

**Florida Soil and Water  
Conservation District**

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# **SUPERVISOR HANDBOOK**

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# Acknowledgements

The Florida Soil and Water Conservation District Supervisor Handbook was designed to provide an accurate, current, and authoritative summary of the principal state (Florida) laws that directly or indirectly relate to the Florida Soil and Water Conservation District supervisors. This handbook provides a basic overview of the many rights and responsibilities that these supervisors have under state laws as well as the appropriate contact information to obtain more detailed information. However, the reader should be aware that the laws, administrative rulings, and court decisions on which this handbook is based are subject to constant revision.

This handbook will be distributed with the understanding that the authors or individuals who participated in preparation or review of the handbook are not engaged in rendering legal or other professional advice, and the information contained herein should not be regarded as a substitute for professional advice. This handbook does not include all state and federal laws or regulations.

For these reasons, the use of these materials by any person constitutes an agreement to hold harmless the authors, the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy and the Association of Florida Conservation Districts for any liability claims, damages, or expenses that may be incurred by any person because of reference to or reliance on the information contained in this handbook.

The original handbook has been edited many times since it was created.

This edition was updated and revised in 2018 by Charlene Meeks, Association of Florida Conservation Districts; Clegg Hooks and Angela Weeks-Samanie, with assistance from Genea Eubanks, and Kathryn Holland, Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy; Susie Bishop, Highlands Soil and Water Conservation District; Victoria M. Creel, Florida State University; and Charlotte Kelley, CK Editing. Each of the individuals and their organizations made important contributions to the process, and their work is sincerely appreciated.

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## FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

COMMISSIONER ADAM H. PUTNAM

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Dear Florida Soil and Water Conservation District Supervisors:

This new handbook highlights the successful partnership between Florida Soil and Water Conservation District Supervisors, representatives of the agriculture industry, and state and local government. This handbook addresses issues that are unique to Florida's landscape and underscores the importance of protecting Florida's water and soil resources.

As Florida's population continues to increase, there are more impacts to and competition for Florida's natural resources. All Floridians must participate in conserving and protecting what makes Florida such a great place to live.

We must continue to create long-term and science-based solutions to our water challenges. I thank you for joining me in protecting the quality and quantity of our water.

Sincerely,

Adam H. Putnam  
Commissioner of Agriculture

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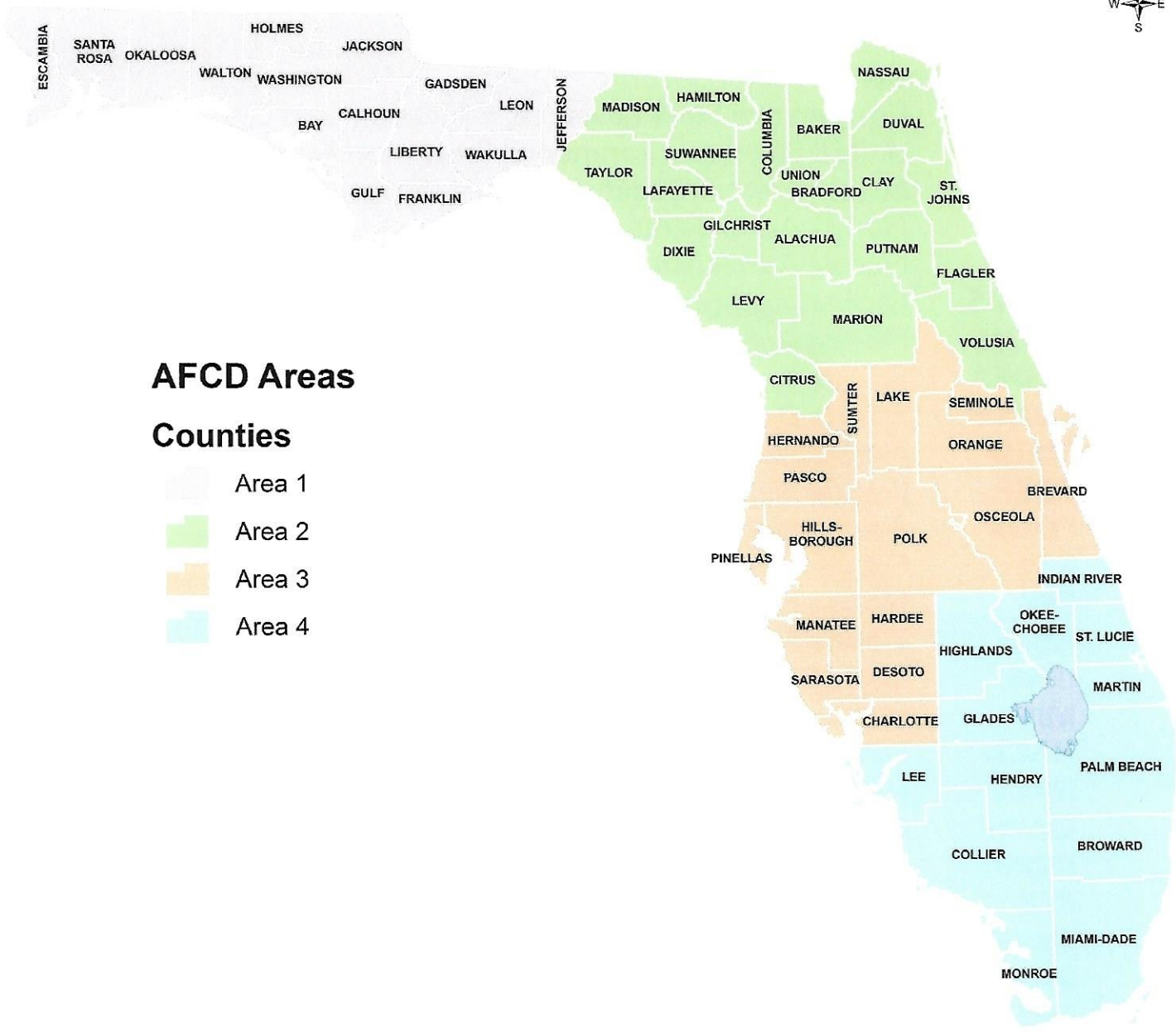


# Acronyms and Abbreviations

<b>ACEP</b>	Agricultural Conservation Easement Program
<b>AFCD</b>	Association of Florida Conservation Districts
<b>BMAP</b>	Basin Management Action Plan
<b>BMP</b>	Best Management Practice
<b>CSP</b>	Conservation Security Program
<b>CSREES</b>	Cooperative State Research, Education, and Extension Service
<b>EPA</b>	United States Environmental Protection Agency
<b>EQIP</b>	Environmental Quality Incentives Program
<b>F.A.C.</b>	Florida Administrative Code
<b>FAR</b>	Florida Administrative Register
<b>FARMS</b>	Facilitating Agricultural Resource Management Systems
<b>FAWN</b>	Florida Automated Weather Network
<b>FCDEA</b>	Florida Conservation District Employees Association
<b>FDACS</b>	Florida Department of Agriculture and Consumer Services
<b>FDEO</b>	Florida Department of Economic Opportunity
<b>FDEP</b>	Florida Department of Environmental Protection
<b>FDOR</b>	Florida Department of Revenue
<b>FFA</b>	Future Farmers of America
<b>FFB</b>	Florida Farm Bureau
<b>F.S.</b>	Florida Statutes
<b>IFAS</b>	Institute of Food and Agricultural Sciences
<b>MIL</b>	Mobile Irrigation Lab
<b>NACD</b>	National Association of Conservation Districts
<b>NRCS</b>	Natural Resources Conservation Service
<b>OAWP</b>	Office of Agricultural Water Policy
<b>RCPP</b>	Regional Conservation Partnership Programs
<b>RFP</b>	Request for Proposal
<b>SWCD</b>	Soil and Water Conservation District
<b>SWIM</b>	Surface Water Improvement and Management
<b>TMDL</b>	Total Maximum Daily Load
<b>UF</b>	University of Florida
<b>USACOE</b>	United States Army Corps of Engineers
<b>USDA</b>	United States Department of Agriculture
<b>WMD</b>	Water Management District



# Soil and Water Conservation District Boundaries





# Introduction

## Florida's Conservation Landscape

In 1937, the Florida Legislature enacted Chapter 582, Florida Statutes (F.S.) modeled after the Soil Conservation District Act, which later expanded the scope to include water conservation. Chapter 582, F.S., has been amended several times since, with the most recent being 2016. The legislation established a state and local partnership with the federal government to protect and restore soil and water resources, and to assist private landowners in using conservation practices. This partnership has worked for more than 80 years to address serious issues regarding soil erosion, flood damage, and water quality. The vehicles for this partnership are the Soil and Water Conservation Districts (SWCDs).

Since the inception of Chapter 582, F.S., Florida has established other state and regional governmental agencies to manage and protect our land and water resources, as well as to regulate water supply, water quality, and flood control. These agencies comprise the Florida Department of Environmental Protection (FDEP) and the five water management districts (WMDs), which have acquired broad authorities and responsibilities that were similar to those outlined in the original Soil and Water Conservation law. The 2016 Florida Legislature made several significant changes to Chapter 582, F.S. These changes included repealing the authority of SWCDs to enact regulations and to have taxing authority. However, the ability to work cooperatively with their state partners was strengthened, along with the ability to implement projects on state-owned lands.

The role of the SWCDs in land, soil, and water resource management is integral to meeting state environmental objectives at the local level. A copy of Chapter 582, F.S. is provided in **Appendix 5**.

Florida's SWCDs have a long history in joining with partners to provide funding and technical support to help local landowners in conservation efforts. The main partners are the United States Department of Agriculture, Natural Resources Conservation Service ((USDA/NRCS), the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy (FDACS/OAWP), University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS) Extension, and the counties that the SWCDs serve.

Recent developments provide an opportunity for SWCDs to become more significant participants in conservation programs, as well as in state land and water resource management decisions.

For example:

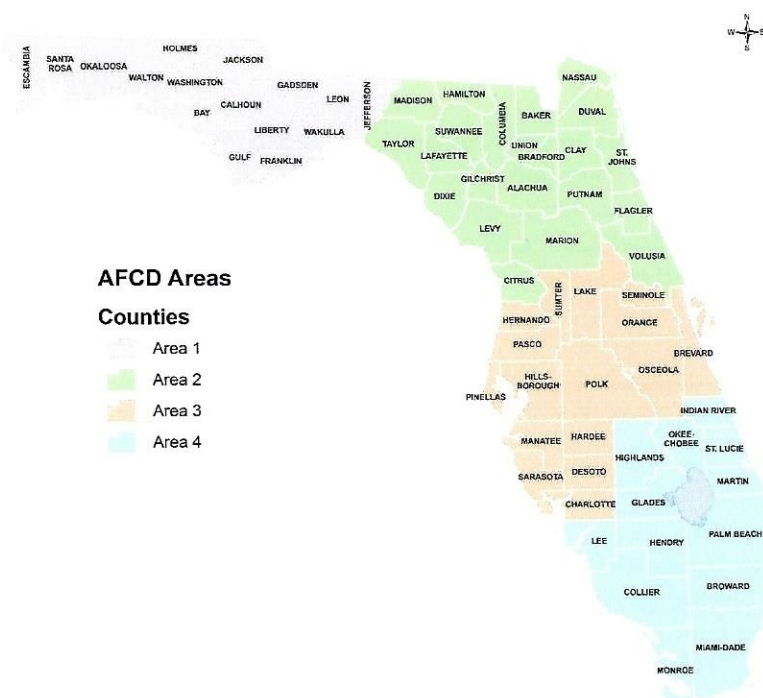
- In 2001, Florida established a funding source for water quality and water conservation cost-share programs. Although the level of annual funding fluctuates with the economy, the Florida Legislature has consistently provided some level of funding. Some of this funding has been provided to SWCDs by the FDACS/OAWP to help fund the implementation of best management practices (BMPs).
- The 2014 Farm Bill provides for additional incentive-based conservation programs and increased funding of farm conservation programs through the USDA/NRCS, one of the SWCDs' traditional partners.
- Florida laws regarding the development of public lands management plans and basin management action plans (BMAP) to restore impaired waterbodies require the FDEP to include the SWCDs as participants in these decision-making processes.

# Soil and Water Conservation Districts

## Creation

The 1930s Dust Bowl disaster spurred the U.S. Congress to declare soil and water conservation a national policy and priority in 1935. To elicit the active support of landowners on a local level, Soil and Water Conservation Districts (SWCDs) serving conservation needs at a county level were created to work in partnership with the federal government. Today there are nearly 3,000 conservation districts nationwide dedicated to wisely using soil and water resources and involved in efforts as varied as their conservation needs and the local citizenry they serve.

The authority to create Florida's SWCDs was established in 1937 under Chapter 582, F.S. There are currently 58 SWCDs in the state. The law was based on federal model legislation that established SWCDs nationwide. SWCDs were originally organized, for the most part, within county boundaries by landowner petition based on a need for soil and water conservation and in the interest of public health, safety, and welfare (see Figure 1). An SWCD so organized constitutes a governmental subdivision of the State of Florida (Sections 582.10 through 582.14, F.S.).



**Figure 1. SWCD Boundaries**

## Supervisors

The governing body of an SWCD consists of five elected supervisors. The office of an SWCD supervisor is nonpartisan and district wide. Candidates are elected in a general election to a four-year term. Vacancies are filled by appointment by the remaining supervisors until the next regular election. Supervisors receive no monetary compensation for their services, but may be reimbursed for travel expenses contingent upon an individual SWCD's budget. A SWCD may hire employees and agents as needed. For further information, see Sections 582.18 and 582.19, F.S.

## Powers, Duties, and Responsibilities

The powers of SWCDs and supervisors are quite broad, and relate to the development and implementation of soil and water conservation practices on private lands. These duties are performed in conjunction with federal, state, regional, and local partners through funding and technical assistance. Funding programs include state and federal cost-share for environmental protection practices, as well as federal disaster relief and emergency watershed projects.

## Powers of Districts and Supervisors, S. 582.20, F.S.

Section 582.20, F.S. states the following regarding the powers of SWCDs and SWCD supervisors: A soil and water conservation district organized under the provisions of this chapter shall constitute a governmental subdivision of this state, and a public body corporate and politic, exercising public powers, and such district and the supervisors thereof shall have the following powers, in addition to others granted in other sections of this chapter:

1. To conduct surveys, studies, and research relating to soil and water resources and to publish and disseminate the results of such surveys, studies, research, and related information;
2. To conduct agricultural best management practices demonstration projects and projects for the conservation, protection, and restoration of soil and water resources;



- a. Within the district's boundaries;
  - b. Within another district's boundaries, subject to the other district's approval;
  - c. In areas not contained within any district's boundaries on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof; or
  - d. On any other lands within the district's boundaries, within another district's boundaries subject to the other district's approval, or not contained within any district's boundaries upon obtaining the consent of the owner or occupier of the lands or the necessary rights or interests in such lands;
3. To cooperate or enter into agreements with any special district, municipality, county, water management district, state or federal agency, governmental or otherwise, or owner or occupier of lands within the district's boundaries, within another district's boundaries subject to the other district's approval, or not contained within any district's boundaries in furtherance of the purposes and provisions of this chapter;
  4. To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this chapter;
  5. To make available, on such terms as it shall prescribe, to any owner or occupier of lands within the district's boundaries, within another district's boundaries subject to the other district's approval, or not contained within any district's boundaries agricultural and engineering machinery and equipment, and such other material or equipment, that will assist such landowners and occupiers to carry on operations upon their lands for the conservation and protection of soil and water resources;
  6. To construct, improve, operate, and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter;
  7. To provide, or assist in providing, training and education programs that further the purposes and provisions of this chapter;
  8. To sue and be sued in the name of the district; to have a seal, which seal shall be judicially noticed; to have perpetual succession unless terminated as provided in this chapter; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers; upon a majority vote of the supervisors of the district, to borrow money and to execute promissory notes and other evidences of indebtedness in connection therewith, and to pledge, mortgage, and assign the income of the district and its personal property as security therefor, the notes and other evidences of indebtedness to be general obligations only of the district and in no event to constitute an indebtedness for which the faith and credit of the state or any of its revenues are pledged;
  9. To use, in coordination with the applicable county or counties, the services of the county agricultural agents and the facilities of their offices, if practicable and feasible. The supervisors may also employ additional permanent and temporary staff, as needed, and determine their qualifications, duties, and compensation. The supervisors may delegate to the chair, to one or more supervisors, or to employees such powers and duties as they may deem proper, consistent with the provisions of this chapter. The supervisors shall furnish to the department, upon request, copies of rules, orders, contracts, forms, and other documents that the district has adopted or used, and any other information concerning the district's activities, that the department may require in the performance of its duties under this chapter;
  10. To adopt rules to implement the provisions of this chapter; and
  11. To request that the Governor remove a supervisor for neglect of duty or malfeasance in office by adoption of a resolution at a public meeting. If the district believes there is a need for a review of the request, the district may request that the council, by resolution, review its request to the Governor and provide the Governor with a recommendation.
- Any provision with respect to the acquisition, operation, or disposition of property by public bodies of this state does not apply to a district organized under this chapter unless specifically so stated by the Legislature. The property and property rights of every kind and nature acquired by any district organized under the provisions of this chapter are exempt from state, county, and other taxation.



## **State Agencies to Cooperate, S. 582.29, F.S.**

Section 582.29, F.S. states the following regarding state agencies cooperating with SWCD supervisors: Agencies of this state that have jurisdiction over, or are charged with, the administration of any state-owned lands, and of any county, or other governmental subdivision of the state, that have jurisdiction over, or are charged with the administration of, any county-owned or other publicly owned lands, shall cooperate to the fullest extent with the supervisors of such districts in the implementation of programs and operations undertaken by the supervisors under the provisions of this chapter. The supervisors of such districts shall be given free access to enter and perform work upon such publicly owned lands.

## **Soil and Water Conservation Districts' Roles in Today's World**

This section provides some guidance and illustrations on how a Soil and Water Conservation District (SWCD) can apply its statutory duties and responsibilities to meet today's challenges. Supervisors should consider these and other opportunities when developing a plan for SWCD activities. Appendix 2 contains a list of websites where additional information may be found.

A fundamental role of the SWCD Board of Supervisors is to bring together, at the local level, all interested and affected parties, along with the support organizations charged with providing technical and administrative assistance, to develop and implement a plan to address resource concerns. Through a locally led consensus process, priorities are determined for conservation programs. The partners then work to implement programs that provide assistance to landowners, agricultural producers, and local residents.

It is not necessary for a SWCD to possess all of the resources needed to implement conservation programs. Under the federal model law, and some state laws, SWCDs have access to the expertise and resources of their federal and state partners, and should rely, in part, on partners' cooperation and assistance in meeting local priorities and in educating supervisors about important natural resource protection issues. However, supervisors should seek to develop local technical and financial resources within an SWCD to expand the number and type of tools in the "conservation toolbox" and enhance an SWCD's capabilities to deliver local conservation programs.

National and state initiatives rely on the use of non-regulatory programs to meet the challenges of nonpoint source loading of pollutants to water bodies. This has created an increased demand for local technical assistance services that provide information to landowners on the use of best management practices (BMPs) and conduct demonstration projects that show the effectiveness of conservation practices. Because of their unique relationship with local landowners and their use of conservation partnerships, SWCDs are able to conduct these activities without additional and costly regulatory programs.

Today, SWCDs carry out conservation measures in partnership with private and public landowners, wherein SWCDs provide resources for technical and financial assistance for conservation measures, execute lease agreements with producers on publicly owned lands, and/or provide management services for publicly owned lands. The need for this role has never been greater in Florida. SWCDs also have a prominent role in participating in public land management decisions through land management plan review and advisory teams. It is important for SWCD supervisors to take advantage of the opportunity to serve on these teams.

The federal Clean Water Action Plan and the Unified National Strategy for Animal Feeding Operations illustrates the importance of comprehensive conservation planning. Federal initiatives increase the demand for nutrient management and water conservation planning, engineering, construction, irrigation management, and waste utilization designed to protect water quality. SWCDs are playing a role in developing and implementing management plans, providing cost-share funds, determining plan effectiveness, and identifying operational problems.

The ability to enter into agreements with public agencies and landowners in conservation activities is a valuable tool for SWCDs. These agreements may include public land management services; water conservation initiatives such as the establishment or support of mobile irrigation labs (MILs) and the provision of modern measuring devices for irrigation equipment; the promotion of innovative agricultural equipment for soil conservation, water retention, and management; soil, plant, and animal products testing; public education; and other services. Agreements may be developed with state, regional, and local agencies, and with private landowners.



# Soil and Water Conservation District Activities

Soil and Water Conservation Districts (SWCDs) promote the conservation of Florida's natural resources through a variety of programs and partnerships. Some examples of these programs and partnerships are provided below. A calendar of events and activities is provided in Appendix 1.

## Cooperative Programs

SWCDs partner with a variety of agencies, including NRCS, FDACS/OAWP, UF/IFAS, United States Army Corps of Engineers (USACOE), and water management districts (WMDs), to provide a variety of cooperative programs, including: BMP projects; Farm Bill programs such as the Environmental Quality Incentives Program (EQIP), Conservation Security Program (CSP), Agricultural Conservation Easement Program (ACEP), and Regional Conservation Partnership Programs (RCPP); and other conservation projects.

## Demonstration Projects

SWCDs can support or initiate demonstration projects, such as irrigation, drainage, tailwater recovery, erosion control, nutrient management, pesticide use, invasive plant control, and waste management, which help educate agricultural producers regarding their benefits. For example, an SWCD participates in the research and demonstration of improved irrigation practices that conserve water resources through reduced water use; promote water quality improvements, which reduce pollutant loss to the environment; and restore, augment, and/or improve the area's water resources and ecology.

## Educational Workshops

SWCDs can organize and present workshops that include topics such as water quality and quantity, pesticide and fertilizer management, watershed engineering, wetlands, soil characteristics, soil tillage techniques, plant identification, invasive plant control, farm ponds, and agricultural production. Districts may also provide informational kiosks for the general public at local fairs; festivals; agriculture expositions; and federal, state, regional, and local agency offices.

## Conservation Projects

SWCDs can carry out projects such as water quality improvement, habitat restoration, and administering cost-share funds provided by partners to assist farmers and other landowners with implementing conservation practices (waste management and erosion control systems, irrigation retrofits, nutrient management practices, tailwater recovery, weather stations). For example, SWCDs can contract with other entities (federal, state, or local) for the management, maintenance, and repair of water control structures.

## Mobile Irrigation Labs (MILs)

SWCDs can work with partners to support mobile irrigation labs (MILs). With the funding the MILs receive from FDACS, they perform evaluations on agricultural, not urban, irrigation systems. MIL technicians examine irrigation systems to determine the uniformity and efficiency of water distribution. Based on the evaluation of information collected, MIL operators identify problems and recommend solutions. Some SWCDs have contracts to provide MIL services in their area of coverage.

## Planning and Rule-Making

SWCDs often participate in county, regional, state, and federal planning and rule-making as they affect resource conservation. The SWCD may provide input as a liaison between community interest groups, local authorities, and regulatory entities.



## Youth Education

Students participating in the annual land judging contest, speech contest, poster contest, and the Envirothon learn to understand soil and water systems in a much broader sense than only learning to describe soils. In addition to gaining knowledge about soils and land use attributes, these students learn how to make informed decisions about overall land use, develop public speaking skills, and create awareness while having the opportunity to develop statewide leadership and citizenship skills.

### Land Judging Contest

This competition is for 4-H and Future Farmers of America (FFA) students between the ages of 14 and 18. The students, as individuals and as a team, the physical properties of the soil, identify improved land management practices for various types of farming, and the limitations of the soil for home sites. The winning teams from local contests are eligible to compete at the State Contest, and the state winners compete at the National Contest in Oklahoma each year.

### Speech Contest

The Association of Florida Conservation Districts (AFCD) and Florida Conservation District Employees Association (FCDEA) annually coordinate a speech contest reflecting the current National Association of Conservation Districts (NACD) Soil Stewardship Theme. The competition includes three levels: District (county), Area (multicounty), and State. At the District level the competition is divided into two groups: middle school and high school. District winners in each group advance to the Area competition, where the highest overall scoring student (middle or high school) then advances to the State Contest. The State Contest is held prior to or during the AFCD Annual Meeting.

### Poster Contest

The National Association of Conservation Districts (NACD) selects a topic for the poster contest each year. Students from Kindergarten through the 12th grade create posters on the NACD selected topic and are judged within designated age groups. The AFCD is responsible for sending state winners to the national contest.

### Envirothon

The Envirothon competition is open to students from the 9th through 12th grade. Five students compete as a team and answer questions about forestry, soils, aquatics, wildlife, and a current natural resource issue. The winners of the local competitions compete at the Florida Envirothon, and the state winner competes at the North American National Envirothon.

Other potential contests sponsored by SWCDs include essay contests, landscape tray contests at local fairs, and science fair exhibits.



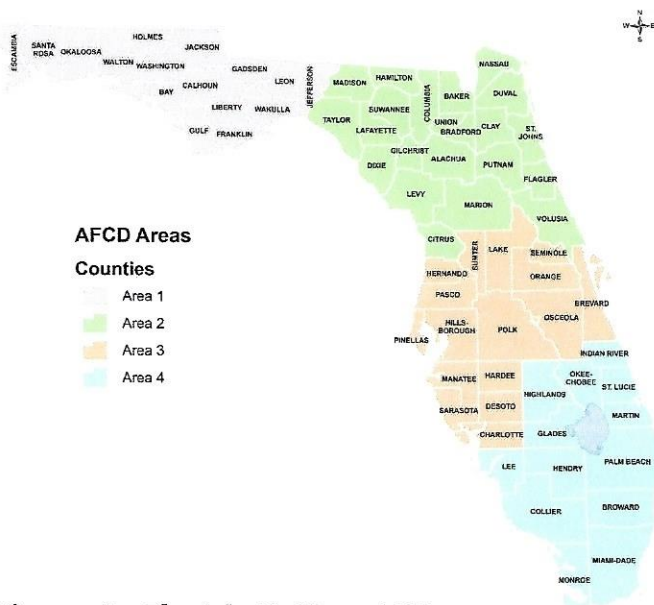


# Becoming a Supervisor

The information provided here is a compilation of existing information available at the time of publication and offers guidance only. Contact your county Supervisor of Elections for the official and most current information available.

## Qualifying

To qualify, the candidate must be a registered voter of the county and live within the boundaries of the Soil and Water Conservation District (SWCD) see Figure 1.



**Figure 1: Florida Soil and Water Conservation District boundaries**

## Qualifying Requirements, Fees, and Forms

Qualifying for SWCDs begins at noon on the Monday of the qualifying period and ends at noon on the Friday of the qualifying period. This period usually begins the second week in June prior to the November elections. Current information regarding supervisor elections is available at <http://www.dos.myflorida.com/elections>.

## Regular Qualifying Methods for Candidates <sup>1</sup>

During the qualifying period, the following must be submitted to the local Supervisor of Elections:

1. Appointment of Campaign Treasurer and Designation of Campaign Depository (Form DS-DE 9). A Statement of Candidate (Form DS-DE 84) must be filed within 10 days of filing the Appointment.
2. Nonpartisan Loyalty Oath and Oath of Candidate

(Form DS-DE 24B). This form can be obtained from the local Supervisor of Elections.

3. Statement of Financial Interests (Form 1). This form can be obtained from the local Supervisor of Elections.
4. Payment of qualifying fee of \$25.00 (must be paid by a check drawn on the campaign account and made payable to the local Supervisor of Elections).

**Note:** Candidates who neither receive contributions nor make expenditures, other than expenditures for verification of signatures on petitions, are exempt from the provisions of Chapter 106, F.S. requiring establishment of bank accounts and appointment of a campaign treasurer, but must file periodic reports as required by Sections 106.07 and 582.18 (1)(b), F.S. In this case personal checks may be used for payment.

The above-mentioned forms can also be obtained online at <http://election.dos.state.fl.us/forms/index.shtml>.

## Alternative Method of Qualifying: Petition Requirements

During the qualifying period, the following must be submitted to the local Supervisor of Elections:

1. Appointment of Campaign Treasurer and Designation of Campaign Depository (Form DS-DE 9A) Statement of Candidate (Form DS-DE 84) must be filed within 10 days of filing the Appointment.
2. Nonpartisan Loyalty Oath and Oath of Candidate (Form DS-DE 24B). This form can be obtained from the local Supervisor of Elections.
3. Statement of Financial Interests (Form 1). This form can be obtained from your local Supervisor of Elections.
4. Petition signatures from 25 of the SWCD's registered voters.
5. Each petition must be submitted prior to noon on the 21st day preceding the first day of the qualifying period to the Supervisor of Elections of the county for which such petitions were circulated.
6. If the candidate is unable to collect the required number of signatures, he or she may still pay the qualifying fee of \$25.00.



## Who Can Sign Petitions

Any registered voter residing within the boundaries of the SWCD can sign petitions. It is advisable to obtain more than 25 signatures to ensure that at least 25 can be verified.

## Where to Obtain Petitions

Petition cards may be obtained by filing an Alternative Method Affidavit (Form DS-DE 15) between mid-January and mid-June at the local Supervisor of Elections office in the county in which the SWCD is located. The Appointment of Campaign Treasurer form (Form DS-DE 9) must be on file with the county Supervisor of Elections in order to receive petitions. These forms can also be obtained at <http://election.dos.state.fl.us/forms/index.shtml>.

If the candidate has no opposition, his or her name will not appear on the ballot.

## Forms and Penalties

The forms and reports that are required to qualify and run in an election can be obtained from your local Supervisor of Elections Office. The Waiver of Report Form (DS-DE 87) must be filed within 90 days of the determination of "...having become unopposed, withdrawn his (her) candidacy, been eliminated or elected to office and to dispose of funds in his (her) campaign account and file a final report." The penalty is \$50.00 per day for the first three days and a \$500.00 per day for each additional late day, not to exceed 25 percent of the total receipts or expenditures of the campaign, whichever is greater. There are also penalties for failing to file the Statement of Financial Interest - Form 1. This form will be sent to each SWCD supervisor annually and must be completed and returned to the local Supervisor of Elections by the July 1 deadline. A grace period is in effect until September 1. If the disclosure is not filed or postmarked by September 1, there is an automatic fine of \$25.00 a day for each late day after August 31, up to a maximum of \$1,500.00. The Supervisor of Elections notifies the Commission on Ethics, who imposes this fine.

All forms can be obtained from the Florida Division of Elections website at <http://election.dos.state.fl.us/forms/index.shtml>.

## Division of Elections

Contact information for the Florida Division of Elections is as follows:

Florida Department of State, Division of Elections  
State Supervisor of Elections  
Room 316, R.A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-500  
FAX (850) 245-6260  
Phone (850) 245-6200  
Web page: <http://election.dos.state.fl.us>

## Seats and Terms

The elected candidates assume office on the first Tuesday after the first Monday in the January following the election. To cover commission fees, each supervisor will be charged \$10.00 by the Secretary of State, payable when the Oath of Office form is signed and returned.

**Note:** This fee cannot be paid from the funds of the SWCD.

The office of SWCD supervisor is a four-year term. Candidates are elected in the general election. An election of supervisors for each SWCD is held every two years and the seats are filled following a four-year cycle. The seats are aligned so that seats 1, 3, and 5 are elected in one election year and seats 2 and 4 are elected in the alternate election year. Depending on the year that the SWCD was formed, these seats are grouped so that one set runs in a presidential election cycle and the other set in a non-presidential election cycle. Unless resigning from the SWCD, a supervisor holds office until his or her successor has been elected or qualified.

**Note:** The language regarding tenure of supervisors means that if a supervisor is elected or appointed and qualified, then they serve until they resign, or are deceased, or are defeated in an election, and their successor is appointed or elected and qualified. This language is applicable beyond the expiration of their term if their successor has not been appointed or elected and qualified.

The office of SWCD supervisor is a nonpartisan office, and each supervisor represents the entire SWCD.



## Resignations/Removal from Office

Supervisors who are not able to regularly attend board meetings are encouraged to resign so a replacement can be appointed and the required quorum can be met.

A supervisor can resign his or her office by sending a letter of resignation (addressed to the Governor of the State of Florida) to the chairperson of the Board of Supervisors of the SWCD. Copies of the letter should be sent to the local Supervisor of Elections; the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy (FDACS/OAWP); and the Association of Florida Conservation Districts (AFCD) office. The date on the letter is the resignation effective date. A sample resignation letter is provided in **Appendix 4**.

The Governor may remove a supervisor from office for neglect of duty or malfeasance in office, but for no other reason (see Sections 582.06 (2)(c) and 582.20 (11), F.S.).

**Note:** If a supervisor dies or resigns during their term, the remaining supervisors may fill the vacancy by appointment for the remainder of the term.

## Appointments

Vacancies are filled by appointment by the remaining supervisors until the next regular election. Minutes of the meeting at which an appointment is made are to be sent to the local Supervisor of Elections and FDACS/OAWP. A cover letter containing the name of the former supervisor and the new supervisor's name, address, phone numbers, fax, e-mail, and seat number needs to be sent with the meeting minutes. A sample appointment letter is provided in **Appendix 4**.

**Note:** If a SWCD has only one supervisor, that supervisor can appoint another supervisor, then those two can appoint a third and so on until there is a full board of five supervisors. If there is only one supervisor because the others resigned or died, then that one supervisor represents a quorum, as would two supervisors under the circumstances noted here. There is no provision in the Florida Statutes for the Governor or anyone else other than duly appointed or elected and qualified supervisors to appoint supervisors.

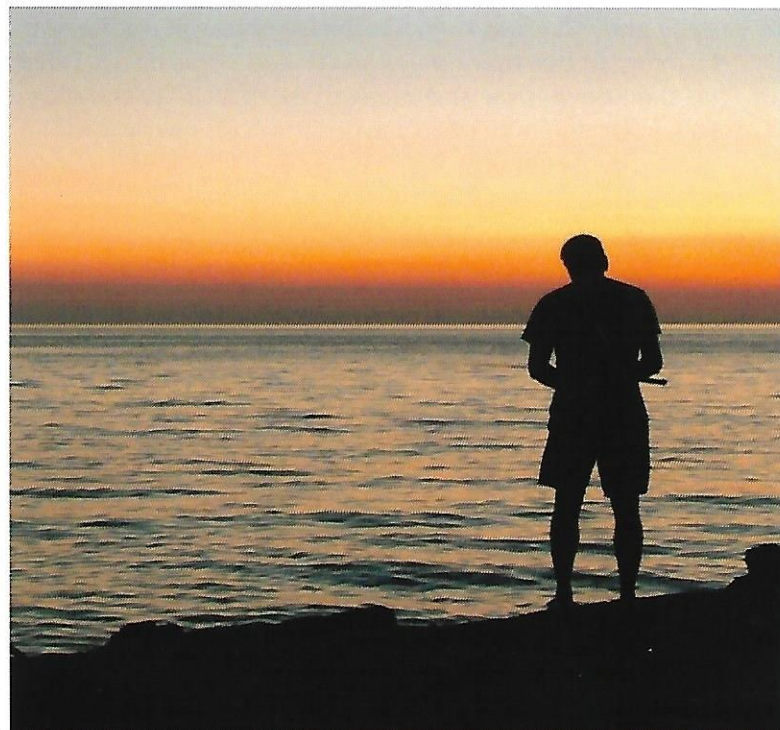
## Dependent/Independent Districts

There are no election differences between dependent and independent districts. Some SWCDs choose to be defined as dependent because the local government entirely or largely supplies their budget. In these cases, a SWCD's budget may require approval through an affirmative vote by the governing body of a single county or a single municipality. The dependent SWCD's budget may also be vetoed by the governing body of a single county or a single municipality. An independent SWCD's budget is not subject to these votes. In both types of SWCD, the local governing body has no authority to appoint or remove supervisors.

**Note:** By October 1, 2015, independent SWCDs were required to have their own individual website per Section 189.069, F.S. Only dependent SWCDs, currently Blackwater, Glades, Hendry, and Madison, can have a website page on their county's website.

## Oath of Office

The Oath of Office, DS-DE 56 (Rev. 11/16) provided by the Division of Elections is required to be filled out by all elected officials in the state of Florida. The ceremonial oath of office, though not required, can mirror the standard state oath of office or be a special oath of office. It is typically administered by the Supervisor of Elections of the county where the SWCD is located.





## Oath of Office - State of Florida

The following is the State of Florida oath of office.

I, ..., do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of office under the Constitution of the State, and that I will well and faithfully perform the duties of (the office of Supervisor for [insert name of the SWCD]) of which I am now about to enter. So help me God.

## Oath of Office - County

This oath can be administered by the county Supervisor of Elections or the County Clerk of the Courts at a board meeting.

I, (name of the SWCD Supervisor), do solemnly swear that I will support and defend the Constitution and Government of the State of Florida; and that I give my pledge as an American citizen to honestly, faithfully, and impartially perform the duties devolving upon me in Office as a member of the Governing Board of the (District Name/County) Soil and Water Conservation District; and that I will, to the best of my ability, defend from waste the natural resources of the District, its soils and minerals, its forests, its water and wildlife; and that I will not neglect any of the duties imposed upon me by Chapter 582, Florida Statutes, and the prevailing laws of the State of Florida. So help me God.

## Supervisor Orientation

Newly elected supervisors will primarily learn their daily activities and responsibilities through on-the-job training. In this manner, experienced supervisors pass on the knowledge and ideas of the SWCD to the new supervisor(s), minimizing a loss in productivity and ensuring continuity.

Training is provided by FDACS/OAWP through the field staff liaisons and through a contract with AFCD, which offers Supervisor Training, Funding Training, Board Meeting Training, and other types of training. However, this is not the only way to learn about your new position. Supervisors are encouraged to continue their orientation through many methods. A few examples are listed below.

- Visit another SWCD to gain an understanding of how they conduct their meetings and the types of projects within which they are actively involved. For more information, contact your local FDACS/OAWP representative.

- Visit local USDA/NRCS service office and speak with the District Conservationist. The NRCS has a longstanding history with the SWCDs.

**Note:** NRCS can assist with a resource assessment of your area and formation of a local working group.

- Visit the nearest WMD office and gather information on available programs, issues, permitting, office staff and structure, meeting schedules, and Governing and Basin Board members.
- Keep in close contact with the Association of Florida Conservation Districts (AFCD) (<http://www.afcd.us>) and the National Association of Conservation Districts (NACD) (<http://www.nacdnet.org/>).
- Contact your local FDACS/OAWP representative to learn about their current projects or for answers to your questions.
- Familiarize yourself with Chapter 582 of the Florida Statutes and other soil or water resource legislation.
- Get involved in your community and familiarize yourself with the soil and water issues.
- To understand the local environmental issues and the permitting process, speak with the regulatory community.
- Contact your Board of County Commissioners to learn about environmental ordinances and proposed legislation.
- Attend workshops on topics of concern for the SWCD.
- Attend area and state AFCD meetings for training opportunities.

Supervisors are also encouraged to be creative in their efforts, continuously review their SWCD's mission statement and long-range plan, and get involved. As an SWCD supervisor, you can positively influence and shape your community.





# Board Meetings

Supervisors should strive to hold well-organized, business-like meetings. A two-hour session usually is sufficient to conduct the affairs of the SWCD if the proper rules are observed. The following information is provided for supervisors and staff as guidance for conducting board meetings. Board members of each SWCD should determine the meeting procedures that suit their needs and satisfy Florida's public meeting requirements.

## Public Meeting Requirements

SWCDs are subject to "Government in the Sunshine" aka, Florida Sunshine Law under Section 286.011, F.S., which specifically mentions political subdivisions and boards. Some of the requirements include: provide adequate notice, location access, keeping minutes, and the public's right to attend and participate. A copy of the statute is available in **Appendix 5**.

SWCDs and supervisors must constantly be aware of changes in Florida's Sunshine Law, Section 286.011, F.S. and consider how the law relates to new technologies. Some cities and counties have already banned the use of cell phones, web-enabled devices (Blackberry, iPhone, etc.), personal digital assistants (PDAs), or laptops by county commissioners during public meetings or workshops. In those areas, commissioners cannot text, instant message, or use social networking websites or private e-mail accounts for county business.

## Board Discussion of SWCD Business Items

Due to the limitations set forth by Florida's Sunshine Law, discussion among the supervisors on items that will be before the board or that relate to SWCD business can only take place at properly noticed public meetings. Telephone calls and emails are not proper avenues for the discussion of board-related topics. Supervisors who did not attend a publicly noticed meeting can be briefed individually by staff on anything that occurred at the public meeting, including the opinions of other board members.

## Reasonable Meeting Notice Required

1. The notice should contain the time and place of the meeting and, if available, an agenda. An agenda is not required but is recommended.
2. The notice should be prominently displayed in the area of the SWCD's office, or in the usual meeting area set aside for that purpose. Seven days notice is the minimum time.
3. Special meetings should allow at least 24 hours notice to the public.
4. Radio and advertising in local newspapers are effective ways of meeting the notice requirements.
5. Districts must advertise the time and place of their meetings in the Florida Administrative Register (FAR). Meetings for the entire year may be advertised in one advertisement to avoid incurring excessive costs.

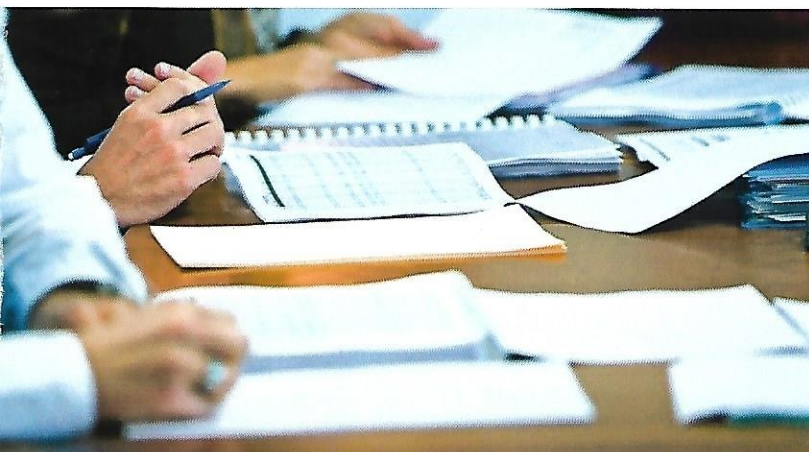
The minutes of a meeting are to be promptly recorded and available for public inspection. Minutes taken do not need to be verbatim transcripts of the meeting; rather, they can be a summary of the major action items taken. The SWCD must keep permanent records of minutes. However, method of storage is left to the discretion of the individual SWCD.

There is no specified place for the meetings to take place; however, boards are prohibited from holding meetings at any facility that discriminates or is designed in a way that unreasonably restricts public access.

**Note:** For example, if you hold your meeting at a restaurant, there must be an area set aside for the public to attend and not have to purchase anything.

## Public's Right to Attend or Participate in a Meeting

The meetings of a public board must be open to the public. This includes the right of the public to participate in meetings and present their views.





# Violations of the Sunshine Law

Knowingly violating the Sunshine Law could result in being found guilty of a second degree misdemeanor. The fines related to such a conviction include, but are not limited to, imprisonment up to 60 days (Section 775.082 (4)(b), F.S.) or a fine of up to \$500 (Section 775.083 (1)(e), F.S.). Unintended violations are noncriminal infractions punishable by a fine not to exceed \$500.

## Rules of Parliamentary Procedure

It is the chairperson's responsibility to conduct the business meeting. To assure an organized and highly productive meeting, the chairperson should be familiar with the rules of parliamentary procedure, and insist that those rules be observed. The following is a condensed set of parliamentary procedure rules from Robert's Rules of Order .

**Making a Motion:** The member addresses the Chair as "Mr. Chairperson" or "Madame Chairperson," and waits to be recognized. When recognized, the member states the motion, "Mr. Chairperson, I move to...." The Chair restates the motion and requests a second to the motion. When moved and seconded, the Chair states the motion and opens discussion. The assembly may not discuss any other business until the motion is completed.

**A "Question"** is called when the group is ready to vote on the motion at hand. The Chair counts the affirmative vote, then the negative vote, and announces the result.

**Making a Motion to Amend:** While discussing a motion, it may be amended. "Madame Chairperson, I move to amend the original motion by...." The motion to amend can be debated, and a majority vote is required for passage.

**Amending the Amendment:** An amendment also may be amended during the discussion. "Mr. Chairperson, I move to amend the amendment by...." The motion to amend an amendment can be debated, and requires a majority vote for passage.

**Order of Vote:** When an original motion, an amendment, and amendment to the amendment are on the floor, the first vote taken is on the amendment to the amendment. The second vote taken is on the initial amendment, whether revised or not. The third vote is on adopting the original motion, whether revised or not. The amendment to the amendment, the amendment, and the original motion are all debatable. The chairperson should state each motion before the vote is taken.

**To Refer to Committee:** When a motion becomes complicated through amendments or when a question requires further study, a motion may be made to refer the original motion to a committee for further consideration. "Madame Chairperson, I move that the motion to...be referred to a committee of...to be (elected or appointed)." This motion can be debated, and requires a majority vote for passage.

**To Table:** This motion postpones the subject under discussion to a later time, when a motion "to take from the table" would be appropriate. This motion cannot be debated or amended, but a majority vote is required for passage.

**To Postpone to a Set Time:** A motion to postpone the question before the assembly to a set time is in order except when a speaker has the floor. "Mr. Chairperson, I move that we postpone consideration of this motion to...[or the next meeting, etc.]" Through this motion you create a General Order, which is presented under unfinished business. When a main motion is postponed, all related motions are postponed with it. A motion to postpone can be debated, and a majority vote is required for passage.

**To Reconsider:** The motion to reconsider a motion that was carried out or lost is in order if made during the same or the next meeting, but must be made by someone who voted with the prevailing side. No question can be twice reconsidered. This type of motion can be debated, and requires a majority vote for passage. (It requires two votes - first on whether it should be reconsidered and, if the vote is to reconsider, the second vote is on the original motion).

**The Previous Question:** This motion closes debate on the pending question when the debate becomes long or drawn out. "Madame Chairperson, I move the previous question." The chairperson then asks, "Shall debate be closed and the question now be put?" If the motion is adopted by a two-thirds (2/3) vote, the question before the assembly is immediately voted upon. This motion cannot be debated.

**To Adjourn:** This motion is always in order except when a speaker has the floor, when a vote is being taken, or when the assembly is in the midst of some business that cannot be stopped abruptly.

**Point of Order:** This motion is always in order, but can be used only to present an objection to a ruling of the Chair or some method of parliamentary procedure. "Mr. Chairperson, I rise to a point of order." After the member has stated the objection, the Chair answers,



"Your point of order is sustained" or "Your point of order is denied." If any member is not satisfied, they may appeal the decision of the Chair. The chairperson then addresses the assembly, "Shall the decision of the Chair be sustained?" This question can be debated, and the presiding officer may participate in discussion without leaving the Chair. A majority or tie vote sustains the decision of the Chair. A majority of "no" votes reverses the decision of the Chair.

## Voting

When a board meets to vote on a topic, a quorum must be present. A quorum consists of at least three voting supervisors. In this case, for a vote to carry, at least two members must be in favor. Ideally, all five supervisors will be present to vote, in which case a vote of three to two carries a motion.

Each board can decide which topics require a vote. However, it is generally agreed that any motions involving money should be voted on. Other examples of items that should be voted on include contract negotiations, staffing decisions, and internal programming design. Supervisors must always vote unless there is a conflict of interest, in which case the supervisor must fill out Form 8B (see **Appendix 6**).

**Note:** Do not mistakenly fill out Form 8A, as it could result in serious legal penalties and fines.

## Officer and Staff Responsibilities

The following guidance is provided for the use of supervisors and staff for conducting SWCD business. Supervisors for each SWCD must determine the officers, operating procedures, and staffing that suit their needs and meet their legal and program responsibilities.

## Responsibilities of District Officers

At the first meeting following the election of supervisors, the SWCD governing body elects its chairperson, vice-chairperson, treasurer, and secretary. The chairperson appoints a public information representative. Any elected supervisor can be an officer. To utilize the talents of all supervisors, consider rotating your officers at least every two years. Supervisors for each SWCD may determine assignment of officer duties as described here to staff of the SWCD.

## Duties of the Chairperson

1. Board meetings:
  - a. Establish a regular meeting date. You may call special meetings when necessary.
  - b. Plan the order of business or agenda with the office secretary and District Conservationist, well in advance of the meeting.
  - c. Extend invitations to individuals who should attend meetings and take part in discussions.
  - d. Ensure that a quorum is present at each meeting.
  - e. Preside at all meetings or arrange for the vice-chairperson to preside; call the meeting to order on time, read the publicly noticed meeting statement for the record, announce the order of business, distribute a typed agenda, and recognize visitors and others present; handle discussions in an orderly manner.
2. Appoint committees, assign their responsibilities, and collect reports when due.
3. Ensure that all supervisors are properly informed and understand their duties.
4. Review the objectives of the SWCD Long-Range Plan and the SWCD Annual Work Plan monthly, to make sure that all planned activities and assignments are carried out.



## Duties of the Vice Chairperson

1. Officiate in the absence of the chairperson; assume other duties at the chairperson's request.
2. Consult with and advise the chairperson on matters of program and policy.
3. Serve as chairperson for special programs.
4. Succeed the chairperson in the event of resignation or other conditions precluding the continued tenure until the board is reorganized.



## Duties of the Secretary

1. Board Meetings:
  - a. Notify members of each meeting. One week prior, mail meeting announcements with an agenda to each supervisor.
  - b. Provide the chairperson with a list of business items to be placed on the agenda.
  - c. Take meeting minutes. The minutes should include the following information:
    - i. Type of meeting (regular, annual, or special).
    - ii. Name of presiding officer, date, hour, and place.
    - iii. Attendance (supervisors, agency representatives, guests). Supervisors not in attendance should also be listed.
    - iv. Official business.
    - v. Reports made at meetings. (Reports may be summarized – ask agency representatives and committees to provide written reports when necessary).
    - vi. All motions, indicating the person making the motion, and the action that was taken on the motion.
    - vii. All-important statements, even though action was not taken.
2. Keep a record of all committees, both standing and special. Notify committee members of their appointments if they were not present when the appointments were made.
3. Keep the FDACS/OAWP, the AFCD, and the local Supervisor of Elections informed concerning board membership by furnishing copies of all letters of appointments and resignations, as well as names of SWCD officers and address changes.
4. Initiate correspondence on behalf of the board as the need arises.

## Duties of the Treasurer

The District Treasurer is responsible for maintaining an accurate account of the financial transactions of the SWCD.

**Note:** Those authorized to sign checks and/or purchase equipment, services, and supplies with the SWCD monies must be bonded.

1. Prepare and maintain SWCD budget for the operating year.
2. Prepare a monthly financial report for the board.
3. Pay only the bills approved by official action of the board.
4. Ensure all checks have two signatures. Per Board of Supervisors vote, one of the two signatures can be that of the approved SWCD staff person.
5. Issue receipts for incoming funds; maintain separate accounting of any funds the SWCD may receive for a specific purpose.
6. Maintain complete and accurate records of receipts and expenditures, including hardcopy printouts of all electronic or online banking transactions.
7. Arrange for an annual audit of receipts and disbursements in accordance with Section 218.32, F.S. (Annual Financial Report), and Section 11.45, F.S. (Audit).
8. Ensure, in compliance with federal law, that the District Conservationist does not expend or handle SWCD funds.







## **Duties of the Public Relations Representative (Optional Position)**

It is important that the public be informed of the existence and objectives of the SWCD. The chairperson might wish to appoint one of the supervisors to publicize the activities of the SWCD. A member of the support staff can assist this person. Alternatively, public relations duties can be shared among supervisors.

1. Coordinate with all local newspapers, radio, and television stations so that activities are sufficiently publicized.
2. Submit news items (include photographs when appropriate) of general interest concerning the SWCD's activities to the FDACS/OAWP for possible use in statewide publications.
3. Develop and maintain a record of the SWCD's activities.
4. Organize and conduct SWCD speech, land judging, Envirothon, and other contests.
5. Prepare the public information section of the SWCD Long-Range Plan and Annual Work Plan.

## **Responsibilities of SWCD Support Staff**

Due to the quantity of work some SWCDs undertake, it may be necessary for them to hire part-time or full-time staff. These positions may include administrative assistants, executive directors, district administrators,

and technicians. They are responsible for the direct support of the Board of Supervisors. Training for these positions can be provided, to varying degrees, by the SWCD supervisors, the AFCD, the Florida Conservation District Employees Association (FCDEA), FDACS/OAWP field staff, and the NRCS personnel assigned to the SWCD.

Work on special projects may require staff on an as-needed basis. Hired staff may be of a more permanent status and work on a variety of long-term or recurring projects. Regardless of the employment status, SWCD officials are responsible for developing employee policies for the management of SWCD personnel. Policies developed by the SWCD serve as a binding agreement between personnel and SWCD officials. District officials are encouraged to review and draw upon guidance offered by the National Association of Conservation Districts (NACD), AFCD, NRCS, and local government policy to develop personnel management strategies and policies.

## **District Support Staff Duties and Responsibilities to the SWCD Board of Supervisors may include, but not be limited to, the following:**

1. General Administrative Duties
  - a. Assist SWCD officers in carrying out their duties, as requested.
  - b. Take messages and relay them to the proper person.



- c. Assist with scheduling meetings and appointments.
  - d. Keep a schedule of all events that concern the Board of Supervisors and bring it to their attention at the proper time.
  - e. Receive and review mail. Sort supervisors' mail for distribution and action. Answer routine correspondence that does not require the personal attention of the supervisors or District Conservationist.
  - f. Collect information from newspapers and other sources that may be of interest to employees and supervisors.
  - g. Anticipate and determine the need for office supplies and equipment at the lowest possible cost to be purchased by the SWCD, and order items upon approval of the board.
  - h. Maintain the appearance of the office and work area.
  - i. Perform continuous maintenance and updates to the SWCD website, fulfilling all the requirements of Special District websites per Section 189.069, F.S.
2. Records and Files
- a. Maintain a standardized filing system for the SWCD.
  - b. Maintain SWCD property records.
  - c. Keep records for award programs.
  - d. Maintain accurate employee time and attendance reports.
3. Plans and Meetings
- a. Assist the Board of Supervisors in preparing the Annual Work Plan.
  - b. Assist with the planning and preparation for all SWCD meetings.
  - c. Prepare board meeting notices and agendas in consultation with the board chairperson. Refer to the Annual Work Plan when preparing board meeting agendas. Send notices and agendas to the Supervisors in advance of the meeting.
  - d. Attend all board meetings. Assemble, type, and distribute all regular and special meeting minutes.
  - e. Forward copies of SWCD meeting minutes to the FDACS/OAWP, NRCS, and the AFCD upon request.
4. Financial Matters
- a. Assist in preparing monthly financial reports, in conjunction with the District Treasurer, for presentation to the Board of Supervisors; reconcile balances of special and SWCD accounts; maintain records of SWCD business transactions daily; maintain all records in an orderly fashion established by the District Treasurer.
  - b. Prepare vouchers and checks for bills authorized for payment by the SWCD board.
  - c. Assist in SWCD financial bookkeeping - maintain separate accounting for "Special Funds," "District Funds," and "Special Projects," and keep posting current.
  - d. Receive and provide receipts for contributions to the SWCD on behalf of the Board of Supervisors.
  - e. Facilitate an annual audit to be completed by an auditing firm selected by the board from firms who applied through a publicly advertised Request for Proposal (RFP).
5. Outreach
- a. Answer questions and give information on the programs and services of the SWCD.
  - b. Assist in the preparation for educational events such as field days, tours, contests, and special events.
  - c. Assist in preparing newsletters and news releases concerning SWCD activities.
  - d. Order educational materials such as videos, booklets, brochures, etc.
  - e. Assist landowners applying to the SWCD board for technical assistance.
6. NRCS Support-Related Duties
- Note:** NRCS-related duties often are defined through an Agreement between the SWCD and NRCS and may vary by Soil and Water Conservation District.
- a. Maintain NRCS records. Assist in keeping NRCS property records.
  - b. Assist with reports.
  - c. Assist with NRCS correspondence and maintain correspondence with other agencies.
  - d. Maintain a standardized filing system for other handbooks and publications.
  - e. Order supplies and services approved by the District Conservationist.
  - f. Take and transcribe dictation for correspondence, news releases, reports, conservation plan narratives, technical specifications, etc.
  - g. Link conservation plans and assemble completed farm or ranch plans.
  - h. Participate in local working group meetings.



# Partners and Programs

There are a variety of partnership opportunities for Soil and Water Conservation Districts (SWCDs), depending on the objectives to be met. Some longstanding and beneficial partnerships are described below.

## Florida Department of Agriculture and Consumer Services/Office of Agricultural Water Policy (FDACS/OAWP)

The Florida Department of Agriculture and Consumer Services (FDACS) administers the soil and water conservation programs assigned to it by the Florida Legislature under the Soil and Water Conservation Law, Chapter 582, F.S. The FDACS Office of Agricultural Water Policy (OAWP), headquartered in Tallahassee, has field staff located around the state who work directly with the SWCDs as their FDACS liaisons. Following are some of the programs and partnerships provided through FDACS/OAWP.

### Best Management Practices (BMP) Development and Cost-Share Program

The OAWP is charged with developing and assisting with the implementation of best management practices (BMPs) to reduce agricultural nonpoint source pollution. When FDEP establishes a Total Maximum Daily Load (TMDL) for a waterbody and adopts a Basin Management Action Plan (BMAP) that includes agriculture. Agricultural producers must by law, implement BMPs in the BMAP area. If they do not, they will either be required to conduct expensive water quality monitoring to show they are not contributing to the problem, or be subject to enforcement action by FDEP or the pertinent WMD.

Producers who implement FDACS BMPs have a presumption of compliance with state water quality standards. SWCDs are important partners for FDACS in the delivery of BMP cost-share money to help producers implement BMPs.

### Mobile Irrigation Labs (MILs)

Mobile irrigation labs (MILs) provide on-site evaluations for agricultural irrigation systems, and provide recommendations for more efficient water use. Most MILs operating in Florida are administered through an SWCD program. In Florida, MILs are funded primarily with WMD and FDACS funds. Often, WMD money is sent through the OAWP, combined with OAWP funds, and conveyed via a single contract to the MIL. Sometimes the WMD and the OAWP have separate contracts with the same MIL. The OAWP oversees the MILs, and compiles and reports on the data received from the MILs.



### OAWP Field Staff

OAWP field staff provides ongoing assistance to the SWCDs regarding:

- Requirements contained in Chapter 582, F.S., and other laws that govern SWCD operations.
- Compliance/reporting requirements.
- Information exchange and coordination with other SWCDs, groups, and agencies.
- Updates to keep the SWCDs informed of current events and emerging issues.

OAWP field staff may also:

- Identify opportunities for SWCDs to participate in regulatory alternatives, water resource development, water conservation, and nonpoint source pollution management.
- Facilitate partnerships between the SWCDs and other entities in areas such as land management and water conservation.
- Assist in integrating SWCD efforts with WMD objectives.
- Provide input to other agencies and groups on the development of programs and regulations impacting soil and water conservation.
- Provide the SWCDs with information on funding opportunities with private, local, state, and federal agencies.
- Assist with the development of SWCD goals and objectives, long-range plans, annual work plans, and annual reports addressing local soil and water conservation issues; and assist SWCDs in the evaluation of their programs, objectives, and accomplishments.
- Coordinate and conduct training meetings or workshops for SWCD supervisors and personnel.
- A list of OAWP field staff liaisons is provided in **Appendix 3**.



## **United States Department of Agriculture/Natural Resources Conservation Service (USDA/NRCS)**

The United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) is an arm of the USDA that provides assistance to landowners concerning protection of natural resources. That assistance includes the services of District Conservationists and participation in the funding of mobile irrigation labs (MILs), as described below.

## **District Conservationists**

The District Conservationists, employees of the USDA/NRCS, are responsible for all NRCS activities within their assigned SWCDs. The District Conservationists provide technical assistance to landowners and other groups/partners in the development, application, and maintenance of coordinated soil and water conservation programs. They also furnish technical guidance to the SWCD Board of Supervisors and help establish goals that are in line with the conservation needs in that area.

Each District Conservationist assists one or more SWCD(s) by carrying out the following types of duties:

- Directing follow-up maintenance programs on lands owned by SWCD co-operators and other private landowners.
- Directing and maintaining an informational program.
- Adapting and revising technical guides and job sheets as needed.
- Assisting producers in planning and implementing resource management systems.
- Providing technical assistance to the USDA Farm Service Agency's cost-share programs.
- Providing technical responsibility for the Food Security Act.
- Providing technical leadership for special projects (hydrologic unit areas, demonstration areas, special water quality projects, small watershed projects and Farm Bill programs).
- Assisting in the development of the field office and SWCD annual plans of operation, annual reports, and long-range plans.
- Training SWCD employees when appropriate.
- Reviewing the Cooperative Working Agreement and the Mutual Agreement with the SWCD.
- Working cooperatively with SWCDs to increase diversity and outreach and improve the delivery of NRCS and SWCD programs.
- Working cooperatively with SWCDs to convene the local working group to develop priorities for Farm Bill and SWCD programs.
- Attending SWCD board meetings, providing NRCS activities reports, and serving as a resource person.





## 2014 Farm Bill

The 2014 Farm Bill provides the opportunity for funding conservation programs and cost-sharing BMPs with local producers and landowners through the NRCS partnership with SWCDs. Your District Conservationist can elaborate on the many programs available for producers in your area.

## Mobile Irrigation Labs (MILs)

While funding for MILs comes primarily from the WMDs and the OAWP, NRCS also provides funding support for MILs.

## National Association of Conservation Districts (NACD)

The National Association of Conservation Districts (NACD) was formed in 1946 by SWCDs and their state associations, and founded on the philosophy that local residents should make conservation decisions, with technical assistance provided by federal, state, and local governments. NACD's mission is to serve SWCDs by providing national leadership and a unified voice for natural resource conservation.

NACD helps SWCDs use their collective voice to influence conservation policy in America. NACD's member-driven Board of Directors decides conservation policy priorities to guide leaders and staff. These priorities are used to develop and review environmental and natural resource legislation and to secure adequate federal funding.

NACD also provides services, support information, and national networking for individual SWCDs.

## Association of Florida Conservation Districts (AFCD)

The Association of Florida Conservation Districts (AFCD) is a 501(c)(3) nonprofit organization that represents the 58 SWCDs and their supervisors in Florida. The chief functions of the AFCD is to provide support and information to the SWCDs, especially on issues that might directly impact them. The AFCD also facilitates communication between the NACD and Florida's SWCDs, and between the state's SWCDs and the State Legislature. Some of the goals of the AFCD include:

- Strengthening the AFCD's legislative presence.
- Promoting and increasing public awareness of Florida SWCDs as "the source for natural resources management".
- Expanding program resources by promoting youth conservation education.

- Providing training for SWCD supervisors.
- Encouraging leadership development within the SWCD's area.

## Florida Conservation District Employees Association (FCDEA)

The Florida Conservation District Employees Association (FCDEA) was formed to unite SWCD employees in the state and to provide resources to each of them. The mission of the FCDEA is to provide leadership, assistance, and training for Florida SWCDs and partner programs through SWCD employees. The FCDEA assists the Association of Florida Conservation Districts (AFCD) in their efforts to promote sound conservation practices for our natural resources.

## University of Florida Institute of Food and Agricultural Sciences (UF/IFAS)

The University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) is a federal, state, and local government partnership that develops knowledge in agriculture, human and natural resources, and life sciences. Those developments are made accessible to the public to sustain and enhance the quality of human life. IFAS provides extension services in each of the state's 67 counties and has 12 research and education centers throughout Florida.

SWCDs utilize IFAS research and resources in several programs and enjoy a longstanding conservation partnership with the IFAS-affiliated county extension centers. The county extension agents work to assist individuals, business leaders, and government officials to address issues through education and research. They promote diverse programs for both urban and rural lands, such as educating the public to care for native plants, developing youth leadership through programs such as 4H, and teaching the public how to implement energy-efficient practices. The county extension service and IFAS work cooperatively in multi-partner programs that relate to agricultural and conservation interests.

## County Services

The county that an SWCD serves is often its most significant, if not only, source of funding. The county and SWCD are partners in resource conservation and education, along with the county's IFAS extension service. Sometimes county funds are part of an agreement with the county extension service. Counties also may provide facility resources such as building space and support staff. The Board of County Commissioners can provide assistance with SWCD program ideas, such as partnership opportunities with the county on local conservation projects.





## Water Management Districts (WMDs)

Florida has five water management districts (WMDs) that cover many of the same concerns as SWCDs. The FDEP has “general supervisory authority” over the WMDs and is directed by Florida law to delegate water resources programs to them where possible. The WMDs in Florida are the Northwest Florida Water Management District, Suwannee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, and South Florida Water Management District.

## Florida Department of Environmental Protection (FDEP)

The Florida Department of Environmental Protection (FDEP) is the lead agency in state government for environmental management and stewardship. It is one of 16 state government agencies under the executive branch of the Governor and enters into many cooperative programs that relate to conservation interests. The department administers regulatory programs and issues permits for air, water, and waste management. It oversees Florida’s land and water conservation program, Florida Forever, and the Florida Park Service.

## Florida Section 319 Grant Work Plans

The Nonpoint Source Management Section of the FDEP administers grant money it receives from the United States Environmental Protection Agency (EPA) through Section 319(h) of the federal Clean Water Act. These grant funds can be used to implement projects or programs that will help to reduce nonpoint sources of pollution. Projects or programs must be conducted within the state’s nonpoint source priority watersheds, which are Surface Water Improvement and Management (SWIM) watersheds and National Estuary Program waters. All projects must include at least a 40 percent non-federal match.

Examples of fundable projects include: demonstration and evaluation of Best Management Practices (BMPs), nonpoint pollution reduction in priority watersheds, groundwater protection from nonpoint sources, public education programs on nonpoint source management, etc. All approved projects will be contracted with the FDEP and managed by the staff of the Nonpoint Source Management Section. Project proposals are due each year in early July, with project selection completed by September.

The WMDs administer regulatory programs to manage the consumptive use of water, aquifer recharge, well construction, and surface water management. The WMDs are authorized to administer flood protection programs and to perform technical investigations into the use of water resources. The WMDs are also authorized to develop water management plans for water shortages in times of drought and to acquire and manage lands for water management purposes.

WMDs and SWCDs may enter into partnership programs that help protect the quantity and quality of water needed to sustain the health of natural resources while meeting the needs of the rural and urban communities.

## Public Lands Management

### Water Management District Lands

Florida law (Chapter 373, F.S.) directs and encourages WMD governing boards to give SWCDs “first consideration” for land management contracts when lands held by WMDs are to be leased or used for agricultural purposes. SWCDs have only occasionally entered into contracts with a WMD for land management.

The South Florida Water Management District has been the WMD most active in developing a policy and procedure for “first consideration” of SWCDs for land management contracts. The current procedure is to develop a Request for Proposal (RFP) for land management of the subject property. The RFP is first offered to the appropriate SWCD without competition. The SWCD can then either decline to respond or, if interested, can submit a completed proposal package. Proposals are evaluated for completeness, qualifications, and costs. Land management RFPs not awarded to an SWCD are offered to private enterprises in a competitive proposal process.



Chapter 373, F.S., also gives SWCD supervisors a role in the development of land management plans, and requires advisory groups that provide input on management plans to have SWCD representation.

### **Conservation and Recreation State Lands**

Florida law includes the same “first consideration” land management opportunity for lands acquired through the Conservation and Recreation Land Trust Fund for publicly owned state lands managed for agricultural purposes.

Chapter 259, F.S. – Land Acquisition for Conservation or Recreation also gives SWCD supervisors a role in the development of land management plans through advisory groups that provide input on management plans and through membership on land management review teams.

### **Florida Farm Bureau (FFB)**

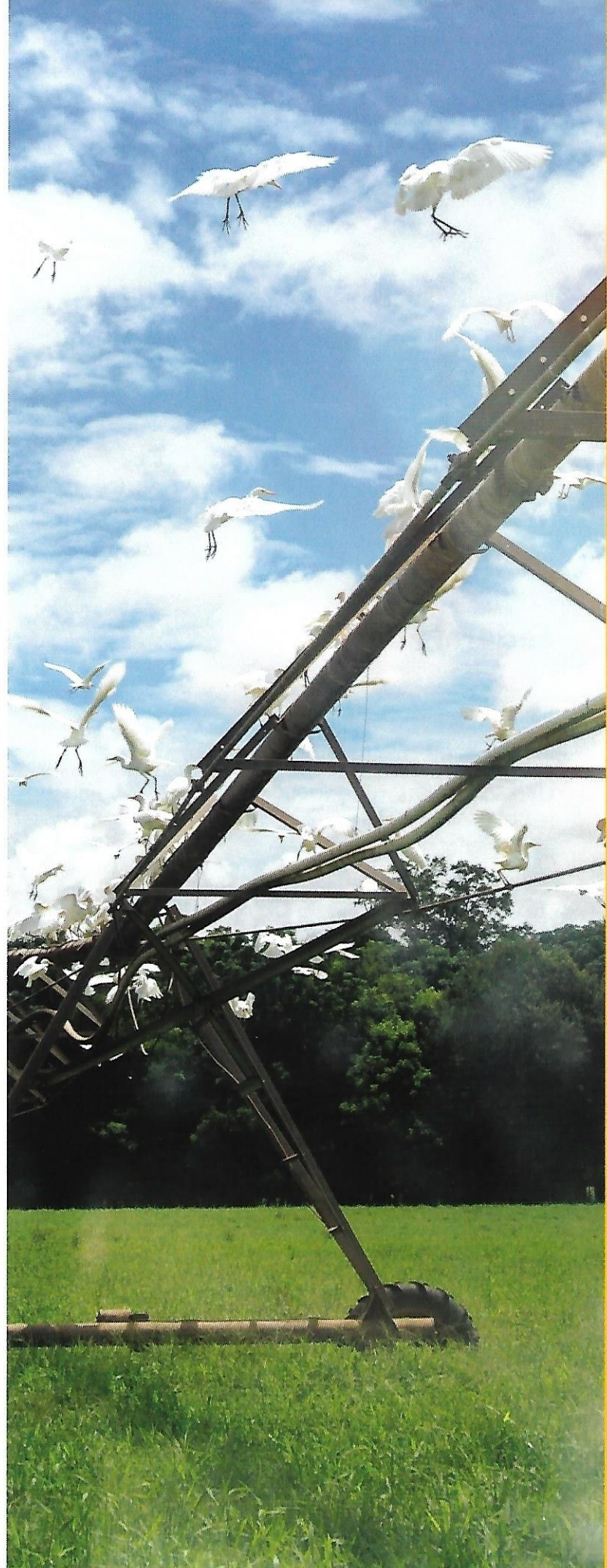
The Florida Farm Bureau (FFB) is the largest independent agricultural association in Florida. It is a federation of 60 county Farm Bureaus. When individuals join a county Farm Bureau they also become members of the Florida Farm Bureau Federation and the American Farm Bureau Federation.

### **Florida Department of Economic Opportunity (FDEO)**

The Florida Department of Economic Opportunity (FDEO) covers a diverse number of concerns for the health and well-being of Florida communities, including overseeing the affairs of the Special District Information Program. Since the SWCDs are Special Districts, they must report to the FDEO to maintain their good standing in the Florida system.

The Special District Accountability Program is a component of Florida’s Local Government Financial Reporting System. The program has three essential roles: promoting governmental efficiency, promoting accountability, and administering Chapter 189, F.S. (2002), also known as the Uniform Special District Accountability Act of 1989.

As an official partner to the Special Districts, the FDEO produces the Florida Special District Handbook, available at <http://floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/florida-special-district-handbook-online>, and works with the Florida Association of Special Districts in providing training opportunities.





# Funding and Financial Matters

The Association of Florida Conservation Districts (AFCD) has conducted surveys and interviewed Soil and Water Conservation Districts (SWCDs) to identify methods that SWCDs use to obtain funding. Listed below are proven methods commonly used by successful SWCDs:

- Successful SWCDs have an active Board of Supervisors and have a developed plan of work. They are innovative, resourceful, and ambitious in their resource development methods.
- Successful SWCDs have developed strong working relationships with local government and partnered with agencies such as FDACS/OAWP, UF/IFAS extension, and USDA/NRCS.
- Successful SWCDs have worked toward building a substantial budget with various funding sources. The SWCDs with a comprehensive funding system in place do not just look at the funding sources they have available today, but look into the future for potential funding that will improve their ability to provide better technical, financial, and educational resources to local landowners.

Funding for SWCDs may be available from federal, state, and local governments. The following is a list of potential funding opportunities. Websites are provided for additional information.

## Federal Funding

### USDA

- **NRCS:** <http://www.nrcs.usda.gov/programs/>
- **NIFA:** <https://www.nifa.usda.gov/>

### United States Environmental Protection Agency (EPA)

- Catalogue of Federal Funding Sources for watershed protection <https://ofmpub.epa.gov/apex/watershedfunding>

## Pursuing Funds

### Grants or Assistance

A SWCD should coordinate its efforts before submitting a proposal for funding to a government or organization. A committee should be organized, and may include local business leaders, members from a local agriculture association, and agency partners (FDACS, NRCS, UF/IFAS), in addition to supervisors. An SWCD should have both a short-range and long-range plan drafted, and include the objectives that potential funding will accomplish. A budget broken down into categories such as personnel, capital outlay, and operating expenses is usually needed. For an example budget, see **Appendix 6**.

Agencies and organizations want to see their money go as far as possible to accomplish objectives. A good idea for proposals is to provide a cost/benefit ratio. Remember that some benefits, such as enhancement of water quality or a natural area, can be hard to quantify, but they should still be included as benefits.

## State Funding

### FDACS/OAWP: <http://www.FreshFromFlorida.com/>

- Mini-FARMS (Facilitating Agricultural Resource Management Systems) - BMP cost-share assistance program in the Southwest Florida Water Management District
- Northern Everglades and Estuaries Protection Program - BMP cost-share assistance program in the Lake Okeechobee, St. Lucie, and Caloosahatchee watersheds
- Mobile Irrigation Lab (MIL) cost-share program

### FDEP (<http://www.dep.state.fl.us/water/waterpolicy/index.htm>)

- Section 319(h) Nonpoint Source Management Program grants (<http://www.dep.state.fl.us/water/nonpoint/319h.htm>)

### Water Management Districts (WMDs)

- Southwest Florida Water Management District: <http://www.swfwmd.state.fl.us/>
- South Florida Water Management District: <http://www.sfwmd.gov>
- St. Johns River Water Management District: <http://sjrwmd.com/>
- Suwannee River Water Management District: <http://www.srwmd.state.fl.us/>
- Northwest Florida Water Management District: <http://www.nwfwmd.state.fl.us/>



## Fundraising Efforts

There are some funding opportunities an SWCD may choose to pursue that are not related to government programs or grants. The following are potential funding support and fundraising activities:

- Sponsorships for SWCD programs from local businesses, agricultural vendors;
- Special Workshops/Educational Programs;
- Land management services for state agencies;
- Funding SWCD newsletter with sale of ads;
- Sale of Plat Books, plants, trees, wildlife packets, nesting boxes (subject to sales tax collection) See Appendix 6;
- Rental of conservation-related products (e.g., no-till drill, tree planter, dirt pan); and
- Raffles, auctions, tournaments.

## Financial Management

The following guidance is provided for the use of supervisors and staff to assist in conducting SWCD financial business. Supervisors for each SWCD will need to determine the financial management and financial instruments that suit their needs and meet their legal and program responsibilities. This guidance is not intended to replace legal counsel, professional consultants, or professional services for individual SWCDs, as needed.

## Banking

Establish financial accounts with a financial Institution registered with the Public Depository Program of the Department of Financial Services. Documented Board of Supervisors action may be required to establish accounts. The following is general guidance on banking matters:

- Signature Cards should contain at least two signatures; some SWCDs only allow supervisors to sign checks and some SWCDs allow an SWCD employee to be one of the two signatures.
- All funds received must be deposited into a financial account.
- Deposit documents should be detailed to describe the source(s) and a copy should be retained for files.
- All withdrawals or disbursements should be made by withdrawal documents or checks, requiring two signatures.
- All documents/invoices presented for payment should have the check number and date paid, be marked paid, and be initialed by a supervisor or SWCD employee if applicable.

- All documents/invoices should be filed, sequentially, by check number.
- Funds from different programs, grants, or projects should be kept in separate accounts or the records should be sufficient to track the activities.
- Postings of the receipts and disbursements to account ledgers are recommended.
- Bank statements should be reconciled upon receipt. Based on the total amount of dollars being managed, it is advisable for a Certified Public Accountant or outside bookkeeper to complete bank reconciliations.
- Records sufficient to pass a pre-audit and post-audit test should be retained.

## Financial Compliance Reporting

Deadlines for various reports are as follows:

- **June 30** – Annual Financial Report and Audit Report, if required, for the prior fiscal year (fiscal year ends for local governments).
- **November 30** – Public Depository due each year for prior fiscal year ending September 30; this is the bank statement balance issued by the SWCD's Financial Institution on September 30.
- **December 1** – Special District Fee, unless exempted through proper filing procedures, for the prior two fiscal years.

## Other Financial Management Areas

SWCDs often have additional financial concerns, such as surety bonding and insurance. Each SWCD has a variety of needs and situations that cannot be addressed in a general handbook. Professionals in the appropriate field, such as accountants and insurance agents, should be consulted as needed.

As a governmental agency, an SWCD can apply for and receive a Florida sales tax exemption number. This number allows the SWCD supervisors and employees to purchase items for SWCD business without paying Florida sales tax. To get a Florida sales tax exemption number, file an application and fill out the Florida Department of Revenue (FDOR) DR-5 form as a "Political Subdivision." The form is available for download from FDOR's website, <http://www.myflorida.com/dor/forms>, or from the local FDOR office. Additionally, submit the documents that detail the formation of the SWCD. If these documents are not available, obtain a copy from the Secretary of State's office, or by contacting the AFCD.



## Records Management and Public Records Requests

It is critically important to follow up-to-date records management procedures and stay in compliance with Florida's public records law. It is advisable for supervisors and/or support staff to attend records management seminars with the State of Florida, Division of Library Services. Check their website for course descriptions, fees, and current seminar dates: <http://dos.myflorida.com/library-archives/records-management/records-management-training/>.

Responding to public records requests is also of vital importance. See **Appendix 6** for information about developing procedures for handling public records requests.

## Compliance and Operating Procedures

The following guidance is provided to assist the SWCDs in meeting their compliance requirements. It is not intended to replace legal counsel, professional consultants, or professional services for individual SWCDs. Each SWCD must determine what is needed to meet its program compliance requirements and legal responsibilities.

## Soil and Water Conservation District Law Compliance Checklist

A major responsibility of the SWCD is to assure compliance with statutes governing SWCD operations. As political subdivisions of state government, SWCDs are subject to laws that govern public boards, including Florida Statutes Chapters 286 (Public Business), 119 (Public Records), 11.45 (Audits), 189 (Special Districts: General Provisions), 212 (Sales Tax), and others. In addition, SWCDs must comply with the requirements of Chapter 582, F.S. These statutes can be found online at <http://www.flsenate.gov/statutes/index.cfm?Mode=ViewStatutes&Submenu=1>.

See **Appendix 5** for a checklist of critical compliance procedures to help your SWCD Board of Supervisors comply with state laws governing the operation of public boards. Please note that the checklist is provided as a guide, and should not replace your own diligence in ensuring that the SWCD is in compliance with all legal requirements. It is recommended that the SWCD supervisors fill out this checklist annually and



review the items on at least a quarterly basis. A good reference for the laws affecting Special Districts is the Florida Special District Handbook, provided by DEO, found online at <http://floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/florida-special-district-handbook-online>.



# Planning and Reporting

The following guidance is provided to assist Soil and Water Conservation Districts (SWCDs) in their planning process. Supervisors for each Soil and Water Conservation District determine the planning that suits their needs and meets their legal and program responsibilities.

## The Long-Range Plan

As a basic element for effective work and as stipulated in the Memorandum of Understanding and/or the Cooperative Agreement to receive assistance from the USDA, each SWCD must prepare a program setting forth its long-range objectives. Effective soil and water conservation planning will assist in achieving adequately funded conservation programs and good administration. It is important to involve others in the planning process. The plan must contain specific recommendations that can be broken down into annual priorities, and include the actions that are needed, who will perform them, and when they will be executed. The document should be written in a manner that allows the reader to quickly determine the conservation concerns to be addressed. Maps and tables are good support tools that add variety and avoid long verbal descriptions.

## Sample Outline

As a basic element for effective work and as stipulated in the Memorandum of Understanding to receive assistance from the USDA, each SWCD must prepare a program setting forth its long-range objectives.

Effective soil and water conservation planning will assist in achieving adequately funded conservation programs and good administration. It is important to involve others in the planning process.

The plan must contain specific recommendations that can be broken down into annual priorities, and include the actions that are needed, who will perform them, and when they will be executed.

The document should be written in a manner that allows the reader to quickly determine the conservation concerns to be addressed. Maps and tables are good support tools that add variety and avoid long verbal descriptions.

- I. Cover Page: name of SWCD, dates that the plan covers.
- II. Title Page: names of SWCD supervisors and those who assisted in the development of the plan.
- III. Introduction: brief description of the SWCD's history, current population statistics, changes in land use, unique features found in the SWCD,

physical characteristics of the soils, topography, climate, surface and groundwater resources, and other related information.

- IV. Soil and Water Related Resource Concerns: nature, location, and a general outline of the proposed solutions. This section could also include a cost analysis for each of the concerns.
- V. Adoption Page

## Sample List of Concerns

1. Soil Erosion (water, wind)
2. Water Quality
  - Sedimentation
  - Nutrients and Chemicals
  - Animal Waste
  - Groundwater
  - Wetlands
3. Water Quantity
  - Supply
  - Conservation
  - Flooding
  - Irrigation
  - Drainage
4. Conservation and Environmental Education
5. Prime, Unique, and Important Farmlands
6. Mining, Land Application of Waste
7. Fish and Wildlife Habitat / Natural Systems
8. Forestry
9. Recreation
10. Urban Conservation

## Annual Plan of Operation

As stated in the preceding section, the SWCD's Long-Range Plan can be divided into annual priorities that are readily identifiable. If an annual plan is not prepared, planning and decision-making tends to be done on an ad hoc basis, and long-range objectives may not be addressed.

Updating and completing the Annual Plan of Operation should begin several months prior to the end of the current year. Cooperating agencies and the public should be invited to the planning meetings. Using the concerns identified in the Long-Range Plan, state what should be done, who is responsible, and when the tasks will be completed. The last step is formal adoption by the SWCD Board of Supervisors.



## District Annual Report for NRCS

The Memorandum of Understanding and/or the cooperative agreement between the Soil and Water Conservation District (SWCD) and the United States Department of Agriculture (USDA) states: "Within sixty (60) days after the end of each calendar year, the SWCD will submit to the Department of Agriculture, through the State Conservationist of the Natural Resources Conservation Service, an annual report of the SWCD's activities and accomplishments. The SWCD will send a copy of its annual report to each cooperating departmental agency."

It is good practice for SWCDs to review all accomplishments at the end of each year. This review, in the form of a District Annual Report, helps the supervisors evaluate the past year's activities and can initiate the coming year's planning and activities. The annual report also provides an excellent opportunity for the SWCD to inform the public of the SWCD's accomplishments, and let people know that they have an effective organization working for them. A professional, well-prepared report is a useful tool to present to county commissioners, and can be used to obtain financial support.

## Sample District Annual Report Outline

- I. Description: date organized, boundary, names and offices of supervisors, meeting day and time, and general description of the area.
- II. Accomplishments: youth education activities, partnerships formed, outreach information provided, cooperators and other customers assisted, acreage covered, water saved, demonstration projects, and other activities.
- III. Financial information: sources of funding and in-kind services.
- IV. Future Action: needs of the SWCD, actions needed as a result of public participation in meetings, promotional strategies, assistance needed (technical, financial, and educational).

## Business Plan

Many SWCDs may want to prepare a Business Plan if there are several new supervisors, if new funding sources are needed, or if new programs are being considered. The following section outlines the basic elements of a Business Plan to help participants consider important tactical and strategic decisions.

## Outline of Business Plan

- I. Executive Summary: This section, normally two or three pages, provides an overview of the most important issues in the plan, including the business niche, marketing strategies, management needs, and financing.
- II. Statement of Purpose: Describe the SWCD's goals in relation to obtaining financing and building a market.
- III. Business Description: Describe the type of product or service you want to provide. Explain how your product or service is unique and its appeal to clients. Include information about your SWCD's location, space requirements, and area demographics.
- IV. Marketing Plan: Define your target market and indicate whether the market is growing, steady, or shrinking. Provide details about competitors, including their strengths, weaknesses, estimated market share, advertising strategy, and how their product or service is different from yours. Include information about your pricing strategy. Finally, indicate how you advertise and promote the program. Include any new promotion strategies you plan to employ.
- V. Management Plan: Detail the backgrounds of the supervisors and employees, their qualifications, the need for additional management talent, and how the SWCD plans to attract the new personnel. This information is crucial for potential funding sources. The SWCD itself can use this information to re-evaluate the strengths and weaknesses of their management at various stages of program development.
- VI. Financial Plan: Include a capital equipment list, a balance sheet, income statements for three years (or pro-forma income projections for new programs), cash flow statements, and a detailed break-even analysis.
- VII. Supporting Documents: These include leases, contracts, and other legal documents that provide information about the SWCD's overall financial health.





# Appendix 1: Annual Calendar of Events

MONTH	SWCD AND OTHER EVENTS	NACD AND AWARD APPLICATIONS
<b>JAN</b>	<ul style="list-style-type: none"> <li>• Work on District Annual Report</li> <li>• Election Petitions obtained in Election Years</li> </ul>	
<b>FEB</b>	<ul style="list-style-type: none"> <li>• Local Land Judging Contest</li> <li>• Submit District Annual Report to NRCS and other required groups</li> </ul>	<ul style="list-style-type: none"> <li>• NACD Annual Meeting</li> <li>• Commissioner's Agricultural-Environmental Leadership Award</li> </ul> <p>Nomination form: <a href="http://forms.freshfromflorida.com/01795.pdf">http://forms.freshfromflorida.com/01795.pdf</a></p>
<b>MAR</b>	<ul style="list-style-type: none"> <li>• Legislative Session Begins</li> <li>• State Land Judging Contest</li> <li>• Annual Financial Statement</li> <li>• Regional Envirothon Competitions</li> </ul>	
<b>APR</b>	<ul style="list-style-type: none"> <li>• Earth Day</li> <li>• Speech Contest</li> <li>• Soil Stewardship Week</li> <li>• AFCD Area Meetings</li> </ul>	<ul style="list-style-type: none"> <li>• NACD Conservation Education Awards</li> </ul>
<b>MAY</b>	<ul style="list-style-type: none"> <li>• State Envirothon Competition</li> <li>• County Budget Proposals</li> </ul>	
<b>JUN</b>	<ul style="list-style-type: none"> <li>• Election Petitions Submitted in Election Years</li> <li>• Annual financial disclosures for supervisors due to the state</li> <li>• Deadline (June 30) for Annual Audit to be submitted to the Auditor General for prior fiscal year</li> <li>• Deadline (June 30) for the Annual Financial Report to be submitted to the Florida Department of Financial Services for the prior fiscal year</li> </ul>	



MONTH	SWCD AND OTHER EVENTS	NACD AND AWARD APPLICATIONS
<b>JUL</b>	<ul style="list-style-type: none"> <li>• Election Qualifying Period</li> </ul>	<ul style="list-style-type: none"> <li>• AFCD Annual Meeting</li> <li>• NACD SE Regional Meeting</li> </ul>
<b>AUG</b>	<ul style="list-style-type: none"> <li>• Youth Contest Materials to Schools</li> </ul>	
<b>SEP</b>	<ul style="list-style-type: none"> <li>• Budget Hearings</li> <li>• Deadline (September 30) for Board of Supervisors to adopt the General Fund budget for the coming fiscal year, effective October 1</li> <li>• Audit Report Due</li> <li>• Fiscal Year Ends September 30</li> </ul>	<ul style="list-style-type: none"> <li>• NACD District Newsletter Contest</li> </ul>
<b>OCT</b>	<ul style="list-style-type: none"> <li>• New Fiscal Year Begins</li> </ul>	
<b>NOV</b>	<ul style="list-style-type: none"> <li>• Public Depository Report</li> <li>• General Elections - Even Years</li> <li>• Deadline, November 30, for any General Fund budget amendments for the prior fiscal year ended on September 30.</li> </ul>	
<b>DEC</b>	<ul style="list-style-type: none"> <li>• Prepare Annual Work Plan and Review Long-Range Plan</li> <li>• 1099 forms due to producers who received funds via cost-share programs with a deadline of February of following year</li> <li>• Special District Information Program Fee Due</li> <li>• Annual AFCD membership fees due</li> </ul>	<ul style="list-style-type: none"> <li>• NACD Poster Contest</li> </ul>



# Appendix 2: Online Resources

## Agricultural Commodities

The Story of Florida Orange Juice: [http://members.aol.com/citrusweb/oj\\_story.html](http://members.aol.com/citrusweb/oj_story.html)  
IFAS Florida Citrus Resources: <http://www.fcprac.ifas.ufl.edu/>  
The Ultimate Citrus Information Homepage: <http://www.ultimatecitrus.com/info.html>  
The Yearly Florida Land Value Market Report: <http://www.agbuscenter.ifas.ufl.edu/landuse/>  
Tampa Bay Wholesale Growers: [www.tbwg.org](http://www.tbwg.org)  
IFAS Database Search Engine: <http://edis.ifas.ufl.edu/>  
USDA Florida Agricultural Statistics Service: <http://www.nass.usda.gov/fl/>

## Weather

Southeast Regional Climate Center: <http://water.dnr.state.sc.us/water/climate/sercc/index.html>  
IFAS Florida Automated Weather Network (FAWN): <http://fawn.ifas.ufl.edu/>  
Current Stream Flow Conditions in Florida: [http://www.thetent.com/arcadia/fl/flsf\\_index.htm](http://www.thetent.com/arcadia/fl/flsf_index.htm) (great for rafting, kayaking, canoeing, etc.)  
American Red Cross Drought Information: <http://www.redcross.org/services/disaster/keepsafe/drought.html>

## Statutes and Laws

Florida Statutes: <http://www.flsenate.gov/statutes/index.cfm?Tab=statutes&submenu=-1&Mode=Main>

## Programs

Farm\*A\*Syst Program: <http://www.uwex.edu/farmasyst/>  
Total Maximum Daily Load Reports: <http://www.epa.gov/owow/tmdl/index.html>  
Florida NRCS EQIP Program: <http://www.fl.nrcs.usda.gov/programs/eqip/eqipsignup.html>  
National Integrated Pest Management Network: <http://ipm-www.ento.vt.edu/nipmn>  
Charlotte Harbor National Estuary Program: <http://www.charlotteharbornep.com/>  
Charlotte Harbor Environmental Center, Inc.: <http://www.checflorida.org/>  
Tampa Bay Estuary Program: [www.tbep.org](http://www.tbep.org)  
USDA Farm Bill: <http://www.usda.gov/farmbill/>  
WaterWiser Efficiency Information Center: <http://www.waterwiser.org/>  
EPA Office of Ground Water and Drinking Water: <http://www.epa.gov/OGWDW/>

## Government Sites

National Association of Conservation Districts: [www.nacdnet.org/](http://www.nacdnet.org/)  
Florida Department of Agriculture and Consumer Services: <http://www.doacs.state.fl.us/>  
Florida Department of Environmental Protection: <http://www.dep.state.fl.us/>  
Southwest Florida Water Management District: [www.watermatters.org](http://www.watermatters.org)  
Marketing Florida Agriculture: <http://www.fl-ag.com/>  
Natural Resources Conservation Service (NRCS): <http://www.nrcs.usda.gov/>  
Florida USDA/NRCS: [www.fl.nrcs.usda.gov/](http://www.fl.nrcs.usda.gov/)  
State of Florida Website: [www.myflorida.com](http://www.myflorida.com)  
South Florida Water Management District: <http://www.sfwmd.gov/>  
Office of Agricultural Water Policy: <http://www.floridaagwaterpolicy.com>  
St. Johns River Water Management District: <http://sjr.state.fl.us>  
Suwannee River Water Management District: <http://www.srwmd.state.fl.us>  
Northwest Florida Water Management District: <http://www.nwfwmd.state.fl.us>

## BMP Manuals

The OAWP website contains links to FDACS BMP Manuals at: <http://www.floridaagwaterpolicy.com/BestManagementPractices.html>  
The FDEP website also has links to some BMP publications at: <http://www.dep.state.fl.us/water/nonpoint/pubs.htm>



## Appendix: 3

### Office of Agricultural Water Policy Field Staff Liaisons

REGION	CONTACT INFORMATION	SWCDS
<b>Northwest Florida Region</b>		Escambia, Blackwater, Yellow River, Choctawhatchee River, Holmes Creek, Orange Hill, Jackson, Chipola River, Tupelo
<b>Suwannee River Basin</b>		Hamilton, Jefferson, Lafayette, Madison, Suwannee, Taylor, Alachua, Gilchrist, Levy, Dixie, Bradford, Santa Fe
<b>St. Johns River Region</b>	(386) 329-4812 4049 Reid Street Palatka, FL 32178-1429	Putnam, St. Johns, Flagler, Clay, Duval, Nassau, Baker, Brevard, Indian River, Lake, Marion, Orange, Seminole, Volusia
<b>Southwest, Central and Northwest Region</b>	(813) 985-7481 x 2125 7601 Highway 301 North Tampa, FL 33637-6759	
<b>Southwest Region</b>	(941) 377-3722 or 1-800-320-3503 6750 Fruitville Road Sarasota, FL 34240-9711	Manatee, Polk, Hardee, Peace River, Sarasota, Charlotte
<b>South Florida Okeechobee Office</b>	(863) 462-5881 1835 Hwy 441 SE, Ste B Okeechobee, FL 34974	

**Note:** Additional contact information may be found at the Office of Agricultural Water Policy website:  
<https://www.freshfromflorida.com/Divisions-Offices/Agricultural-Water-Policy/Organization-Staff>



# Appendix 4: Useful Forms

## Election Forms

<b>Number</b>	<b>Title</b>
DS-DE 9	Appointment of Campaign Treasurer and Designation of Campaign Depository
DS-DE 84	Statement of Candidate
DS-DE 24B	Nonpartisan Loyalty Oath and Oath of Candidate
DS-DE 104	Candidate Petition
DS-DE 15	Alternative Method Affidavit

**Note:** These forms are subject to change and an official copy should be obtained at your local Supervisor of Elections office, or via the Division of Elections website at <http://dos.myflorida.com/elections/forms-publications/forms/>

## Ethics Commission Forms

Form 1 Statement of Financial Interests

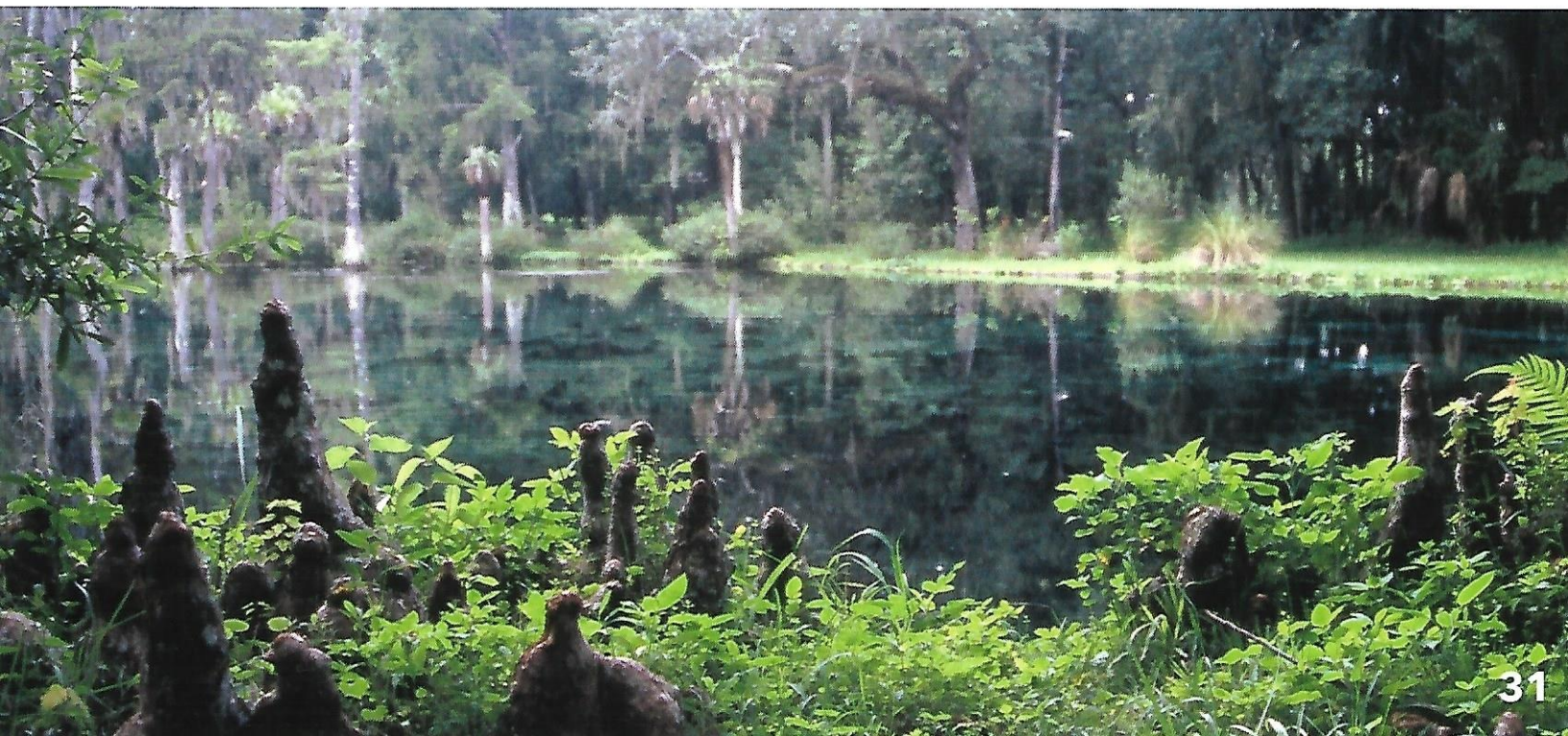
Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers

These forms are available at [www.ethics.state.fl.us/ethics/forms.html](http://www.ethics.state.fl.us/ethics/forms.html).

## Checklist of Election and Ethics Commission Forms

Use the following checklist to determine when forms are due to your local Supervisor of Elections. It is a good idea to check with your Supervisor of Elections to determine that due dates and forms have not changed.

- File DS-SE 9, DS-DE 84, and DS-DE 24B are required to formally announce your candidacy with the Supervisor of Elections.
- If the candidate prefers to use the petition method, DS-DE 15 DS-SE 9, DS-DE 84, and DS-DE 24B are required to formally announce your candidacy with the Supervisor of Elections.
- Within thirty (30) days of taking office and by July 1 of each year, a supervisor should file the Statement of Financial Interests Form (Form 1).





## Appendix 4: Letter Samples

### Resignation Letter Sample

January 1, 20XX

Office of Governor John Doe  
State of Florida  
The Capitol  
400 S. Monroe Street  
Tallahassee, FL 32399-0001

To Whom It May Concern:

As discussed at the previous monthly meeting of the \_\_\_\_\_ Soil and Water Conservation District (the "District") meeting, I have been offered a job promotion, which requires my relocation. Due to this relocation, I will no longer be able to regularly attend monthly meetings of the District. Accordingly, this correspondence shall serve as my formal resignation from the District.

I can be reached at \_\_\_\_\_(email) or \_\_\_\_\_(phone) for any questions you may have regarding this resignation.

Sincerely,

\_\_\_\_\_(Name)

cc: District Chairman  
Florida Division of Elections  
County Supervisor of Elections  
FDACS  
AFCD



## Appointment Letter Sample

January 1, 20XX

Office of Governor John Doe  
State of Florida  
The Capitol  
400 S. Monroe Street  
Tallahassee, FL 32399-0001

To Whom It May Concern:

This letter is to inform you of the appointment of \_\_\_\_\_ to fill the vacancy of Seat \_\_\_\_ on the \_\_\_\_\_ Soil and Water Conservation District Board of Supervisors. This seat was recently vacated by \_\_\_\_\_ when he/she resigned from the Board.

During the meeting on \_\_\_\_\_ with a vote \_\_\_\_ to \_\_\_\_, it was decided to appoint \_\_\_\_\_ to fill this seat. This position will then be up for re-election in November. The elected official will begin their term in January \_\_\_\_\_.

Should you have any questions concerning this Board Member change, please feel free to contact me at \_\_\_\_\_(email) or \_\_\_\_\_(phone).

Sincerely,

---

Board Chairman

cc: Florida Division of Elections  
County Supervisor of Elections  
FDACS  
AFCD



## Appendix 5: Legal References

Chapter 119, F.S. – Public Records  
Chapter 189, F.S. – Uniform Special District Accountability  
Chapter 212, F.S. – Tax on Sales, Use, and Other Transaction (Sales Tax Collection)  
Chapter 286, F.S. – Florida Sunshine Law  
Chapter 582, F.S. – Soil and Water Conservation Statute  
Section 403.067, F.S. – Establishment and implementation of total maximum daily loads

The legal references above may be found at the following link:

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Index&Title\\_Request=XXX#TitleXXX](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Index&Title_Request=XXX#TitleXXX)

## Compliance and Operating Procedures

The following guidance is provided for the use of supervisors and staff to assist the Soil and Water Conservation Districts (SWCDs) in meeting their compliance requirements. This guidance is not intended to replace legal counsel, professional consultants, or professional services for individual SWCDs. Each SWCD must determine what is needed to meet their program compliance requirements and legal responsibilities.

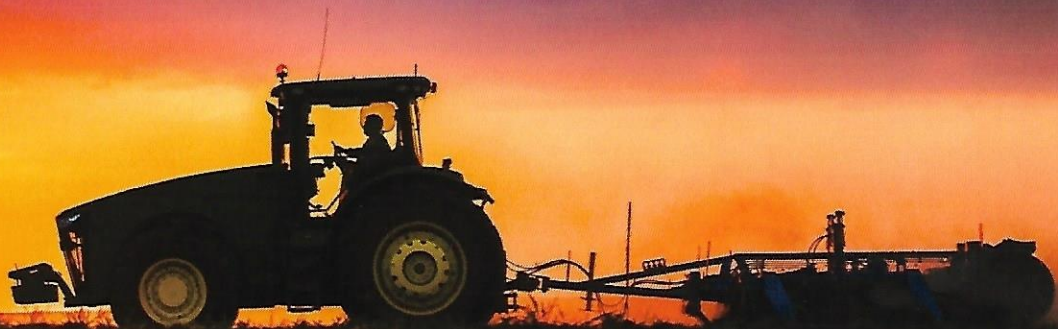
### Soil and Water Conservation District Law Compliance Checklist

A major responsibility of the SWCDs is to assure compliance with statutes governing operations. As political subdivisions of state government, SWCDs are subject to laws that govern public boards, including Chapters 286 F.S. (Public Business), 119 F.S. (Public Records), 11.45 F.S. (Audits), 189 F.S. (Special District Information Program), 212 F.S. (Sales Tax), and others. In addition, SWCDs must comply with requirements of Chapter 582, F.S. The Florida Statutes can be found at <http://www.flsenate.gov/Laws/Statutes>.

The following is a checklist to help your SWCD Board of Supervisors comply with state laws governing the operation of public boards. The list is organized by statute. Please note this list is provided as a guide, and should not replace your own diligence in ensuring that your SWCD is in compliance with all statute requirements. A good reference for the laws affecting Special Districts is the Florida Special District Handbook, provided by the Florida Department of Economic Opportunity. This handbook can be found online at <http://www.floridaspecialdistricts.org/>.

### Chapter 582, F.S. Requirements

The SWCDs are required to follow election and appointment procedures as outlined in Section 582.18, F.S., including obtaining signatures by petition and qualifying by procedures outlined in Sections 99.061 and 99.021, F.S. SWCDs must follow the requirements of Section 106.021, F.S. related to campaign fund reporting. SWCDs should conduct business only when a quorum is present, as outlined in Section 582.19(2), F.S. SWCDs should provide for an annual audit (either internal or external) of the accounts of receipts and disbursements of the SWCD as required by Section 582.19(4), F.S.





## **Chapter 189, F.S. Requirements**

1. Has your SWCD provided for an independent audit, performed by a Certified Public Accountant, each year, if your SWCD receives or has expenditures of more than \$50,000, as required by Section 218.39(1)(h), F.S.? \*
2. Has your SWCD completed and filed the Annual Financial Report as required by the Special District Information Program in accordance with Sections 218.32 and 189.418(3)(a), F.S., and Rule 9B-50.014, Florida Administrative Code (F.A.C.)?
3. Have you filed the Limited Financial Disclosure (Form 1) with your local Supervisor of Elections as required by Section 112.3145, F.S. and Rules 34.5 and 34.8, F.A.C.?
4. Have you filed the Gift Disclosure for Elected Officials (Form 10) with your local Supervisor of Elections as required by Section 112.3148, F.S.?
5. Has your board completed and filed the Division of the Treasury Form 014-1009 regarding qualified public depositories as required by Section 280.17, F.S. and Rule 4C-2.009(1), F.A.C.?
6. Has your board filed its proposed budget with the clerk of the county governing authority and the Special District Information Program as required by Section 218.34(3), F.S.?
7. Has your SWCD paid the annual Special District Fee as required by Section 189.427, F.S. and Rule 9B- 50.003, F.A.C.?
8. Does your board file annually a meeting schedule for the year with the Special District Information Program and your local county government by September 1 as required by Section 189.417(1), F.S.?

## **Chapter 286 and 189, F.S. Requirements (Public Business)**

1. Are your SWCD meetings open to the public at all times as required by Section 286.011(1), F.S.?
2. Are minutes kept of all meetings (regularly scheduled and special), promptly recorded, and open to the public for inspection and copying as required by Section 286.011(2), F.S.?
3. Does your SWCD advertise your meetings at least seven (7) calendar days prior to the meeting as required by Section 189.417, F.S.?
4. Is the meeting advertisement placed in the legal notice/classified advertisement section of a county newspaper and does it contain the day, time, place, and purpose of the meeting as required by Section 189.417, F.S.?
5. Are your SWCD meetings held in the county where the SWCD is located and in a building accessible to the public as required by Sections 286.011(6) and 286.26, F.S.?

## **Chapter 119, F.S. Requirements (Public Records)**

1. Are all documents made or received by your SWCD open to the public for inspection and copying, including letters, maps, books, tapes, photographs, films, etc., as required by Section 119.07, F.S.?
2. Do your SWCD and Supervisors comply with the retirement or disposition of public records and documents as required by Sections 119.041 and 119.05, F.S.?
3. If your SWCD charges for copies of records as stated in question #1 above, does the SWCD follow the fee schedule according to Section 119.07(1)(a)(b), F.S.?



## Chapter 212, F.S. Requirements (Sales Tax Collection)

1. Has your SWCD registered as a “dealer” with the Florida Department of Revenue (FDOR), and collected and remitted sales tax if your board sells tangible personal property, including Plat Books, Trees, etc., as required by Section 212.06, F.S.?
- \* If your SWCD receives funding from both state and other sources (i.e. Federal, Regional, State, County, Equipment Rentals, Fund Raisers, Plat Book Sales, Donations, etc.), and does not receive or expend more than \$50,000.00 annually the first year and more than \$100,000.00 annually the second and third year, send a letter to the Auditor General and a copy to the Department of Financial Services/Bureau of Accounting, the county, and the Special District Information Program stating that you did not receive or expend more than \$50,000.00 during the past fiscal year or \$100,000.00 in the next two consecutive years, after exceeding the \$50,000.00 threshold. Letters must be sent within one year of the end of the appropriate fiscal year.\*\*
- \*\* **EXCEPTION:** Auditor General Rule: The first year that your SWCD exceeds the \$50,000.00 in revenues from all sources or expenditures, an external audit is required. Unless your SWCD exceeds the \$100,000.00 threshold for revenues or expenditures in the next two years, no external audit will be required for those years. Should the fourth year exceed the \$50,000.00 threshold, the audit cycle of three years begins again. When the only source of funding in your SWCD is from the State of Florida, then the external audit requirement threshold is reached when \$500,000.00 is exceeded, per the Florida Single Audit Act.



## Appendix 6: Responding to Public Records Requests

### Public Records Requests for Soil and Water Conservation Districts

A Soil and Water Conservation District (SWCD) is required to provide public records as an agency subject to the public records laws in Chapter 119 Florida Statutes (the Sunshine Law). According to the Attorney General, the purpose of the Sunshine Law is to afford citizens the ability to see behind the curtain of government and remain involved in the processes that affect their lives. The Attorney General’s Government in the Sunshine Manual is available at [http://myfloridalegal.com/webfiles.nsf/WF/RMAS-9GNQTW/\\$file/2014SunshineLawManual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/RMAS-9GNQTW/$file/2014SunshineLawManual.pdf). Sunshine Law violations can result in a \$500 fine, attorney’s fees, and court costs (Sections 119.12 and 119.10(1)(a), F.S.).

Recommendations: AFCD recommends that every SWCD develop and adopt a Public Records Request procedure to ensure that the SWCD is protected by having policies in compliance with the legal requirements set out in the Florida Statutes and case law.



# Procedures for Public Records Requests

The SWCD should develop procedures that include:

1. Description of how SWCDs should respond to requests from members of the public to inspect and/or copy public records that are in the custody of the SWCD. For purposes of this procedure, government agencies are not members of the public and requests from such agencies do not need to be handled under this procedure.
2. Definition of a Public Record – Any document or paper or electronic media, regardless of physical form, characteristic, or means of transmission (including electronic mail) made or received in connection with official business is a public record. This includes all calendars, notes, and correspondence, including email correspondence, if the item is related to SWCD business.
3. Definition of Records that are not Public Records – Personal notes, personal or “spam” emails, and preliminary draft documents that are only for the author’s use are not public records and are not required to be provided in response to a public records request.
4. Exemptions – There are many types of documents that are exempt from disclosure. A listing of exempt documents is available online in an abridged version at: <http://myfloridalegal.com/sun.nsf/manual>. If you have questions about whether a record is exempt, check with the attorney for the SWCD or appropriate personnel. Some examples are:
  - a. Social security numbers.
  - b. Personal financial information, such as credit card and bank account numbers.
  - c. Data processing software subject to licensing agreement.
  - d. Sealed bids or proposals received in response to invitations to bid until notice of the decision or intended decision is given or 10 days after bid or proposal opening, whichever is earlier.
  - e. Security system plans, threat response plans, emergency evacuation plans, sheltering arrangements, and manuals for security personnel, emergency equipment, or security training.
  - f. Building plans or diagrams that depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure.
5. Some records may be partially exempt, in which case the exempt information must be redacted and the balance of the non-exempt record provided. If extensive redaction is required, provide notice to the requestor that the records are being redacted. This will require input from legal counsel.

## Processing Public Records Requests

1. How Requested – Public records requests may be made by telephone, in person, or by any written means. A specific form cannot be required. Requiring a record to be made in a particular format can be a violation and result in fines and legal fees. (See *Chandler v. City of Green Acres*, 140 So. 3d 1080 [Fla. 4th DCA 2014].)
2. Identification – The SWCD cannot require a person to identify himself or herself or to state a reason for requesting public records in order to be entitled to inspect and copy them – unless required by law, or the records are confidential or entitled to exemption and the requestor claims entitlement to view the records.
3. Clarification of Request – To clarify the request, ask for it to be in writing, or offer to confirm the request by fax or email. The request cannot be required to be in writing. If the person does not want to be identified or have the request reduced to writing, simply enter the request in a log created for this purpose. (See *Dade Aviation v. Knight Ridder*, 800 So. 2d 302, 305 n.1 [3d DCA 2001] [public records requests do not need to be in writing]). If an oral request is broad, explain the cost of the request and the potential number of records encompassed by the request and inquire about narrowing the request.





4. Public Records Request Log – Consider using a public records request log for all non-written requests. Include the date of the request, the name of the requestor if identified, and a general description of the records requested. (A sample public records request log can be found on page 39.)
5. Record Creation Not Required – The Sunshine Law does not mandate that an agency create records to accommodate a request for information. In addition, an agency is not generally required to reformat its records to meet a requestor's particular needs. Any such request should be referred to the public records contact person designated by the SWCD. See AGO 80-57 (does not have to give out information from records) and AGO 92-38 (does not have to answer questions regarding records). In the Report of the Supreme Court Workgroup on Public Records, 825 So. 2d 889, 898 (Fla. 2002), the Workgroup stated that the custodian of records "is required to provide access to or copies of records but is not required either to provide information from records or to create new records in response to a request." See also *Wootton v. Cook*, 590 So. 2d 1039 (Fla. 1st DCA 1991) and AGO 08-29 (agency not required to create list in response to request for information).
6. Information about Records Not Required – A custodian is not required to give out information from the records of his or her office (AGO 80-57). The Public Records statute does not require a town to produce an employee, such as the financial officer, to answer questions regarding the financial records of the town (AGO 92-38. Cf).
7. Copy to Central Contact Person – Provide a copy of any written request to a central public records contact person.
8. Forwarding to Correct Responder – If a request is not addressed to the appropriate department, the recipient should forward the request the same or next day to the appropriate employee and inform the public records contact person. Delays from passing record requests among departments may be considered unacceptable and result in litigation and sanctions.
9. Designating another Responder – The public records contact person may designate another employee to coordinate a response.
10. Estimating charges – Before responding to the request, an estimate of the charges should be made and the requestor should be notified of the amount of the charge in writing (if possible). Advance payment should be obtained before producing the documents.
11. Special Service Charges – If the response will require more than 15 to 30 minutes of staff time to comply, consult with the public records contact person to calculate the special service charge. The amount of service charge time must correlate to the amount of time an average response takes. This cannot be a rote or fixed time period, but one that can be justified by some finding supporting this average amount of time. Include this finding in your procedure, such as "the average public record request takes staff about 15 minutes to complete." This may be distinguished from a fee assessed for staff to act as custodian of the records for a person to photograph records with his or her own equipment or for an extended period of time for a person to review records.
12. If the request involves pending litigation involving the SWCD, consult with legal counsel before responding to the request.
13. If the request is from a member of the news media, coordinate with the public relations officer.
14. Confidential and Exempt Records – If the request appears to include confidential or exempt records, discuss the records request with legal counsel. Failing to provide a record that is thought to be exempt, but is not exempt, can expose the SWCD to liability, so consultation with counsel or appropriate personnel is crucial. Refer to NRCS procedures or policies to determine what is confidential or exempt.
15. Redaction – If redaction is required, redact the exempt portion of the document manually or electronically in a way that completely protects the exempt information before including it in the response documents. It is best to address exempt information before providing the documents so that the party receiving the documents can raise any objection to the redaction. There is case law involving various agencies providing redacted documents or refusing to produce documents and then having to litigate the issue.
16. Response Time – While the Public Records statute does not contain a specific time limit (such as 24 hours or 10 days) for compliance with public records requests, the custodian of public records or his or her designee is required to acknowledge requests to inspect or copy records promptly and to respond to such requests in good faith. If the response cannot be promptly provided, send a letter by regular mail or email to the requestor acknowledging the request and explaining why additional time is needed. Provide a copy to the public records contact person before sending.



## Public Records Request Log

PUBLIC RECORDS REQUEST (PRR) LOG

[illegible]



17. Large Volume Requests – For large volume requests, coordinate with the public records contact person for viable records reproduction alternatives, such as sending records out for copying, using a scanning service, or uploading the documents to a web link. Any plan to use an outside service must incorporate security of the records.
18. Electronic Records – Any request for electronic records must be referred to the information systems director. The fee for providing computer-generated information is the actual cost to the SWCD for programming the information or report.
19. Format of Record – If the requestor asks for the record in a particular format, and your office stores it in that format, you must provide it in that format (AGO 91-61). If you do not store it in that format, you have the option of providing in that format and assessing a fee to convert it, but this is not a requirement, so only convert the record to the requested format if it is practicable.
20. Vague Requests – If a request is vague, a designated public records contact person can contact the requestor to clarify the request.
21. Inspections – There is no charge for routine inspections by a public records requestor. A routine inspection involves less than 15 or 30 minutes of staff time as pre-determined to be an average public records request response time. An employee must monitor all inspections, though such monitoring can be done while conducting other routine tasks within close proximity to the inspection to prevent records from being lost or destroyed during the inspection. Records can only be inspected during regular business hours. A person requesting to scan the requested records can do this with their own scanner or can take pictures with a camera (Section 119.07(3)(a), F.S.). You cannot charge for these copies (AGO 82-23), but you can charge for clerk time to supervise the review of records (Section 119.07(4)(e)2, F.S.), using the salary (plus benefits) for the lowest-paid person capable of performing the job, as long as that person is not doing other work and charging only for actual time. A prepayment of the estimate of time can be required. If the supervising staff person is doing other work, do not charge.
22. Fees – Fees must be paid in full prior to copying and producing the requested material (Section 119.07(4), F.S.). Fees are payable by check or money order depending on your local office procedure.
23. Charges for Photographic Copies – The charge for photographic process copies is \$.15 per page and \$.20 per page for double-sided copies (Section 119.07(4)(a), F.S.). Postage is an additional cost that can be charged.
24. Charges for Electronic Documents –
  - a. Section 119.07(3)(4)(a)1, F.S., authorizes a charge of “up to 15 cents per one-sided copy for duplicated copies of not more than 14 inches by 8 1/2 inches....”
  - b. Regardless of what per page fee rate is chosen, each SWCD should also set a policy on the delivery method of electronic documents. This can be using a disk, a thumb drive, email, etc.
  - c. Unless other sufficient security measures are in place, consider requiring only SWCD-provided media to prevent viruses or other electronic damage to the network infrastructure. For any physical media used, the charge for scanning and putting copies on the device is the per-page rate, plus the actual cost of the device. Postage can be additionally charged. This cannot be an arbitrary flat rate. Discs and thumb drives can only be charged at the actual cost of the device, which means the actual cost of the material and supplies. Labor costs or overhead costs associated with such duplication cannot be assessed unless it is extraordinary. If it is extraordinary, be sure that the time is billed as extraordinary services, not as “labor” or “overhead.” If copies or duplication must be outsourced, the actual cost from the outside company can be charged, but not the transportation or salary costs associated with getting the duplication accomplished. Unless a specific request for copies requires extensive clerical or supervisory assistance or extensive use of information technology resources so as to trigger the special service charge authorized by Section 119.07(4)(d), F.S., an agency may charge only the actual cost of duplication for copies of computerized public records (AGO 99-41).
  - d. A supervisory fee can be charged at a rate of compensation to be agreed upon by the requestor and the custodian; if they fail to agree, the charge is determined by the custodian (Section 119.07(4)(e)2, F.S.).  
**Note:** there is no authority to charge an hourly photocopying fee. See Jacksonville Police & Fire Pension v. Lee, (Fla. SC13-1315 April 14, 2016 opinion, pg 4), remanded for award of attorney’s fees.
  - e. A room fee can be charged if another room is needed to photograph records (Section 119.07(4)(e)1, F.S.).
  - f. Each SWCD can determine whether there is a minimum number of documents or pages before the office will charge a fee.



25. Other agencies, state, county, or city requesting copies of records are subject to the copy charges established by this policy.
26. Postage or Shipping Costs – If paper copies are mailed, add the postage or shipping costs to the total charge.
27. Extensive Service Charge – The imposition of an extensive service charge is dependent upon the nature or volume of records requested, not on the cost to either develop or maintain the records or the database system (AGO 99-41 and AGO 2013-03 fn 5). Extensive research or service time must be billed at the hourly rate (plus benefits) of the lowest-paid person capable of performing the job. For example, if information technology services are required to compile data, bill at the hourly rate for the lowest-paid technology person who is capable of performing this job. An office can choose to have a higher-paying person to actually do the job, but the requestor can only be billed at the lower rate. Establish the time that the average request takes to perform, and use that standard to set the minimum research time to assess extensive research/service services.  
**Example:** Extensive research services will be charged for research services that require more than 30 minutes of time. Average research time on a public records request is 15 minutes or less. Each request needing extensive services must be evaluated on the nature of the request to determine what level of staff is needed to review. For example, if only an attorney can do the review, then that rate can be used, but if the research can be handled by a lower-paid staff person, then that person's hourly rate (plus benefits) must be used, regardless of who actually handles the request.
28. Receipts – Provide a receipt when payment of the charge is made. If the final charge is less than the advance, refund the difference. If the final charge is more than the advance, request final payment before releasing the records.
29. Public Records Request Log – When the records are provided, complete the public records request log either manually or electronically. Such logs allow the SWCD to keep tabs on the timeliness of responses.
30. Redaction – If information is confidential, it cannot be released. See *WFTV v. School Board of Seminole County*, 874 So. 2d. 48 (5th DCA 2004). Federal law applies only if the state is clearly subject to the provisions of the statute. See *State v. Pace*, 159 So. 679 (Fla. 1935). If information is exempt, but not confidential, agencies may allow access, but do not have to. See *Williams v. City of Minneola*, 575 So. 2d 683 (5th DCA 1991) and FSC unpublished PCA. A records custodian cannot charge for redaction.

## Public Records Requests (The Short Version)

1. Do not ignore any public records request, regardless of how it was received.
2. Acknowledge receipt of the request to the requestor immediately.
3. As soon as possible, locate the records. Estimate how long it will take to copy the records.
4. Communicate to the requestor the time it will take to comply, and what the cost will be.
5. Make arrangements for the payment.
6. If payment is to be received before copies are to be made, wait until payment arrives.
7. As soon as payment arrives, notify the requestor as to when the copies will be ready.
8. Provide copies.
9. If someone just wants to look at the records, you must allow it during your regular business hours, and you cannot charge.

### Remember:

- You don't have to create records. If it is not a record that you are required to make, you don't have to provide it.
- You do not have to explain the contents of the records, just provide copies.

**Note:** If the record was not there at the time the current officeholders or staff began work, the correct response is "the requested records were not present at the time the current administration assumed office. As we have no knowledge of the whereabouts or existence of the requested records, we are unable to provide copies."



## **Section 286.011, F.S. Public meetings and records; public inspection; criminal and civil penalties.**

The following are excerpts from Section 286.011, F.S. that pertain to public records and associated penalties for non-compliance with this statute.

1. All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.
2. The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.
3. a. Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.
3. b. Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
3. c. Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
4. Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.
5. Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.
6. All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.
7. Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.
8. Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:



- a. The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the litigation.
- b. The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.
- c. The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.
- d. The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.
- e. The transcript shall be made part of the public record upon conclusion of the litigation.

**History.**—s. 1, ch. 67-356; s. 159, ch. 71-136; s. 1, ch. 78-365; s. 6, ch. 85-301; s. 33, ch. 91-224; s. 1, ch. 93-232; s. 210, ch. 95-148; s. 1, ch. 95-353; s. 2, ch. 2012-25.





