STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT

TRUST FUND OF THE STATE OF FLORIDA

STATE OF FLORIDA DEPARTMENT ) IN THE OFFICE OF THE

OF ENVIRONMENTAL PROTECTION ) DISTRICT

[,and THE BOARD OF TRUSTEES OF THE )

INTERNAL IMPROVEMENT TRUST FUND], )

 )

 Complainant[s], )

 ) OGC FILE NO.

vs. )

 )

[For corporations, insert entire )

 name as listed in corporate )

 information records. )

 For joint owners of the property, )

 include all owners. )

 For businesses not listed in )

 corporate information, contact )

 OGC for advice on naming the )

 proper parties.], )

 )

 Respondent[s]. )

 )

CONSENT ORDER and TEMPORARY USE AGREEMENT

 This Consent Order and Temporary Use Agreement (Order) is entered into between the State of Florida Department of Environmental Protection ("Department"), [and The Board of Trustees of the Internal Improvement Trust Fund (Board)] and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Respondent) to settle certain matters at issue between the Department [, the Board] and Respondent.

 The Department [and the Board] finds and the Respondent admits the following:

 1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce Chapter 373, Part IV, and Chapter 403, Florida Statutes, and the rules promulgatedand authorized thereunder, Title 62, Florida Administrative Code. The Department has jurisdiction over the matters addressed in this Order.

 2. [The Board is responsible for overseeing state owned lands and ensuring they are managed in trust for the citizens of the State of Florida pursuant to Chapter 253, Florida Statutes, and the rules promulgated and authorized thereunder, Florida Administrative Code Title 18. The Department has the duty to perform all staff duties and functions related to the administration of state lands as provided in Section 253.002, Florida Statutes.]

 3. Respondent is a person within the meaning of Sections 253.04 and [373.019(15)], Florida Statutes.

 4. Respondent is the owner of property located at [Insert latitude, longitude, or address or legal description and name of the development if applicable. Using only Section, Township, Range is insufficient].

 5. [If a contractor is joined as a Respondent, insert this paragraph.] Respondent, \_\_\_\_\_\_\_\_\_\_\_\_\_\_, conducted the activities described in paragraph \_\_\_\_ below.

 6. [ADD A PARAGRAPH OR PARAGRAPHS WITH FINDING OF VIOLATION LANGUAGE AND WHICH DESCRIBE THE violations THAT form the basis of this Order. These paragraphs should be strictly limited to the statement of only those facts that are necessary to describe the violations addressed in the Order.] For example:

 The Department finds that the Respondent dredged and filled without a valid permit. OR The Department finds that the Respondent violated Rule XX-XXX.XXX.

An inspection by Department personnel on [date] revealed that [insert a short description of the violation] without a valid [permit, lease, or other form of consent] from the Department [and the Board]. The activity was conducted on the above-described property within the landward extent of [name of water body,] waters of the State, as defined by Florida Law. [If the activity occurred on state lands, describe where the state land is located. For example, “The fill was placed below the mean high-water line in the Gulf of Mexico, adjacent to the Respondent’s property.”]

 7. Respondent desires to obtain regulatory authorization from the Department to maintain the [describe structure or activity] at the Property described in Paragraph XX herein, as depicted in Exhibit “XX”.

 8. [INSERT THIS PARAGRAPH IF ISSUING ANY STATE LANDS AUTHORIZATION Respondent desires to obtain Proprietary Authorization from the Board to use the Sovereign Lands and water column adjacent to the Respondent’s riparian upland Property described in Paragraph XX herein, as depicted in Exhibit “XX”.

 9. {INSERT THIS PARAGRAPH IF ISSUING A TUA ASSOCIATED WITH A LEASE} The Parties acknowledge that the Proprietary Authorization application and approval process may require a time period of several months to complete. Therefore, Respondent requests temporary use of the Sovereign Lands upon which the Dock structures are located during the Department’s processing and review of Respondent’s application for Proprietary Authorization to use the Sovereign Lands depicted in Exhibit “XX”.

 Having reached a resolution of the matter Respondent and the Department [and the Board] mutually agree and it is,

 **ORDERED:**

 10. [OPTIONAL - USE IF PENALTIES OR COSTS ARE REQUIRED]

 Within \_\_\_\_\_ days of the effective date of this Order, Respondent shall pay the Department $\_\_\_\_\_\_\_\_\_\_ in settlement of the matters addressed in this Order. This amount includes $ for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

**[**USE EITHER (A) or (B) STATEMENT: *(A)*The civil penalties are apportioned as follows: ***{individually cite the specific rules and/or statutes along with the amount assessed for each, e.g.  $1,500.00 for violation of Rule 62-601.500(2), Florida Administrative Code; $375.00 for violation of Rules 62-600.740(2)(e) and 62-601.300(1)(a), Florida Administrative Code; $750.00 for violation of Rule 62-699.310, Florida Administrative Code}*** *OR* *(B)* The penalty in this case includes *{insert #}* violations of $2,000.00 or more. **]**

Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier’s check or money order shall be made payable to the “Department of Environmental Protection” and shall include both the OGC number assigned to this Order and the notation “Water Quality Assurance Trust Fund.” Online payments by e-check can be made by going to the DEP Business Portal at <http://www.fldepportal.com/go/pay/> It will take a number of days after this order becomes final, effective, and filed with the Clerk of the Department before ability to make online payment is available.

 11. [OPTIONAL IF OFFERING ENVIRONMENTAL SCHOOL FOR REGULATORY PENALTY REDUCTION] Within \_\_ days of the effective date of this Order, Respondent may elect to complete the Online Environmental School (“Environmental School) to apply a reduction of $XXX.XX to to the $XXXX.00 penalty, effectively reducing the total penalty and fee amount to $XXXX.00, upon the successful completion of the course.

 a. To accept this offer, Respondent shall execute "Exhibit \_\_\_, Environmental School Offer Letter" attached hereto and incorporated herein and return the executed letter within 15 days of the effective date of this Order. It shall be submitted to the Florida Department of Environmental Protection, Florida Department of Environmental Protection, [Insert TITLE AND Address].

b. Upon submitting an executed Exhibit \_\_\_\_ to the Department, Respondent shall complete the Online Environmental Training School course within 30 calendar days from the Department's course activation date. Upon completion of Online Environmental Training School, the reduced penalty of $XXXX.00 shall be paid within 15 days of the course completion date.

c. If Respondent does not elect to take Environmental School, does not complete within the time specified herein, or does not complete the course within 30 days from the Department's course activation date, the Respondent shall be responsible for the entire $XXXX.XX civil penalty and fee in accordance with paragraph \_\_\_\_\_.

 12. [USE THIS PARAGRAPH IF PROPRIETARY FINES AND/OR BACK LEASE FEES ARE BEING COLLECTED] Within XX days of the effective date of this Order, Respondent shall pay the Department $ in settlement of the matters addressed in this Order. This amount includes [ CHOOSE ALL WHICH APPLY [$ in administrative fines for alleged violations of Section 253.04, Florida Statutes] [and for back lease fees as compensation for the past and current use of the Sovereign Lands within the [NAME OF WATERBODY] upon which Respondent’s structures are located depicted in Exhibit “X” herein , [and of the Board's rules and $ for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order]}. and of the Board's rules and $ for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the "Board of Trustees of the Internal Improvement Trust Fund" and shall include thereon the OGC number assigned to this Order and the notation “Internal Improvement Trust Fund". The payment shall be sent to \_\_\_\_\_\_\_\_\_.

 13. [INCLUDE THIS PARAGRAPH IF COLLECTING SEVERANCE FEES FROM A DREDGE PROJECT] Within 30 days of the effective date of this Order, the Respondent shall remit payment for dredge severance fees to the Department of Environmental Protection in the amount of $XXXX.XXX. The payment shall be submitted to the Submerged Lands and Environmental Resources Program, Department of Environmental Protection, Northeast District, 8800 Baymeadows Way, Suite 100, Jacksonville, Florida 32256-7590.

 14. [USE this paragraph if requiring RESTORATION Actions] Respondent shall implement and complete the Restoration Actions attached hereto and incorporated herein as Attachment(s) \_\_\_\_\_\_\_ in the manner and within the time frames specified therein.

 15. [IF MAINTENANCE AND MONITORING ARE REQUIRED, INSERT THIS PARAGRAPH.] Once the Restoration Actions have been completed, the Respondent shall implement and complete the Maintenance and Monitoring Actions attached hereto and incorporated herein as Attachment \_\_\_\_\_ in the manner and within the time frames specified therein.

16. [INCLUDE THIS PARAGRAPH IF YOU ARE REQUIRING REMOVAL OF AN ACTIVITY OR STRUCTURE]

Within XX days of the effective date of this Order, Respondent shall use best management practices to remove DESCRIBE WHAT THEY ARE REMOVING from [describe location activity /structure being removed from ie sovereign submerged lands, jurisdictional wetlands, etc] .

a. Respondent shall protect all wetland areas or water bodies which are outside the specific limits of construction from erosion, siltation, scouring, excess turbidity, or dewatering. Turbidity curtains and other such erosion/turbidity control devices shall be installed pursuant to Florida Stormwater, Erosion, and Sedimentation Control Inspector’s Manual, Fourth Impression – October 2002, website address: <http://www.dep.state.fl.us/water/nonpoint/docs/erosion/erosion-inspectors-manual.pdf>, prior to the commencement of dredging, filling, or construction activity. The devices shall remain functional at all times and shall be maintained on a regular basis. Turbidity and/or sedimentation resulting from any activities associated with the project shall not be allowed to enter waters of the State. Floating turbidity curtains (FDOT Type II or equivalent) shall be used to surround all open water work areas and shall remain in place until such time as turbidity levels within these work areas have reduced sufficiently so as not to exceed the State water quality standards.

b. All structure and/or material removed from the [[describe location

activity /structure being removed from ie sovereign submerged lands, jurisdictional wetlands, etc ] shall be placed in a contained upland location which will not discharge to jurisdictional wetlands or waters of the state. During DESCRIBE ACTIVITY (ie reconfiguration of the docking facility, or regrading of wetlands, etc) , turbidity and erosion control measures shall be used to ensure that Florida Administrative Code Rule 62‑302 is not violated.

c. Within 10 days of completing the corrective action, Respondent shall

notify the Department so that an inspection may be completed.

 d. Respondent shall implement any follow up corrective actions required by the Department, upon notice of approval by the Department.

 17. [USE this paragraph if there IS A TUA associated with this consent order – THE TUA ITSELF IS IN THE ATTACHMENTS. DELETE THIS PARAGRAPH IF NO TUA] In addition to the requirements of this Order, as Temporary Proprietary Authorization, Respondent shall abide by the terms and conditions of the Temporary Use Agreement (TUA) attached and incorporated hereto as Attachment XX. Within \_\_\_\_\_days of the effective date of this Order, Respondent shall make application, [attached hereto as Exhibit XX \*\*\*OPTIONAL TO INCLUDE LEASE APPLICATION PACKAGE AS AN EXHIBIT\*\*\*] for Proprietary Authorization to use the Sovereign Lands within the [NAME OF WATERBODY} River upon which Respondent’s Dock, as depicted in Exhibit XX attached hereto, is located to the Board, and shall have submitted a “complete” application no later than \_\_\_\_\_\_\_ days of the effective date of this Order.

 18. With the exception of the activities described in the Restoration Actions, effective immediately and henceforth, Respondent shall not conduct any dredging, filling, or construction activities on or within the landward extent of waters of the state without first obtaining a valid Department permit or written notification from the Department that the activities appear to be exempt as proposed from Department permitting requirements; nor shall Respondent conduct any activities on state owned lands below the ordinary or mean high water lines without first obtaining a lease, easement, or other consent of use from the Department.

 19.  This Order authorizes [DESCRIBE ACTIVITY OR STRUCTURE] identified in Exhibit XX. As a condition to continued authorization, Respondent shall comply with all conditions in Attachments [ x, y, z] attached hereto and incorporated herein.

All conditions in Attachments [x, y, z] shall continue into perpetuity even as the corrective actions described in paragraphs [#, #, #] of this Order have been satisfied and the case administratively closed.

 20. [INCLUDE IF ACTIVITY IS ON SSL AND/OR QUALIFIES FOR EXEMPTION OR CONSENT BY RULE] As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has reviewed the [DESCRIBE ACTIVITY OR STRUCTURE] and has determined that it qualifies for a Consent by Rule, as long as the work performed is located within the [LIST BOUNDARIES] and is consistent with the terms and conditions [CITE TO CONDITIONS OR EXHIBITS/ATTACHMENTS CONTAINING THE CONDITIONS]. Therefore, pursuant to **X** Rule 18-21.005(1)(a), Florida Administrative Code, **or X** Rule 18-21.005(1)(b), Florida Administrative Code, the activity may be performed on the specified sovereignty submerged lands owned by the State of Florida.

21. INCLUDE IF THIS ACTIVITY IS ON SSL AND/OR QUALIFIES FOR LETTER OF CONSENT] As staff to the Board under Sections 253.002, Florida Statutes, the Department has determined that the [ DESCRIBE ACTIVITY OR STRUCTURE ] qualifies for and requires a Letter of Consent, as long as the work performed is located within the [LIST BOUNDARIES] and is consistent with the terms and conditions herein [CITE TO CONDITIONS OR EXHIBITS/ATTACHMENTS CONTAINING THE CONDITIONS]. During the term of this Order, Respondent shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board at its sole option. If the Board terminates this Letter of Consent, Respondent agrees not to assert a claim or defense against the Board arising out of this Letter of Consent.

 22. [IF NO STIPULATED PENALTIES ARE TO BE PAID, DELETE THIS PARAGRAPH] Respondent agrees to pay the Department stipulated penalties in the amount of per day for each and every day Respondent fails to timely comply with any of the requirements of paragraphs [Insert appropriate paragraph numbers] of this Order. A separate stipulated penalty shall be assessed for each violation of this Order. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to the "The Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Order. Any penalties assessed under this paragraph shall be in addition to the settlement sum agreed to in paragraph of this Order. [OPTIONAL SENTENCE] If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Order in an amount greater than the stipulated penalties due under this paragraph.

 23. **[OPTIONAL ‑ EXCUSABLE DELAY CLAUSE]** If any event, including administrative or judicial challenges by third parties unrelated to the Respondent, occurs which causes delay or the reasonable likelihood of delay, in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of the Respondent and could not have been or cannot be overcome by Respondent's due diligence. Economic circumstances shall not be considered circumstances beyond the control of Respondent, nor shall the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department orally within 24 hours or by the next working day and shall, within seven calendar days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay and the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of Respondent to comply with the notice requirements of this Paragraph in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements of this Order.

 24. Respondent shall allow all authorized representatives of the Department access to the property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes of the Department.

 25. [INSERT THIS PARAGRAPH IF THERE IS AN UNRESOLVED QUESTION CONCERNING THE AUTHORIZED USE OF STATE LANDS.] This Order only addresses violations of the rules and statutes of the Department and does not address potential violations of the rules and statutes of the Board of Trustees of the Internal Improvement Trust Fund for the use of lands owned by the State of Florida. Entry of this Order does not constitute a permit from the Department, nor does it convey any authority from the Board of Trustees of the Internal Improvement Trust Fund involving the use of sovereignty or other lands of the State. In order to ascertain whether any authority is needed to use sovereign lands, the Respondent must contact the Department of Environmental Protection,Division of State Lands. A copy of this Order will be furnished to the Division of State Lands. The Respondent is hereby advised that Florida law states: "No person shall commence any excavation, construction or other activity involving the use of sovereign or other lands of the State, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund under Chapter 253, Florida Statutes, until such person has received from the Board of Trustees of the Internal Improvement Trust Fund the required lease, license, easement or other form of consent authorizing the proposed use." If such work is done without consent, a fine for each offense in an amount of up to $15,000.00 may be imposed.

 26. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, regulations, or ordinances.

 27. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 [253.04] and 373.129, Florida Statutes. Failure to comply with the terms of this Order shall constitute a violation of Section [253.04 and] 373.430, 403.161 Florida Statutes.

 28. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties of up to $15,000 per day per violation [and administrative fines of up to $10,000 per day per violation] and criminal penalties.

 29. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statues, or the rules promulgated thereunder that are not specifically addressed by the terms of this Order.

 30. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations addressed in this Order. [INSERT THIS SENTENCE IF ANY VIOLATIONS ON STATE LANDS ARE NOT BEING ADDRESSED IN THIS ORDER: **This waiver does not affect any claim the Department or the Board of Trustees of the Internal Improvement Trust Fund may have for violations not addressed herein,** **notwithstanding that** **the other claims may involve the same activities addressed herein.]**

 31. Respondent acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, on the terms of this Order. Respondent acknowledges its right to appeal the terms of this Order pursuant to Section 120.68, Florida Statutes, and waives that right upon signing this Order.

 32. Electronic signatures or other versions of the parties’ signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals.No modifications of the terms of this Order shall be effective until reduced to writing and executed by both Respondent and the Department.

 33. All submittals and payments required by this Order to be submitted to the Department shall be sent to the Florida Department of Environmental Protection, **[Insert TITLE AND Address].**

 34. [ USE THIS PARAGRAPH IF THE RESPONDENT IS THE PROPERTY OWNER] In the event of a sale or conveyance of the property, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the property, (1) notify the Department of such sale or conveyance and (2) provide a copy of this Order with all attachments to the new owner. The sale or conveyance of the property shall not relieve the Respondent of the obligations imposed in this Order.

 35. This Order is a settlement of the Department’s civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law.

 36. This Order is a final order of the Department pursuant to Section 120.52(7), Florida Statutes, and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Florida Statutes. Upon the timely filing of a petition this Order will not be effective until further order of the Department.

 37. Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, or received via electronic correspondence at Agency\_Clerk@floridadep.gov, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated.

 The petition for administrative hearing must contain all of the following information:

1. The name and address of each agency affected and each agency’s file or identification number, if known;
2. The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative;
3. The name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests will be affected by the agency determination;
4. A statement of when and how the petitioner received notice of the agency decision;
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency’s proposed action;
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency’s proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
8. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency’s proposed action.

 If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. **Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding.** Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Within 10- days after filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person’s right to an administrative hearing if mediation does not result in a settlement. Additional information about the mediation process and procedure is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

**NOTE: The Board's actions relating to Proprietary requirements contained in this Consent Order are not subject to challenge under Chapter 120, Florida Statutes. Any litigation involving these Proprietary requirements shall be initiated and maintained only in Leon County.**

38. [OPTIONAL-USE THIS NOTICE IF YOU WANT TO REQUIRE PUBLICATION.] **>>>BEGIN OPTIONAL<<<**Respondent shall publish the following notice in a newspaper of daily circulation in Insert County Name County, Florida. The notice shall be published one time only within # days of the effective date of the Order. Respondent shall provide a certified copy of the published notice to the Department within 10 days of publication.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CONSENT ORDER

The Department of Environmental Protection (Department) gives notice of agency action of entering into a Consent Order with Insert Respondent’s Name pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the Describe nature of activities at Insert location of Facility or Property. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Insert District Office and Address.

 Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, or received via electronic correspondence at Agency\_Clerk@floridadep.gov, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated.

 The petition for administrative hearing must contain all of the following information:

1. The name and address of each agency affected and each agency’s file or identification number, if known;
2. The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests will be affected by the agency determination;
3. A statement of when and how the petitioner received notice of the agency decision;
4. A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
5. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency’s proposed action;
6. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency’s proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
7. A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency’s proposed action.

 If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. **Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding.** Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code. Within 10- days after filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person’s right to an administrative hearing if mediation does not result in a settlement. Additional information about the mediation process and procedure is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

**NOTE: The Board's actions relating to Proprietary requirements contained in this Consent Order are not subject to challenge under Chapter 120, Florida Statutes. Any litigation involving these Proprietary requirements shall be initiated and maintained only in Leon County.**

**>>>END OPTIONAL<<<**

 39. Rules referenced in this Order are available at <https://floridadep.gov/ogc/ogc/content/rules>.

FOR THE RESPONDENT:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_

(Name) DATE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Title – If Applicable)

 DONE AND ORDERED this day of , 20\_\_,

in , Florida.

STATE OF FLORIDA DEPARTMENT

OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name], Director

\_\_\_\_\_\_\_\_\_\_\_\_ District

BOARD OF TRUSTEES OF THE

INTERNAL IMPROVEMENT TRUST FUND

OF THE STATE OF FLORIDA

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name], Director of District Management

\_\_\_\_\_\_\_\_\_ District

Department of Environmental Protection,

*as agent for and on behalf of the Board of Trustees of the*

*Internal Improvement Trust Fund of the State of Florida*

Filed, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **Clerk Date**

cc: Lea Crandall, Agency Clerk

 Mail Station 35

ATTACHMENT \_\_\_\_\_\_\_

Restoration Actions - Mangroves

1. Within \_\_\_\_ days of the effective date of this Order, Respondent shall complete the following Restoration Actions:

1. [Optional] Respondent shall notify the Department at least 48 hours prior to the commencement of work under these Restoration Actions.
2. [Optional] Prior to planting, Respondent shall restore the restoration area to the grade existing prior to the dredging or filling addressed in this Order. All fill removed from the restoration area shall be placed in a contained upland location which will not discharge to waters of the state. During re‑grading, turbidity and erosion control measures shall be used to ensure that Florida Administrative Code Rule 62‑302 is not violated.
3. [Optional] Respondent shall stake the boundaries of the Restoration Area for approval by the Department, prior to undertaking any restoration work required in these Restoration Actions. This staked line shall remain in place during all phases of restoration and no wetlands or waters of the state shall be disturbed or affected by restoration activities.
4. [Optional] Turbidity barriers such as staked hay bales and staked silt screen shall be installed no more than feet from the waterward or downstream edge of the restoration area to control turbidity during all restoration activities. The turbidity barriers shall be maintained and shall remain in place until the restoration actions are completed and the turbidity is measured at less than 25 NTU's over background levels.
5. [Optional] During and after re‑grading, Respondent shall stabilize all side slopes as soon as possible to prevent erosion, siltation, or turbid run‑off into waters of the State, but, in any event, no later than 72 hours after attaining final grade.
6. [Optional] Any re‑grading or planting of the restoration area shall be conducted so as not to affect wetland areas outside the restoration area.
7. [Optional] Within days of re‑grading but prior to replanting the restoration area, Respondent shall survey the restoration area and submit a topographic map to the Department. The topographic map shall show foot intervals and be certified by a registered land surveyor or professional engineer. The Department shall notify the Respondent if the re‑grading is acceptable and whether the re‑grading is at the correct elevation to ensure that the restoration area will survive as a wetland. Respondent shall not plant the restoration area until the Department has approved the re‑grading. If the re‑grading is unacceptable to the Department, Respondent shall have days in which to correct the problems identified by the Department and submit a new survey.
8. [Optional] Prior to planting but after any required re‑grading, Respondent shall remove all exotic and nuisance vegetation. Nuisance and exotic vegetation include(s) \_\_\_\_\_[List all species you want removed. Species left off this list will not be required to be removed.]
9. [Optional] All exotic vegetation shall be removed from the restoration area using hand‑held equipment in a manner that will minimize impacts to the existing wetland plants and will not cause ruts in the wetland soils which will impede or divert the flow of surface waters.
10. [Optional] The stumps of exotic plants previously removed shall be treated annually or as necessary to prevent regrowth, with an appropriate systemic herbicide approved by the Department in advance.
11. [Optional] Prior to planting, debris from earlier trimming and cutting shall be removed from the restoration area and placed in an upland location.
12. Plant \_\_\_\_ [insert numbers and types of mangroves] in the restoration area which is depicted on the attached site map. [the site map must specifically describe the location of the restoration area on the property using accurate areal measurements from reliable points of reference and must identify where the different species should be planted.]
13. The mangroves shall be one‑gallon, well‑rooted, nursery‑grown stock.
14. The [describe species] shall be planted on \_\_\_\_\_ foot centers [Describe for each species where they are to be planted, i.e., "throughout the restoration area", "in the areas indicated on the site map", "as set forth on the following table." Repeat this for each species required.]

2. Within 30 days of completion of these Restoration Actions, Respondent shall submit the following information to the Department:

1. Written notification that the Restoration Actions have been completed.
2. Enough color photographs to show the entire completed restoration area taken from fixed reference points shown on a plan‑view drawing.
3. [Optional] Nursery receipts for all plants used in the Restoration Actions.
4. Number and spacing of each species planted.

ATTACHMENT \_\_\_\_\_\_\_

Restoration Actions - Freshwater

1. Within \_\_\_\_ days of the effective date of this Order, Respondent shall complete the following Restoration Actions:

1. [Optional] Respondent shall notify the Department at least 48 hours prior to the commencement of work under these Restoration Actions.
2. [Optional] Prior to planting, Respondent shall restore the restoration area to the grade existing prior to the dredging or filling addressed in this Order. All fill removed from the restoration area shall be placed in a contained upland location which will not discharge to waters of the state. During re‑grading, turbidity and erosion control measures shall be used to ensure that Florida Administrative Code Rule 62‑302 is not violated.
3. [Optional] Respondent shall stake the boundaries of the Restoration Area for approval by the Department, prior to undertaking any restoration work required in these Restoration Actions. This staked line shall remain in place during all phases of restoration and no wetlands or waters of the state shall be disturbed or affected by restoration activities.
4. [Optional] Turbidity barriers such as staked hay bales and staked silt screen shall be installed no more than feet from the waterward or downstream edge of the restoration area to control turbidity during all restoration activities. The turbidity barriers shall be maintained and shall remain in place until the restoration actions are completed and the turbidity is measured at less than 25 NTU's over background levels.
5. [Optional] During and after re‑grading, Respondent shall stabilize all side slopes as soon as possible to prevent erosion, siltation, or turbid run‑off into waters of the State, but, in any event, no later than 72 hours after attaining final grade.
6. [Optional] Any re‑grading or planting of the restoration area shall be conducted so as not to affect wetland areas outside the restoration area.
7. [Optional] Within days of re‑grading but prior to replanting the restoration area, Respondent shall survey the restoration area and submit a topographic map to the Department. The topographic map shall show foot intervals and be certified by a registered land surveyor or professional engineer. The Department shall notify the Respondent if the re‑grading is acceptable and whether the re‑grading is at the correct elevation to ensure that the restoration area will survive as a wetland. Respondent shall not plant the restoration area until the Department has approved the re‑grading. If the re‑grading is unacceptable to the Department, Respondent shall have days in which to correct the problems identified by the Department and submit a new survey.
8. [Optional] Prior to planting but after any required re‑grading, Respondent shall remove all exotic and nuisance vegetation. Nuisance and exotic vegetation include(s) \_\_\_\_\_ [List all species you want removed. Species left off this list will not be required to be removed.]
9. [Optional] All exotic vegetation shall be removed from the restoration area using hand‑held equipment in a manner that will minimize impacts to the existing wetland plants and will not cause ruts in the wetland soils which will impede or divert the flow of surface waters.
10. [Optional] The stumps of exotic plants previously removed shall be treated annually or as necessary to prevent regrowth, with an appropriate systemic herbicide approved by the Department in advance.
11. [Optional] Prior to planting, debris from earlier trimming and cutting shall be removed from the restoration area and placed in an upland location.
12. Plant \_\_\_\_ [insert numbers and types of plants] in the restoration area which is depicted on the attached site map. [the site map must specifically describe the location of the restoration area on the property using accurate areal measurements from reliable points of reference and must identify where the different species should be planted.]
13. The plants shall be well‑rooted, nursery‑grown stock or plants collected from the wild. If the plants are collected from the wild, Respondent must comply with the requirements of paragraph 3 below.
14. The [describe species] shall be planted on \_\_\_\_\_ foot centers [Describe for each species where they are to be planted, i.e., "throughout the restoration area", "in the areas indicated on the site map", "as set forth on the following table." Repeat this for each species required.]

2. Within 30 days of completion of these Restoration Actions, Respondent shall submit the following information to the Department:

1. Written notification that the Restoration Actions have been completed.
2. Enough color photographs to show the entire completed restoration area taken from fixed reference points shown on a plan‑view drawing.
3. Either nursery receipts for all plants used in the Restoration Actions or a copy of the Wetlands Resource Management Permit issued by the Department authorizing the collection of plants from the landward extent of state waters.

c. [Optional] Nursery receipts for all plants used in the Restoration Actions.

1. Number and spacing of each species planted.

3. [Optional] If Respondent is using plants collected from the wild to complete these Restoration Actions then Respondent must meet all of the following conditions:

1. The plants shall be collected from locations no greater than 50 miles from the restoration area.
2. The plants must be collected pursuant to a Wetlands Resource Management Permit issued by the Department if they are collected within the landward extent of waters of the state.
3. If the plants are collected from state‑owned lands, Respondent must first obtain all necessary authorizations from the Department.

ATTACHMENT \_\_\_\_\_\_\_

Maintenance and Monitoring without Planting

 Within \_\_\_ days of the effective date of this Order, Respondent shall implement the following Maintenance and Monitoring Actions:

1. [Optional. If re‑grading is necessary, use the appropriate paragraphs.] Within days Respondent shall re‑grade the restoration area according to the following requirements:

1. [Optional] Respondent shall restore the restoration area to the grade existing prior to the dredging or filling addressed in this Order. All fill removed from the restoration area shall be placed in a contained upland location which will not discharge to waters of the state. During re‑grading, turbidity and erosion control measures shall be used to ensure that Florida Administrative Code Rule 62‑302 is not violated.
2. [Optional] Respondent shall stake the boundaries of the restoration area for approval by the Department, prior to undertaking any re‑grading required in these Restoration Actions. This staked line shall remain in place during all phases of restoration and no wetlands or waters of the state shall be disturbed or affected by restoration activities.
3. [Optional] Turbidity barriers such as staked hay bales and staked silt screen shall be installed no more than feet from the waterward or downstream edge of the restoration area to control turbidity during all restoration activities. The turbidity barriers shall be maintained and shall remain in place until the restoration actions are completed and the turbidity is measured at less than 25 NTU's over background levels.
4. [Optional] During and after re‑grading, Respondent shall stabilize all side slopes as soon as possible to prevent erosion, siltation, or turbid run‑off into waters of the State, but, in any event, no later than 72 hours after attaining final grade.
5. [Optional] Any re‑grading of the restoration area shall be conducted so as not to affect wetland areas outside the restoration area.
6. [Optional] Within days of re‑grading the restoration area, Respondent shall survey the restoration area and submit a topographic map to the Department. The topographic map shall show foot intervals and be certified by a registered land surveyor or professional engineer. The Department shall notify the Respondent if the re‑grading is acceptable and whether the re‑grading is at the correct elevation to ensure that the restoration area will survive as a wetland. If the re‑grading is unacceptable to the Department, Respondent shall have days in which to correct the problems identified by the Department and submit a new survey.
7. [Optional] After re‑grading, Respondent shall remove all exotic and nuisance vegetation. Nuisance and exotic vegetation include(s) \_\_\_\_\_[List all species you want removed. Species left off this list will not be required to be removed.]
8. [Optional] All exotic vegetation shall be removed from the restoration area using hand‑held equipment in a manner that will minimize impacts to the existing wetland plants and will not cause ruts in the wetland soils which will impede or divert the flow of surface waters.
9. [Optional] The stumps of exotic plants previously removed shall be treated annually or as necessary to prevent regrowth, with an appropriate systemic herbicide approved by the Department in advance.
10. [Optional] Prior to re‑grading, debris from earlier trimming and cutting shall be removed from the restoration area and placed in an upland location.

2. For \_\_\_ years following the entry of this Order, Respondent shall inspect the restoration area [Insert the appropriate monitoring schedule, i.e., semiannually, annually, quarterly the first year, etc.]. The purpose of the monitoring shall be to determine the success of the natural revegetation.

3. During each inspection, Respondent shall remove all nuisance and exotic vegetation without disturbing the other existing vegetation in the restoration area. Nuisance and exotic vegetation shall include [list all species you want removed. Any species not listed will not be required to be removed.]

4. Within 30 days after the completion of each inspection in the monitoring schedule, Respondent shall complete a monitoring report and submit it to the Department. The monitoring reports shall include the following information:

* 1. Date of the inspection.
	2. Color photographs taken from enough locations to cover the entire restoration area.
	3. Either an actual count or a statistically valid estimate\* of the percentage of cover of each species in the restoration area.
	4. Description of any nuisance or exotic species removal.

 \* Statistically valid estimating methods include those found in Daubenmire, R. (1968), Oosting (1956), or Mueller‑Dombois and Ellenberg (1974), or other method approved by the Department. More information on these methods will be provided by the Department upon request.

5. If after the Monitoring Schedule is completed, the restoration area is not successfully revegetated as defined above, Respondent shall submit a Restoration Plan to the Department for its review and approval. The Restoration Plan shall be submitted within \_\_ days of the submittal of the final monitoring report and shall include a plan, including time schedule, for planting the restoration area with enough native wetland vegetation to meet the success criteria in paragraph within \_\_ years of planting. The Restoration Plan shall also include a monitoring and maintenance schedule to ensure that the replanting is successful.

6. Respondent shall implement the Restoration Plan, including any changes required by the Department, upon notice of approval by the Department.

ATTACHMENT \_\_\_\_\_\_\_

Maintenance and Monitoring Actions with Planting

 Within \_\_\_ days of the completion of the Restoration Actions, Respondent shall implement the following Maintenance and Monitoring Actions:

1. For \_\_\_ years following completion of the Restoration Actions, Respondent shall inspect the restoration area [Insert the appropriate monitoring schedule, i.e., semiannually, annually, quarterly the first year, etc.]. The purpose of the monitoring shall be to determine the success of the restoration.

2. "Success of the restoration" means that at the end of the monitoring schedule the following success criteria are met in each restoration area required in the Restoration Actions. At each inspection in the Monitoring Schedule, Respondent shall replace enough dead plants to ensure that at least percent of the original number of each species planted in the restoration areas is alive.

1. If wetland herbaceous species were planted, they have covered at least percent of the restoration areas.
2. b. If wetland trees were planted, at least percent have survived, and the survivors have achieved at least a 30% mean annual growth rate as measured by the statistically methods approved in paragraph .
3. The total contribution to percent cover by the following wetland species or species not listed in Florida Administrative Code Rule 62‑301.400 is less than 10%: [List all species from Rule 62‑301.400 which you do want to exclude from the calculations of percent cover.]
4. The restoration areas have been inspected by the Department and the Department has informed the Respondent in writing that all the restoration areas are within the landward extent of waters of the state as defined in Florida Administrative Code Rule 62‑301.

3. During each inspection, Respondent shall remove all nuisance and exotic vegetation listed in the Restoration Actions without disturbing the other existing vegetation in the restoration area.

4. Within 30 days after the completion of each inspection in the monitoring schedule, Respondent shall complete a monitoring report and submit it to the Department. The monitoring reports shall include the following information:

* 1. Date of the inspection.
	2. Color photographs taken from the same locations as the pictures taken in the Restoration Actions.
	3. Either an actual count or a statistically valid estimate\* of the percentage of each species planted in the Restoration Actions that has survived compared to the total number of plants in the restoration areas.
	4. The number of each species replanted to reach the percent survival rate.
	5. Description of any nuisance or exotic species removal.
	6. [Optional] A plan view noting the locations of all re‑plantings.
	7. [Optional] Growth data for a statistically valid subsample\* of trees including height, diameter at breast height, and mean annual growth rate.
	8. [Optional] Data describing the hydrologic regime of each restoration area including [choose appropriate description ‑ seasonal high and normal pool; ordinary high; mean high and low water elevations].

 \* Statistically valid estimating methods include those found in Daubenmire, R. (1968), Oosting (1956), or Mueller‑Dombois and Ellenberg (1974), or other method approved by the Department. More information on these methods will be provided by the Department upon request.

ATTACHMENT \_\_\_\_\_\_\_

Restoration Actions – Freshwater Forested

1. Within \_\_\_\_ days of the effective date of this Order, Respondent shall complete the following Restoration Actions:

1. Plant \_\_\_\_ [insert numbers and types of trees] in the restoration area which is depicted on the attached site map. [the site map must specifically describe the location of the restoration area on the property using accurate areal measurements from reliable points of reference and must identify where the different species should be planted.]
2. The trees shall be well‑rooted, two-year-old, nursery‑grown stock.
3. The trees shall be planted on \_\_\_\_\_ foot centers [Describe where they are to be planted, i.e., "throughout the restoration area", "in the areas indicated on the site map."]
4. [Optional] Prior to planting, debris from earlier trimming and cutting shall be removed from the restoration area and placed in an upland location.
5. [Optional] Prior to planting, Respondent shall restore the restoration area to the grade existing prior to the dredging or filling addressed in this Order. All fill removed from the restoration area shall be placed in a contained upland location which will not discharge to waters of the state. During re‑grading, turbidity and erosion control measures shall be used to ensure that Florida Administrative Code Rule 62‑302 is not violated.
6. Any re‑grading or planting of the restoration area shall be conducted so as not to affect areas outside the restoration area.
7. [Optional] Prior to planting but after any required re‑grading, Respondent shall remove all exotic and nuisance vegetation. Nuisance and exotic vegetation include(s) \_\_\_\_\_ [List all species you want removed. Species left off this list will not be required to be removed.]

2. Within 30 days of completion of these Restoration Actions, Respondent shall submit the following information to the Department:

1. Written notification that the Restoration Actions have been completed.
2. Enough color photographs to show the entire completed restoration area.
3. Nursery receipts for all plants used in the Restoration Actions.
4. Number of each species planted.

**INCLUDE THIS ATTACHMENT FOR ALL ACTIVITIES AUTHORIZED TO REMAIN IN PLACE**

ATTACHMENT \_\_\_\_\_\_\_\_

Conditions for all Authorized Activities

The following general conditions are binding on all activities authorized by this Order, that would have required an environment resource permit (ERP) authorization pursuant to Chapters 373, Part IV, Florida Statutes, and 62-330, Florida Administrative Code:

All activities shall be implemented following the plans, specifications and performance criteria approved by this Order. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, Florida Administrative Code. Any deviations that are not so authorized may subject Respondent or their successors to enforcement action and revocation of this authorization under Chapter 373, Florida Statutes. Respondent shall immediately notify the Department in writing, if any information previously submitted to the Department for review and consideration in the issuance of this Order, is discovered to be inaccurate.

1. Respondent shall maintain the structure authorized by this Order, in good condition and in conformance with the terms and conditions attached to and incorporated in this Order. Respondent is not relieved of this requirement if they abandon the structure or otherwise sell, transfer, or assign their interest in Respondent’s upland property. *(See,* ***General Condition 3*** *below.)*
2. The authorization for the structure and activity granted by this Order, including all terms and conditions incorporated therein, shall continue to bind Respondent and any new owner(s) or assignee(s) of the upland property pursuant to Rule 62-330.340, Florida Administrative Code. Respondent shall notify the Department electronically or in writing, within **30 days** of a change in ownership interest or control of any portion of the real upland Property or the structure authorized herein, in accordance with Rule 62-330.340, Florida Administrative Code. Unless the authorization granted by this Order is transferred under 62-330.340, Florida Administrative Code, or transferred to an operating entity under Rule 62-330.310, Florida Administrative Code, Respondent shall remain jointly liable with any new owner(s) or assignee(s) to comply with the plans, terms, and conditions of this Order for the life of the project or activity authorized therein.
3. All activities authorized herein shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector’s Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in Rule 62-330.050(9)(b)5, Florida Administrative Code, unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the authorization provided herein.
4. If a conditioned water quality certification has been issued for the project, Respondent shall comply with the conditions specified in the certification as special conditions to this Order.
5. Neither this Order nor any of the conditions set out herein and, incorporated into this Order:
6. Convey to Respondent any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, Florida Administrative Code;
7. Convey to Respondent or create in the Respondent any interest in real property;
8. Relieve Respondent from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance;
9. Authorize interference with any existing or proposed Federal projects;
10. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the Respondent; or
11. Authorize any injury to or interference with the property or rights of others.
12. Respondent shall notify the Department in writing of changes required by any other regulatory agency that require changes to the structure authorized by this Order, and any required modification of the authorizations set out herein, must be obtained prior to implementing any such changes.
13. [DELETE IF NOT LOCATED ON STATE LANDS] Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund (Board), Respondent must receive all necessary approvals and authorizations under Chapters 253 and 258, Florida Statutes. Written authorization that requires formal execution by the Board shall not be considered received until it has been fully executed by both the Board and Respondent.
14. [DELETE THIS PARAGRAPH IF NO STORMWATER COMPONENT] The

Respondent shall provide routine maintenance of all components of the

stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require an Order under chapter 62-330, Florida Administrative Code, or cause violations of state water quality standards.

1. Respondent shall hold and save the Department and/or the Board harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by this Order.
2. Upon reasonable notice to Respondent, Agency staff with proper identification shall have permission to enter, inspect, sample, and test the project or activities to ensure conformity with the plans and specifications authorized by this Order.
3. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The Respondent or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, Florida Statutes. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.
4. If Respondent discovers any previously unknown historic or archeological remains while accomplishing any activity authorized by this Order, Respondent shall immediately notify the Department’s Northeast District office of what has been found. The Department will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
5. Any delineation of the extent of a wetland or other surface water submitted as part of this Order, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this Order or a formal determination under Rule 62-330.201, Florida Administrative Code, provides otherwise.
6. In addition to those general conditions set out above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in Rules 62-330.301 and 62-330.302, Florida Administrative Code, Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.
7. The authorizations granted by this Order are based on the information submitted by the Respondent and obtained by the Department during its enforcement and compliance investigation that reasonably demonstrate that adverse water resource-related impacts will not be caused by the completed activity authorized herein. If any adverse impacts result, the Agency will require the Respondent to eliminate the cause, obtain any necessary permits, and take any necessary corrective actions to resolve the adverse impacts.
8. Reliance on Respondent’s Data and Reevaluation of Issuance of Order: The determination of the Department’s District office that issuance of this Order is not contrary to the public interest was made in reliance on the information provided by the Respondent. The Department and/or the Board of Trustees may reevaluate its decision regarding the authorization(s) provided by this Order at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

1. Respondent’s failure to comply with any of the terms and conditions incorporated in this Order;
2. The information provided to the Department by the Respondent to support of the issuance of this Order proves to have been false, incomplete, or inaccurate; or
3. New information surfaces, which was not considered by and/or not made known to the Department or the Board in reaching the original public interest decision.
4. A fully executed copy of this Order, including the Conditions attached hereto, maybe recorded in the county public records.

18. This Order does not authorize interference with any existing or proposed Federal projects.

19. Limits of this authorization.

a. This Order does not obviate the need to obtain other Federal, State, or local authorizations required by law;

b. This Order does not grant any property rights or exclusive privileges;

c. This Order does not authorize any injury to the property or rights of others;

d. This Order does not authorize interference with any existing or proposed Federal projects.

[ USE THIS ATTACHMENT IF GRANTING LETTER OF CONSENT OR CONSENT OF USE]

ATTACHMENT \_\_\_\_\_

Sovereign Submerged Lands – Letter of Consent/Consent to Use Conditions

Any use of sovereignty submerged lands is subject to the following general conditions and are binding upon the Respondent and are enforceable under Chapter 253, Florida Statutes.

1. Sovereignty submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the Respondent’s use of the sovereignty submerged lands unless cured to the satisfaction of the Board.
2. Authorization under Rule 18-21.005, Florida Administrative Code, conveys no title to sovereignty submerged lands or water column, nor does it constitute recognition or acknowledgment of any other person’s title to such land or water.
3. Authorizations under Rule 18-21.005, Florida Administrative Code, may be modified, suspended, or revoked in accordance with its terms or the remedies provided in Sections 253.04, Florida Statutes and Chapter 18-14, Florida Administrative Code.

4. Construction, use, or operation of the structure or activity will not adversely

affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, Florida Administrative Code.

5. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

6. Only one minimum-size private residential single-family dock or pier authorized

per parcel with a maximum two boat limit.

7. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court’s decision.

8. Structures or activities will not create a navigational hazard.

9. Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, Florida Statutes.

10. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, Florida Administrative Code, within one (1) year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

11. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), Florida Administrative Code, or any other applicable law. Any non-water dependent structures shall be located on the uplands.

12. The Respondent agrees to indemnify, defend, and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the Respondent’s use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.

13. Failure by the Board to enforce any violation of a provision of the authorization or waiver by the Board of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board from enforcing the unenforced or waived provision in the event of a violation of that provision.

14. Respondent binds themselves and their successors and assigns to abide by the provisions and conditions set forth in the authorization. If the Respondent or their successors or assigns fail or refuse to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the Respondent or their successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

15. All costs incurred by the Board in enforcing the terms and conditions of the authorization will be paid by the Respondent. Any notice required by law will be made by certified mail at the address shown on page one of the authorizations. The Respondent will notify the Board in writing of any change of address at least ten (10) days before the change becomes effective.

16. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

17. All authorizations granted by rule or in writing under rule 18-21.005, Florida Administrative Code, except those for geophysical testing, shall be subject to the general conditions as set forth in in this Attachment. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under chapter 253 or 258, part II, Florida Statutes.

 [USE THIS ATTACHMENT IF AUTHORIZING A BOAT RAMP REQUIRING AN INDIVIDUAL PERMIT]

ATTACHMENT \_\_\_\_\_\_

Specific Conditions for Boat Ramps

1. A minimum navigational access of two feet below mean low water in tidal waters or mean annual low water in non-tidal waters must already exist to the proposed ramp. Depth indicators shall be installed at the ramp to identify the controlling depths of the navigational access.
2. The construction, alteration, or use of the boat ramp, including any accessory docks shall not adversely impede navigation or create a navigational hazard in the water body.
3. There shall be no dredging or filling of submerged grass beds or live bottom communities.
4. The boat ramp shall be concrete or otherwise stabilized with a geotextile or a cellular confinement system to prevent turbidity and erosion. Asphalt is prohibited.

5. All dredged material that result from activities authorized by this Order shall be deposited in an upland spoil site designed and located to prevent the escape of dredged material into wetlands or other surface waters.

[USE THIS ATTACHMENT IF AUTHORIZING A BOAT RAMP REQUIRING AN INDIVIDUAL PERMIT]

ATTACHMENT \_\_\_\_\_\_

Specific Conditions for Activities Authorized in Class II Waters

1. The project shall comply with applicable State Water Quality Standards, namely:
	1. Surface Waters, Minimum Criteria, General Criteria – Rule 62-302.500, Florida Administrative Code.
	2. Class II Waters – Shellfish Propagation or Harvesting – Rule 62-302.400, Florida Administrative Code.
2. No more than two vessels shall be moored, and no more than two slips

constructed in total at a private residential single-family dock, or no more than ten vessels moored and no more than ten slips constructed in total at a private residential multi-family, commercial, or governmental dock at any time;

1. No overboard discharges of trash, human or animal waste, or fuel shall occur at the dock.
2. For all commercial, governmental, or private residential multi-family docks that

will moor vessels that contain, or have the capability of containing, a permanent marine sanitation device, the Respondent must provide reasonable assurance that there will not be a discharge of domestic wastes from such vessels at the dock;

1. Any enclosed, non-water dependent structures shall be located on the uplands;
2. Prior to the mooring of any vessel at the dock, there shall be existing structures

with toilet facilities located on the uplands;

1. Any proposed boat shelter shall not be enclosed with screens, walls, doors, or

windows;

1. A minimum of one foot clearance must be maintained between the deepest draft

of any vessel (including the vessel propulsion unit) moored in the water at the dock and the top of any submerged resources (which includes rooted aquatic macrophyte communities, attached macro-marine algae communities, sponge beds, coral communities, and oyster communities) in the mooring location, as measured at mean low water. The height of rooted aquatic macrophyte communities, attached macro-marine algae communities shall be measured as they exist during the growing season (April through September);

1. Any structures located over grassbeds shall be designed so as to allow for the

maximum practicable amount of light penetration; and

1. There shall be no overnight occupancy at any time on the dock or on any vessels

moored to the dock.

[USE THIS ATTACHMENT IF AUTHORIZING AN EI DOCK]

ATTACHMENT \_\_\_\_\_\_\_\_\_

Specific Conditions for Docks

1. [ DELETE IF VIABLE SAVS NOT PRESENT ON SITE] The main access pier shall remain elevated a minimum of 5 feet above mean or ordinary high waterline as measured from the top surface of the decking.
2. [ DELETE IF FORESTED WETLANDS NOT PRESENT ON SITE] Boardwalk decking within the wetland area shall remain elevated a minimum of 3 feet above the natural ground contour.
3. [DELETE IF NOT LOCATED OVER MARSH] The main access pier of the dock shall remain elevated at least 4 feet above marsh floor.
4. [USE THIS CONDITION IF LOCATED OVER MARSH OR IN CLASS II WATERS] The dock decking design and construction shall ensure maximum light penetration, with full consideration of safety and practicality.
5. Water depth at the mooring area shall be sufficient to prevent bottom scouring by boat propellers.
6. No portion of the boat slip/mooring area shall be constructed over submerged grass beds.
7. The waterward end of the dock shall be marked by a sufficient number of reflectors so as to be visible from the water at night by reflected light. The reflectors shall not be green or red in color.
8. [DELETE THIS IF NOT A PUBLIC DOCK] The use of the dock shall be limited to transitory vessels. No permanent mooring shall be permitted.
9. [DELETE IF NOT LOCATED ON STATE LANDS] Any non-water dependent structures shall be located on the uplands.
10. [DELETE IF NOT LOCATED ON STATE LANDS] This Order does not authorize enclosures.
11. No overboard discharges of trash, human or animal waste, or fuel shall occur at the dock.
12. [DELETE IF NOT LOCATED IN AN AQUATIC PRESERVE] The surface of a facility shall be no more than eight inches wide and spaced no less than one-half inch apart after shrinkage.
13. [DELETE IF NOT A PUBLIC DOCK] The docking facility shall be for the sole use of the general public and government agencies. Any fee charged for use of the approved facility shall be nominal and used exclusively for maintenance of the facility. Prior to any change in use of the approved facility to a revenue-generating/income-related activity as defined in Section 18-21.003(44), Florida Administrative Code, the grantee and/or successor will be required to obtain a submerged land lease and be assessed a fee for the use of the sovereignty submerged land. Failure to notify the Department could result in assessment of lease fees in arrears and an administrative fine.
14. The pile supported decking design and construction shall ensure maximum light

penetration, with full consideration of safety and practicality.

1. This Order does not authorize the construction of additional structures

not illustrated on Exhibit \_\_\_\_. Examples of additional structures, which are not authorized by this Order include but are not limited to: Additional catwalks, floating docks, or additional decking.

 [USE THIS ATTACHMENT IF AUTHORIZING A PILE SUPPORTED STRUCTURE THAT REQUIRED AN EI]

ATTACHMENT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Specific Conditions for Pile Supported Structures Other than Docks

1. The pile supported decking design and construction shall ensure maximum light

penetration, with full consideration of safety and practicality.

2. This Order does not authorize the construction of additional structures not illustrated on Exhibit \_\_\_\_. Examples of additional structures, which are not authorized by this Order include but are not limited to: walkways, doors, awnings, and decking around or under the bottom of the pile-supported structures. Storage of equipment, pesticides, herbicides, construction material, trash receptacles, or part of a septic tank system beneath the pile-supported structure is prohibited.

[USE THIS ATTACHMENT IF AUTHORIZING AN EI FENCE IN WETLANDS]

ATTACHMENT \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Specific Conditions for a Fence

1. The structure shall not block navigation, create a navigational hazard, impede the natural flow of water by itself, or through the accumulation of debris.
2. Dredging or filling performed shall be limited to that necessary to install individual fence posts.
3. No fence shall be installed into open waters (areas of water bodies not supporting emergent vegetation) of any navigable river, stream, canal, or tributary thereof, a distance of more than 25 feet or more than twenty percent of the width of the open water, whichever is less, and no fence shall extend more than 15 feet waterward of the landward extent of any lake, including contiguous wetlands.
4. The fence shall be marked by a sufficient number of reflectors so as to be visible from the water at night by reflected light. The reflectors shall not be green or red in color.

[USE THIS ATTACHMENT IF AUTHORIZING EI RIP RAP SHORELINE STABILIZATION]

ATTACHMENT \_\_\_\_\_\_\_\_

Specific Conditions for Riprap Stabilization

1. An interior silt screen shall remain in place prior to the placement of any backfill material.

2. In accordance with Florida Administrative Code Rule 62-30.021, Florida Administrative Code, “riprap” shall consist of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions.

3. In order to comply with the requirements of Section 373.414(5)(a), Florida Statutes, riprap shall remain placed at the toe of the bulkhead at a slope of 2:1 (horizontal: vertical) to an elevation of one foot above Mean High Water[DELETE IF NOT LOCATED ON STATE LANDS] The location of the bulkhead/seawall/riprap, together with any and all future bulkhead/seawall/riprap repairs or replacement alignments, shall not cumulatively extend more than 3 feet waterward of the mean high water line of the water body.

 [USE THIS PARAGRAPH IF AUTHORIZING A GENERAL PERMIT DOCK, PIER, OR OTHER PILE SUPPORTED STRUCTURE IN, ON, OR OVER SUBMERGED AQUATIC VEGETATION, MARSH, OR MANGROVES]

ATTACHMENT \_\_\_\_\_\_\_\_\_\_

Specific Conditions for Docks, Piers, Associated Facilities, and other Minor Piling- Supported Structures Constructed In, On, or Over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat Authorized by a General Permit

[DELETE #1- 8 IF NOT CONSTRUCTED OVER SAVs]:

1. The piling-supported structure shall remain aligned so as to minimize the size of the footprint over SAV beds.

2 The height of piling-supported structure shall remain a minimum of 5 feet above MHW/OHW as measured from the top surface of the decking.

3. The width of the piling-supported structure is limited to a maximum of 4 feet. A turnaround area is allowed for piling-supported structures greater than 200 feet in length. The turnaround is limited to a section of the piling-supported structure no more than 10 feet in length and no more than 6 feet in width. The turnaround shall remain located at the midpoint of the piling-supported structure.

4. Over-SAV bed portions of the piling-supported structure shall remain oriented in a north-south orientation to the maximum extent that is practicable.

5. [KEEP THIS PARAGRAPH ONLY IF THE CONSTRUCTION TERMINATES OVER SAV BEDS] If possible, terminal platforms shall be placed in deep water, waterward of SAV beds or in an area devoid of SAV beds.

a. [DELETE THIS PARAGRAPH IF DECKING IS NOT GRATING] If a terminal platform is placed over SAV areas and constructed of grated decking, the total size of the platform shall remain limited to 160 square feet. The grated deck material shall conform to the specifications stipulated below. The configuration of the platform shall be a maximum of 8 feet by 20 feet. A minimum of 5 feet by 20 feet shall conform to the 5-foot height requirement; 3 feet by 20 feet section may be placed 3 feet above MHW to facilitate boat access. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable.

b. [DELETE THIS PARAGRAPH IF THE DECKING IS NOT PLANKING] If the terminal platform is placed over SAV areas and constructed of planks, the total size of the platform shall be limited to 120 square feet. The configuration of the platform shall be a maximum of 6 feet by 20 feet of which a minimum 4-foot wide by 20-foot-long section shall conform to the 5-foot height requirement. A section may be placed 3 feet above MHW to facilitate boat access. The 3 feet above MHW section shall be cantilevered. The long axis of the platform should be aligned in a north-south direction to the maximum extent that is practicable. If the 3feet above MHW section is constructed with grating material, it may be 3 feet wide.

6. One uncovered boat lift area is allowed. A narrow catwalk (2 feet wide if planks are used, 3 feet wide if grating is used ) may be added to facilitate boat maintenance along the outboard side of the boat lift and a 4-foot-wide walkway may be added along the stern end of the boat lift, provided all such walkways are elevated 5 feet above MHW. The catwalk shall be cantilevered from the outboard mooring pilings (spaced no closer than 10 feet apart).

7. Pilings shall remain installed in a manner which will not result in the formation of sedimentary deposits ("donuts" or "halos") around the newly installed pilings.

8. The spacing of pilings through SAV beds shall be a minimum of 10 feet on center.

[DELETE # 9- 11 IF NOT CONSTRUCTED OVER MARSH]

9. The gaps between deckboards shall remain a minimum of ½ inch.

10. The piling-supported structure shall remain aligned so as to have the smallest over-marsh footprint as practicable.

11. The over-marsh portion of the piling-supported shall remain elevated to at least 4 feet above the marsh floor.

[DELETE # 12-15 IF NOT CONSTRUCTED OVER MANGROVE HABITAT]

12. The width of the piling-supported is limited to a maximum of 4 feet. Any exceptions to the width must be accompanied by an equal increase in height requirement.

13. The width of the piling-supported structure is limited to a maximum of 4 feet.

14. Mangrove clearing is restricted to the width of the piling-supported structure.

15. The location and alignment of the piling-supported structure shall remain through the narrowest area of the mangrove fringe.

[USE THIS ATTACHMENT IF AUTHORIZING DOCKS, PIERS, OR OTHER PILING-SUPPORTED STRUCTURES REQUIRING A GP]

ATTACHMENT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

General Conditions for Docks, Piers, and Other Piling Supported Structures

1. Only 2 boats are allowed per parcel, either in the moored in the water or on a boat lift, together with all existing structures on the shoreline of the property, shall not exceed a total area of 2,000 square feet over surface waters. Such a structure:

a. Shall not accommodate the mooring of more than two vessels, either in the water or on a boat lift. Solely for purposes of this general permit, up to two personal watercraft as defined in section 327.02(33), Florida Statutes may be moored in lieu of either or both allowable vessels of another type. These limits shall not apply to the mooring, storage or other use of the dock or pier by:

i. Non-motor-powered vessels less than 16 feet in length that are stored on or under the dock or pier, or within an authorized mooring area; or

ii. Personal watercraft, dinghies or similar small vessels that are stowed out of the water, upon a larger parent vessel that is moored at the dock in compliance with this general permit.

b. Shall be located such that all areas used for vessel mooring and navigational access already provide a minimum depth of two feet below the mean low water level for tidal waters, or two feet below the expected average low water depth for non-tidal waters as determined based on best available information for the water body at the project location; and

2. May include a roof over the vessel mooring areas, boat lifts, and terminal platform, or any portions thereof, subject to the applicable provisions of chapters 253 and 258, Florida Statutes, and the rules adopted thereunder. Portions of such roofs that overhang beyond the edge of decked portions of the pier or dock are included in the calculation of the total square footage of over-water structure allowed under paragraph (1)(a), above.

3. [DELETE IF NOT A PUBLIC FISHING PIER] A public fishing pier that does not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state “No Boat Mooring Allowed.”

4. This authorization shall be subject to the following specific conditions:

(a) Construction or extension of the boat lift, boat mooring locations, or terminal platform, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no structures enclosed by walls, screens, or doors on any side;

(c) The dock or pier will not facilitate vessel rentals, charters, or serve any other commercial purpose;

(d) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this Order. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this Order;

(e) This Order does not authorize the construction or extension of more than one dock or pier per parcel of land or individual lot. [DELETE IF NOT A MULTI FAMILY LIVING COMPLEX] For the purposes of this Order, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property; and

(f) Notwithstanding any other provisions of this Order, the design, construction and operation of the dock or pier and associated vessels shall not conflict with any manatee protection plan approved and adopted under section 379.2431(2)(t), Florida Statute.

5. [DELETE 5a-5e IF NOT A COMMERICAL, MULTI FAMILY, PUBLIC FACILITY OR MARINE EVENT] For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below:

a. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at: (https://www.fisheries.noaa.gov/southeast/consultations/protected-species- educational-signs). The signs required to be posted by area are stated below: https://www.fisheries.noaa.gov/southeast/consultations/protected-species- educational-signs

b. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.

c. Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.

 d. On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.

e. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below:

i. Be constructed and labeled according to the instructions provided at http://mrrp.myfwc.com.

ii. Be maintained in working order and emptied frequently (according to http://mrrp.myfwc.com standards) so that they do not overflow.

6. [DELETE IF NOT INSTALLED WITHIN VISIBLE DISTANCE OF THE OCEAN] If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/

7. Aids to Navigation (ATONs). ATONs must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements)

8. [DELETE IF NOT CONSTRUCTING IN ACROPORA HABITAT] The distance from ATONs to ESA-listed corals and Acropora critical habitat shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle

will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.

9. The pile supported decking design and construction shall ensure maximum light penetration, with full consideration of safety and practicality.

10. This Order does not authorize the construction of additional structures not illustrated on Exhibit \_\_\_\_. Examples of additional structures, which are not authorized by this Order include but are not limited to: walkways, doors, awnings, and decking around or under the bottom of the pile-supported structures. Storage of equipment, pesticides, herbicides, construction material, trash receptacles, or part of a septic tank system beneath the pile-supported structure is prohibited.

[USE THIS ATTACHMENT IF AUTHORIZING A FENCE IN WETLANDS THAT QUALIFIES FOR A GENERAL PERMIT]

ATTACHMENT \_\_\_\_

Specific Conditions for Installation of Fences

(1) The fence shall not be located on state-owned submerged lands or in Outstanding Florida Waters, Aquatic Preserves, Outstanding National Resource Waters, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting.

(2) Fences installed within navigable waters other than isolated waters that are wholly owned by one private entity shall:

(a) Not adversely affect navigation, block any waterway, or channel, or cause a navigational hazard;

(b) Be installed such that all fence posts located waterward of the mean or ordinary high-water line rise at least two feet above the mean high water or the ordinary high-water elevation and are marked and maintained with reflectors visible from all directions; and

(c) Extend no more than 25 feet waterward into the open water, beyond the shoreline, or riparian areas of emergent wetland vegetation, whichever is more waterward.

(3) The fence shall be constructed of horizontal metal wire attached to posts, which may include occasional perpendicular wires to maintain spacing, but shall not include any chain-link or other mesh components.

[USE THIS ATTACHMENT IF AUTHORIZING RIP RAP STABILIZATION THAT REQUIRES A GP]

ATTACHMENT \_\_\_\_\_\_\_\_\_\_\_

General Permit Conditions for Rip Rap

1. [DELETE IF NOT RIPRAP IN FRONT OF A VERTICAL SEAWALL] The slope of the rip rap shall be no steeper than two horizontal feet to one vertical foot and the toe of the vertical wall and the horizontal distance from the toe of the seawall is no more than 10 feet;

2. [DELETE IF PART OF LARGER PLAN OF DEVELOPMENT] The slope of the riprap shall be no steeper than two horizontal to one vertical, and the toe of the riprap shall be no more than 10 feet waterward of the existing mean high-water line or approximate ordinary high-water line.

3. Riprap shall not be placed along a length of shoreline of more than 100 linear feet, and shall not combined as part of any other use of a general permit on the same parcel of land

4. The riprap consists only of natural boulders or clean concrete rubble one to three feet in diameter in average dimension, and there are no reinforcing rods or other similar protrusions in the concrete rubble;

5. No filling of submerged grassbeds or coral communities is authorized.

6. The amount of wetland area filled shall not exceed 100 square feet.

7. There shall no backfilling to obtain useable upland, to straighten an otherwise sinuous shoreline, or to reclaim land lost by avulsion or erosion.

[USE THIS ATTACHMENT IF AUTHORIZING A BOAT RAMP THAT QUALIFIES FOR A GP]

ATTACHMENT\_\_\_\_\_\_\_\_\_\_\_

General Conditions – Boat Ramps

1. The work shall not part of a larger plan of development that requires a permit under part IV of chapter 373, Florida Statutes.

2. A minimum navigational access of two feet below mean low water in tidal waters or the expected average low depth in non-tidal waters, as determined based on best available information for the water body at the project location, must already exist to the proposed ramp. Depth indicators shall be installed at the ramp to identify the controlling depths of the navigational access.

3. There shall be no work in, on, or over submerged grassbeds or coral communities.

4. The above-water portion of the boat ramp shall be paved or otherwise stabilized to prevent turbidity.

5. This qualifies for a general permit is limited to one use per parcel of property and cannot be combined with other general permits or exemptions.

6. The boat ramp shall be limited to a single lane and must not exceed a width of 20 feet, including the side slopes, with the boat ramp surface not to exceed a width of 12 feet.

7. {DELETE IF NOT AUTHORIZING A COMMERCIAL OR GOVERNMENT ENTITY BOAT RAMP] The boat ramp for a commercial or governmental entity shall be limited to a maximum of two lanes and must not exceed a width of 60 feet, including the side slopes, with the ramp surface not to exceed a width of 36 feet.

8. {DELETE IF NOT AUTHORIZING A MULTI FAMILY, COMMERCIAL OR GOVERNMENT ENTITY BOAT RAMP] The boat ramp can have a maximum of two accessory docks, abutting either one or both sides of the boat ramp, provided that the cumulative square footage of accessory docks over wetlands or other surface waters does not exceed 500 square feet in Outstanding Florida Waters or 1,000 square feet outside Outstanding Florida Waters. The accessory docks shall not be used for overnight mooring.

(9) [DELETE IF NOT AUTHORIZING a GOVERNMENT ENTITY BOAT RAMP]The total impervious surface in uplands that is subject to vehicular traffic associated with a boat ramp for a governmental entity shall not exceed 1.2 acres. Before operating any portion of such a boat ramp facility that contains 4,000 square feet or more impervious surface subject to vehicular traffic, a stormwater management system meeting all of the following requirements must be constructed and fully operational.

(a) Each system must be designed by a registered professional in accordance with chapter 471, 472, 481, or 492, Florida Statutes, as applicable, and must be constructed, operated, and maintained to serve the total project area of the boat ramp facility.

(b) No system shall accept or treat runoff from offsite areas not associated with the total project area.

(c) The system must provide treatment for a minimum stormwater retention volume of one-half inch of runoff. Recovery of the specified retention volume must occur within 72 hours by percolation through the sides and bottom of the retention basin.

(d) Impervious traffic lanes and parking areas shall remain graded such that runoff is directed to the stormwater treatment system.

(e) The system must include a continuous vegetated buffer strip adjacent to the downstream side of impervious areas subject to stormwater treatment. The buffer strip must be at least 25 feet wide and stabilized by well-established natural vegetation.

(f) The permittee must maintain the treatment system and buffer strips at all times for the life of the system.

(g) The stormwater system must be operated and maintained by the Respondent for the life of the system. The Respondent shall perform routine inspections of the buffer to check for development of concentrated flow through it, gully erosion, or loss of vegetation, and must repair the buffer as soon as practical to restore shallow overland flow conditions and prevent further concentration of flow and damage to the buffer.

(10) {DELETE IF NOT AUTHORIZING A COMMERCIAL OR GOVERNMENT ENTITY BOAT RAMP] Commercial or governmental entities shall record a fully executed binding agreement in the official records of the county in which the boat ramp is located. Commercial entities shall execute and record the “Agreement to Maintain Public Access,” incorporated herein as Form 62-330.417(1), (October 1, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02508>), ensuring the facility will remain open to the general public for the life of the facility. Governmental entities shall execute and record the “Agreement to Maintain Public Access and Operate Stormwater System,” incorporated herein as Form 62-330.417(2), (October 1, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02509>), ensuring the facility will remain open to the general public for the life of the facility and to ensure that the stormwater management system associated with the boat ramp will be operated and maintained for the life of the system. Copies of incorporated materials may be obtained from the Agency, as described in subsection 62-330.010(5), Florida Administrative Code.

[INCLUDE THIS ATTACHMENT FOR ALL RESTORATION/REMOVAL ACTIVITIES]

ATTACHMENT \_\_\_\_\_\_\_\_

Specific Conditions for Construction Activities

1. There shall be no stockpiling of tools, materials (i.e., lumber, pilings, debris, etc.) within wetlands, along the shoreline, the littoral zone, or waters of the state unless specifically approved by the Order.
2. This Order does not authorize the construction of any additional structures/fill which are not depicted on the drawings attached to and incorporated in this Order.
3. There shall not be any excess lumber, scrap wood, trash, garbage, etc. within the wetlands and waters of the State.
4. Watercraft associated with the construction shall operate within waters of sufficient depth to preclude bottom scouring/prop dredging.
5. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.
6. Respondent shall report any damage to the Department within 24 hours that occurs to the wetlands/littoral zone area as a result of construction. If any damage occurs to wetlands or surface waters as a result of any construction activities, the Respondent shall be required to restore the wetland area by regrading the damaged areas back to the natural reconstruction elevations and planting vegetation of the size, densities and species that exist in the adjacent areas pursuant to an Order. The restoration shall be completed within 30 days of completion of the construction and shall be done to the satisfaction of the Department.
7. Any disturbed areas of the shoreline shall be stabilized immediately (within 48 hours) following completion the project.
8. Impacts to wetland vegetation and submerged aquatic vegetation are prohibited under this authorization.

[USE THIS ATTACHMENT IF AUTHORIZING AN EI BULKHEAD]

ATTACHMENT \_\_\_\_\_\_\_\_

Specific Conditions for Bulkhead/Vertical Shoreline Stabilization

1. The bulkhead shall be constructed, and an interior silt screen shall be in place prior to the placement of any backfill material.
2. [DELETE IF NOT REQUIRING RIPRAP TO BE INSTALLED WATERWARD OF WALL] A silt screen or interior fabric shall be in place prior to the placement of the riprap.
3. [DELETE IF NOT REQUIRING RIPRAP TO BE INSTALLED WATERWARD OF WALL] In accordance with Florida Administrative Code Rule 62-330.021, “riprap” shall consist of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions.
4. [DELETE IF NOT REQUIRING RIPRAP TO BE INSTALLED WATERWARD OF WALL] In order to comply with the requirements of Section 373.414(5)(a), Florida Statutes, riprap shall be placed at the toe of the bulkhead at a slope of 2:1 (horizontal: vertical) to an elevation of one foot above Mean High Water. This shall be done within 14 days of completion of the bulkhead.
5. [DELETE IF NOT AUTHORIZING A BREAKWATER] The breakwater shall be constructed so as to allow the free tidal exchange of water from the lake to the shoreline under the deck.
6. The location of the bulkhead/seawall/riprap, together with any and all future

 bulkhead/seawall/riprap repairs or replacement alignments, shall not cumulatively extend more than 3 feet waterward of the mean high-water line of the water body.

[INCLUDE THIS ATTACHMENT FOR ALL COTUAS]

 ATTACHMENT \_\_\_\_\_\_

**TEMPORARY USE AGREEMENT**

This Temporary Use Agreement (hereinafter referred to as the “Agreement”) is entered into this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20 \_\_\_\_, by and between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (hereinafter referred to as the “Board”) and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, [a \_\_\_\_\_\_\_\_\_\_\_\_\_\_ corporation] (hereinafter referred to as the “Applicant”).

RECITALS:

A. The Applicant desires to enter into this Agreement for the sovereign lands (hereinafter referred to as “lands”) and water column adjacent to the Applicant’s upland real property located at [PROJECT LOCATION,[ \_\_\_\_\_\_\_\_\_\_\_\_ County], Florida.

B. A \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Describe the unauthorized structure / activity] has been constructed [performed] on these lands adjacent to Applicant’s upland real property without the Board’s approval or authorization.

C. Applicant desires to obtain the consent of the Board to maintain and use the structures [maintain the performance of the activities] located on these lands.

D. The parties acknowledge that the application, approval and issuance of a sovereign lands lease may require a time period of several months.

E. The Applicant desires to have the temporary use of the structures [performance of the activities] located on these lands during the processing and review of the Applicant’s sovereign lands lease application.

NOW, THEREFORE, for and in consideration of the mutual agreements and covenants set forth herein, the Applicant agrees to pay to the Board a total of $ \_\_\_\_\_\_\_\_\_\_ for deposit into the Internal Improvement Trust Fund as compensation for the past and current use of these lands without the approval or authorization of the Board. Such payment, which shall be in the form of a cashier’s check, certified check or money order payable to the Department of Environmental Protection has been delivered along with this signed Agreement. [OPTIONAL -REPLACE THE PREVIOUS SENTENCE WITH THE FOLLOWING ONLY IF PAYMENT IS NOT MADE WHEN THE TUA IS SIGNED: Such payment, which shall be in the form of a cashier’s check, certified check, or money order payable to the Department of Environmental Protection shall be delivered to the Board’s Accounting Office, Post Office Box 3070, Tallahassee, Florida 32315-3070 within \_\_\_\_\_ days of the date of this Agreement]. [OPTIONAL- REPLACE THE PREVIOUS SENTENCE WITH THE FOLLOWING IF PAYMENT PLAN IS BEING USED: Such payment, which shall be in the form of a cashier’s check, certified check, or money order payable to the Department of Environmental Protection shall be made in X monthly installment payments delivered to the Board’s Accounting Office, Post Office Box 3070, Tallahassee, Florida 32315-3070. The first X installment payments shall each be for an amount $\_\_\_\_\_\_\_\_\_, the X and final installment payment shall be for an amount of $\_\_\_\_\_\_\_\_\_\_. The X installment payments shall be due on the first, second, 22nd etc. of each month with the first installment payment due on Month, Day, Year and the final installment payment due no later than Month, Day, Year. See a schedule of the payment plan attached as Exhibit “B”.] The parties hereto, then, agree as follows:

**1. The Applicant acknowledges and understands that the grant of this Agreement and the payment of the amount herein does not guarantee that the Board will grant the Applicant a lease or that the Department of Environmental Protection will recommend that a lease be granted.**

2. The Applicant is hereby granted the temporary exclusive use of the structures [performance of the activities] located on these lands as depicted in Exhibit “A”, consisting of approximately \_\_\_\_ square feet, waterward of Applicant’s upland real property described above. This temporary exclusive use is for a term not to exceed one year from the date of execution of this Agreement through month/day/year, or until the date of execution of a sovereign lands lease between the Board and the Applicant, whichever occurs first. The Applicant shall make no claim of title to or interest in the sovereign lands identified in Exhibit “A” solely by reason of occupancy or use thereof under this Agreement.

3. The existing structures can only be utilized [activities can only be performed] as they were on the date of execution of this Agreement, which was as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In the event any part of any of these structures [Activities] is determined by a final adjudication issued by a court of competent jurisdiction to encroach or interfere with riparian rights of the adjacent upland riparian owner, Applicant agrees to either obtain written consent for the offending structure [or use] from the affected adjacent upland riparian owner or remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this Agreement and be grounds for immediate termination of this Agreement at the sole option of the Board.

4. The consideration paid for this Agreement includes the lease fees due for these lands from \_\_\_\_\_\_\_\_\_\_\_\_\_ through \_\_\_\_\_\_\_\_\_\_\_\_ [plus interest payable on past due lease fees]. This consideration is not refundable, notwithstanding the denial of a sovereign lands lease by the Board.

5. The Applicant acknowledges that the lease fees assessed in this agreement after March 1, 20\_\_ are an estimate created using the base rate of $0.\_\_\_\_\_\_per square foot fee from the 20\_\_-20\_\_ billing cycle times the approximate square footage of the lands preempted by the structures [performance of the activities]. A supplemental invoice will be generated and issued to the applicant at the time of lease execution that accounts for any difference in lease fees owed for the new per square foot fee established on March 1, 20\_\_ which is based on changes in the consumer price index, pursuant to Rule 18-21.011(1)(b.), Florida Administrative Code, and changes in the square footage of the preempted area based on a survey supplied by the Applicant pursuant to Applicant’s sovereign lands lease application, and the Applicant hereby agrees to pay the full amount of any additional lease fees owed to the Board due to these changes within 30 days of the receipt of the supplemental invoice.

6. In the event that a sovereign lands lease application is not approved by the Board, or the Applicant fails to execute the lease agreement prior to the expiration or termination of this Agreement, whichever occurs first, the Applicant shall remove all structures [cease all activities] referenced herein from [on] the sovereign lands at the Applicant’s sole expense. In the event that the Applicant asserts title to the sovereign lands identified in Exhibit “A,” and either the Applicant fails to timely submit the information concerning title as required herein, or the Board denies the Applicant’s claim of title and the Applicant has not commenced an action to quiet title as specified herein, the Applicant shall remove all structures [cease all activities] referenced herein from [on] the sovereign lands at the Applicant’s sole expense. In the event that the Applicant fails to complete the requirements of paragraph 8 of this Agreement, the Applicant shall remove all structures [cease all activities] referenced herein from [on] the sovereign lands at the Applicant’s sole expense. The complete removal of the structures as required by this paragraph shall be accomplished within 180 days [The complete cessation of the activities shall occur immediately] following the expiration or termination of this Agreement, whichever occurs first.

7. If the Applicant asserts title to the sovereign lands identified in Exhibit “A”, the Applicant must submit an application, accompanied by all evidence upon which Applicant relies for the assertion of title, to the Division of State Lands (“DSL”), Department of Environmental Protection, within 90 days after the execution of this Agreement. DSL will review the application and accompanying evidence and give a response to Applicant as to whether the Board will assert title to the sovereign lands described in Exhibit “A”. If DSL responds that the Board will assert title to said sovereign lands, the Applicant must file an appropriate action in circuit court within 90 days of DSL’s response to obtain a legal determination of title to the sovereign lands. If DSL, after consultation with the Board, responds that the Board does not assert title to the sovereign lands, then the Applicant shall not have to apply for a sovereign lands lease, and that portion of the consideration representing lease fees and interest shall be refunded. If DSL, after its review, responds that the Board does not assert title to a portion of the sovereign lands, any consideration for that portion representing lease fees and interest will be refunded. Failure to submit the initial application and evidence within 90 days after execution of this Agreement, or failure to file the appropriate court action within 90 days after DSL’s response, shall constitute a waiver by the Applicant of all of its claim of title to the sovereign lands and an acknowledgment that the Board owns the sovereign lands.

8. Applicant shall make initial application for a sovereign lands lease (modification) to the Board within 30 days of the execution of this Agreement and complete the application by no later than 90/120/150/180 days of the execution of this Agreement for the lands identified in Exhibit “A”.

OR

8. Applicant shall complete the application submitted on \_\_\_\_\_\_\_\_\_ for a sovereign submerged lands lease (modification) to the Board by no later than 90/120/150/180 days of the execution of this Agreement for the lands identified in Exhibit “A”.

9. Immediately following execution of this Agreement, Applicant shall record this Agreement and send a copy of the recorded Agreement to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [LOCAL DEP ADDRESS] within 10 days of recording.

10. This Agreement is temporary in nature and may not be extended or modified except upon the express written agreement of the Board. No request for an extension of the Agreement shall be considered by the Board except upon a demonstration by the Applicant that the Applicant is in full compliance with the terms and conditions of this Agreement and has exercised due diligence in its efforts to procure a sovereign lands lease from the Board.

11. As a material condition of this Agreement, Applicant agrees to comply with all of the requirements of Consent Order No. [Insert No. of Consent Order that is part of Department’s enforcement action], [Permit No. \_\_\_\_\_\_], [Exemption No. \_\_\_\_\_\_],Chapters 253, 258, and 376, Florida Statutes, and the rules promulgated pursuant thereto. The Board has the right to immediately rescind this Agreement upon the failure of Applicant to comply with either the terms of this Agreement, the aforementioned Consent Order, statutes, rules, or any permits or exemptions. The Board has the right to immediately rescind this Agreement upon the failure of Applicant to comply with either the terms of this Agreement, statutes, or regulations. Upon written notice that the Board has exercised its right to rescind under this paragraph, Applicant shall immediately cease and desist all activity authorized by this Agreement, or within the timeframe specified in the notice, or within twenty days of receipt of the notice if no timeframe is specified. Notice may be given by the Board by certified mail or hand delivery to:\_\_\_\_\_\_\_\_\_\_\_\_,[APPLICANT’S ADDRESS] or by posting the notice at the property described in Exhibit “A”.

12. Applicant shall save and hold harmless and indemnify the Board, Department of Environmental Protection, and the State of Florida against any and all liability, claims, judgments or costs of whatsoever kind and nature for injury to, or death of, any person or persons and for loss or damage to any property arising out of or connected with Applicant’s occupation and use of these lands and the structures or activities located thereon. By execution of this Agreement, applicant waives any claim it may have against the Department of Environmental Protection concerning the submerged lands described on Exhibit “A” except as described in Paragraph 7 of this Attachment.

13. Applicant agrees that any litigation arising from matters relating to this Agreement between the Board and the Applicant shall be initiated and maintained only in Leon County, Florida.

14. This Agreement, and any rights and privileges contained herein, are for the sole benefit and use of the Applicant and shall not be assigned or transferred by the Applicant to any other party without the prior written consent of the Board, which consent shall not be unreasonably withheld.

15. The terms of this Agreement may be enforced by the Board notwithstanding that the authorization granted hereunder has expired.

Executed on the date first written above.

BOARD OF TRUSTEES OF THE

INTERNAL IMPROVEMENT TRUST FUND

OF THE STATE OF FLORIDA

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Director of District Management,

Department of Environmental Protection,

*as agent for and on behalf of the Board of Trustees of the*

*Internal Improvement Trust Fund of the State of Florida*

WITNESSES:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Original Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed/Typed Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Original Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed/Typed Name

STATE OF FLORIDA

COUNTY OF\_\_\_\_\_\_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_, by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Director of District Management, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ District, Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Find of the State of Florida. He/She is personally known to me.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Notary Public, State of Florida

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Printed, Typed or Stamped Name

 My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_

 Commission/Serial No.: \_\_\_\_\_\_\_\_\_\_\_