

Florida's Solution to Liability Issues¹

Dale Wade

James Brenner²

Abstract: Prescribed fire is used to treat roughly 5 percent (1,500,000 acres) of Florida's wildland each year. Superimposed on this fire-maintained landscape is one of the fastest growing populations in the United States. Much of this population increase is a result of immigration from northern states where ancestral ties with fire have been broken. Many immigrants want to settle along the urban/wildland interface, exacerbating an already detrimental situation. These new arrivals generally view fire as a destructive force rather than as a biological necessity. They have little tolerance for the temporary inconveniences associated with intentional use of fire and view the practice as archaic. Furthermore, many are retirees who have the time and inclination to become politically active. Recognizing that the public will ultimately decide the future of prescribed burning, agency and private resource managers have joined in a cooperative effort to ensure that prescribed fire continues as a viable resource management option. The three regional prescribed fire councils and the Florida Division of Forestry have taken the lead in a multi-faceted approach to accomplish this objective, including: 1) improving the image and competence of prescribed burners through training and burn-boss certification; 2) educating the public through speaking engagements, newspaper and television coverage of prescribed burns, feature stories, videos, and school-teacher guides; 3) enacting state legislation, agency rules, and county ordinances; and 4) opening communication with all parties, including prompt and even-handed response to complaints.

Florida is endowed with a mild climate and abundant sunshine and rainfall, conditions conducive to rank vegetative growth. Florida is also the thunderstorm capital of North America. These factors, coupled with the ubiquitous use of fire by Native-Americans during the past several thousand years, have produced a complex of vegetation communities, some sustained by chronic low-intensity fire and some by periodic stand-replacement fires. Fire exclusion, tried for several decades earlier this century, was found to be a short-sighted alternative characterized by escalating costs, decreasing probability of success, and unwanted ecosystem changes.

Wildfires must be suppressed for numerous reasons, so resource managers have been forced to learn how to harness this ambivalent natural force, not only to enhance our lifestyle,

but to serve as an essential prerequisite to the very survival of these ecosystems. Virtually all Federal and State natural resource management agencies and some county agencies use prescription fire, primarily for hazard reduction, wildlife habitat improvement, and ecosystem perpetuation. Fire is used in the private sector by ranchers, forest product companies, game preserves, farmers, the sugarcane industry, and numerous other land owners to accomplish a wide variety of objectives. The 120,000 prescribed burn authorizations granted in 1994 resulted in the intentional treatment of 8 percent (2.3 million acres) of the 29 million acres under fire protection. Subtracting the acres burned for sugarcane production, land clearing, and agricultural stubble removal leaves, about 1,500,000 acres were treated by prescription fire during the unusually wet 1994 year—a figure well below the 10-year average.

Challenges

Superimposed on this fire-maintained landscape is one of the fastest growing populations in the United States. The population of Florida increased from 9.7 million in 1980 to 12.9 million in 1990, and is projected to reach 15.6 million by the year 2000. More than 900 immigrants arrive daily, and a large proportion are retirees from northern population centers where ancestral links with wildland fire have been severed. Of the 141,000 housing starts in 1993, 104,000 were single-family dwellings. Many new residents want to live along the ever-expanding urban/wildland interface where they will be directly impacted by fire management activities. Concomitant increases in the road network and traffic volume further exacerbate the situation. More effort is required to safeguard the public and protect homes from both wild and prescribed fires.

The public has trouble differentiating between these two types of fires. New arrivals are generally not aware of the benefits derived from the judicious use of fire, nor of its biological necessity. They regard a blackened landscape as obviously a damaged one. They have little tolerance for the temporary inconveniences often associated with prescribed fire such as slowed traffic, smokey skies, and fly ash in their swimming pools. Uninformed individuals intentionally setting fires are an enigma to them. Many, who question "wasting" their tax dollars on a practice that seems archaic at best, are retirees who have the time and inclination to become politically active.

Because of the inherent flammability of many of Florida's vegetative types, and the increased potential for catastrophic fire as fuel loads increase in the absence of periodic low-

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²Research Forester, Southern Research Station, USDA Forest Service, Route 1, Box 182-A, Dry Branch, GA 31020; and Forestry Program Administrator, Fire Control Bureau, Florida Division of Forestry, 3125 Conner Blvd., Tallahassee, FL 32301.

intensity fires, the Division of Forestry (DOF) has recommended using fire to reduce hazardous fuel accumulations. But all too often, residents do not choose to allow these recommendations to be followed, and soon thereafter, firefighters risk their lives in an attempt to save homes in that subdivision.

Absentee landowners are an even more intractable problem. Vast tracts of land were subdivided and sold worldwide, but relatively few owners ever homesteaded. Again and again, copious plant growth during wet years was followed by the inevitable dry year resulting in disastrous wildfires that stretched available resources beyond capacity. The spread of fire-prone introduced species made the situation even worse. The Florida legislature addressed the problem of hazardous fuel buildup on absentee ownerships by passing the Hawkins Bill in 1977 (Wade and Long 1979). This law (Section 590.025 of the Florida statutes) gives the DOF authority to use prescribed fire, at State expense, to reduce hazardous accumulations of wildland fuels on private property provided the landowner does not object (*appendix A*). Under this law, more than 100,000 acres have been burned. Disastrous wildfires, however, still plague Florida because Florida, like other states, cannot afford enough “on-call” forces to handle worst-case scenarios.

Fires that threaten or destroy large numbers of homes or cause multi-vehicle accidents make the headlines, alerting the public to fire management issues. The occasional ill-timed prescribed fire with a bad outcome also receives full media coverage. Individuals and organizations who disagree with the concept of prescription fire use these incidents to strengthen their arguments. But even without these events, people criticize the practice of prescribed burning; and although criticism may sometimes be justified, many citizens are uninformed or misinformed. An alarming increase in smoke-related litigation is also occurring. Many of the judgments in these cases appear to give generous compensation for unsupported arguments.

In 1987, the Florida Supreme Court ruled that: 1) setting a prescribed fire was an inherently dangerous act; 2) the landowner is liable for damages to others for negligence in setting or maintaining that fire; 3) this liability cannot be delegated to an independent contractor actually conducting the prescribed burn; and 4) a landowner wishing to conduct a prescribed burn must know what “accepted forestry and burn standards” are and be certain they are applied.

In an effort to respond to public concerns, the DOF developed regulations that allowed termination of a prescribed burn if a complaint was lodged. But the DOF found this regulation was increasingly abused by callers with a different agenda. Furthermore, the tourist industry desired clear skies, while some environmental regulators advocated more stringent fire and smoke regulations.

Virtually all county, State, and Federal natural resource agencies in Florida were espousing similar fire messages and were practicing what they preached. Nonetheless, fire managers throughout Florida were witnessing a deteriorating

situation. Conducting prescribed fires that met all regulatory restrictions, had no potential smoke impacts on the public, and still achieved the burn objectives in an efficient manner became increasingly difficult. Private individuals who used prescribed fire found it very difficult to obtain affordable insurance. The demise of prescribed fire, and along with it, the management and perpetuation of many of Florida’s ecosystems, was a very real possibility.

Solutions

Recognizing that the public would ultimately decide the future of prescribed burning, agency and private resource managers joined together in an effort to ensure prescribed fire would continue to be a viable resource management option in Florida. Fire councils, similar to the one founded in south Florida in 1974, were formed in central and north Florida. These prescribed-fire councils are very pro-active, helping develop posters, publications, and other “handout” materials. They distribute these materials at schools and garden and community service club meetings in which they discuss the advantages and disadvantages of prescribed fire. They hold workshops to enhance the expertise of prescribed burners, host “show-me” field trips, sponsor demonstrations of emerging techniques and equipment, and co-sponsor meetings that address priority issues, such as the national conference on “Environmental Regulations and Prescribed Fire” scheduled for March 14-17, 1995.

The prescribed-fire councils are directing much of their educational effort toward the younger generation. They are helping develop a teachers’ manual to introduce the concept of prescribed fire to school children. The role of Smokey the Bear, a fire prevention symbol, was expanded to include the benefits of the judicious use of fire as well. Tall Timbers Research Station produced two excellent videos on prescribed fire in the south, as well as a number of 20-second public service announcements for a Tallahassee television station.

Efforts to educate the public also include writing articles for local newspapers that provide a full discussion of potential deleterious side effects as well as the benefits of prescribed fire. Inviting the news media, especially local television stations, to prescribed burns has proven very successful. To help ensure the safety of the television crew on the burn, a knowledgeable spokesperson is assigned to be with them at all times. Another tactic is to involve local fire departments in prescribed burns. This gives department personnel an appreciation for prescribed fire and provides them with some first-hand experience in wildland fire behavior.

When necessary, peer pressure is applied to encourage prescribed burners to become better trained and to present a professional image. A good professional image is fostered by using personal protective items, maintaining equipment and tools, using “smoke ahead” signs to warn traffic, notifying appropriate law enforcement agencies and adjacent landowners before ignition, and taking the time to explain prescribed fire to anyone who stops to ask about a burn in progress.

The Division of Forestry has made several changes in its administrative rules and regulations. It developed a set of Best Management Practices (BMP'S) for prescribed fire use, tightened the criteria for issuing nighttime burning authorizations (smoke from these fires was a major source of complaints), and developed new training courses and safety requirements for its fire management personnel. One of the changes occurred in 1987 when a voluntary statewide program to certify experienced prescribed burners was implemented. As an incentive, the DOF was more flexible when issuing nighttime burning authorizations to certified burn-managers. When the certification program was begun, a person had to have served in a leadership role on at least three prescribed fires, attend an 8-hour review session, and pass a written test given at one of the 17 district DOF offices. The demand for certification was great, and it soon became obvious that a standardized certification process was needed. To standardize the certification process, a correspondence course has been developed which is administered by Hillsborough Community College in Tampa. Now, applicants who pass the final exam must prepare a written fire prescription for approval by the DOF, and then have the results of the burn reviewed by the DOF as the final step to becoming a Certified Prescribed Burn Manager.

The DOF also developed an “official agency statement” about prescription fire. A draft of this statement was sent to selected people and agencies for review. The Forestry Forum, a statewide group of natural resource leaders representing public, private, and academic sectors, received a copy. Each year this group selects one critical natural resource issue, then develops and implements a strategy to address it. In 1987 it selected prescribed fire and asked the DOF to rewrite the statement in the form of a bill for submission to the state legislature. When introduced in 1989, this bill was not given much chance of enactment, but a dedicated lobbying effort resulted in its passage without serious opposition (*appendix B*). Legislators strongly supported the bill because they said it was the first time representatives of industry, conservation organizations, and state agencies had been in their offices at the same time promoting the same legislation. Legislators concluded that the bill must be vitally important to the management of Florida’s natural resources.

The law, called the Florida Prescribed Burning Act (Florida Statute 590.026), is intentionally general so the DOF can use the administrative rule-making process rather than the legislative process to make changes (Brenner and Wade 1992). It includes a preamble that describes the necessity of prescribed fire and promotes its continued use for ecological, silvicultural, wildlife management, and range management purposes, and charges the DOF with promulgating rules for the use of prescribed fire. It also states that prescribed burns conducted under the auspices of this Act: 1) require a written prescription that must be on site during the burn; 2) be conducted only when at least one certified burner is on site; 3) are a landowner right; 4) are in the public interest and shall not constitute a public or private nuisance; and 5) protect the

burner from liability for damage or injury caused by fire or resulting smoke unless negligence is proven.

To become a certified Prescribed Burn Manager in Florida, you have to serve in a leadership role on three prescribed fires, and either pass a comprehensive test designed for experience burners, or successfully complete the 6-day Florida Interagency Basic Prescribed Fire Course. Begun in 1989, this course is held several times a year at various locations throughout Florida. Each class is limited to about 30 students and must be sponsored by an organization. Sponsorship involves securing cadre from a short list of “approved” instructors, providing classroom facilities and areas to burn, and arranging for food. Within a region, a sponsor who can provide student housing is preferred because this facilitates evening trainee-instructor interaction and helps keep costs down. In return the sponsor is given 10 of the 30 student slots; the remainder are allocated on a first-come first-served basis. Hillsborough Community College (HCC) handles registration, distribution of pre-class study materials, and other administrative tasks. The only formal advertising needed to date is a flier HCC mails out each year with class dates and locations for the year and a registration form. The prime reason many graduates list for attending the course and becoming certified is the liability benefits associated with the certification law. Certified burn managers are currently attempting to convince insurance companies to offer them prescribed fire liability coverage at an affordable cost.

Florida continues to set aside numerous relatively small (10- to 100-acre) tracts of land to protect and perpetuate, particularly areas containing diminishing plant communities—virtually all plant communities that can be maintained only through periodic fire. As lands adjacent to these parks are subdivided and sold for home sites, agency resource managers are eventually left with no place to vent the smoke from prescribed fires. One solution involves passage of a county-wide local ordinance creating smoke corridors for the parks within its jurisdiction. Basically, such an ordinance establishes and delineates a smoke transport and dispersion trajectory for prescribed burns within a park. Developers are required to give potential lot buyers a copy of the ordinance, stating that the lot is located in a smoke corridor and will occasionally be impacted by smoke from prescribed fires (*appendix C*). Other solutions with similar results are being achieved through deed restrictions and conservation easements.

The Future

To date, more than 3,000 prescribed burners have become certified. This number is expected to increase rapidly when the prescribed-burn certification correspondence course becomes available. Over 900 burners, many from outside Florida, have graduated from the Interagency Basic Prescribed Fire School. Thirty sessions, including seven scheduled in 1994, have been conducted since its inception in 1989. The Florida Prescribed Burning Act has had a positive impact

on prescribed burning but has not been tested in court yet. Georgia, Louisiana, and Mississippi have passed similar legislation, and a similar bill is currently before the Alabama legislature. Planning has begun to teach three of the new prescribed (Rx) fire effects courses approved by the National Wildfire Coordinating Group (NWCG) in Florida in 1994-95.

But we cannot rest on our laurels. Because fire is a two-edged sword that can be easily misapplied, fire management activities will continue to be closely monitored by regulatory agencies and critics. We must demonstrate that we are constantly striving to improve. Maintaining a good image and educating the public are continual challenges. And we must not falter in our effort to convince other lay and professional natural resource organizations to demonstrate their commitment to the need for and use of prescribed fire. For example, the Southeastern Section of The Wildlife Society recently passed a resolution recognizing the importance of prescribed burning in land management. As more organizations publicly support prescribed fire as a viable requirement to sustain certain ecosystems, our defense will strengthen against both those who think all fire management activities not related to suppression are ill-conceived, and those who simply believe we should not interfere with natural forces.

To date, Florida's multi-faceted approach to prescribed burning and smoke management issues has been a success. Whether this success is a result of rear-guard actions or a harbinger of an increased understanding of the need for and use of prescribed fire remains to be seen. As our population continues to swell, increased conflict between people and the environment should be expected. Hard decisions will have to be made. It is incumbent upon fire managers to initiate dialogue on emerging fire issues, respond to questions openly and honestly, show a willingness to correct mistakes, consistently strive to improve fire management activities, and support and conduct research to increase the database showing the necessity of fire to sustain healthy ecosystems. Then, whatever society ultimately decides, fire managers will have done their part to ensure the decision is based on knowledge, and not an emotional reaction to temporarily blackened landscapes or smokey skies.

References

- Brenner, Jim; Wade, Dale D. 1992. **Florida's 1990 Prescribed Burning Act**. *Journal of Forestry* 90(5):27-30.
- Wade, Dale D.; Long, Michael C. 1979. **New legislation aids hazard reduction burning in Florida**. *Journal of Forestry* 77(11):725-726.

Appendix A—Hawkins Bill (Florida Statute 590.025).

590.025 Control burning of wild land; authorization; conditions.

(1) As used in this section, "wild land" means:

- (a) Uncultivated land other than fallow. Such land may be neglected altogether or maintained for such purposes as wood or forage production, wildlife, recreation, or protective plant cover.
- (b) Land virtually uninfluenced by human activity.

(2) At the request of the governing body of a county, the Division of Forestry of the Department of Agriculture and Consumer Services is authorized and empowered, subject to the provisions and qualifications contained in subsection (3), and provided the owner of the land does not object, to control burn any area of wild land within the county which is reasonably determined to be in danger of conflagration if any open and uncontrolled fire were to occur in the area.

(3) No area of wild land shall be control burned under the provisions of this section unless notice of intent to control burn, describing particularly the area to be burned and the tentative date or dates of the burning, is published in a conspicuous manner in one or more newspapers of general circulation in the area of the burn not less than 10 days prior to the burn.

(4) In addition, the Division of Forestry shall prepare, and the county tax collector shall include with the annual tax statement, a notice to be sent to all landowners in each township designated by the Division of Forestry as a high fire hazard area. Such notice shall describe particularly the area to be burned and the tentative date or dates of the burning and shall list the reasons for, and the benefits expected to result from, control burning.

History § s. 1, ch. 77-17.

Appendix B—Florida Prescribed Burning Act (Florida Statute 590.026).

590.026 Prescribed burning; requirements; liability.

- (1) Short Title § This section may be cited as the “Florida Prescribed Burning Act.”
- (2) Legislative Findings and Purpose.
 - (a) The application of prescribed burning is a land management tool that benefits the safety of the public, the environment, and the economy of Florida. Pursuant thereto, the Legislature finds that:
 1. Prescribed burning reduces naturally occurring vegetative fuels within wild land areas. Reduction of the fuel load reduces the risk and severity of major catastrophic wildfire, thereby reducing the threat of loss of life and property, particularly in urbanizing areas.
 2. Most of Florida’s natural communities require periodic fire for maintenance of their ecological integrity. Prescribed burning is essential to the perpetuation, restoration, and management of many plant and animal communities. Significant loss of the state’s biological diversity will occur if fire is excluded from fire-dependent systems.
 3. Forest land and range land constitute significant economic, biological, and aesthetic resources of statewide importance. Prescribed burning on forest land prepares sites for reforestation, removes undesirable competing vegetation, expedites nutrient cycling, and controls or eliminates certain forest pathogens. On range land, prescribed burning improves the quality and quantity of herbaceous vegetation necessary for livestock production.
 4. The state purchased hundreds of thousands of acres of land for parks, preserves, wildlife management areas, forests, and other public purposes. The use of prescribed burning for management of public lands is essential to maintain the specific resource values for which these lands were acquired.
 5. A public education program is necessary to make citizens and visitors aware of the public safety, resource, and economic benefits of prescribed burning.
 6. Proper training in the use of prescribed burning is necessary to ensure maximum benefits and protection for the public.
 7. As Florida’s population continues to grow, pressures from liability issues and nuisance complaints inhibit the use of prescribed burning.
 - (b) It is the purpose of this section to authorize and to promote the continued use of prescribed burning for ecological, silvicultural, wildlife management, and range management purposes.
- (3) Definitions. § As used in this section:
 - (a) “Prescribed burning” means the controlled application of fire to naturally occurring vegetative fuels under specified environmental conditions and following appropriate precautionary measures, which causes the fire to be confined to a predetermined area and accomplish the planned land management objectives.
 - (b) “Certified prescribed burn manager” means an individual who successfully completes the certification program of the Division of Forestry of the Department of Agriculture and Consumer Services.
 - (c) “Prescription” means a written plan for starting and controlling a prescribed burn.
- (4) Rules. § The Division of Forestry of the Department of Agriculture and Consumer Services shall promulgate rules for the use of prescribed burning.
- (5) Requirements; Liability.
 - (a) Prescribed burning conducted under the provisions of this section shall:
 1. Be accomplished only when at least one certified prescribed burn manager is present on site while the burn is being conducted.
 2. Require that a written prescription be prepared prior to receiving authorization to burn from the Division of Forestry.
 3. Be considered in the public interest and shall not constitute a public or private nuisance when conducted pursuant to state air pollution statutes and rules applicable to prescribed burning.

4. Be considered a property right of the property owner if naturally occurring vegetative fuels are used and when conducted pursuant to the requirements of this subsection.
- (b) No property owner or his agent, conducting a prescribed burn pursuant to the requirements of this subsection, shall be liable for damage or injury caused by fire or resulting smoke, unless negligence is proven.
- (6) Duties of Agencies.
- (a) The Department of Community Affairs, the Division of Forestry of the Department of Agriculture and Consumer Services, and the Office of the State Fire Marshal shall prepare a report to be submitted to appropriate legislative committees by February 1, 1991, that shall identify actions required to minimize the threat of wildfire in areas where new development is proposed in or adjacent to wild lands.
- (b) The Office of Environmental Education of the Department of Education shall incorporate, where feasible and appropriate, the issues of prescribed burning into their educational materials.
- History § s. 2, ch. 90-234; s. 1, ch. 90-296.

Appendix C—Sarasota County Smoke Corridor Ordinance.

Sarasota County Planning Staff Report and Recommendation Reanalysis.
U.S. 41/Blackburn Point Road Villade Activity Center Sector Plan No. 89-02-SP

Attachment A

Conditions for Development Approval:

Section A:

- V. The respective property owner/developer, their successors or assigns of all parcels east of U.S. 41 contained within the attached Recommended Future Land Use Plan labeled Figure 13, shall cause to be recorded to the Public Records of Sarasota County, Florida, a Notice of Proximity to the existence of the Oscar Scherer State Recreation Area. Said Notice shall be in substantially the same form as attached hereto as Exhibit A. Said Notice shall contain metes and bounds descriptions of the entire Parcels D, E, F, G, and H which will have been prepared by a licensed Florida Land Surveyor. Said Notice shall be recorded at the time of the recording of a final plat or condominium plat survey and which O.R. Book and Page shall be set forth within such plat. Said Notice shall also be required as a part of all Deed Restrictions and Condominium Documents. Said Notice shall indicate the Oscar Scherer State Recreation Area's right to the following: continuing current resource management practices to include but not be limited to ecological burning, exotic plant and animal removal, usage of heavy equipment and machinery and other practices as may be deemed necessary for the proper management of the Oscar Scherer State Recreation Area. Also included shall be a reference that Department of Natural Resources regulations and policies substantially restrict mosquito control in the Oscar Scherer State Recreation Area. Said Notice shall also be referred to in all deed and or property restrictions within Parcels D, E, F, G, & H in the Sector Plan, and said Notice shall be subject to review by Florida Department of Natural Resources legal staff.

Attachment B

**NOTICE OF PROXIMITY TO OSCAR SCHERER STATE RECREATION AREA/
CONSERVATION EASEMENT**

This Notice date this _____ day of _____, 199_, and entered into the public record by and _____, as owners of the property described as:

SEE ATTACHED EXHIBIT I

(Insert description of subject property owned within U.S. 41/Blackburn Point Road Sector Plan No. 89-02-SP)

WHEREAS, it is the intent of this Notice to make known to the public-at-large that the property described in Exhibit "I" attached hereto is located in close proximity to the property known as the Oscar Scherer State Recreation Area/Conservation Easement

WHEREAS, it is further the intent of this notice to advise potential tenants and purchasers of subdivision property located within the boundaries of the property described in Exhibit "I" attached hereto, that said property is in close proximity to the Oscar Scherer State Recreation Area/Conservation Easement.

NOW, THEREFORE, the general public and those parties specifically purchasing or leasing property within the area described in Exhibit "I" attached hereto are hereby notified that:

1. The subject property described in Exhibit "I" attached hereto is located in close proximity to the Oscar Scherer State Recreation Area/Conservation Easement.

2. This Notice is to further advise potential purchasers or tenants of property described in Exhibit "I" attached hereto that the proximity to the Oscar Scherer State Recreation Area/Conservation Easement may result in said purchasers or tenants being affected by: continuing current resource management practices to include but not be limited to ecological burning, pesticide usage, exotic plant and animal removal, usage of heavy equipment and machinery and other practices as may be deemed necessary for the proper management of the Oscar Scherer State Recreation Area/Conservation Easement.

3. The nature and extent of the effects of the operations of the Oscar Scherer State Recreation Area which shall include: All management practices as contained within the document entitled "Ecological Burn Plan Oscar Scherer State Recreation Area" adopted on April 3, 1990, and which may be amended from time to time.

4. All property owners which take title to property within the boundaries as described in Exhibit "I" attached hereto, or tenants who may occupy the premises within the boundaries described in Exhibit "I" attached hereto, shall be deemed to have constructive knowledge of this Notice due to its recordation in the Public Records of Sarasota County, Florida, and further shall be deemed to have consented to said resource practices, including ecological burning, pesticide usage, exotic plant and animal removal, usage of heavy equipment and machinery and other practices as may be deemed necessary for the proper management of the Oscar Scherer State Recreation Area/Conservation Easement by the recording of a Warranty Deed or other instrument of conveyance, conveying the property within the boundaries in Exhibit "I" attached hereto, or by executing an occupancy agreement and delivering same to the owner of property contained within the boundaries of the property described in Exhibit "I", their successors or assigns.

IN WITNESS WHEREOF, the owners have hereunto set their hands and seals this _____ day of _____, 199 ____.

STATE OF FLORIDA
COUNTY OF SARASOTA

I HEREBY CERTIFY that on this day before me, an office duly qualified to take acknowledgements, personally appeared _____ and _____, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed same.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 199 ____.

NOTARY PUBLIC

My Commission Expires: _____ (Notary Seal)