

**AGREEMENT BETWEEN**  
**FLORIDA POWER & LIGHT COMPANY**  
**AND BROWARD COUNTY**  
**CONCERNING THE SOUTH DADE MITIGATION BANK**

The parties to this Agreement, Florida Power & Light Company ("FPL"), and Broward County ("County"), hereby agree as follows:

(1) The terms and conditions of Florida Department of Environmental Protection Permit Nos. 132622449 and 132637449, the U.S. Army Corps of Engineers Permit Application No. 199500155 (IP-GS), and applicable Dade County permits, authorizing the establishment and operation of South Dade Mitigation Bank, shall not limit or abrogate the County's authority under law to permit or deny the use of the South Dade Mitigation Bank as a mitigation alternative to offset wetland impacts occurring in the County.

(2) FPL shall not sell credits in the South Dade Mitigation Bank to an applicant for an environmental resource license required pursuant to Broward County Code Article XI to impact wetlands in the County, who has been denied such license pursuant to Section 27-337.

(3) This Agreement does not affect the ability of linear projects in the County to use the South Dade Mitigation Bank as mitigation pursuant to Section 62-342.600(4)(b), Florida Administrative Code.

(4) Broward County shall not deny use of the South Dade Mitigation Bank due to its location outside of Broward County.

(5) For projects approved by Broward County for mitigation at the South Dade Mitigation Bank, FPL agrees to provide monitoring reports consistent with applicable DEP permit conditions to the County and to provide reasonable access to the South Dade

Mitigation Bank by Broward County for purposes of ensuring compliance with the environmental resource license.

(6) Broward County agrees to withdraw its Petition for Formal Administrative Proceeding Pursuant to Section 120.57(1), Florida Statutes, filed May 17, 1996, challenging the issuance of Permit Nos. 132622449 and 132637449, and agrees not to challenge modification of these permits based on the location of the South Dade Mitigation Bank.

AGREED TO this 16<sup>th</sup> day of August, 1996.

BROWARD COUNTY

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

John Rodstrom, Chair  
Board of County Commissioners



FLORIDA POWER & LIGHT COMPANY

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

Joaquin E. Leon  
Senior Attorney and Assistant  
Secretary

This document reviewed and approved as  
to form by Office of County Attorney,  
Broward County, Florida  
JOHN J. COPELAN, JR., County Attorney.

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

Assistant County Attorney