

**EXHIBIT C**

**BYLAWS  
OF  
HIDDEN PINES ESTATES  
HOMEOWNERS ASSOCIATION, INC.**

**ARTICLE I**

**NAME**

**Section 1.1** **Association Name.** The name of the corporation is **HIDDEN PINES ESTATES HOMEOWNERS ASSOCIATION, INC.**, a Florida corporation, not-for profit (hereinafter referred to as the "Association").

**ARTICLE II**

**DEFINITIONS**

**Section 2.1** **Definitions.** For ease of reference, these Bylaws shall be referred to as the "Bylaws". The terms used in these Bylaws shall have the same definition as those set forth in the **Declaration of Covenants, Conditions, Restrictions, Easements and Assessments for Hidden Pines Estates**, to be recorded in the Public Records of Santa Rosa County, Florida, unless herein provided to the contrary, or unless the context otherwise requires.

**ARTICLE III**

**MEETING OF MEMBERS**

**Section 3.1** **Annual Meetings.** The annual meeting of the Members shall be held on a date and time and at a place to be determined by the Board with due and proper notice thereof as provided in Section 3.3 hereof.

**Section 3.2** **Special Meeting.** Special meetings of the Members may be called at any time by the President, by the Board of Directors, or upon written request of a majority of the Members of each class.

**Section 3.3** **Notice of Meetings.** Notices of all board meetings must be posted in a conspicuous place in the community at least forty-eight (48) hours in advance of a meeting, except in an emergency. In the alternative, if notice is not posted in a conspicuous place, written notice of each meeting of Members shall be given by or at the direction of the Secretary or person authorized to call the meeting by mailing a copy of such notice, postage prepaid, at least seven (7) days before such meeting to each Member entitled to vote thereat, addressed to the Members' addresses last appearing on the books of the Association or supplied by such Member to the Association for the purposes of notice. Such notice shall specify the place, day and hour of the meeting; and, in the case of a special meeting, the purpose of the meeting shall be stated.

**Section 3.4** **Quorum.** The presence at the meeting of Members of each class entitled to cast votes, or of proxies entitled to cast votes, equal to twenty percent (20%) of each class, shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these Bylaws. If, however such quorum shall not be present or represented at the meeting, the Members of each class

entitled to vote shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or represented.

Section 3.5 Proxies. At all meetings of Members of each class, each Member of each class may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the Member of his or her Lot.

Section 3.6 Vote Required. At every meeting of the Members, the Owner(s) of each Lot, either in person or by proxy, shall have the right to cast the number of votes to which he or she is entitled as set forth in the Declaration. The vote of the majority of the votes cast by those present of each class, in person or by proxy, shall decide any question brought before such meeting unless the question is one upon which, by express provision of the Declaration, the Articles of Incorporation, or these Bylaws, a different vote is required; in which case, such express provisions shall govern and control.

Section 3.7 Order of Business. The order of business at all annual or special meetings of the Members of each class shall be as follows:

- A. Roll Call
- B. Proof of Notice of meeting or waiver of notice
- C. Reading of minutes of previous meeting
- D. Reports of officers
- E. Reports of committees
- F. Election of Officers or Directors (if election to be held)
- G. Unfinished business
- H. New business
- I. Adjournment

#### ARTICLE IV

##### BOARD OF DIRECTORS: SELECTION - TERM OF OFFICE

Section 4.1 Number. The affairs of this Association shall be managed and governed by a Board of Directors composed of not less than three (3) members. The first Board of Directors shall have three (3) members.

Section 4.2 Classes. Each Director will be appointed or elected to one (1) of three (3) classes: Class 1, Class 2, or Class 3. Directors will be elected by class to provide for staggered terms. This Section 4.2 shall not apply to Article IV, Section 4.7

Section 4.3 Term of Office. Each member of the Board shall serve for a term of two (2) years until the next annual meeting, or until such time as his/her successor is chosen. The eligibility of a member to be elected for more than one (1) term shall not be abridged, excluding the initial terms as explained as follows: the initial term for Class 1 Director will be for one (1) year, the initial term for the Class 2 Director will be for two (2) years, and the initial term for the Class 3 Director will be for three (3) years.

Section 4.4 Removal. Any Director may be removed from the Board, with or without cause, by a majority of each class of the Members of the Association entitled to vote. In the event of death, resignation or removal of a director, his or her successor shall be selected by the remaining members of the Board of Directors, and he or she shall serve for the unexpired term of his or her predecessor. This Section 4.4 shall not apply to Board of Directors appointed by Declarant. Only Declarant shall have the right to remove a member of the Board of Directors appointed by Declarant.

Section 4.5 Compensation. No Director shall receive compensation for any service he or she may render to the Association. However, any Director may be reimbursed for his or her actual expenses incurred in performance of his or her duties.

Section 4.6 Action Taken Without a Meeting. The Directors shall have the right to take any action in the absence of a meeting, which they could take at a meeting by obtaining the written approval of all the Directors. Any action so approved shall have the same effect as though taken at a meeting of the Directors.

Section 4.7 The First Board of Directors. The first Board of Directors shall consist of three (3) persons who shall be appointed by the Declarant and who, subject to the provisions set forth hereinabove with regard to resignation and death, shall be the sole voting members of the Board of Directors and shall hold office until the termination of Class "B" Membership as set forth in the Declaration.

## ARTICLE V

### ELECTION OF DIRECTORS

Section 5.1 Elections. Elections to the Board of Directors shall be by secret written ballot. At such election, the members or their proxies may cast, in respect to each such vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons receiving a majority of the votes cast for that office shall be elected. Cumulative voting is not permitted.

## ARTICLE VI

### MEETING OF DIRECTORS

Section 6.1 Regular Meetings. Regular meetings of the Board of Directors shall be held annually, at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day that is not a legal holiday.

Section 6.2 Special Meetings. Special meetings of the Board of Directors shall be held when called by the President of the Association, or by any two (2) Directors, after not less than three (3)-days' notice to each Director.

Section 6.3 Quorum. A majority of the number of Directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the Directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

## ARTICLE VII

### POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 7.1

Powers. The Board of Directors shall have the power to:

A. Adopt and publish rules and regulations governing the use of the Common Area and Areas of Common Responsibility, as well as the personal conduct of the Members and their guests thereon; and establish penalties for the infraction thereof;

B. Suspend the voting rights and right to use the Common Area or Areas of Common Responsibility by a Member during any period in which such Member shall be in default in the payment of any Assessment levied by the Association. Such right to use of the Common Area or Areas of Common Responsibility may also be suspended, after notice and hearing, for a period not to exceed sixty (60) days for infraction of published rules and regulations;

C. Exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the Membership by other provisions of these Bylaws, the Articles of Incorporation, or the Declaration;

D. Declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors;

E. Employ a manager, management company, an independent contractor and/or such other employees as the Board deems necessary, prescribe the duties to be undertaken and the compensation therefor, authorize the purchase of necessary supplies and equipment and enter into contracts with regard to the foregoing items or services;

F. Accept such other functions or duties with respect to the Property hereunder, including Architectural Control, in addition to maintenance responsibilities, as are determined from time to time to be proper by the majority of the Board of Directors;

G. Delegate to and contract with a financial institution for collection of the Assessments of the Association;

H. Procure and maintain adequate liability insurance on property owned by the Association, and such other insurance, which, in the opinion of a majority of the Directors, may be necessary or desirable for the Association; the policies and limits are to be reviewed at least annually and increased and decreased at the discretion of the majority of the members of the Board of Directors;

I. Cause the Common Area, Areas of Common Responsibility, and those portions of Lots and dwellings to be maintained in accordance with the Declaration;

J. Prepare and file the appropriate governmental tax returns; and, in compliance with Revenue Ruling 70-604, the corporation elects to apply excess Assessments to help reduce future years Assessments. Therefore, no tax is due on the excess payment.

Section 7.2

Duties. It shall be the duty of the Board of Directors to:

A. Cause to be kept a complete record of all of its acts and corporate affairs and present a statement thereof to the Members at the annual meeting of the Members of each class, or at any special meeting when such statement is required in writing by fifty-one percent (51%) of each class;



B. Supervise all Officers, agents and employees of the Association and see that their duties are properly performed;

C. Fix the amount of the annual Assessment against each Lot and send written notice of each Assessment to every Owner subject thereto and in relation thereto and establish the Annual Budget as provided in the Declaration described hereinabove;

D. Foreclose the lien against any Property for which Assessments are not paid, or bring an action at law against the Owner personally obligated to pay the same, at the election of the Board of Directors;

E. Issue or cause to be issued by an appropriate Officer, upon demand by any person, a certificate setting forth whether any Assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an Assessment has been paid, such certificate shall be conclusive evidence of such payment;

F. Fix and determine the amount of special Assessments for capital improvements as set forth in the Declaration, send written notice of each special Assessment to every Owner subject thereto at least thirty (30) days in advance of the due date thereof, and collect or cause to be collected such sum(s) as are deemed to be due by virtue of said special Assessment.

## ARTICLE VIII

### OFFICERS AND THEIR DUTIES

Section 8.1 Enumeration of Officers. The Officers of this Association shall be a president, secretary, and treasurer who shall at all times be members of the Board of Directors.

Section 8.2 Election of Officers. The election of Officers shall take place at the meeting of the Board of Directors, which shall immediately follow the adjournment of each annual meeting of Members.

Section 8.3 Term. The Officers of this Association shall be elected annually by the Board, and each shall hold office for one (1) year unless said member shall sooner resign, or shall be removed or otherwise disqualified to serve.

Section 8.4 Special Appointments. The Board may elect such other Officers as the affairs of the Association may require; each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine in its discretion.

Section 8.5 Standing Committees. The Board shall appoint such standing committees as are required under the Declaration, the Articles, or these Bylaws, as well as such other committees as are necessary or desirable from time to time; said committees shall exist for such periods of time, have such authority, and perform such duties as the Board may, from time to time, determine in its discretion.

Section 8.6 Resignation and Removal. Any Officer may be removed from office with or without cause by the Board. Any Officer may resign at any time by giving written notice to the Board, the President or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 8.7 Vacancies. A vacancy in any office may be filled by appointment by a majority vote of the Board. The Officer appointed to such vacancy shall serve for the remainder of the term of the Officer he/she replaces.

Section 8.8 Duties. The duties of the Officers are as follows:

A. **President:** The President shall preside at all meetings of the Board of Directors; see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments and shall co-sign all checks and promissory notes.

B. **Secretary:** The Secretary may act in the place and stead of the President in the event of his/her absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him/her by the Board of Directors. The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board of Directors and of the Members; keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings of the Board of Directors and of the Members; keep appropriate current records showing the Members of the Association together with their addresses; and shall perform such other duties as may be required by the Board of Directors.

C. **Treasurer:** The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association along with the President; keep proper books of account; cause a financial report of the Association books to be made by a public accountant at the completion of each fiscal year; and shall prepare an Annual Budget and a statement of income and expenditures to be presented to the Membership at its regular annual meeting and deliver a copy of each to the Members.

## ARTICLE IX COMMITTEES

Section 9.1 Subdivision Committees. The Board of Directors may, at its discretion, create such committees as it sees fit from time to time.

## ARTICLE X BOOKS AND RECORDS

Section 10.1 Association Books, Records and Papers. The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any Member. The Declaration, the Articles of Incorporation, and these Bylaws shall be available for inspection by any Member at the principal office of the Association, or such other address as the Board of Directors may from time to time designate, and copies may be purchased at a reasonable cost at such address.

**ARTICLE XI**  
**ASSESSMENTS**

Section 11.1 Assessment of Members. As more fully provided in the Declaration, except as therein provided, each Member of each class is obligated to pay to the Association annual and special Assessments and reserves, which are secured by a continuing lien upon the Lot against which the Assessment is made and are a personal obligation of the Member of each class.

**ARTICLE XII**  
**CORPORATE SEAL**

Section 12.1 Association Corporate Seal. The Association may have a seal in circular form, having within its circumference the words: **HIDDEN PINES ESTATES HOMEOWNERS ASSOCIATION, INC.**, a Florida corporation, not-for-profit.

**ARTICLE XIII**  
**AMENDMENTS**

Section 13.1 Requirements to Amend. These Bylaws may be amended at a regular or special meeting of the Members by a vote of fifty-one percent (51%) of each class of the Members present in person or by proxy except as otherwise provided in the Declaration.

Section 13.2 Control of Conflict. In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles shall control; and, in the case of any conflict between the Declaration, the Articles of Incorporation, and/or these Bylaws, the Declaration shall control.

**ARTICLE XIV**  
**MISCELLANEOUS**

Section 14.1 Fiscal Year. The fiscal year of the Association shall begin on the first day of January and end on the 31<sup>st</sup> day of December of each year, except that the first fiscal year shall begin on the date of incorporation of the Association.

Section 14.2 Indemnification. The Association shall indemnify any Officer or director or any former officer or director to the full extent permitted by law.

Section 14.3 Insurance. The Board of Directors may, but is not required to, elect to carry a policy of officers and directors' liability insurance, insuring the Officers and Directors against any claims made against them whatsoever, except claims of willful negligence and misfeasance of office.

Section 14.4 Financial Reports. The Association shall prepare an annual budget that sets out the annual operating expenses. The budget must reflect the estimated revenues and expenses for that year and the estimated surplus or deficit as of the end of the current year. The budget must set out separately all fees or charges paid for by the Association for recreational amenities, whether owned by the Association, the developer, or another person. The Association shall provide each Member with a copy of the annual budget or a written notice that a copy of the budget is available upon request at no charge to the Member. The copy

must be provided to the Member within the time limits set forth in Chapter 720, Florida Statutes. In addition to annual operating expenses, the budget may include reserve accounts for capital expenditures and deferred maintenance for which the Association is responsible. If reserve accounts are not established pursuant to Section 720.303(6)(d), Florida Statutes, funding of such reserves is limited to the extent that the governing documents limit increases in Assessments, including reserves. If the budget of the Association includes reserve accounts established pursuant to Section 720.303(6)(d), Florida Statutes, such reserves shall be determined, maintained, and waived in the manner provided in Chapter 720, Florida Statutes.

Pursuant to Section 720.303(6)(d), Florida Statutes, the Association is deemed to have provided for reserve accounts upon the affirmative approval of a majority of the total voting interests of the Association. Such approval may be obtained by vote of the Members at a duly called meeting of the Membership or by the written consent of a majority of the total voting interests of the Association. The approval action of the Membership must state that reserve accounts shall be provided for in the budget and must designate the components for which the reserve accounts are to be established. Upon approval by the Membership, the Board shall include the required reserve accounts in the budget in the next fiscal year following the approval and each year thereafter. Once established, the reserve accounts must be funded or maintained or have their funding waived in the manner provided in Section 720.303(6)(f), Florida Statutes.

The amount to be reserved in any account established shall be computed by means of a formula that is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of each reserve item. The Association may adjust replacement reserve assessments annually to take into account any changes in estimates of cost or useful life of a reserve item.

After one (1) or more reserve accounts are established, the Membership, upon a majority vote at a meeting at which a quorum is present, may provide for no reserves or less reserves than required by Section 720.303, Florida Statutes. If a meeting of the Owners has been called to determine whether to waive or reduce the funding of reserves and such result is not achieved or a quorum is not present, the reserves as included in the budget go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves. Any vote taken pursuant to this subsection to waive or reduce reserves is applicable only to one (1) budget year.

A. If the budget of the Association does not provide for reserve accounts pursuant to Section 720.303(6)(d), Florida Statutes, or the Declaration, Articles or these Bylaws do not obligate the developer to create reserves, and the Association is responsible for the repair and maintenance of capital improvements, which may result in special Assessments if reserves are not provided or not fully funded, each financial report for the preceding fiscal year shall contain the following statement in conspicuous type:

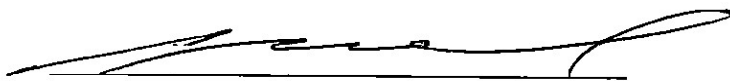
**THE BUDGET OF THE ASSOCIATION DOES NOT PROVIDE FOR FULLY FUNDED RESERVE ACCOUNTS FOR CAPITAL EXPENDITURES AND DEFERRED MAINTENANCE THAT MAY RESULT IN SPECIAL ASSESSMENTS REGARDING THOSE ITEMS. OWNERS MAY ELECT TO PROVIDE FOR FULLY FUNDED RESERVE ACCOUNTS UNDER SECTION**

**720.303(6), FLORIDA STATUTES, UPON OBTAINING THE APPROVAL OF A MAJORITY OF THE TOTAL VOTING INTERESTS OF THE ASSOCIATION BY VOTE OF THE MEMBERS AT A MEETING OR BY WRITTEN CONSENT.**

B. If the Association's budget provides for funding accounts for deferred expenditures, including, but not limited to, funds for capital expenditures and deferred maintenance, but such accounts are not created or established pursuant to Section 720.303(6)(d), Florida Statutes, each financial report for the preceding fiscal year shall contain the following statement in conspicuous type:

**THE BUDGET OF THE ASSOCIATION PROVIDES FOR LIMITED VOLUNTARY DEFERRED EXPENDITURE ACCOUNTS, INCLUDING CAPITAL EXPENDITURES AND DEFERRED MAINTENANCE, SUBJECT TO LIMITS ON FUNDING CONTAINED IN OUR GOVERNING DOCUMENTS. BECAUSE THE OWNERS HAVE NOT ELECTED TO PROVIDE FOR RESERVE ACCOUNTS UNDER SECTION 720.303(6), FLORIDA STATUTES, THESE FUNDS ARE NOT SUBJECT TO THE RESTRICTIONS ON USE OF SUCH FUNDS SET FORTH IN THAT STATUTE, NOR ARE RESERVES CALCULATED IN ACCORDANCE WITH THAT STATUTE.**

IN WITNESS WHEREOF, we, the Directors of **HIDDEN PINES ESTATES HOMEOWNERS ASSOCIATION, INC.**, a Florida corporation, not-for-profit, have hereunto set our hands this 2<sup>nd</sup> day of January, 2025 for and on behalf of the Association.



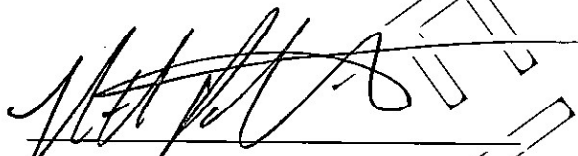
Chad Willard, President

COPY

**CERTIFICATION**

I, the undersigned, do hereby certify that I am the duly elected and acting Secretary of **HIDDEN PINES ESTATES HOMEOWNERS ASSOCIATION, INC.**, a Florida corporation, not-for-profit, and that the foregoing Bylaws constitute the original Bylaws of the said Association, as duly adopted at the meeting of the Board of Directors thereof, held on this 2<sup>nd</sup> day of January, 2025.

**IN WITNESS WHEREOF**, I have hereunto subscribed my name and affixed the seal of the said Association this 2<sup>nd</sup> day of January, 2025.



Mike Patterson, Secretary

ORIGINAL COPY

EXHIBIT D

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT**

**PERMIT NO:** IND-113-306436-1      **DATE ISSUED:** September 12, 2022  
**PROJECT NAME:** Hidden Pines Estates - 1st Addition  
**CONSTRUCTION PHASE EXPIRATION DATE:** September 12, 2027

**A PERMIT AUTHORIZING:**

The construction of a new residential development located at the west ends of Needlerush Drive and Rustling Pines Drive in Milton, (Santa Rosa County). The approximately 43.09-acre development will consist of the construction of a new single-family residential subdivision with associated infrastructure that includes interior right-of-way and access driveway connections to Needlerush Drive and Rustling Pines Drive. Stormwater runoff generated onsite and contributing offsite areas will be collected and conveyed by drainage inlets towards a dry retention pond to be constructed near the southwestern portion of the project site. The dry retention pond will serve approximately 42.48 acres and will be designed with a control structure to be constructed near its southwest corner. The control structure will consist of a 20.00-foot wide emergency overflow (rectangular weir) set at an approximately invert elevation of 39.00 feet. The control structure of the pond has been designed to discharge to the west onto adjacent property in case of emergency. No wetland or other surface water impacts are authorized by this permit. The surface water management system is in accordance with the approved plans prepared by David W. Fitzpatrick, P.E., P.A.

**LOCATION:**

Section(s):                      Township(s): 1N                      Range(s): 28W  
Santa Rosa County

**ISSUED TO:**

Garden Street Communities Southeast, LLC  
100 West Garden Street, 2nd Floor  
Pensacola, FL 32502

Permittee agrees to hold and save the Northwest Florida Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to any permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit is issued pursuant to Part IV of Chapter 373, Florida Statute (F.S.), and Chapter 62-330, Florida Administrative Code, (F.A.C.), and may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.



This permit also constitutes certification compliance with water quality standards under Section 401 of the Clean Water Act, 33 U.S. Code 1341.

**PERMIT IS CONDITIONED UPON:**

See conditions on attached "Exhibit A," dated September 12, 2022

**AUTHORIZED BY:** Northwest Florida Water Management District  
Division of Resource Regulation

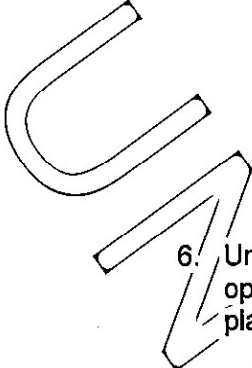
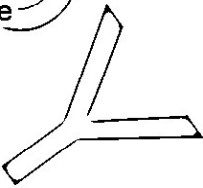
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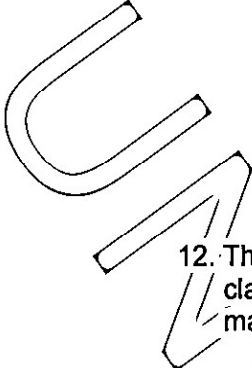
*Terry E. Wells*

Terry Wells  
Division of Regulatory Services; ERP Bureau Chief

**"EXHIBIT A"**  
**CONDITIONS FOR ISSUANCE OF PERMIT NUMBER IND-113-306436-1**  
**Hidden Pines Estates - 1st Addition**  
**DATED September 12, 2022**

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. The permittee is to minimize the extent of the area exposed at one time, the disturbance of steep slopes, and the duration of exposure during construction. This includes avoiding clearing, grubbing, and grading the entirety of the site at once. The permittee shall submit a phased construction schedule prior to the start of construction which includes the description of construction techniques, sequencing, and equipment. Please refer to Subsection 11.1.2 of ERP Applicant's Handbook Volume I and Part 3 of Section E of the ERP Application Form 62-330.060(1) for more information.
4. Activities 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 practices shall be installed immediately prior to, and be maintained during and after construction as 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 subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
5. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

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6. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
  7. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
    1. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – “Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
    2. For all other activities – “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
    3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
  8. If the final operation and maintenance entity is a third party:
    1. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
    2. Within 30 days of submittal of the as-built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
  9. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
  10. This permit does not:
    1. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
    2. Convey to the permittee or create in the permittee any interest in real property;
    3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
    4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee
  11. 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, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
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12. The permittee shall hold and save the Agency 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 the permit.

13. The permittee shall notify the Agency in writing:

1. Immediately if any previously submitted information is discovered to be inaccurate; and
2. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase

14. Upon reasonable notice to the permittee, 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 in the permit.

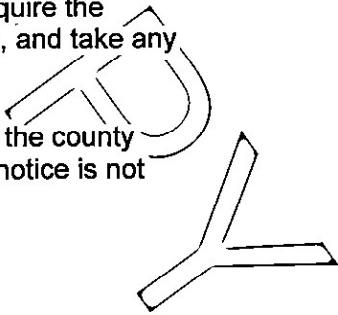
15. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work 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 notification shall be provided in accordance with Section 872.05, F.S.

16. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

17. The permittee 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 a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

18. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

19. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.



20. **Record-keeping.** The permittee shall be responsible for keeping records documenting that relevant permit conditions are met. This documentation shall include, at a minimum, the date of each inspection, the name and qualifications of the inspector, any maintenance actions taken, and a determination by the inspector as to whether the system is operating as intended. Inspection documentation must be readily available and shall be submitted annually to the District by the anniversary date of the permit.

21. Once project construction has been deemed complete, including the re-stabilization of all side slopes, embankments, and other disturbed areas, and before the transfer to the Operation and Maintenance phase, all obsolete erosion control materials shall be removed.

22. Grassed areas of the retention system shall be fertilized only as needed to maintain vegetation, and shall be mowed regularly in order to be kept at a manageable length as required for system functionality, maintenance, and safety.

23. Percolation performance shall be evaluated within the pond at least every third year. If there is evidence of inadequate percolation, the pond bottom must be re-scarified or deep-raked to restore percolation characteristics. If reworking the pond bottom fails to restore adequate percolation, additional retention area restoration shall be performed as follows:

- a. Remove the top layer of the retention area bottom material to a depth of 2 to 3 inches and scarify or deep-rake the excavated bottom.
- b. Replace excavated bottom material with suitably permeable material and restore the pond bottom to design grade.

24. **Inspections by the Permittee.**

- o The stormwater system shall be inspected periodically for accumulation of debris and trash. Accumulations of debris and trash that negatively affect the function of the system shall be removed upon discovery.
- o The stormwater system shall be inspected periodically for silt accumulation. Accumulations of silt that negatively affect the function of the system shall be removed.
- o The overflow weir and skimmer, if applicable, shall be inspected annually to confirm that it is free-flowing and clear of debris.

25. **Inspections by a Registered Professional.** The stormwater management system shall be inspected by a registered professional to evaluate whether the system is functioning as designed and permitted. Percolation performance should specifically be addressed. The Registered Professional may record his inspection on Form No 62-330.311(1), Operation and Maintenance Inspection Certification or may provide his evaluation in any other format; however any report must be signed and sealed by the Registered Professional. Submittal of the inspection report to the District shall occur within 30 days of the inspection. Inspections shall be made by the Registered Professional in accordance with this schedule:

- o On the first anniversary of the date of conversion to Operation and Maintenance Phase.
- o Every fifth year on the anniversary of conversion to Operation and Maintenance phase, after the first year of successful operation.

26. **Reporting by a Registered Professional.** Within 30 days of any failure of a stormwater management system or deviation from the permit, a report shall be submitted to the District on Form 62-330.311(1), Operation and Maintenance Inspection Certification, describing the remedial actions taken to resolve the failure or deviation. This report shall be signed and sealed by a Registered Professional.

27. Negative impacts to wetlands or other surface waters as a result of construction shall be reported immediately to the Northwest Florida Water Management District, 700 South U.S. Highway 331, DeFuniak Springs, FL 32435, Phone: (850) 951-4660. Corrective action shall be taken as soon as practicable to restore the impacted areas

28. This permit does not authorize the permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of "take" and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a "take" permit cannot be issued. Requests for further information or review can be sent to [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com)

### NOTICING PUBLICATION INFORMATION

The District's action regarding the issuance or denial of a permit, a petition or qualification for an exemption only becomes closed to future legal challenges from members of the public ("third parties"), if 1) "third parties" have been properly notified of the District's action regarding the permit or exemption, and 2) no "third party" objects to the District's action within a specific period of time following the notification.

Notification of "third parties" is provided through publication of certain information in a newspaper of general circulation in the county where the proposed activities are to occur. Publication of notice informs "third parties" of their right to have a 21-day time limit in which to file a petition opposing the District's action. However, if no notice to "third parties" is published, there is no time limit to a party's right to challenge the District's action. The District has not published a notice to "third parties" that it has taken final action on your application. If you want to ensure that the period of time in which a petition opposing the District's action regarding your application is limited to the time frame state above, you may publish, at your own expense, a notice in a newspaper of general circulation. A copy of the Notice of Agency Action the District uses for publication is attached. You may use this format or create your own, as long as the essential information is included.

If you do decide to publish a Notice of Final Agency Action, please provide the District a copy of the Proof of Publication when you receive it. That will provide us notice that action on this permit application is closed after the 21 days following publication.



**Notice of Final Agency Action Taken by the  
Northwest Florida Water Management District**

Notice is given that Environmental Resource permit number IND-113-306436-1 was issued on September 12, 2022 to William Adams of Garden Street Communities Southeast, LLC for the construction of a new surface water management system designed to provide treatment and attenuation for a new residential development located at the west ends of Needlerush Drive and Rustling Pines Drive in Milton, (Santa Rosa County). The approximately 43.09-acre development will consist of the construction of a new single-family residential subdivision with associated infrastructure that includes interior right-of-way and access driveway connections to Needlerush Drive and Rustling Pines Drive. Stormwater runoff generated onsite and contributing offsite areas will be collected and conveyed by drainage inlets towards a dry retention pond to be constructed near the southwestern portion of the project site. The control structure of the pond has been designed to discharge to the west onto adjacent property in case of emergency. No wetland or other surface water impacts are authorized by this permit. The project is located at West ends of Needlerush Drive and Rustling Pines Drive, Santa Rosa County.

The application file is available online and can be accessed through the District's e-Permitting Portal at:

<https://permitting.sjrwmd.com/nweppermitting/jsp/Search.do?theAction=PermitNumSearch>. If you have any questions or are experiencing difficulty viewing the electronic application, please contact us at (850) 951-4660.

A person whose substantial interests are affected by the District permitting decision may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes, or may choose to pursue mediation as an alternative remedy under Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-404, Florida Administrative Code. Petitions must comply with the requirements of Florida Administrative Code, Chapter 28-106 and be filed with (received by) the District Clerk located at District Headquarters, 81 Water Management Drive, Havana, FL 32333-4712. Petitions for administrative hearing on the above application must be filed within twenty-one (21) days of publication of this notice or within twenty-six (26) days of the District depositing notice of this intent in the mail for those persons to whom the District mails actual notice. Failure to file a petition within this time period shall constitute a waiver of any right(s) such person(s) may have to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., concerning the subject permit. Petitions which are not filed in accordance with the above provisions are subject to dismissal.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the District's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the District on the application have the right to petition to become a party to the proceedings, in accordance with the requirements set forth above.



## NOTICE OF RIGHTS

Northwest Florida Water Management District  
152 Water Management Drive, Havana, FL 32333-4712  
(850) 539-5999 Fax (850) 539-2693  
[www.nwfwater.com](http://www.nwfwater.com)



*The following information addresses procedures to be followed if you desire an administrative hearing or other review of agency action.*

### PETITION FOR FORMAL ADMINISTRATIVE PROCEEDINGS

Any person whose substantial interests are or may be affected by the action described in the enclosed Notice of Agency Action, may petition for an administrative hearing in accordance with the requirements of section 28-106.201, Florida Administrative Code, or may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes, before the deadline for filing a petition. Pursuit of mediation will not adversely affect the right to administrative proceedings in the event mediation does not result in a settlement. Petitions for an administrative hearing must be filed with the Agency Clerk of the Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333-9700 by the deadline specified in the attached cover letter. Failure to file a petition within this time period shall constitute a waiver of any rights such person may have to request an administrative determination (hearing) under section 120.57, Florida Statutes, concerning the subject permit application. Petitions which are not filed in accordance with the above provisions are subject to dismissal.

### DISTRICT COURT OF APPEAL

A party who is adversely affected by final agency action on the permit application and who has exhausted available administrative remedies is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes. Review under section 120.68, Florida Statutes, is initiated by filing a Notice of Appeal in the appropriate District Court of Appeal in accordance with Florida Rule of Appellate Procedure 9.110.

COPY

**SECTION 28-106.201, FLORIDA ADMINISTRATIVE CODE, INITIATION OF PROCEEDINGS**

- (1) Unless otherwise provided by statute, and except for agency enforcement and disciplinary actions that shall be initiated under Rule 28-106.2015, F.A.C., initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 1/2 by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.
- (2) All petitions filed under these rules shall contain:
  - (a) The name and address of each agency affected and each agency's file or identification number, if known;
  - (b) 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;
  - (c) A statement of when and how the petitioner received notice of the agency decision;
  - (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
  - (e) 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;
  - (f) 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
  - (g) 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.
- (3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

*Rulemaking Authority 14.202, 120.54(3), (5) FS. Law Implemented 120.54(3) FS. History--New 4-1-97, Amended 9-17-98, 1-15-07, 2-5-13.*