

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION AGENDA

June 16, 2011

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

http://www.myflorida.com/myflorida/cabinet/flwac/20110616_index.html

1. **Approval of the minutes of the May 3, 2011, meeting.**
2. **Request authorization to initiate rulemaking to Dissolve the Circle Square Woods Community Development District (CDD). (FLWAC Case No. CDD-10-012).**

This item is before the Commission requesting authorization to initiate rulemaking to repeal Rule Chapter 42S-1 to provide for the dissolution of the Circle Square Woods Community Development District (“Circle Square Woods CDD” or “District”). Dissolution of community development districts is authorized by subsection 190.046(9), F.S. This provision authorizes a district with no outstanding financial obligations and no operating or maintenance responsibilities, to petition the Commission to dissolve the district by repeal of Commission rules.

Background:

The Circle Square Woods CDD was originally created by the Commission in 1994 through adoption of Rule Chapter 42S-1 setting forth the name, boundaries, and initial board of supervisors of the District. The Circle Square Woods CDD was created to provide water and wastewater services to one portion of the On Top of the World (Central) community in Marion County. Upon initial establishment in 1994, the Circle Square Woods CDD consisted of approximately 2,455 acres of land. Through rule amendment by the Commission in 2002, the CDD was reduced to its current size of 718.75 acres.

Review of Petition:

The Petition filed by the Circle Square Woods CDD on August 12, 2010, as amended on October 12, 2010, requests the Commission authorize the repeal of rules to provide for the dissolution of the Circle Square Woods CDD.

The Petition and supporting documents demonstrate the dissolution of the Circle Square Woods CDD is in the best interest for the following reasons:

- There are no current services being provided by the Circle Square Woods CDD;
- The District and neighboring Bay Laurel Center CDD have entered into an interlocal agreement providing that all services (water, sewer, and reclaimed water) have been assigned and transferred to the Bay Laurel Center CDD, therefore the dissolution will have no negative or adverse impact on any of the properties presently within the District;
- There are no future services of any kind, nature or description that the Circle Square Woods CDD will ever perform or be required to perform;
- The District is not indebted to any person or entity for any amount of money;

- No bonds were issued by the Circle Square Woods CDD and therefore the District is not obligated for any type of bond repayments; and
- There are no required estimated regulatory costs that are associated with the dissolution of 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 Chapter 190, F.S. The DCA submitted a comment letter on December 9, 2010, indicating that no potential inconsistencies with Florida's growth management laws or with Marion County's Comprehensive Plan were identified.

The Petition was forwarded to the Division of Administrative Hearings (DOAH) for a local public hearing. DOAH Administrative Law Judge Canter conducted a public hearing on February 15, 2011, and submitted a Report to the Commission on March 29, 2011, concluding "there appears no reason not to grant the petition."

Staff Recommendation:

Authorize the Secretary to initiate rulemaking to repeal Rule Chapter 42S-1 providing for the dissolution of the Circle Square Woods CDD.

Back-Up:

Petition received on August 12, 2010, and amended on October 12, 2010.

DCA's comment letter received on December 9, 2010.

Division of Administrative Hearings Report received on March 29, 2011.

Proposed rule repeal notice text.

3. Request authorization to initiate rulemaking to Dissolve the Coastal Lake Community Development District (CDD). (FLWAC Case No. CDD-11-001).

This item is before the Commission requesting authorization to initiate rulemaking to repeal Rule Chapter 42WW-1 to provide for the dissolution of the Coastal Lake Community Development District ("Coastal Lake CDD" or "District"). Dissolution of community development districts is authorized by subsection 190.046(9), F.S. This provision authorizes a district with no outstanding financial obligations and no operating or maintenance responsibilities, to petition the Commission to dissolve the district by repeal of certain Commission rules.

Background:

The Coastal Lake CDD was originally established by the Commission in 2004 through adoption of Rule Chapter 42WW-1 setting forth the name, boundaries, and initial board of supervisors of the District. The Coastal Lake CDD was established to provide planned community development district services to approximately 1,402 acres of land located within Walton County.

Review of Petition:

The Petition filed by the Coastal Lake CDD on February 22, 2011, requests the Commission authorize the repeal of rules to provide for the dissolution of the Coastal Lake CDD.

The Petition and supporting documents demonstrate the dissolution of the Coastal Lake CDD is in the best interest for the following reasons:

- The CDD does not presently have any outstanding financial obligations, and does not have any operating or maintenance responsibilities;
- The CDD does not presently own any real property or infrastructure improvements;
- The CDD does not presently have any outstanding bonds, notes or other debt instruments;
- The CDD does not presently have any debt service special assessments levied against the assessable real property located within the District;
- The CDD does not anticipate providing any future planned community development district services or improvements, or providing any financing for the same. Any future planned community development services to be provided to the lands within the Coastal Lake CDD may be provided by and through the developer, a community association, or other means in a manner as efficiently as the Coastal Lake CDD; may be provided at a level of quality equal to the level of quality to be delivered to the users of those services by the Coastal Lake CDD; and may be provided at an annual cost that would be equal to or lower than the annual assessment amount that could be levied by the Coastal Lake CDD;
- Waste and sewer utilities to the residents within the Coastal Lake CDD are provided by Regional Utilities in Walton County. All remaining services are provided by the WaterSound Community Association, Inc., (homeowner association), pursuant to agreement.
- There will be no negative impact or adverse impacts on any of the landowners within the Coastal Lake CDD; and
- There will be no adverse impact on small businesses located within the Coastal Lake CDD and is not likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in the state within one year after the implementation of the rule repeal.

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 Chapter 190, F.S. The DCA submitted a comment letter on May 3, 2011, indicating that no potential inconsistencies with Chapter 163, Part II, F.S., or with the Walton County Comprehensive Plan were identified.

Upon request of the Secretary, the West Florida Regional Planning Council (RPC) reviewed the petition from the standpoint of their programs and responsibilities, and the requirements of Chapter 190, F.S. The West Florida RPC submitted a comment letter on May 3, 2011, and indicated that it has no objection to the proposed dissolution of the Coastal Lake CDD.

Staff Recommendation:

Authorize the Secretary to initiate rulemaking to repeal Rule Chapter 42WW-1 providing for the dissolution of the Coastal Lake CDD.

Back-Up:

Petition received on February 22, 2011.

DCA's comment letter received on May 3, 2011.

West Florida RPC's comment letter received on May 3, 2011.

Memo to Commission.

Proposed rule repeal notice text.