

# Holland & Knight

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January 15, 2020

Adam Teitzman  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Docket 20190194-WS -- Application for original water and wastewater and approval of initial rates, charges and standard service agreements in Lee County, by CPI Citrus Park Utility TRS, L.L.C.

Dear Mr. Teitzman:

CPI Citrus Park Utility TRS, L.L.C. (the "Utility") supplements the response it filed yesterday to Commission Staff's letter dated November 21, 2019 ("Staff Letter"). In response to Item No. 6 in the Staff Letter, attached is a letter received today from the South Florida Water Management District approving the transfer of Permit Number 36-00208-W from CPI Citrus Park Owner, LLC to the Utility. Should you have any questions regarding this supplemental filing, please do not hesitate to contact me.

Thank you for your consideration.

Sincerely

HOLLAND & KNIGHT LLP

  
D. Bruce May, Jr.

Enclosure

cc: Melinda Watts  
Bianca Lherisson  
Kristen Simmons  
Patricia Christensen  
Steven Adler



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Application 191223-4  
Permit 36-00208-W

January 15, 2020

CPI Citrus Park Utility TRS, LLC  
12629 New Brittany Blvd Suite 16  
Fort Myers, FL 33907  
sadler@murexproperties.com

Dear Permittee:

Subject: **Notice of Permit Transfer  
Citrus Park  
Lee County, Section 18,19, Township 47 South, Range 26 East**

In response to your request which we received on December 23, 2019 for transfer of the above, Permit 36-00208-W has been officially transferred to CPI Citrus Park Utility TRS, LLC, subject to the attached Notice of Rights. As a condition of transfer you have agreed that all terms and conditions of the permit are understood and accepted; as permittee you are responsible for compliance with the requirements of the permit. Any proposed modification shall be applied for and authorized by this District prior to such modification.

The Permit Transfer document including conditions and permit history are enclosed. Copies of the permit documents can be obtained from the District's ePermitting website at [www.sfwmd.gov/ePermitting](http://www.sfwmd.gov/ePermitting). To inquire on the permit's current compliance status, please contact Scott Korf at [skorf@sfwmd.gov](mailto:skorf@sfwmd.gov) or [(239) 338-2929, ext. 7738. For questions regarding the permit transfer, please contact Tammy Alonso at [talonso@sfwmd.gov](mailto:talonso@sfwmd.gov) or (239) 338-2929, ext. 7758.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Veguilla".

Elizabeth Veguilla  
Regulatory Specialist Supervisor  
Regulatory Support Bureau

EV/t

Handwritten initials "EV" in black ink, with a checkmark-like flourish.

c: CPI Citrus Park Owner, LLC  
Lee County Engineer ([BDickson@leegov.com](mailto:BDickson@leegov.com))

## **NOTICE OF RIGHTS**

As required by Sections 120.569 and 120.60(3), Fla. Stat., the following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all of the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

### **RIGHT TO REQUEST ADMINISTRATIVE HEARING**

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a SFWMD decision which affects or may affect their substantial interests shall file a petition for hearing with the Office of the District Clerk of the SFWMD, in accordance with the filing instructions set forth herein, within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, or posting that the SFWMD has or intends to take final agency action, or publication of notice that the SFWMD has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action which materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional Rule 28-106.111, Fla. Admin. Code, point of entry.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Fla. Stat., shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

### **FILING INSTRUCTIONS**

A petition for administrative hearing must be filed with the Office of the District Clerk of the SFWMD. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at SFWMD headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.

- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. It will be necessary to request that the SFWMD's security officer contact the Office of the District Clerk. An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at [clerk@sfwmd.gov](mailto:clerk@sfwmd.gov). The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document. A party who files a document by e-mail shall (1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause and that the party shall produce it upon the request of other parties; and (2) be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed.

### **INITIATION OF AN ADMINISTRATIVE HEARING**

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Fla. Stat., and Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, SFWMD file number or any other SFWMD identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

### **MEDIATION**

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401–.405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

### **RIGHT TO SEEK JUDICIAL REVIEW**

Pursuant to Section 120.68, Fla. Stat., and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal with the Office of the District Clerk of the SFWMD in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the clerk of the appropriate district court of appeal.



## PERMIT HISTORY

15-JAN-2020  
transfer\_history

**Permit No: 36-00208-W**

**Project Description: CITRUS PARK**

Issue Date	App #	Permit Type	Purpose	M/O Owner	Project
09-OCT-80	07140-C	WU NEW INDIVIDUAL	PUBLIC WATER SUPPLY	TROST INTERNATIONAL LIMITED, INC.	CITRUS PARK
13-JUL-89	890509-5	WU MOD INDIVIDUAL	PUBLIC WATER SUPPLY	TROST, ERICH	CITRUS PARK RV RESORT
14-MAR-91	900427-14	WU MOD INDIVIDUAL	PUBLIC WATER SUPPLY	TROST, ERICH	CITRUS PARK RV RESORT
13-JUN-96	951130-3	WU REN INDIVIDUAL	PUBLIC WATER SUPPLY	ERICH TROST	ERICH TROST
15-NOV-01	010713-10	WU REN INDIVIDUAL	PUBLIC WATER SUPPLY	TROST INTERNATIONAL LTD	CITRUS PARK RV RESORT
11-MAY-08	070924-12	WU NEW GENERAL	GENERAL PERMIT - MAJOR	CITRUS PARK-TROST INTERNATIONAL INC	CITRUS PARK RV RESORT
27-MAY-14	130509-17	WU REN GENERAL	GENERAL PERMIT - MAJOR	TROST INTERNATIONAL INC	CITRUS PARK
12-JUN-19	190515-9	WU REN INDIVIDUAL	PUBLIC WATER SUPPLY	TROST INTERNATIONAL I N C	CITRUS PARK
03-OCT-19	190621-18	WU TRANS INDIVIDUAL	PERMIT TRANSFER	C P I CITRUS PARK OWNER L L C	CITRUS PARK
15-JAN-20	191223-4	WU TRANS INDIVIDUAL	PERMIT TRANSFER	C P I CITRUS PARK UTILITY T R S L L C	CITRUS PARK