

DERM RULE 2026-01

RULES FOR COMPLIANCE WITH DECLARATION OF RESTRICTIVE COVENANTS AND ENGINEERING CONTROL MAINTENANCE PLANS AS TO USE OF PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT

- (1) General. The Black Creek Community Development District (“District”) entered into an assignment and assumption of two (2) Declarations of Restrictive Covenant recorded on May 5, 2022 in Book 33171, Page 901 and April 23, 2025 at Book 34722, Page 1 of the official public records of Miami-Dade County and also joined and consented to two (2) Declarations of Restrictive Covenant recorded on October 20, 2022 at Book 33430, Page 3682 and on August 18, 2025 at Book 34901, Page 3077 of the official public records of Miami-Dade County, Florida, (hereinafter all Declarations of Restrictive Covenants are referred to collectively as “DRC”), which the District agreed that it was responsible for the obligations described in the Engineering Control Maintenance Plans (“ECMP”) dated October 6, 2022 and April 9, 2025, collectively (attached hereto as **Exhibit 1**). Each respective DRC and associated ECMP provide for the inspection, maintenance and reporting requirements regarding properties situated within the District boundaries. The District will conduct certain routine inspections of property within the District boundaries to ensure compliance with each respective DRC and ECMP, require notification by the individual property owners of any penetration of the engineering controls on their property and any interaction with groundwater and reporting to the Department of Regulatory and Economic Resources, Division of Environmental Resources Management (“DERM”). Pursuant to the ECMP, the District is responsible for the maintenance of engineering controls, disclosing environmental conditions to prospective contractors, retention of a Florida licensed professional engineer to oversee and document work performed below the engineering controls, and submit Source Removal Reports and Engineering Control Repair reports, as necessary, as described in DRC and ECMP.
- (2) Inspections. The District shall perform routine inspections under the direct supervision of a professional engineer on a semi-annual basis to determine compliance with the DRC and ECMP. The property owners within the boundaries of the District shall permit the entry of the District personnel to inspect the property owner’s unimproved property in accordance with the associated DRC and

ECMP. The property owner shall be notified by the District of the date and general time of the aforementioned inspections.

- (3) Notification. All property owners are required to be in compliance with the DRC. Each property owner shall inform the District, of the following:
 - (a) intention of digging holes or trenches which disturb or penetrate the engineering controls on the property owner's property; and
 - (b) intention to interact with groundwater on the property owner's property; and
 - (c) intention to remove soil from property owner's property in contravention of the DRC; and
 - (d) proof of permit issued by Miami-Dade County which provides for all requirements of DRC; and
 - (e) notice of any violations received by Miami-Dade County/DERM regarding or arising out of the requirements of DRC.

- (4) Compliance. Pursuant to the requirements of the respective DRC, the District requires that individual property owners disclose the environmental conditions and requirements of the DRC and the ECMP to prospective contractors, engage a Florida licensed professional engineer to oversee and document work performed on their property, and provide all reports to the District, as required by the ECMP.

- (5) Reporting. It is the responsibility of the District to notify DERM of any violations of the DRC. If the District is made aware of any violations of the DRC, the District will notify the property owner of said violations and advise the property owner to come into compliance therewith.

- (6) Maintenance. In the event of a failure of the property owner to comply with the requirements of the respective DRC, the District has the responsibility to bring the subject property into compliance, including under the ECMP to repair and restore any damage to the engineering controls on the subject property, at the property owner's sole cost and expense. The property owner shall pay all such costs to the District within thirty (30) days of written notice sent by the District to the property owner at the address on file at the County property appraiser for the subject property. If the property owner fails to timely pay all such costs incurred by the District, the District

may impose such costs on the property owner as a maintenance special assessment on the subject property.

Specific Authority: §§ 120.54, 190.011(5), 190.012(3), Fla. Stat.
190.012(3), Fla. Stat. Adopted _____