Agenda Item #: 3H-4

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date:	**June 21, 2016**	**[X] Consent**	**[ ] Regular**
		[ ] Ordinance	**[ ] Public Hearing**

Department: **Facilities Development & Operations**

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Third Amendment to Lease Agreement with Pero Family Farms, LLC (Pero) (R2001-1541) for Pero's continued use of approximately 270.91 acres in the Ag Reserve at an annual rate of $135,455.00/year ($500/acre).

Summary: The County acquired the 272 acre York property in 2000 for $3,751,050 ($13,791/acre) as part of the Ag Reserve program for preservation of farmland. On September 11, 2001, (2001-1541) the Board approved a lease with Pero for a term of ten (10) years, with two (2) extension options, each for a period of five (5) years subject to the approval of the County in each instance. The current term will expire on August, 20, 2016. This Third Amendment consents to the exercise of the second and final option extending the term for five (5) years from August 21, 2016, to August 20, 2021; replaces Exhibit "C" with updated and improved Florida Department of Agriculture and Consumer Services (FDAC) Best Management Practice Plans; modifies the non-discrimination, insurance and notice provisions to comply with County policy; and adds a provision for no third party beneficiaries. The annual rental rate will remain at $135,455.00/year ($500.00/acre). PREM will continue to have administrative responsibility for this Lease. **(PREM) District 5 (HJF)**

Background and Justification: On January 12, 2010, (R2010-0088), the Board approved a First Amendment reducing the rent to $500.00 per acre. On November 16, 2010, (R2010-1884), the Board approved a Second Amendment, reducing the Premises by 1.09 acres for the Lyons Road expansion. On May 17, 2011, (R2011-0744), the Board consented to the 1st option extending the term for five years. The current term is due to expire August 20, 2016. This Third Amendment will provide Board consent to extend the term for five (5) years, updates and adds various County provisions and replaces Exhibit "C" with an updated FDAC approved Best Management Practices. Florida Statutes Section 286.23 requires that a Disclosure of Beneficial Interest be obtained when a property held in a representative capacity is leased to the County, but does not require such Disclosure when the County leases property to a tenant. However, Staff obtained the disclosure identifying Peter Pero, IV, Frank Pero, Charles Pero and Angela Pero as the sole Members in Pero Family Farms, LLC.

Attachments:

1. Location Map
2. Third Amendment
3. Budget Availability Statement
4. Disclosure of Beneficial Interests
5. Pero Family Farms Request to exercise 2nd option dated February 16, 2016

Recommended By: _____ Audrey Wolf _____ 5/21/16
Department Director **Date**

Approved By: _____ _____ 6/8/16
County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenue	<$15,215. >	<$135,455. >	<$135,455. >	<$135,455. >	<$135,455. >
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<$15,215. >	<$135,455. >	<$135,455. >	<$135,455. >	<$135,455. >
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes X No _____

Budget Account No: Fund 1222 Dept 800 Unit 8011 Object 6225
Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Fixed Asset Number _____

C. Departmental Fiscal Review: _____ 5/31/16

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

OFMB 5/25 5/25 5/25/16

Contract Development and Control 6/3/2016

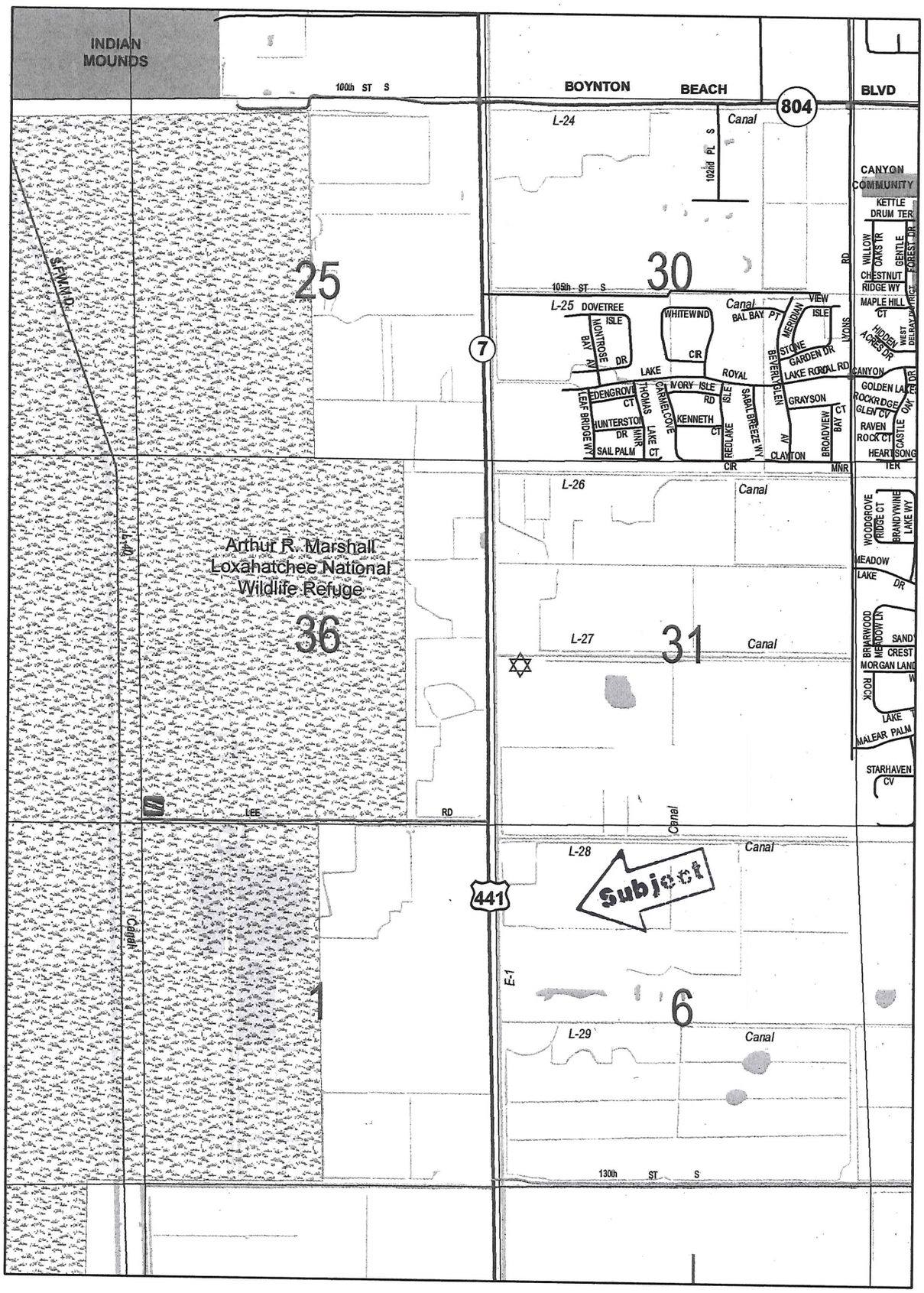
B. Legal Sufficiency:

_____
Assistant County Attorney

C. Other Department Review:

_____
Department Director

This summary is not to be used as a basis for payment.



LOCATION MAP

Attachment 1
1 of 1

Attachment 2

2 - Third Amendment to Lease Agreements
(34 pages each)

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THIRD AMENDMENT TO LEASE AGREEMENT

between

PALM BEACH COUNTY,
a political subdivision of the State of Florida

and

PERO FAMILY FARMS, LLC,
a Florida limited liability company

****

THIRD AMENDMENT TO LEASE AGREEMENT

THIS THIRD AMENDMENT, is made and entered into this ___ day of _____, 20___, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "County", and Pero Family Farms, LLC, a Florida limited liability company formerly known as Pero Family Farms, Inc., a Florida corporation, hereinafter referred to as "Tenant".

WITNESSETH:

WHEREAS, Pero Family Farms, Inc., entered into a Lease Agreement dated September 11, 2001, (R2001-1541) (the "Lease") with County for approximately 272 acres of farm land; and

WHEREAS, Pero Family Farms, Inc., subsequently converted its corporate status to that of a limited liability company and is now Pero Family Farms, LLC; and

WHEREAS, County and Tenant entered into a First Amendment to Lease Agreement (R2010-0088) on January 12, 2010 (the "First Amendment"), reducing the rent, revising the method for adjusting rent, and providing for documentation of Tenant's crop yields; and

WHEREAS, County and Tenant entered into a Second Amendment to Lease Agreement (R2010-1884) on November 16, 2010 (the "Second Amendment"), reducing the Premises by 1.09 acres, providing for prorata reduction of rent and acknowledging approval of the Lyons Road right-of-way construction plans; and

WHEREAS, the Term of the Lease, as extended by the Tenant's exercise of the first option to extend (R2011-0744), currently expires on August 20, 2016; and

WHEREAS, the parties wish to amend the Lease to approve Tenant's exercise of its second option to renew the Term of the Lease; replace Exhibit "C" of the Lease to reflect current laws, regulations and rules applicable to the use of the Property; modify various terms; and incorporate certain other language required by County.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference. All defined terms as used herein shall have the same meaning and effect as in the Lease.

2. The Term of this Lease is extended for a period of five (5) years commencing upon August 21, 2016, and terminating August 20, 2021, unless sooner terminated pursuant to the provisions of this Lease. There are no renewal options remaining.

3. Section 4.01, Use, of the Lease is amended to replace Exhibit "C" (Best Management Practices Plan) attached to the Lease with Exhibit "C" (Best Management Practices Plan) attached to this Third Amendment and made a part hereof.

4. Section 4.04, Non-Discrimination, of the Lease is deleted in its entirety and replaced as follows:

Section 4.04 Non-Discrimination.
Tenant shall assure and certify that it will comply with Title VI of the Civil Rights Act of 1964, as amended, and Palm Beach County Resolution No. R92-13, and shall not discriminate against any individual on the basis of their race, color, national origin, religion, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity or expression, disability, or genetic information with respect to any activity occurring on the Premises or conducted pursuant to this Lease. Tenant warrants that in the event the facilities constructed or operated upon the Premises are public facilities the same shall be open to and benefit all residents of Palm Beach County and shall be available thereto on the same cost and availability basis as to residents of the municipality in which the Premises are located.

Tenant has submitted to County a copy of its non-discrimination policy which is consistent with the above paragraph, as contained in Resolution R-2014-1421, as amended, or in the alternative, has acknowledged through a signed statement provided to County that Tenant will conform to the County's non-discrimination policy as provided in R-2014-1421, as amended.

5. Section 7.09, Certificate(s) of Insurance, of the Lease is deleted in its entirety and replaced as follows:

Section 7.09 Certificate of Insurance.
Tenant shall provide a certificate of insurance evidencing limits, coverages and endorsements required herein to:

Palm Beach County
c/o Insurance Tracking Services, Inc. (ITS)
P.O. Box 20270
Long Beach, CA 90801
Email: pbc@instracking.com or Facsimile: +1 (562) 435-2999

Subsequently, Tenant shall, during the term of the Lease, and prior to each renewal thereof, provide such evidence to ITS at pbc@instracking.com or fax (562) 435-2999, which is Palm Beach County's insurance management system. The certificate of insurance shall include a minimum thirty (30) day endeavor to notify due to cancellation or non-renewal of coverage. In the event coverage is cancelled or not renewed during the life of this Lease, Tenant shall furnish thirty (30) days prior to, but in no case later than the expiration of such insurance, a new certificate of insurance evidencing replacement coverage. Should Tenant fail to maintain the insurance required herein, the County shall have the right, but not the obligation, to purchase or maintain said insurance, and Tenant shall promptly pay as Additional Rent, upon demand from County, all premiums and expenses incurred by County.

6. Section 13.02(b) is modified as follows:

(b) If to the Tenant at:

Pero Family Farms, LLC
14095 State Road 7
Delray Beach , Florida 33446
Tel: (561) 498-4533
Fax: (561) 496-4009

With a copy to:

Richard J. Giusto, Esq .
Greenberg Traurig, P.A.
333 SE 2nd Avenue
Suite 4400
Miami, FL 33131
Tel: (305) 579-0559
Fax: (305) 961-5559

7. Tenant represents that simultaneously with Tenant's execution of this Lease, Tenant has executed and delivered to County, the Tenant's Disclosure of Beneficial Interests attached hereto as Exhibit "E", attached hereto and made a part hereof, (the "Disclosure") disclosing the name and address of every person or entity having a 5% or greater beneficial interest in the ownership of the Tenant. Tenant warrants that in the event there are any changes to the names and addresses of the persons or entities having a 5% or greater beneficial interest in the ownership of the Tenant after the date of execution of the Disclosure until the Effective Date of the Lease, Tenant shall immediately, and in every instance, provide written notification of such change to the County pursuant to Section 14.02 of this Lease.

8. No provision of this Lease is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Lease, including but not limited to any citizens of Palm Beach County or employees of County or Tenant.

9. This Third Amendment is expressly contingent upon the approval of the Palm Beach County Board of County Commissioners, and shall become effective only when signed by all parties and approved by the Palm Beach County Board of County Commissioners.

10. Except as modified by this Third Amendment, the Lease remains unmodified and in full force and effect in accordance with the terms thereof.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, County and Tenant have executed this Third Amendment, or have caused the same to be executed by their duly authorized representatives, as of the day and year first above written.

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

By:_____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By:_____
Chief Assistant County Attorney

COUNTY

PALM BEACH COUNTY, a political subdivision of the State of Florida

By:_____
Mary Lou Berger, Mayor

APPROVED AS TO TERMS
AND CONDITIONS

By:_____
Department Director

WITNESS:

Michele Spradlin
Sign
MICHELE SPRADLIN
Print Name

Steven Mercado
Sign
Steven Mercado
Print Name

TENANT

PERO FAMILY FARMS, LLC
a Florida limited liability company

By:_____
Name: Angelo Pero
Title: member

G:\PREM\PM\In Lease\Pero Family Farms, Inc\Third Amend-Opt#2\3rd Amendment.hf app 4-22-2016.doc

EXHIBIT "C"

BEST MANAGEMENT PRACTICES PLAN

Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops

York Farm

Pero Family Farm LLC

(Palm Beach County, 272 acres)

May 12, 2016

assembled by

TAC Environmental

Water Resources Consulting, Inc.

801 Maplewood Drive, Suite 8 • Jupiter, FL 33458

(561) 743-5598 • (561) 743-0092 (fax) • pwhalen@TACenvironmental.net

2015 Edition

FDACS-P-01266

Florida Department of Agriculture and Consumer Services

Adam H. Putnam, Commissioner

York Farm

Pero Family Farm, LLC

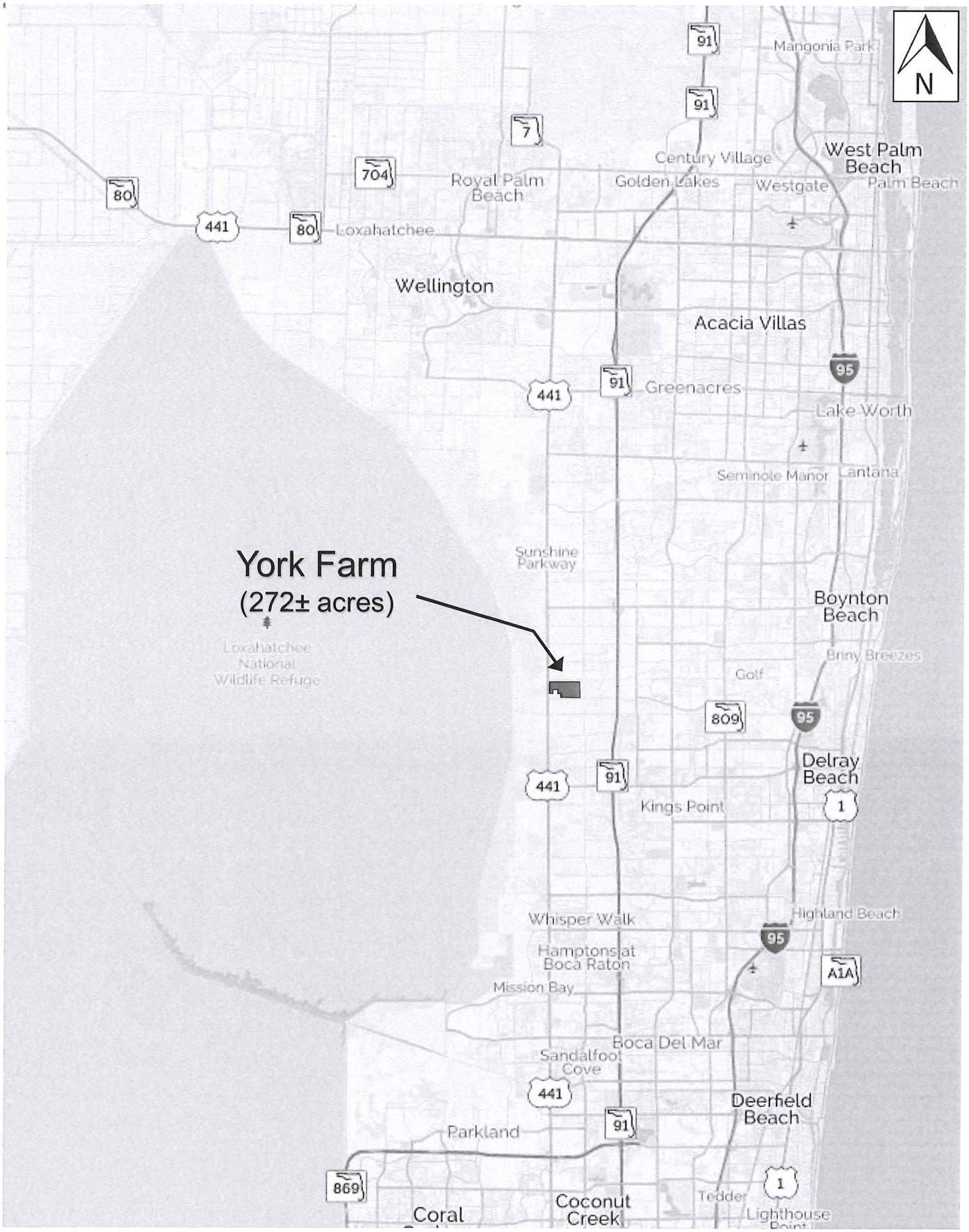
(leaseholder)

Property Information

Palm Beach County Property Appraiser's Property Summary Card

Figure 1. General Location Map

Figure 2. Vicinity Aerial



Initials: PJW 04-20-16 **Figure No. 1**	**York Farm** General Location *Palm Beach County, Florida*	TAC Environmental Water Resources Consulting, Inc. 801 Maplewood Drive, Suite 8 • Jupiter, FL 33458-2436 561-743-5598 • 561-743-0092 (fax) pwhalen@TACenvironmental.net

Vegetable Row Crops, 272± acres

0 500 1,000 1,500 2,000 3,000
(feet)

Note:

- *For planning purposes only, subject to boundary survey and title review*
- *Base aerial photograph February 16, 2016*

Initials: PJW **04-20-16** **Figure 2**	York Farm Aerial Photograph *Palm Beach County, Florida*	**TAC Environmental** **Water Resources Consulting, Inc.** 801 Maplewood Drive, Suite 8 • Jupiter, FL 33458-2436 561-743-5598 • 561-743-0092 (fax) **pwhalen@TACenvironmental.net**

Gary R. Nikolits, CFA

Property Appraiser

Palm Beach County

Homestead Exemption E-file

Location Address	12100 S STATE ROAD 7
Municipality	UNINCORPORATED
Parcel Control Number	00-42-43-27-05-062-0010
Subdivision	PALM BEACH FARMS CO PL NO 3
Official Records Book	Page
Sale Date	
Legal Description	PALM BEACH FARMS CO PL NO 3 TR 1 (LESS N 30 FT L-28 CNL & E 47 FT LYONS RD R/WS), TRS 2 THRU 11 (LESS N 30 FT L-28 CNL &

Owners	Mailing address
PALM BEACH COUNTY	PREM DIVISION C/O 2633 VISTA PKWY WEST PALM BEACH FL 33411 5613

Sales Date	Price	OR Book/Page	Sale Type	Owner
OCT-2000	$3,751,050	12100 / 1074	WARRANTY DEED	PALM BEACH COUNTY
DEC-1986	$80,000	05111 / 0071	WARRANTY DEED	YORK GEORGE F & LORRIE

Exemption Applicant/Owner	Year	Detail
PALM BEACH COUNTY	2016	FULL: COUNTY GOVERNMENT

Number of Units	0	*Total Square Feet	0	Acres	272.0545
Use Code	5100 - AG Classification CROP SOIL CLASS 1	Zoning	AGR - Agricultural Reserve (00-UNINCORPORATED)		

Tax Year	2015	2014	2013
Improvement Value	$0	$0	$0
Land Value	$7,862,375	$6,474,897	$8,190,375
Total Market Value	$7,862,375	$6,474,897	$8,190,375

All values are as of January 1st each year

Tax Year	2015	2014	2013
Assessed Value	$408,082	$408,082	$409,519
Exemption Amount	$408,082	$408,082	$409,519
Taxable Value	$0	$0	$0

Tax Year	2015	2014	2013
Ad Valorem	$0	$0	$0
Non Ad Valorem	$0	$0	$0
Total tax	$0	$0	$0

York Farm

Pero Family Farm, LLC

(leaseholder)

FDACS Enrollment

Notice of Intent

Best Management Practices Checklist

ADAM H. PUTNAM
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Office of Agricultural Water Policy

FDACS-OAWP
Mayo Building
407 S. Calhoun St. MS-E1
Tallahassee, FL 32399

NOTICE OF INTENT TO IMPLEMENT
WATER QUALITY / QUANTITY BMPs FOR FLORIDA VEGETABLE AND AGRONOMIC CROPS (2015)

Rule 5M-8.002, F.A.C.

- **Complete all sections of the Notice of Intent** (NOI). The NOI may list multiple properties only if they are within the same county, they are owned or leased by the same person or entity, and the same BMPs identified on the checklist are applicable to them.
- Submit the **NOI** and the **BMP Checklist**, to the Florida Department of Agriculture and Consumer Services (FDACS), at the address below.
- **Keep a copy of the NOI and the BMP checklist in your files** as part of your BMP record keeping.

You can visit http://www.flrules.org/Gateway/reference to obtain an electronic version of this NOI form.

If you would like assistance in completing this NOI form or the BMP Checklist, or with implementing BMPs, contact FDACS staff at (850) 617-1727 or AgBmpHelp@freshfromflorida.com.

Mail this completed form and the BMP Checklist to: **FDACS Office of Agricultural Water Policy**
Mayo Building, 407 S. Calhoun Street, MS-E1
Tallahassee, Florida 32399

Person To Contact

Name: Paul J. Whalen, P.H. - TAC Environmental Water Resource Consulting, Inc.

Business Relationship to Landowner/Leaseholder: BMP Technical Coordinator (contractor)

Mailing Address: 801 Maplewood Drive, Suite 8

City: Jupiter State: FL Zip Code: 33458

Telephone: 561-743-5598 (o) / 561-512-0905 (c) FAX: 561-743-0092

Email: PWHALEN@TACENVIRONMENTAL.NET

☐ **Landowner or** ☑ **Leaseholder Information** *(check all that apply)*

NOTE: If the Landowner/Leaseholder information is the same as the Contact Information listed above, please check: ☐ **Same as above.** If not, complete the contact information below.

Name: Angela Pero, President - Pero Family Farms LLC

Mailing Address: 14095 State Road 7

City: Delray Beach State: FL Zip Code: 33446

Telephone: 561-498-5771 FAX: 561-496-4009

Email: angela.pero@perofamilyfarms.com

Operation Name: York Farm

County: Palm Beach

Tax Parcel Identification Number(s) from County Property Appraiser

Please submit a copy of your county tax bill(s) for all enrolled property, with owner name, address, and the tax parcel ID number(s) clearly visible. **If you cannot provide a copy of the tax bill(s), please write the parcel owner's name and tax parcel ID number(s) below in the format the county uses.** Attach a separate sheet if necessary *(see form provided)*.

Parcel No.: 00-42-43-27-05-062-0010 Parcel Owner: Palm Beach County

Parcel No.: Parcel Owner:

Parcel No.: Parcel Owner:

Parcel No.: Parcel Owner:

Parcel No.: Parcel Owner:

☐ Additional parcels are listed on separate sheet. *(check if applicable)*

Total # of acres of all parcels listed *(as shown property tax records)*: 272.0545

Total # of acres on which BMPs will be implemented under this NOI: 272.0545

In accordance with section 403.067(7)(c)2, Florida Statutes, I submit the foregoing information and the BMP Checklist as proof of my intent to implement the BMPs applicable to the parcel(s) enrolled under this Notice of Intent.

Print Name: Paul J. Whalen, P.H.

(check all that apply) ☐ Landowner ☐ Leaseholder ☑ Authorized Agent *(see below)**

**Relationship to Landowner or Leaseholder*: BMP Technical Coordinator (contractor)

Signature: Paul J Whalen Date: 05-12-16

Name of Staff Assisting with NOI: Brad Phares

NOTES:

1. You must keep records of BMP implementation, as specified in the BMP manual. All BMP records are subject to inspection.
2. You must notify FDACS if there is a full or partial change in ownership with regard to the parcel(s) enrolled under this NOI.
3. Please remember that it is your responsibility to stay current with future updates of this manual. Visit the following website periodically to check for manual updates: http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Water-Policy

Additional Tax Parcel Listings

Operation Name: York Farm

County: Palm Beach

Parcel No.: Parcel Owner:

Parcel No.: Parcel Owner:

Parcel No.: Parcel Owner:

Parcel No.: Parcel Owner:

Parcel No.: Parcel Owner:

Parcel No.: Parcel Owner:

Parcel No.: Parcel Owner:

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Parcel No.: Parcel Owner:

Parcel No.: Parcel Owner:

Parcel No.: Parcel Owner:

Parcel No.: Parcel Owner:

FLORIDA VEGETABLE AND AGRONOMIC CROP WATER QUALITY / QUANTITY BMP CHECKLIST

Checklist Instructions

Note: Before you fill out this checklist, follow the section on BMP Enrollment and Implementation, which begins on page 7 of this manual. Read the text and the BMPs in Sections 1.0 – 8.0 before filling out the checklist, in order to know what the practices entail. The checklist summaries are for identification purposes only.

1. Check "In Use" for each BMP that you are currently practicing and will continue to practice.
2. For the applicable BMPs you do not implement currently but will implement, enter the month and year you plan to implement them in the "Planned" column. FDACS rule requires that applicable Level 1 BMPs in the manual be implemented as soon as practicable, but not later than 18 months after submittal of the NOI.
3. If you are using or will be using a practice similar to a BMP in the checklist, you may enter AMU (alternative measures used) under the "In Use" or "Planned" column. Be sure to include an implementation date (month/year) in the "Planned" column. Explain in the comments section what alternative measure(s) you are or will be implementing. If applicable, include the NRCS FOTG number associated with the practice.
4. For BMPs you will not implement, check all of the following that apply under "Will Not Implement."
   - NA = Not Applicable (you do not have a resource concern that requires use of the BMP).
   - TNF = Technically Not Feasible.
   - ENF = Economically Not Feasible.
   - Other = You must explain your reason in the comments section at the end of the checklist.
5. Make sure you follow the record-keeping requirements. BMPs that include record keeping are marked by the following pencil icon: ✎
6. Mail this BMP checklist with your NOI form to FDACS, and keep a copy of both documents in your files.

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement *(check reason below)*			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other
1.0 Field and Bed Preparation							
1.1. Field and Bed Preparation							
1.	Plow down old crop residues well in advance of preparing for the next crop. Generally, a 6 week period between plowing down residues or a cover crop is recommended to allow adequate decay of the material. This does not apply to conservation tillage operations.	☑	☐	☐	☐	☐	☐
2.	Use deep tillage to penetrate and break tillage pan layers in fields that are cultivated, as needed. Breaking compaction layers allows deeper root penetration to facilitate plant absorption of water and nutrients.	☐	☐	☑	☐	☐	☐
3.	Use laser leveling to re-grade fields that historically have not drained well or that have correctable erosion issues. Re-grading can improve water management and help conserve soil resources.	☑	☐	☐	☐	☐	☐
4.	Evaluate field slope and proposed row length prior to farming a field. While drainage may improve as the slope/grade increases, it may also decrease in some areas as row length increases.	☐	☐	☑	☐	☐	☐

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement *(check reason below)*			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other
	5. When preparing beds, the height of the bed should be no more than 12 inches; the bed width will depend on the crop and the number of rows per bed. New bed geometry research being conducted on plastic-mulched crops may change this guidance in the future.	☐	☐	☑	☐	☐	☐
	6. Evaluate the use of contour farming and other conservation practices (e.g., grassed waterways, filter strips) to address drainage needs and anticipated erosion issues, especially when farming on significantly sloped fields in North Florida.	☐	☐	☑	☐	☐	☐
	1.2. Drainage Ditches						
	1. Construct drainage ditches based on water removal requirements for the particular crop and needed conveyance capacity, and ensure that ditch side slopes are constructed in accordance with the soil type and characteristics.	☐	☐	☐	☐	☐	☑
	2. When using combination culvert/riser boards in ditches, remove only the number of boards necessary to achieve desired drainage.	☑	☐	☐	☐	☐	☐
	3. Minimize sediment transport by designing and maintaining the ditches to slow water velocity in the main canal or in ditches near discharge structures.	☑	☐	☐	☐	☐	☐
	2.0 Nutrition and Irrigation Management						
	Plastic Mulch Production – Subsection A						
	2.1.1. Plastic Mulch Nutrient Management						
	1. Test soils on an annual basis prior to forming beds. Base P fertilization rate on soil test results from a public or private laboratory that employs the standard testing methods used by the UF-IFAS Extension Soils Testing Laboratories. Refer to **Appendix 2** for guidance on accepted P extraction methods and sample collection. Keep a copy of all laboratory test results to track changes over time.	☑	☐	☐	☐	☐	☐
	2. When determining the N, P, and K fertilization rates appropriate for your crops, consult UF-IFAS recommendations in the Nutrient Management of Vegetable and Row Crops (SP500), as revised, or other credible sources of information with published scientific support. Manage nutrients carefully, using the applicable BMPs in this section and section 2.1.2, to minimize offsite discharge and leaching.	☑	☐	☐	☐	☐	☐
	3. Maintain and calibrate fertilizer application equipment.	☑	☐	☐	☐	☐	☐
	4. Use the Linear Bed Foot (LBF) System to convert from lbs/acre to lbs/100 LBF, after determining the typical bed spacing using **Table 3**.	☐	☐	☑	☐	☐	☐

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement *(check reason below)*			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other
	5. When using drip irrigation, incorporate all P, micronutrients, and up to 40 percent of the recommended UF-IFAS amount for N and K in the bed, and apply the remaining N and K in recommended increments (via fertigation). The weekly N application may increase as the plant matures during its fruiting stage. For extended harvest periods, see the Supplemental Fertilizer Application Guidance below.	☐	☐	☑	☐	☐	☐
	6. When using seep irrigation, incorporate all P, micronutrients, and up to 20 percent of the recommended amount for N and K in the bed, and apply the remaining N and K in narrow bands on the bed shoulders underneath the plastic.	☑	☐	☐	☐	☐	☐
	7. Use tissue test (leaf/petiole) results to: determine the need for supplemental fertilizer applications, evaluate the effectiveness of N, P, and K, fertilization programs, and diagnose micronutrient deficiencies. See Supplemental Fertilizer Application Guidance below. Keep a copy of all laboratory test results.	☑	☐	☐	☐	☐	☐
	8. If growing two crops on the same plastic mulch within a 12-month period, take a representative soil sam pie in the bed, away from the residual fertilizer bands. Use either the drip irrigation system or a liquid fertilizer injection wheel to apply any additional fertilizer, based on the second crop's nutrient requirement and soil test result.	☐	☐	☑	☐	☐	☐
	9. Clean up and remove plastic as soon as practicable after the last harvest to help reduce runoff effects and disease incidence during the next cropping cycle.	☑	☐	☐	☐	☐	☐
	10. Keep records of all nutrient applications that contain N or P.	☑	☐	☐	☐	☐	☐
	Special Nutrient Management Measures						
	11. Work with FDACS field staff and/or UF-IFAS extension agents to implement one of more of the specific measures listed in **Appendix 5**, or similar approved measures, to mitigate the use of additional N inputs. Document the measures you will implement in the Comments section of the BMP checklist, and have staff help you develop a written remedial action plan.	☐	☐	☑	☐	☐	☐
	12. After implementing the high-rate management measure above, consult with a professional engineer to ensure and document that most of the production area surface water runoff is retained onsite or treated before discharging. Another option is to begin converting your farm to drip irrigation, documenting the number of acres to be converted each year.	☐	☐	☑	☐	☐	☐
	2.1.2. Plastic Mulch Irrigation Management						
	1. Use available tools and data to assist in making irrigation decisions. Tools may include water table observation wells, on-site soil moisture sensors, crop water use information, and weather data. Real-time weather data is available through the FAWN website; or by installing your own on-site weather station.	☑	☐	☐	☐	☐	☐

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement *(check reason below)*			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other
	2. Install rain gauges on your operation and monitor them to schedule irrigation events. Larger rain events may contribute enough moisture underneath plastic mulch to substitute for the next irrigation event.	☑	☐	☐	☐	☐	☐
	3. If one is available, get a Mobile Irrigation Lab evaluation to check the emission uniformity of the system. This will confirm that the main, sub-main, and laterals are able to deliver proper pressure and flow to the drip tapes. This should be done every three to five years, even if the drip tapes are replaced annually. Make adjustments as needed.	☐	☐	☐	☑	☐	☐
	4. During the first two weeks of crop establishment of transplanted seedlings, water frequently but carefully to prevent excessive runoff from occurring. This is very important if you also have and use overhead irrigation to acclimate the transplants.	☑	☐	☐	☐	☐	☐
	5. Irrigate based on available water holding capacity in the soil root zone. When daily irrigation needs are greater than the available water holding capacity (during long, warm days) or when plants are flowering or developing fruit, splitting (pulsed) irrigation events into multiple daily applications will be of benefit.	☑	☐	☐	☐	☐	☐
	Additional Level I BMPs for Plastic Mulch with Seepage Irrigation						
	6. For frost/freeze protection, raise water tables by increasing water levels in irrigation canals and ditches.	☑	☐	☐	☐	☐	☐
	7. Maintain the water table (saturated zone) at the lowest level necessary to reach plant rooting depths. Removable boards on water control structures can be an effective tool to manage the water table.	☑	☐	☐	☐	☐	☐
	8. Install water table observation wells midway between ditches or water furrows at the anticipated high and low water-table elevations within each field. Inspect them periodically and make any needed repairs.	☐	☐	☐	☑	☐	☐
	Level II BMP						
	9. Install tailwater recovery pond(s) to conserve water and recirculate the dissolved nutrients on cropland. If this option is not technically or economically feasible, describe in the comments section of the BMP checklist an alternative means to address discharge issues.	☐	☐	☐	☑	☐	☐
	Bare Ground Production Systems – Subsection B						
	2.2.1. Bare Ground Nutrient Management						
	1. Test soils on an annual basis. Base P fertilization rate on soil test results from a public or private laboratory that employs the standard testing methods used by the UF-IFAS Extension Soils Testing Laboratories. Refer to **Appendix 2** for guidance on accepted P extraction methods and sample collection. Keep a copy of all laboratory test results to track changes over time.	☑	☐	☐	☐	☐	☐

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement *(check reason below)*			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other
2.	When determining the N, P, and K fertilization rates appropriate for your crops, consult UF-IFAS recommendations in the Nutrient Management of Vegetable and Row Crops (SP500), as revised, or other credible sources of information with published scientific support. Manage nutrients carefully, using the applicable BMPs in this section and section 2.2.2, to minimize offsite discharge and leaching.	☑	☐	☐	☐	☐	☐
3.	Maintain and calibrate fertilizer application equipment.	☑	☐	☐	☐	☐	☐
4.	Use automated or manual shutoff valves on the fertilizer application equipment so that no fertilizer is applied in the turn row or other non-production areas.	☑	☐	☐	☐	☐	☐
5.	Keep records of all nutrient applications that contain N or P.	☑	☐	☐	☐	☐	☐
Additional Level I BMPs for Raised Beds							
6.	Apply up to 40 percent of the N and K at planting or shortly after planting. Delay the first application based on the approximate number of days until germination (or cracking for potatotes), and the root system characteristics. P should be banded or injected, and applied as close as possible to planting but no more than 10 days before.	☑	☐	☐	☐	☐	☐
7.	Use the Linear Bed Foot (LBF) system to convert from lbs/acre to lbs/100 LBF, after determining the typical bed spacing using **Table 3**.	☐	☑	☐	☐	☐	☐
8.	Apply the remaining fertilizer in split applications (or more frequently if fertigating) during the early part of the growing season or according to specific crop needs.	☑	☐	☐	☐	☐	☐
Additional Level I BMPs for Field Crops Planted at Grade							
9.	Apply all of the P and up to 30 percent of the N and K at planting or shortly after planting. Delay the first application based on the approximate number of days until germination (or cracking for potatoes), and the root system development characteristics. P should be applied as close as possible to planting but no more than 10 days before.	☐	☐	☑	☐	☐	☐
10.	Apply additional fertilizer only after the root system has advanced into the inter-row area to maximize interception of available nutrients. Apply it in one or more applications during the early to middle part of the growing season, or according to specific crop needs.	☐	☐	☑	☐	☐	☐
11.	If incorporating legumes/cover crops, compost, manure, or biosolids, or irrigating with reclaimed water, determine the N and P contribution by multiplying the average nutrient concentrations by the rate of material applied, and decrease N and P fertilization rates accordingly.	☐	☐	☑	☐	☐	☐

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement *(check reason below)*			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other
12.	Consider incorporating a global positioning system (GPS) and associated navigation instrument (parallel-tracking device) to reduce overlap; grid map soil units to deliver fertilizer at a variable rate; or another precision agriculture technique, and describe it in the comments section of the BMP checklist.	☐	☐	☑	☐	☐	☐
Special Nutrient Management Measures							
13.	Work with FDACS field staff of UF-IFAS extension agents to implement one or more of the specific measures listed in **Appendix 5**, or similar approved measures, to mitigate the use of additional N inputs. Document the measures you will implement in the Comments seciton of the BMP checklist, and have staff help you develop a written remedial action plan.	☐	☐	☑	☐	☐	☐
14.	After implementing the high-rate management measure above, begin converting your farm to either drip irrigation, or a high-efficiency, computer controlled, pivot irrigation system if your farm is in a karst area. Both speed and zone control variable rate application must be evaluated.	☐	☐	☑	☐	☐	☐
2.2.2. Level I – Bare Ground Irrigation Management							
1.	Use available tools and data to assist in making irrigation decisions. Tools may include water table observation wells, onsite soil moisture sensors, crop water use information, and weather data. Real-time weather data is available through the FAWN website; or by installing your own on-site weather station. Agronomic or field crops grown in North Florida should follow the recommendations in Reference 2 below.	☑	☐	☐	☐	☐	☐
2.	Install rain gauges on your operation and monitor them to help schedule irrigation events. Rain events of 1/4 to 1/2 inch are usually sufficient to substitute for the next irrigation event.	☑	☐	☐	☐	☐	☐
3.	If a Mobile Irrigation Lab is available, get an evaluation to check the distribution or emission uniformity and the conveyance efficiency of the irrigation system(s). This should be done every three to five years. Make adjustments as needed.	☐	☐	☑	☐	☐	☐
4.	Do not irrigate beyond field capacity.	☑	☐	☐	☐	☐	☐
5.	For center pivot irrigation systems, install low-pressure irrigation sprinklers with drops and speed and/or zone variable rate controls if economically feasible.	☐	☐	☑	☐	☐	☐
Additional Level I BMPs for Seepage Irrigation							
6.	For frost/freeze protection, raise water tables by increasing water levels in irrigation canals and ditches.	☑	☐	☐	☐	☐	☐
7.	Maintain the water table (saturated zone) at the lowest level necessary to reach plant rooting depths. Removable boards on water control structures can be an effective tool to manage the water table.	☑	☐	☐	☐	☐	☐

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement *(check reason below)*			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other
	8. Install water table observation wells midway between ditches or water furrows at the anticipated high and low water-table elevations within each field. Inspect them periodically for any needed repairs. Alternatively, use water table reference elevations for open seepage systems.	☐	☐	☐	☑	☐	☐
	Sugarcane Production Systems – Subsection C						
	2.3.1. Sugarcane Nutrient Management						
	1. Test soils prior to planting cane. Base P fertilization rate on soil test results from a public or private laboratory that employs the standard testing methods used by the UF-IFAS Extension Soils Testing Laboratories, or alternate test methods that have a calibrated crop response. Refer to **Appendix 2** for guidance on P extraction methods and sample collection. Keep a copy of all laboratory test results to track changes over time. Band or air-induct all P as a pre-plant application.	☐	☐	☑	☐	☐	☐
	2. Repeat the application of P fertilizer every year after harvesting. The rates should follow the calibration curve according to first, second, and third ratoon and the soil test done prior to planting.	☐	☐	☑	☐	☐	☐
	3. Maintain and calibrate fertilizer application equipment.	☐	☐	☑	☐	☐	☐
	4. No N fertilizer is recommended for sugarcane grown on deeper muck soils. However, young sugarcane plants in any soils that have been exposed to anaerobic conditions caused by excessive rainfall or floodwaters may require N fertilizer.	☐	☐	☑	☐	☐	☐
	5. For sandy, sandy muck, shallow muck, or mineral soils, apply fertilizer in accordance with UF-IFAS recommendations in the Nutrient Management of Vegetable and Row Crops (SP 500), as revised, or other credible sources of information. Do not apply more than 50 lbs of soluble N/acre in any single application. For mucky sands and/or sandy mucks, apply less than the recommended annual rate for sandy soils. Manage nutrients carefully, using the applicable BMPs in this section and section 2.3.2, to minimize offsite discharge and leaching.	☐	☐	☑	☐	☐	☐
	6. Incorporate fallow flooding into the rotation cycle for non-production sugarcane fields in organic muck soils, if feasible, to prevent soil subsidence and oxidation.	☐	☐	☑	☐	☐	☐
	7. Keep records of all nutrient applications that contain N or P.	☐	☐	☑	☐	☐	☐
	2.3.2. Sugarcane Irrigation Management						
	1. Use available tools and data to assist in making irrigation decisions. Tools may include water level observation, removeable soil moisture sensors, crop water use infonmation, and/or weather data. Real-time weather data is available through the FAWN website; or by installing your own on-site weather station.	☐	☐	☑	☐	☐	☐

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement *(check reason below)*			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other
	2. Install rain gauges on your operation and monitor them to help schedule irrigation events. Rain events of 1/4 to 1/2 inch are usually sufficient to substitute for the next irrigation event.	☐	☐	☑	☐	☐	☐
	3. Irrigate up to field capacity and not beyond.	☐	☐	☑	☐	☐	☐
	4. Maintain the water table at the lowest level necessary to reach sugarcane rooting depths. Removable boards on water control structures can be an effective tool to manage the water table.	☐	☐	☑	☐	☐	☐
	5. If fields are flooded temporarily, monitor the water levels and berms for integrity.	☐	☐	☑	☐	☐	☐
	6. For frost/freeze protection, raise water tables by increasing water levels in irrigation canals and ditches.	☐	☐	☑	☐	☐	☐
	Hay and Silage Production Systems – Subsection D						
	2.4.1. Hay and Silage Nutrient Management						
	1. For established stands of hay, take soil samples during the dormant season and test them on an annual basis. Base P fertilization rate on soil test results from a public or private lab that employs the standard testing methods used by the UF-IFAS Extension Soils Testing Laboratories. Refer to **Appendix 2** for guidance on accepted P extraction methods and sample collection. Keep a copy of all laboratory test results to track changes over time.	☐	☐	☑	☐	☐	☐
	2. Maintain and calibrate fertilizer application equipment.	☐	☐	☑	☐	☐	☐
	3. Fertilize perennial grasses for hay crops in the spring as soon as the crop starts growing. Apply up to 80 lbs N/acre/cutting, and all of the recommended P and K in early spring. Reduce the N accordingly, after the next-to-last cutting in the fall.	☐	☐	☑	☐	☐	☐
	4. Begin spring harvest (first cutting) of hay when the grass reaches the recommended height(s) listed in **Table 4**.	☐	☐	☑	☐	☐	☐
	5. For producers growing annual silage or other forages, consult UF-IFAS recommendations in the Nutrient Management of Vegetable and Row Crops (SP500), as revised.	☐	☐	☑	☐	☐	☐
	6. Keep records of all nutrient applications that contain N or P.	☐	☐	☑	☐	☐	☐
	2.4.2. Hay and Silage Irrigation Management						
	1. Use available tools and data to assist in making irrigation decisions. Tools may include water table observation wells, on-site soil moisture sensors, crop water use infonmation, and weather data. Real-time weather data is available through the FAWN website; or by installing your own on-site weather station.	☐	☐	☑	☐	☐	☐
	2. Install rain gauges on your operation and monitor them to help schedule irrigation events. Rain events of 1/4 to 1/2 inch are usually sufficient to substitute for the next irrigation event.	☐	☐	☑	☐	☐	☐

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement *(check reason below)*			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other
	3. If a Mobile Irrigation Lab is available, get an evaluation to check the distribution (sprinkler) or emission uniformity and the conveyance efficiency of the irrigation system(s). This should be done every three to five years. Make adjustments as needed.	☐	☐	☑	☐	☐	☐
	4. Do not irrigate beyond field capacity.	☐	☐	☑	☐	☐	☐
	Protected Growing Systems – Subsection E						
	2.5.1. Protected Growing Systems BMPs						
	1. Follow all applicable BMPs in this manual.	☐	☐	☑	☐	☐	☐
	2. Use gutters or other means to convey roof runoff water to an onsite catchment pond for evaporation or reuse.	☐	☐	☑	☐	☐	☐
	3. Consider installing a nutrient leachate collection system and conveying leachate outside the greenhouse for use on another crop (nursery plants, turfgrass, hay field, etc.) or convey leachate to a constructed treatment wetland.	☐	☐	☑	☐	☐	☐
	3.0 Irrigation System Maintenance						
	3.1. Pressurized Irrigation Systems						
	1. On a periodic basis, examine sprinkler nozzles or emitters for wear and malfunction, and replace them as necessary.	☐	☐	☐	☑	☐	☐
	2. If PVC pipes are exposed, re-paint/treat them if the treatment material has worn out; and install or repair impact protection posts, if applicable.	☐	☐	☐	☑	☐	☐
	3. Clean and maintain filtration equipment so it will operate within the recommended pressure range.	☐	☐	☐	☑	☐	☐
	4. Flush irrigation lines regularly to prevent emitter clogging. To reduce sediment build up, make flushing part of a regular maintenance schedule. If fertigating, flush all fertilizer from the lateral lines before shutting down the irrigation system to prevent microbial growth.	☐	☐	☐	☑	☐	☐
	5. Test irrigation source water quality annually to detect issues with water chemistry that may result in irrigation system plugging or affect plant health.	☐	☐	☐	☑	☐	☐
	6. Ensure that totalizing flow meters are calibrated every 8 years, using proper equipment, such as non-intrusive ultrasonic flow meters. An exception to this is if other calibration or reporting requirements are set forth as part of a water management consumptive use permit.	☐	☐	☐	☑	☐	☐
	3.2. Non-Pressurized (Seepage) Irrigation Systems						
	1. Clean debris and control undesirable aquatic vegetation in irrigation ditches and canals, to maintain water flow and direction.	☑	☐	☐	☐	☐	☐
	2. Keep water-level-control structures (such as culverts and risers) in irrigation ditches in good working order.	☑	☐	☐	☐	☐	☐
	3. Maintain irrigation swales/furrows at the correct slope, so that water is applied evenly along the field.	☑	☐	☐	☐	☐	☐

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement *(check reason below)*			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other
	4. Use a culvert and screw gate or similar device for the irrigation system, where possible, to conserve water.	☑	☐	☐	☐	☐	☐
	3.3. Pumping Plant						
	1. Ensure that the pump, engine/motor, and fuel tank (if applicable) are mounted on a firm foundation, and that all engine/pump/shaft alignment points are correct and within manufacturer's specifications.	☑	☐	☐	☐	☐	☐
	2. Obtain the operating pressure (total dynamic head) and system capacity (flow rate in GPM), and then use the specific pump manufacturer characteristic curve to operate the unit to maintain efficiency based on field conditions.	☐	☐	☑	☐	☐	☐
	3. For diesel engines older than twenty years, have a comprehensive evaluation done by a professional to determine the pumping plant efficiency.	☐	☐	☑	☐	☐	☐
	4.0 Sediment and Erosion Control Measures						
	4.1. Road Construction and Maintenace						
	1. Stabilize access roads that cross streams and creeks, using rock crossings, culverts, or bridges.	☐	☐	☑	☐	☐	☐
	2. Maintain vegetative cover on road banks.	☑	☐	☐	☐	☐	☐
	3. When constructing above-grade access roads, locate the road(s) a minimum of 25 feet from regulated wetlands.	☐	☐	☑	☐	☐	☐
	4.2. Ditch Maintenance						
	1. Maintain permanent vegetative cover on ditch banks.	☑	☐	☐	☐	☐	☐
	2. Protect ditch banks from erosion in areas subject to high water velocities, using rip-rap, concrete, headwalls, or other buffering materials.	☑	☐	☐	☐	☐	☐
	3. Keep all control structures free from obstructions.	☑	☐	☐	☐	☐	☐
	4. Do not remove sediments below the ditch's original invert elevation, which can be determined by perm it drawings, basic survey drawings, and/or changes in soil characteristics and color. Keep drawings of the design cross-sectional area for future reference.	☑	☐	☐	☐	☐	☐
	Level II BMPs						
	5. Install check dams in drainage ditches, perpendicular to the direction of flow and downstream of the area contributing the sediment. Check dams can be created using a variety of materials such as rock, rip rap, or sand bags.	☐	☐	☑	☐	☐	☐
	6. Install sediment traps within the water conveyance system. Clean out traps periodically, as sediments will accumulate over time. If you are experiencing recurring erosion problems, install a flashboard riser water control at the sediment trap outlet.	☑	☐	☐	☐	☐	☐

BMP #	BMP Group (See body of manual for full description of practices)	In Use	Planned	Will not implement *(check reason below)*			
		Check/ or AMU	Month/ Year	NA	TNF	ENF	Other
4.3. In-Field Erosion Control							
1.	If a farm field discharges sediments offsite or directly to a waterbody, install and maintain filter strips, sediment basins, or similar measures.	☑	☐	☐	☐	☐	☐
2.	As needed, apply mulch on steep non-production areas to provide temporary erosion control until plants establish. Select non-invasive plants or a seeding mixture to provide short-term and long-term vegetative cover.	☐	☐	☑	☐	☐	☐
3.	Use a combination of vegetative cover (e.g., rye, millet) and/or geo-fabric material to stabilize the ground at the downstream side of plastic mulch rows.	☐	☐	☑	☐	☐	☐
4.	For plastic mulch production systems, install plastic-covered spill ways where cross ditches flow into lateral ditches.	☑	☐	☐	☐	☐	☐
5.	Use a conservation practice to protect soils during non-production or fallow periods.	☑	☐	☐	☐	☐	☐
Level II BMP							
6.	Contact NRCS or FDACS for technical assistance in implementing conservation tillage.	☐	☐	☑	☐	☐	☐
Level III BMP							
7.	Contact NRCS or FDACS for technical assistance and to inquire about possible cost-share in implementing diversions and terrace control.	☐	☐	☑	☐	☐	☐
5.0 Water Resources Protection							
5.1. Wetlands Protection							
1.	Install and/or maintain a minimum 35-foot, non-fertilized vegetated buffer upland of the landward jurisdictional boundary of all wetlands and lakes, unless you have an existing WMD permit (e.g., ERP, or management and storage of surface waters permit) that specifies a different buffer. For lakes that have an adopted TMDL for nutrients, expand the buffer to 50-feet.	☐	☐	☐	☐	☐	☑
2.	For existing operations that are unable to meet the vegetated buffers specified above, submit to FDACS a written description of the alternative measures you will take to protect the wetlands from water quality impacts (Use the comments section at the end of the BMP checklist).	☐	☐	☐	☐	☐	☑
5.2. Streams Protection							
1.	Install and/or maintain a riparian buffer along perennial streams on production areas that exceed 1-percent slope and discharge directly to the streams. Contact FDACS, NRCS, or an NRCS approved Technical Service Provider for assistance in properly designing the riparian buffer.	☐	☐	☑	☐	☐	☐
2.	Locate and size any stream crossings to minimize impacts to riparian buffer vegetation and function and to maintain natural flows.	☐	☐	☑	☐	☐	☐

BMP #	BMP Group (See body of manual for full description of practices)	In Use Check/ or AMU	Planned Month/ Year	Will not implement (check reason below) NA	TNF	ENF	Other
5.3.	**Protection for First- and Second-Magnitude Spring Recharge Basins**						
1.	Install and/or maintain a 100-foot non-fertilized vegetated buffer upland of the landward boundary of springs and spring runs.	☐	☐	☑	☐	☐	☐
2.	Install and/or maintain a 50-foot non-fertilized vegetated buffer around sinkholes and other visible karst features.	☐	☐	☑	☐	☐	☐
3.	Do not exceed the UF-IFAS recommended fertilizer rate for N and P, including any contributions from irrigation sources.	☐	☐	☑	☐	☐	☐
4.	If you have a sinkhole on your property, never use it to dispose of any materials, including pesticide containers.	☐	☐	☑	☐	☐	☐
5.4.	**Well Operation and Protection**						
1.	If injecting fertilizer or chemicals, use backflow-prevention devices at the wellhead to prevent contamination of the water source.	☐	☐	☑	☐	☐	☐
2.	Inspect wellheads and pads at least annually for leaks or cracks, and make any necessary repairs.	☐	☐	☑	☐	☐	☐
3.	If in the Homestead area, use the criteria in the 1997 Handbook for the Voluntary Retrofit of Open, Uncased Agricultural Wells to address open bore wells to ensure that the Biscayne aquifer is protected.	☐	☐	☑	☐	☐	☐
4.	Maintain records of new well construction and modifications to existing wells.	☐	☐	☑	☐	☐	☐
6.0	**Stormwater Management**						
6.1.	**Stormwater Conveyance Systems**						
1.	Install gutters and downspouts on all buildings adjacent to production areas, and divert stormwater away from the production area toward vegetated areas. When not detrimental to crop health, collect and use this water for irrigation.	☐	☐	☑	☐	☐	☐
2.	Operate and maintain all stormwater management conveyances (swales, ditches, and canals) to ensure that they operate as designed.	☑	☐	☐	☐	☐	☐
3.	If you have an existing operation that does not have an WMD surface water perm it and has a history of downstream flooding issues, develop and implement a written stormwater management plan that provides specific responses to various types and levels of rainfall, as feasible. The goal of the plan should be a reduction in volume of off-site discharge. Evaluate the plan's effectiveness and make adjustments as needed.	☐	☐	☑	☐	☐	☐
4.	If the total impervious area of your operation (e.g., asphalt or concrete roads/parking lots, roofs, greenhouses) exceeds 10 percent of the total land area, have a site-specific evaluation performed to determine whether off-site storm water runoff is an issue. USDA-NRCS may be able to perform this at no cost.	☐	☐	☑	☐	☐	☐

BMP #	BMP Group (See body of manual for full description of practices)	In Use Check/ or AMU	Planned Month/ Year	Will not implement *(check reason below)* NA	TNF	ENF	Other
7.0 Integrated Pest Management							
7.1.	Pesticide Storage and Mixing						
1.	Store pesticides in an enclosed, roofed structure with an impervious floor and lockable door, at least 100 feet from wells, wetlands or other waterbodies, and sinkholes.	☐	☐	☐	☐	☐	☑
2.	When practicable, construct a permanent mix/load facility with an impermeable surface, and locate it at least 100 feet from wells, wetlands or other waterbodies, and sinkholes.	☐	☐	☐	☑	☐	☐
3.	Where permanent facilities are not practicable, use portable mix/load stations or conduct any field mix/load activities at random locations in the field; use nurse tanks if applicable.	☑	☐	☐	☐	☐	☐
4.	Use a check valve or air gap separation to prevent backflow into the tank or water source when filling a sprayer.	☑	☐	☐	☐	☐	☐
7.2.	Level I – Aquatic Plant Management						
1.	Use barriers, traps, screen devices and/or debris baffles to control floating aquatic weeds.	☑	☐	☐	☐	☐	☐
2.	Use biological control agents or herbicides registered and labeled for aquatic applications, when chemical control is warranted.	☑	☐	☐	☐	☐	☐
8.0 Recycling and Industrial Materials Management							
8.1.	Waste Reduction BMPs						
1.	Store fertilizers in an enclosed, roofed structure with an impervious floor and lockable door, at least 100 feet from wetlands, waterbodies, or sinkholes.	☐	☐	☐	☐	☐	☑
2.	Recycle used oil, solvent bath waste, and antifreeze using appropriate means.	☑	☐	☐	☐	☐	☐
3.	Ensure that all regulated petroleum storage tanks are registered, and meet the requirements of FDEP rule for secondary containment.	☐	☐	☑	☐	☐	☐

Vegetable and Agronomic Crops BMP Checklist Comments Section

BMP #	Describe Alternative Measures Used
BMP #	4.1.3 Farm roads, ditches, and canal system established and in place for 40+ years.
BMP #	2.1.1.2 & 2.2.1.2: Determining N, P, and K Fertilization Rates
	Farm strives to apply the amount of fertilizer and micronutrients needed for optimum plant & produce
BMP #	development, avoiding excess application. UF-IFAS SP500 is consulted for rates. In addition,
	site specific conditions and Pero Family Farms proprietary knowledge, expertise, research, &
BMP #	database assembled over the past 100 years coupled with the developed 30+ years of site specific
	knowledge of the conditions associated with the farm of this particular Notice of Intent and BMP Plan.
BMP #	2.1.2.9 Farm water management system consists of interconnected ditches & canals with multiple
	internal water control structures that allow for semi-independent water management by blocks.
BMP #	Off-site drainage is controlled by pump stations. Excess off-site pumping is not economical.
BMP #	Enter "Other" reasons for not implementing BMPs
1.2.1	Drainage Ditches: Farm layout has been in existence for approximately 40+ years with
	the ditch and canal system established and in place
5.1	Wetlands: Farm layout has been in existence for approximately 40+ years with the wetland protections
	and set-backs in place. Existing farm roads, berms, and buffers define and separate isolated wetlands
	from crop fields. Separation between crop fields and isolated wetlands vary throughout the farm but average
	approx. 25+/- feet. There are typically 1-2 foot earthern berms between the planting areas and wetlands.
	Culverts allow discharge from wetlands to farm surface water management system to minimize over inundation
	of wetlands & potential breach of surrounding berms and roadways during excess stormwater or high water table events.
7.1.1	Pesticides are not stored on-site. Chemicals are typically delivered and applied the same day.
8.1.1	All vehicle and equipment maintenance is conducted off-site.
Field Notes:	
ERP #	

EXHIBIT "E"

DISCLOSURE OF BENEFICIAL INTEREST

TO: PALM BEACH COUNTY CHIEF OFFICER, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Angela Pero, hereinafter referred to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the President (position - i.e. president, partner, trustee) of Pero Family Farms, LLC (name and type of entity - i.e. ABC Corporation, XYZ Limited Partnership), (the "Tenant") which entity is the lessee of the real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 14095 State Rd 7, Delray Beach, FL 33445.

3. Attached hereto, and made a part hereof, as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent (5%) or greater beneficial interest in the Tenant and the percentage interest of each such person or entity.

4. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

5. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete, and will be relied upon by Palm Beach County relating to its lease of the Property.

FURTHER AFFIANT SAYETH NAUGHT.

_____, Affiant

Print Affiant Name: Angela Pero

The foregoing instrument was sworn to, subscribed and acknowledged before me this 27 day of April, 2016, by Angela Pero [✓] who is personally known to me or [ ] who has produced _____ as identification and who did take an oath.

Christine A. Palermo
Notary Public

CHRISTINE A. PALERMO
MY COMMISSION # FF 040163
EXPIRES: August 17, 2017
Bonded Thru Notary Public Underwriters

_____
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires:

EXHIBIT "A"
Page 1 of 2
THE "PREMISES"

272 Acre Parcel
Legal Description

TRACT 28, LESS THE EAST 30 FEET FOR LYONS ROAD RIGHT OF WAY; TRACTS 29 THROUGH 32, AND THE E/W'D OF THE 30 FOOT ABANDONED RIGHT OF WAY WEST OF AND ADJACENT TO TRACT 33; TRACT 41, TOGETHER WITH THE E/W'D OF THE 30 FOOT ABANDONED RIGHT OF WAY LYING WEST OF AND ADJACENT TO TRACT 41, AND TRACTS 42 THROUGH 48, LESS THE EAST 30 FEET OF TRACT 48 FOR LYONS ROAD RIGHT OF WAY, IN BLOCK 62 OF PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

TRACTS 33 AND 40, TOGETHER WITH THE W1/2 OF THE ABANDONED RIGHT OF WAY LYING EAST OF AND ADJACENT TO TRACTS 33 AND 40, BLOCKS 62 OF PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

and

TRACT G (LESS THE NORTH THIRTY FEET), TRACT H (LESS THE NORTH THIRTY FEET), TRACT D (LESS THE NORTH THIRTY FEET AND WEST EIGHTY FEET), TRACT U (LESS THE WEST FORTY FEET), TRACT W, TRACT X, TRACT 34, TRACT 39 (LESS THE WEST FORTY FEET),

ALL OF WHICH ARE LOCATED IN BLOCK 62 IN PALM BEACH FARMS CO. PLAT NO. 3 ACCORDING TO THE PLAT, RECORDED IN PLAT BOOK 2 AT PAGES 45 TO 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THAT THIRTY FOOT PLATTED ROAD RIGHT OF WAY ABANDONED BY PALM BEACH COUNTY RESOLUTION R73-583 AND RECORDED IN OFFICIAL RECORD BOOK 2179, PAGE 1038, LYING EAST AND WEST LYING BETWEEN THE FOLLOWING PARCELS OF LAND:

TRACT U (LESS THE WEST FORTY FEET), TRACT W AND TRACT X, ON THE NORTH, AND TRACT 34, TRACT 39, AND TRACT 39 (LESS THE WEST FORTY FEET) ON THE SOUTH

ALL OF WHICH ARE LOCATED IN BLOCK 62 IN PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT, RECORDED IN PLAT BOOK 2 AT PAGES 45 TO 54, ALL THE ABOVE BEING IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

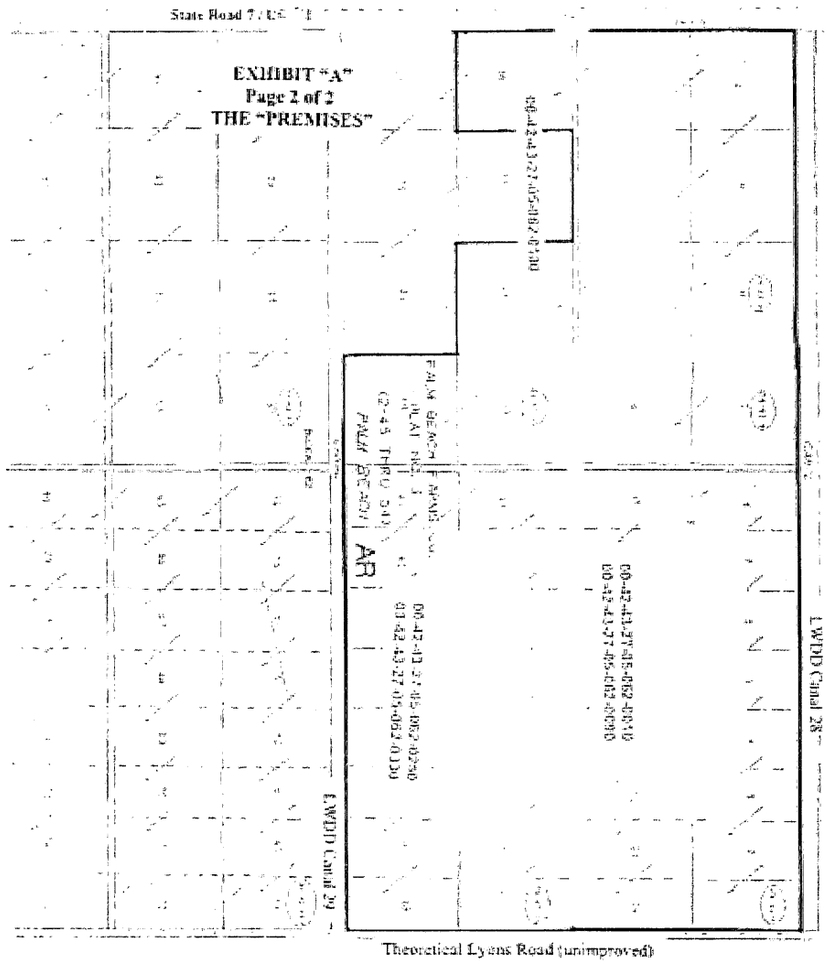
and

TRACTS 1 THROUGH 8, AND TRACTS 15 THROUGH 24, BLOCK 62, PALM BEACH FARMS COMPANY PLAT # 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY.

TOGETHER WITH (1) 30 FOOT ABANDONED RIGHT OF WAY LYING BETWEEN TRACTS 8 & 9 (LESS NORTH 30 FEET) AND TRACTS 15 & 16, AND (2) 30 FOOT ABANDONED RIGHT OF WAY LYING SOUTH OF TRACTS 1-7-24 (LESS EAST 29 FEET) AND THAT PART OF THE 30 FOOT RIGHT OF WAY LOCATED IN BLOCK 62 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE NORTH BY A LINE BEING CONNECTED FROM THE SOUTHEAST CORNER OF TRACT 16 TO THE SOUTHWEST CORNER OF TRACT 17, BOUNDED ON THE EAST BY A LINE BEING CONNECTED FROM THE SOUTHWEST CORNER OF TRACT 17 TO THE NORTHWEST CORNER OF TRACT 33, BOUNDED ON THE SOUTH BY A LINE BEING CONNECTED FROM THE NORTHWEST CORNER OF TRACT 33 TO THE NORTHEAST CORNER OF TRACT 33, BOUNDED ON THE WEST BY A LINE BEING CONNECTED FROM THE NORTHEAST CORNER OF TRACT 33 TO THE SOUTHEAST CORNER OF TRACT 16

AND EXCLUDING THEREFROM THE EAST 29 FEET OF TRACTS 1 & 24 (LYONS ROAD RIGHT OF WAY) AND NORTH 30 FEET OF TRACTS 1-8 LAKE WORTH DRAINAGE DISTRICT – LATERAL CANAL NO. 28)



Scale (approx.): 9" = 1 mile

EXHIBIT "B"

SCHEDULE TO BENEFICIAL INTERESTS IN PROPERTY

Tenant is only required to identify five percent (5%) or greater beneficial interest holders. If none, so state. Tenant must identify individual owners. If, by way of example, Tenant is wholly or partially owned by another entity, such as a corporation, Tenant must identify such other entity, its address and percentage interest, as well as such information for the individual owners of such other entity.

NAME	ADDRESS	PERCENTAGE OF INTEREST
Peter F. Pero IV	14095 State Rd 7, Delray Beach, FL	31%
Frank Pero	14095 State Rd 7, Delray Beach, FL	23%
Charles Pero	14095 State Rd 7, Delray Beach, FL	23%
Angela Pero	14095 State Rd 7, Delray Beach, FL	23%

BUDGET AVAILABILITY STATEMENT

REQUEST DATE: 4/28/2016 REQUESTED BY: Richard C. Bogatin PHONE: 561.233.0214
FAX: 561.233.0210

PROJECT TITLE: Pero/York 3rd Amendment (exercising Option 2 of 2)

PROJECT NO.: 2016-5.006

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	____	____	____	____	____
Operating Costs	____	____	____	____	____
External Revenues	<$15,215.51>	<$135,455.00>	<$135,455.00>	<$135,455.00>	<$135,455.00>
Program Income (County)	____	____	____	____	____
In-Kind Match (County	____	____	____	____	____
NET FISCAL IMPACT	<$15,215.51>	<$135,455.00>	<$135,455.00>	<$135,455.00>	<$135,455.00>
# ADDITIONAL FTE POSITIONS (Cumulative)	____	____	____	____	____

** *By signing this BAS your department agrees to these staff costs and your account will be charged upon receipt of this BAS by FD&O. Unless there is a change in the scope of work, no additional staff charges will be billed.*

BUDGET ACCOUNT NUMBER
FUND: 1272 DEPT: 800 UNIT: 8011 OBJ: 6225
SUB OBJ:

IS ITEM INCLUDED IN CURRENT BUDGET: YES X NO ____

IDENTIFY FUNDING SOURCE FOR EACH ACCOUNT: (check *all* that apply)

☐ Ad Valorem (source/type: _____)
☐ Non-Ad Valorem (source/type: _____)
☐ Grant (source/type: _____)
☐ Park Improvement Fund (source/type: _____)
☐ General Fund ☐ Operating Budget ☐ Federal/Davis Bacon
☐ _____ ☐ _____ ☐ _____

SUBJECT TO IG FEE? ☐ ***YES*** ☐ ***NO***

Department: Environmental Resources Management

BAS APPROVED BY: Sue Neary DATE: 4/29/16

C:\Users\sneary\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\QVZ00YWZ\BAS revenue_expense (031110) WIN 7 #2.docx

Attachment 3
1 pg

EXHIBIT "E"

DISCLOSURE OF BENEFICIAL INTEREST

TO: PALM BEACH COUNTY CHIEF OFFICER, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Angela Pero, hereinafter referred to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the President (position - i.e. president, partner, trustee) of Pero Family Farms, LLC (name and type of entity - i.e. ABC Corporation, XYZ Limited Partnership), (the "Tenant") which entity is the lessee of the real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 14095 State Rd 7, Delray Beach FL 33446.

3. Attached hereto, and made a part hereof, as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent (5%) or greater beneficial interest in the Tenant and the percentage interest of each such person or entity.

4. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

5. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete, and will be relied upon by Palm Beach County relating to its lease of the Property.

FURTHER AFFIANT SAYETH NAUGHT.

_____, Affiant

Print Affiant Name: Angela Pero

The foregoing instrument was sworn to, subscribed and acknowledged before me this 27 day of April, 2016, by Angela Pero [✓] who is personally known to me or [ ] who has produced _____ as identification and who did take an oath.

Christine A Palermo
Notary Public

CHRISTINE A. PALERMO
MY COMMISSION # FF 040163
EXPIRES: August 17, 2017
Bonded Thru Notary Public Underwriters

_____
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires:

Attachment 4
4 pgs
1 of 4

EXHIBIT "A"
Page 1 of 2
THE "PREMISES"

272 Acre Parcel
Legal Description

TRACT 29, LESS THE EAST 30 FEET FOR LYONS ROAD RIGHT OF WAY; TRACTS 30 THROUGH 33, AND THE E1/2 OF THE 30 FOOT ABANDONED RIGHT OF WAY WEST OF AND ADJACENT TO TRACT 33; TRACT 41, TOGETHER WITH THE E1/2 OF THE 30 FOOT ABANDONED RIGHT OF WAY LYING WEST OF AND ADJACENT TO TRACT 41 AND TRACTS 42 THROUGH 48, LESS THE EAST 30 FEET OF TRACT 48 FOR LYONS ROAD RIGHT OF WAY, IN BLOCK 62 OF PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

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and

TRACT 10 (LESS THE NORTH THIRTY FEET), TRACT 11 (LESS THE NORTH THIRTY FEET), TRACT 12 (LESS THE NORTH THIRTY FEET AND WEST FORTY FEET), TRACT 13 (LESS THE WEST FORTY FEET), TRACT 14, TRACT 15, TRACT 34, TRACT 35 (LESS THE WEST FORTY FEET),

ALL OF

WHICH ARE LOCATED IN BLOCK 62 IN PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT, RECORDED IN PLAT BOOK 2 AT PAGES 45 TO 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

TOGETHER WITH

THAT THIRTY FOOT PLATTED ROAD RIGHT OF WAY, ABANDONED BY PALM BEACH COUNTY RESOLUTION R73-263 AND RECORDED IN OFFICIAL RECORD BOOK 2078, PAGE 0318, LYING EAST AND WEST LYING BETWEEN THE FOLLOWING PARCELS OF LAND:

TRACT 12 (LESS THE WEST FORTY FEET), TRACT 11 AND TRACT 10, ON THE NORTH AND TRACT 34, TRACT 35, AND TRACT 35 (LESS THE WEST FORTY FEET) ON THE SOUTH

ALL OF WHICH ARE LOCATED IN BLOCK 62 IN PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT, RECORDED IN PLAT BOOK 2 AT PAGES 45 TO 54, ALL THE ABOVE BEING IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

and

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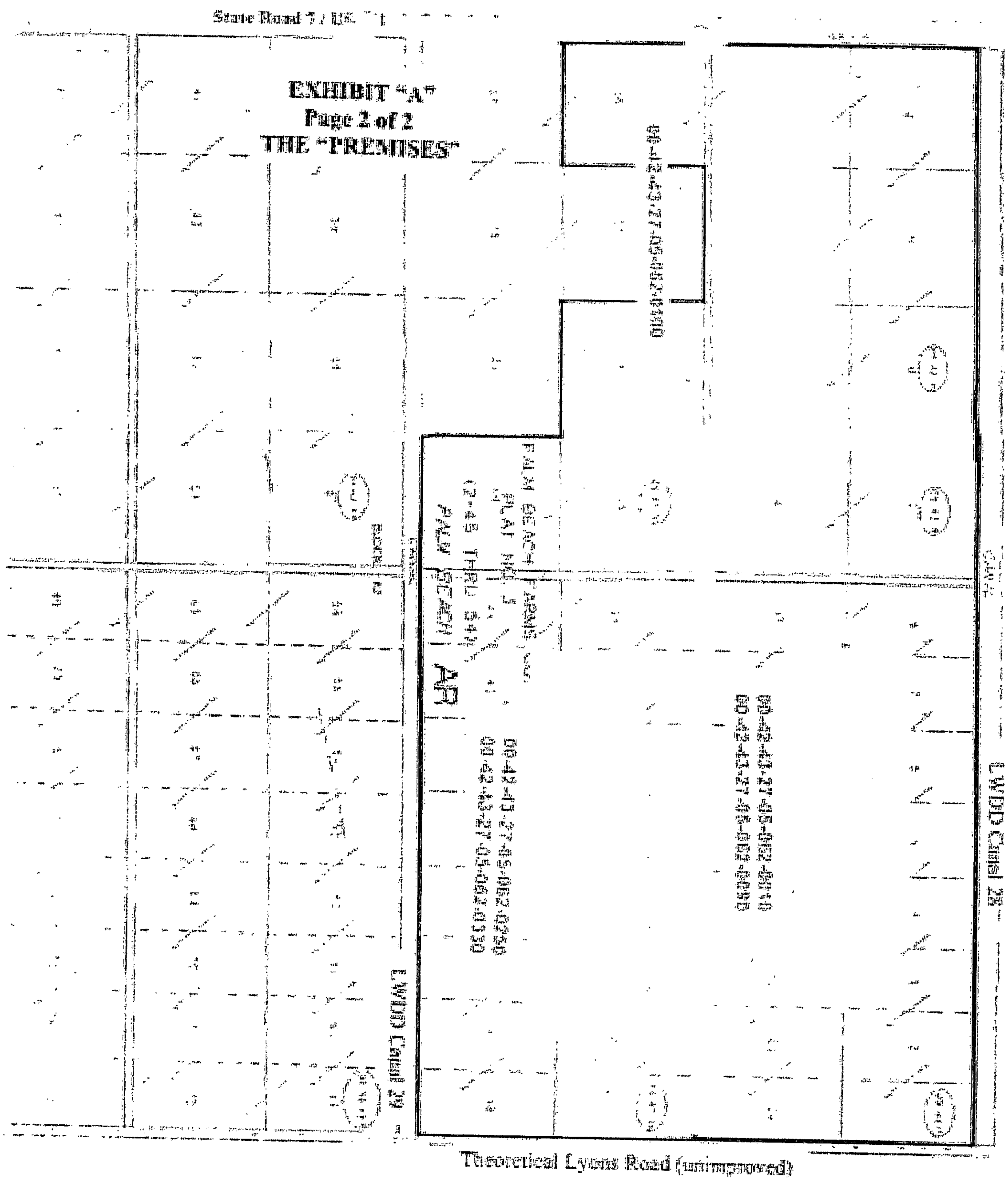

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SCHEDULE TO BENEFICIAL INTERESTS IN PROPERTY

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NAME	ADDRESS	PERCENTAGE OF INTEREST
Peter F. Pero IV	14095 State Rd 7, Delray Beach, FL	31%
Frank Pero	14095 State Rd 7, Delray Beach, FL	23%
Charles Pero	14095 State Rd 7, Delray Beach, FL	23%
Angela Pero	14095 State Rd 7, Delray Beach, FL	23%

Pero Family Farms, LLC
14095 State Road 7
Delray Beach, FL 33446

February 16, 2016

VIA OVERNIGHT DELIVERY

Property & Real Estate Management Division
Attn: Director
2633 Vista Parkway
West Palm Beach, FL 33411-5605

Palm Beach Soil & Water Conservation District
Attn: Administrator
420 S. State Road 7, Suite 162
Royal Palm Beach, FL 33414

Re: Lease Agreement dated September 22, 2001, as amended (collectively, the **"Lease"),** by and between Palm Beach County, a political subdivision of the State of Florida **("County")** and Pero Family Farms, LLC, a Florida limited liability company, successor by conversion to Pero Family Farms, Inc., a Florida corporation **("Tenant")** [ALL INITIAL CAPITALIZED TERMS USED HEREIN SHALL HAVE THE SAME MEANING AS SET FORTH IN THE LEASE UNLESS OTHERWISE PROVIDED HEREIN]

Ladies and Gentlemen:

This letter constitutes Tenant's official notice to the County pursuant to Section 1.03 of the Lease, that Tenant hereby elects to renew the Lease for the second (2nd) renewal period of five (5) years (i.e., from August 21, 2016 - August 20, 2021). Pursuant to Section 1.03 of the Lease, the County is hereby requested to evidence its approval of such renewal by signing the acknowledgement set forth below, and returning same to the undersigned as soon as possible.

Should you have any questions, please do not hesitate to contact the undersigned at (561) 498- 5771 x2903.

Sincerely,

Pero Family Farms, LLC, a Florida limited liability company

By: _____
Name: Angelo Pero
Title: President

cc: Via Overnight Mail

FEDX'D 2-17-16

Attachments
1 of 2

Palm Beach County
Attn: County Attorney
301 North Olive Avenue, Suite 603
West Palm Beach, FL 33401-4791

Via E-Mail
Richard Giusto, Esq. (giustor@gtlaw.com)
Danielle Gonzalez, Esq. (gonzalezda@gtlaw.com)

APPROVED BY PALM BEACH COUNTY,
A POLITICAL SUBDIVISION OF THE
STATE OF FLORIDA, THIS_____DAY
OF_____, 2016

By: _____
Name: _____
Title: _____

FISCAL IMPACT CALCULATIONS

Thursday, 4/28/16, page 1 of 1 /
Pero Family Farms 3rd Amendment/ Consent to Option 2 of 2.

A. Five Year Summary of Fiscal Impact:

Fiscal Years	**2016**	**2017**	**2018**	**2019**	**2020**
Capital Expenditures					
Operating Costs					
External Revenues	<$15,215.51>	<$135,455.00>	<$135,455.00>	<$135,455.00>	<$135,455.00>
Program Income (County)					
In-Kind Match (County					
NET FISCAL IMPACT	**<$15,215.51>**	**<$135,455.00>**	**<$135,455.00>**	**<$135,455.00>**	**<$135,455.00>**
# ADDITIONAL FTE POSITIONS (Cumulative)					

**assumes no increases in Rent*

For FY16:

A Leased Premise reduction of 1.09 acres was approved in the Second Amendment to the Lease Agreement. Rent for the current term expiring 8/20/16 was collected for the entire year in September of 2015.

Term 8/21/16 thru 9/30/16= 41 days, Annual Rent $135,455 div 365= $371.11 per day
$371.11 x 41 days = $15,215.51-

TOTAL FY16=$15,215.51

For FY17 /FY18 / FY19 / FY20:
Rent is $135,455/year: 270.91 acres x $500.00/acre = 135,455.00
TOTAL FY17 / FY18 / FY19 / FY20 = $135,455.00