



9.0 - Operating Entity Requirements/ Conversion Transfers

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Conversion to Operation Phase and Transfer to Operating Entity

“Conversion Transfers”

Operating Entity

The entity responsible for the long-term maintenance and function of a surface water management system.

Purpose

**To ensure that the operating entity
has the necessary legal
authority and responsibility.**

Permit General Condition #7

- **A permit does NOT automatically enter operation phase when construction is deemed complete.**
- **A conversion transfer must be requested.**
- **The designated operating entity must meet District requirements.**

Permit General Condition #9

- **The original permittee remains responsible until the conversion transfer is finalized.**
- **A request for conversion transfer signed by the operating entity **MUST** be received for the transfer to be finalized, even if the developer submits all other required documentation.**

Permit Special Condition

- **Specifies the District-approved operating entity for the surface water management system.**
- **Includes submittal deadlines.**

Submittal Requirements

Form 0920

- **Official request for conversion transfer of the permit.**
- **Acceptance of the permit's conditions and requirements.**
- **Signed by the entity RECEIVING the permit.**

Submittal Requirements

Creation Documents

- **Must meet requirements of Section 9, Basis of Review**
- **Differ from one type of entity to another**

Submittal Requirements

Ownership / Easements

- **Plat - Dedications outline easements and state maintenance obligations**
- **Deed**
- **Recorded Easements**

Submittal Requirements

Permit Compliance

- **Engineering:**

Certification accepted by SFWMD staff

- **Environmental:**

Mitigation requirements fulfilled

Monitoring reports up-to-date

Types of Operating Entities

Permittee

- **Stand-alone**
- **No conversion transfer required - converted to operation phase upon acceptance of engineering certification**
- **Permit requires ownership transfer upon sale of property because permit does NOT run with the land.**

Types of Operating Entities

Property Owners Association

- **Signature authority = board member**
- **Declaration of Covenants, Restrictions and Easements, including Articles of Incorporation**
- **Affidavit form**

Types of Operating Entities

Community Development District

- **Signature authority = CDD supervisor**
- **Ordinance establishing the CDD pursuant to Chapter 190, F.S.**

Types of Operating Entities

Multipurpose Special Taxing Unit

- **Ordinance establishing the MSTU pursuant to county or city code**
- **Special Taxing Units – do NOT cover surface water management systems**

Types of Operating Entities

Government

- **County**
- **Municipality**
- **Local 298 District**

Goal

Resolve all issues with the conversion transfer before the developer no longer has control of the association.

Challenging Scenarios

Engineering certification is accepted but the conversion transfer is not requested.

- **Reminder within certification acceptance letters**
- **Partial conversion transfers acceptable**

Challenging Scenarios

Entity requesting conversion transfer differs from permitted operating entity.

- **Request letter modification to change operating entity**
- **Submit recorded documentation supporting actual operating entity**

Challenging Scenarios

Multiple operating entities with split operational functions.

- **Submit a conversion transfer request for each entity**
- **Each entity must meet District requirements**

Challenging Scenarios

Association documents NOT satisfactory according to Section 9, Basis of Review.

- Amendment required
- Recorded Notice of Permit

Challenging Scenarios

Golf Course/Residential Communities

- **Golf course as member of association**
- **Operating agreements between parties**
- **Cross-easements**