

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION AGENDA

September 14, 2010

Attachments to the agenda items below can be viewed at the following link:

http://www.myflorida.com/myflorida/cabinet/flwac/20100914_index.html

1. **Approval of the minutes of the meeting held June 8, 2010.**
2. **Consideration of a Petition to Dissolve the Huntington Hammocks Community Development District in Hernando County, Florida. Petitioner: Huntington Hammocks Community Development District. Case No. CDD-10-002.**

In 2008, the Florida Land and Water Adjudicatory Commission adopted Rule Chapter 42LLL-1 setting forth the establishment, boundaries, and initial board of supervisors of the Huntington Hammocks Community Development District (District). On February 24, 2010, the District's Board of Supervisors filed a petition requesting the Commission dissolve the District through the repeal of Rule Chapter 42LLL-1, FAC. (The Petition was supplemented with additional information on March 22, 2010.) Section 190.046(9), FS, allows for the dissolution of a community development district which has no outstanding financial obligations and no operating or maintenance responsibilities by the repeal of the rule that established the district. The District has received consent to dissolve from 100% of the landowners within the District; has not issued any bonds, notes or other debt instruments; and has not levied any special assessments against the lands located within the District for the purpose of funding ongoing operating costs or planned community development services.

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), FS. The DCA submitted a comment letter dated April 22, 2010, finding no potential inconsistencies with Chapter 163, FS.

The Commission authorized the Secretary to initiate the rule repeal process at the June 8, 2010, Commission meeting. In response, the appropriate notices were published in the Florida Administrative Weekly. No comments or requests for hearing were received as a result of the notices.

Recommendation:

Authorize the Secretary to file for repeal of Rule Chapter 42LLL-1, FAC, with the Department of State.

Back-Up:

Huntington Hammocks Community Development District's letter and petition dated February 24, 2010.

Huntington Hammocks Community Development District's supplemental letter dated March 22, 2010.

DCA's comment letter dated April 22, 2010.

Final repeal package.

3. Consideration of a Draft Order of Transmittal forwarding the Notice and Petition for Appeal and subsequent pleadings in the Ginn-LA Marina, LLLP, Ltd, Northshore Hammock Ltd, LLLP, and Northshore Ocean Hammock Investment, Ltd, LLLP vs. Flagler County matter to the Division of Administrative Hearings for further proceedings. FLWAC Case No. APP-10-007.

On May 26, 2010, Petitioners (Ginn-LA Marina, LLLP, Ltd, Northshore Hammock Ltd, LLLP, and Northshore Ocean Hammock Investment, Ltd, LLLP) filed a Notice and Petition for Appeal appealing Flagler County's denial of certain amendments to the Hammock Dunes Development of Regional Impact (DRI) Development Order (DO). Through a Notice of Proposed Change, Petitioners sought to amend the DO to: recognize the automatic extension of the build-out date provided through Legislative action, create a new residential cluster, and reallocate "1,147 previously-approved, but unbuilt, dwelling units" from existing clusters to the newly created cluster. The Flagler County Board of County Commissioners adopted Resolution 2010-22 recognizing the administrative change of the extension of the build-out date and denying the creation of a new residential cluster and the reallocation of the "1,147 previously approved, but unbuilt, dwelling units" to the new cluster. Flagler County filed both an answer to Petitioners' Petition for Appeal and a Motion to Dismiss on June 21, 2010. Petitioners filed a Memorandum in Opposition to Respondent's Motion to Dismiss on July 19, 2010.

On June 14, 2010, the Admiral Corporation filed a Petition for Leave to Intervene in the subject proceeding. Flagler County responded to Admiral Corporation's Petition for Leave to Intervene on June 18, 2010. The Ocean Hammock Property Owners Association, Inc., the Hammock Beach Club Condominium Association, Inc., and Michael M. Hewson filed a Petition for Leave to Intervene in the subject proceeding on June 21, 2010. Flagler County filed its response to the Ocean Hammock Property Owners Association, Inc., the Hammock Beach Club Condominium Association, Inc., and Michael M. Hewson's Petition for Leave to Intervene on June 24, 2010.

The parties filed a Joint Pre-Hearing Stipulation on July 20, 2010.

Pursuant to Rule 42-2.008, FAC, a notice of appeal in which procedural motions have been filed shall be placed on an agenda for consideration. Staff submits a draft order of transmittal for consideration that forwards the Notice and Petition for Appeal and subsequent filings to the Division of Administrative Hearings for further proceedings.

Recommendation:

Authorize the Secretary to enter the draft order of transmittal.

Back-Up:

Petitioners' Notice and Petition for Appeal filed on May 26, 2010.

Petition for Leave to Intervene filed by the Admiral Corporation on June 14, 2010.

Flagler County's Response to Petition for Leave to Intervene of Admiral Corporation filed on June 18, 2010.

Petition for Leave to Intervene filed by the Ocean Hammock Property Owners Association, Inc., the Hammock Beach Club Condominium Association, Inc., and Michael M. Hewson on June 21, 2010.

Flagler County's Answer to Petition for Appeal filed on June 21, 2010.

Flagler County's Motion to Dismiss filed on June 21, 2010.

Flagler County's Response to Petition for Leave to Intervene of the Ocean Hammock Property Owners Association, Inc., the Hammock Beach Club Condominium Association, Inc., and Michael M. Hewson filed on June 24, 2010.

Petitioner's Memorandum in Opposition to Respondent's Motion to Dismiss filed on July 19, 2010.

Parties' Joint Pre-Hearing Stipulation filed on July 20, 2010.

Draft order of transmittal.