



ENVIRONMENTAL RESOURCE
PERMIT APPLICATION

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
2379 BROAD STREET • BROOKSVILLE, FL 34604-6899
(352) 796-7211 OR FLORIDA WATS 1 (800) 423-1476

**SECTION K
SUPPLEMENTAL INFORMATION
FOR HOMEOWNER OR PROPERTY OWNER ASSOCIATION DOCUMENTS**

This form is required as part of the draft Articles of Incorporation and Declaration of Covenants submitted to the District. The Homeowners' Association or Property Owners' Association Documents must contain all information required by Section 2.6 of the Basis of Review. Please complete the form and submit this form together with the draft Homeowners' Association or Property Owners' Association Documents. The final recorded copy of the Articles of Incorporation and Declaration of Covenants must be consistent with the draft approved by the District during the permit application review process and submitted in accordance with Section 2.6.2.2.1 of the Basis of Review for Environmental Resource Permitting.

S.W.F.W.M.D. Permit No. _____ . ____

Project Name: _____

County: _____

The (check one): ___ Homeowners' or ___ Property Owners' or ___ Condominium or ___ Community or ___ Master Association has the following general powers and attributes set forth in the Articles of Incorporation or other documents on the page numbers indicated. The association must comply with Florida law, including but not limited to Chapters 617, 718 and 719, F.S., as applicable. The association must reference the appropriate chapter under which the documents have been filed.

2.6.2.2.4 BOR

1. a. All the powers set forth in Section 617, F.S.

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b. All the powers set forth in Section 718, F.S.

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OR

c. The power to:

- Own and convey property;
- Establish rules and regulations;
- Assess members and enforce assessments;
- Sue and be sued;
- Contract for services to provide operation and maintenance of the surface water management system facilities if the association contemplates employing a maintenance company;
- Require all lot owners, parcel owners, or unit owners to be members;
- Take any other action necessary for the purposes for which the association is organized;
- Require all lot owners, parcel owners, or unit owners to be members.

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2. The Association will operate and maintain common property, specifically the surface water management system facilities, including all inlets, ditches, swales, culverts, water control structures, retention and detention areas, ponds, lakes, floodplain compensation areas, wetlands and any associated buffer areas, and wetland mitigation areas.

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3. The Association will exist in perpetuity; however, the articles of incorporation shall provide that if the association is dissolved, the control or right of access to the property containing the surface water management system facilities shall be conveyed or dedicated to an appropriate governmental unit or public utility and that if not accepted, then the surface water management system facilities shall be conveyed to a non-profit corporation similar to the association.

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NOTE: The articles of incorporation of a master association in existence as of July 28, 1999, shall not be amended to include the provisions required by section 2.6.2.2.4 if the master association is proposed as the operation and maintenance entity for a new phase of a multi-phase project. However, a copy of the association’s articles of incorporation shall be submitted with the permit application for construction of the new phase.

The following covenants and restrictions are contained in the Declaration of Protective Covenants, Declaration of Condominium, Deed Restrictions on the page numbers indicated:

2.6.2.2.5 BOR

4. The declaration of protective covenants, deed restrictions or declaration of condominium shall provide all of the following:

- b. A definition for the term “surface water management system facilities” substantially as follows:
The surface water management system facilities shall include, but are not limited to: all inlets, ditches, swales, culverts, water control structures, retention and detention areas, ponds, lakes, floodplain compensation areas, wetlands and any associated buffer areas, and wetland mitigation areas.
- c. The surface water management system facilities are located on land that is designated common property on the plat, are located on land that is owned by the association, or located on land that is subject to an easement in favor of the association and its successors.
- d. No construction activities may be conducted relative to any portion of the surface water management system facilities. Prohibited activities include, but are not limited to: digging or excavation; depositing fill, debris or any other material or item; constructing or altering any water control structure; or any other construction to modify the surface water management system facilities. If the project includes a wetland mitigation area, as defined in section 1.7.24, or a wet detention pond, no vegetation in these areas shall be removed, cut, trimmed or sprayed with herbicide without specific written approval from the District. Construction and maintenance activities that are consistent with the design and permit conditions approved by the District in the Environmental Resource Permit may be conducted without specific written approval from the District.
- e. The association is responsible for operation and maintenance of the surface water management system facilities. Operation and maintenance and reinspection reporting shall be performed in accordance with the terms and conditions of the Environmental Resource Permit.
- f. All the lot owners, parcel owners or, unit owners must be members of the association.
- g. A method of assessing funds and collecting the assessed funds by the association for operation, maintenance and replacement of the surface water management system facilities.
- h. The District has the right to take enforcement measures, including a civil action for injunction and/or penalties, against the association to compel it to correct any outstanding problems with the surface water management system facilities.
- i. Any amendment of the declaration of protective covenants, deed restrictions or declaration of condominium affecting the surface water management system facilities or the operation and maintenance of the surface water management system facilities shall have the prior written approval of the District.
- j. The restriction shall be in effect for at least 25 years with automatic renewal periods thereafter.
- k. If the association ceases to exist, all of the lot owners, parcel owners or unit owners shall be jointly and severally responsible for the operation and maintenance of the surface water management system facilities in accordance with the requirements of the Environmental Resource Permit, unless and until an alternate entity assumes responsibility as explained in subsection 2.6.2.2.4.h.
- l. For project which have on-site wetland mitigation as defined in section 1.7.24 which requires ongoing monitoring and maintenance, the declaration of protective covenants, deed restrictions or declaration of condominium shall include a provision requiring the association to allocate sufficient funds in its budget for monitoring and maintenance of the wetland mitigation area(s) each year until the District determines that the area(s) is successful in accordance with the Environmental Resource Permit.

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If the project is a phased project or has independent associations the following powers and duties are contained in the documents:

5. The Master Association has the power to accept into the association subsequent phases, that will utilize the same surface water management system; OR	Page No. _____
6. a. The documents provide that independent associations have the right to utilize the permitted surface water management system; b. The documents delineate maintenance responsibilities between the independent association; c. Cross easements for drainage, and ingress and egress for maintenance, copies of which are attached, have been granted between all independent associations utilizing the surface water management system.	Page No. _____ Page No. _____ Page No. _____

Prepared by:

Print Name and Title