

RESOLUTION R-26-056

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; REGARDING FEES FOR WATER WELL PERMITTING; REVISING THE FEE SCHEDULE FOR WATER WELL PERMITTING IN MANATEE COUNTY; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATES.

WHEREAS, Section 373.309 of the Florida Statutes authorizes political subdivisions who carry out the responsibilities related to water well permitting to establish and collect fees for well construction permits based on the actual costs incurred; and

WHEREAS, Manatee County received such delegation from the Southwest Florida Water Management District and has regulated water well permitting in accordance with an Agreement between the Southwest Florida Water Management District and the Board of County Commissioners of Manatee County, Florida, (hereinafter "Board") since April 5, 1978, which Agreement has been reviewed annually and updated every 5 years; and

WHEREAS, the Natural Resources Department has completed a fee schedule audit related to existing water well permitting to determine the actual costs to the County in carrying out the responsibilities related to water well permitting; and

WHEREAS, the results of the audit demonstrated that the existing fees do not reflect the actual costs in carrying out the responsibilities related to water well permitting; and

WHEREAS, pursuant to the Agreement, the County must obtain the District's concurrence in the event any fees proposed to be assessed by the County will exceed the fees currently charged by the County as set forth in Appendix 2 of the Agreement; and

WHEREAS, the District has provided the County with written notice of its concurrence to the proposed revised fee schedule, attached hereto as Attachment A and incorporated herein by this reference, which is based on the actual costs incurred by the County; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, find that revising the fee schedule as proposed to collect fees that are based on the actual costs incurred by the County is in the best interests of the County and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

Section 1. Findings. The above recitals are true and correct and are hereby adopted as findings of the Board and are incorporated herein by this reference.

Section 2. Schedule of Fees and Charges. The Board hereby adopts the schedule of fees as outlined in Attachment A. Upon collection of such fees, same shall be used to offset the costs in carrying out the County's responsibilities related to water well permitting.

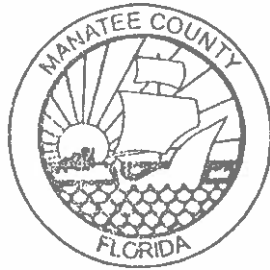
Section 3. Conflicting Resolutions. All conflicting resolutions and parts of resolutions in conflict with the provisions of this resolution are hereby repealed, rescinded, superseded and replaced by this resolution to the extent of such conflict, and Resolution 04-068 is hereby repealed, rescinded, superseded and replaced in its entirety by this resolution.

Section 4. Severability. If any provision, portion, or section of this Resolution is found to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such determination shall affect the validity or enforceability of the remaining provisions, portions or sections, which shall remain in full force and effect.

Section 5. Effective Date of Resolution. This resolution shall take effect immediately upon adoption.

Section 6. Effective Date of Fees and Charges. The fees and charges established pursuant to this resolution shall become effective on [insert date], and shall apply to all applicable services occurring on or after that date.

PASSED AND ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting this 19 day of May, 2026.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: 
Chairperson

**ATTEST: Angelina M. Colonnese
Clerk of the Circuit Court and Comptroller**

By: 
Deputy Clerk

RESOLUTION R-26-056

ATTACHMENT 'A'
Effective May 19, 2026

WATER WELL CONSTRUCTION AND PERMITTING PROGRAM
SCHEDULE OF FEES AND CHARGES

Public Supply Well	\$500
Well Abandonment	\$75
All Other Wells	\$265 (see footnote 1)

FOOTNOTE:

- 1 "All other wells" includes, but is not limited to: irrigation wells; industrial wells; livestock wells; well repair and modification; test holes; exploratory/monitoring wells; A/C – return and discharge wells; recovery wells; and sealed water wells.



May 19, 2026 - Regular Meeting

Subject

Adoption of Resolution R-26-056, revising the Water Well Construction Permitting Program Schedule of Fees for the administration and enforcement of rules and regulations governing water well permitting and water well contractors within Manatee County, including the addition of a fee for processing Water Well Abandonment Permits, Alissa Powers, Environmental Protection Division Manager – Countywide

Category

ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Alissa Powers, Environmental Protection Division Manager, Natural Resources Department, Extension 1892

Paul Panik, Program Manager, Natural Resources Department, Extension 1872

Action Requested

Adoption of Resolution R-26-056.

Enabling/Regulating Authority

Section 373.308 and 373.309, Florida Statutes

Chapters 40D-3, 62-528, 62-531, and 62-555, Florida Administrative Code (applicable portions within)

Chapter 120.01, F.S. - Powers and Duties of County Commissioners

Applicable Advisory Board

N/A

Background Discussion

Manatee County has maintained delegated authority to administer and enforce regulations governing water wells and water well contractors since April 1978, when the Southwest Florida Water Management District (District) first authorized delegation. This longstanding partnership allows the County to implement consistent regulatory oversight while protecting public health, safety, and welfare.

The current fee schedule was last revised more than twenty years ago under Resolution 04-68. Since that time, program costs have increased while fees have remained unchanged, resulting in a current cost recovery rate of approximately 40%.

See attached Agenda Update Memo 5.12.26

The proposed revised fee schedule is based on a comprehensive audit of the Water Well Construction Permitting Program. Based on permit activity in 2024, the proposed fee schedule is estimated to recover approximately 80% of program costs. The proposed fee schedule is considered conservation, as annual permit volumes fluctuate between 400 and 500 permits, and complies with Florida Statutes, which require that fees be based on actual program costs and not exceed \$500.

The District has reviewed and approved the revised fee schedule as part of the 2026 updated five-year delegation agreement. Adoption of this resolution will allow the County to continue administering the program in an efficient, cost-effective, and legally complaint manner.

Attorney Review

~~RLS Submitted for Review (Opinion Memo Pending)~~ Formal Written Review (Opinion memo must be attached) Monahan

Instructions to Board Records

Provide a copy of the approve agenda item to: Sally Dillard (Sally.Dillard@mymanatee.org) and Paul Panik (Paul.Panik@mymanatee.org)

Distributed 5/20/26, RT

Cost and Funds Source Account Number and Name

001.0003102

Amount and Frequency of Recurring Costs

N/A



May 19, 2026 - Regular Meeting

Subject

Adoption of Resolution R-26-056, revising the Water Well Construction Permitting Program Schedule of Fees for the administration and enforcement of rules and regulations governing water well permitting and water well contractors within Manatee County, including the addition of a fee for processing Water Well Abandonment Permits, Alissa Powers, Environmental Protection Division Manager – Countywide

Category

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Contact and/or Presenter Information

Alissa Powers, Environmental Protection Division Manager, Natural Resources Department, Extension 1892

Paul Panik, Program Manager, Natural Resources Department, Extension 1872

Action Requested

Adoption of Resolution R-26-056.

Enabling/Regulating Authority

Section 373.308 and 373.309, Florida Statutes

Chapters 40D-3, 62-528, 62-531, and 62-555, Florida Administrative Code (applicable portions within)

Chapter 120.01, F.S., Powers and Duties of County Commissioners

Applicable Advisory Board

N/A

Background Discussion

Manatee County has maintained delegated authority to administer and enforce regulations governing water wells and water well contractors since April 1978, when the Southwest Florida Water Management District (District) first authorized delegation. This longstanding partnership allows the County to implement consistent regulatory oversight while protecting public health, safety, and welfare.

The current fee schedule was last revised more than twenty years ago under Resolution 04-68. Since that time, program costs have increased while fees have remained unchanged, resulting in a current cost recovery rate of approximately 40%.

The proposed revised fee schedule is based on a comprehensive audit of the Water Well Construction Permitting Program. Based on permit activity in 2024, the proposed fee schedule is estimated to recover approximately 80% of program costs. The proposed fee schedule is considered conservation, as annual permit volumes fluctuate between 400 and 500 permits, and complies with Florida Statutes, which require that fees be based on actual program costs and not exceed \$500.

The District has reviewed and approved the revised fee schedule as part of the 2026 updated five-year delegation agreement. Adoption of this resolution will allow the County to continue administering the program in an efficient, cost-effective, and legally compliant manner.

Attorney Review

RLS Submitted for Review (Opinion Memo Pending)

Instructions to Board Records

Provide a copy of the approve agenda item to: Sally Dillard (Sally.Dillard@mymanatee.org) and Paul Panik (Paul.Panik@mymanatee.org)

Cost and Funds Source Account Number and Name

001.0003102

Amount and Frequency of Recurring Costs

N/A

REVISED/REPLACED



May 19, 2026 - Regular Meeting

Subject

Updates to Agenda - May 12, 2026

Category

ANNOUNCEMENTS

Briefings

None

Contact and/or Presenter Information

Bobbi Roy, Agenda Division Supervisor, ext 6878

Action Requested

Updates incorporated appropriately

Enabling/Regulating Authority

N/A

Applicable Advisory Board

N/A

Background Discussion

Below are agenda updates (dated 5/12/26) for the meeting of May 19, 2026:

GENERIC PUBLIC COMMENTS

- This agenda item was updated with additional generic comments.

CONSENT AGENDA

Attorney

Item 6, Fifth Amendment to Employment Contract with County Administrator

- This agenda item was updated with a public comment.

Public Safety

Item 26, Authorization to Issue Letter of Non-Opposition for the SUNSKY 10K Temporary Closure of the Sunshine Skyway Bridge, Jodie Fiske, Public Safety Director - Countywide

- This agenda item was updated with an attachment titled, "Request for Letter of Non-Opposition."

ADVERTISED PUBLIC HEARINGS - LEGISLATIVE

Presentations Upon Request

Item 31, Adoption of Resolution R-26-056, revising the Water Well Construction Permitting Program Schedule of Fees for the administration and enforcement of rules and regulations governing water well permitting and water well contractors within Manatee County, including the addition of a fee for processing Water Well Abandonment Permits, Alissa Powers, Environmental Protection Division Manager - Countywide

- This agenda item was updated to include two Request for Legal Services responses, finalized Resolution R-26-056, and revisions to the Attorney Review Section shown in strikethrough/underline format.

REGULAR

Natural Resources

Item 34, Execution of the Water Well Construction Permitting Agreement with the Southwest Florida Water Management District for the administration and enforcement of rules and regulations governing water wells permitting and water well contractors within the geographical jurisdiction of Manatee County, Alissa Powers, Environmental Protection Division Manager, and Paul Panik, Program Manager – Countywide

- This agenda item was updated to include the Request for Legal Services response and revisions to the Attorney Review Section in strikethrough/underline format.

Attorney Review

Not Reviewed (No apparent legal issues)

Instructions to Board Records

N/A

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A



May 19, 2026 - Regular Meeting

Subject

Adoption of Resolution R-26-056, revising the Water Well Construction Permitting Program Schedule of Fees for the administration and enforcement of rules and regulations governing water well permitting and water well contractors within Manatee County, including the addition of a fee for processing Water Well Abandonment Permits, Alissa Powers, Environmental Protection Division Manager – Countywide

Category

ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Alissa Powers, Environmental Protection Division Manager, Natural Resources Department, Extension 1892

Paul Panik, Program Manager, Natural Resources Department, Extension 1872

Action Requested

Adoption of Resolution R-26-056.

Enabling/Regulating Authority

Section 373.308 and 373.309, Florida Statutes

Chapters 40D-3, 62-528, 62-531, and 62-555, Florida Administrative Code (applicable portions within)

Chapter 120.01, F.S. - Powers and Duties of County Commissioners

Applicable Advisory Board

N/A

Background Discussion

Manatee County has maintained delegated authority to administer and enforce regulations governing water wells and water well contractors since April 1978, when the Southwest Florida Water Management District (District) first authorized delegation. This longstanding partnership allows the County to implement consistent regulatory oversight while protecting public health, safety, and welfare.

The current fee schedule was last revised more than twenty years ago under Resolution 04-68. Since that time, program costs have increased while fees have remained unchanged, resulting in a current cost recovery rate of approximately 40%.

The proposed revised fee schedule is based on a comprehensive audit of the Water Well Construction Permitting Program. Based on permit activity in 2024, the proposed fee schedule is estimated to recover approximately 80% of program costs. The proposed fee schedule is considered conservation, as annual permit volumes fluctuate between 400 and 500 permits, and complies with Florida Statutes, which require that fees be based on actual program costs and not exceed \$500.

The District has reviewed and approved the revised fee schedule as part of the 2026 updated five-year delegation agreement. Adoption of this resolution will allow the County to continue administering the program in an efficient, cost-effective, and legally complaint manner.

Attorney Review

~~RLS Submitted for Review (Opinion Memo Pending)~~ Formal Written Review (Opinion memo must be attached) Monahan

Instructions to Board Records

Provide a copy of the approve agenda item to: Sally Dillard (Sally.Dillard@mymanatee.org) and Paul Panik (Paul.Panik@mymanatee.org)

Cost and Funds Source Account Number and Name

001.0003102

Amount and Frequency of Recurring Costs

N/A



OFFICE OF THE COUNTY ATTORNEY

COUNTY ATTORNEY

Pamela J. D'Agostino

DEPUTY COUNTY ATTORNEY

Christopher M. De Carlo

CHIEF ASSISTANT COUNTY ATTORNEY

Sarah A. Schenk*

ASSISTANT COUNTY ATTORNEYS

Douglas E. Polk

Camilo A. Soto

Whitni M. Hodges

Deanne C. Fields

Katherine H. Welch

Rebecca E. Waterman

Angelina L. Stratton

Jared M. Monahan

MEMORANDUM

DATE: September 10, 2025

TO: Alissa Powers, Environmental Protection Division Manager, Natural Resources Department

THROUGH: Pamela J. D'Agostino, County Attorney Approved by PJD 09/10/2025

FROM: Jared M. Monahan, Assistant County Attorney Approved by JMM 09/10/2025

RE: **Well Water Permitting Program Revised Fee Schedule; RLS No. FY24/25-00549**

Issue Presented:

In this Request for Legal Services (RLS), you have asked the County Attorney's Office (CAO) to review draft Resolution R-25-147 (Resolution), adopting a revised fee schedule for water well construction permitting in Manatee County (County). Subsequently, staff requested the CAO opine on Southwest Florida Water Management District's (SWFWMD) refusal to provide concurrence to the County's requested schedule fee change and the options the County would have moving forward without SWFWMD's concurrence.

Brief Answer:

Resolution R-25-147 and Attachment 'A' as submitted are not legally sufficient; however,

*Florida Bar Board Certified in City, County and Local Government Law

if they are revised consistent with the advice contained herein and attached the CAO will have no legal objection to the form of those documents. However, as discussed with Staff, the County would not be able to charge the proposed fees prior to May 31, 2026, without concurrence from SWFWMD. Furthermore, the CAO does not recommend that staff present any proposed resolution to the Board without the concurrence of SWFWMD or which would be in conflict with the County's existing agreement for well construction permitting with SWFWMD as long as that agreement remains effective.

Background:

County entered into Well Construction Permitting Agreement with SWFWMD (Agreement) which became effective on June 1, 2021, and expires on May 31, 2026.

With the new fiscal year approaching, the staff conducted a financial audit of its well permitting program, of which the results clearly showed the County's revenue from the well permitting fees was significantly lower than the actual costs the County incurred providing these services. Therefore, staff drafted R-25-147 and Attachment 'A', which would increase the fees charged for well permitting services, allowing the County to recoup a majority of the costs of the well permitting program. Staff's goal is to have the new fees go into effect at the beginning of the new fiscal year.

Pursuant to the Agreement, staff submitted the proposed fee changes as well as the financial audit to SWFWMD to obtain its concurrence, which is required pursuant to paragraph 19 of the Agreement. However, SWFWMD has denied concurrence for two reasons. First, SWFWMD indicated with only 9 months left under the current Agreement, modifying fees was not ripe. Second, SWFWMD denied the fee request as related to well abandonment permits due to Rule 40D-1.607(9)(b)(1), F.A.C., exempting these permits from any fee.

I spoke with SWFWMD's counsel regarding the denial of concurrence who indicated that SWFWMD was willing to address the County's requested fee changes during the next contract negotiation period, which should start sometime early 2026. Further, SWFWMD is in the process of revising its own fee schedule (Rule 40D-1.607, F.A.C.), and is highly likely to remove section 9 of Rule 40D-1.607, F.A.C., or in the least remove the requirement in the Agreement to comply with Rule 40D-1.607, F.A.C.

Discussion:

The Agreement permits SWFWMD to act or refrain from acting based on their sole judgment regarding concurrence. Specifically, paragraph 19 in pertinent part states, “[i]n the event any fees proposed to be assessed by [the County] will exceed the fees currently charged by [the County] ... [the County] must obtain [SWFWMD]’s concurrence.” There is nothing in the Agreement that allows the County to challenge or appeal a denial of concurrence. As such, if the County were to charge fees which exceed those pursuant to the Agreement without the concurrence of SWFWMD, it is likely that SWFWMD would claim that the County is in breach of the Agreement.

Staff asked whether the Board could still vote on R-25-147, despite the lack of concurrence by SWFWMD. While the Board can vote on R-25-147 without the concurrence of SWFWMD, taking such action could subject the County to certain legal risks and therefore the CAO does not recommend staff proceed in that fashion. Moreover, if the Board were to adopt Resolution R-25-147, the CAO would continue to advise against charging any fees in excess of the Agreement without SWFWMD’s concurrence.

Conclusion:

The attached redlined draft Resolution R-25-147 and Attachment ‘A’ contain my legal advice and recommended changes. The CAO recommends against presenting Resolution R-25-147 to the Board for consideration in light of SWFWMD’s lack of concurrence as long as the Agreement remains in effect in its present form. Except as otherwise indicated, I have not reviewed or revised Resolution R-25-147 or Attachment ‘A’ for thoroughness, accuracy, typographical errors or ADA accessibility. I express no opinion as to the business judgment or policy decision of increasing fees for the water well permitting program. Provided the legal concerns and issues identified herein and attached are addressed consistently with my advice, I have no objection from a legal standpoint to this matter being presented to the Board for review and consideration.

This completes my response to your RLS. Please contact me if you have any questions or if I can be of further assistance.

Attachments:

Redlined Resolution R-25-147
Redlined Attachment A

Copies with attachments to:

Bryan Parnell, Deputy County Administrator, County Administration
Charlie Hunsicker, Director, Natural Resources Department
Paul Panik, Environmental Program Manager, Natural Resources Department

RESOLUTION R-25-147

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; REGARDING FEES FOR POTABLE WATER WELL PERMITTING AND CLEARANCE FOR USE; ESTABLISHING AND REVISING THE FEE SCHEDULE FOR POTABLE WATER WELL CONSTRUCTION PERMITTING AND CLEARANCE FOR USE IN MANATEE COUNTY; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING ~~FOR AN~~ EFFECTIVE DATES.

WHEREAS, Section 373.309 of the Florida Statutes authorizes political subdivisions who carry out the responsibilities related to potable water well permitting and clearance for use to establish and collect fees for well construction permits and clearance and use based on the actual costs incurred~~the collection of fees by governmental entities that have received delegation from the Water Management District to administer the Water Well Construction and Permitting Program within the local jurisdiction~~; and

~~**WHEREAS**, Manatee County received such delegation from the Southwest Florida Water Management District and has regulated water well construction in accordance with an Agreement between the Southwest Florida Water Management District and the Board of County Commissioners of Manatee County, Florida, (hereinafter "Board") since April 5, 1978, which Agreement has been reviewed annually and updated every 5 years; and~~

WHEREAS, in accordance with Sections 373.308 and 373.309, Florida Statutes, and pursuant to a Well Construction Permitting Agreement from 2021 (Agreement), the Southwest Florida Water Management District (District) delegated to Manatee County (County) the authority to regulate the permitting and construction of water wells within Manatee County and to administer and enforce rules and regulations governing water wells and water well contractors within Manatee County; and

~~**WHEREAS**, Manatee County has the authority to charge and retain well construction permit fees, in accordance with Sections 373.109 and 373.309, F.S. and in accordance with Rule 40D-1.607, F.A.C.; and~~

WHEREAS, the Natural Resources Department has completed a fee schedule audit related to existing water well permitting to determine the actual costs to the County in carrying out the responsibilities related to potable water well permitting and clearance for

~~use performed a program financial audit justifying revisions to the Fee Schedule in order to operate the program in an efficient and cost-effective manner and has received concurrence from the Southwest Florida Water Management District for fee schedule changes; and~~

Commented [JM1]: As of my review the County has not received concurrence for the proposed fee changes. Per the Agreement with SWFWMD the County cannot change the fees without their concurrence and subsequent approval of the Board.

WHEREAS, the results of the audit demonstrated that the existing fees do not reflect the actual costs in carrying out the responsibilities related to potable water well permitting and clearance for use; and

WHEREAS, pursuant to the Agreement, the County must obtain the District's concurrence in the event any fees proposed to be assessed by the County will exceed the fees currently charged by the County as set forth in Appendix 2 of the Agreement; and

WHEREAS, the District has provided the County with written notice of its concurrence to the proposed revised fee schedule, attached hereto as Attachment A and incorporated herein by this reference, which is based on the actual costs incurred by the County; and

Commented [JM2]: This resolution should not be submitted to the Board unless and until the District has provided written concurrence to the proposed revised fee schedule.

WHEREAS, the Board of County Commissioners of Manatee County, Florida, find that revising the fee schedule as proposed to collect fees that are based on the actual costs incurred by the County is in the best interests of the County and its residents.

~~**WHEREAS,** the Board of County Commissioners of Manatee County has determined that the revised schedule of fees for administration of the Water Well Construction and Permitting Program it is necessary to establish a revised Fee Schedule in order to operate the program in an efficient and cost-effective manner and to defer the increased costs of administration and enforcement of the rules and regulations governing water wells and water well contractors as set forth in Part III, Chapter 373, F.S., and applicable portions of Chapters 40D-3, 62-524, 62-528, 62-531, 62-532, and 62-555, F.A.C., to collect fees that reflect the County's actual costs incurred in administering the water well construction permitting program.~~

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

Section 1. **Findings.** The ~~statements set forth in the~~ above recitals ~~to this Resolution~~ are true and correct and are hereby adopted as findings of the Board and are incorporated herein by this reference.

Section 2. **Schedule of Fees and Charges.** The Board hereby adopts the schedule of fees as outlined in Attachment A. Upon collection of such fees, same shall be used to offset the costs in carrying out the County's responsibilities related to potable water well permitting and clearance for use. ~~The Board of County Commissioners hereby adopts establishes the an amended fee schedule of revised water well construction, abandonment and permitting fees contained in Attachment A, a copy of which is attached~~

Commented [JM3]: 40D- 1.607(9)(b)(1) specifically states that "abandonment permit applications: Applications for permits to abandon water wells" is exempt from fees. Thus, unless this is changed, we cannot charge for this.

~~hereto and made a part hereof by reference a to implement water well construction permitting program. This fee schedule shall take effect immediately upon adoption of this Resolution.~~

Section 3. Conflicting Resolutions. ~~All conflicting resolutions and parts of resolutions in conflict with the provisions of this resolution are hereby, including but not limited to, Resolution 04-068 shall be repealed, rescinded, superseded and replaced by this resolution to the extent of such conflict, and Resolution 04-068 is hereby repealed, rescinded, superseded and replaced in its entirety by this resolution..~~

Section 4. Severability. ~~If any provision, portion, or section, sentence, clause, or other provision of this Resolution shall be heldis found to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionalitydetermination shall not be construed as to renderaffect the validity or enforceability of invalid or unconstitutional the remaining provisions, portions or sections, sentences, clauses, or provisions of this Resolutionwhich shall remain in full force and effect.~~

Section 5.- Effective Date of Resolution. ~~This resolution shall take effect thirty days following its~~immediately upon adoption.

Section 6. Effective Date of Fees and Charges. ~~The fees and charges established pursuant to this resolution shall become effective on [insert date], and shall apply to all applicable services occurring on or after that date.~~

PASSED AND ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting this ____ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____
Chairperson

ATTEST: Angelina M. Colonnese
Clerk of the Circuit Court and Comptroller

By: _____
Deputy Clerk

RESOLUTION R-25-147

ATTACHMENT 'A'

~~Effective October 16, 2025 (30 days following adoption)~~

Commented [JM1]: This is not necessary as the effective date is addressed in the Resolution.

WATER WELL CONSTRUCTION AND PERMITTING PROGRAM

SCHEDULE OF FEES AND CHARGES

Public Supply Well	\$500
Well Abandonment	\$75
All Other Wells	\$265 (see footnote 1)

Commented [JM2]: Paragraph 19 of the agreement binds the County to comply with 40D- 1.607. Specifically 40D-1.607(9)(b)(1) states that “abandonment permit applications: Applications for permits to abandon water wells” is exempt from fees. Thus, under the current agreement we cannot charge for this.

FOOTNOTE:

- 1 “All other wells” includes, but is not limited to: augmentation, back plugged, dewatering, domestic, earth coupled geothermal, essential services (fire protection), grounding rod, HVAC return, HVAC supply, industrial, irrigation, livestock wells, mining, monitor, public supply, remediation, repair, sealing water, test.



OFFICE OF THE COUNTY ATTORNEY

COUNTY ATTORNEY

Pamela J. D'Agostino

DEPUTY COUNTY ATTORNEY

Christopher M. De Carlo

CHIEF ASSISTANT COUNTY ATTORNEY

Sarah A. Schenk*

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Whittni M. Hodges

Deanne C. Fields

Katherine H. Welch

Rebecca E. Waterman

Angelina L. Stratton

Jared M. Monahan

Kristina H. Snyderman

MEMORANDUM

DATE: May 11, 2026

TO: Charlie Hunsicker, Director, Natural Resources Department

THROUGH: Pamela J. D'Agostino, County Attorney *Approved by PJD 05/11/2026*

FROM: Jared M. Monahan, Assistant County Attorney *Approved by JMM 05/11/2026*

RE: **Well Permitting Program Agreement with Southwest Florida Water Management District; RLS No. 25/26-0115**

Issue Presented:

In this Request for Legal Services (RLS), you have asked the County Attorney's Office (CAO) to review two sections related to enforcement provisions for property owners and fee adjustment language of the proposed Well Construction Permitting Agreement between the Southwest Florida Water Management District (SWFWMD) and Manatee County (County). On March 6, 2026, staff provided the final version of the Well Construction Permitting Agreement proposed by the District (Agreement).

Brief Answer:

The Agreement delegates to the County the authority to regulate the permitting and construction of water wells within Manatee County. It further delegates the authority to administer and enforce rules and regulations governing water wells and water well

*Florida Bar Board Certified in City, County and Local Government Law

contractors as well as property owners. Finally, a review of the fee adjustment language in the Agreement indicates the issues raised RLS 24/25-0549, have been resolved, and as such does not need to be addressed further.

Discussion:

The Agreement indicates in the sixth “WHEREAS” paragraph, that it is the continued intent of SWFWMD to regulate water wells and water well contractors in Manatee County through delegation to the County of the District’s authority to implement Part III of Chapter 373, Florida Statutes, and applicable portions of 40D-3, 62-528, 62-631, 62-532, and 62-555 of the Florida Administrative Code (F.A.C.).

Section 373.309, Florida Statutes, allows the Department to adopt and enforce rules governing the location, construction, repair, and abandonment of water wells, as well as delegate, by interagency agreement adopted pursuant to Section 373.046, to water management districts, or to any other political subdivision, such as the County, any of its authority under this part in the administration of the rules adopted hereunder.

The Department has delegated its authority to administer and enforce rules and regulations governing water wells and water well contractors to SWFWMD and they have delegated that authority to the County.

Per the Agreement the County is to review and evaluate well construction permit applications and issue or deny permits for the construction, repair, modification, or abandonment of water wells in Manatee County. Only a licensed contractor may perform the construction repair, modification, or abandonment of water wells. Pursuant to Section 373.336, Florida Statutes, it is unlawful for any person to:

- a. Practice water well contracting without an active license.
- b. Construct, repair, or abandon a water well, or operate drilling equipment for such purpose, unless employed by or under the supervision of a licensed water well contractor or exempt under s. 373.326.
- c. Give false or forged evidence to obtain a license.
- d. Present as his or her own the license of another.
- e. Use or attempt to use a license to practice water well contracting which license has been suspended, revoked, or placed on inactive status.

- f. Engage in willful or repeated violation of this part or of any department rule or regulation or water management district or state agency rule or regulation relating to water wells which endangers the public health, safety, and welfare.

Paragraph 15 requires the County to maintain an effective compliance program which includes but is not limited to the investigation of all unpermitted and unlicensed activities, as well as monitoring compliance with well construction standards and permit conditions. More specifically, Section (b) requires the County to report all unlicensed activities to the District and to take appropriate enforcement action against the unlicensed individual or company. Section (c) specifically enumerates a requirement to take enforcement action against licensed water well contractors when they violate the rules and regulations. As such, Paragraph 15 would apply to a homeowner or unlicensed contractor who constructed, repaired, modified, or abandoned a water well, as well as a licensed contractor who violated the rules and regulations governing water wells and water well contractors.

Conclusion:

The County has the authority to enforce the rules and regulations governing water wells and water well contractors whether the person(s) who is constructing, repairing, modifying, or abandoning water wells, is the homeowner who is unlicensed is doing the work, the work is being done without a permit, or a licensed water well contractor has violated the rules and regulations governing water wells. Finally, the suggested changes to the County's request to adjust the well program fees found in RLS 24/25-0549 have been accepted and implemented by the District per the Agreement. No further review as to the fee schedule is required.

This completes my response to your RLS. Please contact me if you have any questions or if I can be of further assistance.

Copies to:

Bryan Parnell, Deputy County Administrator, County Administration
Paul Panik, Environmental Program Manager, Natural Resources Department
Alissa Powers, Environmental Protection Division Manager, Natural Resources
Department

RESOLUTION R-26-056

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; REGARDING FEES FOR WATER WELL PERMITTING; REVISING THE FEE SCHEDULE FOR WATER WELL PERMITTING IN MANATEE COUNTY; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATES.

WHEREAS, Section 373.309 of the Florida Statutes authorizes political subdivisions who carry out the responsibilities related to water well permitting to establish and collect fees for well construction permits based on the actual costs incurred; and

WHEREAS, Manatee County received such delegation from the Southwest Florida Water Management District and has regulated water well permitting in accordance with an Agreement between the Southwest Florida Water Management District and the Board of County Commissioners of Manatee County, Florida, (hereinafter "Board") since April 5, 1978, which Agreement has been reviewed annually and updated every 5 years; and

WHEREAS, the Natural Resources Department has completed a fee schedule audit related to existing water well permitting to determine the actual costs to the County in carrying out the responsibilities related to water well permitting; and

WHEREAS, the results of the audit demonstrated that the existing fees do not reflect the actual costs in carrying out the responsibilities related to water well permitting; and

WHEREAS, pursuant to the Agreement, the County must obtain the District's concurrence in the event any fees proposed to be assessed by the County will exceed the fees currently charged by the County as set forth in Appendix 2 of the Agreement; and

WHEREAS, the District has provided the County with written notice of its concurrence to the proposed revised fee schedule, attached hereto as Attachment A and incorporated herein by this reference, which is based on the actual costs incurred by the County; and

WHEREAS, the Board of County Commissioners of Manatee County, Florida, find that revising the fee schedule as proposed to collect fees that are based on the actual costs incurred by the County is in the best interests of the County and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

Section 1. Findings. The above recitals are true and correct and are hereby adopted as findings of the Board and are incorporated herein by this reference.

Section 2. Schedule of Fees and Charges. The Board hereby adopts the schedule of fees as outlined in Attachment A. Upon collection of such fees, same shall be used to offset the costs in carrying out the County's responsibilities related to water well permitting.

Section 3. Conflicting Resolutions. All conflicting resolutions and parts of resolutions in conflict with the provisions of this resolution are hereby repealed, rescinded, superseded and replaced by this resolution to the extent of such conflict, and Resolution 04-068 is hereby repealed, rescinded, superseded and replaced in its entirety by this resolution.

Section 4. Severability. If any provision, portion, or section of this Resolution is found to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such determination shall affect the validity or enforceability of the remaining provisions, portions or sections, which shall remain in full force and effect.

Section 5. Effective Date of Resolution. This resolution shall take effect immediately upon adoption.

Section 6. Effective Date of Fees and Charges. The fees and charges established pursuant to this resolution shall become effective on [insert date], and shall apply to all applicable services occurring on or after that date.

PASSED AND ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting this 19 day of May, 2026.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____
Chairperson

ATTEST: Angelina M. Colonnese
Clerk of the Circuit Court and Comptroller

By: _____
Deputy Clerk

RESOLUTION R-26-056

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; REGARDING FEES FOR WATER WELL PERMITTING; REVISING THE FEE SCHEDULE FOR WATER WELL PERMITTING IN MANATEE COUNTY; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATES.

WHEREAS, Section 373.309 of the Florida Statutes authorizes political subdivisions who carry out the responsibilities related to water well permitting to establish and collect fees for well construction permits based on the actual costs incurred; and

WHEREAS, Manatee County received such delegation from the Southwest Florida Water Management District and has regulated water well permitting in accordance with an Agreement between the Southwest Florida Water Management District and the Board of County Commissioners of Manatee County, Florida, (hereinafter "Board") since April 5, 1978, which Agreement has been reviewed annually and updated every 5 years; and

WHEREAS, the Natural Resources Department has completed a fee schedule audit related to existing water well permitting to determine the actual costs to the County in carrying out the responsibilities related to water well permitting ; and

WHEREAS, the results of the audit demonstrated that the existing fees do not reflect the actual costs in carrying out the responsibilities related to water well permitting; and

WHEREAS, pursuant to the Agreement, the County must obtain the District's concurrence in the event any fees proposed to be assessed by the County will exceed the fees currently charged by the County as set forth in Appendix 2 of the Agreement; and

WHEREAS, the District has provided the County with written notice of its concurrence to the proposed revised fee scheduled, attached hereto as Attachment A and incorporated herein by this reference, which is based on the actual costs incurred by the County; and

Commented [JM1]: This resolution should not be submitted to the Board unless and until the District has provided written concurrence to the proposed revised fee schedule.

Commented [PP2R1]: See last comment

WHEREAS, the Board of County Commissioners of Manatee County, Florida, find that revising the fee schedule as proposed to collect fees that are based on the actual costs incurred by the County is in the best interests of the County and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

Section 1. Findings. The above recitals are true and correct and are hereby adopted as findings of the Board and are incorporated herein by this reference.

Section 2. Schedule of Fees and Charges. The Board hereby adopts the schedule of fees as outlined in Attachment A. Upon collection of such fees, same shall be used to offset the costs in carrying out the County's responsibilities related to water well permitting.

Section 3. Conflicting Resolutions. All conflicting resolutions and parts of resolutions in conflict with the provisions of this resolution are hereby repealed, rescinded, superseded and replaced by this resolution to the extent of such conflict, and Resolution 04-068 is hereby repealed, rescinded, superseded and replaced in its entirety by this resolution..

Section 4. Severability. If any provision, portion, or section of this Resolution is found to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such determination shall affect the validity or enforceability of the remaining provisions, portions or sections, which shall remain in full force and effect.

Section 5. Effective Date of Resolution. This resolution shall take effect immediately upon adoption.

Section 6. Effective Date of Fees and Charges. The fees and charges established pursuant to this resolution shall become effective on [insert date], and shall apply to all applicable services occurring on or after that date.

PASSED AND ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting this ____ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____
Chairperson

ATTEST: Angelina M. Colonnese

Clerk of the Circuit Court and Comptroller

By: _____
Deputy Clerk

RESOLUTION R-26-056

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; REGARDING FEES FOR WATER WELL PERMITTING; REVISING THE FEE SCHEDULE FOR WATER WELL PERMITTING IN MANATEE COUNTY; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATES.

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WHEREAS, Manatee County received such delegation from the Southwest Florida Water Management District and has regulated water well permitting in accordance with an Agreement between the Southwest Florida Water Management District and the Board of County Commissioners of Manatee County, Florida, (hereinafter "Board") since April 5, 1978, which Agreement has been reviewed annually and updated every 5 years; and

WHEREAS, the Natural Resources Department has completed a fee schedule audit related to existing water well permitting to determine the actual costs to the County in carrying out the responsibilities related to water well permitting ; and

WHEREAS, the results of the audit demonstrated that the existing fees do not reflect the actual costs in carrying out the responsibilities related to water well permitting; and

WHEREAS, pursuant to the Agreement, the County must obtain the District's concurrence in the event any fees proposed to be assessed by the County will exceed the fees currently charged by the County as set forth in Appendix 2 of the Agreement; and

WHEREAS, the District has provided the County with written notice of its concurrence to the proposed revised fee scheduled, attached hereto as Attachment A and incorporated herein by this reference, which is based on the actual costs incurred by the County; and

Commented [JM1]: This resolution should not be submitted to the Board unless and until the District has provided written concurrence to the proposed revised fee schedule.

Commented [PP2R1]: See last comment

WHEREAS, the Board of County Commissioners of Manatee County, Florida, find that revising the fee schedule as proposed to collect fees that are based on the actual costs incurred by the County is in the best interests of the County and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

Section 1. Findings. The above recitals are true and correct and are hereby adopted as findings of the Board and are incorporated herein by this reference.

Section 2. Schedule of Fees and Charges. The Board hereby adopts the schedule of fees as outlined in Attachment A. Upon collection of such fees, same shall be used to offset the costs in carrying out the County's responsibilities related to water well permitting.

Section 3. Conflicting Resolutions. All conflicting resolutions and parts of resolutions in conflict with the provisions of this resolution are hereby repealed, rescinded, superseded and replaced by this resolution to the extent of such conflict, and Resolution 04-068 is hereby repealed, rescinded, superseded and replaced in its entirety by this resolution..

Section 4. Severability. If any provision, portion, or section of this Resolution is found to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such determination shall affect the validity or enforceability of the remaining provisions, portions or sections, which shall remain in full force and effect.

Section 5. Effective Date of Resolution. This resolution shall take effect immediately upon adoption.

Section 6. Effective Date of Fees and Charges. The fees and charges established pursuant to this resolution shall become effective on [insert date], and shall apply to all applicable services occurring on or after that date.

PASSED AND ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting this ____ day of _____, 2025.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____
Chairperson

ATTEST: Angelina M. Colonnese

Clerk of the Circuit Court and Comptroller

By: _____
Deputy Clerk



**ENVIRONMENTAL PROTECTION DIVISION
WATER WELL CONSTRUCTION AND PERMITTING PROGRAM
SCHEDULE OF FEES AUDIT
(May 2025)**

ACTIVITY	2024 PERMITS ISSUED	CURRENT FEE	CURRENT REVENUE	PROPOSED FEE	PROJECTED REVENUE
ABANDONMENTS	166	----	----	\$75	\$12,450
PUBLIC SUPPLY	2	\$300	\$600	\$500	\$1,000
OTHER WELLS¹	274	\$145	\$39,730	\$265	\$72,610
QWIP INSPECTIONS²	20	\$200	\$4,000	\$200	\$4,000
TOTALS			\$44,330		\$90,060

¹ Includes Domestic, Irrigation, Monitor, Irrigation-Repair/Deepen, Domestic-Repair/Deepen, Livestock, Test/Piezometer, Recovery Well, Injection, Connection, Dewatering, Mining, Return Air Heat, Essential Service, Foundation Test Well, Power, Recharge Well/Satellite, Drainage Well, Grounding Rod, Recreation (Lake), Geothermal, Inventory, Air Conditioning/Heat Pump, Back Plugging, Industrial, Sealed Water Well.

² SWFWMD Quality of Water Improvement Program (QWIP) reimbursements for abandonment inspections.

2025 Program Cost Estimates (including personnel and indirect) = \$95,597 personnel + \$12,500 indirect costs

Percentage of Costs Covered by Fees in 2024 = 41%

Percentage of Costs to be Covered by Proposed Fees in 2024 = 83%



**ENVIRONMENTAL PROTECTION DIVISION
WATER WELL CONSTRUCTION AND PERMITTING PROGRAM
Permit Fee Comparison of Delegated Programs
(May 2025)**

ACTIVITY	Sarasota County	Lee County	Suwannee River WMD	Manatee Current Fee	Manatee Proposed Fee
ABANDONMENTS	\$75 ³	\$100	\$0	\$0	\$75
PUBLIC SUPPLY	\$300	\$500	\$500	\$300	\$500
OTHER WELLS	\$213 ⁴	\$312.5 ¹	\$275 ²	\$145	\$265
QWIP INSPECTIONS	\$200	\$200	\$200	\$200	\$200

¹Average of commercial and residential

²Domestic wells

³Average of small (<6") and large (>6") wells

⁴Average of irrigation and private wells

Notes:

- Per Dave Arnold, SWFWMD, WMD water well fees have not been raised in decades. The deficit is made up by general revenues.

MANATEE COUNTY GOVERNMENT

STATE OF FLORIDA

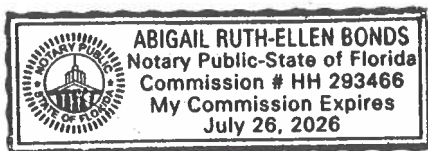
COUNTY OF MANATEE

Before the undersigned authority personally appeared Quantana Acevedo, who on oath says that she is a County Employee of Manatee County Government, Manatee County, Florida; that the attached copy of advertisement, being a public notice in the matters of Notice of Hearing for Resolution R-26-056 for the Manatee County Board of County Commissioners Regular Meeting on May 19, 2026, in Manatee County Florida, was published on the publicly accessible website of Manatee County Government, Manatee County, Florida, of www.mymanatee.org on May 4, 2026.

Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

By: [Signature]
Quantana Acevedo
Planning and Zoning Tech III

Sworn to and subscribed before me this 4th day of May 2026, by Quantana Acevedo, who is personally known to me or who has produced (type of identification) as identification.



[Signature]
(Signature of Notary Public)

Abigail Bonds
(Print Name of Notary Public)

Notary Public
(Title)

My Commission Expires: July 26, 2026
Commission Number: HH 293466

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66 of Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing in the Manatee County Government Administration Building Honorable Patricia M. Glass Chambers, First Floor, on **May 19, 2026, at 9:00 a.m.**, or soon thereafter, to consider, act upon, enact or reject the following Resolution:

RESOLUTION NO. R-26-056

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; REGARDING FEES FOR WATER WELL PERMITTING; REVISING THE FEE SCHEDULE FOR WATER WELL PERMITTING IN MANATEE COUNTY; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATES.

Interested parties may appear and be heard at the meeting with respect to the proposed Resolution and related Ordinance. Pursuant to Section 286.0105 of Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he or she will need a record of the proceedings and for such purpose, she or he may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

The proposed Resolution and related Ordinance are available for public inspection at the offices of the Manatee County Natural Resources Department, 1112 Manatee Avenue West, 8th floor, Bradenton, FL 34205, during regular business hours. A reasonable charge may be made for the provision of copies.

Americans with Disabilities: The Manatee County Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Commission's functions, including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act (ADA), should contact Carmine DeMilio at (941) 792-8784 Ext. 8203 or carmine.demilio@mymanatee.org.

Date Published: May 4, 2026