



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 5, 2022

Barbara Leighty
Senior Policy Analyst
Executive Office of the Governor
Office of Policy and Budget

Dear Barbara Leighty:

Your adoption package for Rules 42SSS-1.001, .002, .003, F.A.C. was received, electronically, by the Florida Department of State, Administrative Code and Register at 4:12 p.m. on October 4, 2022. After review, it appears that the package meets statutory requirements and those of Rule 1-1.010, F.A.C. and is deemed filed for adoption at the time received, as indicated above. The effective date is October 24, 2022.

Sincerely,

Anya C. Owens
Program Administrator

ACO/mas

Swain, Margaret A.

From: Leighty, Barbara <Barbara.Leighty@LASPBS.STATE.FL.US>
Sent: Tuesday, October 4, 2022 4:12 PM
To: RuleAdoptions
Cc: Owens, Anya C.; Swain, Margaret A.
Subject: 42SSS-1.001-.003 Westview South Community Development District, Final Rulemaking Package
Attachments: 42SSS-1 Final Rulemaking Package.pdf; 42SSS-1.001-.003 Final Rulemaking Coded Text.docx

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Good afternoon.

Attached is the Final Rulemaking Package for adoption of new Rule Chapter 42SSS-1 (Rules 42SSS-1.001 thru .003) Westview South Community Development District. Additionally, attached is the coded text in Word format. Please let me know if you need additional information.

Best,
Barbara

Barbara Leighty
Senior Policy Analyst
Executive Office of the Governor
Office of Policy and Budget
Telephone: (850)717-9432
Email: Barbara.Leighty@laspbs.state.fl.us





Senator Ben Albritton, Chair
Representative Rick Roth, Vice Chair
Senator Lorraine Ausley
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Representative Angela "Angie" Nixon
Representative Anthony Sabatini



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THE FLORIDA LEGISLATURE
JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE

CERTIFICATION

Department: Florida Land and Water Adjudicatory Commission
Agency: Westview South Community Development District
Rule No(s): 42SSS-1.001, .002, .003
File Control No: 188624

As required by subparagraph 120.54(3)(e)4 F.S., the Joint Administrative Procedures Committee hereby certifies that:

- There were no material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rule; or
The adopting agency has responded in writing to all material and timely written comments or written inquiries made on behalf of the committee regarding the above listed rules; or
The adopting agency has not responded in writing to all material and timely written comments or written inquiries made on behalf of the Committee regarding the above listed rules.

Certification Date: 10/4/2022

This certification expires after: 10/11/2022

Certifying Attorney: Jamie Royal

NOTE:

- The above certified rules include materials incorporated by reference.
The above certified rules do not include materials incorporated by reference.



RON DeSANTIS
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-717-9418

October 4, 2022

Ms. Anya Owens
Florida Administrative Code
Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250

RE: Rules 42SS5-1.001, .002 and .003 (42SS5-1 Westview South Community Development District)

Dear Ms. Owens:

The enclosed certification package for Rules 42SS5-1.001, .002 and .003 is presented for final adoption. The agency contact person for this rule is Barbara Leighty. Ms. Leighty's contact information is as follows:

Barbara Leighty
Office of the Governor
The Capitol, Room 1802
Tallahassee, FL 32399-0001
Telephone Number: 850-717-9432
E-mail Address: barbara.leighty@laspbs.state.fl.us

Sincerely,

/s/ Chris Spencer
Secretary
Florida Land and Water Adjudicatory Commission

CS/bl

Enclosure

CERTIFICATION OF
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I do hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and:

(a) Are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency, or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the ombudsman in the Executive Office of the Governor.

The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

42SSS-1.001
42SSS-1.002
42SSS-1.003

Under the provision of Section 120.54(3)(e)6., F.S., the rule takes effect 20 days from the date filed with the Department of State or at a later date as set out below:

Effective: _____

/S/ CHRIS SPENCER
Secretary, Florida Land and Water
Adjudicatory Commission

_____ 1 _____
Number of Pages Certified

CERTIFICATION OF DEPARTMENT OF STATE
DESIGNATION OF RULES THE VIOLATION OF WHICH IS A MINOR VIOLATION

Pursuant to Section 120.695(2)(c)3, Florida Statutes, I certify as agency head, as defined by section 20.05(1)(b), *Florida Statutes*, that:

All rules covered by this certification are not rules the violation of which would be minor violation pursuant to Section 120.695, *Florida Statutes*.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, *Florida Statutes*:

Rule No(s).

Rules covered by this certification:

Rule No(s).

42SSS-1.001
42SSS-1.002
42SSS-1.003

/S/ CHRIS SPENCER
Secretary, Florida Land and Water
Adjudicatory Commission

SUMMARY OF RULES

On November 29, 2021, the Florida Land and Water Adjudicatory Commission received a petition to establish the Westview South Community Development District (“the District”) from Taylor Morrison of Florida, Inc (“Petitioner”). The Petition was subsequently amended on March 14, 2022. The Petitioner requests the establishment of the District to consist of approximately 1,015.431 acres of land, located within both Osceola County and Polk County, Florida. The site is generally located northwest of the intersection of Poinciana Parkway and Cypress Parkway. The initial board members of the proposed District are: Heather Isaacs, Nora Schuster, Damon Cascio, Julie Aragona, and Jeff Stalder.

SUMMARY OF HEARINGS

A hearing was held on August 23, 2022, at 9:00 AM, in the Cabinet meeting room of the Capitol before the Florida Land and Water Adjudicatory Commission in which the Commission authorized the creation of the proposed rules. No public testimony was given.

The Commission published a Notice of Proposed Rules in the August 26, 2022, edition of the *Florida Administrative Register*. No timely request for a hearing was received by the agency and no hearing was held.

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING ADOPTION OF PROPOSED RULES

On November 29, 2021, the Florida Land and Water Adjudicatory Commission received a petition to establish the Westview South Community Development District (“the District”) from Taylor Morrison of Florida, Inc (“Petitioner”). The Petition was subsequently amended on March 14, 2022. The Petitioner requests the establishment of the District to consist of approximately 1,015.431 acres of land, located within both Osceola County and Polk County, Florida. The site is generally located northwest of the intersection of Poinciana Parkway and Cypress Parkway. The initial board members of the proposed District are: Heather Isaacs, Nora Schuster, Damon Cascio, Julie Aragona, and Jeff Stalder.

A statement of estimated regulatory costs (SERC) was prepared at the request of the District. The complete text of the SERC is contained as Exhibit 7 to the amended petition. Generally, the SERC indicates:

- The proposed establishment of the District is not anticipated to have any direct or indirect adverse impact on economic growth, job creation, employment, private sector investment, business competitiveness, or regulatory costs;
- The proposed establishment of the District will involve the State, Polk County, Osceola County, and current and future property owners of the land located within the proposed District. The proposed establishment of the District will result in limited review costs to the reviewing agency and other state and local government entities;
- If approved, the proposed District will incur costs for operations and maintenance of its facilities and for its administration. These costs will be funded by the landowners through direct funding agreements or special assessments levied by the District.
- If approved, the proposed District will directly increase regulatory costs to the landowners within the District. The Petition indicates that the increases in regulatory costs, principally the anticipated increases in transactional costs as a result of likely imposition of special assessments and use fees by the District, will be the direct result of facilities and services provided by the District to the landowners within the District;
- The proposed establishment of the District is not expected to have a negative impact on state or local revenues;
- The proposed establishment of the District is not expected to have a negative impact on small businesses; and
- The proposed establishment of the District is not expected to have an impact on small counties or cities as Polk County and Osceola County are not defined as “small” counties.

FEDERAL COMPARISON STATEMENT

42SSS-1 Westview South Community Development District

Establishment 42SSS-1.001

Boundary 42SSS-1.002

Supervisors of the District 42SSS-1.003

A federal rule on the same subject as that covered by the notice of proposed rules does not exist.

THE FULL TEXT OF THE RULES ARE:

CHAPTER 42SS-1 WESTVIEW SOUTH COMMUNITY DEVELOPMENT DISTRICT

42SS-1.001 Establishment

42SS-1.002 Boundary

42SS-1.003 Supervisors of the District

42SS-1.001 Establishment.

The Westview South Community Development District is hereby established.

Rulemaking Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New _____.

42SS-1.002 Boundary.

The boundaries of the district are those set forth in Exhibit “2” to the Amended Petition to Establish the Westview South Community Development District filed with the Commission on March 14, 2022 (“Amended Petition”), under Commission Case Number CDD-21-005. The Petition to Establish the Westview South Community Development District was filed with the Commission on November 29, 2021 (“Petition”) and revised on January 6, 2022 (“Revised Petition”). The Amended Petition is hereby incorporated by reference, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-14793> and copies of which are available by contacting the Clerk of the Florida Land and Water Adjudicatory Commission at Office of the Governor, Room 1802, The Capitol, Tallahassee, Florida 32399-0001. Copies of the Petition and Revised Petition are also available by contacting the Clerk of the Florida Land and Water Adjudicatory Commission at Office of the Governor, Room 1802, The Capitol, Tallahassee, Florida 32399-0001.

The total Westview South Community Development District = 1,015.431 acres, more or less.

Rulemaking Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New _____.

42SS-1.003 Supervisors of the District.

The following five persons are designated as the initial members of the Board of Supervisors: Heather Isaacs, Nora Schuster, Damon Cascio, Julie Aragona, and Jeff Stalder.

Rulemaking Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New _____.

CERTIFICATION OF MATERIALS INCORPORATED

BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code, that materials incorporated by reference in Rule 42SSS-1.002 have been:

(1) Filed through the Department of State's e-rulemaking website at www.flrules.org.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials as described in option (1) above, a true and complete copy of the incorporated materials has been provided to the Department of State as outlined in paragraph 1-1.013(5)(c), F.A.C. Copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number(s) and form title(s), or title of document(s) below:

Amended Petition to Establish the Westview South Community Development District

Under the provisions of Section 120.54(3)(e)6., F.S., the attached material(s) take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

/S/ CHRIS SPENCER

Signature, Person Authorized to Certify Rules

Secretary, Florida Land and Water
Adjudicatory Commission

Title

Leighty, Barbara

From: FL-Rules@dos.state.fl.us
Sent: Friday, September 23, 2022 11:20 AM
To: Leighty, Barbara
Cc: flrules@dos.state.fl.us
Subject: 42SSS-1.002 Reference Material for Rule Adoption Approved

Dear Barbara Leighty:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 42SSS-1.002

Reference Number: Ref-14793; Reference Name: Amended Petition to Establish the Westview South Community Development District

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State