

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION  
AGENDA**

**November 17, 2009**

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

<http://www.myflorida.com/myflorida/cabinet/flwac/index.html>

1. **Request approval of the minutes of the meeting held April 14, 2009.**
2. **Request authorization to initiate rulemaking to merge Split Pine Community Development District and Tolomato Community Development District. FLWAC Case No. CDD-09-003).**

On March 12, 2009, the Split Pine Community Development District and the Tolomato Community Development District (CDD) filed a joint petition for merger of the two districts. (The joint petition was supplemented with additional information at the request of the Secretary of the Commission.) Split Pine CDD currently covers approximately 2,014.98 acres of land located within Duval County and the City of Jacksonville limits. Tolomato CDD currently covers approximately 11,355.06 acres of land located in northeastern St. Johns County. As a result of the merger, Split Pine CDD would cease to exist, and Tolomato CDD would continue as the surviving entity, with amended boundaries of both Split Pine CDD and Tolomato CDD. Both CDDs were originally established by the Commission by adoption of two separate rules in 2004. Split Pine CDD and Tolomato CDD have written consent to merge the boundaries of the two districts from the owners of 100% of the land within the existing two districts.

Upon request of the Secretary, the Department of Community Affairs (DCA) reviewed the petition, as supplemented, from the standpoint of their programs and responsibilities, and the requirements of Chapter 190, F.S. The DCA submitted a comment letter on June 1, 2009, indicating that no potential inconsistencies with Chapter 163, F.S., were identified.

Pursuant to Chapter 190, F.S., local public hearings were conducted by the Division of Administrative Hearings on July 7 and 27, 2009. Citizen input was received during the administrative hearings. Administrative Law Judge Maloney submitted a Report to the Commission on October 9, 2009.

Petitioners request amendment of Rule 42SS-1.002, FAC, to merge the boundaries of the Split Pine CDD and the Tolomato CDD. Additionally, Petitioners request repeal of Split Pine CDD Rule Chapter 42TT-1.

**Staff Recommendation:**

Authorize the Secretary to initiate rulemaking.

**Back-Up:**

Petition received on March 12, 2009.

Petitioner's supplement to the petition received on April 15, 2009.

DCA's comment letter received on June 1, 2009.

Division of Administrative Hearings Report submitted on October 9, 2009.

Proposed Amendment to Rule 42SS-1.002, FAC.

Proposed Repeal of Rule Chapter 42TT-1, FAC.

3. **Request authorization to initiate rulemaking to merge Seven Oaks Community Development District I and Seven Oaks Community Development District II. FLWAC Case No. CDD-08-006).**

On June 24, 2008, the Seven Oaks Community Development District I and the Seven Oaks Community Development District (CDD) II filed a joint petition for merger. (The joint petition was supplemented with additional information at the request of the Secretary of the Commission.) Seven Oaks CDD I was established in 2001 by Pasco County Ordinance 01-03 and currently covers approximately 649.369 acres of land. (The District was originally established under the name Saddlebrook Village CDD and was amended to Seven Oaks CDD I by Pasco County Ordinance 01-22.) Seven Oaks CDD II was established in 2002 by Pasco County Ordinance 02-23 and currently covers approximately 1,124.053 acres of land. The approval of a merger agreement and petition by the board of supervisors of the district constitutes consent of the merger by the landowners within the district. As a result of the merger, Seven Oaks CDD II would cease to exist, and Seven Oaks CDD I would continue as the surviving entity. Petitioners have requested that the surviving Seven Oaks CDD I be renamed to Seven Oaks CDD.

Upon request of the Secretary, the Department of Community Affairs (DCA) reviewed the petition, as supplemented, from the standpoint of their programs and responsibilities, and the requirements of Chapter 190, F.S. The DCA submitted a comment letter on June 1, 2009, indicating that no potential inconsistencies with Chapter 163, F.S., were identified.

Pursuant to Chapter 190, F.S., a local public hearing was conducted by the Division of Administrative Hearings on July 16, 2009. The supplemented petition and certain exhibits were amended during the administrative hearing. Administrative Law Judge Alexander submitted a Report to the Commission on September 30, 2009.

Petitioners request promulgation of a rule setting forth the name, boundaries, and board of supervisors of the merged Seven Oaks CDD.

**Staff Recommendation:**

Authorize the Secretary to initiate rulemaking.

**Back-Up:**

Petitioner's supplements to the petition received on August 29, 2008, and January 26 and April 7, 2009.

DCA's comment letter received on June 1, 2009.

Amended petition received on July 16, 2009.

Division of Administrative Hearings Report submitted on September 30, 2009.

Proposed Rule Chapter 42NNN-1, FAC.