult with a public or private agricultural engineer to discuss your stormwater management needs and considerations, especially if you are on poorly drained lands. Find an engineer qualified to provide an appropriate stormwater runoff analysis for your site.
- Determine the maximum storm size for which you want to provide flood protection. The flood control design storm addressed by WMD ERP regulations varies from a 25-year, 24-hour storm to a 100-year, 3-day storm. For example,

a 25-year, 24-hour storm produces from 8 to 10 inches of rainfall in a 24-hour period. Generally, the larger the design storm event used, the more extensive the stormwater management system needs to be. Factors that will affect this decision include land availability, the existence of internal natural features such as creeks, rivers, ponds, or wetlands, the potential to flood downstream property owners, and costs.

- Include both nonstructural pollution prevention BMPs and structural BMPs, as needed.

### References:

1. USDA-NRCS, Runoff Management System Code 570, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg>
2. Water Management Districts, ERP Stormwater Quality Applicant's Handbook.
3. ANSI/ASAE, Design and Construction of Surface Drainage Systems on Agricultural Lands in Humid Areas, EP302.4. <http://www.asabe.org/standards/index.html>



## 6.0 WATER RESOURCES PROTECTION

**Water Resources** are distinct hydrologic features, including wetlands, springs, streams, and aquifers.

### Wetlands, Springs, and Streams Protection

Under Florida Law, wetlands are areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Chapter 62-340, Florida Administrative Code, entitled *Delineation of the Landward Extent of Wetlands and Surface Waters*, contains the methodology that must be used by all state and local governments in Florida to determine the boundary between wetlands and uplands and other surface waters. The National Food Security Act manual is used by USDA-NRCS to determine wetlands boundaries on agricultural lands. In most cases, both methodologies produce the same or nearly the same determinations.

Springs are defined by the Florida Geological Survey as a point where underground water emerges to the earth's surface. They flow naturally from underlying aquifers and are classified based on their magnitude, or amount of flow coming from the spring vent. Springs and spring runs attract wildlife, provide over-wintering habitat for endangered manatees, contain unique biological communities, and are important archeological sites.

The area within ground water and surface water basins that contributes to the flow of the spring is a spring's recharge basin, also called a "springshed," as depicted in **Figure 6**. This area may extend for miles from the spring, and the size of the area may fluctuate as a result of underground water levels. First magnitude springs discharge 64.6 MGD (100 cubic feet per second) or more; second magnitude springs discharge between 6.46 to 64.6 MGD (10 to 100 cubic feet per second).

Wetlands and springs are impor-



Figure 6

tant components of Florida's water resources. Wetlands often serve as spawning areas and nurseries for many species of fish and wildlife, perform important flood-storage roles, cycle nutrients in runoff water, contribute moisture to the hydrologic cycle, and add plant and animal diversity. They can also provide limited grazing opportunities. Both wetlands and springs offer valuable recreational opportunities for the public and can provide an economic benefit to the surrounding communities.

Rivers and streams are naturally flowing water-courses. There are approximately 51,000 miles of rivers and streams in Florida. They are generally classified as sand-bottom, calcareous, swamp and bog, alluvial, or spring-fed systems. There are three measurable components that contribute to stream flow: base flow, interflow, and surface runoff. Surface runoff is most affected by rainfall (storm-water runoff) and contributes most to peak flow. Rivers and streams can readily transport pollutants received in stormwater runoff to wetlands, lakes, estuaries, and other water bodies. Consequently, it is important to minimize pollutant discharges to rivers and streams.

### Riparian Buffers and Fencing

**Riparian buffers** are the single-most effective means to protect rivers and streams from bank erosion and runoff. They are areas of trees and/or shrubs located adjacent to streams, which help to reduce the amounts of sediment, organic material, nutrients, and pesticides in surface water sheetflow. Riparian buffers are most effective on highly sloped lands.

Riparian buffers should be inspected periodically, and restored as needed in order to maintain their intended purpose. Riparian buffers and filter strips should not be fertilized except as necessary to maintain vegetative cover. Any use of fertilizers, pesticides, or other chemicals should be done so as to not compromise the intended purpose of the buffer. Proper grazing management practices will ensure the long-term integrity of buffers. Any roller-chopping activities should be conducted in accordance with USDA-NRCS guidelines. Prescribed burns should be conducted, as necessary, in accordance with Florida Forest Service guidelines, to maintain the native vegetation and discourage the establishment of nuisance vegetation.

Fences may be required to keep livestock out of waterbodies, such as perennial streams. This helps reduce the streambank erosion and the incidence of animals standing in water, both of which can

contribute to water quality degradation. It is important for producers to contact FDEP before installing permanent fence structures across rivers, creeks, or streams that are navigable, as this activity may result in a violation of state law. In most cases, a solution can be reached to meet the producer's needs without obstructing navigability.

### Aquifer Protection

With the majority of Florida's water supply originating from underground sources (**aquifers**), it is extremely important that equine operations make every effort to protect these water sources. Sinkhole and wellhead protection are critical to maintaining ground water quality and protecting humans from accidental contamination. Sinkhole protection includes maintaining setbacks, buffers, and, if necessary, fencing. Wellhead protection is the establishment of protection zones and the implementation of safe land use practices around wells to protect them from contamination.

Successful wellhead protection includes complying with regulatory requirements and using common-sense measures that address well placement and agricultural practices near wells. For existing wells, the focus should be on management activities near the wellhead, aimed at reducing the potential for contamination. For new-well construction, the initial focus should be on well location and following sound well-construction practices, followed by proper maintenance. It is a good idea to test drinking water wells annually for coliform bacteria contamination.

### Water Resources Protection BMPs

#### 6.1 Wetlands Protection

Do not dredge or fill in wetlands. Consult with the water management district and the USDA-NRCS prior to conducting activities in or near wetlands to ensure that you are complying with any permitting or USDA program eligibility requirements.

Minimize adverse water quality impacts to receiving wetlands by progressively applying measures until the problem is adequately addressed. Practices such as filter strips, conservation buffers, swales, or holding water on-site may preclude the need for more aggressive treatment measures.

**Note:** Use a USDA county soil survey map to help identify the location of wetlands, hydric soils, or frequently flooded areas. If you do not have an environmental resource permit (which provides a wetlands delineation), seek technical assistance

from the water management district or NRCS to determine the landward boundary of wetlands on your operation.

#### Level I BMPs:

- ✓ 1. Install and/or maintain a minimum 25-foot non-fertilized **vegetated buffer** upland of the landward boundary of all wetlands, unless you have an existing water management district permit (ERP, MSSW) that specifies a different buffer.
- ✓ 2. For existing operations without an ERP that are unable to meet the 25-foot vegetated buffer, submit to FDACS a description of the alternative measures you will take to protect the wetlands from water quality impacts (see BMP checklist).
- ✓ 3. When installing fences in wetlands, minimize the use of mechanical equipment and keep the cleared area no wider than 12 feet on either side of the fence. Perform all fence installation work in wetlands during the dry season when there is no standing water present.

#### Level II BMPs:

**If your answer to the following question is “yes,” implement Level II BMP 6.1.4:**

**Question:** Do you have ditches that discharge directly into wetlands?  Yes  No

- ✓ 4. Use spreader swales (or other means as needed) to intercept water discharging from the ditch(es), in order to reduce flow velocities and provide sheetflow through vegetative buffers prior to reaching the wetlands. Provide to FDACS a written description of the means you will use (see BMP checklist).

#### References:

1. USDA-NRCS, Wetland Enhancement Code 659, Nutrient Management Code 590, Filter Strip Code 393, Diversion Code 362, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg>
2. EPA, National Management Measures for the Control of Nonpoint Pollution from Agriculture, EPA 841B03004. <http://www.epa.gov/nps/agmm/chap4c.pdf>

### 6.2 Streams Protection

#### Level I BMPs:

- ✓ 1. Install and/or maintain a **riparian** buffer along **perennial streams** on production

areas that exceed 1-percent slope and discharge directly to the streams. Contact FDACS, NRCS, or a Technical Service Provider for assistance in properly designing the riparian buffer in accordance with USDA-NRCS Codes 390 and/or 391 in Reference (1) below.

- ✓ 2. Locate and size any stream crossings to minimize impacts to riparian buffer vegetation and function. Refer to USDA-NRCS Stream Crossing, Code 578 for design criteria.
- ✓ 3. Provide adequate alternative water sources, such as watering troughs.
- ✓ 4. In pastures where animals have access to perennial streams, ensure that stream banks are stabilized. If you have difficulty stabilizing your stream banks, use exclusion fencing or contact NRCS for technical assistance.

#### References:

1. USDA-NRCS, Riparian Herbaceous Cover Code 390; Riparian Forest Buffer Code 391, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg>
2. EPA, National Management Measures for the Control of Nonpoint Pollution from Agriculture, EPA 841B03004. <http://www.epa.gov/nps/agmm/>

### 6.3 Protection for First- and Second-Magnitude Spring Recharge Basins

#### Level I BMPs:

- ✓ 1. Establish and/or maintain a 100-foot non-fertilized vegetated buffer upland of the landward boundary of springs and spring runs.
- ✓ 2. Establish and/or maintain a 50-foot non-fertilized vegetated buffer around sinkholes and other karst features.
- ✓ 3. If you have a sinkhole on your property, never use it to dispose of used pesticide containers, manure, carcasses, spent sharps, or other materials.

#### References:

1. Florida Department of Community Affairs, Protecting Florida's Springs: Land Use Planning Strategies and Best Management Practices. [www.dca.state.fl.us/fdcp/DCP/publications/Files/springsmanual.pdf](http://www.dca.state.fl.us/fdcp/DCP/publications/Files/springsmanual.pdf)

## 6.4 Nutrient and Manure Management Setbacks

### Level I BMPs:

- ✓ 1. Do not apply fertilizer or composted manure within 50 feet of watercourses, lakes, wetlands, drinking water wells, or sinkholes.
- ✓ 2. Do not apply uncomposted manure within 100 feet of watercourses, lakes, wetlands, drinking water wells, or sinkholes.
- ✓ 3. Ensure that there is no discharge from manure storage areas into watercourses, lakes, wetlands, drinking water wells, or sinkholes. Possible measures include distance setbacks and/or constructing an impervious base (concrete or compacted clay), using a berm upgradient of the manure pile, and/or covering with a tarp or other waterproof material. Provide to FDACS a written description of the measures you are using or will use (see BMP checklist).
- ✓ 4. Manure storage areas located in a karst area must be covered with a tarp or other waterproof material to prevent leaching.

### References:

1. USDA-NRCS, Nutrient Management Code 590, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg>

## 6.5 Equine Activity Setbacks

### Level I BMPs:

- ✓ 1. Locate new HIAs as far from watercourses, lakes, wetlands, or sinkholes as practicable for the operation. Try to achieve a distance of at least 200 feet from these resources.
- ✓ 2. For HIAs within 200 feet of watercourses, lakes, wetlands, or sinkholes, maintain or install diversion or treatment mechanisms, such as berms, vegetated filter strips, or sediment basins, or other treatment or prevention measures, between the HIA and these resources. If using filter strips (**Figure 7**) or sediment basins, design them in accordance with USDA-NRCS specifications contained in Reference 1 below.
- ✓ 3. Place watering troughs and **supplemental feeding** and mineral stations as far from watercourses, lakes, wetlands, and sinkholes as practicable for the operation. Try to achieve a distance of at least 100 feet.



Figure 7

- ✓ 4. Exclude horses within a 100-foot radius of the wellheads of drinking water wells. This radius can be reduced to 25 feet if well-construction records show well-casing depths that extend through **confining layers**.
- ✓ 5. Locate riding trails a minimum of 25 feet from watercourses, lakes, wetlands, and sinkholes.

## 6.6 Well Operation and Protection

### Level I BMPs:

If you are constructing a new well, contact your regional water management district to see whether the well requires a consumptive use or water use permit. Potable water wells as defined by Chapter 62-521, F.A.C., must follow the requirements of that rule.

Agricultural operations located in South Miami-Dade County should refer to and follow Rule 40E-30.302, F.A.C., for general well permitting information and to determine whether they are subject to special regulations for this region. Consult Reference 4 below for more information.

Locate new wells up-gradient as far as possible from likely pollutant sources, such as petroleum storage tanks, septic tanks, chemical mixing areas, or fertilizer storage facilities. Use a licensed Florida water well contractor, and drill new wells according to local government code and water management district well construction permit requirements.

- ✓ 1. Use backflow prevention devices at the wellhead to prevent contamination of the water source.
- ✓ 2. Inspect wellheads and pads at least annually for leaks or cracks, and make any necessary repairs.

- ✓ 3. Cap or valve wells in accordance with water management district requirements.
- ✓ 4. Retrofit existing functional wells with a fence or a minimum one-foot concrete collar extending from the casing, to protect them from damage.
- ✓ 5.  Maintain records of new well construction and modifications to existing wells.

### References:

1. UF-IFAS, Farm-A-Syst Program. <http://www.flagsafe.ufl.edu/snn/snn-04-09.html#F7>
2. USDA-NRCS Water Well Code 642, Well Plugging Code 755, and Diversion Code 362, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg>

3. Water Well Permitting and Construction Requirements, FDEP Rule 62-532, F.A.C. <http://www.dep.state.fl.us/legal/Rules/rulelistnum.htm>
4. General Permits for Water Wells within SFWMD; Thresholds for South Dade County, Chapter 40E-30.302, F.A.C., [https://my.sfwmd.gov/pls/portal/docs/PAGE/PG\\_GRP\\_SFWMD\\_ENVIROREG/PORTLET\\_RULESSTATUTESAND/TAB383534/40E-30.PDF](https://my.sfwmd.gov/pls/portal/docs/PAGE/PG_GRP_SFWMD_ENVIROREG/PORTLET_RULESSTATUTESAND/TAB383534/40E-30.PDF)
5. Florida Water Permits. <http://flwaterpermits.com/>

### Notes:

See **Appendix 3** for a reference table containing the setbacks in this chapter.

See **Appendix 7** for list of record-keeping requirements and example record-keeping forms.



## 7.0 EQUINE WATERING REQUIREMENTS AND SOURCES

**Equine Watering Sources** are strategically located freshwater sources that provide adequate drinking water to livestock.

### Watering Requirements

It is important to calculate your livestock's water needs and compare this to the landscape's existing water resources and their ability to provide year-round water supply to livestock. On average, a horse's estimated intake of freshwater is between 6 and 10 gallons a day, depending upon the diet, time of year and whether lactating mares are present. However, horses can consume as much as 18 to 24 gallons of water a day, or more under hot conditions and heavy exercise, so it is advisable to provide at least 20 gallons of water a day per animal. A horse's stomach can only hold approximately 3 to 4 gallons of water at a time, so horses need constant access to water.

### Water Sources

Careful evaluation and site-specific decision making regarding equine water sources can have a significant role in protecting water quality, and can preclude or minimize the need to install costly exclusion fencing adjacent to natural waterbodies. Equine operators should educate themselves as to whether any water sources being considered have documented water quality impairment(s) as a result

of fecal coliform bacteria loading. Fencing should be used to keep horses away from flowing water features that leave the site.

As much as possible, horses should be kept from natural water sources to avoid bank erosion, excessive muddy conditions, and waterbody pollution. Horses' hooves can destroy the grasses at the water's edge, especially when the ground is already wet, thereby reducing its filtering capacity. Manure and urine on the banks can also filter into the water much more readily, which can create both on-site and downstream water quality and health hazards.

If no alternative water sources are available, livestock may gravitate towards deep-water wetland habitats, such as swamps and marshes, or to canals that have standing water present during most of the year. Some of these wetlands and canals may be connected hydrologically to downstream **watercourses**.

Providing fresh water in troughs and/or tanks helps keep livestock out of waterbodies and reduce health risks associated with consumption from stagnant surface water sources. Troughs and tanks should be checked daily for the presence of dead rodents or other small animals, to avoid the risk of botulism. Rodents can also introduce *Leptospira* bacteria into water supplies, which can cause illness in horses and abortion in mares.

Existing water uses may require a permit from your regional water management district. If you already have a permit, determine whether the permitted amount is adequate for your current stocking rate and other associated uses. Also, determine whether the permit is current and when it will need to be reviewed or renewed.

## Washing Horses

Washing horses can result in a concentration of chemicals in one spot and/or muddy, unsanitary conditions. Whether the wash area is inside or outside the barn, sanitation, safety, proximity to water sources and environmental impacts are key factors to be considered. It is important to obtain material safety data sheets (MSDS) for all detergents, shampoos, pesticides, and other animal cleaning products. Use cleaning products sparingly, and select ones that are the most environmentally friendly, using the MSDS sheet for guidance.

## Watering Source BMPs

### 7.1 Equine Watering Source BMPs

#### Level I BMPs:

Conduct an inventory of existing water sources and average number of horses to estimate water use (daily intake of water) to ensure that an adequate supply of water is always available. Take into account additional water needs based on excessive temperatures and exercise levels. It is a good idea to maintain records of water use on the operation to provide a basis for permit modifications or renewals,

- ✓ 1. Install a shut-off device on all troughs. Do not allow troughs to overflow, and turn the water off when not in use.
- ✓ 2. Maintain all tanks, troughs, wells, and associated structures in good working order. Inspect the distribution system and watering troughs for leaks at least weekly, and make any necessary repairs.

## References:

1. USDA-NRCS, Pond Code 378, Watering Facility Code 614, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg>
2. North Dakota State University, Livestock and Water, AS-954. <http://www.ag.ndsu.edu/pubs/ansci/livestoc/as954w.htm>
3. University of Delaware Cooperative Extension, Horse Health Depends on Water. <http://ag.udel.edu/extension/agnr/pdf/eq-13.pdf>

## 7.2 Horse-Washing BMPs

#### Level I BMPs:

If constructing a permanent wash rack, a concrete slab with a rough finish is ideal. Rubber mats or poured rubber particle finishes can also be used on top of the concrete, if desired. Slab drains can be designed to discharge to a small on-site holding pond or filter strip. If a drain in the slab is not constructed, the slab should be pitched so that the water gently runs off. A trench filled with gravel can then be incorporated into the design to receive water from the lowest point of the slab.

- ✓ 1. If not using a permanent wash rack, rotate horse washing sites, using established turf areas to prevent mud and sedimentation problems. If necessary, portable rubber mats can be used to prevent denuding of turf areas.
- ✓ 2. Whether permanent or temporary washing areas are used, locate them at least 50 feet away from waterbodies, wells, and domestic septic tank drain fields. Direct runoff to a well-vegetated area.

## References:

1. Pervious Concrete as a Flooring Material for Horse Handling Areas Higgins et al. 2007 UKY Ext. ID161. <http://www.uky.edu/Ag/AnimalSciences/pubs/id161.pdf>.



## 8.0 PESTICIDE / PHARMACEUTICAL USE

**Pesticide Use** combines the monitoring of pest and environmental conditions with the judicious use of cultural, biological, physical, and chemical controls to manage pest problems.

### Pest Management

Integrated Pest Management (IPM) combines proper plant selection, correct cultural practices, the monitoring of pest and environmental conditions, the use of biological controls, and the judicious use of pesticides to manage pest problems. The term “pests” includes any organism that is damaging to livestock, crops, humans, or land fertility.

The basic steps of an IPM program are as follows:

- Identify key pests.
- Determine the pest’s life cycle, and know which life stage to target (for an insect pest, whether it is an egg, larva/nymph, pupa, or adult).
- Use cultural, mechanical, or physical methods to prevent problems from occurring (for example, prepare the site and select resistant plant cultivars), reduce pest habitat (for example, practice good sanitation), or promote biological control (for example, provide nectar or honeydew sources for natural enemies).
- Decide which pest management practice is appropriate and carry out corrective actions. Direct the control where the pest lives or feeds.

Use properly timed preventive chemical applications only when your professional judgment indicates that they are likely to control the target pest effectively, while minimizing the economic and environmental costs.

- Determine whether the methods used actually reduced or prevented pest populations, were economical, and minimized risks. Record and use this information when making similar decisions in the future.

### Pesticide Selection and Use

The EPA and the FDACS regulate the use of pesticides in the U.S. The term pesticide is defined by EPA as any substance or mixture of substances intended for *preventing, destroying, repelling, or mitigating* any pest. Pesticides include insecticides, herbicides, fungicides, rodenticides, etc.

Pesticides should be used only when necessary. To minimize the potential for pollution of water resources, base pesticide selection on the characteristics of the pesticide (solubility, toxicity, degradation, etc.) and the site (geology, depth to water table, proximity to surface water, etc.). Use pesticides that have the least effect on beneficial organisms.

Choosing the proper pesticide in this class also requires familiarity with product labels and performance. **Always follow the label directions.**

The label is the single most important document in determining the correct use of a pesticide, and state and federal pesticide laws require strict adherence to label directions.

Proper records of all pesticide applications should be kept according to state and federal requirements. These records help to establish proof of proper use, facilitate the comparison of results of different applications, or find the cause of an error. Sample record keeping forms can be found at the FDACS Bureau of Compliance Monitoring at: <http://www.freshfromflorida.com/onestop/forms/13340.pdf>.

### **Pesticide Application Equipment Calibration**

Controlling application rates and calibrating pesticide equipment reduce the potential for pollutant loading to ground and surface waters. To apply the precise amount of pesticide to targeted pests, pesticide application equipment must be properly calibrated. Application rates must be in accordance with the label in order to prevent contamination to the environment.

Equipment calibration should take place away from wells, sinkholes, or waterbodies, and should be done with clean water. Calibrate sprayers every time a nozzle is replaced, and compensate periodically for wear in pumps, nozzles, and metering systems.

### **Pesticide Mixing and Application**

Avoid mixing pesticides and loading or rinsing sprayers immediately adjacent to wells or waterbodies, since spills in these areas can easily contaminate water supplies. If the farm does not have a permanent or temporary mixing and loading facility, use nurse tanks and mix at random sites to prevent a buildup of contamination in the soil. If this is not possible, run a long hose (100 to 200 feet) away and preferably downhill from the supply well to the mix-and-load area and guard against accidental spills. Install anti-siphon devices or ensure that there is an air gap between the hose and the tank when sprayers are filled.

Minimize field applications of pesticides just prior to periods of anticipated heavy or sustained rainfall to prevent surface water contamination, accelerated leaching to ground water, and/or ineffective control of target pests. If applying restricted-use pesticides, the applicator must be fully trained and licensed in accordance with Rule 5E-9.024, Florida Administrative Code, or must hire someone appropriately certified. Applicators must read and follow all label directions and the directions on the Material Safety Data Sheets.

### **Pesticide Waste**

Pesticide equipment wastewater should be minimized and contained as much as possible. If economically feasible for large operations, an impermeable floor with a curb can be constructed to handle the mixing and loading of pesticides, and the washing of pesticide residues from equipment. The equipment only needs to be washed when changing from one pesticide to another, instead of after every application. This practice will reduce the amount of **rinsate**, which can be collected and used in accordance with the label during the next application.

Pesticide spills should be cleaned up immediately following an incident. Barriers and absorbent materials are generally used to contain spills. Soil contaminated by a spill should be collected, stored in a special container, and re-used during subsequent applications. Spill clean-up equipment and trained emergency responders should be used when handling spill incidents. The quick containment and clean-up of pesticide spills will help protect the environment and minimize your liability.

For additional information, refer to *Best Management Practices for Agrichemicals and Farm Equipment Maintenance* which can be accessed online at: <http://www.floridaagwaterpolicy.com/BestManagementPractices.html>

### **Pharmaceutical Use**

The use and misuse of pharmaceuticals, such as antibiotics and hormones, can have a negative impact on water quality. This is an issue nationwide, as sampling has revealed detectable amounts of antibiotics, hormones, sterols and other substances in surface waters from various sources. Because of this, it is very important to use these products responsibly. Follow all state and federal regulations and properly dispose of spent needles, expired or unused pharmaceuticals, and pharmaceutical containers.

The proper disposal of unused pharmaceuticals is necessary for environmental, livestock, and human health. Expired medications often can be returned to the supplier/manufacturer or some veterinary offices. Check with your local municipality to see if they will accept pharmaceuticals during household hazardous waste disposal events.



Figure 8

Proper disposal of spent needles, referred to as “sharps,” is regulated by EPA. These regulations require that needles be disposed of in a biomedical container designed for collection of sharps. See: [www.epa.gov/osw/nonhaz/industrial/medical/disposal.htm](http://www.epa.gov/osw/nonhaz/industrial/medical/disposal.htm) Spent needles should be collected in these containers to avoid accidental needle sticks of farm workers or animals. Local veterinary offices should be able to provide these containers, labeled “Biohazard,” as indicated in **Figure 8**. Many county solid waste departments will take the sharps containers and properly dispose of them for a small fee, and some counties provide this service for free. Contact the local solid waste office for more information. Operators should check with their county extension office to see whether local ordinances apply.

Follow pharmaceutical label instructions for disposal of unused product. Do not pour unused product down a sink or drain. Instead, dispose of it in household trash, using the following guidelines:

- Pour product into a sealable plastic bag. If it is a solid (pill, liquid capsule, etc.), crush it or add water to dissolve it.
- Add kitty litter, sawdust, or coffee grounds to the plastic bag. Seal the plastic bag and put it in the trash.
- Remove and destroy identifying personal information (prescription label) from all containers before recycling them or throwing them away.

## Pesticide and Pharmaceutical BMPs

### 8.1 Storage, Handling, and Application

Practice IPM and use all pesticides in accordance with the label. Rinse, recycle, or dispose of empty pesticide containers following federal, state, and

local regulations. When applying a pesticide close to a stream, canal, pond, or other waterbody, choose a pesticide with an active ingredient that has a lower toxicity to aquatic organisms.

#### Level I BMPs:

- ✓ **1.** Store pesticides in a roofed structure with a lockable door, at least 100 feet from wells, surface waters, and sinkholes.
- ✓ **2.** When mixing pesticides in the field, conduct loading activities at random locations. Use a check valve or air gap separation to prevent backflow into the tank when filling a sprayer.
- ✓ **3.** Dispose of spent needles and unused pharmaceutical products by using an approved biomedical container, or by following other guidance approved by the EPA.

#### References:

1. FDACS and FDEP, Best Management Practices for Agrichemical Handling and Farm Equipment Maintenance. <http://www.floridaagwaterpolicy.com/BestManagementPractices.html>
2. UF-IFAS, Use Management Practices to Protect Groundwater from Agricultural Pesticides, UF-IFAS, PI 1. <http://edis.ifas.ufl.edu/PI001>
3. UF-IFAS, Management Practices to Protect Surface Water from Agricultural Pesticides, PI 22. <http://edis.ifas.ufl.edu/PI014>
4. USDA, Core 4 Conservation Practices Training Guide, Part III. [www.nrcs.usda.gov/technical/ECS/agronomy/core4.pdf](http://www.nrcs.usda.gov/technical/ECS/agronomy/core4.pdf)
5. USDA-NRCS, Agrichemical Handling Facility Code 702, Pest Management Code 595, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg>



## 9.0 ANIMAL MORTALITY MANAGEMENT

**Animal mortality management** involves the proper transport, storage, and disposal of dead animals to avoid impacts to water quality and livestock and human health.

Animal carcasses contain microorganisms, some of which may be pathogenic (disease-causing) to animals and/or humans. Proper management of animal mortalities will prevent the movement of these organisms to surface or ground water and will, therefore, reduce the risk of transmitting diseases to healthy livestock. Proper management of mortalities will also protect surface waters from organic loads that can lower dissolved oxygen levels and kill fish. In addition, odor problems can be prevented.

Viable mortality management methods include rendering, incineration, composting, burial, or hauling the carcass to a county landfill that is approved to accept animal carcasses. Many of these methods are detailed in the guidance document, *Florida Animal Producer Guidance for Routine Disposal of Animal Carcasses*, which can be found at: <http://www.flstart.org/ACMWG/documents/documents.htm>. FDEP Chapter 62-701, F.A.C., Solid Waste Management Facilities, may apply if operators are faced with catastrophic death of livestock and dispose of the carcasses on-site.

### **Sanitation and Disease Control Measures**

Identify appropriate means for off-site disposal, since some operations have limited resources for on-site burial. Contact your county government to inquire about disposal regulations for carcasses.

Each of the following pests or diseases is declared to be a dangerous, transmissible pest or disease of animals and to constitute an animal and/or public health risk. Any person who has knowledge of, or suspects, the existence of any of these diseases or pests, or a newly emerging disease that might result in unusually high animal loss, must immediately report suspicions or findings to the State Veterinarian (during office hours: (850) 410-0900; fax: (850) 410-0915; after hours: (800) 342-5869; email: [rad@freshfromflorida.com](mailto:rad@freshfromflorida.com)).

- African Horse Sickness
- Anthrax
- Brucellosis (B. abortus, B. suis)
- Southern Cattle Tick Infestation (Boophilus)
- Contagious Equine Metritis
- Dourine
- Equine Encephalitis (Eastern, Western, Venezuelan, or West Nile Virus)
- Equine Herpes Virus (Neurological Disease)
- Equine Infectious Anemia
- Equine Piroplasmiasis (Horse Tick Fever)

- Equine Viral Arteritis
- Glanders
- Rabies
- Screwworm Infestation
- Strangles (Equine)
- Tropical Horse Tick Infestation (*Demacantor nitens*)
- Tuberculosis
- Vesicular Exanthema
- Vesicular Stomatitis

While transporting carcasses, keep them contained in a sanitary manner to prevent spreading infection. Clean and disinfect any mechanical equipment surfaces that were in contact with the carcasses, especially if you suspect a virulent disease organism to be the cause of death.

If one is available, use a licensed rendering or incineration facility. Ensure that the facility has received all applicable permits. If animals have been euthanized with barbiturates, bury, incinerate, or otherwise dispose of the carcasses in a sanitary manner to prevent access by wildlife or pets, as consumption may be fatal. Stabilize soil until vegetation has re-established on top of burial sites. Inspect burial sites on a regular basis for integrity and to ensure vegetative cover is maintained.

If composting animal carcasses, remember that they are very high in nitrogen and have an average C:N ratio of 5:1. Because of this, they will likely require a supplemental carbon source to decompose properly.

## Mortality Management BMPs

### 9.1 On-Site Carcass Disposal Practices

#### Level I BMPs:

- ✓ 1.  For below-ground burial, locate any burial site at least 100 feet from adjacent property and at least 200 feet from watercourses, streams, wetlands, wells, or sinkholes. Burial sites should be at least 2 feet above the seasonal high ground water table and should allow for at least 2 feet of cover. Identify burial sites on a map and keep it available for future reference.
- ✓ 2. For above-ground burial, move dead horses to an upland area at least 100 feet from adjacent property and at least 200 feet from watercourses, streams, wetlands, wells, or sinkholes. Cover with 6 inches of compacted soil and at least 2 feet of additional soil.

Contact your county government to inquire about disposal regulations for carcasses.

#### References:

1. USDA-NRCS, Agricultural Waste Management Field Handbook <http://www.wsi.nrcs.usda.gov/products/W2Q/AWM/handbk.html>
2. USDA-NRCS, Animal Mortality Facility Code 316; Composting Facility Code 317, FOTG-Section IV. <http://www.nrcs.usda.gov/technical/efotg>
3. Minnesota Department of Agriculture, Composting Animal Mortality, <http://www.mda.state.mn.us/news/publications/animals/compostguide.pdf>
4. FDACS, Florida Animal Producer Guidance for Routine Disposal of Animal Carcasses. <http://www.flart.org/ACMWG/documents/documents.htm>

# **APPENDICES**

## APPENDIX 1: ACRONYM LIST AND GLOSSARY

**AFO:** Animal Feeding Operation.

**Aquifers:** Soil or rock formations that contain ground water and serve as a source of water that can be pumped to the surface.

**AUP:** Agricultural Use Plan.

**Berm:** A ridge of compacted soil located at the top or base of a sloped, disturbed area.

**Best Management Practice (BMP):** A practice or combination of practices determined by the coordinating agencies, based on research, field-testing, and expert review, to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality in agricultural and urban discharges. Best Management Practices for agricultural discharges shall reflect a balance between water quality improvements and agricultural productivity.

**Biosolids:** The solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a permitted domestic wastewater treatment facility.

**BMAP:** Basin Management Action Plan.

**BOD:** Biochemical Oxygen Demand.

**CAFO:** Concentrated Animal Feeding Operation.

**CFR:** Code of Federal Regulations.

**C:N:** Carbon to Nitrogen Ratio.

**Composite Sample:** A single water quality sample that is prepared by combining numerous single or "grab" samples intended to produce a typical or average sample for analysis.

**Confining Layer:** A layer of earth material, usually clay, which does not readily transmit water, and thereby restricts the vertical movement of water into and out of an aquifer.

**Continuous Grazing:** The grazing of a specific unit by livestock throughout the year or for that part of the year during which grazing is feasible.

**CREP:** Conservation Reserve Enhancement Program.

**CRP:** Conservation Reserve Program.

**CSP:** Conservation Security Program.

**Cyanobacteria:** Cyanobacteria are autotrophic bacteria capable of producing their own food through photosynthesis, much like algae.

**ECP:** Emergency Conservation Program.

**EDIS:** Electronic Document Information System.

**EPA:** Environmental Protection Agency.

**EQIP:** Environmental Quality Incentives Program.

**ERP:** Environmental Resource Permit.

**ESTL:** Extension Soils Testing Laboratory.

**Enhanced-Efficiency Fertilizers:** Products that minimize the potential for nutrient losses to the environment. They include slow or controlled-release, stabilized nitrogen, nitrification inhibitor, and urease inhibitor fertilizer products.

**F.A.C.:** Florida Administrative Code.

**FDACS:** Florida Department of Agriculture and Consumer Services.

**FDEP:** Florida Department of Environmental Protection.

**FDOH:** Florida Department of Health.

**FEMA:** Federal Emergency Management Agency.

**Filter Strip:** A strip of permanent herbaceous vegetation between farm production areas and downstream environmental features. Filter strips are designed to treat runoff via overland flow.

**FIRM:** Flood Insurance Rate Maps.

**FOTG:** Field Office Technical Guide.

**F.S.:** Florida Statutes.

**FSA:** Farm Services Agency.

**FWRA:** Florida Watershed Restoration Act.

**High-intensity areas (HIA's):** Areas of an equine operation that have been denuded of ground cover due to repeated use by livestock (e.g., sacrifice areas, arenas, round pens, hotwalkers, etc.). For purposes of this manual, HIAs do not include watering troughs and supplemental feeding and mineral stations

**Hydrologic:** Relates to the movement, distribution, and quality of the earth's water.

**IPM:** Integrated Pest Management.

**Karst:** Landforms or terrain caused by the dissolution of soluble rock (limestone or dolostone) characterized by springs, sinkholes, and caves.

**MSDS:** Material Safety Data Sheet.

**MSSW:** Management and Storage of Surface Waters.

**NOI:** Notice of Intent.

**N-P-K:** Nitrogen, Phosphorus and Potassium.

**NPS:** Nonpoint Source.

**Perennial Streams:** Streams or rivers that flow in a well-defined channel throughout most of the year under typical climatic conditions.

**Petioles:** The stalk by which a leaf is attached to a stem, also referred to as a leafstalk.

**PPM:** Parts per Million.

**Prescribed Grazing:** The controlled harvest of vegetation with grazing or browsing animals managed with the intent to achieve a planned objective(s).

**PVC:** Polyvinyl Chloride.

**Rinsate:** The solution remaining after rinsing something.

**Riparian:** Vegetated ecosystems along a watercourse, characterized by a high water table and subject to periodic flooding and influence from the adjacent watercourse.

**Rotational Grazing:** The grazing of two or more subdivisions of pasture in sequence, followed by a rest period for recovery and re-growth.

**Sacrifice Areas:** A sacrifice area, a type of high-intensity area, is a fenced subdivision (paddock or pen) used for exercising horses in order to minimize denuding of primary pasture areas. The sacrifice area can also be used when pastures are over-grazed or require maintenance.

**Sheetflow:** The flow of water in a thin layer across the land surface, initiated by a rain event.

**Sinkhole:** For the purposes of this manual, a sinkhole is an opening in the ground resulting from the collapse of overlying soil, sediment, or rock into underground voids created by the dissolution of limestone or dolostone.

**Springs:** A point where underground water emerges to the earth's surface (including the bottom of the ocean).

**Stocking Rate:** The number of animals or the animal live weight assigned to a grazing unit on a seasonal basis.

**Swale:** A manmade, vegetated trench that has a top width-to-depth ratio of 6:1 or greater, or side slopes of 3 feet horizontal to 1 foot vertical or greater. A swale treats standing or flowing water following a rainfall event.

**Supplemental Feeding:** Supplying feed to livestock when available forage is too limited to meet their minimum daily requirement.

**SWCD:** Soil and Water Conservation District.

**TMDL:** Total Maximum Daily Load.

**UF-IFAS:** University of Florida, Institute of Food and Agricultural Sciences.

**USDA-NRCS:** United States Department of Agriculture, Natural Resources Conservation Service.

**USGS:** United States Geological Survey.

**Vegetated Buffer:** An area covered with vegetation suitable for nutrient uptake and soil stabilization, located between a production area and a receiving water or wetland.

**Watercourse(s):** Any natural or man-made (ditch or canal) water feature that flows continuously or intermittently. For the purposes of this manual, watercourses do not include wetlands.

**Watersheds:** Described as drainage basins or regions of land where water drains downhill into a specified body of water.

**Wetlands:** As defined in section 373.019(25), Florida Statutes, wetlands means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above.

**WHIP:** Wildlife Habitat Incentive Program.

**WMDs:** Water Management Districts.

**WRP:** Wetland Reserve Program.

## APPENDIX 2: ADDITIONAL BMP REFERENCES

### **1. On-Farm Composting Handbook**

This handbook, developed by the Natural Resource, Agriculture, and Engineering Service, presents a thorough overview of farm-scale composting and explains how to produce, use, and market compost. Topics covered include benefits and drawbacks, the composting process, raw materials, methods, operations, management, site and environmental considerations, using compost, marketing, economics, and other options for waste management. The handbook can be found at: [http://www.nraes.org/nra\\_order.taf?\\_function=detail&pr\\_booknum=nraes-54#description](http://www.nraes.org/nra_order.taf?_function=detail&pr_booknum=nraes-54#description)

### **2. Calculating Manure and Manure Application Rates**

This guide, developed by Purdue University, contains comprehensive nutrient and mineralization/availability values for all types of manure. It also includes information for manure spreader calibration. The guide can be found at: <http://www.ces.purdue.edu/extmedia/AY/AY-277.html>

### **3. Horse Keeping: A Guide to Land Management for Clean Water**

This document, developed by the San Francisco Bay Resource Conservation and Development Council, contains a method for equine to evaluate their property for sediment and/or nutrient impacts. It also advocates development of a written manure management plan, and a water quality monitoring program if adjacent to creeks or streams. The document can be found at: <http://www.mcstoppp.org/acrobat/Horse%20Keeping%20Guide.pdf>

### **4. Small Farm Environmental Issues**

This website resource is a compendium of extension articles geared to the smaller equine operation. Focus articles have been developed for manure storage, barnyard and open lot management, as well as pasture management. The articles can be found at: [http://www.extension.org/pages/Small\\_Farm\\_Environmental\\_Issues\\_Articles](http://www.extension.org/pages/Small_Farm_Environmental_Issues_Articles)

### **5. Manure and Pasture Management of Horse Owners**

This document, developed by Alberta Agriculture Food and Rural Development is an excellent resource on manure and pasture management practices for water quality protection. It can be found at: [http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/agdex9377](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/agdex9377)

## APPENDIX 3: BUFFERS AND SETBACKS

<b>Reference Table for Setbacks</b>			
<b>BMP #</b>	<b>Practice</b>	<b>Setback (Feet)</b>	<b>Hydrologic Feature Type</b>
<b>2.1.3</b>	Manure storage areas	100	Private potable wells
<b>2.1.3</b>	Manure storage areas	200	Watercourses, sinkholes
<b>2.1.3</b>	Manure storage areas	300	Public Potable wells
<b>3.1.3</b>	Access roads	25	Wetlands
<b>6.1.1</b>	Vegetated buffer	25	Wetlands
<b>6.3.1</b>	Vegetated buffer	100	Springs, spring runs
<b>6.3.2</b>	Vegetated buffer	50	Sinkholes
<b>6.4.1</b>	Fertilizer application	50	Watercourses, lakes, wetlands, sinkholes
<b>6.5.1</b>	High-intensity areas	200	Watercourses, lakes, wetlands, sinkholes
<b>6.5.3</b>	Water troughs, supplemental feed and mineral	100	Watercourses, lakes, wetlands, sinkholes, drinking water wells
<b>6.5.4</b>	Riding trails	25	Watercourses, lakes, wetlands, sinkholes
<b>6.6.5</b>	Livestock exclusion	75	Drinking water wells
<b>7.2.2</b>	Horse washing areas	50	Waterbodies, wells, drainfields
<b>8.1.1</b>	Pesticide Storage	100	Wells, surface waters
<b>9.1.1</b>	Burial sites	200	Watercourses, streams, wetlands, wells, sinkholes

## APPENDIX 4: SOIL AND TISSUE TESTING INFORMATION

### Soil Testing

The soil testing process comprises four major steps, and understanding each one clearly will increase the reliability of the process tremendously. The steps in the soil testing process are:

- soil sampling
- sample analysis
- interpretation of test results
- nutrient recommendations

**Soil Sampling:** Soil samples need to be representative of the field and soil types and the soil analysis results will be only as good as the submitted sample is. Samples collected from areas that differ from typical characteristics of the farm should be submitted separately and should not be consolidated with the primary samples. Using a management zone (area on the farm that is managed similarly) as a guiding factor to collect and consolidate samples is strongly recommended to optimize resources. Consult the UF-IFAS Extension Fact Sheet SL181 for further information on soil sampling strategies and/or to obtain the appropriate soil test sheet which can be found at: <http://soilslab.ifas.ufl.edu/ESTL%20Tests.asp>

**Sample Analysis:** The soil samples that are submitted to the testing laboratories undergo a series of physical and chemical processes that are specific to the soil types, crops, and management regimes. Once the soil samples are homogenized through grinding and/or sieving, a precise volume of the sample will be extracted for plant nutrient through an extraction procedure. The following standard methods are followed at the UF-IFAS Soil Testing Laboratories for different soils in Florida:

- a. Mehlich-1 extraction – this method is performed on all acid-mineral soils up to a soil pH of 7.3.
- b. AB-DTPA extraction – this method is performed on alkaline (calcareous) soils with a pH of 7.4 and above.
- c. Water extraction – this method is used for extraction of P in all organic soils.
- d. Acetic acid extraction – this method is performed on all organic soils for extraction of K, Mg, Ca, Si, and Na..

It is extremely important that procedures used at the laboratories are well understood before submit-

ting the samples since most BMPs are tied to the standardized procedures used by the labs at the land-grant universities in the state such as UF-IFAS. Similarly, it is also very important to note that the UF-IFAS laboratory does not offer any test for N since there is no reliable test for plant available N under Florida conditions. N recommendations are based on crop nutrient requirements found in the research literature. More information regarding the procedures used at the UF-IFAS Extension Soil Testing Laboratory in Gainesville can be found in the extension publication, Circular 1248.

**Interpretation of Test Results:** The primary goal of state laboratories in offering the soil testing service is to provide interpretation of the soil test results based on soil test-crop response trials and field calibration of the test results with the optimum economic yields of the various plant species. Economic yield increases resulting from added nutrients cannot be obtained once the test results are interpreted as 'High' resulting in no recommendation for that particular nutrient. The interpretations provided are specific to the soil and plant species. Current interpretation tables can be obtained from SL 189 UF-IFAS extension fact sheet.

**Nutrient Recommendations:** To reiterate, nutrient recommendations based on soil test results are formulated based on the optimum economic crop response to an added nutrient to the soil.

### Tissue Testing

Tissue testing is the analysis and diagnosis of the plant's nutritional status based on its chemical composition. It is commonly performed as analyses on dried blades, leaves or dried **petioles** or on sap from fresh petioles, with results compared to recommended nutrient ranges.

Efficient fertilizer management is important to reduce costs, conserve natural resources, and to minimize potential impacts on the environment. These goals can be achieved through optimum management of the fertilizer component. Timely tissue testing is an important tool used in fertilizer management through monitoring the plant's nutritional status, and such testing is also used in diagnosing suspected problems like nutritional deficiency, toxicity or imbalance. As a management tool, tissue testing can increase your return by preventing deficiencies that can reduce yield(s), market quality, and profitability.

**Methodology:** Begin sampling soon after the crop is established and continue at regular intervals (weekly or biweekly). Individual plants, even side-by-side, may have different nutritional status. Therefore, by sampling a sufficiently large number of plants, the effect of this error due to inherent variability should be minimized. It is preferable to include a soil sample together with a tissue sample when submitting samples to a diagnostic lab, since the soil sample may indicate other factors – such as pH – that may influence crop growth, nutrient availability, and uptake. Avoid plant tissue testing if the field has received foliar nutrient sprays containing micronutrients or nutrient-containing pesticides. Also, avoid sampling plants damaged by pests, diseases, or other chemicals when trying to monitor the nutritional status of the sod.

Whole-leaf sampling will be most useful early in the season, while later in the season, it can help to point to changes in fertilization practices that are needed for the next season. Fresh petiole sap testing for N and K, practiced regularly throughout the season, can help manage the current crop as well as provide guidance for the next crop. Sample a recently matured leaf blade. Collect enough leaf material so that the sample is representative of the crop stand, and that the sample is large enough to perform the required analyses.

If a deficiency is suspected, collect one **composite sample** from the area exhibiting the disorder and a second sample from an otherwise “normal” section for comparison when trying to diagnose a nutrient deficiency. Separate and properly label the “disorder” sample and the “normal” sample in order to make a valid comparison after analyses. Keep notes on condition of the sod and stage of growth, weather, and other variables for future reference.

Be careful not to crush or damage samples during cleansing. Avoid using tap water to rinse blade samples, since it can be high in nutrients such as

calcium, iron, magnesium, or sulfate sulfur. Use distilled water instead. In most situations, cleansing is not needed. Blot the samples dry with absorbent paper after rinsing, and air-dry the samples several hours before shipment. Wrap the samples in absorbent paper and place them in a large envelope if a plant analysis kit is not available, and mail immediately.

Select a reputable laboratory that provides interpretations and recommendations based upon test results, which are appropriate for your growing region. Interpretation guidelines should be based on actual field research, not on “typically observed” or historical lab databases. The laboratory should be reliable and accredited and also offer a routine turnaround of less than 48 hours.

For more information please see SL 131, Plant Tissue Information Sheet, Soil and Water Science Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida. Last revised July 2005. <http://edis.ifas.ufl.edu/SS182>.

### References:

1. Sartain, J.B. 2001. Soil Testing and Interpretation for Florida Turfgrasses. SL181. Soil and Water Science, Cooperative Extension Service. IFAS, p. 2. <http://edis.ifas.ufl.edu/SS317>.
2. Mylavarapu, R.S. and E.D. Kennelley. 2002. UF-IFAS Extension Soil Testing Laboratory Analytical Procedures and Training Manual. Soil and Water Science, Circular 1248, Cooperative Extension Service, IFAS, <http://edis.ifas.ufl.edu/SS312>.
3. Mylavarapu, R.S. 2002. The Process of Standardized Nutrient Recommendation Development for Successful Crop Production and Environmental Protection. SL 189, Soil and Water Science, Cooperative Extension Service, IFAS. <http://edis.ifas.ufl.edu/SS401>.

# APPENDIX 5: NUTRIENT BUDGET WORKSHEET

**Note:** Use a separate worksheet for each crop or fertilization plan

Equine Owner/Operator:	County:	Date:
Prepared by:	Field # :	

**Table 1 – Field Conditions and Nutrient Recommendations**

Type of Crop		Use		Expected # of cuttings (for hay only)
Current Soil/Tissue Test Levels				
P	K	pH	Tissue P (bahiagrass)	
Recommended Nutrients/Amendments (lb/acre)				
N	P <sub>2</sub> O <sub>5</sub>	K <sub>2</sub> O	Lime	

**Table 2 – Nutrient Sources and Amounts**

Residual Nutrients	N	P <sub>2</sub> O <sub>5</sub>	K <sub>2</sub> O
	Pounds per acre		
1. Nitrogen residual from previous legume crop			
2. Residual from long-term land application of manure			
3. Residual from long-term biosolids (sewage sludge) application			
4. Atmospheric deposition	3	Negligible	Negligible
5. Other Sources			
<b>6. Total Residual Nutrients</b>			
Residual Nutrient Status			
7. Nutrients recommended (from table 1 above)			
8. Nutrient status (subtract line 7 from line 6)			
<p><i>If line 8 is 0 or a positive number, the residual nutrients meet or exceed the crop requirements. You do not need to apply additional nutrients. <b>Stop here.</b></i></p> <p><i>If line 8 is a negative number, this is the amount of additional nutrients needed to meet the crop recommendation. Below, show the planned applications to meet the crop recommendation. ↻</i></p>			

<b>Planned Fertilizer Applications</b>	<b>N</b>	<b>P<sub>2</sub>O<sub>5</sub></b>	<b>K<sub>2</sub>O</b>
9. Land application of manure			
10. Biosolids (Sewage Sludge)			
11. Commercial fertilizer			
<b>12. Total amount of planned applications</b> (not to exceed the negative number in line 8)			
13. Method, form, and timing of application:			

## Instructions to Complete the Nutrient Budget Worksheet

### 1. Table 1. Field Conditions and Nutrient Recommendations

- Enter the current crop (Ex: Bermudagrass hay or bahiagrass grazed) by Field #.
- For hay, enter expected # of cuttings (Ex: 3 cuttings/yr).
- Enter current soil test levels (ppm). These test levels should be derived from a method approved by the UF-IFAS soil testing lab. A current soil test is one that is no more than 1 year old at the time of planned fertilizer application.
- Enter recommended amount(s) of nutrients/amendments. Use UF-IFAS Circular SL-129 – *Standardized Fertilization Recommendations for Agronomic Crops* to determine the amount(s). Recommendations for phosphorus, lime, and potassium will be based on soil test results.

### 2. Table 2. Nutrient Sources and Amounts

- **Line 1:** Enter estimated N residual (lb/acre) from a previous legume crop (i.e., clovers, perennial peanut, soybeans). Estimated N values can be obtained from UF-IFAS research publication, *Nitrogen Fixation and Inoculation of Forage Legumes*, SS-AGR-56 at: <http://edis.ifas.ufl.edu/AG152>
- **Line 2:** Enter estimated N and P residual (lb/acre) from long-term manure applications. This is manure that has been land-applied, and not the manure deposited by the horse while grazing. The amount of N and P that becomes available depends on the rate of mineralization or decay which is based on the type of manure, its analysis, and the length of time that it is on the field. For N, horse manure that is incorporated into the soil has a decay rate of 0.50; 0.35; 0.10. This means that 50 percent of the incorporated nitrogen becomes available the first year, 35 percent of the remaining nitrogen becomes available in the second year, and 10 percent of the remainder in the third year. For P, the decay rates are 0.80; 0.10; 0.05. Remember to sum all of the residual values over a three-year period before entering the number on Line 2. Book values for decay rates of other manures can be found in the USDA-NRCS Agricultural Waste Management Field Handbook, Chapter 11 at: <http://policy.nrcs.usda.gov/viewerFS.aspx?hid=21430>
- **Line 3:** Enter estimated N residual from long-term biosolids application. Calculate this amount using information from the permitted domestic wastewater treatment plant residuals analysis. For N, biosolids have a decay rate of 0.40; 0.20; 0.10. This means that 40 percent of the incorporated nitrogen becomes available the first year, 20 percent of the remaining nitrogen becomes available in the second year, and 10 percent of the remainder in the third year. Remember to sum all of the residual values over a three-year period before entering the number on Line 3.
- **Line 4:** The amount of nitrogen from atmospheric deposition is already entered. This is a statewide average (about 3 lb of N). Amounts for P<sub>2</sub>O<sub>5</sub> and K<sub>2</sub>O are negligible.
- **Line 5:** Enter amounts from other sources.
- **Line 6:** Enter the total amount of residual nutrients (add lines 1-5).

- **Line 7:** Enter the recommended amounts of nutrients to meet the expected yield from Table 1.
- **Line 8:** Subtract line 7 from line 6. If this number is 0 or positive, then the available nutrients meet or exceed the crop requirements. To avoid over-fertilization, do not apply additional nutrients. If this number is negative, then additional nutrients may need to be applied to meet the crop recommendation. If the number in Line 8 is negative, complete Lines 9 – 14.
- **Line 9:** Enter the nutrient amounts from manure material. This is manure that has been land-applied, and not the manure deposited by the horse while grazing. Calculate these amounts using the analysis of the manure from a certified lab, which must be performed twice a year for operations that exceed 20 stalls. Operations below this threshold can use the following values: 8 lb/ton N; 2.5 lb/ton P; and 8 lb/ton K to obtain average nutrient content. Remember to convert all values to lb/acre before recording them on the worksheet.
- **Line 10:** Enter the nutrient amounts from biosolids application, if applicable. Calculate this amount using information from the permitted domestic wastewater treatment plant's lab analysis.
- **Line 11:** Enter the nutrient amounts from commercial fertilizer.
- **Line 12:** Enter the total amount of the nutrients to be applied (add lines 9-12).
- **Line 13:** Enter a description of the application method (i.e., broadcast with a spreader, applied through an irrigation system), form of the fertilizer (i.e. liquid, granular, or manure), and the timing of the application (i.e. date of application, growth stage of the crop).

# APPENDIX 6:

## INCENTIVE PROGRAMS FOR QUALIFYING FARMS

The implementation of Best Management Practices can reduce non-point sources of pollution, conserve valuable soil and water resources, and improve water quality. The implementation of these management practices can also be expensive and, in some cases, may not be economically feasible for agricultural producers. To reduce the financial burden associated with the implementation of selected practices, several voluntary cost-share programs have been established. These programs are designed to conserve soil and water resources and improve water quality in receiving watercourse. The narrative below is intended to provide basic information regarding the primary federal, state, and regional cost-share programs. Sources of additional information have also been included, and growers are encouraged to contact the identified agencies or organizations for current information about each program.

### I. Programs Administered by USDA – Farm Services Agency (FSA)

**Conservation Reserve Program (CRP):** This program encourages farmers to convert highly erodible cropland or other environmentally sensitive lands to vegetative cover including grasses and/or trees. This land use conversion is designed to improve sediment control and provide additional wildlife habitat. Program participants receive annual rental payments for the term of the contract in addition to cost share payments for the establishment of vegetative cover. CRP generally applies to highly erodible lands and is more applicable to North Florida.

**Conservation Reserve Enhancement Program (CREP):** CREP uses a combination of federal and state resources to address agricultural resource problems in specific geographic regions. This program (which is not limited to highly erodible lands) is designed to improve water quality, minimize erosion, and improve wildlife habitat in geographic regions that have been adversely impacted by agricultural activities.

**Emergency Conservation Program (ECP):** The ECP provides financial assistance to farmers and operators for the restoration of farmlands on which normal farming operations have been impeded by natural disasters. More specifically,

ECP funds are available for restoring permanent fences, terraces, diversions, irrigation systems, and other conservation installations. The program also provides funds for emergency water conservation measures during periods of severe drought.

*For further information on CRP and CREP, including eligibility criteria, please contact your local USDA Service Center. Information is also available on the Internet at [www.fsa.usda.gov](http://www.fsa.usda.gov).*

### II. Programs Administered by USDA – NRCS

#### Conservation Plans

Conservation planning is a natural resource problem-solving and management process, with the goal of sustaining natural resources. Conservation Plans include strategies to maintain or improve yields, while also protecting soil, water, air, plant, animal, and human resources. They are particularly well-suited to livestock operations and farming operations that produce multiple commodities.

Conservation Plans are developed in accordance with the USDA-NRCS FOTG. Because not all the specific BMPs in this manual may be contained in the FOTG, Conservation Plans developed under this manual must also include the applicable Level I and II BMPs. Assistance in developing a plan can be obtained through the local Soil and Water Conservation District (SWCD), the USDA-NRCS, the Cooperative Extension Service, and private consultants who function as technical service providers. However, the decisions included in the Conservation Plan are the responsibility of the owner or manager of the farm. Conservation Plans are usually required to receive cost share for any of the programs described below.

**Environmental Quality Incentives Program (EQIP):** EQIP provides financial assistance for the implementation of selected management practices. Eligibility for the program requires that the farm have a NRCS approved conservation plan. Practices eligible for EQIP cost share are designed to improve and maintain the health of natural resources and include cross-fences, water control structures, brush manage-

ment, prescribed burning, prescribed grazing, nutrient management and other erosion control measures.

**Conservation Security Program (CSP):** CSP is a voluntary conservation program that supports ongoing stewardship on private lands. It rewards farmers and operators who are meeting the highest standards of conservation and environmental management. Its mission is to promote the conservation and improvement of soil, water, air, energy, plant and animal life.

**Wetlands Reserve Program (WRP):** WRP is a voluntary program designed to restore wetlands. Program participants can establish easements (30-year or perpetual) or enter into restoration cost-share agreements. In exchange for establishing a permanent easement, the landowner usually receives payment up to the agricultural value of the land and 100 percent of the wetland restoration cost. Under the 30-year easement, land and restoration payments are generally reduced to 75 percent of the perpetual easement amounts. In exchange for the payments received, landowners agree to land use limitations and agree to provide wetland restoration and protection.

**Wildlife Habit Incentives Program (WHIP):** The Wildlife Habitat Incentives Program provides financial incentives for the development of fish and wildlife habitat on private lands. Program eligibility requires that landowners develop and

implement a Wildlife Habitat Development Plan. Participants enter multiyear (5 to 10 year) agreements with USDA-NRCS.

*For further information on these programs, including eligibility criteria, please contact your local USDA Service Center. Information is also available on the Internet at the following web site: [www.nrcs.usda.gov](http://www.nrcs.usda.gov).*

### **III. Programs Administered by State and Regional Entities**

**Office of Agricultural Water Policy:** In order to assist agricultural producers in the implementation of BMPs, the Florida Department of Agriculture and Consumer Services/Office of Agricultural Water Policy contracts with several of the state's Soil and Water Conservation Districts and Resource Conservation and Development Councils to provide cost share, as funding is available.

**Water Management District Cost-Share Programs:** Some of the water management districts may have agricultural cost share programs in place for eligible producers.

*For further information on these programs, including eligibility criteria, please contact your Soil and Water Conservation District, the Water Management District, or the Florida Department of Agriculture and Consumer Services. Information and links to other sites are also available on the Internet at the following web site: [www.floridaagwaterpolicy.com](http://www.floridaagwaterpolicy.com).*

## APPENDIX 7: EXAMPLE RECORD-KEEPING FORMS

Operators are required to keep accurate records to document BMP implementation. Record keeping also aids in operating and maintaining BMPs, and is required for the following BMP Groups:

- 1.1.2** Base fertilization rates for P and micronutrients on soil test
- 1.1.6** Keep records of all nutrient applications. Include, at a minimum: date of application, total amount applied, acreage covered, fertilizer analysis or grade, rate per acre, and application method
- 6.6.5** Maintain records of new well construction and modifications to existing wells

The tables below correspond to of all the record-keeping requirements contained in this manual. They serve as a set of templates to develop your own record-keeping system. You may maintain your records as hard copies or in an electronic format, depending on your preference. You may use these tables, develop your own, or choose commercially available record-keeping software suited to your commodity.

Soil Sample Records				
Date	Pasture Location	# of Samples	Name of Lab	Records Location

Tissue Sample Records				
Date	Pasture Location	# of Samples	Name of Lab	Records Location

Manure Sample Records				
Date	Batch	Analysis <sup>3</sup>	Name of Lab	Records Location

Fertilization/Nutrient Records							
Date	Location	Acreage Covered	Type <sup>1</sup>	Formulation <sup>2</sup>	Analysis <sup>3</sup>	Rate (Lb/Acre)	Ag Use Plan <sup>4</sup>

Well Records					
Location	Year Constructed	Constructed By	Last Modified	Modified By	Records Location

<sup>1</sup> Organic, Inorganic, Residuals, etc.  
<sup>2</sup> Granular, Water Soluble, Liquid, etc.  
<sup>3</sup> e.g. 10-10-10  
<sup>3</sup> e.g. 10-10-10

# APPENDIX 8: CONTACT INFORMATION

## Emergency Information

### Emergency Reporting Numbers

Florida State Watch Office	24 hours	(850) 413-9900 1-800-320-0519
DEP Emergency Response	Monday – Friday, 8:00 am – 5:00 pm	(850) 245-2010

## Non-Emergency Information

### Florida State Agency Numbers

**Toll Free**

#### Department of Agriculture and Consumer Services [www.freshfromflorida.com](http://www.freshfromflorida.com)

Office of Agricultural Water Policy (OAWP) ..... (850) 617-1700

**For assistance with BMP enrollment/implementation ..... (850) 617-1727**

Division of Agricultural and Environmental Services ..... (850) 488-3731

Bureau of Pesticides ..... (850) 487-0532

Bureau of Compliance Monitoring ..... (850) 488-8731

Division of Animal Industry ..... (850) 410-0900

#### Department of Environmental Protection [www.dep.state.fl.us](http://www.dep.state.fl.us)

Nonpoint Source Management Section ..... (850) 245-7508

Hazardous Waste Management Section ..... (850) 245-8707

Northwest District Office (Pensacola) ..... (850) 595-8300

Northeast District Office (Jacksonville) ..... (904) 256-1700

Central District Office (Orlando) ..... (407) 897-4100

Southeast District Office (West Palm) ..... (561) 681-6600

Southwest District Office (Tampa) ..... (813) 632-7600

South District Office (Ft. Myers) ..... (239) 344-5600

#### Water Management Districts [www.flwaterpermits.com](http://www.flwaterpermits.com)

Northwest Florida (Tallahassee) ..... (850) 539-5999

Suwannee River (Live Oak) ..... (386) 362-1001 ..... 1-800-226-1066

St. John's River (Palatka) ..... (904) 329-4500 ..... 1-800-451-7106

Southwest Florida (Brooksville) ..... (352) 796-7211 ..... 1-800-423-1476

South Florida (West Palm) ..... (561) 686-8800 ..... 1-800-432-2045

### Other Helpful Numbers – Main offices, call to obtain local contact information

USDA-NRCS – Florida Main Office (Gainesville) ..... (352) 338-9500

UF-IFAS Extension Administration ..... (352) 392-1761

Association of Florida Conservation Districts

Soil and Water Conservation Districts ..... (407) 321-8212

# APPENDIX 9: RULE 5M-14

## CHAPTER 5M-14

### WATER QUALITY/QUANTITY BEST MANAGEMENT PRACTICES FOR FLORIDA EQUINE OPERATIONS

#### 5M-14.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of agricultural Best Management Practices (BMPs) that may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

*Rulemaking Authority: 403.067(7)(c)2., 570.07(10), 570.07(23), F.S. Law Implemented: 403.067(7)(c)2., F.S. History – New \_\_\_\_\_.*

#### 5M-14.002 Approved Best Management Practices.

The manual titled *Water Quality/Quantity Best Management Practices for Florida Equine Operations* (2011 Edition), DACS P-01531, is hereby adopted and incorporated by reference. Copies of the manual may be obtained from the University of Florida Cooperative Extension Service county office or from the Florida Department of Agriculture and Consumer Services (FDACS), Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, FL, 32301 or accessed online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-00772>.

*Rulemaking Authority: 403.067(7)(c)2., 570.07(10), 570.07(23), F.S. Law Implemented: 403.067(7)(c)2., F.S. History – New \_\_\_\_\_.*

#### 5M-14.003 Presumption of Compliance.

Pursuant to section 403.067(7)(c)3., F.S., agricultural operations that implement BMPs, in accordance with FDACS rules, that have been verified by the Florida Department of Environmental Protection as effective in reducing pollutants addressed by the practices are presumed to comply with state water quality standards, and are released from the provisions of section 376.307(5), F.S., for those pollutants. In order to meet the requirements for a presumption of compliance and release from section 376.307(5), F.S., the producer must:

- (1) Submit a Notice of Intent to Implement, as provided in Rule 5M-14.004, F.A.C., that identifies the applicable BMPs;
- (2) Implement all applicable BMPs in accordance with the timeline requirements in Rule 5M-14.004; and
- (3) Maintain records to document the implementation and maintenance of the identified BMPs, in accordance with Rule 5M-14.005.

*Rulemaking Authority: 403.067(7)(c)2., 570.07(10), 570.07(23), F.S. Law Implemented: 403.067(7)(c)2., F.S. History – New \_\_\_\_\_.*

#### 5M-14.004 Notice of Intent to Implement.

A Notice of Intent to Implement (NOI) and the accompanying BMP Checklist, both of which are in the Appendix of the manual referenced in Rule 5M-14.002, F.A.C., shall be submitted to the FDACS Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, Florida 32301. The Notice of Intent to Implement Water Quality/Quantity BMPs for Florida Equine Operations (DACs-01549, Rev. 06/10), hereby adopted and incorporated by reference, may be obtained from FDACS or accessed online at <https://www.flrules.org/Gateway/reference.asp?No=Ref-00772>.

(1) The NOI shall include:

- (a) The name of the property owner, the location of the property, and the property tax ID number(s) or other property identification information;
- (b) The amount of acreage on which BMPs will be implemented;
- (c) The name and contact information of a person to contact;
- (d) The signature of the land owner, lease holder, or an authorized agent; and
- (e) A BMP Checklist with a schedule for implementation, as contained in the manual. The producer shall select the applicable BMPs by following the instructions in the manual. Except as provided in the manual, all applicable Level I BMPs must be implemented as soon as practicable, but no later than 18 months after submittal of the Notice of Intent to Implement.

(2) Submittal of the NOI enables the producer to receive assistance with BMP implementation.

*Rulemaking Authority: 403.067(7)(c)2., 570.07(10), 570.07(23), F.S. Law Implemented: 403.067(7)(c)2., F.S. History – New \_\_\_\_\_.*

#### 5M-14.005 BMP Record Keeping.

Participants must keep records as directed in the manual to document implementation and maintenance of the practices submitted to FDACS. Records must be retained for at least 5 years. All records are subject to inspection.

*Rulemaking Authority: 403.067(7)(c)2., 570.07(10), 570.07(23), F.S. Law Implemented: 403.067(7)(c)2., F.S. History – New \_\_\_\_\_.*

# **APPENDIX 10**

## ***Notice of Intent and BMP Checklist***





ADAM H. PUTNAM  
COMMISSIONER

Florida Department of Agriculture and Consumer Services  
Office of Agricultural Water Policy

FDACS-OAWP  
1203 Governor's Sq. Blvd.  
Suite 200  
Tallahassee, FL 32301

## NOTICE OF INTENT TO IMPLEMENT WATER QUALITY / QUANTITY BEST MANAGEMENT PRACTICES FOR FLORIDA EQUINE OPERATIONS

Rule 5M-14.004, F.A.C.

- **Complete all sections of the Notice of Intent (NOI).** Each NOI may list only properties that are within the same county and are owned or leased by the same person or entity, and on which applicable BMPs will be identified and implemented under this manual.
- Submit the **NOI**, along with the **BMP Checklist**, to the Florida Department of Agriculture and Consumer Services (FDACS), at the address below.
- **Keep a copy of the NOI and the BMP checklist in your files** as part of your BMP record keeping.

You can visit <http://www.freshfromflorida.com/onestop/forms/01549.pdf> to obtain an electronic version of this Notice of Intent to Implement (NOI) form.

If you would like assistance in completing this NOI form or the BMP Checklist, or in implementing BMPs, contact FDACS staff at (850) 617-1727 or [AgBmpHelp@freshfromflorida.com](mailto:AgBmpHelp@freshfromflorida.com).

Mail this completed form and the BMP Checklist to: **FDACS Office of Agricultural Water Policy**  
1203 Governor's Square Boulevard, Suite 200  
Tallahassee, Florida 32301

**Person To Contact**

Name: \_\_\_\_\_

Business Relationship to Landowner/Leaseholder: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

Email: \_\_\_\_\_

Landowner or  Leaseholder Information (check all that apply)

**NOTE:** If the Landowner/Leaseholder information is the same as the Contact Information listed above, please check:  Same as above. If not, complete the contact information below.

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

Email: \_\_\_\_\_

**Complete the following information for the property on which BMPs will be implemented under this NOI.** You may list multiple parcels if they are located within the same county and are owned or leased by the same person or entity.

Operation Name: \_\_\_\_\_

County: \_\_\_\_\_

**Tax Parcel Identification Number(s) from County Property Appraiser**

Please submit a copy of your county tax bill(s) for all enrolled property, with owner name, address, and the tax parcel ID number(s) clearly visible. **If you cannot provide a copy of the tax bill(s), please write the parcel owner's name and tax parcel ID number(s) below in the format the county uses.** Attach a separate sheet if necessary (see form provided).

Parcel No.: \_\_\_\_\_ Parcel Owner: \_\_\_\_\_

Additional parcels are listed on separate sheet. (check if applicable)

**Total # of acres of all parcels listed (as shown property tax records):** \_\_\_\_\_

**Total # of acres on which BMPs will be implemented under this NOI:** \_\_\_\_\_

In accordance with section 403.067(7)(c)2, Florida Statutes, I submit the foregoing information and the BMP Checklist as proof of my intent to implement the BMPs applicable to the parcel(s) enrolled under this Notice of Intent.

Print Name: \_\_\_\_\_  
(check all that apply)  Landowner  Leaseholder  Authorized Agent (see below)\*

\*Relationship to Landowner or Leaseholder: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Staff Assisting with NOI: \_\_\_\_\_

**NOTES:**

1. You must keep records of BMP implementation, as specified in the BMP manual. All BMP records are subject to inspection.
2. You must notify FDACS if there is a full or partial change in ownership with regard to the parcel(s) enrolled under this NOI.
3. Please remember that it is your responsibility to stay current with future updates of this manual. Visit the following website periodically to check for manual updates: [www.floridaagwaterpolicy.com](http://www.floridaagwaterpolicy.com)

### Additional Tax Parcel Listings

Operation Name: \_\_\_\_\_

County: \_\_\_\_\_

Parcel No.: \_\_\_\_\_ Parcel Owner: \_\_\_\_\_

# FLORIDA EQUINE OPERATIONS WATER QUALITY/QUANTITY BMP CHECKLIST

## Checklist Instructions

**Note:** Before you fill out this checklist, follow the section on BMP Enrollment and Implementation, which begins on page 6 of this manual. Read the text and the BMPs in Sections 1.0 - 9.0 before filling out the checklist, in order to know what the practices entail. The checklist summaries are for identification purposes only.

1. Check "In Use" for each BMP that you are currently practicing and will continue to practice.
2. For the applicable BMPs you do not implement currently but will implement, enter the month and year you plan to implement them in the "Planned" column. FDACS rule requires that applicable Level 1 BMPs in the manual be implemented as soon as practicable, but not later than 18 months after submittal of the NOI. However, if you need more time to implement practice 6.2.1, you must provide justification in the section provided at the end of the checklist.
3. If you are using or will be using a practice similar to a BMP in the checklist, you may enter AMU (alternative measures used) under the "In Use" or "Planned" column. Be sure to include an implementation date (month/year) in the "Planned" column. Explain in the comments section what alternative measure(s) you are or will be implementing. If applicable, include the NRCS FOTG number associated with the practice.
4. For BMPs you will not implement, check all of the following that apply under "Will Not Implement."
  - **NA** = Not Applicable (you do not have a resource concern that requires use of the BMP).
  - **TNF** = Technically Not Feasible.
  - **ENF** = Economically Not Feasible.
  - **Other** = You must explain your reason in the comments section at the end of the checklist.
5. Make sure you follow the record-keeping requirements. BMPs that include record keeping are marked by the following pencil icon: 
6. Mail this BMP checklist with your NOI form to FDACS, and keep a copy of both documents in your files.

BMP #	BMP Group <small>(See body of manual for full description of practices)</small>	In Use	Planned	Will not implement <i>(check reason below)</i>			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other

## 1.0 Nutrient Management

### 1.1. Level I – Soil and Tissue Testing

1. Comply with recommended rates in UF-IFAS Circular SL-129 (revised April, 2009) for the forage grown.						
 2. Base fertilization rates for P and micronutrients on soil test-based recommendations from a lab that uses a method used by the UF-IFAS Extension Soil Testing Laboratory. For bahiagrass, a tissue sample must be submitted along with the soil sample. See Appendix 4 for more information on soil and tissue testing. Keep a copy of your soil and tissue test results.						
3. If land applying manure or biosolids, or incorporating leguminous forage into the soil, use the Nutrient Budget Worksheet in Appendix 5 to account for these nutrient inputs, and adjust your fertilization program accordingly. Keep a copy of your worksheet(s).						

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement (check reason below)			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other
	4. Follow spill application recommendations in UF-IFAS Circular SL-129 (revised April 2009) for your particular forage and fertilization regime to maximize nutrient uptake and minimize leaching and runoff potential. As an alternative, use enhanced-efficiency fertilizers as practicable for your operation.						
	5. Avoid applying nutrients when the soil is saturated or inundated with water, or when heavy rain is forecasted.						
	 6. Keep records of all nutrient applications. Include, at a minimum: date of application, total amount applied, acreage covered, fertilizer analysis or grade, rate per acre, and application method.						

## 2.0 Manure Management

### 2.1. On-Site Manure Management and Off-Site Transport

	1. Collect manure from confined areas (e.g., small paddocks and feeding areas) and riding trails at least monthly, and properly store the manure pending appropriate use or disposal. In the comments section of the BMP checklist describe how you utilize or dispose of collected manure and stall clean-out material.						
	2. If composting, use the appropriate on-site composting system (free-standing pile, windrow, or bin system), based upon the amount of manure generated on-site. Using the information in Table 1, estimate the carbon-to-nitrogen ratio of manure and other materials to be composted, so that the pile will properly decompose. Ensure that adequate water sources are available to maintain pile moisture.						
	3. Locate manure storage areas to protect surface and groundwater sources in accordance with the setback distances listed in Appendix 3.						
	4. If using a commercial hauler to transport manure material offsite, maintain records (e.g. bill of lading) to document that the manure has been transported off-site.						

## 3.0 Sediment and Erosion Control Measures

### 3.1. Level I – Road and Trail Maintenance

	1. Stabilize access roads or trails that cross streams and creeks, using rock crossings, culverts, or bridges.						
	2. Maintain vegetative cover on road banks.						
	3. When constructing above-grade access roads, follow USDA-NRCS FOTG Conservation Practice No. 560, and locate the road(s) a minimum of 25 feet from regulated wetlands. Check with your water management district to see whether a permit is needed.						

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement (check reason below)			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other

 **4. Level II – Crossing Retrofits**

Install a new culvert of the appropriate size, if the existing culvert is not functional. Contact USDA-NRCS or FDACS for technical assistance and/or structure-design guidance.

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**4.0 Pasture Management**

**4.1. Level I – Forage Management**

1. Manage grazing of pastures based on established forage stubble heights (See Table 3 for guidelines) to maintain plant vigor and prevent soil erosion.
2. To ensure uniform grazing, subdivide larger pastures using fencing.
3. Minimize denuded areas by establishing sacrifice areas for exercise, feeding (e.g., salt, mineral, and hay), and other non-forage production activities.
4. Seed and mulch denuded areas, as needed, to promote healthy pastures.
5. Use temporary exclusion fencing on denuded areas to allow for the re-growth of vegetation.


**4.2. Level I – High-Intensity Areas (HIAs)**

1. Route runoff around HIAs using berms or swales, and direct it away from watercourses, wetlands, or sinkholes into a grassed area.
2. When there is evidence of sheetflow from an HIA, construct berms or swales downgradient of the HIA to slow the movement of water and reduce the transport of sediments.
3. Inspect HIAs after severe weather events to ensure that associated runoff diversion mechanisms are functioning properly. Make any necessary repairs.
4. Apply appropriate aggregate materials (such as shell) in and around HIAs, watering troughs, or other frequently denuded areas when excessive mud and/or erosion impacts are evident.


**5. Level II – Ditch Retrofits Associated with HIAs**

Contact the USDA-NRCS County Office for assistance in correcting existing ditch or field erosion and preventing future erosion.

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**5.0 Stormwater Management**

**5.1. Level I – Stormwater Management**

1. Install gutters and downspouts on all buildings adjacent to HIAs, and divert this water away from the HIA toward pastures or other vegetated areas.
2. Operate and maintain all stormwater management conveyances (swales, ditches, and canals) to ensure that they operate as designed.


BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement (check reason below)			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other
 3.	If you have an existing operation that does not have an ERP or other WMD surface water permit and has a history of downstream flooding issues, develop and implement a written stormwater management plan that provides specific responses to various types and levels of rainfall, as feasible. The goal of the plan should be a reduction in volume of off-site discharge while maintaining a healthy rooting environment. Evaluate the plan's effectiveness, and make adjustments as needed.						

## 6.0 Water Resources Protection

### 6.1. Level I – Wetlands Protection

1.	Install and/or maintain a minimum 25-foot non-fertilized vegetated buffer upland of the landward boundary of all wetlands, unless you have an existing water management district permit (ERP, MSSW) that specifies a different buffer.						
2.	For existing operations without an ERP that are unable to meet the 25-foot vegetated buffer, submit to FDACS a description of the alternative measures you will take to protect the wetlands from water quality impacts (see BMP checklist).						
3.	When installing fences in wetlands, minimize the use of mechanical equipment and keep the cleared area no wider than 12 feet on either side of the fence. Perform all fence installation work in wetlands during the dry season when there is no standing water present.						

### 4. Level II – Channelized Discharge to Wetlands

	Use spreader swales (or other means as needed) to intercept water discharging from the ditch(es), in order to reduce flow velocities and provide sheetflow through vegetative buffers prior to reaching the wetlands. Provide to FDACS a written description of the means you will use in the comments section of the checklist.						
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### 6.2. Level I – Streams Protection

1.	Install and/or maintain a riparian buffer along perennial streams on production areas that exceed 1-percent slope and discharge directly to the streams. Contact FDACS, NRCS, or a Technical Service Provider for assistance in properly designating the riparian buffer in accordance with USDA-NRCS Codes 390 and/or 391.						
2.	Locate and size any stream crossings to minimize impacts to riparian buffer vegetation and function. Refer to USDA-NRCS Stream Crossing, Code 578 for design criteria.						
3.	Provide adequate alternative water sources, such as watering troughs.						
4.	In pastures where animals have access to perennial streams, ensure that stream banks are stabilized. If you have difficulty stabilizing your stream banks, use exclusion fencing or contact NRCS for technical assistance.						

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement (check reason below)			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other

### 6.3. Level I – Protection for First-and-Second Magnitude Springs Recharge Basins

1. Establish and/or maintain a 100-foot non-fertilized vegetated buffer upland of the landward boundary of springs and spring runs.						
2. Establish and/or maintain a 50-foot non-fertilized vegetated buffer around sinkholes and other karst features.						
3. If you have a sinkhole on your property, never use it to dispose of used pesticide containers, manure, carcasses, spent sharps, or other materials.						

### 6.4. Level I – Nutrient and Manure Management Setbacks

1. Do not apply fertilizer or composted manure within 50 feet of watercourses, lakes, wetlands, drinking water wells, or sinkholes.						
2. Do not apply uncomposted manure within 100 feet of watercourses, lakes, wetlands, drinking water wells, or sinkholes.						
3. Ensure that there is no discharge from manure storage areas into watercourses, lakes, wetlands, drinking water wells, or sinkholes. Possible measures include distance setbacks and/or constructing an impervious base (concrete or compacted clay), using a berm upgradient of the manure pile, and/or covering with a tarp or other waterproof material. Provide to FDACS a written description of the measures you are using or will use in the comments section of the checklist.						
4. Manure storage areas located in a karst area must be covered with a tarp or other waterproof material to prevent leaching.						

### 6.5. Level I – Equine Activity Setbacks

1. Locate new HIAs as far from watercourses, lakes, wetlands, or sinkholes as practicable for the operation. Try to achieve a distance of at least 200 feet from these resources.						
2. For HIAs within 200 feet of watercourses, lakes, wetlands, or sinkholes, maintain or install diversion or treatment mechanisms, such as berms, vegetated filter strips, or sediment basins, or other treatment or prevention measures, between the HIA and these resources. If using filter strips (Figure 7) or sediment basins, design them in accordance with USDA-NRCS specifications.						
3. Place watering troughs and supplemental feeding and mineral stations as far from watercourses, lakes, wetlands, and sinkholes as practicable for the operation. Try to achieve a distance of at least 100 feet.						
4. Exclude horses within a 100-foot radius of the wellheads of drinking water wells. This radius can be reduced to 25 feet if the well-construction records show well-casing depths that extend through confining layers.						
5. Locate riding trails a minimum of 25 feet from watercourses, lakes, wetlands, and sinkholes.						

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement (check reason below)			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other

### 6.6. Level I – Well Operation and Protection

1. Use backflow prevention devices at the wellhead to prevent contamination of the water source.						
2. Inspect wellheads and pads at least annually for leaks or cracks, and make any necessary repairs.						
3. Cap or valve wells in accordance with water management district requirements.						
4. Retrofit existing functional wells with a fence or a minimum one-foot concrete collar extending from the casing, to protect them from damage.						
 5. Maintain records of new well construction and modifications to existing wells.						

## 7.0 Equine Watering Requirements and Sources

### 7.1. Level I – Equine Watering Source BMPs

1. Install a shut-off device on all troughs. Do not allow troughs to overflow, and turn the water off when not in use.						
2. Maintain all tanks, troughs, wells, and associated structures in good working order. Inspect the distribution system and watering troughs for leaks at least weekly, and make any necessary repairs.						

### 7.2. Level I – Horse Washing BMPs

1. If not using a permanent wash rack, rotate horse washing sites, using established turf areas to prevent mud and sedimentation problems. If necessary, portable rubber mats can be used to prevent denuding of turf areas.						
2. Whether permanent or temporary washing areas are used, locate them at least 50 feet away from waterbodies, wells, and domestic septic tank drain fields. Direct runoff to a well-vegetated area.						

## 8.0 Pesticide/Pharmaceutical Use

### 8.1. Level I – Storage, Handling, and Application of Pesticides

1. Store pesticides in a roofed structure with a lockable door, at least 100 feet from wells, and/or surface waters, and sinkholes.						
2. When mixing pesticides in the field, conduct loading activities at random locations. Use a check valve or air gap separation to prevent backflow into the tank when filling a sprayer.						
3. Dispose of spent needles and unused pharmaceutical products by using an approved biomedical container, or by following other guidance approved by the EPA.						

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement (check reason below)			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other

## 9.0 Animal Mortality Management

### 9.2. Level I – Carcass Disposal Practices

 1. For below-ground burial, locate any burial site at least 100 feet from adjacent property and at least 200 feet from watercourses, streams, wetlands, wells, or sinkholes. Burial sites should be at least 2 feet above the seasonal high ground water table and should allow for at least 2 feet of cover. Identify burial sites on a map and keep it available for future reference.						
2. For above-ground burial, move dead horses to an upland area at least 100 feet from adjacent property and at least 200 feet from watercourses, streams, wetlands, wells, or sinkholes. Cover with 6 inches of compacted soil and at least 2 feet of additional soil.						

## Equine Checklist Comments Section

BMP # Describe Alternative Measures Used	
6.1.2	
6.1.4	
6.4.3	
BMP #	
BMP # Justification for additional time to implement specified Level I BMP	
6.2.1	
BMP # Enter "Other" reasons for not implementing BMPs	



**Item 9.d.**

**Old Business**

**Speed Humps**

## Janet Whipple

---

**From:** Mark Kutney  
**Sent:** Thursday, February 27, 2014 10:28 AM  
**To:** Janet Whipple  
**Subject:** FW: Loxahatchee Groves Speed Humps  
**Attachments:** 14-021 Town Of Loxahatchee Groves Speed Hump Template.pdf

Janet :

Here is the agenda item.

Mark

Mark A. Kutney, AICP, ICMA-CM  
Town Manager  
Town of Loxahatchee Groves  
14579 Southern Blvd, Suite 2  
Loxahatchee Groves, FL 33470

Phone (561) 793-2418  
Cell (561) 601-4632  
Fax (561) 793-2420

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**From:** Bryan Kelley [<mailto:Bryan@simmonsandwhite.com>]  
**Sent:** Thursday, February 27, 2014 10:17 AM  
**To:** Mark Kutney  
**Cc:** Rob Rennebaum  
**Subject:** Loxahatchee Groves Speed Humps

Mark,

Please see the attached speed hump template for Loxahatchee Groves. The design was based on field observations and discussion with the Palm Beach County Traffic Division regarding the details of the existing Acreage speed humps. The speed humps on Sycamore Drive and 44<sup>th</sup> Street east of 140<sup>th</sup> Avenue are essentially the same. The main difference between these speed humps and typical speed humps is the overall length. Most speed humps typically range between 12 to 24 feet. These speed humps are about 39 feet in length. Therefore, motorists are able to travel faster over them. Hence, the speed warning of 30 mph instead of 15 to 25 mph.

Please let me know if you have any questions or would like changes to the speed hump template.

Thank you,

**Bryan Kelley, P.E.**  
Senior Traffic Engineer



5601 Corporate Way, Suite 200  
West Palm Beach, Florida 33407  
p 561.478.7848 f 561.478.3738  
[www.simmonsandwhite.com](http://www.simmonsandwhite.com)

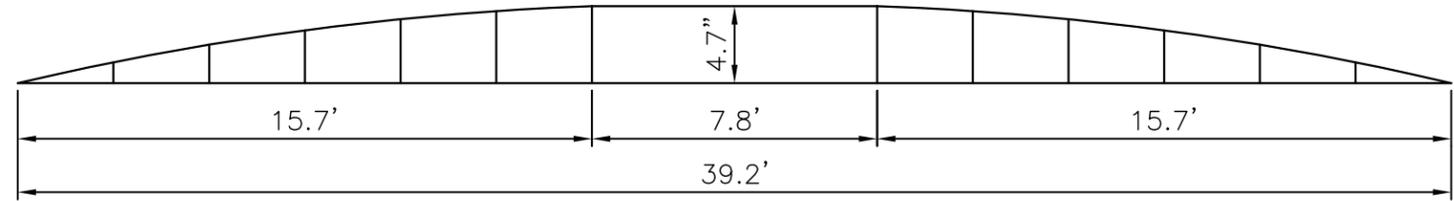
FL 54581 • MS 18819 • TN 112697 • AL 29839

Check us out on facebook



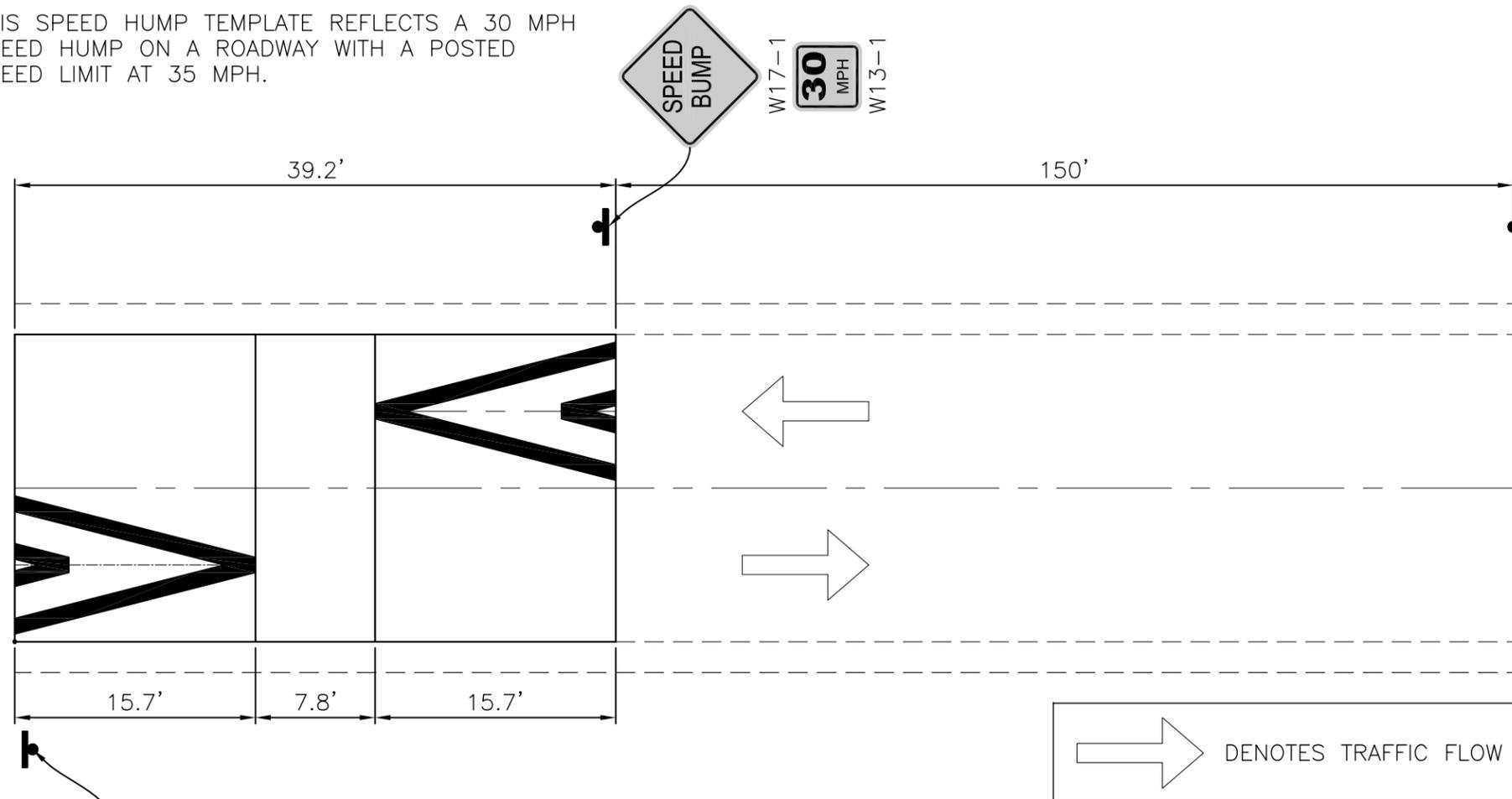
**NOTES:**

1. PALM BEACH COUNTY REQUIRES THAT SPEED HUMPS SHALL NOT BE INSTALLED WITHIN 400' OF A TRAFFIC SIGNAL OR STOP SIGN OR WITHIN AN INTERSECTION OR DRIVEWAY. ADDITIONALLY, PALM BEACH COUNTY REQUIRES A MINIMUM DISTANCE OF 400' BETWEEN ROAD HUMPS AND A MAXIMUM OF 800'.
2. A TRAFFIC STUDY SHOULD BE CONDUCTED PRIOR TO INSTALLATION TO ENSURE ROAD HUMPS ARE PLACED AT APPROPRIATE LOCATIONS AND ON ROADS SUITABLE FOR ROAD HUMPS.
3. TYPICALLY, TRAFFIC CALMING DEVICES SUCH AS ROAD HUMPS ARE PLACED IN A SERIES ON ROADWAYS WITH LOW TRAFFIC VOLUMES AND WITH A FIELD COLLECTED 85TH PERCENTILE SPEED GREATER THAN THE POSTED SPEED LIMIT.
4. THIS SPEED HUMP TEMPLATE REFLECTS A 30 MPH SPEED HUMP ON A ROADWAY WITH A POSTED SPEED LIMIT AT 35 MPH.



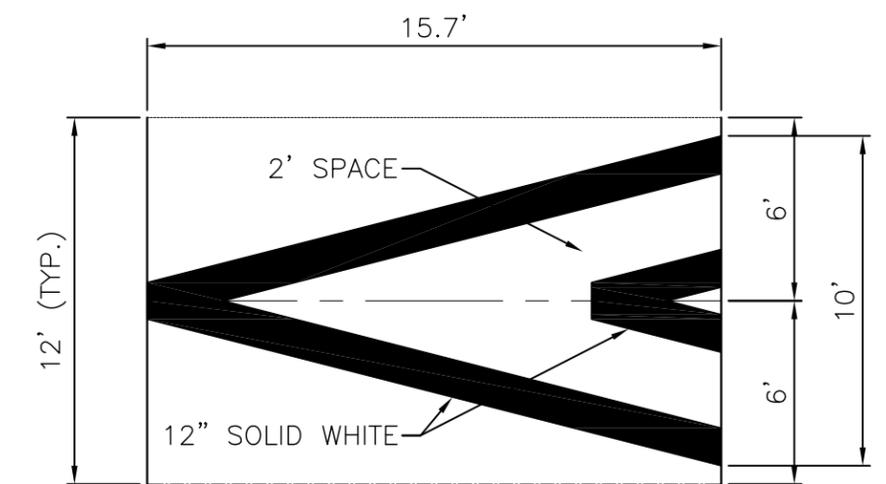
**SPEED HUMP PROFILE**

SCALE: 5:1 VERTICAL: HORIZONTAL



**ROAD HUMP SIGNING & MARKING**

**BUMP AHEAD SIGN REQUIRED AT THE APPROACHES TO A ROAD HUMP OR A SERIES OF ROAD HUMPS (TYPICALLY BOTH APPROACHES)**



→ DENOTES TRAFFIC FLOW

**SPEED HUMP**  
NOT TO SCALE



REVISIONS		 <small>ENGINEERING   PLANNING   CONSULTING   SINCE 1982</small> <small>5601 Corporate Way • Suite 200 • West Palm Beach, Florida 33407 • (561) 478-7848</small>				TOWN OF LOXAHATCHEE GROVES SPEED HUMP TEMPLATE		



**Item 10.a.**

**New Business**

**ILA Canal/Road Maintenance Agreement FY 2013-2014**



TOWN OF LOXAHATCHEE GROVES  
OFFICE OF THE TOWN MANAGER  
AGENDA REPORT

**TO:** Mayor and Town Council

**FROM:** Mark A. Kutney, Town Manager, AICP, ICMA-CM

**DATE:** February 26, 2014

**SUBJECT:** FY 2013-2014 Amendment to Interlocal Agreement (ILA) for the Funding of Construction, Reconstruction and Maintenance of Public Roads Located Within the Town of Loxahatchee Groves.

## **I. BACKGROUND/HISTORY**

In prior years, the Town of Loxahatchee Groves and the Loxahatchee Groves Water Control District (LGWCD) have entered into interlocal agreements for the purpose of Maintenance of Non-District Roads within the Town. The ILA has evolved to represent an Amendment to the Agreement for the funding of Construction, Reconstruction and Maintenance of Public Roads located within the Town of Loxahatchee Groves. Pursuant to the attached letter from Stephen E. Yohe, P.E., District Administrator, the LGWCD Board approved the 2013-2014 Amendment to Interlocal Agreement for the Funding of Construction, Reconstruction and Maintenance of Public Roads located within the Town of Loxahatchee Groves on February 10, 2014. Also attached is a copy of the ILA in question. The LGWCD respectfully requests Town Council approval of the ILA.

## **II. DISCUSSION**

This amended agreement includes provision 1.1.1 which indicates: "...eligible public roadway improvements include construction and reconstruction of roadway drainage facilities and related maintenance activities including but not limited to canal excavation, culvert replacement, culvert and catch basin installation, culvert cleaning, dewatering as required, and professional engineering services as needed."

### **III. FISCAL IMPACT**

The agreement calls for the Town to reimburse the District in an amount not to exceed one hundred, fifty thousand dollars (\$150,000) for the expenditures as provided for in Section 336.025, Florida Statutes.

### **IV. ATTACHMENTS**

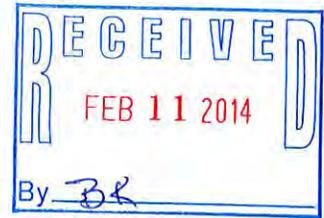
February 11, 2014 letter from Stephen Yohe to Mark Kutney with numerous attachments including the proposed ILA agenda item from the February 10, 2014 LGWCD Board Meeting.

### **V. REQUESTED ACTION**

Motion by Town Council to approve the ILA and authorize the Mayor to execute the same



# LOXAHATCHEE GROVES WATER CONTROL DISTRICT



February 11, 2014

**VIA HAND-DELIVERY**

Mark Kutney  
Town Manager  
Town of Loxahatchee Groves  
14579 Southern Boulevard, Suite 2  
Loxahatchee, Florida 33470

**RE: TOWN-DISTRICT FUNDING ILA FOR DISTRICT ROAD/CANAL  
MAINTENANCE – FISCAL YEAR 2013-2014**

Dear Mark:

The Loxahatchee Groves Water Control District Board of Supervisors met Monday, February 10, 2014 and reviewed and approved Item 3F of the Regular Board Agenda. In summary, the Board approved a proposed Interlocal Agreement for Fiscal Year 2013-2014 with the following specific additional language under Section 1.1.1, page 1 of 4:

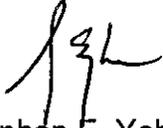
“The parties agree and acknowledge that the eligible public roadway improvements include construction, and reconstruction of roadway drainage facilities and related maintenance activities, including, but not limited to, canal excavation, culvert replacement, culvert and catch-basin installation, culvert cleaning, dewatering as required and professional engineering services as needed.”

Attached is an executed copy of the “2013 AMENDMENT TO INTERLOCAL AGREEMENT FOR THE FUNDING OF CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE OF PUBLIC ROADS LOCATED WITHIN THE TOWN OF LOXAHATCHEE GROVES” which includes this specific additional language. We respectfully request you review this attachment, and if satisfactory to you, place this item before your Town Council for consideration.

For your convenience, attached is Item 3F Packet SUMMARY, ATTACHMENTS, and ACTION REQUESTED. These materials may be useful for your Town Council Packet.

Thanks Mark.

LOXAHATCHEE GROVES WATER CONTROL DISTRICT



Stephen E. Yohe, P.E.  
District Administrator

SEY/lrb

Attachment: Executed copy of the "2013 AMENDMENT TO INTERLOCAL AGREEMENT FOR THE FUNDING OF CONSTRUCTION, RECONSTRUCTION AND MAINTENANCE OF PUBLIC ROADS LOCATED WITHIN THE TOWN OF LOXAHATCHEE GROVES".

LGWCD Board of Supervisors 2/10/14 Meeting Regular Agenda Item  
3F Packet

cc: Board of Supervisors, LGWCD (via electronic mail, without attachments)  
Mary M. Viator, Esquire (via electronic mail, without attachments)

**2013 AMENDMENT TO INTERLOCAL AGREEMENT FOR THE  
FUNDING OF CONSTRUCTION, RECONSTRUCTION AND  
MAINTENANCE OF PUBLIC ROADS LOCATED WITHIN  
THE TOWN OF LOXAHATCHEE GROVES**

This **INTERLOCAL AGREEMENT** is made and entered into by and between:

**TOWN OF LOXAHATCHEE GROVES**, a municipal corporation existing under the laws of the state of Florida, hereafter referred to as "TOWN,"

and

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT**, an independent special district existing under the laws of the state of Florida, hereafter referred to as "DISTRICT".

**WITNESSETH:**

**WHEREAS**, this 2013 Amendment to Interlocal Agreement for the Funding of Construction, Reconstruction and Maintenance of Public Roads within the Town of Loxahatchee Groves is entered into pursuant to §163.01, Florida Statutes, also known as the "Florida Interlocal Cooperation Act of 1969"; and

**WHEREAS**, in June, 2009, the DISTRICT and TOWN entered into an Interlocal Agreement for the Funding of Construction, Reconstruction and Maintenance of Public Roads ("Interlocal Agreement") within the Town of Loxahatchee Groves, recorded at Official Records Book 23332, Page 1401, in the public records of Palm Beach County, Florida, and

**WHEREAS**, the TOWN and DISTRICT desire to amend the Interlocal Agreement to provide for the reimbursement figure for the Fiscal Year 2013-2014.

**NOW, THEREFORE, IN CONSIDERATION** of the mutual terms, conditions, promises, covenants and payments hereafter set forth, DISTRICT and TOWN agree as follows:

- 1.1 The foregoing recitations are true and correct and are hereby incorporated herein by reference. All exhibits to this Agreement are hereby deemed a part hereof.
  - 1.1.1 The parties agree and acknowledge that the eligible public roadway improvements include construction and reconstruction of roadway drainage facilities and related maintenance activities, including, but not limited to, canal excavation, culvert replacement, culvert and catch-basin installation, culvert cleaning, dewatering as required and professional engineering services as needed.
- 2.1 Section 2.1 of the Interlocal Agreement is hereby amended and replaced in its entirety with a new Section 2.1, which reads as follows:

Upon receipt of its share of the Local Option Fuel Taxes for Fiscal Year 2013-2014, TOWN agrees to reimburse the DISTRICT in an amount not to exceed **ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00)** for transportation-related expenditures as provided for in Section 336.025, Florida Statutes.

- 3.1 All terms and conditions of the Interlocal Agreement not in conflict herewith shall remain in full force and effect. In the event of any conflict between this 2013 Amendment and the Interlocal Agreement, the terms and conditions of this 2013 Amendment shall prevail.
- 4.1 Pursuant to Section 6.11 of the Interlocal Agreement, this 2013 Amendment shall take effect upon its filing with the Clerk of Circuit Court, as provided in Sections 3.1 and 6.10 of the Interlocal Agreement, and Section 163.01(11), Florida Statutes.

**IN WITNESS WHEREOF**, the parties hereto have made and executed this Interlocal Agreement between TOWN and DISTRICT on the respective dates under each signature: TOWN, signing by and through its Mayor, authorized to execute same by Council action on the \_\_\_\_ day of \_\_\_\_\_, 2014 and the DISTRICT, signing by and through its Chairman, authorized to execute same by Board of Supervisor's action on the \_\_\_\_ day of \_\_\_\_\_, 2014.

Executed by TOWN this \_\_\_\_\_ day of \_\_\_\_\_, 2014

**TOWN OF LOXAHATCHEE GROVES**, a  
Florida Municipal Corporation

ATTEST:

By \_\_\_\_\_  
David Browning  
Mayor

\_\_\_\_\_  
Town Clerk

[TOWN SEAL]

APPROVED AS TO FORM:

By \_\_\_\_\_  
Town Attorney

Executed by DISTRICT this 10<sup>th</sup> day of February, 2014

**LOXAHATCHEE GROVES WATER  
CONTROL DISTRICT**, an Independent  
Special District of the State of Florida

ATTEST:

  
\_\_\_\_\_  
John Ryan  
Secretary

By David DeMarois  
\_\_\_\_\_  
David DeMarois  
Chairman

[DISTRICT SEAL]

**FILED WITH THE CLERK OF CIRCUIT COURT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**FOR: SHARON R. BOCK,  
CLERK AND COMPTROLLER  
PALM BEACH COUNTY, FLORIDA**

**BY: \_\_\_\_\_**

**ASSISTANT CLERK**

**[CLERK'S SEAL]**



## **REGULAR AGENDA ITEM 3F**

# **2013 AMENDMENT TO INTERLOCAL AGREEMENT FOR THE FUNDING OF CONSTRUCTION, RECONSTRUCTION, AND MAINTENANCE OF PUBLIC ROADS LOCATED WITHIN THE TOWN OF LOXAHATCHEE GROVES**

**FEBRUARY 10, 2014**

**3F**

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT  
PUBLIC MEETING REPORT**

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**Subject:** 2013 Amendment to Interlocal Agreement for the Funding of Construction, Reconstruction, and Maintenance of Public Roads Within the Town of Loxahatchee Groves

**Summary:** Attached are the minutes of the L.G.W.C.D. Board of Supervisors June 10, 2013 Regular Board Meeting. Under Financial Discussion Item 2, the Board approved 5 to 0 directing Staff to request the renewal of gas tax support in the amount of \$150,000.00 for budget year 2013-2014.

Also attached are the minutes of the L.G.W.C.D. Board of Supervisors June 24, 2013 Special Board Meeting. Under Supervisor Comments, in response to comments made by Vice Mayor Ron Jarriel, wherein he stated he emphasized to the Town Council that the \$150,000 in gas tax revenues from the Town to the District would primarily be used for drainage purposes, Mr. DeMarois replied that it was the consensus of the Board for Mr. Yohe to include language in his letter to the Town to specify that the \$150,000 would be used primarily for drainage purposes.

Attached is a June 24, 2013 letter to Town Manager Mark Kutney requesting the Town of Loxahatchee Groves Town Council consider renewing the subject agreement for Fiscal Year 2013-2014 and a June 27, 2013 letter to Town Manager Mark Kutney requesting the Town agree to also include drainage improvements and maintenance in the Interlocal Agreement Amendment for Fiscal Year 2013-2014.

The attached subject draft redline Interlocal Agreement provides for a one (1) year amendment of the 2009 Town and District Interlocal Agreement for Fiscal Year 2013-2014 with additional language including accessory and incidental roadway drainage facilities (see additional language under 1.1.1). Also attached is an Amendment for execution by the Board of Supervisors if the Board approves the redline version.

- Attachments:**
1. Redline 2013 Amendment to Interlocal Agreement for the Funding of Construction, Reconstruction, and Maintenance of Public Roads Within the Town of Loxahatchee Groves
  2. Amendment for Execution by the Board of Supervisors

3. Minutes of June 10, 2013 Regular Board of Supervisors meeting
4. Minutes of June 24, 2013 Special Board Meeting
5. June 24, 2013 Letter from Stephen E. Yohe, P.E., District Administrator to Mark Kutney, Town Manager
6. June 27, 2013 Letter from Stephen E. Yohe, P.E., District Administrator to Mark Kutney, Town Manager

Action Requested: Motion for Board to approve having the Board Chairman and Secretary-Treasurer execute the subject Agreement and direct Staff to forward to the Town of Loxahatchee Groves for approval.

Meeting Date: February 10, 2014  
Regular Agenda Item 3F

**2013~~2~~ AMENDMENT TO INTERLOCAL AGREEMENT FOR THE  
FUNDING OF CONSTRUCTION, RECONSTRUCTION AND  
MAINTENANCE OF PUBLIC ROADS LOCATED WITHIN  
THE TOWN OF LOXAHATCHEE GROVES**

This **INTERLOCAL AGREEMENT** is made and entered into by and between:

**TOWN OF LOXAHATCHEE GROVES**, a municipal corporation existing under the laws of the state of Florida, hereafter referred to as "TOWN,"

and

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT**, an independent special district existing under the laws of the state of Florida, hereafter referred to as "DISTRICT".

**WITNESSETH:**

**WHEREAS**, this 2013~~2~~ Amendment to Interlocal Agreement for the Funding of Construction, Reconstruction and Maintenance of Public Roads within the Town of Loxahatchee Groves is entered into pursuant to §163.01, Florida Statutes, also known as the "Florida Interlocal Cooperation Act of 1969"; and

**WHEREAS**, in June, 2009, the DISTRICT and TOWN entered into an Interlocal Agreement for the Funding of Construction, Reconstruction and Maintenance of Public Roads ("Interlocal Agreement") within the Town of Loxahatchee Groves, recorded at Official Records Book 23332, Page 1401, in the public records of Palm Beach County, Florida, and

**WHEREAS**, the TOWN and DISTRICT desire to amend the Interlocal Agreement to provide for the reimbursement figure for the Fiscal Year 201~~23~~-201~~34~~.

**NOW, THEREFORE, IN CONSIDERATION** of the mutual terms, conditions, promises, covenants and payments hereafter set forth, DISTRICT and TOWN agree as follows:

1.1 The foregoing recitations are true and correct and are hereby incorporated herein by reference. All exhibits to this Agreement are hereby deemed a part hereof.

1.1.1 ~~The parties agree and acknowledge that the eligible public roadway improvements include construction and reconstruction of roadway drainage facilities and related maintenance activities, including, but not limited to, canal excavation, culvert replacement, culvert and catch-basin installation, culvert cleaning, dewatering as required and professional engineering services as needed.~~

2.1 Section 2.1 of the Interlocal Agreement is hereby amended and replaced in its entirety with a new Section 2.1, which reads as follows:

14-01293-1016

Page 1 of 4

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Upon receipt of its share of the Local Option Fuel Taxes for Fiscal Year 201~~23~~-201~~34~~, TOWN agrees to reimburse the DISTRICT in an amount not to exceed **ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00)** for transportation-related expenditures as provided for in Section 336.025, Florida Statutes.

3.1 All terms and conditions of the Interlocal Agreement not in conflict herewith shall remain in full force and effect. In the event of any conflict between this 201~~32~~ Amendment and the Interlocal Agreement, the terms and conditions of this 201~~23~~ Amendment shall prevail.

4.1 Pursuant to Section 6.11 of the Interlocal Agreement, this 201~~23~~ Amendment shall take effect upon its filing with the Clerk of Circuit Court, as provided in Sections 3.1 and 6.10 of the Interlocal Agreement, and Section 163.01(11), Florida Statutes.

**IN WITNESS WHEREOF**, the parties hereto have made and executed this Interlocal Agreement between TOWN and DISTRICT on the respective dates under each signature: TOWN, signing by and through its Mayor, authorized to execute same by Council action on the \_\_\_\_ day of \_\_\_\_\_, 201~~24~~ and the DISTRICT, signing by and through its Chairman, authorized to execute same by Board of Supervisor's action on the \_\_\_\_ day of \_\_\_\_\_, 201~~13~~.

Executed by TOWN this \_\_\_\_\_ day of \_\_\_\_\_, 201~~24~~

**TOWN OF LOXAHATCHEE GROVES**, a  
Florida Municipal Corporation

ATTEST:

By \_\_\_\_\_  
David Browning  
Mayor

\_\_\_\_\_  
Town Clerk

[TOWN SEAL]

APPROVED AS TO FORM:

By \_\_\_\_\_  
Town Attorney

Executed by **DISTRICT** this \_\_\_\_\_ day of \_\_\_\_\_, 201~~4~~3

**LOXAHATCHEE GROVES WATER  
CONTROL DISTRICT**, an Independent  
Special District of the State of Florida

ATTEST:

By

\_\_\_\_\_  
David DeMarois  
Chairman

\_\_\_\_\_  
John Ryan  
Secretary

[DISTRICT SEAL]

FILED WITH THE CLERK OF CIRCUIT COURT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

FOR: SHARON R. BOCK,  
CLERK AND COMPTROLLER  
PALM BEACH COUNTY, FLORIDA

BY: \_\_\_\_\_

ASSISTANT CLERK

[CLERK'S SEAL]

**2013 AMENDMENT TO INTERLOCAL AGREEMENT FOR THE  
FUNDING OF CONSTRUCTION, RECONSTRUCTION AND  
MAINTENANCE OF PUBLIC ROADS LOCATED WITHIN  
THE TOWN OF LOXAHATCHEE GROVES**

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and

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT**, an independent special district existing under the laws of the state of Florida, hereafter referred to as "DISTRICT".

**WITNESSETH:**

**WHEREAS**, this 2013 Amendment to Interlocal Agreement for the Funding of Construction, Reconstruction and Maintenance of Public Roads within the Town of Loxahatchee Groves is entered into pursuant to §163.01, Florida Statutes, also known as the "Florida Interlocal Cooperation Act of 1969"; and

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4.1 Pursuant to Section 6.11 of the Interlocal Agreement, this 2013 Amendment shall take effect upon its filing with the Clerk of Circuit Court, as provided in Sections 3.1 and 6.10 of the Interlocal Agreement, and Section 163.01(11), Florida Statutes.

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Executed by **TOWN** this \_\_\_\_\_ day of \_\_\_\_\_, 2014

**TOWN OF LOXAHATCHEE GROVES**, a  
Florida Municipal Corporation

ATTEST:

By \_\_\_\_\_  
David Browning  
Mayor

\_\_\_\_\_  
Town Clerk

[TOWN SEAL]

APPROVED AS TO FORM:

By \_\_\_\_\_  
Town Attorney

Executed by **DISTRICT** this \_\_\_\_\_ day of \_\_\_\_\_, 2014

**LOXAHATCHEE GROVES WATER  
CONTROL DISTRICT**, an Independent  
Special District of the State of Florida

ATTEST:

By

\_\_\_\_\_  
David DeMarois  
Chairman

\_\_\_\_\_  
John Ryan  
Secretary

[DISTRICT SEAL]

**FILED WITH THE CLERK OF CIRCUIT COURT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

**FOR: SHARON R. BOCK,  
CLERK AND COMPTROLLER  
PALM BEACH COUNTY, FLORIDA**

**BY: \_\_\_\_\_**

**ASSISTANT CLERK**

**[CLERK'S SEAL]**

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT  
BOARD OF SUPERVISORS  
MINUTES OF REGULAR BOARD MEETING  
JUNE 10, 2013 / 7:30 P.M.**

Call to Order at 7:30 p.m.

Roll Call: David DeMarois, Chairman  
Robert Snowball, Vice Chairman  
John Ryan, Secretary-Treasurer  
Don Widing, Deputy Secretary-Treasurer  
Frank Schiola, Board Member

Also Present: Mary M. Viator, Esquire  
Lynnette R. Ballard, Administrative Secretary

**SUBJECT:** AGENDA APPROVAL. Mr. DeMarois asked if there were any additions, deletions, or substitutions to the Regular Agenda.

Mr. Schiola requested the addition of two (2) items: (a) Improved Drainage on "E" Road / Tangerine Drive, and (b) Fire Sprinkler System for District Office.

There were no other additions, deletions, or substitutions.

**MOTION:** Mr. Widing made a motion to approve and adopt the Regular Agenda, including the additions as requested by Mr. Schiola. Mr. Schiola seconded the motion.

There were no comments by the Board or the public on this item.

**ACTION:** **MOTION PASSED 5 TO 0.**

**SUBJECT:** PUBLIC COMMENTS. Mr. DeMarois requested comments from the public at this time.

Town Council Member Ron Jarriel, 2800 161st Terrace North commented about drainage issues at Okeechobee Boulevard and "A" Road, 161<sup>st</sup> Terrace North.

Marge Herzog, 966 "A" Road commented about drainage on "A" Road, south of Okeechobee Boulevard.

There were no additional comments by the public at this time.

MOTION: No motion was necessary.  
ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: TRANSFER OF LOXAHATCHEE GROVES WATER CONTROL DISTRICT INTEREST IN ROADS TO TOWN OF LOXAHATCHEE GROVES – STATUS UPDATE. Mr. Yohe stated Harry Smith, Vice President of Southern States Land & Timber LLC (SSL&T), sent a letter dated May 14, 2013 offering to provide a Quit Claim Deed for the roads subject to the 1918 right-of-way agreement between SSL&T and the District for a payment by District in the amount of \$200,000.00. District Staff sent a letter dated June 3, 2013 declining SSL&T's offer and encouraged Mr. Smith to visit the subject roads and canals to better appreciate the benefits to SSL&T to quit claim any interest to the subject lands to the District in exchange for a nominal amount for their time and effort. A brief discussion ensued.

There were no comments by the public on this item.

MOTION: No motion was necessary.  
ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: TOWN OF LOXAHATCHEE GROVES INVITATION TO BID # 2013-001: GRAVEL ROAD GRADING, MOWING, AND VEGETATIVE REMOVAL SERVICES – STATUS UPDATE. Mr. Yohe stated Staff received separate agreements on May 16, 2013 from the Town of Loxahatchee Groves for: (1) Road Grading and Base Rock for Town Roads, (2) Road Repair of Town Roads, and (3) Emergency Call Out Services for Repair of Town Roads.

Mr. Yohe stated District Staff and Supervisor John Ryan provided comments to Frank Palen, Esquire, who provided legal review and amassed all comments, including Town Council comments, and forwarded all comments to District Staff on May 29, 2013. District Staff forwarded all comments to Perla Underwood on May 30, 2013. A meeting is proposed between Town and District Staff and their legal consultants to address and/or resolve all comments. A brief discussion ensued.

There were no comments by the public on this item.

MOTION: No motion was necessary.  
ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: TRANSFER OF COMPTON ROAD AND MARCELLA BOULEVARD TO TOWN OF LOXAHATCHEE GROVES. Mr. Yohe stated the Town Council approved Resolution No. 2013-03 on June 4, 2013 accepting the Quit Claim Deeds from the District of Compton Road and Marcella Boulevard.

Mr. Yohe requested a motion for the Board to execute the Quit Claim Deed of Compton Road and the Quit Claim Deed of Marcella Boulevard.

Mr. Ryan thanked Mary Viator and her law firm for their hard work on this matter.

There were no additional comments by the Board or the public on this item.

MOTION: Mr. Ryan made a motion to approve the Board's execution of the Quit Claim Deed for Compton Road and the Quit Claim Deed for Marcella Boulevard. Mr. Widing seconded the motion.

ACTION: **MOTION PASSED 5 TO 0.**

SUBJECT: 2013 FORD EXPLORER – STATUS UPDATE. Mr. Yohe stated District Staff placed an advertisement for the sale of the District's 2013 Ford Explorer in The Palm Beach Post beginning Sunday, May 26, 2013 and running for three (3) consecutive weeks, ending Saturday, June 15, 2013.

No action was requested by Mr. Yohe on this item.

There were no comments by the Board or the public on this item.

MOTION: No motion was necessary.

ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: IGC COMMITTEE MEETING SUMMARY – MAY 24, 2013. Mr. Yohe provided the following summary of the May 24, 2013 IGC Committee Meeting Agenda:

**Item 5a. Discussion of Joint Newsletter / District Website Enhancement.** It was concluded that Town Staff would issue their own newsletter so as not to further confuse the public pertaining to the responsibilities of the Town and the District. The Town has forwarded the information of their website consultant to District Staff for evaluation.

**Item 5b. Town-District Joint Meeting to Discuss Manure Issue.** It was concluded that a joint meeting between the Town and District to discuss

manure issues was not warranted until Town and District Staff better assess the existing impact on the Town and the District.

**Item 5c. Drainage Policy.** A May 20, 2013 memorandum from the District Administrator was reviewed and discussed. It was concluded that the Town and District, along with the newly selected Town Engineer, and the Town and District legal consultants, would evaluate the two examples cited in the subject memo and provide a recommendation to the District Board and the Town Council.

No action was requested by Mr. Yohe on this item.

There were no comments by the Board or the public on this item.

MOTION: No motion was necessary.  
ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: FINANCIAL DISCUSSION ITEMS. Mr. Yohe presented the following financial discussion items:

1. INVOICES TO TOWN PROPOSED TO BE HAND-DELIVERED TO PERLA UNDERWOOD ON JUNE 12, 2013:

- A. Invoice to Town for debt assessment rate reduction for North "D" Road and South "C" Road in the amount of \$28,893.02.
- B. Invoice to Town for grading and providing rock and fill for Town roads for October 1, 2012 to March 31, 2013 in an amount to be agreed upon.
- C. Invoice to Town for transportation related expenditures (gas tax) for October 1, 2012 to March 31, 2013 per the 2012 Amendment to Interlocal Agreement for Funding of Construction, Reconstruction, and Maintenance of Public Roads Located Within the Town of Loxahatchee Groves in the amount of \$64,925.32.

No action was requested by Mr. Yohe on the above item.

2. TOWN GAS TAX SUPPORT FOR BUDGET YEAR 2013-2014.

Mr. Yohe requested a motion to direct Staff to request the renewal of gas tax support from the Town in the amount of \$150,000.00 for budget year 2013-2014.

There were no comments by the Board or the public on this item.

**MOTION:** Mr. Schiola made a motion to direct Staff to request the renewal of gas tax support from the Town in the amount of \$150,000.00 for budget year 2013-2014. Mr. Widing seconded the motion.

**ACTION:** **MOTION PASSED 5 TO 0.**

**3. TOWN ACRE DEBT SERVICE LIMITATION COMPENSATION FOR BUDGET YEAR 2013-2014.**

Mr. Yohe requested a motion to direct Staff to request the Town to provide an acre debt service limitation compensation in the approximate amount of \$29,000.00.

There were no comments by the Board or the public on this item.

**MOTION:** Mr. Ryan made a motion to direct Staff to request the Town to provide an acre debt service limitation compensation in the approximate amount of \$29,000.00. Mr. Schiola seconded the motion.

**ACTION:** **MOTION PASSED 5 TO 0.**

**4. 2013-2014 L.G.W.C.D. PROPOSED BUDGET – TO BE PRESENTED TO DISTRICT BOARD AT JULY 8, 2013 BOARD MEETING.**

Mr. Yohe presented the proposed budget for fiscal year 2013-2014, and stated this will again be presented to the Board of Supervisors at its July 8, 2013 regular meeting.

No action was requested by Mr. Yohe on the above item.

**MOTION:** No motion was necessary.

**ACTION:** **NO ACTION WAS TAKEN.**

**SUBJECT:** DRAINAGE IMPROVEMENTS – “E” ROAD / TANGERINE DRIVE. Mr. Schiola stated drainage improvements are needed on “E” Road, south of Collecting Canal Road (and south of Sixth Court North), to Southern Boulevard. He stated District Staff might want to install a culvert pipe in an effort to provide drainage relief to the adjacent residents. He stated Tom Goltzene and his sons were at Lee Wright’s property (727 “E” Road at Sixth Court North), which they lease, and installed an extra piece of pipe at Sixth

Court North. They dug a drainage ditch further out into the pasture that fronts West Citrus Drive, and water is draining through there. However, there needs to be another avenue for water to drain.

Mr. Schiola stated he would like the District and Town to work together in an effort to provide drainage to "D" Road and "E" Road.

Mr. DeMarois stated it was the consensus of the Board for Mr. Yohe to review whether the District has the necessary easements and to work with the Town to achieve what Mr. Schiola is requesting. He requested a follow-up report to the Board at the next regular meeting.

Mr. Yohe stated he and Mike Walker met with Tom Goltzene and reviewed the situation. As Mr. Schiola described, the solution is to clear out the existing ditch on the west side of "E" Road and install a pipe at "E" Road and Collecting Canal Road to drain that area. The ditch extends down to Tangerine Drive and Citrus Drive.

Mr. Yohe stated he and Mike Walker visited the site where Mr. Wright's property discharges to Collecting Canal and confirmed that someone performed an emergency fix which will need to be replaced with a permanent fixture. The District will re-grade Collecting Canal Road from that point so it will drain east to the new culvert that will be installed at "E" Road and Collecting Canal Road (southwest corner). Mr. Yohe stated he spoke with Mr. Wright and he was pleased with the solution being proposed.

Mr. Yohe stated, given the emergency circumstances with flooding at Tangerine Drive and Citrus Drive, he would like to request the Town to authorize him to proceed on an emergency basis. The landowner at Citrus Drive and "E" Road indicated she is willing to provide the culvert pipe that will go into Collecting Canal Road, as well as the canal that extends from her property east of "E" Road to the ditch that the District will clean out on the west side of "E" Road. Mr. Yohe stated that District Staff will install the pipe that the landowner provides at her cost.

Mr. Ryan stated the District had a background solution on Lee Wright's property at "E" Road and Sixth Court North in the past. The combined approach was that Mr. Wright was going to provide the pipe, District Staff was going to dig the location to place the pipe and provide the backfill, and the Town was going to pay for the rip-rap for the headwalls. He stated that kind of approach might work considering the circumstances.

Mr. Schiola requested Board direction with regard to "E" Road, south of Okeechobee Boulevard, and stated this area is District right-of-way and includes District roads. He stated with regard to "E" Road from Tangerine

Drive to Collecting Canal Road, he would like Board consensus for District Staff to proceed with installing the drainage ditch and culvert pipes underneath Citrus Drive West and Sixth Court North.

**MOTION:** Mr. Schiola made a motion to authorize District Staff to create a drainage ditch on the west side of "E" Road from the north side of Tangerine Drive, past Citrus Drive West, to Collecting Canal Road and outfall underneath Sixth Court North to Collecting Canal Road. Mr. Ryan seconded the motion.

There were no additional comments by the Board or the public on this item.

**ACTION:** **MOTION PASSED 5 TO 0.**

**SUBJECT:** FIRE SPRINKLER SYSTEM – DISTRICT OFFICE BUILDING. Mr. Schiola stated he would like to have a fire sprinkler system installed in the Board Meeting Room (i.e., dry system, chemical system, or water system). A brief discussion ensued.

**MOTION:** Mr. Schiola made a motion to authorize District Staff to contract with a 24-hour monitoring service that installs smoke detectors, heat detectors, etc. as necessary for the District office building Mr. Ryan seconded the motion.

There were no comments by the Board or the public on this item.

**ACTION:** **MOTION PASSED 5 TO 0.**

**SUBJECT:** CONSENT AGENDA. There were no additions, deletions, or substitutions to the Consent Agenda.

**1. Minutes – Forthcoming**

- A. Special Board Meeting - December 22, 2012
- B. Regular Board Meeting - January 14, 2013
- C. Regular Board Meeting - February 11, 2013
- D. Regular Board Meeting - March 11, 2013
- E. Regular Board Meeting – April 8, 2013
- F. Regular Board Meeting – May 13, 2013

**2. Financial Reports – May 2013**

- A. Warrant Report
- B. Treasurer's Report

**3. District Staff Reports – May 2013**

- A. Attorney's Report
- B. Superintendent's Report
- C. Staff Activity Report
- D. District Administrator's Monthly Report
- E. District Administrator's Weekly Reports
  - Week of May 13-17, 2013
  - Week of May 20-24, 2013
  - Week of May 27-31, 2013
  - Week of June 3-7, 2013

**4. Western Communities Council Meeting**

- A. Minutes of May 30, 2013 Meeting
- B. Powerpoint Presentation Regarding Water Resource Issues

**5. Permits Recommended for Approval**

- A. Erdman Anthony of Florida, Inc. / Swank, Darrin  
14311 North Road (at 145<sup>th</sup> Avenue North) - Culvert Crossing

MOTION: Mr. Schiola made a motion to approve and accept the Consent Agenda. Mr. Snowball seconded the motion.

There were no comments by the Board or the public on this item.

ACTION: **MOTION PASSED 5 TO 0.**

**SUPERVISOR COMMENTS**

Mr. Snowball thanked the public for attending this meeting.

Mr. Ryan thanked the public for attending this meeting; stated the Board has good direction to improve the District through its ongoing cooperation with the Town.

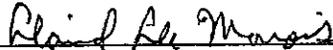
Mr. Widing stated he appreciates the initiative that Mr. Yohe has demonstrated and his excellent communication with the Board Members; he appreciates the work that the Town and District are doing; acknowledged that some Town Council Members and Mr. Kutney are present at this meeting; stated the Interlocal Agreement between the Town and District for Grading and Base Rock is a turning point for the community and

demonstrates cooperation between the Town and District. He stated he looks forward to working with Mr. Yohe on the District's budget process and thanked Mr. Schiola for his interest in life safety issues.

Mr. Schiola stated he would like to publicly commend Mr. Yohe and the entire District Staff. During the recent heavy rainfall, District Staff was available and eager to assist with flooding issues. He stated Mr. Yohe is doing a great job and the Board made the right choice in its search for a new District Administrator. He is very pleased with Mr. Yohe's performance, and District Staff is also doing an excellent job. He thanked the public for attending this meeting.

Mr. DeMarois thanked Mr. Yohe and District Staff for doing a good job; thanked the public for attending this meeting, and thanked Town Council Member Ron Jarriel for expressing his concerns about "A" Road to the Board.

**The Chair adjourned the meeting at 8:50 p.m.**

  
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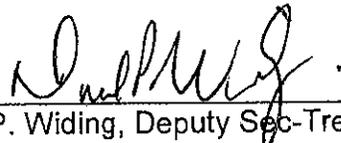
David DeMarois, Chair

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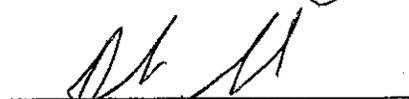
Robert Snowball, Vice Chairman

  
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John Ryan, Secretary-Treasurer

  
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Donald P. Widing, Deputy Sec-Treasurer

  
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Frank Schiola, Board Member

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**LOXAHATCHEE GROVES WATER CONTROL DISTRICT  
BOARD OF SUPERVISORS  
MINUTES OF SPECIAL BOARD MEETING  
JUNE 24, 2013 / 8:15 P.M.**

Call to Order at 8:15 p.m.

Roll Call: David DeMarois, Chairman  
Robert Snowball, Vice Chairman  
John Ryan, Secretary-Treasurer  
Don Widing, Deputy Secretary-Treasurer  
Frank Schiola, Board Member

Also Present: Stephen E. Yohe, District Administrator  
Mary M. Viator, Esquire  
Lynnette R. Ballard, Administrative Secretary

SUBJECT: AGENDA APPROVAL. Mr. DeMarois asked if there were any additions, deletions, or substitutions to the Regular Agenda.

Mr. Yohe stated the Town Council has approved the following three (3) agreements with the District: (1) Agreement for Road Grading and Supply of Base Rock for Town Roads, (2) Agreement for Emergency Call-Out Services for Repair of Town Roads, and (3) Agreement for the Repair of Town Roads. Mr. Yohe stated Town and District Staff have approved of the changes that were made to the contracts. He requested Board approval of said agreements.

Mr. DeMarois requested Board comments and direction as to how to proceed with the Town and District agreements as described by Mr. Yohe. A brief discussion ensued.

**Mr. DeMarois stated it was the consensus of the Board: (1) to discuss the preliminary budget for FY 2013-2014 at tonight's meeting, and (2) that the three agreements between the Town and District as described above will be presented to the Board for approval at the July 8, 2013 regular meeting. Mr. DeMarois requested a motion to adopt the Regular Agenda.**

MOTION: Mr. Schiola made a motion to approve and adopt the Regular Agenda. Mr. Snowball seconded the motion.

There were no additional comments by the Board or the public on this item.

ACTION: **MOTION PASSED 5 TO 0.**

SUBJECT: PUBLIC COMMENTS. Mr. DeMarois requested comments from the public at this time.

Town Council Member Ron Jarriel, 2800 161st Terrace North stated he would like to see the Board of Supervisors approve and sign the three (3) agreements between the Town and District as described by Mr. Yohe.

There were no additional comments by the public at this time.

MOTION: No motion was necessary.  
ACTION: **NO ACTION WAS TAKEN.**

SUBJECT: PRELIMINARY BUDGET DISCUSSIONS. Mr. Yohe presented the preliminary budget for FY 2013-2014. He stated that, although it is anticipated that the District will receive gas tax revenues in the amount of \$150,000 from the Town, together with an assessment compensation of \$29,000, a maintenance assessment increase in the amount of \$10 to \$15 per acre would be necessary to acquire a long-stick backhoe and a long-reach mower to achieve the quality of service expected of the District.

Mr. Yohe requested Board direction as to how to proceed with refining the preliminary budget, including the purchase of a long-stick backhoe and a long-reach mower. A lengthy discussion ensued.

Mr. Ryan stated he would support a maximum assessment increase of \$15.00 per acre.

Mr. Snowball stated he would support a maximum assessment increase of \$15.00 per acre, for discussion purposes.

Mr. Widing stated he would support a maximum assessment increase of \$10.00 per acre.

Mr. Schiola stated he would support a maximum assessment increase of \$15.00 per acre, for discussion purposes.

Mr. DeMarois stated he would support a maximum assessment increase of \$15.00 per acre.

**Mr. DeMarois stated it was the consensus of the Board to consider a maximum assessment increase of 15.00 per acre.**

MOTION: No motion was necessary.

**ACTION: IT WAS THE CONSENSUS OF THE BOARD TO AUTHORIZE MR. YOHE TO PROCEED WITH REFINING THE PRELIMINARY BUDGET FOR FY 2013-2014, INCLUDING THE PURCHASE OF A LONG-STICK BACKHOE AND LONG-REACH MOWER, WITH A MAXIMUM ASSESSMENT INCREASE OF \$15.00 PER ACRE.**

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### **SUPERVISOR COMMENTS**

Mr. Snowball thanked the public for attending this meeting. The District needs to proceed quickly with cleaning out the canals and with purchasing the two pieces of equipment described by Mr. Yohe.

Mr. Ryan stated he is impressed with Mr. Yohe's good working relationship with District Staff and with Mr. Yohe's efforts to become familiar with the District operations and alternatives in dealing with the issues at hand. This is the most responsive effort that has been made through the administration of the District. He stated Mr. Yohe is doing a great job, especially after only being with the District for a few months.

Mr. Widing agreed with Mr. Ryan about Mr. Yohe and commented about the budget process.

Mr. Schiola stated although he does not favor increasing the assessments, this year's assessment increase is necessary. The canals need to be dredged. The District needs both pieces of equipment being proposed. He stated Mr. Yohe is doing a great job on the budget.

Mr. Schiola stated Eldon Cummings, a sales representative of Tyco Security Systems, visited the District office with regard to a fire sprinkler system for the District office building. Mr. Schiola suggested the District become a member of the NJPA (National Joint Powers Alliance). This is a group of several government entities throughout the United States. Tyco is associated with this organization, and if the District joins NJPA, the District could save 10-15% on installation and monitoring. There is no cost to the District to join. Mr. Schiola requested Board consensus to authorize the District to join the National Joint Powers Alliance.

**Mr. DeMarois stated it was the consensus of the Board to authorize the District to join the National Joint Powers Alliance.**

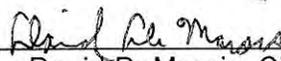
Mr. DeMarois invited comments by the public regarding the budget.

Vice Mayor Ron Jarriel, 2800 161<sup>st</sup> Terrace North stated he emphasized to the Town Council that the \$150,000 in gas tax revenues from the Town to the District would primarily be used for drainage purposes. There are enough drainage issues that the Town could spend \$150,000. He stated he does not have a problem with the maintenance of public roads; and suggested that Mr. Yohe add language in his letter to the Town to specify that the \$150,000 would be used primarily for drainage purposes, which would be helpful in requesting the Town Council to provide this funding.

**Mr. DeMarois stated it was the consensus of the Board for Mr. Yohe to include language in his letter to the Town to specify that the \$150,000 would be used primarily for drainage purposes.**

Mr. DeMarois congratulated John Sowers and Lynnette Ballard on their employee service awards and thanked them for their hard work. He stated the District employees are the backbone of Loxahatchee Groves and they get the work done.

The Chair adjourned the meeting at 9:20 p.m.

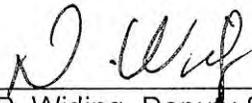


David DeMarois, Chair

Robert Snowball, Vice Chairman



John Ryan, Secretary-Treasurer



Donald P. Widing, Deputy Sec-Treasurer



Frank Schiola, Board Member



# LOXAHATCHEE GROVES WATER CONTROL DISTRICT

June 24, 2013

VIA HAND-DELIVERY

Mark Kutney  
Town Manager  
Town of Loxahatchee Groves  
14579 Southern Boulevard, Suite 2  
Loxahatchee, Florida 33470

**RE: TOWN-DISTRICT FUNDING ILA FOR DISTRICT ROAD MAINTENANCE FY 2014**

Dear Mark:

Our 2014 budget development cycle is in progress. As you know, an essential component of the District's revenue is the Interlocal Agreement for the Funding of Construction, Reconstruction and Maintenance of Roads Located Within the Town of Loxahatchee Groves between the Town of Loxahatchee Groves and the Loxahatchee Groves Water Control District. This agreement was initially executed in June, 2009 and has been amended each year thereafter. This ILA provides much-needed funding from the Town's shared gas tax revenues to offset the District's assessment rate for District road maintenance purposes. Our current (amended) ILA provided \$150,000.00 of gas tax revenues for FY 2013. This equates to an average assessment savings to the Loxahatchee Groves community of \$19.05 per acre (12.6% of current assessment rate).

On behalf of the Board of Supervisors, Staff is requesting the Town of Loxahatchee Groves Town Council consider renewing this agreement for the same amount of \$150,000.00 for FY 2014. Let me know if you need additional information or have any questions regarding this request.

Thanks, Mark.

Sincerely,  
LOXAHATCHEE GROVES WATER CONTROL DISTRICT

Stephen E. Yohe, P.E.  
District Administrator

SEY/lrb  
Attachment: 2011 ILA Amendment  
2012 ILA Amendment

cc: Board of Supervisors, LGWCD (via electronic mail, with attachments)  
Mary M. Viator, Esquire (via electronic mail, with attachments)

POST OFFICE BOX 407 • 101 WEST D ROAD • LOXAHATCHEE, FLORIDA 33470-0407  
PHONE (561) 793-0884 • FAX (561) 795-6157



# LOXAHATCHEE GROVES WATER CONTROL DISTRICT

June 27, 2013

VIA HAND-DELIVERY

Mark Kutney  
Town Manager  
Town of Loxahatchee Groves  
14579 Southern Boulevard, Suite 2  
Loxahatchee, Florida 33470

**RE: TOWN-DISTRICT FUNDING ILA FOR DISTRICT ROAD / CANAL  
MAINTENANCE – FISCAL YEAR 2013-2014**

Dear Mark:

I am following up per the District's June 24, 2013 letter to request that when the Town considers amending the Interlocal Agreement (ILA) for the Funding of Construction, Reconstruction, and Maintenance of Roads located within the Town of Loxahatchee Groves and the Loxahatchee Groves Water Control District and considers responding to the District's request for providing \$150,000.00 of gas tax revenue to the District for budget year 2013-2014, that the language of the amendment stipulate that this is for transportation-related expenditures, "including drainage improvements and canal maintenance."

Thanks Mark.

Sincerely,  
LOXAHATCHEE GROVES WATER CONTROL DISTRICT

Stephen E. Yohe, P.E.  
District Administrator

SEY/lrb

cc: Board of Supervisors, LGWCD (via electronic mail)  
Mary M. Viator, Esquire (via electronic mail)

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PHONE (561) 793-0884 • FAX (561) 795-6157



**Item 11.b.**

**Town Attorney**

**Todd McLendon Case**

**TOWN OF LOXAHATCHEE GROVES**

**MEMORANDUM NO. 2014-05**

TO: Mayor David Browning  
Members of the Town Council

CC: Mark Kutney, Town Manager  
Janet Whipple, Town Clerk

FROM: Michael D. Cirullo, Jr., Office of the Town Attorney *MDC*

DATE: March 4, 2014

RE: Town of Loxahatchee Groves ("Town") adv. Todd McLendon, Palm Beach  
County Circuit Court Case No. 502013CA011543XXXXMB (AY)  
Petition for Writ of Mandamus

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This case was filed by Mr. McLendon on behalf of an Initiative Committee challenging the Town Council's decision to uphold the Town Clerk's Determination of Insufficiency as to the Initiative Petitions. Recall that the subject matters of the Initiative Petitions were to repeal ordinances approved by the Town Council amending the Town's Comprehensive Plan for the proposed Loxahatchee Groves campus of Palm Beach State College.

A major legal issue in the case was whether the ordinances approving the amendments to the Town's Comprehensive Plan were the legal subjects of initiatives. This issue centered on an interpretation of Section 163.3167(8), Florida Statutes, as well as 2013 amendments to that statute. The City of Boca Raton had been in litigation relating to the interpretation and application of the same statute associated with an initiative effort to repeal ordinances adopted by the Boca Raton Town Council approving a project.

On January 29, 2014, the Fourth District Court of Appeal issued its opinion in *Archstone Palmetto Park, LLC and the City of Boca Raton v. Kennedy, et. al.*, 4<sup>th</sup> DCA Case No. 4D12-4554. In its opinion, the appellate court held that the state statute prohibits referenda and initiatives on comprehensive plan amendments, with a limited exception as to an amendment that affects five or more parcels and which is based on specific language in a local government charter that existed prior to June 1, 2011 – general local charter provisions of initiatives or referenda (such as the Town's) are insufficient. The decision of the 4<sup>th</sup> DCA is now final.

Since the decision by the 4<sup>th</sup> DCA in the *Boca Raton* case, I have discussed concluding the litigation with Mr. McLendon's counsel. This can be accomplished by authorizing the Town Attorney's Office to agree to the entry of an Agreed Order Dismissing the case With Prejudice, with each party paying their own attorney's fees and costs. As there is no basis for attorney's

fees, and the Town's recoverable costs are minimal, it is my recommendation that the Town Council agree to the entry of the Agreed Order.

Attached to this Memorandum is a copy of the *Boca Raton* decision, as well as the proposed Agreed Order Dismissing the case. I recommend that the Town Council adopt a Motion authorizing the Town Attorney to agree to the entry of the Agreed Order.

Upon your review, please contact me with any questions or concerns.

Enclosure  
MDC:clb

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DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*January Term 2014*

**ARCHSTONE PALMETTO PARK, LLC, and  
CITY OF BOCA RATON**, a Florida Municipality,  
Appellants,

v.

**KATHLEEN KENNEDY, JAMES M. SULLIVAN, PETER S. BARBOUR,  
DOUGLAS R. BLOCH, DAROLD R. HURLBERT and JOHN A. CLARKE**,  
Appellees.

No. 4D12-4554

[January 29, 2014]

SCHIFF, LOUIS, H., Associate Judge.

On occasion, the Legislature provides explicit guidance as to its intent and how a statute is to be applied for a specific case. This is one such instance. We reverse the declaratory judgment in favor of the appellees, which interpreted a 2012 amendment to section 163.3167(8), Florida Statutes, as requiring the City of Boca Raton to submit a development order to public referenda. Read properly, the 2012 amendment served to reaffirm the longstanding prohibition on referenda for development orders while grandfathering in specific charter provisions permitting referenda in place as of June 1, 2011.

***Factual Background***

In February 2012, the City of Boca Raton adopted Ordinance 5203, which amended a previously-approved development order by, among other things, setting additional development approval requirements for a four-acre parcel of land owned by appellant Archstone. Although Ordinance 5203 was styled as an amendment, the parties stipulated that it was a “local government development order.”

One month after the ordinance’s passage, the appellees, a group of Boca Raton residents, collectively filed a petition, pursuant to Section 6.02 of the City’s charter, seeking a citywide referendum to determine whether Ordinance 5203 should be repealed. Although not specifically addressing

development orders, Section 6.02<sup>1</sup> conferred upon the City's residents a general power of referendum with regard to the passage of city ordinances, providing as follows:

The qualified voters of the city shall have the power by petition to require reconsideration by the council of any adopted ordinance or resolution, and if council fails to repeal an ordinance or resolution, to approve or reject it at a city election

....

At the time the appellees initiated their petition, section 163.3167(8), Florida Statutes (2011) ("the 2011 Amendment"), barred referendum proceedings for all development orders. As became effective on April 6, 2012, however, the Legislature amended section 163.3167(8) (the "2012 Amendment") to permit local governments to "retain[] and implement[]" charter provisions that were in effect as of June 1, 2011, and provided "for an initiative or referendum process *in regard to development orders.*" § 163.3167(8), Fla. Stat. (2012) (emphasis added).

Unsure of the 2012 Amendment's impact, the City brought suit in the circuit court seeking a declaratory judgment to the effect that development orders, such as Ordinance 5203, were not statutorily subject to referendum. One week later, Archstone, as the owner of the parcel subject to Ordinance 5203, intervened in the action as a co-plaintiff. Through their pleadings, the appellants collectively argued the City was powerless to process the appellees' referendum petition since the 2012 Amendment's "grandfather" clause applied only to a charter's "express" referendum provision, and "the City has never had a referendum process that specifically applied to development orders."

Following cross-motions for summary judgment, the trial court entered an order denying the appellants' motions while granting that of the appellees. In its order, the trial court found that, through the passage of

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<sup>1</sup>Read in conjunction, Section 6.04 of the City's Charter provides the means of commencing such proceedings, providing as follows:

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in the proper form, representing the petitioners in any subsequent formal proceedings, and withdrawing a submitted petition.

the 2012 Amendment, “the Legislature intended for the referendum process to be permitted for Development Orders, where . . . the City Charter provided for this prior to June, 2011.” Accordingly, since Section 6.02’s general provision “for the referendum process on *any* Ordinances” impliedly included development orders, the trial court reasoned “the 2012 Amendment support[ed] the referendum process in th[e instant] case.”

To support its ruling, the trial court traced section 163.3167(8)’s legislative history, recognizing the 2012 Amendment was enacted to grandfather in previously permitted charter provisions rendered invalid under the 2011 Amendment’s blanket prohibition. Nevertheless, the trial court interpreted the statute’s inclusion of the phrase “development orders” to evidence the Legislature’s intent to expand the referendum process to all general charter provisions, such as Section 6.02, which inferentially, although not directly, apply to development orders. Additionally, given this expansive view, the trial court interpreted the 2012 Amendment as overruling this Court’s decision in *Preserve Palm Beach Political Action Committee v. Town of Palm Beach*, 50 So. 3d 1176 (Fla. 4th DCA 2010), which questioned the efficacy of subjecting development orders to referendum.

The appellants challenge the trial court’s interpretation as contrary to the Legislature’s intent. Specifically, they argue the 2012 Amendment did nothing to disturb the previous bar on referendum for development orders, since its express purpose was to satisfy a contingent settlement agreement by grandfathering in a municipality’s limited charter provision. As an issue of statutory interpretation, our review is *de novo*. See *Kephart v. Hadi*, 932 So. 2d 1086, 1089 (Fla. 2006), *cert. denied*, 549 U.S. 1216 (2007).

“Referendum is the right of the people to have an act passed by the legislative body submitted for their approval or rejection.” *City of Coral Gables v. Carmichael*, 256 So. 2d 404, 411 (Fla. 3d DCA 1972) (quotation marks and citation omitted). In Florida, the availability of the referendum is constrained to those situations where “the people through their legislative bodies decide it should be used.” *Fla. Land Co. v. City of Winter Springs*, 427 So. 2d 170, 172-73 (Fla. 1983) (footnote omitted). In this regard, Article VI, section 5(a) of the Florida Constitution provides that “referenda shall be held as provided by law,” with the phrase “as provided by law” equating to “as passed by an act of the legislature.” *Holzendorf v. Bell*, 606 So. 2d 645, 648 (Fla. 1st DCA 1992) (quoting *Broward Cnty. v. Plantation Imports, Inc.*, 419 So. 2d 1145, 1148 (Fla. 4th DCA 1982)); *Grapeland Heights Civic Ass’n v. City of Miami*, 267 So. 2d 321, 324 (Fla. 1972) (defining “law” as used in the Florida Constitution as “enact[ed] by

the State Legislature”). Thus, as applied to this case, the appellees’ right to referendum is effectively tied to the reach of the 2012 Amendment.

### ***Legislative History***

“Legislative intent is the polestar that guides the interpretation and construction of a statute.” *Anderson v. State*, 87 So. 3d 774, 777 (Fla. 2012). “Where a statute is clear and unambiguous, courts will not look behind the statute’s plain language for legislative intent.” *Beyel Bros. Crane & Rigging Co. of S. Fla., Inc. v. Ace Transp., Inc.*, 664 So. 2d 62, 64 (Fla. 4th DCA 1995) (citing *City of Miami Beach v. Galbut*, 626 So. 2d 192 (Fla. 1993)). “However, when a statute is unclear or ambiguous as to its meaning, the Court must resort to traditional rules of statutory construction . . . .” *Murray v. Mariner Health*, 994 So. 2d 1051, 1061 (Fla. 2008). In conducting such analysis, “courts are permitted to consider subsequently enacted legislation in determining the meaning of a statute,” *Edward T. Byrd & Co. v. WPSC Venture I*, 66 So. 3d 979, 983 (Fla. 5th DCA 2011) (citing *Martin Daytona Corp. v. Strickland Constr. Servs.*, 941 So. 2d 1220, 1224 (Fla. 5th DCA 2006)), particularly where the “amendment was enacted soon after a controversy regarding the statute’s interpretation arose.” *McKenzie Check Advance of Fla., LLC v. Betts*, 928 So. 2d 1204, 1210 (Fla. 2006) (citing *Lowry v. Parole & Prob. Comm’n*, 473 So. 2d 1248, 1250 (Fla. 1985)).

To discern the Legislature’s intent in enacting the 2012 Amendment, first we must navigate the statute’s history. The limitations placed upon referenda for development orders originated in 1995, when the Legislature enacted section 163.3167(12), Florida Statutes (1995), which provided as follows:

An initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment that affects five or fewer parcels of land is prohibited.

Applying this statute, this Court decided *Preserve Palm Beach Political Action Committee v. Town of Palm Beach*, 50 So. 3d 1176 (Fla. 4th DCA 2010), *rev. denied*, 63 So. 3d 750 (Fla. 2011). *Preserve Palm Beach* involved the determination as to whether a proposed charter amendment constituted a development order, and thus was statutorily barred from referendum. In finding section 163.3167(12) to apply, this Court noted “the due process problems associated with subjecting small property owners to public referendum votes when they would otherwise be entitled to a quasi[-]judicial hearing and review procedures.” *Id.* at 1179.

Furthermore, we questioned the wisdom of subjecting a development order to referendum, stating:

The right of the people to vote on issues they are entitled to vote on is one of utmost importance in our democratic system of government. But there are issues—such as the right of a small landowner to use his property subject only to government regulations—which should not be determined by popular vote. Section 163.3167(12) rightfully protects the small landowner from having to submit her development plans to the general public and ensures that those plans will be approved or not, instead, by the elected officials of the municipality in a quasi-judicial process.

*Id.*

Less than a year after *Preserve Palm Beach*, the Legislature enacted the 2011 Amendment, which served to bar referenda for *all* development orders, comprehensive amendments, and map amendments. See § 163.3167(8), Fla. Stat. (2011). Besides simply placing a limitation on referenda power, however, the 2011 Amendment also had the residual effect of invalidating the in-place charter provisions promulgated by several Florida municipalities, not including Boca Raton,<sup>2</sup> which tracked the 1995 statute's limited permission of referenda.

The Town of Yankeetown's charter, for example, contained the following provision, which specifically permitted referenda for comprehensive plans affecting more than five parcels of land:

Section 11. Voter approval is required for approval of comprehensive land use plan or comprehensive land use plan amendments affecting more than five parcels except for amendments to the Capital Improvements Element of the Comprehensive Plan, including annual updates to the capital improvement schedule shall not require voter approval.

To combat their provision's invalidation, the Town of Yankeetown filed a complaint in the Leon County circuit court seeking a declaratory judgment

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<sup>2</sup>As of 2011, the local governments containing a specific referendum or initiative process affected by the 2011 Amendment included Yankeetown, Longboat Key, Key West, and Miami Beach. Fla. H.R. Comm. on Econ. Affairs, Subcomm. on Community & Military Affairs, and Workman, HB 7081 (2012,) Staff Analysis 3 n.2 (Apr. 9, 2012).

which would maintain its right to enforce Section 11, notwithstanding the 2011 Amendment's prohibition. See *Town of Yankeetown, FL v. Dep't of Cmty. Affairs, et al.*, Case No. 37 2011 CA 002036 (Fla. 2d Cir. Ct. 2011).

To resolve the matter, Yankeetown and the Department of Community Affairs reached a proposed settlement contingent upon the Legislature amending section 163.3167(8) to "grandfather-in those charter provisions, such as Yankeetown's, in place on the effective date of the Act that *specifically* provided for an initiative or referendum process relating to approval of any development order or any comprehensive plan or map amendment." Fla. H.R. Comm. on Econ. Affairs, Subcomm. on Community & Military Affairs, and Workman, HB 7081 (2012), Staff Analysis 4 (Apr. 9, 2012) (emphasis added). From this settlement, the 2012 Amendment was enacted, providing in full as follows:

An initiative and referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment is prohibited. However, any local government charter provision that was in effect as of June 1, 2011, for an initiative or referendum process in regard to development orders or in regard to local comprehensive plan amendments or map amendments may be retained and implemented.

§ 163.3167(8), Fla. Stat. (2012).

Drawing from the statute's history, the Legislature intended to enforce the 2011 Amendment's impediment on the referendum process while exempting specific charter provisions permitting referendum, such as Yankeetown's Section 11, in place as of June 2011. Without express wording to the contrary, we decline to infer that the Legislature intended to radically expand the referendum process through general charter provisions, where such provisions are commonplace throughout our state. See *Conn. Nat'l Bank v. Germain*, 503 U.S. 249, 253-54 (1992) ("[C]ourts must presume that a legislature says in a statute what it means and means in a statute what it says there.").

### **2013 Amendment and the Intent of the Legislature**

Such interpretation is cemented by a 2013 amendment to section 163.3167(8), which provided as follows:

(8)(a) An initiative or referendum process in regard to any development order is prohibited.

(b) An initiative or referendum process in regard to any local comprehensive plan amendment or map amendment is prohibited. However, an initiative or referendum process in regard to any local comprehensive plan amendment or map amendment that affects more than five parcels of land is allowed if it is expressly authorized by specific language in a local government charter that was lawful and in effect on June 1, 2011. *A general local government charter provision for an initiative or referendum process is not sufficient.*

(c) *It is the intent of the Legislature that initiative and referendum be prohibited in regard to any development order. . . .* Therefore, the prohibition on initiative and referendum stated in paragraphs (a) and (b) is remedial in nature and applies retroactively to any initiative or referendum process commenced after June 1, 2011, and any such initiative or referendum process that has been commenced or completed thereafter is hereby deemed null and void and of no legal force and effect.

§ 163.3167(8)(a)-(c), Fla. Stat. (2013) (emphasis added). As grounds for this amendment, the committee staff made express reference to the instant case in its accompanying May 14, 2013 staff analysis, stating:

In October 2012, the Palm Beach County Circuit Court ruled that CS/HB 7081 (2012) extended the exception to all local government general referendum or initiative charter provisions in effect as of June 1, 2011. The court held that such a general provision encompassed specific land amendments, such as development orders and comprehensive map amendments, despite the charter language not specifically authorizing either. ***This broad interpretation is contrary to the intent of the 2011 and 2012 legislation,*** which sought to restrict these voting mechanisms.

Fla. H.R. Comm. on Econ. Affairs, Subcomm. on Economic Development & Tourism, and Trujillo, Perry, HB 7019 (2013), Staff Analysis 4-5 (May 14, 2013) (footnote omitted) (emphasis added).

“While we recognize that staff analyses are not determinative of final legislative intent, they are, nevertheless, ‘one touchstone of the collective legislative will.’” *White v. State*, 714 So. 2d 440, 443 n.5 (Fla. 1998) (quoting *Sun Bank/S. Fla., N.A. v. Baker*, 632 So. 2d 669, 671 (Fla. 4th

DCA 1994)). Here, the above-mentioned staff analysis, when taken in conjunction with the changes made to section 163.3167(8), clearly expresses the Legislature's intent to bar referendum for development orders unless exempted by specific authorization that existed before June 1, 2011. Accordingly, we reverse the declaratory judgment with instructions for the trial court to enter a declaratory judgment in accordance with this opinion.

*Reversed and remanded.*

MAY and CIKLIN, JJ., concur.

\* \* \*

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Lucy Chernow Brown, Judge; L.T. Case No. 502012CA009962XXXXMB.

Gerald F. Richman and Manuel Farach of Richman Greer, P.A., West Palm Beach, and Charles L. Siemon and J. Michael Marshall of Siemon & Larsen, P.A., Boca Raton, for appellant Archstone Palmetto Park, LLC.

Jamie A. Cole and Daniel L. Abbott of Weiss Serota Helfman Pastoriza Cole & Boniske, P.L., Fort Lauderdale, and Diana Grub Frieser, City Attorney, Boca Raton, for appellant City of Boca Raton, a Florida Municipality.

Ralf Brookes, Cape Coral, for appellees.

Trela J. White and Jennifer G. Ashton of Corbett, White and Davis, P.A., Lantana, for Amicus Curiae, The Palm Beach County League of Cities, Inc.

Jane West, St. Augustine, for Amicus Curiae, Florida Coalition for Preservation.

***Not final until disposition of timely filed motion for rehearing.***

**IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA**

TODD MCLENDON, as chairman and  
on behalf of Petitioners' Committee for  
the Repeal of Ordinances

Petitioner,

v.

Case No: 2013-CA-006109

TOWN OF LOXAHATCHEE GROVES,  
a municipality

Respondent.

/

**AGREED MOTION FOR DISMISSAL WITH PREJUDICE**

Petitioner, Todd McLendon, as chairman and on behalf of Petitioners' Committee for Repeal of Ordinances and Respondent, Town of Loxahatchee Groves, agree to an Order of Dismissal with Prejudice on the grounds that this action has been amicably resolved, each party bearing its own burden of attorney's fees and court costs and that this action shall stand dismissed with prejudice in its entirety.

Stipulated to this \_\_\_ day of March, 2014;

Respectfully Submitted,

\_\_\_\_\_  
Robert N. Hartsell, Esq.  
Florida Bar No. 636207

Sarah M. Hayter, Esq.  
Florida Bar No. 83823

ROBERT N. HARTSELL, P.A.  
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Main (954) 778-1052  
Fax (954) 941-6462

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via e-mail this \_\_\_ day of March, 2014 to the persons listed below.

Michael D. Cirullo, Jr. Esq.  
Town Attorney  
Town of Loxahatchee Groves  
Goren, Cherof, Doody & Ezrol, P.A.  
3099 East Commercial Blvd., Suite 200  
Fort Lauderdale, Florida 33308  
MCirullo@cityatty.com  
*Via cbedgood@cityatty.com*

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TOWN OF LOXAHATCHEE GROVES,  
a municipality

Respondent.

---

**ORDER OF AGREED DISMISSAL**

**THIS CAUSE** came before the Court on an Agreed Motion for Dismissal with Prejudice in which the parties agree to an Order of Dismissal with prejudice on the grounds that this action has been amicably resolved, and it is hereby.

**ORDERED AND ADJUDGED** that:

1. This action shall stand dismissed with prejudice in its entirety, and
2. Each party shall bear its own burden of attorney's fees and court costs.

**DONE AND ORDERED** in Palm Beach County, Florida on this \_\_\_\_\_ day of February, 2014.

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Circuit Court Judge

Conformed Copies to:

Robert N. Hartsell, Esq.  
Michael Cirullo, Esq.