

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><u>12.3.3(a), AH Vol. I</u> 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><u>12.3.3(b), AH Vol. I</u> 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; vertical-align: bottom;">_____</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; vertical-align: bottom;">_____</td> </tr> <tr> <td>3. establish rules and regulations governing membership or take any other actions necessary;</td> <td style="text-align: right; vertical-align: bottom;">_____</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; vertical-align: bottom;">_____</td> </tr> <tr> <td>5. sue and be sued;</td> <td style="text-align: right; vertical-align: bottom;">_____</td> </tr> <tr> <td>6. contract for services to provide for operation and maintenance services;</td> <td style="text-align: right; vertical-align: bottom;">_____</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; vertical-align: bottom;">_____</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; vertical-align: bottom;">_____</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. | _____ |
| | 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. | _____ | | | | | | | | | | | | | | | | | |

12.3.3(c), AH Vol. I

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