

# FLORIDA LAND AND WATER ADJUDICATORY COMMISSION AGENDA

January 23, 2013

Attachments to the agenda items below can be viewed at the following link:  
[http://www.myflorida.com/myflorida/cabinet/flwac/20130123\\_index.html](http://www.myflorida.com/myflorida/cabinet/flwac/20130123_index.html)

1. **Approval of the minutes of the 9/20/11 and the 4/24/12 meetings.**

See meeting transcripts at:

<http://www.myflorida.com/myflorida/cabinet/agenda11/0920/trans.html>

<http://www.myflorida.com/myflorida/cabinet/agenda12/0424/trans.html>

2. **Request authorization to publish a Notice of Proposed Repeal of Rule Chapter 42GG-1, Florida Administrative Code, in order to dissolve the Tuscany Community Development District. If no requests for a public hearing are received as a result of the notice, request authorization to file for final repeal. (FLWAC Case No. CDD-12-003).**

This item is before the Commission through a Petition filed by the Board of Supervisors of the Tuscany Community Development District (“Tuscany CDD” or “District”) requesting repeal of Rule Chapter 42GG-1, Florida Administrative Code (F.A.C.), in order to dissolve the District. The Petition was received on September 5, 2012, and was supplemented on October 4, 2012.

Dissolution of a community development district 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 the rule that established the District.

The Tuscany CDD was originally created by the Commission in 2003 through adoption of Rule Chapter 42GG-1, F.A.C., setting forth the name, boundary, and initial board of supervisors of the District. The boundary of the District was amended in 2008. The District consists of approximately 1,710.93 acres of land located entirely within the unincorporated boundaries of Citrus County. The owners of the land within the boundary of the District are as follows:

- Beverly Hills Development Corporation
- Tuscany Ranch Partners, LLC
- R.P. King T187 Land Trust UTA dated July 6, 1987, as amended
- Oakwood Village HOA, Inc.
- Heartwood 91-2, LLC
- Twisted Oaks Properties

The Petition, as supplemented, contains written consent for the dissolution of the District by each referenced landowner.

The Petition and supporting documents, as supplemented, demonstrate that the repeal of Rule Chapter 42GG-1 and the dissolution of the Tuscany CDD are appropriate for the following reasons:

- The District does not presently own any real property or infrastructure improvements.
- The District has never issued bonds, notes or other debt instruments.

- The District has never levied debt service special assessments against the assessable real property located within the District.
- The District does not anticipate providing any future planned community development district services or improvements or providing any financing for the same.
- Future planned community development services will be provided to the lands within the District by and through the Developer, a community association, or by other means in a manner as efficiently as provision by the District.
- The dissolution of the District will have no negative or adverse impacts on any of the landowners within the District, or any third parties.

Upon request of the Secretary, the Department of Economic Opportunity (DEO) reviewed the Petition, as supplemented, from the standpoint of their programs and responsibilities. The DEO submitted a comment letter on October 10, 2012, indicating a review has been completed and the DEO has no comments.

Commission staff requests authorization to publish a Notice of Proposed Repeal of Rule Chapter 42GG-1 in the *Florida Administrative Register*. If no requests for a public hearing are received as a result of the notice, staff requests authorization to file for final repeal.

**Staff Recommendation:**

Authorize the Secretary to: (1) publish a Notice of Proposed Rule Repeal of Rule Chapter 42GG-1, F.A.C., and (2) file for final repeal if no request for public hearing is received as a result of the notice.

**Back-Up:**

District's Petition requesting repeal (with exhibits) received on September 5, 2012.

District's Supplement to the Petition (with exhibits) received October 4, 2012.

DEO's comment letter received on October 10, 2012.

Proposed rule repeal notice.