

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION
AGENDA**

April 14, 2009

- 1. Request approval of the minutes of the meeting held March 10, 2009.**
- 2. Request approval of amendments to Rule 42BB-1.002 contracting the boundaries of the Fleming Island Plantation Community Development District in Clay County, Florida. Petitioner: Fleming Island Plantation Community Development District (FLWAC Case No. CDD-08-004).**

On April 29, 2008, the Fleming Island Plantation Community Development District submitted a Petition to the Commission requesting amendment of its boundaries. (The Petition was supplemented with additional information at the request of the Secretary of the Commission.) The District currently covers approximately 1,580 acres of land located in Clay County. The Petition, as supplemented, proposes to contract the land area presently serviced by the District by deleting approximately 17 acres. The parcels to be contracted from the District are owned by Centex Homes, the School Board of Clay County, and New Grace Church, Inc. After contraction, the District will encompass approximately 1,563 acres. Pursuant to section 190.046(1)(e), F.S., the filing of the Petition for contraction by the District Board of Supervisors constitutes consent of the landowners within the existing District. Petitioner has written consent to the contraction of the boundaries of the District from the owners of the real property to be deleted from the District.

Upon request of the Secretary, the Department of Community Affairs (DCA) reviewed the Petition from the standpoint of their programs and responsibilities, and the requirements of section 190.005(1)(e), F.S. The DCA submitted a comment letter on July 24, 2008, indicating a review of the Petition had been completed and the Department had identified no potential inconsistency with either Florida's growth management laws or with Clay County's comprehensive plan.

Pursuant to Chapter 190, F.S., a local public hearing was conducted by the District Board of Supervisors on August 28, 2008. The District Board of Supervisors submitted a Report to the Commission on September 29, 2008.

The Commission authorized publishing of a Notice of Proposed Rule to amend the boundaries of the District at the January 27, 2009, Cabinet meeting. On February 13, 2009, a Notice of Proposed Rule was published in the Florida Administrative Weekly. No requests for public hearing or comments were received in response to the notice.

Staff Recommendation:

Approve the proposed final rule amendments and authorize the Secretary to file for final rule adoption.

Back-Up:

Fleming Island Plantation Community Development District's Petition and Supplement to the Petition received on April 29, 2008 and May 30, 2008, respectively. (Previously distributed with the January 27, 2009, agenda package.)

DCA's comment letter received on July 24, 2008. (Previously distributed with the January 27, 2009, agenda package.)

District Board of Supervisors' Report received on September 29, 2008. (Previously distributed with the January 27, 2009, agenda package.)

Proposed Rule Amendment. (Previously distributed with the January 27, 2009, agenda package.)

Final Rulemaking Package