

## ERP Permit Requirements

### **Pre- and During Construction Requirements:**

Permit conditions require these forms to be completed and submitted to District staff within specified time frames. (Refer to the Informational Brochures Compliance Reporting link for electronic submittal instructions).

#### Construction Commencement Notice (Form No. 62-330.350(1))

- For Environmental Resource/Surface Water Management permits.
- Submit within at least 48 hours prior to commencement.
- If dates are not known, notify the District in writing to avoid post-permit compliance action; submit form once dates are determined. Be sure to reference both the application number and permit number on any correspondence.

### **Post-Construction Requirements (for projects requiring permit transfer to the operating entity):**

#### As-Built Certification and Request for Conversion to Operation Phase (Form No. 62-330.310(1))

- For Environmental Resource/Surface Water Management permits.
- Submit within 30 days of construction completion.
- A Florida Registered Professional Engineer must certify that all surface water management system facilities are constructed in substantial conformation with plans and specifications approved by the District.
- Required by Sections 373.117 and 373.419, Florida Statutes.
- If another certification form is used by the engineer, it must address all components of the surface water management system and state that the engineer has reviewed the permit and that the constructed system is in substantial conformance with the plans and specifications approved by the District.
- Permit file must contain documentation that all applicable permit conditions have been satisfied, including mitigation/preservation requirements other than long-term monitoring.

#### Request for Transfer of Environmental Resource Permit to the Perpetual Operating Entity (Form No. 62-330.310(2))

- For Environmental Resource/Surface Water Management permits.
- Submit within 30 days of certification submittal.
- Form must be completed and signed by an authorized representative of the operating entity.
- Form must include all applications to be transferred.
- Required enclosures should be submitted at the same time.

Association Affidavit (Checklist for Content of Association Documents in Compliance with SFWMD Permitting Criteria)

- For Environmental Resource/Surface Water Management permits.
- Applies when a homeowner or property owner association or master association is the proposed operating entity for a surface water management system.
- Submittal of the Affidavit greatly facilitates the review of the permit transfer.
- Provides reasonable assurance that the association meets minimum requirements of Section 12.3 of the Applicant's Handbook Volume I, to operate and maintain the surface water management system.

**Post-Construction Requirements (for projects remaining under single ownership):**

As-Built Certification and Request for Conversion to Operation Phase (Form No. 62-330.310(1))

- For Environmental Resource/Surface Water Management permits.
- Submit within 30 days of construction completion.
- A Florida Registered Professional Engineer must certify that all surface water management system facilities are constructed in substantial conformance with plans and specifications approved by the District.
- Required by Sections 373.117 and 373.419, Florida Statutes.
- If another certification form is used by the engineer, it must address all components of the surface water management system.
- Statement that all permit conditions are satisfied, including mitigation/preservation requirements other than long-term monitoring.

# CONSTRUCTION COMMENCEMENT NOTICE

**Instructions:** In accordance with Chapter 62-330.350(1)(d), F.A.C., complete and submit this form at least 48 hours prior to commencement of activity authorized by permit.

Permit No. \_\_\_\_\_ Application No. \_\_\_\_\_  
 Project Name \_\_\_\_\_ Phase \_\_\_\_\_

Construction of the system authorized by the above referenced Environmental Resource Permit and Application, is expected to commence on \_\_\_\_\_, 20\_\_\_\_  
 and will have an estimated completion date of \_\_\_\_\_, 20\_\_\_\_\_

**PLEASE NOTE:** If the actual construction commencement date is not known within 30 days of issuance of the permit, District staff should be so notified in writing. As soon as a construction commencement date is known, the permittee shall submit a completed construction commencement notice form.

Permittee's or Authorized Agent's Signature	Company	
Print Name	Title	Date
E-mail		Phone Number



# AS-BUILT CERTIFICATION AND REQUEST FOR CONVERSION TO OPERATION PHASE

Instructions: Complete and submit this page within 30 days of completion of the permitted activities, as required by the permit conditions. **Any components of the permitted activities that are not in substantial conformance with the permit must be corrected or a modification of the permit will be required in accordance with Rule 62-330.315, Florida Administrative Code (F.A.C.).** The operation phase of the permit is effective when the construction certification for the entire permit/application is approved by the Agency. If the final operation and maintenance entity is not the permittee, the permittee shall operate the system, works or other activities temporarily until such time as the transfer to the operation entity is finalized (use Form 62-330.310(2)).

Permit No.:	Application No(s).	Permittee:
Project Name:		Phase (if applicable):

I HEREBY CERTIFY THAT (please choose accurately and check only one box):

- I hereby notify the Agency of the completion of construction of all the components of the system, works or other activities for the above referenced project and certify that it has been constructed in substantial conformance with the plans specifications and conditions permitted by the Agency. Any minor deviations will not prevent the system from functioning in compliance with the requirements of Chapter 62-330, F.A.C. Attached is documentary evidence of satisfaction of any outstanding permit conditions, other than long term monitoring and inspection requirements.
- At the time of final inspection, the works or activities were NOT completed in substantial conformance with the plans and specifications permitted by the Agency. (The registered professional shall describe the substantial deviation(s) in writing, and provide confirming depiction on the as-built drawings and information.)

If there were substantial deviations, plans must be submitted clearly labeled as “as-built” or “record” drawings reflecting the substantial deviations. If there are no substantial deviations, do not submit “as built” drawings.

***For activities that require certification by a registered professional:***

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

Signature	Print Name	Fla. Lic. or Reg. No
! AFFIX SEAL !	Company Name	
	Company Address	Date

***For activities that do not require certification by a registered professional:***

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

Signature	Print Name	
	Company Name	
	Company Address	Date



## **DRAWINGS AND INFORMATION CHECKLIST**

**Following is a list of information that is to be verified and/or submitted by the Registered Professional or Permittee:**

1. All surveyed dimensions and elevations shall be certified by a registered Surveyor or Mapper under Chapter 472, F.S.
2. The registered professional's certification shall be based upon on-site observation of construction (scheduled and conducted by the registered professional of record or by a project representative under direct supervision) and review of as-built drawings, with field measurements and verification as needed, for the purpose of determining if the work was completed in accordance with original permitted construction plans, specifications and conditions.
3. If submitted, the as-built drawings are to be based on the permitted construction drawings revised to reflect any substantial deviations made during construction. Both the original design and constructed condition must be clearly shown. The plans need to be clearly labeled as "as-built" or "record" drawings that clearly highlight (such as through "red lines" or "clouds") any substantial deviations made during construction. As required by law, all surveyed dimensions and elevations required shall be verified and signed, dated and sealed by an appropriate registered professional. The following information, at a minimum, shall be verified on the as-built drawings, and supplemental documents if needed:
  - a. Discharge structures - Locations, dimensions and elevations of all, including weirs, orifices, gates, pumps, pipes, and oil and grease skimmers;
  - b. Detention/Retention Area(s) – Identification number, size in acres, side slopes (h:v), dimensions, elevations, contours or cross-sections of all, sufficient to determine stage-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems,
  - c. Side bank and underdrain filters, or exfiltration trenches - locations, dimensions and elevations of all, including clean-outs, pipes, connections to control structures and points of discharge to receiving waters;
  - d. System grading - dimensions, elevations, contours, final grades or cross-sections to determine contributing drainage areas, flow directions and conveyance of runoff to the system discharge point(s);
  - e. Conveyance - dimensions, elevations, contours, final grades or cross-sections of systems utilized to divert off-site runoff around or through the new system;
  - f. Benchmark(s) - location and description (minimum of one per major water control structure);
  - g. Datum- All elevations should be referenced to a vertical datum clearly identified on the plans, preferably the same datum used in the permit plans.
4. Wetland mitigation or restoration areas - Show the plan view of all areas, depicting a spatial distribution of plantings conducted by zone (if plantings are required by permit), with a list showing all species planted in each zone, numbers of each species, sizes, date(s) planted and identification of source of material; also provide the dimensions, elevations, contours and representative cross-sections depicting the construction.
5. Any additional information or outstanding submittals required by permit conditions or to document permit compliance, other than long-term monitoring or inspection requirements.

# REQUEST FOR TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT TO THE PERPETUAL OPERATION ENTITY

Instructions: Complete this form to transfer to the permit to the operation and maintenance entity. This form can be completed concurrently with, or within 30 days of approval of the As-Built Certification and Request for Conversion to Operation Phase (Form 62-330.310(1)). Please include all documentation required under Section 12.2.1(b) of Applicant's Handbook Volume 1. (see checklist below). **Failure to submit the appropriate final documents will result in the permittee remaining liable for operation and maintenance of the permitted activities.**

Permit No.:	Application No(s).
Project Name:	Phase (if applicable):

A. **REQUEST TO TRANSFER:** The permittee requests that the permit be transferred to the legal entity responsible for operation and maintenance (O&M).

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

Signature of Permittee	Name and Title
Company	Company Address
Phone	City, State, Zip

B. **AGREEMENT FOR SYSTEM OPERATION AND MAINTENANCE RESPONSIBILITY:** The below-named legal entity agrees to operate and maintain the works or activities in compliance with all permit conditions and provisions of Chapter 62-330, Florida Administrative Code (F.A.C.) and Applicant's Handbook Volumes I and II in perpetuity. Authorization for any proposed modification to the permitted activities shall be applied for and obtained prior to conducting such modification.

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

Signature of Representative of O&M Entity	Name of Entity for O&M
Name and Title	Address
Email Address	City, State, Zip
Phone	Date

Enclosed are the following documents, as applicable:

- Copy of recorded transfer of title to the operating entity for the common areas on which the stormwater management system is located (unless dedicated by plat)
- Copy of all recorded plats
- Copy of recorded declaration of covenants and restrictions, amendments, and associated exhibits
- Copy of filed articles of incorporation and documentary evidence of active corporate status with the Department of State, Division of Corporations (for corporations)
- A completed, signed, and notarized affidavit attesting that the operating entity meets the requirements of Section 12.3 of Environmental Resource Permit Applicant's Handbook Volume I.(Note- this is optional, but aids in processing of this request)



# Association Affidavit

Application No.(s)																		
Permit No.																		
Project Name																		
<p>I, _____, on behalf of _____  in _____ capacity, hereby attest to the following pertaining to the above project:</p> <p>I am submitting this affidavit to provide reasonable assurances that the requirements set forth in Section 12.3 of the Environmental Resources Permit Applicant's Handbook Volume 1 (AH Vol.1) are included in the attached Association documents.</p> <p><b><u>12.3.3(a), AH Vol. I</u></b>  In this affidavit, I attest that the attached Association documents comply with Section 617, Florida Statutes (Corporations Not for Profit); Section 718, Florida Statutes (Condominiums); Section 719, Florida Statutes (Cooperatives); or Section 720, Florida Statutes (Homeowners Associations), as applicable.</p> <p><b><u>12.3.3(b), AH Vol. I</u></b>  I attest the Association Governing Documents include the following powers on the page numbers indicated:</p> <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 80%;"></th> <th style="width: 20%; text-align: right; vertical-align: bottom;">Page No.</th> </tr> </thead> <tbody> <tr> <td>1. own and convey property;</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>2. operate and perform maintenance of the permitted project on common property as exempted or permitted by the Agency;</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>3. establish rules and regulations governing membership or take any other actions necessary;</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>4. assess members and enforce the collection of assessments for the cost of owning and maintaining the property, including the stormwater management (SWM) system;</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>5. sue and be sued;</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>6. contract for services to provide for operation and maintenance services;</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>7. require all owners of real property or units to be members of the corporation or association; and</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>8. demonstrate that the land on which the system is located is owned or otherwise controlled by the corporation or association to the extent necessary to operate and maintain the system or convey operation and maintenance to another entity.</td> <td style="text-align: right;">_____</td> </tr> </tbody> </table>		Page No.	1. own and convey property;	_____	2. operate and perform maintenance of the permitted project on common property as exempted or permitted by the Agency;	_____	3. establish rules and regulations governing membership or take any other actions necessary;	_____	4. assess members and enforce the collection of assessments for the cost of owning and maintaining the property, including the stormwater management (SWM) system;	_____	5. sue and be sued;	_____	6. contract for services to provide for operation and maintenance services;	_____	7. require all owners of real property or units to be members of the corporation or association; and	_____	8. demonstrate that the land on which the system is located is owned or otherwise controlled by the corporation or association to the extent necessary to operate and maintain the system or convey operation and maintenance to another entity.	_____
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**12.3.3(c), AH Vol. 1**

I further attest that the following covenants and restrictions are contained in the Declaration of Restrictive Covenants, Deed Restrictions, Declaration of Condominium, Articles of Incorporation or other recorded document setting forth the Association's rules and regulations (documents) on the page numbers indicated:

- |   | Page No. |
|---|----------|
| 1. The Association is responsible for the operation and maintenance of the system described in the permit.  | _____    |
| 2. The system is owned by the Association or described in the documents as common property.   | _____    |
| 3. There is a method of assessing and collecting fees for operation and maintenance of the system.  | _____    |
| 4. Any amendment proposed to these documents which would affect the system, conservation areas or water management portions of the common areas will be submitted to the Agency for a determination of whether the amendment necessitates a modification of the environmental resource permit. If a modification is necessary, the Agency will so advise the permittee. The amendment affecting the system may not be finalized until any necessary permit modification is approved by the Agency or the Association is advised that a modification is not necessary. | _____    |
| 5. The governing provisions shall remain in effect for a minimum of twenty (20) years and shall be automatically renewed thereafter.  | _____    |
| 6. The Association exists in perpetuity. However, should the Association dissolve, the operational documents provide that the system shall be transferred to and maintained by one of the following entities:   | _____    |
| a. Local government units, including counties and municipalities, Municipal Service Taxing Units, or special taxing units;  |          |
| b. Active water control districts created pursuant to Chapter 298, F.S., drainage districts created by special act, special districts defined in Chapter 189, F.S., Community Development Districts created pursuant to Chapter 190, F.S., Special Assessment Districts created pursuant to Chapter 170, F.S., or water management districts created pursuant to Chapter 373, F.S.,   |          |
| c. State or federal agencies;   |          |
| d. Duly constituted communication, water, sewer, stormwater, electrical, or other public utilities;   |          |
| e. Construction permittees, subject to the restrictions below; or   |          |
| f. Non-profit corporations, including homeowners' associations, property owners' associations, condominium owners' or master associations, subject to the restrictions below.   |          |
| These entities must have the powers required in section 12.3, AH Vol. 1.*   |          |
| 7. If wetland mitigation or monitoring is required, and the operational entity will be responsible to carry out this obligation, the rules and regulations of the association state that it shall be the association's responsibility to complete the task successfully, including meeting all (permit) conditions associated with wetland mitigation, maintenance and monitoring.**  | _____    |
| 8. The Agency has the right to take enforcement action, including a civil action for an injunction and penalties against the Association to compel it to correct any outstanding problems with the system facilities or in mitigation or conservation areas under the responsibility or control of the Association.   | _____    |

\* These requirements of the AH Vol. 1 are also set forth in this Affidavit.

\*\* You may put N/A if this section is not applicable.



**12.3.3(d), AH Vol. I**

If the project is a phased project or has independent associations, I further attest that the following powers and duties are contained in the documents:

Page No.

The Association has the ability to accept responsibility for operation and maintenance of the system.

1. For future phases of the project, if the operation and maintenance entity is proposed for a project that will be constructed in phases, and subsequent phases will utilize the same system as the initial phase or phases; or \_\_\_\_\_
2. The Association and/or sub-associations/sub-entities, either separately or collectively, have the responsibility and authority to operate and perform maintenance of the system for the entire project area, if the development scheme contemplates independent operation and maintenance entities for different phases, and the system is integrated throughout the project. That authority must include cross easements for surface water management and the ability to enter and maintain the various portions of the system, should any sub-entity fail to maintain a portion of the system within the project area. \_\_\_\_\_

Further Affiant sayeth naught.

\_\_\_\_\_  
Signature

State of Florida )  
County of \_\_\_\_\_ ) ss

I HEREBY CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, an officer authorized in the State aforesaid and in the County aforesaid to take acknowledgements by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

\_\_\_\_\_  
Notary Public, State of Florida