



# Florida Department of Environmental Protection

SOUTHEAST DISTRICT OFFICE  
3301 GUN CLUB ROAD, MSC 7210-1  
WEST PALM BEACH, FL 33406  
561-681-6600

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Secretary

July 8, 2016

Mr. Fane Lozman  
2913 Avenue F  
Riviera Beach, FL 33404  
Via email: [fane@fanelozman.com](mailto:fane@fanelozman.com)

Re: Compliance Assistance Offer  
Lozman, Fane (FKA: Renegade Trust)  
Site No.: 327848, Project No.: 327848  
Palm Beach County

Dear Mr. Lozman:

An inspection was conducted at your property, located at Parcel Control Number 56-43-42-22-00-001-0200, N. Ocean Blvd. in Riviera Beach on July 5, 2016. During this inspection, potential non-compliance was noted. The purpose of this letter is to offer compliance assistance as a means of resolving this matter.

Specifically, potential non-compliance with the requirements of Chapter 373, Florida Statutes and Chapters 62-330, Florida Administrative Code were observed. Please see the attached inspection report for a full account of Department observations and recommendations.

We request you review the items of concern noted and respond in writing within **5 days** of receipt of this Compliance Assistance Offer. Your written response should include one of the following:

1. Describe what has been done to resolve the non-compliance issue or provide a schedule describing how/when the issue will be addressed. Please see the "Recommendations for Corrective Action" section on page two of the attached report.
2. Provide information that mitigates the concerns or demonstrates them to be invalid, or
3. Arrange for the case manager to visit your property to discuss the item of concern.

It is the Department's desire that you are able adequately address the aforementioned issues so that this matter can be closed. Your failure to respond promptly may result in the initiation of formal enforcement proceedings.

Compliance Assistance Offer  
Lozman, Fane (FKA: Renegade Trust)  
Site No.: 327848, Project No.: 327848  
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Please address your response and any questions to Gregory Vazquez of the Southeast District Office at 561-681-6620 or via e-mail at [Gregory.Vazquez@dep.state.fl.us](mailto:Gregory.Vazquez@dep.state.fl.us). We look forward to your cooperation with this matter.

Sincerely,



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Jason Andreotta  
Assistant Director  
Southeast District

Enclosures: Inspection Report

cc: Gregory Vazquez, FDEP – SED, via email: [Gregory.Vazquez@dep.state.fl.us](mailto:Gregory.Vazquez@dep.state.fl.us)  
John Renfranz, FDEP – SED, via email: [John.Renfranz@dep.state.fl.us](mailto:John.Renfranz@dep.state.fl.us)

# Florida Department of Environmental Protection

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## SUBMERGED LANDS AND ENVIRONMENTAL RESOURCE PROGRAM

### INSPECTION REPORT

DATE: 07/05/16                      TIME: 3:30 PM  
SITE ID#: 327848  
PROJECT ID #: 352169  
PROJECT NAME: Lozman, Fane / Floating Home  
MAILING ADDRESS: 2913 Avenue F, Riviera Beach, FL 33404  
DEP REPRESENTATIVES: Gregory Vazquez  
OTHER REPRESENTATIVES: n/a  
WORK IN COMPLIANCE: No

#### LOCATION OF INSPECTION:

The project is located in the Lake Worth Lagoon, Class III Waters, within Parcel Control Number 56-43-42-22-00-001-0200, N. Ocean Blvd., Riviera Beach in Palm Beach County.

#### EVENTS LEADING TO THE INSPECTION:

On July 05, 2016, the Southeast District (SED) of the Florida Department of Environmental Protection (FDEP) received multiple complaints from the public, as well as inquiries from the Florida Fish and Wildlife Conservation Commission (FWC) and the City of Riviera Beach Police Department (RBPD), regarding a floating home moored on the above site. Most of the complainants stated that the floating home was grounded on submerged lands containing seagrasses. After reviewing the above location on the Palm Beach County Property Appraiser's website, it appears the floating home, as reported, is moored on deeded submerged land owned by Fane Lozman.

#### INSPECTION DETAILS:

On July 5, 2016, at approximately 3:30 PM (low tide), FDEP inspector Gregory Vazquez arrived at the above site to determine if the reported floating home was grounded on submerged land containing seagrasses. From the shoreline, the two story floating home appeared to be grounded in shallow waters.

Vazquez entered the Lake Worth Lagoon from the property immediately south of the above site and traveled via kayak to the floating home. Once next to the floating home,

Vazquez confirmed that it was grounded on submerged land. At the time of the inspection (low tide), the submerged ground was approximately 0.5 – 0.6 feet below the surface of the water on all four corners of the floating home. The floating home’s hull appeared to be a barge, and it did not have a propeller or other form of propulsion. To tow or move the floating home, a vessel or other form of propulsion would be required .

After verifying the floating home was grounded, Vazquez inspected the submerged land immediately adjacent to its hull for seagrasses. On all sides of the hull, Shoal Grass (*Halodule wrightii*) and Paddle Grass (*Halophila decipiens*) were found. In addition to these seagrasses, the macro algae *Caulerpa spp.* was also present.

Multiple hoses were found hanging over the side of the hull on the port, starboard, and aft sides of the floating home. No discharges from these hoses were observed during the inspection. This floating home had registration number FL8116NU on its port side. The floating home was anchored on the submerged land at N 26°48' 3.34", W 80° 2' 8.19" and was approximately 60 ft. long by 20 feet wide.

#### VIOLATION DETAILS:

Per Chapter 62-330.020(2)(a), Florida Administrative Code, any project in, on, or over wetlands or other surface waters require an Environmental Resource Permit (ERP). This grounded floating home is filling surface waters and would have required an ERP prior to the grounding of the structure.

It is a violation of Section 373.430, Florida Statutes to “fail to obtain any permit required by this part or by rule or regulation adopted pursuant thereto, or to violate or fail to comply with any rule, regulation, order, or permit adopted or issued by a water management district, the department, or local government pursuant to their lawful authority under this part”.

#### RECOMMENDATION FOR CORRECTIVE ACTION:

- Move the floating home during high tide to deeper water and anchor it in a location that prevents future grounding on submerged land.

ADDITIONAL INSPECTION NECESSARY: Yes

PHOTOGRAPHS TAKEN:

See next page...