

**RECORD AND RETURN TO:**

Return to: (enclose self-addressed stamped envelope)

**Name:**  
Michael S. Sheitelman, Esq.

**Address:**  
G.L. Homes of Boca Raton Associates IV, Ltd.  
1401 University Drive, Suite 200  
Coral Springs, Florida 33071

**This Instrument Prepared by:**  
Michael S. Sheitelman, Esq.  
G.L. Homes of Florida  
1401 University Drive, Suite 200  
Coral Springs, Florida 33071

**CAROL D. HOLLER, CLAS**  
HUDEN, McCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.  
POST OFFICE BOX 1900  
FORT LAUDERDALE, FLORIDA 33302



01/30/2003 16:31:37 20030055680  
OR BK 14736 PG 1008  
Palm Beach County, Florida

SPACE ABOVE THIS LINE FOR PROCESSING DATA

**SECOND AMENDMENT TO DECLARATION OF COVENANTS,  
RESTRICTIONS AND EASEMENTS FOR SATURNIA ISLES**

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR SATURNIA ISLES ("Second Amendment") is made as of the 6<sup>th</sup> day of January, 2003, by G.L. HOMES OF BOCA RATON ASSOCIATES IV, LTD., a Florida limited partnership ("Declarant"), whose principal office is located at 1401 University Drive, Suite 200, Coral Springs, Florida 33071-6039, and joined in by SATURNIA ISLES HOMEOWNERS ASSOCIATION, INC., a Florida corporation not-for-profit ("Association"), whose principal office is located at 1401 University Drive, Suite 200, Coral Springs, Florida 33071-6039.

WHEREAS, Declarant has executed and recorded that certain "Declaration of Covenants, Restrictions and Easements for Saturnia Isles" ("Original Declaration") dated January 1, 2002 and recorded January 16, 2002 in Official Records Book 13315, Page 1346, as the same was amended by that certain First Amendment to Declaration of Covenants, Restrictions and Easements for Saturnia Isles dated March 1, 2002 and recorded April 5, 2002 in Official Records Book 13578, Page 931 ("First Amendment"), all of the Public Records of Palm Beach County, Florida (the Original Declaration and the First Amendment are referred to herein collectively as the "Declaration"); and

WHEREAS, the Declaration provides in Article XIII, Section 8, Paragraph 1 that prior to the "Turnover Date" Declarant may amend the Declaration without the requirement of the consent of the Association or the "Owners" so long as such amendment does not materially impair the common plan of development of "Saturnia Isles" (as such terms are defined in the Declaration); and

WHEREAS, Article XIII, Section 8, Paragraph 1 of the Declaration also provides that the Association shall, upon the request of the Declarant, join in any such amendment; and

WHEREAS, the Turnover Date has not occurred as of the date first above written; and

WHEREAS, the changes to the Declaration set forth in this Second Amendment do not materially impair the common plan of development of Saturnia Isles; and

WHEREAS, Declarant requests the joinder and consent of the Association.

NOW, THEREFORE, Declarant hereby declares that the Declaration is hereby amended as follows:

1. The foregoing recitations are true and correct and are incorporated herein by reference. Unless otherwise defined herein, each term defined in the Declaration and used herein shall have its meaning as defined in the Declaration.

2. The second paragraph of Article III, Section 6 is hereby amended by adding the following language at the end thereof:

Without limitation, the Association shall accept all Streets, Drives, Roads, Roadways and sidewalks, including, without limitation, all gutters and curbs located within and adjacent to said Streets, Drives, Roads, Roadways and sidewalks, all as installed by Declarant provided the Streets, Drives, Roads, Roadways, sidewalks, gutters and curbs perform their intended purposes. The Association hereby further acknowledges and agrees that small cracks in, and the ponding or collection of water following periods of rain upon, the Streets, Drives, Roads, Roadways, sidewalks, gutters and curbs are all normal occurrences, and such cracks and ponding shall not be considered to be defects or deficiencies of any kind whatsoever.

3. The last paragraph of Article IV is hereby deleted in its entirety and the following language is hereby inserted in place thereof:

In addition, the easement rights granted or reserved by Declarant hereunder are not to be construed as creating an affirmative obligation to act on the part of Declarant.

4. The reference to "forty-eight inches (48")" in the third sentence of Article VIII, Section 2, Paragraph D is hereby amended to read "sixty inches (60")."

5. The following paragraph is hereby inserted into the Declaration as a continuation of the last paragraph in Article IX, Section 1.B:

In the event the Association fails to maintain the Drainage System in accordance with this Declaration and/or the "South Florida Permit" (as hereinafter defined), then the South Florida Water Management District shall have the right to commence an action against the Association, including, without limitation, monetary penalties and injunctive relief, to compel the Association to maintain the Drainage System in accordance with this Declaration and/or the South Florida Permit.

6. Article IX, Section 1, Paragraph D is hereby deleted in its entirety and the following language is hereby inserted in place thereof:

The Association shall be responsible for the maintenance, repair and replacement of any street lights located in Saturnia Isles; the maintenance and repair of the irrigation system and sod located between the eastern edge of Lake Worth Drainage Canal E-1 and the western boundary of Saturnia Isles; the landscaping and sod in the lot focal point easements designated on the Plat and Additional Plat (affecting Lots 76 and 77, and Lots 133 and 134); the landscaping and sod in the cul-de-sac focal points as designated on the Plat and Additional Plat which are located in the roadways within the Community; the Improvements, landscaping and sod on "Tract RT2" as designated on the Plat and/or Additional Plat lying immediately to the north of Lot 96; the Improvements, landscaping and sod on "Tract OS2" as designated on the Plat and/or Additional Plat lying

immediately to the east of Lot 95 and immediately to the west of Lots 96 and 97; the Improvements, landscaping and sod on "Tract OS1" as designated on the Plat and/or Additional Plat lying immediately to the east of Lots 156 through 158, inclusive, and immediately to the west of Lot 179; the Improvements, landscaping and sod on "Tract OS1" as designated on the Plat and/or Additional Plat lying immediately to the west of Lot 256; the Improvements, landscaping and sod on "Tract OS2" as designated on the Plat and/or Additional Plat lying immediately to the south of Lot 269 and immediately to the north of Lot 270; and the Improvements, landscaping and sod on "Tract OS1" as designated on the Plat and/or Additional Plat lying immediately to the east of Lot 356.

7. The Second paragraph of Article IX, Section 2, Paragraph B is hereby deleted in its entirety and the following language is hereby inserted in place thereof:

Except as otherwise specifically provided in Article IX, Section 1, Paragraph D above, Owners of Lots adjacent to an "OS" or open space tract shall be responsible for maintaining the sod located in the "OS" or open space tract to the middle line of the "OS" or open space tract. No Owner shall erect or install any Improvement or plantings other than sod in any "OS" or open space tract.

8. The following two (2) sentences are hereby inserted as the fifth (5<sup>th</sup>) and sixth (6<sup>th</sup>) sentences of the first paragraph of Article XIII, Section 6:

In addition, the Declarant hereby has, shall have and hereby reserves the right to enter upon the Association Property (including, without limitation, all drainage, lake maintenance, canal maintenance, and utility easements whether located on a Lot or Association Property) in order for Declarant to final-out and/or close-out any and all approvals, permits, orders, conditions and/or requirements that have been issued or imposed by any governmental entity in connection with the development and construction of Saturnia Isles and all Improvements therein, and for Declarant to comply and adhere to the same, and such rights shall survive the date of Turnover and continue for such period of time as is necessary for Declarant to fully comply with all such governmentally issued approvals, permits, orders, conditions and/or requirements. Without limiting the generality of the foregoing, in exercising any such rights, Declarant shall have the right to remove and/or relocate any and all items (including, without limitation, landscape materials, fences and/or other Improvements) that may be required to be removed and/or relocated to final-out and/or close-out any and all such approvals, permits, orders, conditions and/or requirements without compensation to the Association or the Owners.

9. The last sentence of the first (1<sup>st</sup>) paragraph of Article XIII, Section 6 is hereby deleted in its entirety and the following sentence is hereby inserted in place thereof:

The rights and privileges of the Declarant as set forth in this Section 6 are in addition to, and are no way a limit on, any other rights or privileges of the Declarant under any of the Saturnia Isles Documents.

10. South Florida Water Management District Permit No. 50-04693-P ("South Florida Permit") is hereby inserted into the Declaration as Exhibit "D" thereto, and copies of the South Florida Permit shall be maintained by the Association's Registered Agent for the Association's benefit.

11. This Amendment shall become effective upon recording amongst the Public Records of Palm Beach County, Florida.

12. As modified hereby, the Declaration shall remain in full force and effect in accordance with the terms thereof.

IN WITNESS WHEREOF, this Second Amendment has been signed by Declarant and joined in by the Association as of the date first written above.

**DECLARANT:**

G.L. HOMES OF BOCA RATON ASSOCIATES IV, LTD., a Florida limited partnership

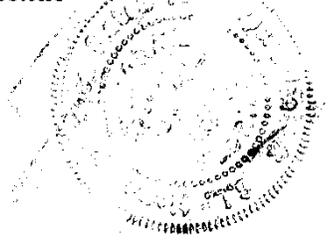
By: G.L. HOMES OF BOCA RATON IV CORPORATION, a Florida corporation, its general partner

By: [Signature]  
Name: Richard A. Costello  
Title: Vice President

**WITNESSES AS TO DECLARANT:**

[Signature]  
Signature  
Print Name MICHAEL SHEITELMAN

[Signature]  
Signature  
Print Name Annette Arroyo



**ASSOCIATION:**

SATURNIA ISLES HOMEOWNERS ASSOCIATION, INC, a Florida corporation not for profit

By: [Signature]  
Name: Tandra Wolfe  
Title: President

**WITNESSES AS TO ASSOCIATION:**

[Signature]  
Signature  
Print Name Neal Franklin

[Signature]  
Signature  
Print Name Giuseppe Magri

STATE OF FLORIDA )  
 ) SS  
COUNTY OF BROWARD )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Richard A. Costello, as Vice President of G.L. Homes of Boca Raton IV Corporation, a Florida corporation, the general partner of G.L. HOMES OF BOCA RATON ASSOCIATES IV, LTD., a Florida limited partnership, freely and voluntarily under authority duly vested in him by said corporation and limited partnership. He is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this 17 day of January, 2003.

Carol DeLuca  
Notary Public, State of Florida at Large

My Commission Expires:

Typed, Printed or Stamped Name of Notary Public



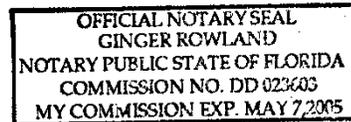
STATE OF FLORIDA )  
 ) SS  
COUNTY OF PALM BEACH )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Tandra Wolfe, as President of SATURNIA ISLES HOMEOWNERS ASSOCIATION, INC., a Florida corporation not for profit, freely and voluntarily under authority duly vested in her by said corporation. She is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this 15<sup>th</sup> day of January, 2003.

Ginger Rowland  
Notary Public, State of Florida at Large  
Ginger Rowland  
Typed, Printed or Stamped Name of Notary Public

My Commission Expires:





FORM #0145  
Rev. 08/95

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE PERMIT NO. 50-04693-P  
DATE ISSUED: NOVEMBER 9, 2000**

**PERMITTEE:** G L HOMES OF BOCA RATON ASSOCIATES IV LTD  
(SATURNIA ISLES)  
G L HOMES OF BOCA RATON IV CORPORATION, 1401 UNIVERSITY DRIVE SUITE 200  
CORAL SPRINGS, FL 33071

**PROJECT DESCRIPTION:** AUTHORIZATION FOR CONCEPTUAL APPROVAL OF AN ENVIRONMENTAL RESOURCE PERMIT OF A SURFACE WATER MANAGEMENT SYSTEM TO SERVE A 190.14 ACRE RESIDENTIAL DEVELOPMENT KNOWN AS SATURNIA ISLES AND CONSTRUCTION APPROVAL FOR ALL WETLAND IMPACTS, WETLAND MITIGATION AND WORK AFFECTING OTHER SURFACE WATERS.

**PROJECT LOCATION:** PALM BEACH COUNTY SECTION 19-30 TWP 46S RGE 42E

**PERMIT DURATION:** Five years to complete construction of the surface water management system from the date issued. Conceptual Approval is valid for two years from the date issued. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit is issued pursuant to Application No. 000707-16, dated June 29, 2000. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes (F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S., between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit may be transferred pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.351(1), (2), and (4), F.A.C.

This Permit shall be subject to the General Conditions set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and the Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit. All activities authorized by this Permit shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

**SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:**

SEE PAGES	2 - 4	OF	7	(16 SPECIAL CONDITIONS).
SEE PAGES	5 - 7	OF	7	(19 GENERAL CONDITIONS).

FILED WITH THE CLERK OF THE SOUTH  
FLORIDA WATER MANAGEMENT DISTRICT

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, BY ITS GOVERNING BOARD

ON 17-Nov-2000

BY Jennifer Krumlauf  
DEPUTY CLERK

By [Signature]  
ASSISTANT SECRETARY

## SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION: 21.3 FEET NGVD.
2. MINIMUM ROAD CROWN ELEVATION: 17.5 FEET NGVD.
3. DISCHARGE FACILITIES:  
STRUCTURE NO. 1:  
1-6' WIDE SHARP CRESTED WEIR WITH CREST AT ELEV. 20.3' NGVD.  
1-1.5' W X 1' H X 74 DEG. TRIANGULAR ORIFICE WITH INVERT AT ELEV. 16' NGVD.  
80 LF OF 3' DIA. RCP CULVERT.  
  
RECEIVING BODY : L-35  
  
CONTROL ELEV : 16 FEET NGVD.  
  
STRUCTURE NO. 2:  
1-6' WIDE SHARP CRESTED WEIR WITH CREST AT ELEV. 20.3' NGVD.  
1-1.5' W X 1' H X 74 DEG. TRIANGULAR ORIFICE WITH INVERT AT ELEV. 16' NGVD.  
80 LF OF 3' DIA. RCP CULVERT.  
  
RECEIVING BODY : L-36  
  
CONTROL ELEV : 16 FEET NGVD.  
  
STRUCTURE NO. 3:  
1-6' WIDE SHARP CRESTED WEIR WITH CREST AT ELEV. 20.3' NGVD.  
1-1.5' W X 1' H X 74 DEG. TRIANGULAR ORIFICE WITH INVERT AT ELEV. 16' NGVD.  
80 LF OF 3' DIA. RCP CULVERT.  
  
RECEIVING BODY : L-36  
  
CONTROL ELEV : 16 FEET NGVD.
4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION, SHOALING OR WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT ADDITIONAL WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
7. LAKE SIDE SLOPES SHALL BE NO STEEPER THAN 4:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE NURTURED OR PLANTED FROM 2 FEET BELOW TO 1 FOOT ABOVE CONTROL ELEVATION TO INSURE VEGETATIVE GROWTH.
8. FACILITIES OTHER THAN THOSE STATED HEREIN SHALL NOT BE CONSTRUCTED WITHOUT AN APPROVED MODIFICATION OF THIS PERMIT.
9. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF SATURNIA ISLES HOMEOWNERS ASSOCIATION INC.. THE PERMITTEE SHALL SUBMIT A COPY OF

THE RECORDED DEED RESTRICTIONS (OR DECLARATION OF CONDOMINIUM, IF APPLICABLE), A COPY OF THE FILED ARTICLES OF INCORPORATION, AND A COPY OF THE CERTIFICATE OF INCORPORATION FOR THE HOMEOWNERS ASSOCIATION CONCURRENT WITH THE ENGINEERING CERTIFICATION OF CONSTRUCTION COMPLETION.

10. ANY FUTURE CHANGES IN LAND USE OR TREATMENT OF WETLANDS AND/OR UPLAND BUFFER/COMPENSATION AREAS MAY REQUIRE A SURFACE WATER MANAGEMENT PERMIT MODIFICATION AND ADDITIONAL ENVIRONMENTAL REVIEW BY DISTRICT STAFF. PRIOR TO THE PERMITTEE INSTITUTING ANY FUTURE CHANGES NOT AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL NOTIFY THE SFWMD OF SUCH INTENTIONS FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
11. ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE WETLAND MITIGATION, MONITORING AND MAINTENANCE SHALL BE IN ACCORDANCE WITH THE FOLLOWING WORK SCHEDULE. ANY DEVIATION FROM THESE TIME FRAMES SHALL REQUIRE FORMAL SFWMD APPROVAL. SUCH REQUESTS MUST BE MADE IN WRITING AND SHALL INCLUDE (1) REASON FOR THE MODIFICATION; (2) PROPOSED START/FINISH DATES; AND (3) PROGRESS REPORT ON THE STATUS OF THE EXISTING MITIGATION EFFORTS.

COMPLETION DATE	ACTIVITY
DECEMBER 11, 2000	SUBMIT PAYMENT OF \$91,019.95 TO PALM BEACH COUNTY
JANUARY 11, 2001	SUBMIT RECEIPT OF PAYMENT TO PALM BEACH COUNTY ERM IN THE AMOUNT OF \$91,019.95

12. IF THE PROJECT DESIGN IS CHANGED AS A RESULT OF OTHER AGENCY REQUIREMENTS, AN ENVIRONMENTAL RESOURCE PERMIT MODIFICATION MAY BE REQUIRED. THE PERMITTEE SHALL NOTIFY SFWMD STAFF OF DESIGN CHANGES REQUIRED BY OTHER AGENCIES FOR A DETERMINATION OF ANY NECESSARY PERMIT MODIFICATIONS.
13. THE PERMITTEE SHALL REMIT TO PALM BEACH COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT WITHIN THIRTY (30) DAYS OF ISSUANCE OF THIS PERMIT, A CHECK FOR ACQUISITION, ENHANCEMENT AND LONG TERM MANAGEMENT OF 6.79 ACRES OF WETLANDS LOCATED IN UNIT 11, PALM BEACH COUNTY. THE CHECK SHALL BE IN THE AMOUNT OF \$91,019.95 AND SHALL BE MADE PAYABLE TO THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS.
14. THE PERMITTEE SHALL SUBMIT TO THE DISTRICT'S POST PERMIT COMPLIANCE STAFF IN THE ENVIRONMENTAL RESOURCE COMPLIANCE DEPARTMENT WITHIN THIRTY (30) DAYS OF PAYMENT, VERIFICATION OF PAYMENT ACCEPTANCE BY PALM BEACH COUNTY FOR THE ACQUISITION, ENHANCEMENT AND LONG TERM MANAGEMENT OF 6.79 ACRES OF FRESHWATER WETLANDS LOCATED IN UNIT 11, PALM BEACH COUNTY. THE MITIGATION PAYMENT AND SUBMITTAL TO THE DISTRICT OF RECEIPT OF THE MITIGATION PAYMENT SHALL BE MADE PRIOR TO COMMENCEMENT OF WETLAND IMPACTS AT THE PROJECT SITE.
15. THE SLIDE GATES PROPOSED FOR THE CONTROL STRUCTURES SHALL REMAIN CLOSED AT ALL TIMES UNLESS SPECIFIC APPROVAL IS GRANTED BY THE LAKE WORTH DRAINAGE DISTRICT FOR THEIR OPERATION. AT NO TIME SHALL THE GATES BE OPERATED TO BYPASS THE WATER QUALITY DETENTION REQUIREMENTS FOR THE PROJECT OR TO LOWER THE LAKE LEVELS BELOW THE PERMITTED CONTROL ELEVATION. IF FOR WHATEVER REASON IT IS DETERMINED THAT THE PERMITTEE IS NOT COMPLYING WITH THE DIRECTIVES OF THE LAKE WORTH DRAINAGE DISTRICT, AND/OR, IS OPERATING THE STRUCTURES CONTRARY TO THEIR INTENDED PURPOSE AS AN EMERGENCY OUTFLOW (WHEN LWDD CANAL CONDITIONS ALLOW), THE STRUCTURES SHALL BE MODIFIED TO PERMANENTLY PREVENT THEIR USE. IN ADDITION, THE SLIDE GATES SHALL BE EQUIPPED WITH A LOCK MECHANISM TO PREVENT UNAUTHORIZED USE, AND A STAFF GAGE SHALL BE INSTALLED UPSTREAM OF THE STRUCTURES SO THAT LAKE LEVELS WITHIN THE PROJECT CAN BE QUICKLY DETERMINED.
16. GRASS SEED, SOD OR MULCH SHALL BE INSTALLED AND MAINTAINED ON EXPOSED AREAS WITHIN

**BOOK 14736 PAGE 1016**

48 HOURS OF COMPLETING FINAL GRADE, AND AT OTHER TIMES AS NECESSARY, TO PREVENT EROSION, SEDIMENTATION OR TURBID DISCHARGE ONTO ADJACENT WETLANDS AND/OR SURFACE WATERS.

**NOT A CERTIFIED COPY**

## BOOK 14736 PAGE 1017

## GENERAL CONDITIONS

1. ALL ACTIVITIES AUTHORIZED BY THIS PERMIT SHALL BE IMPLEMENTED AS SET FORTH IN THE PLANS, SPECIFICATIONS AND PERFORMANCE CRITERIA AS APPROVED BY THIS PERMIT. ANY DEVIATION FROM THE PERMITTED ACTIVITY AND THE CONDITIONS FOR UNDERTAKING THAT ACTIVITY SHALL CONSTITUTE A VIOLATION OF THIS PERMIT AND PART IV, CHAPTER 373, F.S.
2. THIS PERMIT OR A COPY THEREOF, COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND MODIFICATIONS SHALL BE KEPT AT THE WORK SITE OF THE PERMITTED ACTIVITY. THE COMPLETE PERMIT SHALL BE AVAILABLE FOR REVIEW AT THE WORK SITE UPON REQUEST BY THE DISTRICT STAFF. THE PERMITTEE SHALL REQUIRE THE CONTRACTOR TO REVIEW THE COMPLETE PERMIT PRIOR TO COMMENCEMENT OF THE ACTIVITY AUTHORIZED BY THIS PERMIT.
3. ACTIVITIES APPROVED BY THIS PERMIT SHALL BE CONDUCTED IN A MANNER WHICH DOES NOT CAUSE VIOLATIONS OF STATE WATER QUALITY STANDARDS. THE PERMITTEE SHALL IMPLEMENT BEST MANAGEMENT PRACTICES FOR EROSION AND POLLUTION CONTROL TO PREVENT VIOLATION OF STATE WATER QUALITY STANDARDS. TEMPORARY EROSION CONTROL SHALL BE IMPLEMENTED PRIOR TO AND DURING CONSTRUCTION, AND PERMANENT CONTROL MEASURES SHALL BE COMPLETED WITHIN 7 DAYS OF ANY CONSTRUCTION ACTIVITY. TURBIDITY BARRIERS SHALL BE INSTALLED AND MAINTAINED AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATERBODY EXISTS DUE TO THE PERMITTED WORK. TURBIDITY BARRIERS SHALL REMAIN IN PLACE AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND SOILS ARE STABILIZED AND VEGETATION HAS BEEN ESTABLISHED. ALL PRACTICES SHALL BE IN ACCORDANCE WITH THE GUIDELINES AND SPECIFICATIONS DESCRIBED IN CHAPTER 6 OF THE FLORIDA LAND DEVELOPMENT MANUAL; A GUIDE TO SOUND LAND AND WATER MANAGEMENT (DEPARTMENT OF ENVIRONMENTAL REGULATION, 1988), INCORPORATED BY REFERENCE IN RULE 40E-4.091, F.A.C. UNLESS A PROJECT-SPECIFIC EROSION AND SEDIMENT CONTROL PLAN IS APPROVED AS PART OF THE PERMIT. THEREAFTER THE PERMITTEE SHALL BE RESPONSIBLE FOR THE REMOVAL OF THE BARRIERS. THE PERMITTEE SHALL CORRECT ANY EROSION OR SHOALING THAT CAUSES ADVERSE IMPACTS TO THE WATER RESOURCES.
4. THE PERMITTEE SHALL NOTIFY THE DISTRICT OF THE ANTICIPATED CONSTRUCTION START DATE WITHIN 30 DAYS OF THE DATE THAT THIS PERMIT IS ISSUED. AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ACTIVITY AUTHORIZED BY THIS PERMIT, THE PERMITTEE SHALL SUBMIT TO THE DISTRICT AN ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMMENCEMENT NOTICE FORM NO. 0960 INDICATING THE ACTUAL START DATE AND THE EXPECTED COMPLETION DATE.
5. WHEN THE DURATION OF CONSTRUCTION WILL EXCEED ONE YEAR, THE PERMITTEE SHALL SUBMIT CONSTRUCTION STATUS REPORTS TO THE DISTRICT ON AN ANNUAL BASIS UTILIZING AN ANNUAL STATUS REPORT FORM. STATUS REPORT FORMS SHALL BE SUBMITTED THE FOLLOWING JUNE OF EACH YEAR.
6. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE PERMITTED ACTIVITY, THE PERMITTEE SHALL SUBMIT A WRITTEN STATEMENT OF COMPLETION AND CERTIFICATION BY A REGISTERED PROFESSIONAL ENGINEER OR OTHER APPROPRIATE INDIVIDUAL AS AUTHORIZED BY LAW, UTILIZING THE SUPPLIED ENVIRONMENTAL RESOURCE PERMIT CONSTRUCTION COMPLETION/CONSTRUCTION CERTIFICATION FORM NO.0881. THE STATEMENT OF COMPLETION AND CERTIFICATION SHALL BE BASED ON ONSITE OBSERVATION OF CONSTRUCTION OR REVIEW OF ASBUILT DRAWINGS FOR THE PURPOSE OF DETERMINING IF THE WORK WAS COMPLETED IN COMPLIANCE WITH PERMITTED PLANS AND SPECIFICATIONS. THIS SUBMITTAL SHALL SERVE TO NOTIFY THE DISTRICT THAT THE SYSTEM IS READY FOR INSPECTION. ADDITIONALLY, IF DEVIATION FROM THE APPROVED DRAWINGS ARE DISCOVERED DURING THE CERTIFICATION PROCESS, THE CERTIFICATION MUST BE ACCOMPANIED BY A COPY OF THE APPROVED PERMIT DRAWINGS WITH DEVIATIONS NOTED. BOTH THE ORIGINAL AND REVISED SPECIFICATIONS MUST BE CLEARLY SHOWN. THE PLANS MUST BE CLEARLY LABELED AS "ASBUILT" OR "RECORD" DRAWING. ALL SURVEYED DIMENSIONS AND ELEVATIONS SHALL BE CERTIFIED BY A REGISTERED SURVEYOR.
7. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE: UNTIL THE PERMITTEE

- HAS COMPLIED WITH THE REQUIREMENTS OF CONDITION (6) ABOVE, HAS SUBMITTED A REQUEST FOR CONVERSION OF ENVIRONMENTAL RESOURCE PERMIT FROM CONSTRUCTION PHASE TO OPERATION PHASE, FORM NO.0920; THE DISTRICT DETERMINES THE SYSTEM TO BE IN COMPLIANCE WITH THE PERMITTED PLANS AND SPECIFICATIONS; AND THE ENTITY APPROVED BY THE DISTRICT IN ACCORDANCE WITH SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, ACCEPTS RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE SYSTEM. THE PERMIT SHALL NOT BE TRANSFERRED TO SUCH APPROVED OPERATION AND MAINTENANCE ENTITY UNTIL THE OPERATION PHASE OF THE PERMIT BECOMES EFFECTIVE. FOLLOWING INSPECTION AND APPROVAL OF THE PERMITTED SYSTEM BY THE DISTRICT, THE PERMITTEE SHALL INITIATE TRANSFER OF THE PERMIT TO THE APPROVED RESPONSIBLE OPERATING ENTITY IF DIFFERENT FROM THE PERMITTEE. UNTIL THE PERMIT IS TRANSFERRED PURSUANT TO SECTION 40E-1.6107, F.A.C., THE PERMITTEE SHALL BE LIABLE FOR COMPLIANCE WITH THE TERMS OF THE PERMIT.
8. EACH PHASE OR INDEPENDENT PORTION OF THE PERMITTED SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO THE INITIATION OF THE PERMITTED USE OF SITE INFRASTRUCTURE LOCATED WITHIN THE AREA SERVED BY THAT PORTION OR PHASE OF THE SYSTEM. EACH PHASE OR INDEPENDENT PORTION OF THE SYSTEM MUST BE COMPLETED IN ACCORDANCE WITH THE PERMITTED PLANS AND PERMIT CONDITIONS PRIOR TO TRANSFER OF RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE PHASE OR PORTION OF THE SYSTEM TO A LOCAL GOVERNMENT OR OTHER RESPONSIBLE ENTITY.
  9. FOR THOSE SYSTEMS THAT WILL BE OPERATED OR MAINTAINED BY AN ENTITY THAT WILL REQUIRE AN EASEMENT OR DEED RESTRICTION IN ORDER TO ENABLE THAT ENTITY TO OPERATE OR MAINTAIN THE SYSTEM IN CONFORMANCE WITH THIS PERMIT, SUCH EASEMENT OR DEED RESTRICTION MUST BE RECORDED IN THE PUBLIC RECORDS AND SUBMITTED TO THE DISTRICT ALONG WITH ANY OTHER FINAL OPERATION AND MAINTENANCE DOCUMENTS REQUIRED BY SECTIONS 9.0 AND 10.0 OF THE BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT - AUGUST 1995, PRIOR TO LOT OR UNIT SALES OR PRIOR TO THE COMPLETION OF THE SYSTEM, WHICHEVER OCCURS FIRST. OTHER DOCUMENTS CONCERNING THE ESTABLISHMENT AND AUTHORITY OF THE OPERATING ENTITY MUST BE FILED WITH THE SECRETARY OF STATE WHERE APPROPRIATE. FOR THOSE SYSTEMS WHICH ARE PROPOSED TO BE MAINTAINED BY THE COUNTY OR MUNICIPAL ENTITIES, FINAL OPERATION AND MAINTENANCE DOCUMENTS MUST BE RECEIVED BY THE DISTRICT WHEN MAINTENANCE AND OPERATION OF THE SYSTEM IS ACCEPTED BY THE LOCAL GOVERNMENT ENTITY. FAILURE TO SUBMIT THE APPROPRIATE FINAL DOCUMENTS WILL RESULT IN THE PERMITTEE REMAINING LIABLE FOR CARRYING OUT MAINTENANCE AND OPERATION OF THE PERMITTED SYSTEM AND ANY OTHER PERMIT CONDITIONS.
  10. SHOULD ANY OTHER REGULATORY AGENCY REQUIRE CHANGES TO THE PERMITTED SYSTEM, THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING OF THE CHANGES PRIOR TO IMPLEMENTATION SO THAT A DETERMINATION CAN BE MADE WHETHER A PERMIT MODIFICATION IS REQUIRED.
  11. THIS PERMIT DOES NOT ELIMINATE THE NECESSITY TO OBTAIN ANY REQUIRED FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY ACTIVITY APPROVED BY THIS PERMIT. THIS PERMIT DOES NOT CONVEY TO THE PERMITTEE OR CREATE IN THE PERMITTEE ANY PROPERTY RIGHT, OR ANY INTEREST IN REAL PROPERTY, NOR DOES IT AUTHORIZE ANY ENTRANCE UPON OR ACTIVITIES ON PROPERTY WHICH IS NOT OWNED OR CONTROLLED BY THE PERMITTEE, OR CONVEY ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 40E-4 OR CHAPTER 40E-40, F.A.C.
  12. THE PERMITTEE IS HEREBY ADVISED THAT SECTION 253.77, F.S. STATES THAT A PERSON MAY NOT COMMENCE ANY EXCAVATION, CONSTRUCTION, OR OTHER ACTIVITY INVOLVING THE USE OF SOVEREIGN OR OTHER LANDS OF THE STATE, THE TITLE TO WHICH IS VESTED IN THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND WITHOUT OBTAINING THE REQUIRED LEASE, LICENSE, EASEMENT, OR OTHER FORM OF CONSENT AUTHORIZING THE PROPOSED USE. THEREFORE, THE PERMITTEE IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AUTHORIZATIONS FROM THE BOARD OF TRUSTEES PRIOR TO COMMENCING ACTIVITY ON SOVEREIGNTY LANDS OR

## OTHER STATE-OWNED LANDS.

13. THE PERMITTEE MUST OBTAIN A WATER USE PERMIT PRIOR TO CONSTRUCTION DEWATERING, UNLESS THE WORK QUALIFIES FOR A GENERAL PERMIT PURSUANT TO SUBSECTION 40E-20.302(4), F.A.C., ALSO KNOWN AS THE "NO NOTICE" RULE.
14. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, ALTERATION, OPERATION, MAINTENANCE, REMOVAL, ABANDONMENT OR USE OF ANY SYSTEM AUTHORIZED BY THE PERMIT.
15. ANY DELINEATION OF THE EXTENT OF A WETLAND OR OTHER SURFACE WATER SUBMITTED AS PART OF THE PERMIT APPLICATION, INCLUDING PLANS OR OTHER SUPPORTING DOCUMENTATION, SHALL NOT BE CONSIDERED BINDING UNLESS A SPECIFIC CONDITION OF THIS PERMIT OR A FORMAL DETERMINATION UNDER SECTION 373.421(2), F.S., PROVIDES OTHERWISE.
16. THE PERMITTEE SHALL NOTIFY THE DISTRICT IN WRITING WITHIN 30 DAYS OF ANY SALE, CONVEYANCE, OR OTHER TRANSFER OF OWNERSHIP OR CONTROL OF A PERMITTED SYSTEM OR THE REAL PROPERTY ON WHICH THE PERMITTED SYSTEM IS LOCATED. ALL TRANSFERS OF OWNERSHIP OR TRANSFERS OF A PERMIT ARE SUBJECT TO THE REQUIREMENTS OF RULES 40E-1.6105 AND 40E-1.6107, F.A.C. THE PERMITTEE TRANSFERRING THE PERMIT SHALL REMAIN LIABLE FOR CORRECTIVE ACTIONS THAT MAY BE REQUIRED AS A RESULT OF ANY VIOLATIONS PRIOR TO THE SALE, CONVEYANCE OR OTHER TRANSFER OF THE SYSTEM.
17. UPON REASONABLE NOTICE TO THE PERMITTEE, DISTRICT AUTHORIZED STAFF WITH PROPER IDENTIFICATION SHALL HAVE PERMISSION TO ENTER, INSPECT, SAMPLE AND TEST THE SYSTEM TO INSURE CONFORMITY WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE PERMIT.
18. IF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS ARE DISCOVERED AT ANY TIME ON THE PROJECT SITE, THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE APPROPRIATE DISTRICT SERVICE CENTER.
19. THE PERMITTEE SHALL IMMEDIATELY NOTIFY THE DISTRICT IN WRITING OF ANY PREVIOUSLY SUBMITTED INFORMATION THAT IS LATER DISCOVERED TO BE INACCURATE.

## ENVIRONMENTAL RESOURCE PERMIT

## CHAPTER 40E-4 (10/95)

## 40E-4.321 Duration of Permits

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C. is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. the effective date of the local government's comprehensive plan amendment.
2. the effective date of the local government development order.
3. the date on which the District issues the conceptual approval, or
4. the latest date of the resolution of any Chapter 120.57, F.A.C., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For a noticed general permit issued pursuant to chapter 40-E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. the Governing Board takes action on an application for extension of an individual permit,

or

2. staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to subsection 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of a permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

Specific authority 373.044, 373.113 F.S. Law Implemented 373.413, 373.416, 373.419, 373.426 F.S. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4/20/94, Amended 7-1-86, 4/20/94, 10-3-95

