

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: PETITION FOR RULE)
CREATION - TOLOMATO COMMUNITY) Case No. 03-4661
DEVELOPMENT DISTRICT)
_____)

ADMINISTRATIVE LAW JUDGE'S REPORT TO
THE FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

On February 20, 2004, a local public hearing under Section 190.005(1)(d), Florida Statutes (2003), was conducted in Ponte Vedra Beach, Florida, before J. Lawrence Johnston, Administrative Law Judge (ALJ) of the Division of Administrative Hearings (DOAH).

APPEARANCES

For Petitioner: Cheryl G. Stuart, Esquire
Jonathan T. Johnson, Esquire
Hopping, Green & Sams, P.A.
123 South Calhoun Street
Tallahassee, Florida 32301-1517

STATEMENT OF THE ISSUE

The issue before the Florida Land and Water Adjudicatory Commission (FLWAC) in this proceeding is whether to grant the Petition for Establishment of the Tolomato Community Development District (Petition). The local public hearing was for the purpose of gathering information in anticipation of rulemaking by FLWAC.

PRELIMINARY STATEMENT

The Petition was filed by SONOC Company, LLC, a Delaware limited liability company (Petitioner), on December 2, 2003. It requested that FLWAC adopt a rule to establish a community development district, to be called the Tolomato Community Development District, on certain property in unincorporated St. Johns County, Florida. The Petition includes thirteen exhibits.

FLWAC referred the Petition to DOAH on December 8, 2003, for assignment of an ALJ to conduct a local public hearing under Section 190.005(1)(d), Florida Statutes. (All statutory references are to the 2003 codification of the Florida Statutes.) Notice of the public hearing was published in The St. Augustine Record on January 22 and 29, 2004, and February 5 and 12, 2004, in accordance with Section 190.005(1)(d), Florida Statutes. The local public hearing was held at 10:00 a.m., on Friday, February 20, 2004, at the Ponte Vedra Beach Library, Friends of the Library Community Room, 101 Library Boulevard, Ponte Vedra Beach, St. Johns County, Florida.

At the local public hearing, Petitioner presented the testimony of Gregory J. Barbour, employed by The PARC Group, of Jacksonville, Florida; Douglas C. Miller, employed by England-Thims & Miller, Inc., of Jacksonville, Florida; Carey Garland, employed by Fishkind & Associates, Inc., of Orlando, Florida; and Gary R. Walters, employed by Gary Walters and Associates, of

Ormond Beach, Florida. Petitioner introduced nine lettered exhibits, A through I, which are identified on page 3 of the Transcript of Record. One member of the public testified during the hearing. (Tr. 55-56, 110-122.)

Petitioner also filed two exhibits subsequent to the hearing. Petitioner's Late Filed Composite Exhibit 1 included deeds and certain title work relating to ownership of the land to be included within the Tolomato Community Development District. Said exhibit shall be referred to herein as "PLF Exhibit 1." Petitioner's Late Filed Exhibit 2 included copies of the December 2, 2003, minutes of the St. Johns County Commission. This exhibit shall be referred to herein as "PLF Exhibit 2." In addition, subsequent to the hearing, a letter from Ms. Ellen A. Whitmer, a member of the public, dated February 25, 2004, was received. This exhibit shall be referred to as "Public Exhibit 1." Petitioner was given additional time to respond to that letter and filed a response on March 11, 2004.

The Transcript of the local public hearing was filed on March 12, 2004. Petitioner filed "Petitioner's Proposed Administrative Law Judge's Report to the Florida Land and Water Adjudicatory Commission," which has been considered and largely adopted in the preparation of this Report. References in the Report to "Tr." are to the cited page of the Transcript.

References to Hearing Exhibits are to exhibits introduced during the local public hearing. The exhibits attached to the Petition are referred to as Petition Exhibits.

SUMMARY OF RECORD

A. Petition and Related Matters

1. The Petition was submitted to the FLWAC, St. Johns County, Florida, and the City of Jacksonville, Duval County, Florida. (Tr. 17.)

2. The land for the District is located within St. Johns County, Florida. Petition Exhibit 1 depicts the general location of the District. The proposed District covers approximately 11,355 acres of land. The metes and bounds description of the external boundaries of the District is set forth in Petition Exhibit 2. Three parcels of real property within the external boundaries of the District are to be excluded from the District. These outparcels are also excluded from the Nocatee Development of Regional Impact (DRI) Development Order adopted by St. Johns County Resolution No. 2001-30 on February 23, 2001. (Tr. 53; Composite Hearing Exhibit F: Resolution No. 2001-30 of St. Johns County, Florida.) These outparcels include existing residential uses, a St. Johns County-owned park site, and a parcel of real property owned by the Florida Inland Navigation District. (Tr. 11, 51-53; Petition Exhibit 3.) A more detailed map showing the

location of the District and the parcels that are excluded from the District is provided in Petition Exhibit 3.

3. Petition Exhibit 4 incorporates the written consent to the establishment of the District by the owners of 100 percent of the real property to be included in the District. SONOC Company, LLC, and the Nocatee Utility Corporation are the owners of all of the real property to be included within the District. (PLF Exhibit 1.)

4. The proposed District will be named the "Tolomato Community Development District."

5. The names and addresses of those designated to be the five initial members of the Board of Supervisors of the District are as follows:

<u>Name</u>	<u>Address</u>
Richard T. Ray	4314 Pablo Oaks Court Jacksonville, Florida 32224
Jed V. Davis	4314 Pablo Oaks Court Jacksonville, Florida 32224
Ronald W. Fussell	8323 Romona Boulevard Jacksonville, Florida 32221
Richard H. O'Steen	4314 Pablo Oaks Court Jacksonville, Florida 32224
Austin F. Barbour	4314 Pablo Oaks Court Jacksonville, Florida 32224

6. The designated initial members of the Board of Supervisors are all citizens of the United States and residents of the State of Florida. (Tr. 18.)

7. Petition Exhibit 5 depicts the existing land uses within and abutting the District. The property to be included within the District is presently largely undeveloped and is bounded by agricultural and forest lands and some low-medium residential uses.

8. The future general distribution, location, and extent of the public and private land use proposed within the District by the future land use element of the applicable comprehensive plan are shown on Petition Exhibit 6. These proposed land uses are consistent with the effective St. Johns County Comprehensive Plan, a copy of which was provided as Petition Exhibit 7.

(Tr. 12, 68-73, 77, 96-98, 106; Hearing Exhibit D.) All land within the District is subject to the Nocatee DRI Development Order adopted by St. Johns County Resolution No. 2001-30 on February 23, 2001. (Hearing Composite Exhibit F: Resolution No. 2001-30 of St. Johns County, Florida; Hearing Exhibit D.)

9. The proposed development plan for the lands within the District is shown in Petition Exhibit 8. Based upon currently available data, construction of the proposed District facilities and services is expected to occur over a twenty-four year period. (Petition Exhibit 11.)

10. Petition Exhibit 9 shows the existing major trunk water mains, sewer interceptors, major outfall canals, and

drainage basins for the lands to be included within the District.

11. Petition Exhibit 10 describes the type of facilities and services that Petitioner presently expects the District to finance, construct, and install.

12. Based upon currently available data, Petition Exhibit 11 describes the proposed timetable for the construction of District improvements and outlines the estimated cost of constructing the proposed District improvements. This is a good faith estimate, but it is not binding on Petitioner or the District and is subject to change.

13. Petition Exhibit 12 is a Statement of Estimated Regulatory Costs (SERC) prepared in accordance with the requirements of Section 120.541, Florida Statutes. The SERC meets all of the requirements of Section 120.541, Florida Statutes.

14. Prior to the filing of this Petition, Petitioner submitted a copy of the Petition with Petition Exhibits and paid the required filing fee of \$15,000 to St. Johns County in accordance with Section 190.005(1)(b), Florida Statutes.

B. Additional Information from Local Public Hearing

15. The local public hearing on the Petition was noticed for and was held on February 20, 2004, in the Friends of the Library Community Room of the Ponte Vedra Public Library, at 101 Library Boulevard, an accessible location, in Ponte Vedra Beach, St. Johns County, Florida. (Tr. 1.) The St. Johns County Commission asked that the hearing be scheduled in a place closer to the project than the St. Augustine City Hall. (PLF Exhibit 2, p.13.) The Ponte Vedra Public Library was chosen in an effort to accommodate this request. Notice of the hearing was advertised on January 22 and 29, 2004, and February 5 and 12, 2004, in The St. Augustine Record, a newspaper of general paid circulation in St. Johns County, and of general interest and readership in the community, not one of limited subject matter, pursuant to Chapter 50, Florida Statutes. (Hearing Exhibit E.) The published notices gave the time and place for the hearing, a description of the area to be included in the community development district (CDD), including a map showing clearly the area to be covered by the CDD and other relevant information. (Hearing Exhibit E.) The advertisements were not placed in that portion of the newspaper where legal notices and classified advertisements appear. (Hearing Exhibit E.)

16. The hearing commenced approximately 15 minutes after the noticed and scheduled time in order to give any persons who

wanted to attend ample time to do so. (Tr. 4.) Appearances were made by counsel for Petitioner. (Tr. 4.) One member of the general public spoke at the hearing. (Tr. 55-56, 110-122.) No party has formally intervened in this administrative proceeding. (Tr. 6.)

17. The first witness for Petitioner was Gregory J. Barbour. Mr. Barbour is President of The PARC Group. (Tr. 7.)

18. Mr. Barbour identified a letter, dated December 23, 2003, that had been sent by Charles Gauthier, the Chief Comprehensive Planner with the Department of Community Affairs (DCA), to Michael Hansen of the FLWAC. (Tr. 26-27; Hearing Exhibit D.) The letter states that the public and private land uses proposed within the District are consistent with the applicable St. Johns County Comprehensive Plan, and the DCA has identified no potential inconsistency with Chapter 163, Florida Statutes. (Hearing Exhibit D.)

19. The development in which the District will be established is called Nocatee. (Tr. 28.) Mr. Barbour testified that the land within the Nocatee development is geographically located in St. Johns and Duval Counties, so there is a need for two CDDs. (Tr. 28.) A petition to establish the "Split Pine Community Development District" has been filed for the remaining land within the Nocatee development located in the City of Jacksonville, Duval County, Florida. (Tr. 28.) Mr. Barbour

testified that development will occur over an extended period and that, in his opinion, a CDD is the best alternative to provide the long-term stability needed for the construction and maintenance of the major infrastructure that will serve the residents within the development. (Tr. 28-29.) Mr. Barbour testified that it is anticipated that the Tolomato Community Development District, and its sister CDD, the Split Pine Community Development District, will cooperate in the provision of various infrastructure improvements. (Tr. 21.) Mr. Barbour also testified that the CDD has the ability to efficiently finance the major infrastructure earlier than might otherwise be possible. (Tr. 29.) For example, the District has the ability to finance some of the initial multimillion dollar and regionally significant transportation improvements in a more efficient manner than a private landowner. (Tr. 29-30.)

20. Mr. Barbour identified St. Johns County Resolution No. 2001-30 and City of Jacksonville Ordinance No. 2001-13-E as the Nocatee Development of Regional Impact Development Orders for the entire project. (Tr. 30.) These approvals were marked as Composite Exhibit F and admitted into evidence. (Tr. 30-31.)

21. Mr. Barbour testified that as of the date of the hearing, Petitioner, SONOC Company, LLC, and Nocatee Utility Corporation are still the only owners of lands within the District. (Tr. 30-31; 122-123.)

22. The next witness for Petitioner was Douglas C. Miller. Mr. Miller is Chief Executive Officer of England-Thims & Miller. (Tr. 31-33.) Based upon his qualifications, education, and other credentials, Mr. Miller was accepted as an expert in the field of civil engineering and the provision of public infrastructure. (Tr. 32-33.)

23. Mr. Miller testified that the proposed Tolomato CDD is the best alternative to provide the proposed services and facilities and provide long-term maintenance. (Tr. 44-46.) For example, more than 4,000 acres of environmental greenway systems are proposed to be owned, maintained, and operated by the District. (Tr. 48.) The District is an efficient entity for the long-term maintenance of perpetual ownership and operation of this type of active and passive greenway facilities. (Tr. 48.)

24. Mr. Miller also testified that the CDD has the ability to efficiently finance the major infrastructure earlier than might otherwise be possible. (Tr. 44, 49-50.) Typically, landowners achieve construction financing for relatively short terms for relatively small phases of infrastructure. (Tr. 49.) A three to five-year construction loan is typical, and that limits the ability of the landowner to construct large infrastructure improvements at one time. (Tr. 49.) The advantage of the District is that it is expected to be able to

finance a large piece of infrastructure over 30 years by accessing the municipal bond market, which will allow it to build much larger and more complete infrastructure systems up front for the benefit of all the residents within the District. (Tr. 50.)

25. Mr. Miller identified the parcels of land within the boundaries of the District that will be excluded from the District. (Tr. 51-52.) One parcel is owned by the Florida Inland Navigation District that is a dredge spoil site for dredging the Intracoastal Waterway. (Tr. 51.) One parcel was donated by SONOC, LLC., to St. Johns County as a park site and is excluded from the District. (Tr. 51.) Another parcel of land contains several residential units to the north of County Road 210. (Tr. 51.) These outparcels were taken into consideration when the Nocatee DRI Development Orders were issued. (Tr. 53.) Nothing about the existence of these outparcels would affect the ability of the District to provide the necessary infrastructure in a cost-efficient manner. (Tr. 53.)

26. A triangular piece of real property extends westward from a single point of contiguity with the westernmost boundary of the rest of the proposed District. (Tr. 53; Petition Exhibit 1.) However, the northern boundary of this triangular piece of real property abuts land within the boundaries of the

District's sister district "Split Pine," which will be developed together with land in the Tolomato CDD. (Tr. 54.) Mr. Miller testified that at least one other established community development district has a similar shape: the Julington Creek Plantation Community Development District, also located in St. Johns County. (Tr. 53-54.) However, he testified that the Julington Creek CDD does not adjoin a sister CDD.

27. The next witness for Petitioner was Carey Garland. Mr. Garland is employed by Fishkind & Associates, as Director of Public Finance. (Tr. 56.) Based upon his qualifications, education, and other credentials, Mr. Garland was accepted as an expert in the field of economic and financial analysis. (Tr. 57.)

28. Mr. Garland testified that he prepared the SERC. (Tr. 60.) Mr. Garland testified that, in his expert opinion, the District is expected to be financially viable and feasible. (Tr. 68.)

29. Mr. Garland opined that the establishment of the District is not inconsistent with the state comprehensive plan for several reasons. (Tr. 68-73.) Establishment of the District is consistent with Subject Number 17 and Subject Number 20 of the State Comprehensive Plan. (Tr. 69-73.) The goal of Subject Number 17 is the protection of existing public facilities and the planning and financing of new facilities to

serve residents in a timely, orderly, and efficient manner.

(Tr. 69.) The District will provide its improvements and facilities at no capital cost to St. Johns County, which allows the County to focus its resources on public facilities outside of the District. (Tr. 69-70.)

30. Policy 3 of Subject Number 17 of the State Comprehensive Plan supports the allocation of the costs of new public facilities on the basis of benefits received by existing and future residents. (Tr. 70.) The District is being established for the specific purpose of serving the future landowners and residents within its boundaries, whose landowners and residents will receive the benefits of the new public facilities. (Tr. 70.) It is these landowners and residents who will directly bear the costs associated with the construction, operation, and maintenance of the improvements. (Tr. 70.)

31. Policy 6 of Subject Number 17 provides for the identification and implementation of innovative, fiscally sound, and cost-effective methods for financing public facilities. (Tr. 71.) The District will use tax exempt bonds to provide the improvements and ensure that those who benefit from the improvements pay for the improvements. (Tr. 71.) The District provides a consistent, innovative, and fiscally sound alternative for financing public facilities. (Tr. 71.)

32. The goal of Subject Number 20 is for Florida government to economically and efficiently provide the amount and quality of services required by the public. (Tr. 71-72.) The District would finance and deliver its own public facilities and cooperate with its sister community development district, the "Split Pine Community Development District," to efficiently provide some of the master infrastructure. (Tr. 72.)

33. Policy 2 of Subject Number 20 permits the establishment of independent special taxing districts with uniform general law standards and procedures that do not overburden other governments and their taxpayers. (Tr. 72.) The District is established pursuant to Chapter 190, Florida Statutes; it is professionally managed, financed, and governed by those whose property directly receives the benefits of the improvements; and the District does not burden the general taxpayer within St. Johns County with the cost to provide improvements within the District. (Tr. 72-73.)

34. Mr. Garland also opined that, from an economic perspective, the CDD is the best alternative to deliver the infrastructure to the community in terms of providing low-cost financing and long-term maintenance. (Tr. 74-76.) Establishment of a CDD permits the community to make provisions for its own infrastructure needs by generally allocating costs to those persons who obtain a benefit from the services

provided. (Tr. 74-75.) There are no other alternatives as efficient and effective as a CDD to provide for such a financial structure. (Tr. 75-76.)

35. The last witness for Petitioner was Gary Walters. Mr. Walters is employed by Gary Walters and Associates, as President. (Tr. 78.) Based upon his qualifications, education, and other credentials, Mr. Walters was accepted as an expert in the field of planning, specifically comprehensive planning, and district management. (Tr. 79.)

36. Mr. Walters testified that, in his expert opinion, the area of land to be included in the District is amenable to special district governance and that the District is the best alternative to provide the proposed facilities and services that the District will need. (Tr. 102-103.) The District is better than other available alternatives, such as St. Johns County or private means with maintenance delegated to a property owners association, because the District is better able to focus attention on when, where, and how the next system of infrastructure will be required. (Tr. 104.) This results in a full utilization of existing facilities before new facilities are constructed, which reduces the delivered cost to the citizens being served. (Tr. 104.)

37. Only a community development district allows for the independent financing, administration, operation, and

maintenance of the land within the District. (Tr. 105.) Only a community development district allows district residents to ultimately control the district board and, through this representation, the district improvements. (Tr. 105.)

38. Mr. Walters testified that, in his expert opinion, the facilities and services to be provided by the District will be compatible with the capacity and uses of existing local and regional community development services and facilities.

(Tr. 101-102.) There is no duplication of the improvements and services anticipated to be provided by the District. (Tr. 102.) No other entity has planned to provide the improvements and services contemplated by the District. (Tr. 102.) The District improvements and services are a logical and efficient extension of existing systems into the targeted development area within the District. (Tr. 101-102.)

39. Mr. Walters testified that, in his expert opinion, the area to be included within the District is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional interrelated community. (Tr. 99-101.) From a planning perspective, functional interrelation means that each community purpose has a mutual reinforcing relationship to the other community purposes. (Tr. 99.) Each function must be designed to contribute to the development or maintenance of the community as a whole. (Tr. 99-100.)

40. The District is sufficient in size to constitute a functionally interrelated community with a range of improvements and services to be provided. (Tr. 100.) The District will have sufficient population density and property size to require all the basic facilities and services of a community. (Tr. 100.) There is nothing about the configuration or outparcels of the proposed District that would increase the difficulty of providing the District improvements. (Tr. 107.) The compact configuration of the land allows the District to deliver the proposed construction and perpetual maintenance of any District improvements in a long-term and cost-efficient manner. (Tr. 101.)

41. The District and its sister district, the "Split Pine Community Development District," will each have its own Board of Supervisors, and it is expected that these Boards will enter into interlocal agreements to provide common facilities and serve the common interests of the residents within both community development districts. (Tr. 107-108.) Community development districts also enter into interlocal agreements with other kinds of local governments, such as cities and counties, throughout Florida to provide services and facilities. (Tr. 108.)

42. Mr. Drayton Manucy, a member of the public, provided testimony at the public hearing. Mr. Manucy raised certain

questions regarding ownership of the property in question, believing the land to have been owned by his ancestors from Minorca, Spain, and therefore not part of the State of Florida or the United States of America. (Tr. 55-56, 112-115; 118-119.) He did not directly object to the establishment of the District. Mr. Barbour's testimony regarding ownership of the property, together with PLF Exhibit 1 and Composite Hearing Exhibit F, Ordinance No. 2001-13-E of the City Council of the City of Jacksonville, Duval County, Florida, and Resolution No. 2001-30 of the Board of County Commissioners of St. Johns County, Florida, however, demonstrate that SONOC Company, LLC, and Nocatee Utility Corporation are the owners of the real property to be included within the District.

43. Finally, Public Exhibit 1 raises issues with respect to notice of the proceedings and other matters relating to the validity of Chapter 190, Florida Statutes. Evidence relating to notice is contained within this Report. The matters raised with respect to the validity of Chapter 190, Florida Statutes, are beyond the scope of this proceeding.

APPLICABLE LAW

A. General

44. Section 190.005(1), Florida Statutes, provides that the sole means for establishing a CDD of 1,000 acres or more

shall be by rule adopted by the FLWAC in granting a petition for the establishment of a CDD.

45. Section 190.005(1)(a), Florida Statutes, requires that the petition be filed with the FLWAC. The petition must contain various elements as set forth in Section 190.005(1)(a), Florida Statutes. The petitioner must also meet certain requirements as set forth in Section 190.005(1)(b), Florida Statutes.

46. Section 190.005(1)(c), Florida Statutes, permits the county and each municipality whose proposed boundaries are within or contiguous to the CDD to conduct an optional public hearing to consider the petition. The St. Johns County Commission, acknowledging that DOAH would be holding a hearing in the County, determined not to hold its own optional hearing. (PLF Exhibit 2, p. 13.) The St. Johns County Commission asked that the hearing be held closer to the project, and that request was accommodated. (PLF Exhibit 2, p. 13; Hearing Exhibit E.)

47. Section 190.005(1)(d), Florida Statutes, requires an ALJ to conduct a local public hearing pursuant to Chapter 120, Florida Statutes. The hearing "shall include oral and written comments on the petition pertinent to the factors specified in paragraph (e)." The petitioner must publish notice of the local public hearing once a week for four successive weeks immediately prior to the hearing.

B. Factors by Law to be Considered for Granting or Denying Petition

48. Section 190.005(1)(e), Florida Statutes, provides that the FLWAC consider the entire record of the local hearing, the transcript of the hearing, any resolutions adopted by local general-purpose governments as provided in paragraph (c), and the following factors and make a determination to grant or deny a petition for the establishment of a community development district:

1. Whether all statements contained within the petition have been found to be true and correct.

2. Whether the establishment of the district is inconsistent with any applicable element or portion of the state comprehensive plan or of the effective local government comprehensive plan.

3. Whether the area of land within the proposed district is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.

4. Whether the district is the best alternative available for delivering community development services and facilities to the area that will be served by the district.

5. Whether the community development services and facilities of the district will be incompatible with the

capacity and uses of existing local and regional community development services and facilities.

6. Whether the area that will be served by the district is amenable to separate special-district government.

COMPARISON OF INFORMATION IN RECORD TO APPLICABLE LAW

A. Procedural Requirements

49. The evidence reflects that Petitioner has satisfied the procedural requirements for the establishment of the District on the proposed property by paying the \$15,000 filing fee, filing a petition in the proper form and with the required attachments, and publishing statutory notice of the local public hearing.

B. Six Factors of Section 190.005(1)(e), Florida Statutes

50. The evidence is that the statements in the Petition and its attachments are true and correct. See Tr. 13-16 (Barbour); Tr. 38 (Miller); Tr. 60 (Garland).

51. The evidence is that establishment of the District on the proposed property is not inconsistent with the State Comprehensive Plan and St. Johns County Comprehensive Plan. See Tr. 68-73, 77 (Garland); Tr. 92-98, 106 (Walters).

52. The evidence is that the size, compactness, and contiguity of the proposed land area are sufficient for the area to be developed as "one functional interrelated community." See Tr. 41-42 (Miller); Tr. 99-101 (Walters).

53. The evidence is that the District is the best alternative presently available for delivering community development systems, facilities, and services to the proposed land area. See Tr. 28-29 (Barbour); Tr. 44-46 (Miller); Tr. 74-76 (Garland); Tr. 103-105 (Walters).

54. The evidence is that the services and facilities provided by the District will be compatible with the capacity and uses of existing local and regional community development services and facilities. See Tr. 42-43 (Miller); Tr. 101-102 (Walters).

55. The evidence is that the proposed area to be served by the District is amenable to separate special-district government. See Tr. 43 (Miller); Tr. 73 (Garland); Tr. 102-103 (Walters).

CONCLUSION

Based on the record evidence, the Petition appears to meet all statutory requirements, and there appears to be no reason not to grant the Petition and establish the proposed Tolomato Community Development District by rule. For purposes of drafting such a rule, a metes and bounds description of the proposed Tolomato Community Development District may be found in Petition Exhibit 2. Also, the five persons designated to serve as the initial members of the Board of Supervisors of the

Tolomato Community Development District are identified in paragraph 5 of the Petition.

DONE AND ENTERED this 29th day of March, 2004, in Tallahassee, Leon County, Florida.



J. LAWRENCE JOHNSTON
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 29th day of March, 2004.

COPIES FURNISHED:

Michael P. Hansen, Secretary
Florida Land and Water
Adjudicatory Commission
The Capitol, Room 2105
Tallahassee, Florida 32399

Barbara Leighty, Clerk
Growth Management and Strategic Planning
The Capitol, Room 2105
Tallahassee, Florida 32399

Raquel A. Rodriguez, General Counsel
Office of the Governor
The Capitol, Room 209
Tallahassee, Florida 32399-1001

Cheryl G. Stuart, Esquire
Hopping, Green & Sams, P.A.
Post Office Box 6526
Tallahassee, Florida 32314-6526

Heidi M. Hughes, General Counsel
Department of Community Affairs
2555 Shumard Oak Boulevard, Room 325
Tallahassee, Florida 32399-2100