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AGREEMENT BETWEEN COLLIER COUNTY
AND
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

THIS AGREEMENT, made and entered into this 5TH day of February, 1985, by and between the SOUTH FLORIDA WATER MANAGEMENT DISTRICT, hereinafter referred to as the DISTRICT, and the COUNTY OF COLLIER, hereinafter referred to as the COUNTY.

WITNESSETH:

WHEREAS, the DISTRICT, pursuant to Chapter 373, Florida Statutes, as amended, and the Rules and Regulations duly adopted thereunder, has the authority and responsibility, within its jurisdiction, for the administration and enforcement of rules and regulations governing water wells; and

WHEREAS, the lands within the boundaries of the COUNTY are also within the boundaries of the DISTRICT, and are therefore subject to the rules, regulations, authority and orders of the DISTRICT, pursuant to Chapter 373, Florida Statutes, as amended; and

WHEREAS, recognizing the COUNTY's regulatory experience and the DISTRICT's desire to assist the COUNTY in protecting the COUNTY's aquifers from contamination, and avoid duplication of permitting programs; and

WHEREAS, the DISTRICT desires nevertheless to accomplish its objectives in the COUNTY which would otherwise be accomplished through implementation of Chapter 40E-3, Florida Administrative Code, including protection of the water resources, location of wells, information from completion reports and assurance that all withdrawals which require a Consumptive Use Permit have a Consumptive Use Permit granted before construction; and

WHEREAS, both the DISTRICT and the COUNTY desire that each be allowed to accomplish its objectives within the geographic boundaries of the COUNTY in a cooperative manner.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements hereinafter contained, it is agreed as follows:

1. The DISTRICT will delegate to the COUNTY the authority to regulate the construction, repair and abandonment of water wells under Parts I and II of Chapter 40E-3, and Chapter 40E-30, Florida Administrative Code.

2. The COUNTY will review, evaluate and make final inspections and disposition of permit applications for the construction, repair or abandonment of water wells within the unincorporated boundaries of Collier County.

3. The DISTRICT will review, evaluate and make final disposition as to the rules, regulations, authority and orders of DISTRICT pertaining to the consumptive use of water pursuant to Chapter 373, Florida Statutes, and applicable rules.

4. The COUNTY will withhold issuance of any Well Construction Permit, if the withdrawal from the proposed well will require a Consumptive Use Permit, until after the Consumptive Use Permit Application has been approved by the DISTRICT; or until the DISTRICT has otherwise concurred in the issuance of the Well Construction Permit.

5. The COUNTY will provide to the DISTRICT, on a monthly basis, copies of all well construction permits issued during the previous month and all well completion reports received during the previous months. For the purpose of transmitting data, the COUNTY will install a computer terminal link with the DISTRICT by October 1, 1985.

6. The DISTRICT will provide the COUNTY with application and well completion forms.

7. The COUNTY will keep all fees for applications submitted to the COUNTY.

8. The COUNTY will perform its appropriate monitoring and enforcement activities as to ensure compliance with the provisions of its permits. This does not preclude the DISTRICT from conducting enforcement activities within the COUNTY. However, to the extent practical, the DISTRICT will not initiate enforcement action within the area of Collier County without prior communication or coordination with the local program, except in emergencies.

9. Upon request by the COUNTY the DISTRICT will be responsible for hearing and evaluating exceptions and variances in accordance with Section 40E-3.0511 of Part I, of Chapter 40E-3.

10. Based on these commitments of the COUNTY, the DISTRICT continues to forego implementation of a water well construction permitting program within the area comprising the COUNTY.

11. While this Agreement is concerned with the construction, repair and abandonment of water wells, it does not cover or extend to the construction, operation, maintenance or abandonment of projects involving artificial recharge or the intentional introduction of water into any underground formation. No such activity may be begun without written permission of the DISTRICT pursuant to Section 373.106, Florida Statutes.

12. This Agreement shall commence upon the first day of January, 1985, or upon execution by both parties, whichever is later,

13. This Agreement shall commence on the first day of January, 1985, and shall continue in full force and effect thereafter, provided that either party may terminate this agreement with or without cause upon giving the other party thirty (30) days written notice.

14. This Agreement does not extend and does not apply to the construction, repair or abandonment of water wells by the COUNTY or any person on behalf of the COUNTY.

15. Each party shall be responsible for its own liability under this Agreement.

16. This Agreement may be modified at any time with the consent of both parties.

17. This Agreement shall be effective when signed by the Chairman of the Governing Board for the DISTRICT and by the Chairman of the Collier County Commission.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day, month and year first above written.

Reviewed by

Paul H. Lewis
County Attorney

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT,
BY ITS GOVERNING BOARD

RSC
Chairman

COUNTY OF COLLIER

ATTEST:
JR Woodman
Secretary

F. J. Voss
CHAIRMAN, COUNTY COMMISSIONERS

ATTEST: *William J. Reagan*
Clerk, Collier County