

ORDINANCE NO. 2014- 22

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, ESTABLISHING THE SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2013); NAMING THE DISTRICT; DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT; DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

RECITALS

WHEREAS, Southeast Land Strategies, LLC ("Petitioner"), having obtained written consent to the establishment of the District by the owner of 100 percent (100%) of the real property to be included in the District, petitioned the St. Johns County Board of Commissioners (the "County") to adopt an ordinance establishing the Southaven Community Development District (the "District") pursuant to Chapter 190, Florida Statutes (2013); and

WHEREAS, Petitioner is a Delaware limited liability company, authorized to conduct business in the State of Florida; and

WHEREAS, all interested persons and affected units of general-purpose local government were afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the County on May 6, 2014; and

WHEREAS, upon consideration of the record established at that hearing, the County determined that the statements within the Petition were true and correct, that the establishment of the District is not inconsistent with any applicable element or portion of the state comprehensive plan or the local government comprehensive plan, that the land within the District is of sufficient size, is sufficiently compact and sufficiently contiguous to be developable as a functionally interrelated community, that the District is the best alternative available for delivering community development services and facilities to the area served by the District, that the services and facilities of the District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities, and that the area to be served by the District is amenable to separate special-district governance; and

WHEREAS, establishment of the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:**

SECTION 1. The above RECITALS are adopted as Findings of Fact in support of this Ordinance.

SECTION 2. AUTHORITY. This ordinance is enacted in compliance with and pursuant to the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes (2013).

SECTION 3. DISTRICT NAME. There is hereby established a Community Development District situated entirely within the unincorporated limits of St. Johns County, Florida, which District shall be known as the "Southaven Community Development District".

SECTION 4. EXTERNAL BOUNDARIES OF THE DISTRICT. The external boundaries of the District are described in Exhibit A attached hereto and incorporated by reference, the overall parcel containing 314.34 acres, more or less. There are no out parcels excluded within the external boundaries.

SECTION 5. FUNCTIONS AND POWERS. The general powers and functions of the District are described in Chapter 190, Florida Statutes. The District is also authorized to exercise additional powers to finance, fund, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for 1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; and 2) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, as authorized and described in Section 190.012(2), Florida Statutes (2013).

SECTION 6. BOARD OF SUPERVISORS. The five persons designated to serve as initial members of the District's Board of Supervisors are as follows: Walter O'Shea, Lane Gardner, Naomi Lumley, Ella English and Dan Jones. All of the above-styled persons are residents of the State of Florida and citizens of the United States of America.

SECTION 7. SEVERABILITY. If any provision of this ordinance or the application thereof is finally determined by court of competent jurisdiction to be illegal, invalid or unenforceable, such provisions shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the illegal, invalid or unenforceable provision is not material to the logical and intended interpretation of this ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect pursuant to Florida general law.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 6th DAY OF May, 2014.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

BY: _____

John H. Morris Chairperson

05-08-14

Rendition Date

ATTEST: CHERYL STRICKLAND, CLERK

BY: _____

Cheryl Strickland
Deputy Clerk

EFFECTIVE DATE: _____

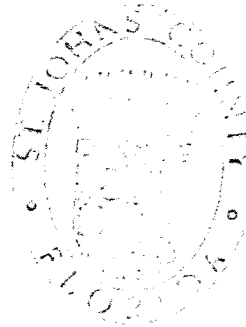


EXHIBIT A

October 4, 2013
IGP- Francis Road

Work Order No. 13-190.00
File No. 123A-22.00A

CDD Parcel

All of the West one-half of the West one-half of Section 13, together with a portion of Section 14, all lying in Township 6 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Beginning, commence at the corner common to Sections 14 and 23, and Section 38, the Antonio Huertas Grant, said Township and Range; thence Northeasterly and Northwesterly along the Easterly and Northerly lines of said Section 38 the following two courses: Course One, thence North $19^{\circ}37'31''$ East, 3555.09 feet; Course Two, thence North $72^{\circ}29'22''$ West, 937.57 feet to its intersection with the Easterly right of way line of North Francis Road, a 64.50 foot right of way as monumented; thence Northerly along said Easterly right of way line the following three courses: Course One, thence North $21^{\circ}31'00''$ East, 238.72 feet to the point of curvature of a curve concave Westerly, having a radius of 648.39 feet; Course Two, thence Northerly along the arc of said curve, through a central angle of $21^{\circ}04'12''$, an arc length of 238.44 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $10^{\circ}58'54''$ East, 237.10 feet; Course Three, thence North $00^{\circ}26'48''$ East, 1184.49 feet to a point lying on the Southerly right of way line of International Golf Parkway, also known as Nine Mile Road, a 66 foot right of way as monumented; thence North $89^{\circ}35'44''$ East, along said Southerly right of way line, 1327.60 feet to an angle point in said Southerly right of way line; thence North $89^{\circ}12'28''$ East, continuing along said Southerly right of way line, 1392.59 feet to an intersection with the Easterly line of said West one-half of the West one-half of Section 13, as monumented, said line also being the Westerly line of those lands described and recorded in Official Records Book 1568, page 482 of the public records of said county; thence South $00^{\circ}10'32''$ West, along said Easterly line, 5261.16 feet to a point lying on the Northerly line of Section 24, said Township and Range; thence South $89^{\circ}19'05''$ West, along said Northerly line and along the Northerly line of said Section 23, a distance of 3146.00 feet to the Point of Beginning.

Containing 314.34 acres, more or less.

PETITION TO ESTABLISH THE SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT

Submitted By:

Jonathan T. Johnson
Florida Bar No. 986460
Katie S. Buchanan
Florida Bar No. 14196
119 S. Monroe Street, Suite 300
Post Office Box 6526
Tallahassee, Florida 32314
(850) 222-7500
Attorneys for Petitioner



St. Johns County Board of County Commissioners

Growth Management Department

November 20, 2013

Mr. Jonathan T. Johnson
Hopping Green & Sams
P.O. Box 6526
Tallahassee, Florida 32314

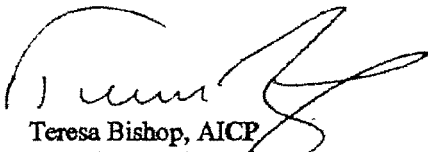
SUBJECT: Petition to Establish the Southaven Community Development District

Dear Mr. Johnson:

The County is in receipt of the Petition to Establish the Southaven Community Development District (CDD). Pursuant to Section 5.06.01.D.7 of the St. Johns County Land Development Code, the Petition shall be deemed completed if it contains responses to the matters required to be contained in the Petition by Section 190.005(1)(a), F.S. The County finds the proposed Petition incomplete to proceed. The County review finds that Florida Statute Chapter 190.005(1)(a)6 requires the Petitioner to provide a timetable for construction of District services along with the cost estimate. According to the Land Development Code, the Petitioner has 15 days working days from this notification to refile the Petition.

If you have any questions or require additional information, please let Ms. Vickie Renna or me know.

Sincerely,



Teresa Bishop, AICP
Long Range Planning Manager

cc: Suzanne Konchan, AICP, Growth Management Director
Paolo Soria, Assistant County Attorney

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA**

**PETITION TO ESTABLISH THE
SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT**

Petitioner, Southeast Land Strategies, LLC, (hereafter "Petitioner"), hereby petitions the St. Johns County Board of County Commissioners pursuant to the "Uniform Community Development District Act of 1980," Chapter 190, Florida Statutes, to establish a Community Development District (hereafter "District") with respect to the land described herein. In support of this petition, Petitioner states:

1. Location and Size. The proposed District is located entirely within St. Johns County, Florida. **Composite Exhibit 1** depicts the general location of the project and a preliminary site plan. The proposed District covers approximately 314 acres of land. The site is generally located south of International Golf Parkway and east of North Francis Road. The metes and bounds description of the proposed external boundaries of the District is set forth in **Exhibit 2.**

2. Excluded Parcels. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District.

3. Landowner Consent. Petitioner has obtained written consent to establish the District from the owners of one hundred percent (100%) of the real property located within the boundaries of the proposed District, in accordance with Section 190.005, Florida Statutes (2013). Documentation of this consent is contained in **Exhibit 3.**

4. Initial Board Members. The five persons designated to serve as initial members of the Board of Supervisors of the proposed District are as follows:

Name: Walter O'Shea
Address: 372 South Mill View Way
Ponte Vedra Beach, FL 32082
St. Johns County

Name: Lane Gardner
Address: 1740 Challen Avenue
Jacksonville, FL 32205
Duval County

Name: Naomi Lumley
Address: 3277 Hidden Lake Drive West
Jacksonville, FL 32216
Duval County

Name: Ella English
Address: 294 Sophia Terrace
St Augustine Florida 32095
St. Johns County

Name: Dan Jones
Address: 1278 Garrison Drive
St. Augustine, FL 32092
St. Johns County

All of the above-listed persons are residents of the state of Florida and citizens of the United States of America.

5. Name. The proposed name of the District is Southaven Community Development District.

6. Future Land Uses. The general distribution, location, and extent of the public and private future land uses proposed for the District, in accordance with the future land use plan element of the County's Future Land Use Plan, is identified in **Exhibit 4**. The proposed land uses for lands contained within the proposed District are consistent with the approved St. Johns County Future Land Use Plan.

7. Major Water and Wastewater Facilities. **Exhibit 5** shows the pre-development outfall ditches, existing and future water and sewer mains, as well as drainage divides for the lands within the proposed District.

8. District Facilities and Services. **Exhibit 6** describes the type of facilities Petitioner presently expects the District to finance, construct, acquire and/or install, as well as the anticipated owner and entity responsible for maintenance. These facilities will serve the residential development within the District. The estimated costs of constructing the infrastructure serving lands within the proposed District are identified in **Exhibit 7 (Table 1)**. Currently, these improvements are estimated to be made, acquired, constructed, and/or installed between 2014 and 2029, as identified in **Exhibit 7 (Table 2)**. Actual construction timetables and expenditures will likely vary, due in part to the effects of future changes in the economic conditions upon costs such as labor, services, materials, interest rates and market conditions.

9. Contingent Operation and Maintenance Entity. In the event the District is unable or unwilling to continue as the owner and entity responsible for the maintenance of the facilities described in Exhibit 6, the Southaven Homeowners Association will assume such rights and obligations.

10. Statement of Estimated Regulatory Costs. **Exhibit 8** is the statement of estimated regulatory costs ("SERC") prepared in accordance with the requirements of Section 120.541, Florida Statutes (2013). The SERC is based upon presently available data. The data and methodology used in preparing the SERC accompany it.

11. Authorized Agent. The Petitioner is authorized to do business in Florida. **Exhibit 9** identifies the authorized agent for the Petitioner. Copies of all correspondence and official notices should be sent to:

Jonathan T. Johnson (jonathanj@hgslaw.com)
Katie S. Buchanan (katieb@hgslaw.com)
HOPPING GREEN & SAMS, P.A.
119 South Monroe Street, Suite 300
Tallahassee, FL 32301

12. This petition to establish the Southaven Community Development District should be granted for the following reasons:

a. Establishment of the District and all land uses and services planned within the proposed District are not inconsistent with applicable elements or portions of the effective State Comprehensive Plan or the St. Johns County Comprehensive Plan.

b. The area of land within the proposed District is part of a planned community. It is of a sufficient size and is sufficiently compact and contiguous to be developed as one functional and interrelated community.

c. The establishment of the District will prevent the general body of taxpayers in St. Johns County from bearing the burden for installation of the infrastructure and the maintenance of certain facilities within the development encompassed by the District. The District is the best alternative for delivering community development services and facilities to the proposed community without imposing an additional burden on the general population of the local general-purpose government. Establishment of the District in conjunction with a comprehensively planned community, as proposed, allows for a more efficient use of resources.

d. The community development services and facilities of the District will not be incompatible with the capacity and use of existing local and regional community development services and facilities. In addition, the establishment of the District will provide a perpetual entity capable of making reasonable provisions for the operation and maintenance of the District's services and facilities.

e. The area to be served by the proposed District is amenable to separate special-district government.

WHEREFORE, Petitioner respectfully requests the County Commission of St. Johns County, Florida to:

a. schedule a public hearing in accordance with the requirements of Section 190.005(2)(b), Florida Statutes (2013);

b. grant the petition and adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes;

c. consent to the District exercise of certain additional powers to finance, plan, establish, acquire, construct, reconstruct, enlarge or extend, equip, operate and maintain systems and facilities for: (1) parks and facilities for indoor and outdoor recreational, cultural and educational uses; and (2) security, including but not limited to, guardhouses, fences and gates, electronic intrusion-detection systems, and patrol cars, both as authorized and described by Section 190.012(2), Florida Statutes; and

d. grant such other relief as appropriate.

RESPECTFULLY SUBMITTED, this 25th day of October, 2013.

HOPPING GREEN & SAMS, P.A.

BY: 

Jonathan T. Johnson (FBN 986460)

Katie S. Buchanan (FBN 14196)

119 South Monroe Street, Suite 300

Post Office Box 6526

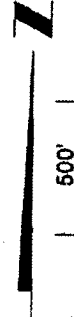
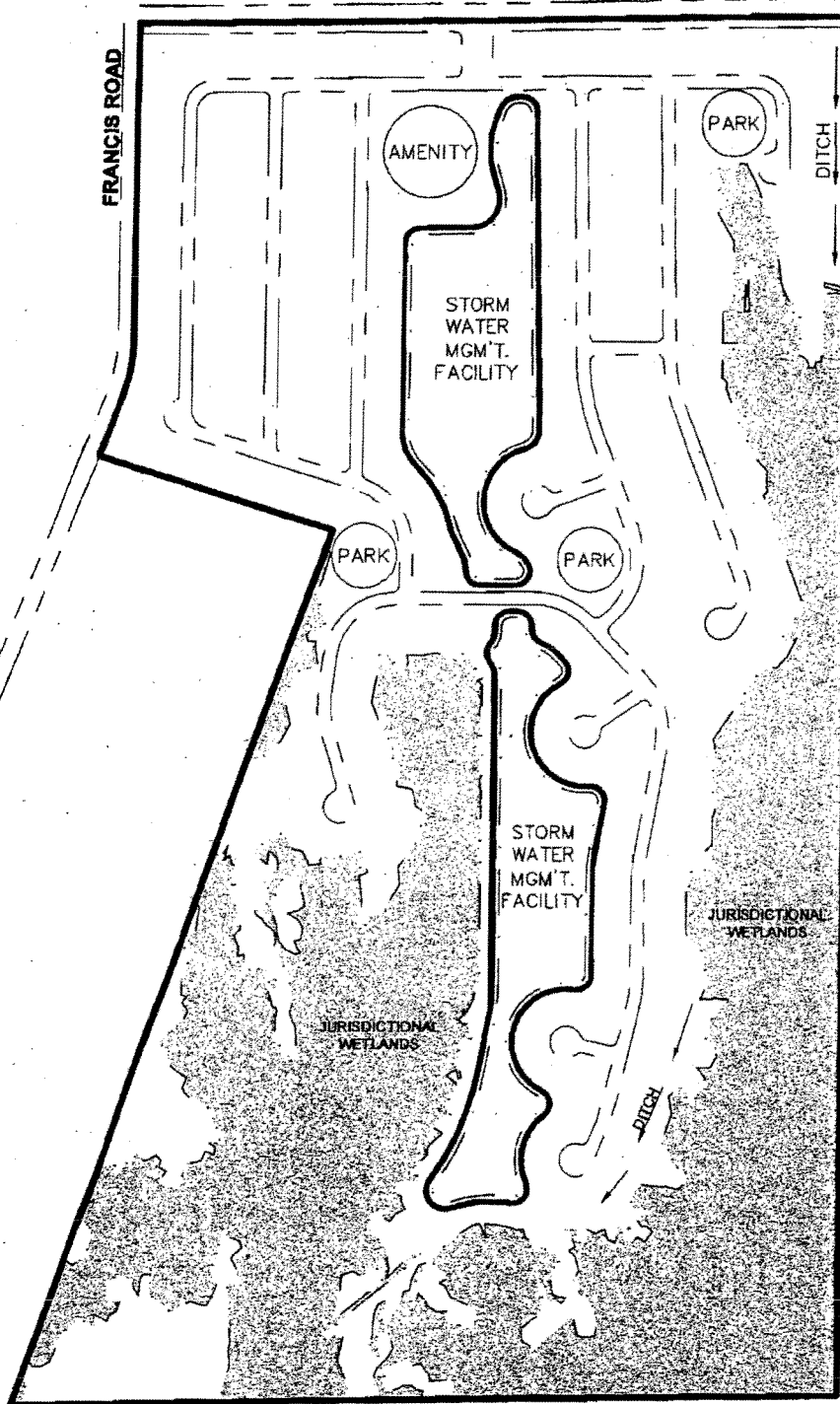
Tallahassee, FL 32314

(850) 222-7500 (telephone)

(850) 224-8551 (facsimile)

Attorneys for Petitioner

INTERNATIONAL GOLF PARKWAY



PLOTTED: October 11, 2013 -- 10:46 AM, BY: Scott Lockwood

ETM

VISION - EXPERIENCE - RESULTS
 ENGLAND - THIMS & MILLER, INC.

14775 Old St. Augustine Road, Jacksonville, FL 32258
 TEL: (904) 642-8890, FAX: (904) 648-9485
 CA - 00002584 LC - 0000316

SITE MAP

SOUTHAVEN CDD

ST. JOHNS COUNTY, FLORIDA

ETM NO. 13-047

DRAWN BY: S. Lockwood

DATE: 10-11-13

DRAWING NO. 1

G:\13-047\Design\Plots\Maps\CDD-Site.dwg

P.I. # ?

October 4, 2013
IGP- Francis Road

Work Order No. 13-190.00
File No. 123A-22.00A

CDD Parcel

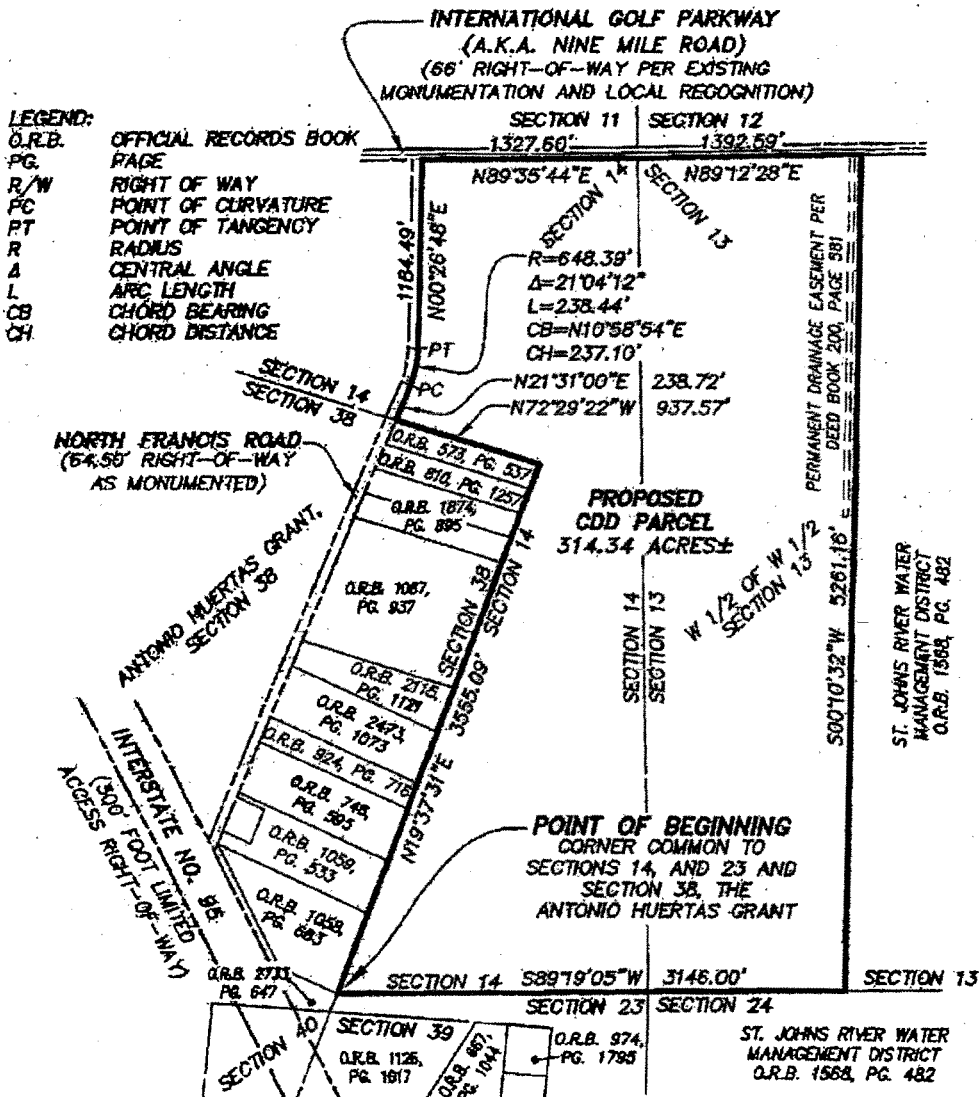
All of the West one-half of the West one-half of Section 13, together with a portion of Section 14, all lying in Township 6 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Beginning, commence at the corner common to Sections 14 and 23, and Section 38, the Antonio Huertas Grant, said Township and Range; thence Northeasterly and Northwesterly along the Easterly and Northerly lines of said Section 38 the following two courses: Course One, thence North $19^{\circ}37'31''$ East, 3555.09 feet; Course Two, thence North $72^{\circ}29'22''$ West, 937.57 feet to its intersection with the Easterly right of way line of North Francis Road, a 64.50 foot right of way as monumented; thence Northerly along said Easterly right of way line the following three courses: Course One, thence North $21^{\circ}31'00''$ East, 238.72 feet to the point of curvature of a curve concave Westerly, having a radius of 648.39 feet; Course Two, thence Northerly along the arc of said curve, through a central angle of $21^{\circ}04'12''$, an arc length of 238.44 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $10^{\circ}58'54''$ East, 237.10 feet; Course Three, thence North $00^{\circ}26'48''$ East, 1184.49 feet to a point lying on the Southerly right of way line of International Golf Parkway, also known as Nine Mile Road, a 66 foot right of way as monumented; thence North $89^{\circ}35'44''$ East, along said Southerly right of way line, 1327.60 feet to an angle point in said Southerly right of way line; thence North $89^{\circ}12'28''$ East, continuing along said Southerly right of way line, 1392.59 feet to an intersection with the Easterly line of said West one-half of the West one-half of Section 13, as monumented, said line also being the Westerly line of those lands described and recorded in Official Records Book 1568, page 482 of the public records of said county; thence South $00^{\circ}10'32''$ West, along said Easterly line, 5261.16 feet to a point lying on the Northerly line of Section 24, said Township and Range; thence South $89^{\circ}19'05''$ West, along said Northerly line and along the Northerly line of said Section 23, a distance of 3146.00 feet to the Point of Beginning.

Containing 314.34 acres, more or less.

EXHIBIT TO SHOW

ALL OF THE WEST 1/2 OF THE WEST 1/2 OF SECTION 13,
TOGETHER WITH A PORTION OF SECTION 14, ALL LYING IN TOWNSHIP 6
SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA,
BEING MORE PARTICULARLY DESCRIBED IN SEPARATE ATTACHMENT.



SOUTHAVEN CDD - EXHIBIT 2

PREPARED BY:
ROBERT M. ANGAS ASSOCIATES, INC.
14775 OLD ST. AUGUSTINE ROAD
JACKSONVILLE, FL 32258 (904) 842-8550
CERTIFICATE OF AUTHORIZATION NO. LB 3824

NOTES:

- 1) THIS IS NOT A SURVEY.
- 2) BEARINGS BASED ON THE EASTERLY LINE OF SECTION 38,
ANTONIO HUERTAS GRANT AS BEING NORTH 19°37'31" EAST.

DATE: OCTOBER 4, 2013

**CONSENT AND JOINDER TO ESTABLISHMENT
OF A COMMUNITY DEVELOPMENT DISTRICT**

The undersigned is the owner of certain lands more fully described in Exhibit A attached hereto and made a part hereof ("Property").

The undersigned understands and acknowledges that Southeast Land Strategies, LLC, a Delaware limited liability company, ("Petitioner") intends to submit an application to establish a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of the Community Development District which will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the Community Development District is established or two years from the date hereof, which ever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by Petition, a consent to establishment of the Community Development District in substantially this form.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the person executing this instrument.

Executed this 16th day of May, 2013.

Witnessed:

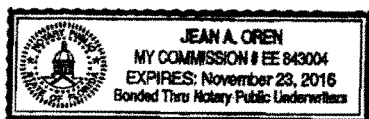
Helen D. Ross Janice F. Whetstone
Print Name: Janice F. Whetstone

Jean A. Oren
Print Name: Jean A. Oren By: HELEN D. ROSS

STATE OF FLORIDA
COUNTY OF ST. JOHN

The foregoing instrument was acknowledged and executed before me by the foregoing party who was identified in the manner indicated below.

Witness my hand and official seal in the County of St. John and State of Florida this 16 day of May, 2013.



Jean A. Oren
Notary Public
State of Florida at Large
My Commission expires: _____

Personally known: _____
Produced Identification: ✓
Type of Identification: FL Driver's License

Revised July 25, 2013
October 19, 2006
File No. 119B-13

Work Order No. 06-197.02
IGP- North Francis Road

Surveyor's Description

All of the West one-half of the West one-half of Section 13, together with a portion of Section 14, all lying in Township 6 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Beginning, commence at the corner common to Sections 14 and 23, and Section 38, the Antonio Huertas Grant, said Township and Range; thence Northeasterly and Northwesterly along the Easterly and Northerly lines of said Section 38 the following two courses: Course One, thence North $19^{\circ}37'31''$ East, 3555.09 feet; Course Two, thence North $72^{\circ}29'22''$ West, 937.57 feet to its intersection with the Easterly right of way line of North Francis Road, a 64.50 foot right of way as monumented; thence Northerly along said Easterly right of way line the following three courses: Course One, thence North $21^{\circ}31'00''$ East, 238.72 feet to the point of curvature of a curve concave Westerly, having a radius of 648.39 feet; Course Two, thence Northerly along the arc of said curve, through a central angle of $21^{\circ}04'12''$, an arc length of 238.44 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $10^{\circ}58'54''$ East, 237.10 feet; Course Three, thence North $00^{\circ}26'48''$ East, 1184.49 feet to a point lying on the Southerly right of way line of International Golf Parkway, also known as Nine Mile Road, a 66 foot right of way as monumented; thence North $89^{\circ}35'44''$ East, along said Southerly right of way line, 1327.60 feet to an angle point in said Southerly right of way line; thence North $89^{\circ}12'28''$ East, continuing along said Southerly right of way line, 1392.59 feet to an intersection with the Easterly line of said West one-half of the West one-half of Section 13, as monumented, said line also being the Westerly line of those lands described and recorded in Official Records Book 1568, page 482 of the public records of said county; thence South $00^{\circ}10'32''$ West, along said Easterly line, 5261.16 feet to a point lying on the Northerly line of Section 24, said Township and Range; thence South $89^{\circ}19'05''$ West, along said Northerly line and along the Northerly line of said Section 23, a distance of 3146.00 feet to the Point of Beginning.

Containing 314.34 acres, more or less.

**CONSENT AND JOINDER TO ESTABLISHMENT
OF A COMMUNITY DEVELOPMENT DISTRICT**

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As the owner of lands which are intended to constitute the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

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The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the person executing this instrument.

Executed this 16 day of May, 2013.

Witnessed:

Jane L. Whetstone
Print Name: JANICE F. Whetstone

Jean A. Oren
Print Name: JEAN A. OREN

Herbert E. Ross

Herbert F. Ross
By: _____

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged and executed before me by the foregoing party who was identified in the manner indicated below.

Witness my hand and official seal in the County of St. Johns and State of Florida this 16 day of May, 2013.



Jean A. Oren
Notary Public
State of Florida at Large
My Commission expires: _____

Personally known: _____
Produced Identification: ✓
Type of Identification: FL Driver's License

Revised July 25, 2013
October 19, 2006
File No. 119B-13

Work Order No. 06-197.02
IGP- North Francis Road

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The undersigned is the owner of certain lands more fully described in Exhibit A attached hereto and made a part hereof ("Property").

The undersigned understands and acknowledges that Southeast Land Strategies, LLC, a Delaware limited liability company, ("Petitioner") intends to submit an application to establish a Community Development District in accordance with the provisions of Chapter 190 of the Florida Statutes.

As the owner of lands which are intended to constitute the Community Development District, the undersigned understands and acknowledges that pursuant to the provisions of Section 190.005, *Florida Statutes*, the Petitioner is required to include the written consent to the establishment of the Community Development District of one hundred percent (100%) of the owners of the lands to be included within the Community Development District.

The undersigned hereby consents to the establishment of the Community Development District which will include the Property within the lands to be a part of the Community Development District and agrees to further execute any documentation necessary or convenient to evidence this consent and joinder during the application process for the establishment of the Community Development District.

The undersigned acknowledges that the consent will remain in full force and effect until the Community Development District is established or two years from the date hereof, which ever shall first occur. The undersigned further agrees that it will provide to the next purchaser or successor in interest of all or any portion of the Property a copy of this consent form and obtain, if requested by Petition, a consent to establishment of the Community Development District in substantially this form.

The undersigned hereby represents and warrants that it has taken all actions and obtained all consents necessary to duly authorize the execution of this consent and joinder by the person executing this instrument.

Executed this 16 day of May, 2013.

Witnessed:

[Signature]
Print Name: Jancy F. Whetstone

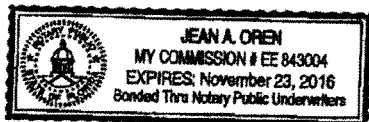
[Signature]
Print Name: JEAN A. OREN

[Signature]
By: Loa. Jane Bowden

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged and executed before me by the foregoing party who was identified in the manner indicated below.

- Witness my hand and official seal in the County of St. Johns and State of FLORIDA this 16th day of May, 2013.



[Signature]
Notary Public
State of Florida at Large
My Commission expires: _____

Personally known: _____
Produced Identification: _____
Type of Identification: _____

Revised July 25, 2013
October 19, 2006
File No. 119B-13

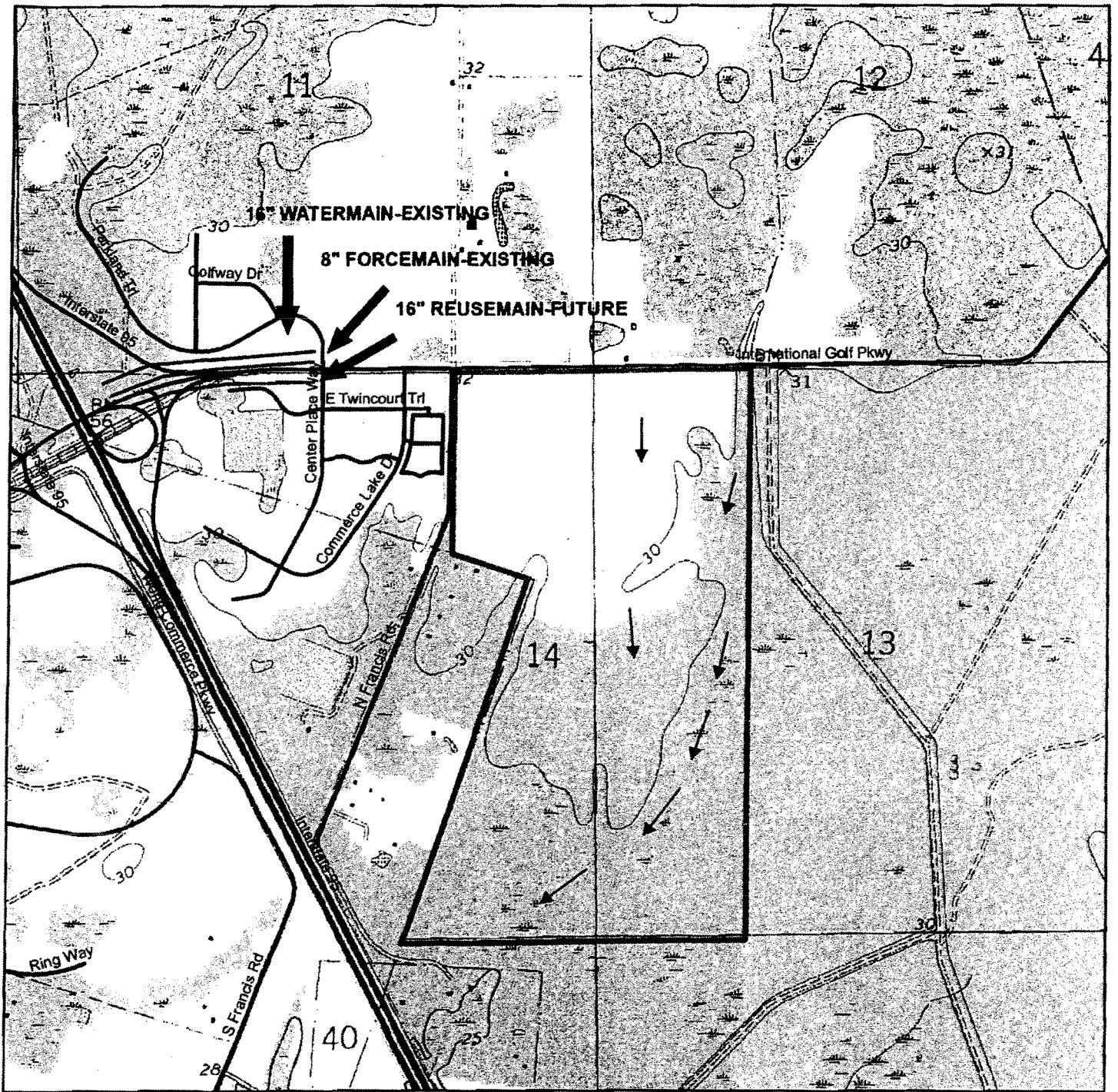
Work Order No. 06-197.02
IGP- North Francis Road

Surveyor's Description

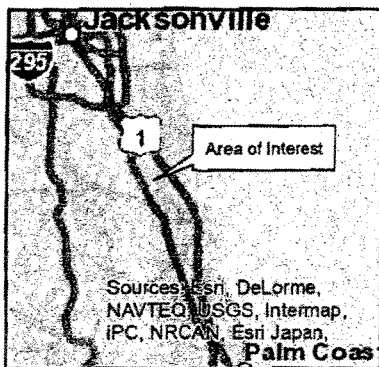
All of the West one-half of the West one-half of Section 13, together with a portion of Section 14, all lying in Township 6 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Beginning, commence at the corner common to Sections 14 and 23, and Section 38, the Antonio Huertas Grant, said Township and Range; thence Northeasterly and Northwesterly along the Easterly and Northerly lines of said Section 38 the following two courses: Course One, thence North $19^{\circ}37'31''$ East, 3555.09 feet; Course Two, thence North $72^{\circ}29'22''$ West, 937.57 feet to its intersection with the Easterly right of way line of North Francis Road, a 64.50 foot right of way as monumented; thence Northerly along said Easterly right of way line the following three courses: Course One, thence North $21^{\circ}31'00''$ East, 238.72 feet to the point of curvature of a curve concave Westerly, having a radius of 648.39 feet; Course Two, thence Northerly along the arc of said curve, through a central angle of $21^{\circ}04'12''$, an arc length of 238.44 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $10^{\circ}58'54''$ East, 237.10 feet; Course Three, thence North $00^{\circ}26'48''$ East, 1184.49 feet to a point lying on the Southerly right of way line of International Golf Parkway, also known as Nine Mile Road, a 66 foot right of way as monumented; thence North $89^{\circ}35'44''$ East, along said Southerly right of way line, 1327.60 feet to an angle point in said Southerly right of way line; thence North $89^{\circ}12'28''$ East, continuing along said Southerly right of way line, 1392.59 feet to an intersection with the Easterly line of said West one-half of the West one-half of Section 13, as monumented, said line also being the Westerly line of those lands described and recorded in Official Records Book 1568, page 482 of the public records of said county; thence South $00^{\circ}10'32''$ West, along said Easterly line, 5261.16 feet to a point lying on the Northerly line of Section 24, said Township and Range; thence South $89^{\circ}19'05''$ West, along said Northerly line and along the Northerly line of said Section 23, a distance of 3146.00 feet to the Point of Beginning.

Containing 314.34 acres, more or less.



VICINITY MAP



Source: ETM, St. Johns County

Southaven CDD Exhibit 5

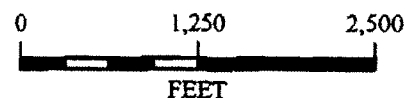
Major Water & Wastewater Facilities

LEGEND

- Southaven CDD
- St. Johns County Streets
- Drainage



1" = 1,250'



ETM

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14775 St. Augustine Road Jacksonville, FL 32258
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M:\005_Own\Map\Project\Southaven Water & Wastewater\2002

EXHIBIT 6

DISTRICT FACILITIES AND SERVICES

| Facility | Funded By | Constructed By | Maintenance Entity | Final Ownership |
|---|------------------|-----------------------|---------------------------|------------------------|
| *Entrance Road | CDD | CDD | CDD/St. Johns County | CDD/St. Johns County |
| *Internal Golf Parkway – Intersection Turn lanes | CDD | CDD | CDD/St. Johns County | CDD/St. Johns County |
| *Internal Roads Infrastructure | CDD | CDD | CDD/St. Johns County | CDD/St. Johns County |
| Master Stormwater System | CDD | CDD | CDD | CDD |
| Master Sanitary Sewer Lift Station and Force Main | CDD | CDD | St. Johns County | St. Johns County |
| Off site Utility Extensions | CDD | CDD | St. Johns County | St. Johns County |
| Amenity Center | CDD | CDD | CDD | CDD |
| Entry Feature and Signage | CDD | CDD | CDD | CDD |
| Landscape, Lighting and Street Trees | CDD | CDD | CDD | CDD |
| Recreation | CDD | CDD | CDD | CDD |

Legend

*Please see ORD 2014-21 Southaven Plan Unit Development (Watts file #2013-14) MDP text, item H Infrastructure, Roads for additional information concerning the implementation of roads in the Southaven Development.

EXHIBIT 7

TABLE 1

Southaven CDD
St Johns County, Florida
October 23, 2013

| Infrastructure Improvements | Estimated Costs |
|--|----------------------|
| Entrance Road | \$ 137,950 |
| International Golf Parkway - Intersection Turn lanes | \$ 233,625 |
| Internal Roads Infrastructure | \$ 8,399,250 |
| Master Stormwater System | \$ 1,872,695 |
| Master Sanitary Sewer Lift Station and Force Main | \$ 646,040 |
| Off site Utility Extensions | \$ 737,552 |
| Amenity Center | \$ 1,054,000 |
| Entry Feature and Signage | \$ 644,800 |
| Landscape, Lighting and Street Trees | \$ 310,000 |
| Recreation | \$ 595,200 |
| Total | \$ 14,631,112 |

EXHIBIT 7

Table 2

**Southaven Community Development District
Estimated Acquisition, Construction and/or Installation Schedule**

| INFRASTRUCTURE IMPROVEMENT | 2014-2019 | 2019-2024 | 2024-2029 |
|---|------------------|------------------|------------------|
| International Golf Parkway – Intersection Turn Lanes | X | | |
| Master Stormwater System | X | X | |
| Off-Site Utility Extensions | X | X | |
| Entry Feature and Signage | X | X | |
| Recreation | X | X | X |

STATEMENT OF ESTIMATED REGULATORY COSTS
FOR
THE PETITION TO ESTABLISH THE SOUTHAVEN
COMMUNITY DEVELOPMENT DISTRICT

PREPARED BY:

RIZZETTA & COMPANY, INC.

2806 N. 5th St., Unit 403
St. Augustine, FL 32084
904-436-6270

October 21, 2013

RIZZETTA & COMPANY
INCORPORATED

**SOUTHAVEN
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS**

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I. INTRODUCTION

1. PURPOSE AND SCOPE

This Statement of Estimated Regulatory Costs has been prepared as a component of the petition filed with the Board of County Commissioners of St. Johns County, Florida, to establish the Southaven Community Development District ("District") in accordance with Chapter 190.005, Florida Statutes ("F.S."). Specifically, Section 190.005(1)(a)8, F.S., requires that, as part of the petition, a Statement of Estimated Regulatory Costs be prepared pursuant to Section 120.541, F.S.

A community development district ("CDD") is established under the Uniform Community Development District Act of 1980, Chapter 190 of the Florida Statutes, as amended (the "Act"). A CDD is a local unit of special-purpose government that is limited to the performance of those specialized functions authorized by the Act. Those specialized functions consist of planning, financing, constructing and maintaining certain public infrastructure improvements and community development services. As an independent special district, the CDD's governing body establishes its own budget and, within the scope of its authorized powers, operates independently of the local general-purpose governmental entity (i.e., the county or the city) whose boundaries include the CDD.

However, a CDD cannot regulate land use or issue development orders; those powers reside with the local general-purpose government. The Legislature has, in Section 190.004(3), F.S., made this clear by stating:

The establishment of an independent community development district as provided in this act is not a development order within the meaning of chapter 380. All governmental planning, environmental, and land development laws, regulations, and rules apply to all development of the land within a community development district. Community development districts do not have the power of a local government to adopt a comprehensive plan, building code, or land development code, as those terms are defined in the Local Government Comprehensive Planning and Local Development Regulation Act. A district shall take no action which is inconsistent with applicable comprehensive plans, rules,

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SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS
ESTABLISHMENT OF DISTRICT

or regulations of the applicable local general-purpose government.

In addition, the parameters for the review and evaluation of community development district petitions are clearly set forth in Section 190.002(2)(d), F.S., as follows:

That the process of establishing such a district pursuant to uniform general law be fair and based only on factors material to managing and financing the service-delivery function of the district, so that any matter concerning permitting or planning of the development is not material or relevant.

Therefore, the scope of this Statement of Estimated Regulatory Costs is limited to an evaluation of those factors pertinent to the establishment of a CDD as defined by the Legislature and outlined in Section 120.541(2), F.S.

The purpose of Chapter 190, F.S., is to provide another tool to government and private landowners in their efforts to comply with comprehensive plans which require adequate public facilities and services as a pre-condition for future development.

The CDD is a special purpose unit of local government that is established for the purpose of providing an alternative mechanism for financing the construction of public infrastructure. A CDD must be structured to be financially independent as intended by the Legislature. The cost of any additional public improvements to be constructed or any additional services to be provided by St. Johns County (the "County") as a result of this development will be incurred whether the infrastructure is financed through a CDD or any other alternative financing method. The annual operations and administrative costs of the CDD will be borne entirely by the District and will not require any subsidy from the State of Florida or the County, nor will it place any additional economic burden on those persons not residing within the District.

2. SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT

The proposed District will encompass approximately 314.34 acres on which Southeast Land Strategies, LLC (the "Petitioner") plans to develop its project ("Project"), which currently contemplates approximately 345 residential units.

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The Petitioner is seeking authority, as outlined in Section 190.012, F.S., to establish the District in order to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate and maintain systems, facilities and basic infrastructure that includes, but is not limited to: drainage, water management and control, water supply, sewer, wastewater management, bridges or culverts, roads and street lights, transportation facilities, conservation areas, parks and recreational facilities, security, or any other project, within or outside the boundaries of the District, required by a development order issued by a local government or subject of an agreement between the District and a governmental entity.

If approved, the District will be authorized to finance these types of infrastructure improvements through special assessment revenue bonds. Repayment of these bonds will be through non-ad valorem assessments levied against all benefited properties within the District. On-going operation and maintenance for District owned facilities is expected to be funded through maintenance assessments levied against all benefited properties within the District.

II. STATUTORY ITEMS:

Section 120.541(2), F.S. (2011), in pertinent part, defines the elements a Statement of Estimated Regulatory Costs must contain as follows:

(a) An economic analysis showing whether the rule directly or indirectly:

- 1. Is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule;*
- 2. Is likely to have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; or*

SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS
ESTABLISHMENT OF DISTRICT

3. Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

(b) A good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals likely to be affected by the rule.

(c) A good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues.

(d) A good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. As used in this section, "transactional costs" are direct costs that are readily ascertainable based upon standard business practices, and include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

(e) An analysis of the impact on small businesses as defined by s. 288.703, and an analysis of the impact on small counties and small cities as defined in s. 120.52. The impact analysis for small businesses must include the basis for the agency's decision not to implement alternatives that would reduce adverse impacts on small businesses.

(f) Any additional information that the agency determines may be useful.

(g) In the statement or revised statement, whichever applies, a description of any regulatory alternatives submitted under paragraph (1)(a) and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule.

The estimated regulatory impact of establishing the District is summarized below. Statutory requirements are **SHOWN IN BOLD CAPS**.

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1. AN ECONOMIC ANALYSIS SHOWING WHETHER THE ORDINANCE DIRECTLY OR INDIRECTLY:

A. IS LIKELY TO HAVE AN ADVERSE IMPACT ON ECONOMIC GROWTH, PRIVATE SECTOR JOB CREATION OR EMPLOYMENT, OR PRIVATE SECTOR INVESTMENT IN EXCESS OF \$1 MILLION IN THE AGGREGATE WITHIN 5 YEARS AFTER THE IMPLEMENTATION OF THE RULE;

Practically, the District, as a "special purpose" entity, does not have the legal authority or operational ability to adversely impact economic growth, job creation, or investment. The Project and its related permits and entitlements exist independently of the proposed District. The improvements and services proposed to be provided by the District will be required for successful implementation of the Project regardless of whether or not the District is established. However, it is expected that any economic impact would be positive in nature, particularly in the short term. Establishment of the District will enable the anticipated construction of public infrastructure improvements, which will yield a demand for construction labor and professional consultants. Additionally, the District may choose to finance improvements by the issue of special assessment revenue bonds, which may be an attractive investment for investors. Furthermore, establishment would be expected to have a positive impact on property values and local real estate sales. See generally Sections 3(b) and 5 below. Thus, there will be no adverse impact on economic growth, private sector job creation or employment, or private sector investment as a result of the establishment of the District.

B. IS LIKELY TO HAVE AN ADVERSE IMPACT ON BUSINESS COMPETITIVENESS, INCLUDING THE ABILITY OF PERSONS DOING BUSINESS IN THE STATE TO COMPETE WITH PERSONS DOING BUSINESS IN OTHER STATES OR DOMESTIC MARKETS, PRODUCTIVITY, OR INNOVATION IN EXCESS OF \$1 MILLION IN THE AGGREGATE WITHIN 5 YEARS AFTER THE IMPLEMENTATION OF THE RULE;

Any impact on overall business competitiveness and/or innovation resulting from District establishment will presumably be positive in nature. All professional contributors to creation of the District and anticipated resulting developmental efforts are expected to be either locally or state-based. Once complete, the Project would likely create opportunities for the local real estate industry. Thus, there will be no adverse impact on

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SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS
ESTABLISHMENT OF DISTRICT

business competitiveness because of the formation of the proposed District. See generally Section 5 below.

C. OR IS LIKELY TO INCREASE REGULATORY COSTS, INCLUDING ANY TRANSACTIONAL COSTS, IN EXCESS OF \$1 MILLION IN THE AGGREGATE WITHIN 5 YEARS AFTER THE IMPLEMENTATION OF THE RULE.

A dramatic increase in overall regulatory or transaction costs is highly unlikely. As will be stated in further detail below, the County may incur incidental administrative costs in reviewing the documents germane to the establishment of the District, although these will be recouped by the establishment fee paid to the County.

The District will incur overall operational costs related to services for infrastructure maintenance, landscaping, and similar items. In the initial stages of development, the costs will likely be minimized. These operating costs will be funded by the landowners through direct funding agreements or special assessments levied by the District. Similarly, the District may incur costs associated with the issuance and repayment of special assessment revenue bonds. While these costs in the aggregate may approach the stated threshold over a five year period, this would not be unusual for a Project of this nature and the infrastructure and services proposed to be provided by the District will be needed to serve the Project regardless of the existence of the District. Thus, the District-related costs are not additional development costs. Due to the relatively low cost of financing available to districts due to the tax-exempt nature of its debt, certain improvements can be provided more efficiently by the District than by alternative entities. Furthermore, it is important to remember that such costs would be funded through special assessments paid by landowners within the District, and would not be a burden on the taxpayers outside the District.

See generally Section 3 and 4 below.

2. A GOOD FAITH ESTIMATE OF THE NUMBER OF INDIVIDUALS AND ENTITIES LIKELY TO BE REQUIRED TO COMPLY WITH THE ORDINANCE, TOGETHER WITH A GENERAL DESCRIPTION OF THE TYPES OF INDIVIDUALS LIKELY TO BE AFFECTED BY THE ORDINANCE:

The individuals and entities likely to be required to comply with the ordinance or

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affected by the proposed action (i.e., adoption of the ordinance) can be categorized, as follows: 1) The State of Florida and its residents, 2) the County and its residents, 3) current property owners, and 4) future property owners.

a. The State of Florida

The State of Florida and its residents and general population will not incur any compliance costs related to the establishment and on-going administration of the District, and will only be affected to the extent that the State incurs those nominal administrative costs outlined in Section 3(a)(2) below. The cost of any additional administrative services provided by the state as a result of this Project will be incurred whether the infrastructure is financed through a CDD or any alternative financing method.

b. St. Johns County

The County and its residents not residing within the boundaries of the District will not incur any compliance costs related to the establishment and on-going administration of the CDD other than any one-time administrative costs outlined in Section 3(a)(1) below. Once the District is established, these residents will not be affected by adoption of the ordinance. The cost of any additional administrative services provided by the County as a result of this development will be incurred whether the infrastructure is financed through a CDD or any alternative financing method.

c. Current Property Owners

The current property owners of the lands within the proposed District boundaries will be affected to the extent that the District allocates debt for the construction of infrastructure and undertakes operation and maintenance responsibility for that infrastructure.

d. Future Property Owners

The future property owners are those who will own property in proposed District. These future property owners will be affected to the extent that the District allocates debt for the construction of infrastructure and

undertakes operation and maintenance responsibility for that infrastructure.

3. A GOOD FAITH ESTIMATE OF THE COST TO THE AGENCY, AND TO ANY OTHER STATE AND LOCAL ENTITIES, OF IMPLEMENTING AND ENFORCING THE PROPOSED ORDINANCE, AND ANY ANTICIPATED EFFECT ON STATE AND LOCAL REVENUES:

a. Costs to Governmental Agencies of Implementing and Enforcing the Ordinance

1. St. Johns County (The "Agency")

Because the CDD encompasses less than 1,000 acres, this petition is being submitted to the County (i.e., the "Agency" under Section 120.541(2), F.S.) for approval in accordance with Section 190.005(2), F.S. The Agency may incur certain one-time administrative costs involved with the review of this petition, although this will be offset by the District's payment of a one-time filing fee.

Once the District has been established, the County will not incur any quantifiable on-going costs resulting from the on-going administration of the District. As previously stated, the CDD operates independently from the County and all administrative and operating costs incurred by the District relating to the financing and construction of infrastructure are borne entirely by the District. The District will submit, for informational purposes, its annual budget, financial report, audit and public financing disclosures to the County. Since there are no legislative requirements for review or action, the County should not incur any costs. The Agency may, however, choose to review these documents.

2. State of Florida

Once the District has been established, the State of Florida will incur only nominal administrative costs to review the periodic reports required pursuant to Chapters 190 and 189, F.S. These reports include the annual financial report, annual audit and public financing disclosures. To offset these costs, the Legislature has established a maximum fee of \$175 per District per year to pay the costs incurred by the Department of Economic Opportunity to administer the reporting

SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS
ESTABLISHMENT OF DISTRICT

requirements of Chapter 189, F.S. This amount would be funded by District revenues. Because the District, as defined in Chapter 190, F.S., is designed to function as a self-sufficient special-purpose governmental entity, it is responsible for its own management. Therefore, except for the reporting requirements outlined above, or later established by law, no additional burden is placed on the State once the District has been established.

3. The District

The District will also incur costs for operations and maintenance of its facilities and for its administration. These costs will be completely paid for from annual assessments against all properties within the District benefiting from its facilities and its services.

b. Impact on State and Local Revenues

It is anticipated that approval of this petition will not have any negative effect on state or local revenues. The District is an independent unit of local government. It is designed to provide community facilities and services to serve the Project. It has its own sources of revenue. No State or local subsidies are required or expected. There is however, the potential for an increase in state sales tax revenue resulting from a stimulated economy although it is not possible to estimate this increase with any degree of certainty. In addition, local ad valorem tax revenues may be increased due to long-lasting increases in property values resulting from the District's construction of infrastructure and on-going maintenance services. Similarly, private development within the District, which will be facilitated by the District's activities, should have a positive impact on property values and therefore ad valorem taxes.

In addition, impact fee and development permit revenue is expected to be generated by private development within the District and, accordingly, should also increase local revenues.

Lastly, some express a concern that a District obligation could become a state or county obligation thereby negatively affecting state or local revenues. This cannot occur as Chapter 190 specifically addresses this issue and expressly states: "It is further the purpose and intent of the

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SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT
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Legislature that no debt or obligation of a district constitutes a burden on any local general-purpose government without its consent." Section 190.002(3), F.S. "A default on the bonds or obligations of a district shall not constitute a debt or obligation of a local general-purpose government or the state." Section 190.016(15), F.S.

In summary, establishing the Southaven Community Development District will not create any significant economic costs for the State of Florida or for the County.

4. **A GOOD FAITH ESTIMATE OF THE TRANSACTIONAL COSTS LIKELY TO BE INCURRED BY INDIVIDUALS AND ENTITIES, INCLUDING LOCAL GOVERNMENT ENTITIES, REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE:**

The transactional costs associated with adoption of an ordinance to establish the District are primarily related to the financing of infrastructure improvements. The District will determine what infrastructure it considers prudent to finance through the sale of bonds.

The District plans to provide various community facilities and services to serve the properties within the District. These facilities and services, and the estimated costs associated with the provision of each, are outlined below in Table 1 below.

**Table 1. Summary of Estimated Construction Costs for
District Public Infrastructure Improvements**

| <u>Description</u> | <u>Total</u> |
|--|----------------------------|
| Entrance Road | \$137,950 |
| International Golf Parkway – Intersection Turn Lanes | \$233,625 |
| Internal Roads Infrastructure | \$8,399,250 |
| Master Stormwater System | \$1,872,695 |
| Master Sanitary Sewer Lift Station and Force Main | \$646,040 |
| Offsite Utility Extensions | \$737,552 |
| Amenity Center | \$1,054,000 |
| Entry Feature and Signage | \$644,800 |
| Landscape, Lighting and Street Trees | \$310,000 |
| Recreation | \$595,200 |
| Total | <u>\$14,631,112</u> |

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It is important to note that the various costs outlined in Table 1 are typical for developments of the type contemplated here. In other words, there is nothing peculiar about the District's financing estimates for the infrastructure. These costs are not in addition to normal Project costs.

Once the decision is made to issue bonds it is expected that assessments will be levied against benefited property owners within the proposed District. The revenue generated by payment of these assessments will be used to repay the bonds. The obligation to pay the assessments will "run with the land" and will be transferred to new property owners upon sale of any portions of the property. It should be noted that the District may not fund all of its planned public infrastructure improvements via the issuance of long-term bonds

To fund the cost of maintaining infrastructure that the District maintains, operation and maintenance assessments may be imposed on the District property owners. As with the special assessments for infrastructure acquisition and construction, the property owner will be responsible for payment of these assessments on the basis of the amount of benefited property owned.

All persons choosing to acquire property in the District will be responsible for such assessments in addition to the taxes or assessments imposed by the County or other taxing authorities.

In exchange for the payment of these special assessments, there are potential benefits to be derived by the future property owners. Specifically, these persons can expect to receive a higher level of services because they, the property owners, will elect the members of the District's Board of Supervisors. Further, the District is limited in jurisdiction and responsibility to this single development. Therefore, the District should be extremely responsive to the needs of the property owners within the District.

5. AN ANALYSIS OF THE IMPACT ON SMALL BUSINESSES AS DEFINED BY S. 288.703, AND AN ANALYSIS OF THE IMPACT ON SMALL COUNTIES AND SMALL CITIES AS DEFINED IN S. 120.52:

Establishing the District should not have any negative impact on small businesses. Any business, large or small, has the option of locating itself in a community development district provided the local governmental authority has issued the appropriate land use approvals. Those that choose this option will be

subject to the financial obligations imposed by the District and will accrue the benefits resulting from being in the District.

Furthermore, the District must operate according to Florida's "Sunshine" laws and must follow certain competitive bidding requirements for certain goods and services it will purchase. As a result, small businesses should be better able to compete for District business serving the lands to be included within the District.

A CDD does not discriminate in terms of the size of businesses that can be located within the boundaries or transact business with the District.

Establishment of the District should have a positive impact on the small businesses of the local economy. As outlined above, success of the Project should generate increased employment and stimulate economic activity in the area through increased construction expenditures related to infrastructure and private development, thus providing enhanced opportunity for small businesses.

The County is not defined as a small county for purposes of this requirement.

In addition, establishment of a CDD should not have a negative impact on small cities or counties, because the cost to construct the infrastructure is borne entirely by the property owners within the District.

6. ANY ADDITIONAL INFORMATION THAT THE AGENCY DETERMINES MAY BE USEFUL:

Certain data utilized in this report was provided by the Petitioner and represents the best information available at this time. Other data was provided by Rizzetta & Company and was based on observations, analysis and experience with private development and other Community Development Districts in various stages of existence.

Finally, it is useful to reflect upon the question of whether the proposed formation of the District is the best alternative to provide community facilities and services to the Project. As an alternative to the District, the County could finance the public infrastructure improvements, either directly or through the use of a County-controlled special taxing or assessment district. However, the County undertaking the implementation of the improvements would naturally have an impact on the finances of the County. Unlike the District, this alternative would require the County to continue to administer the project and

RIZZETTA & COMPANY
INCORPORATED

SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF ESTIMATED REGULATORY COSTS
ESTABLISHMENT OF DISTRICT

its facilities and services. As a result, the costs for these services and facilities would not be sequestered to the land directly benefiting from them, as the case would be with the District. Additionally, the financing of the project through the issuance of debt by a County-created district could have an impact on the County's credit rating.

Another alternative to the District would be for the developer to provide the infrastructure and to use a property owners association ("POA") for operations and maintenance of community facilities and services. A District is superior to a POA for a variety of reasons. First, unlike a POA, a District can impose and collect its assessments in the same manner as ad valorem property taxes. Therefore, the District is far more assured of obtaining its needed funds than is a POA. Second, the proposed District is a unit of local government and so must operate pursuant to Florida's Government-in-the-Sunshine laws and other regulations applicable to public entities.

A District also is preferable to these alternatives from a government accountability perspective. With a District as proposed, property owners within the District would have a focused unit of government under their direct control. The District can then be more responsive to property owner needs without disrupting other County responsibilities.

7. A DESCRIPTION OF ANY REGULATORY ALTERNATIVES SUBMITTED AND A STATEMENT ADOPTING THE ALTERNATIVE OR A STATEMENT OF THE REASONS FOR REJECTING THE ALTERNATIVE IN FAVOR OF THE PROPOSED RULE:

Not applicable.

RIZZETTA & COMPANY
INCORPORATED

Authorization of Agent

This letter shall serve as a designation of Jonathan T. Johnson, Esq. and Katie S. Buchanan, Esq., whose address is 119 S. Monroe Street, Suite 300, Tallahassee, Florida 32301, to act as agent for Southeast Land Strategies, LLC., a Florida corporation/limited liability company, with regard to any and all matters pertaining to the Petition to the St. Johns County Board of County Commissioners to establish a Community Development District pursuant to Chapter 190, Florida Statutes. The petition is true and correct. This authorization shall remain in effect until revoked in writing.

SOUTHEAST LAND STRATEGIES, LLC

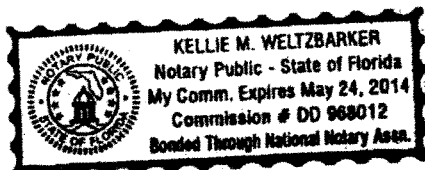
DATE: September 16, 2013

WROSH
By: Walter O'Shea
Its: Managing Director

STATE OF Florida
COUNTY OF St. Johns

I hereby certify that on this day, before me, an officer duly authorized to take acknowledgments, personally appeared Walter O'Shea of Southeast Land Strategies, LLC., a Florida limited liability company, who executed the foregoing instrument, acknowledged before me that he executed the same on behalf of the foregoing entity and was identified in the manner indicated below.

Witness my hand and official seal in the County of St. John and State of Florida this 16th day of September, 2013.



Kellie M. Weltzbarker
Notary Public

Personally known: ☒
Produced Identification: _____
Type of Identification: _____

Hopping Green & Sams

Attorneys and Counselors

April 8, 2014

Via Email

Ms. Teresa Bishop
St. Johns County – Growth Management Department
4040 Lewis Speedway
St. Augustine, FL 32084

Re: *Southaven Community Development District – Pre-Filed Testimony*

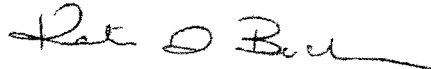
Dear Ms. Bishop:

Attached please find prepared written, pre-filed testimony and affidavits of witnesses for the public hearing on the Establishment of the Southaven Community Development District scheduled before the Board of County Commissioners on May 6, 2014, at 9:00 a.m. The testimony enclosed is provided on behalf of the following witnesses: Robert Cox (District Manager/Financial Advisor), Scott Lockwood (Engineer), Tony Robbins (Planner) and Walter O'Shea (Petitioner's Representative). We anticipate that these witnesses will be present at the hearing and will be prepared to provide oral testimony if the Board of County Commissioners so desires.

I would appreciate this pre-filed testimony being incorporated into the record of the proceedings. At the time of hearing, we will file the original Affidavits of our witnesses attesting to this pre-filed testimony.

If I may provide any other information or be of any further assistance, please do not hesitate to contact me at (850) 222-7500.

Sincerely,



Katie S. Buchanan

Enclosures

BEFORE THE COUNTY COMMISSION
ST. JOHNS COUNTY, FLORIDA

IN RE: PETITION TO ESTABLISH)
 SOUTHAVEN COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Robert Cox, of Rizzetta & Company, Inc., being first duly sworn, do hereby state
for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Robert Cox, and my business address is 3434 Colwell Avenue,
Suite 200, Tampa, Florida 33614.
3. The prepared written, pre-filed testimony consisting of twelve (12) pages,
submitted under my name to the County Commission of St. Johns County relating to the
establishment of the Southaven Community Development District and attached hereto, is true
and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the
Southaven Community Development District establishment hearing on May 6, 2014, my oral
answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning the managerial and
financial aspects of special districts are accurately set forth in my pre-filed testimony.
6. My pre-filed testimony addresses the various financial issues relating to the
proposed Southaven Community Development District.

7. No corrections or amendments to my pre-filed testimony are required.

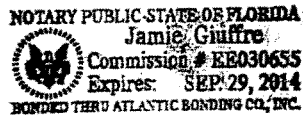
Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 4th day of April, 2014.

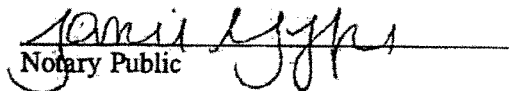


Robert Cox

SWORN TO and SUBSCRIBED before me by the Affiant, on this 4th day of April, 2014.



(SEAL)



Notary Public

Jamie Giuffre

Typed Name

Personally known X
Type of Identification produced _____

1 **TESTIMONY OF ROBERT COX FOR ESTABLISHMENT OF**
2 **SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT**
3

4 **1. Please state your name and business address.**

5
6 My name is Robert Cox. My business address is 3434 Colwell Avenue, Suite 200,
7 Tampa, Florida 33614.
8

9 **2. By whom are you employed and in what capacity?**

10
11 I serve as the Director of Financial Consulting and Compliance at Rizzetta & Company,
12 Inc. I have been with Rizzetta & Company since 2008.
13

14 **3. Please describe your duties in that capacity.**

15
16 I oversee the company's Financial Consulting and Compliance department, which
17 provides financial consulting and special assessment services to over 115 community
18 development districts ("CDDs") in Florida and Alabama. I am responsible for
19 developing special assessment methodologies and bond financing scenarios for the
20 CDDs serviced by my department. Along with my staff, I work with landowners,
21 developers, property managers and various other entities to ensure the proper allocation
22 of debt service assessments associated with nearly \$2 billion in CDD-issued bonds. I
23 also oversee municipal securities reporting and compliance services for the bonds issued
24 by many of our CDD clients.
25

26 **4. Do you work with both public and private sector clients?**

27
28 Yes, I do.
29

30 **5. Prior to your current employment, by whom were you employed and what were**
31 **your responsibilities in those positions?**
32

33 I was employed in private law practice for approximately six (6) years, most recently
34 with the law firm Wicker, Smith, O'Hara, McCoy & Ford, P.A, where I served as Senior
35 Associate and practiced commercial litigation.
36

37 **6. Please describe your educational background.**
38

39 I received a Bachelor of Arts degree from Florida State University in International
40 Affairs with a concentration in Economics. I also earned a Juris Doctor degree from
41 Florida State University College of Law and have also taken graduate courses from the
42 University of South Florida.
43
44
45

1 **7. Please describe your work with community development districts ("CDD(s)") in**
2 **Florida.**

3
4 My company serves as the Financial Advisor/Consultant to the CDDs serviced by my
5 department. Accordingly, I generally am the primary point of contact for the CDD with
6 respect to all issues related to CDD finance and assessments, which is a process that
7 begins at the establishment phase, and continues through the issuance of bonds, and
8 collection of assessment revenues from landowners. As such, I engage in tasks which
9 include, but are not limited to, personally preparing Statements of Estimated Regulatory
10 Costs, consulting on the bond financing process, preparing the methodology for
11 allocating both bond and operations special assessments, and, when applicable,
12 certifying assessment collections amounts to county officials.

13
14 A significant aspect of my work also involves appearing before CDD Boards of
15 Supervisors, as well as the residents of those communities, to provide input and answer
16 questions about items ranging from their CDD's finances, to proposed bond and
17 assessment transactions, to general questions about the state of the CDD bond
18 environment.

19
20 **DISTRICT MANAGEMENT**

21
22 **8. Please describe the general manner in which a CDD actually operates.**

23
24 A CDD is governed by a five-member Board of Supervisors ("Board") that is initially
25 elected by landowners within the CDD. A district manager is employed to supervise the
26 services, facilities, and administrative functions of the CDD on a day-to-day basis. An
27 annual public hearing is noticed and conducted by the Board to adopt an annual budget.
28 As required in Chapter 189, *Florida Statutes*, the applicable general-purpose local
29 government has an opportunity to review and comment on the proposed budget.

30
31 **9. Please describe the requirements and public safeguards that are imposed upon**
32 **CDDs.**

33
34 These requirements and safeguards are similar to those imposed upon general-purpose
35 local governments, such as cities and counties. For example, Chapter 190, *Florida*
36 *Statutes*, specifically states that CDDs are subject to state and local development
37 regulations. Also, CDDs are required by law to provide full disclosure of public financing
38 and the maintenance of improvements undertaken by a CDD.

39
40 Under the Government in the Sunshine laws, all CDD Board meetings are open to the
41 public, and other restrictions are imposed under Chapter 286, *Florida Statutes*. Further,
42 all documents of the CDD are available to the public upon request, in accordance with
43 Florida public records law. Additionally, like other political subdivisions, a CDD is
44 required to send financial reports to the Department of Financial Services. Also, a CDD is
45 audited by an independent certified public accountant every year.

1 Initially, Board members must be Florida residents and United States citizens. Later,
2 when resident electors of a CDD elect Board members, members of the Board must be
3 resident electors of the CDD. Board members are also subject to the same annual financial
4 disclosure that is required of other local officials. Each annual budget may only be
5 adopted by the Board after a noticed public hearing. Chapter 120, *Florida Statutes*,
6 rulemaking procedures apply to all rates, fees, and charges imposed by a CDD and the
7 adoption of its other rules.

8
9 A CDD is subject to the same notice and hearing requirements as other units of local
10 government such as St. Johns County, when it imposes special or non-ad valorem
11 assessments. Individual mailed notices are mailed to property owners within a CDD, and
12 additional newspaper notices and various resolutions are published. Further, a
13 methodology that fairly and equitably allocates the cost of CDD improvements must be
14 prepared to justify imposition of the assessments.

15
16 **10. In general, how do CDDs differ from general-purpose local governments?**

17
18 As a unit of special-purpose local government, a CDD possesses limited special powers
19 relating to basic public improvements and community facilities such as roads, bridges,
20 wetland mitigation, and water management facilities. Similar to the general powers of
21 general-purpose local governments, such as cities and counties, a CDD may also enter into
22 contracts, acquire and dispose of real and personal property, and adopt rules and
23 regulations to govern its operations. To obtain funds, a CDD may enter into a funding
24 agreement, borrow, issue bonds or levy non-ad-valorem assessments and taxes.

25
26 Unlike cities and counties, a CDD does not have planning, zoning, or law enforcement
27 authority. These are the main differences between cities and counties, which are general-
28 purpose governments, and CDDs, which are special-purpose governments.

29
30 **11. Does a CDD have to comply with local land development regulations, ordinances,**
31 **and plans?**

32
33 Yes. Chapter 190, *Florida Statutes* specifically provides that the establishment of a CDD
34 does not alter the application of any governmental planning, environmental and land
35 development laws, regulations, and ordinances. Thus, CDDs must submit to the same
36 process as any development for environmental and land development regulations.

37
38 **12. Are any of these CDDs that you have worked with of about the same size as the**
39 **proposed Southaven Community Development District in St. Johns County, Florida**
40 **(the "District")?**

41
42 Yes.

43
44 **13. Are you familiar with the Petition and exhibits filed to establish the proposed**
45 **District?**
46

1 Yes. I have reviewed the Petition filed on October 25, 2013, with St. Johns County and all
2 of the attached exhibits, as amended.
3

- 4 **14. Do you have an opinion, as someone experienced in district management, as to**
5 **whether the area to be included within the proposed District is the best available**
6 **alternative for delivering community services and facilities to the areas that will be**
7 **served by the proposed District?**
8

9 Yes. It is my opinion that the proposed District is the best alternative for delivering
10 community services and facilities to the lands within the proposed District.
11

- 12 **15. Why is that your opinion?**
13

14 There are three other alternatives for providing the infrastructure for the necessary services
15 and facilities besides the proposed District. The first alternative is for the County to build
16 the entire infrastructure, wherein the County would be assuming a great deal of
17 responsibility related to the oversight of the day-to-day construction, maintenance, and
18 management of the proposed services and facilities and landowners of these lands. This
19 would increase the burden on County staff, divert resources from other County
20 developments and projects, and indirectly force the residents of the entire County to pay
21 for these development improvements.
22

23 The second alternative is for a developer to provide the proposed improvements using
24 private financing. However, this alternative does not provide any guarantee of a long-
25 term, consistent entity to oversee construction, maintenance, and management of the
26 proposed services and facilities. Also, a private landowner is not subject to the same
27 statutory safeguards that the proposed District, as a public entity, would be subject to, such
28 as public bidding on contracts and public access to meetings and documents.
29

30 The third alternative is a property owner's association ("POA"). A POA is a more long-
31 term and stable entity that may be capable of providing the necessary maintenance of
32 dedicated improvements. However a POA is not subject to the same statutory safeguards
33 as the proposed District. Further, a POA cannot impose and collect its assessments in the
34 same way as property taxes or District assessments.
35

36 By comparison to the three alternatives discussed above, the proposed District is the best
37 alternative available to provide for the management and maintenance of various
38 infrastructure improvements. As a special-purpose local government, the proposed District
39 is a stable, long-term public entity capable of maintaining, and managing the necessary
40 infrastructure, facilities, and services. The limited purpose and scope of the District,
41 combined with the statutory safeguards in place, such as notice of public hearings and
42 access to district records, would ensure that the proposed District is responsive to the
43 infrastructure needs of the proposed District. The proposed District would be able to
44 impose non-ad valorem assessments upon the property within the District to fund
45 maintenance of the infrastructure and related services.
46

1 Only a CDD allows for the independent financing, administration, operation and
2 maintenance of the land within the District and allows District property owners to
3 completely control the District Board and, therefore, the timing and extent of
4 infrastructure development.
5

- 6 **16. As someone experienced in district management, is the area to be included within the**
7 **proposed District of sufficient size, compactness and contiguity to be developable as**
8 **one functional, interrelated community?**
9

10 Yes. From a management perspective, the area to be included within the proposed District
11 is of sufficient size, compactness and contiguity to be developable as one functional,
12 interrelated community.
13

- 14 **17. What does the term “functionally interrelated community” mean?**
15

16 Local governments provide developments with the criteria for the elements of
17 infrastructure to provide for the facilities and services, including stormwater drainage,
18 water, sewer, and other facilities and services. Functional unification means that each
19 provided facility and service has a mutual reinforcing relationship to one another, with
20 each facility and service designed to contribute to the development and maintenance of the
21 community as a whole. Each facility and service must meet the growth and development
22 of the community, so a management capability and a funding source are required for each
23 service and facility. Thus, each of these necessary facilities and services must be
24 integrated, unified, and connected into a long-range plan.
25

- 26 **18. What is the basis for your opinion?**
27

28 First, the lands to be included within the proposed District have sufficient significant
29 infrastructure needs to be developable as a functionally interrelated community. Second,
30 this necessary infrastructure can be provided by the proposed District in a cost effective
31 manner based upon the specific design of the community. Furthermore, the use of one
32 development plan whose infrastructure is implemented by a CDD to provide the
33 community services and facilities will ensure that the proposed improvements are
34 provided and maintained in an efficient, functional and integrated manner.
35

36 The lands within the proposed District consists of approximately 314 acres of land. The
37 purpose of this statutory requirement is to ensure successful and efficient delivery of
38 services and facilities to the property. Based upon my previous experience with special
39 districts, the proposed District is suitably configured to maximize the timely and cost
40 efficient delivery of the necessary services and facilities.
41

- 42 **19. Do you have an opinion, as someone experienced in district management, as to**
43 **whether the area that will be served by the proposed District is amenable to separate**
44 **special district governance?**
45

46 Yes. It is my opinion that the proposed District is amenable to separate special district

1 governance because it is of sufficient size, compactness and contiguity. Thus, the land
2 area is well suited to the provision of the proposed services and facilities.

3
4 **20. What is the basis for your opinion?**

5
6 Based upon my experience with other special districts of similar size and configuration,
7 the area to be served by the proposed District is amenable to separate special district
8 governance. As I have already stated, the area within the proposed District is of sufficient
9 size, compactness and contiguity. Also, the proposed District is limited in purpose and the
10 infrastructure improvements to be provided by the proposed District are limited in scope.
11 For these reasons, the proposed District is a logical mechanism to oversee the installation
12 of capital infrastructure improvements necessary for community development. The lands
13 within the proposed District have sufficient infrastructure needs and maintenance
14 obligations to warrant a separate special district government.

15
16 **21. Do you have an opinion, as someone experienced in district management, as to
17 whether the proposed services and facilities of the proposed District will be
18 incompatible with the capacity and uses of existing local and regional community
19 development services and facilities?**

20
21 Yes. It is my opinion that the proposed services and facilities of the proposed District are
22 not incompatible with the capacity and uses of existing local or regional community
23 development services and facilities.

24
25 **22. What is the basis for your opinion?**

26
27 There is no duplication or overlap of facilities or services because no other entity or unit
28 of government is presently funding or providing the improvements proposed by the
29 District. Furthermore, the proposed District is an efficient method to maintain and
30 manage the necessary infrastructure improvements within the proposed District without
31 overburdening St. Johns County government and its taxpayers.

32
33 **FINANCIAL ADVISING**

34
35 **23. Have you previously worked with other petitioners and prepared a Statement of
36 Estimated Regulatory Costs ("SERC")?**

37
38 Yes. I have personally prepared SERCs for numerous CDDs throughout Florida.

39
40 **24. Please describe your work with CDDs in Florida.**

41
42 My company serves as the Financial Advisor/Consultant to the CDDs serviced by my
43 department. As noted above, I generally am a primary point of contact for the CDD
44 with respect to all issues related to CDD finance and assessments, which is a process that
45 begins at the establishment phase, and continues through the issuance of bonds, and
46 collection of assessment revenues from landowners. As such, I engage in tasks which

1 include, but are not limited to, personally preparing Statements of Estimated Regulatory
2 Costs, and consulting on the bond financing process and related assessments.
3

4 **25. Are any of these community development districts that you have worked with of**
5 **about the same size as the proposed Southaven Community Development District in**
6 **St. Johns County, Florida?**
7

8 Yes.
9

10 **26. Are there any revisions to Exhibit 8, the SERC?**
11

12 Not at this time.
13

14 **27. To the best of your knowledge, is Exhibit 8, to the Petition a true and accurate**
15 **recitation of the SERC?**
16

17 Yes.
18

19 **28. What exactly is a SERC?**
20

21 Pursuant to Sections 190.005(2)(a) and 190.005(1)(a)8, *Florida Statutes*, a petition to
22 establish a CDD must be accompanied by a SERC. A SERC is an analysis of the financial
23 impact of adopting a proposed rule, or in the case of a CDD proposed to be established by
24 a county or city, the financial impact of adopting a proposed ordinance.
25

26 Section 120.541(2), *Florida Statutes*, lists the elements of a SERC which generally
27 include:
28

29 (1) An economic analysis showing whether the rule directly or indirectly:
30

31 a. Is likely to have an adverse impact on economic growth, private sector job
32 creation or employment, or private sector investment in excess of \$1
33 million in the aggregate within 5 years after the implementation of the rule;
34

35 b. Is likely to have an adverse impact on business competitiveness, including
36 the ability of persons doing business in the state to compete with persons
37 doing business in other states or domestic markets, productivity, or
38 innovation in excess of \$1 million in the aggregate within 5 years after the
39 implementation of the rule; or
40

41 c. Is likely to increase regulatory costs, including any transactional costs, in
42 excess of \$1 million in the aggregate within 5 years after the
43 implementation of the rule.
44

45 (2) A good faith estimate of the number, and general description of the type of
46 individuals and entities likely to be required to comply with, or to be affected by,

1 the ordinance establishing the CDD.

2
3 (3) A good faith estimate of the cost to the agency, and to any other state and local
4 entities, of implementing and enforcing the proposed ordinance, and any
5 anticipated effect on state and local revenues.

6
7 (4) A good faith estimate of the transactional costs likely to be incurred by individuals
8 and entities, including local government entities, required to comply with the
9 requirements of the ordinance.

10
11 (5) An analysis of the impact on small businesses, small cities and small counties.

12
13 (6) Any additional information that may be useful.

14
15 The SERC our firm prepared addresses all the statutory requirements. In rendering our
16 opinion, we utilized methodology which is commonly used in the industry and our
17 experience with other special districts. Based on the information provided by the
18 Petitioner and its consultants, we concluded that the establishment of the proposed District
19 will not have an adverse impact on any affected person or entity.

20
21 **29. Please summarize the costs to St. Johns County resulting from establishment of the**
22 **Southaven Community Development District.**

23
24 Since the proposed District consists of less than 1,000 acres, the Petition is submitted to
25 St. Johns County for review and approval in accordance with Section 190.005(2), *Florida*
26 *Statutes*. As part of the application process, the Petitioner submitted an initial filing fee of
27 \$15,759.

28
29 The County will hold a public hearing to discuss the Petition and consider public input.
30 These activities will utilize staff time and the time of the County Commission. The time
31 and costs are minimal, however, for several reasons and in no event should the costs
32 exceed the \$15,759 filing fee. For example, the review of the Petition does not include an
33 analysis of the project itself; in fact, such a review is prohibited by statute. The Petition
34 contains all of the information necessary for review and should not require additional
35 staff. No capital costs are involved.

36
37 Once the District is established, the District will be an independent unit of local
38 government. The County will not incur any quantifiable on-going costs resulting from the
39 on-going administration of the District. The District is responsible for its own budget and
40 reporting. The only annual costs to the County would be those associated with the
41 County's optional review of the various reports the District is required to provide. The
42 County may, however, choose not to review the documents.

43
44 **30. Please summarize the costs to the State of Florida resulting from the establishment of**
45 **the Southaven Community Development District.**
46

1 Once the District is established, the State of Florida will incur only modest administrative
2 costs to review the periodic reports required pursuant to Chapters 189 and 190, *Florida*
3 *Statutes*, and other law. These reports include the annual financial report, annual audit,
4 and public financing disclosures. To offset these costs, the Florida Legislature has
5 established a maximum fee of \$175 per District per year to pay the costs incurred by the
6 Special Districts Information Program to administer the reporting requirement of Chapter
7 189, *Florida Statutes*. With the exception of the reporting requirements previously
8 mentioned, no additional burden is placed on the State of Florida once the District has
9 been established.

10
11 **31. Will the establishment of the proposed District result in costs to local small**
12 **businesses?**

13
14 No. There will be very little impact on small businesses as a result of the District's
15 establishment. If anything, the impact I anticipate will be a positive one because the local
16 businesses will have the option of participating in the competitive bidding process to
17 compete for the newly established District's business.

18
19 **32. Will the establishment of the proposed District have a negative impact on state or**
20 **local revenues?**

21
22 Establishment of the District should not negatively impact state or local revenues because
23 the District will be an independent unit of local government. The District will have its
24 own source of revenue. Pursuant to Florida law, debts of the District will be strictly the
25 District's responsibility.

26
27 **33. Based on your training and experience in the financial aspect of CDDs, do you have**
28 **an opinion regarding the financial viability and feasibility of the proposed District?**

29
30 Yes.

31
32 **34. What is that opinion?**

33
34 Based on my experience with other CDDs, in my opinion, the proposed District is
35 expected to be financially viable and feasible.

36
37 **35. Based on your training and experience in financial analysis, do you have an opinion**
38 **as to whether the proposed District is of sufficient size, sufficient compactness, and**
39 **sufficient contiguity to be developable as a functional interrelated community?**

40
41 Yes.

42
43 **36. What is your opinion?**

44
45 In my opinion, the proposed District is of sufficient size and is sufficiently compact and
46 contiguous to be developable as a functionally interrelated community.

1
2 **37. What is the basis for your opinion?**
3

4 The proposed District covers approximately 314 acres of land. The configuration of the
5 land within the proposed District is compact and contiguous, as depicted in the Petition.
6 As such, it will not create any economic disincentives to the provision of the infrastructure
7 services contemplated in either case.
8

9 Given the scope and expected cost of facilities to be provided by the proposed District,
10 314 acres for a planned community containing approximately 345 residential units
11 provides a sufficient economic base to absorb the annual operating costs for district
12 administration and to efficiently apportion the cost of improvement maintenance within
13 the District.
14

15 **38. How is the proposed District sufficiently compact?**
16

17 The "sufficiently compact" aspect of the statutory requirement relates to spatial
18 limitations. The proposed District is sufficiently compact to function as one functionally
19 interrelated community because it can maintain the requisite improvements in a time and
20 cost-efficient manner on a long-term basis.
21

22 **39. How is the proposed District sufficiently contiguous?**
23

24 From an economic perspective, the property within the proposed District must be arranged
25 in a manner that lends itself to the efficient maintenance of infrastructure and governance.
26 In my opinion, the proposed District meets these requirements.
27

28 **40. From a financial perspective, do you have an opinion as to whether the proposed**
29 **District is the best alternative available for providing the proposed community**
30 **development services and facilities to the areas to be served?**
31

32 Yes.
33

34 **41. What is your opinion?**
35

36 In my opinion, establishing the proposed District is the best way to assure that growth
37 within the area encompassed by the District pays for itself.
38

39 **42. What is the basis for your opinion?**
40

41 The Petitioner proposes to establish the District to construct certain public infrastructure
42 and community facilities which will be needed by the property owners and residents of the
43 District. The CDD mechanism allows the community development process to take care of
44 its own needs. It restricts costs to those who benefit from the services provided.
45

1 Non-ad valorem or special assessments on benefitting property within the District are
2 expected to be used to repay any debt that is incurred. Expenses for operations and
3 maintenance of certain public facilities and services within the District are expected to be
4 paid through maintenance assessments. Use of non-ad valorem and maintenance
5 assessments or user fees ensure that the property receiving the benefit of District services
6 is the same property to pay for those services. CDDs are typically efficient providers of
7 maintenance services as they are subject to government bidding requirements, are
8 professionally managed, and have the ability to place these non-ad valorem assessments
9 on the County tax roll to fund these activities. There are no effective alternatives to
10 providing for such financing structures.

11
12 A POA could also provide for the operations and maintenance activities planned for the
13 District. POAs, however, do not have the ability to impose and collect assessments in the
14 same manner as ad valorem property taxes. Additionally, unlike the POA, the District
15 must abide by all governmental rules and regulations, including public bidding for
16 services and Florida's sunshine requirements. Establishment of the District is expected to
17 result in the lowest cost to landowners as compared to the other alternatives. Thus, from
18 an economic perspective, the District is the best alternative.

19
20 A CDD is also preferable because the structure lends itself to high accountability. With a
21 District as proposed, property owners within the District would have a focused unit of
22 local government under their direct control. The District is responsive to the needs of
23 property owners without disrupting other County responsibilities. A CDD is an
24 independent special purpose unit of local government designed to focus its attention on
25 providing the best long term service to its landowners and benefited properties. The
26 District would be governed by its own Board of Supervisors. This assures the District will
27 be maintained at the sustained level of quality desired by its landowners.

- 28
29 **43. From an economic analysis perspective, will the services and facilities to be provided**
30 **by the proposed District be incompatible with the capacity and uses of existing local**
31 **and regional facilities and services?**

32
33 In my opinion, the services and facilities to be provided by the proposed District will not
34 be incompatible with the uses and existing local and regional facilities and services.
35 Provision of roadways and sidewalks (both onsite and offsite), stormwater infrastructure,
36 sewer infrastructure, water infrastructure, reclaimed water, wetland mitigation, hardscape
37 & landscape elements, and street lighting within the proposed District that Petitioner
38 expects the proposed District to construct, and in some cases maintain and manage are
39 necessary to facilitate development in the area proposed to be included within the District
40 but are not currently provided.

- 41
42 **44. As someone experienced in the financial aspects of CDDs, do you have an opinion as**
43 **to whether the area that will be served by the proposed District is amenable to**
44 **separate special district government?**

45
46 Yes.

1
2 **45. What is your opinion and its basis?**
3

4 The proposed District encompasses approximately 314 acres. First, land of this size is
5 large enough to support its own community with individual facility and service needs.
6 Second, although maintenance of improvements is also a concern, the proposed District
7 can be utilized as an efficient long-term mechanism to ensure that the landowners of the
8 District pay for and receive proper and required maintenance.
9

10 Additionally, the area that will be included within the proposed District is of sufficient
11 size, compactness and contiguity to be served by the proposed District. The proposed
12 District is clearly amenable to separate special district governance. The basis for my
13 opinion is my experience with other districts of similar size and configuration. The land
14 area is well suited for the proposed services and facilities.
15

16 **46. Generally, how does a CDD operate financially, both on a day-to-day and a long-**
17 **term basis?**
18

19 Usually, most or all of the land within a CDD is initially owned by the developer, so the
20 landowner/developer and the CDD may enter into a funding agreement to fund the CDD's
21 operating expenses. This agreement acts in the place of assessments that the CDD might
22 have imposed upon property within the CDD. Such agreements are common, particularly
23 when a CDD is formed in the middle of a fiscal year.
24

25 CDDs frequently issue bonds, which must be secured by a trust agreement, for long-term
26 capital projects. Also, Chapter 75, *Florida Statutes*, requires bond validation and
27 confirmation by court decree when a bond matures over a period of more than five years.
28 CDDs may also borrow funds on a long or short-term basis.
29

30 CDD debt may be retired by the CDD through non-ad valorem or special assessments
31 imposed on benefitted properties, or rates, fees and charges imposed on users of CDD
32 facilities and services. The CDD's debt cannot become the debt of any other government
33 (city, county or state), absent that government's consent.
34

35 Once a funding source has been secured, the Board must authorize all expenditures. The
36 District Manager is then responsible for the day-to-day operations of the district, including
37 handling invoices, bills and expenses.
38

39 **47. Does this conclude your testimony?**
40

41 Yes.

BEFORE THE COUNTY COMMISSION
ST. JOHNS COUNTY, FLORIDA

IN RE: PETITION TO ESTABLISH)
SOUTHAVEN COMMUNITY)
DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

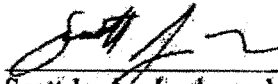
STATE OF FLORIDA
COUNTY OF DUVAL

I, Scott Jordan Lockwood, of England-Thims and Miller, Inc., being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Scott Jordan Lockwood, and my business address is 14775 Old St. Augustine Road, Jacksonville, Florida 32258.
3. The prepared written, pre-filed testimony consisting of five (5) pages, submitted under my name to the County Commission of St. Johns County relating to the establishment of the Southaven Community Development District and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the Southaven Community Development District establishment hearing on May 6, 2014, my oral answers would generally be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience, and qualifications related to professional engineering are accurately set forth in my pre-filed testimony.
6. My pre-filed testimony generally addresses the nature of the services and facilities proposed for the Southaven Community Development District and the applicable estimated costs.
7. No corrections or amendments to my pre-filed testimony are required.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

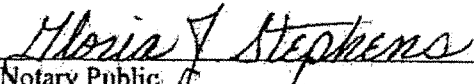
Executed this 4TH day of April, 2014.



Scott Jordan Lockwood, P.E.

SWORN TO and SUBSCRIBED before me by the Affiant, on this 4th day of April, 2014.

(SEAL) **GLORIA J. STEPHENS**
Notary Public, State of Florida
My Comm. Expires Sep. 25, 2017
Commission No. FF 34039



Notary Public

Typed Name

Personally known ☒
Type of Identification produced _____

1 **TESTIMONY OF SCOTT JORDAN LOCKWOOD, P.E., FOR ESTABLISHMENT OF**
2 **SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT**

3
4 **1. Please state your name and business address.**

5
6 My name is Scott Jordan Lockwood and my business address is 14775 Old St. Augustine
7 Road, Jacksonville, Florida 32258.

8
9 **2. By whom are you employed and in what capacity?**

10
11 I am employed by England-Thims and Miller, Inc. as Senior Project Manager.

12
13 **3. How long have you held that position?**

14
15 I have been a project manager at ETM for over 10 years.

16
17 **4. Please give your educational background, with degrees earned, major areas of study**
18 **and institutions attended.**

19
20 I graduated from the University of North, Florida in April of 2004 with a Bachelor of
21 Science Degree in Civil Engineering (Summa Cum Laude).

22
23 **5. Do you have any professional licenses, registrations, or certifications?**

24
25 Yes, I am a licensed Professional Engineer in the State of Florida and a licensed minister
26 in the Church of God of Prophecy.

27
28 **6. Are you a member of any professional associations?**

29
30 Yes, I am a member of the ASCE (America Society of Civil Engineers).

31
32 **7. Please summarize your previous experience as it relates to public facility design and**
33 **construction and land development and planning.**

34
35 Yes, I have worked in the Civil Engineering for over 25 years designing many public and
36 private developments. I have designed numerous projects within St. Johns County,
37 including the King and Bear golf course and the surrounding communities, Heritage
38 Landing, Pinehurst Pointe, Austin Park at Nocatee and many others.

39
40 **8. Have you been involved in any developments of the type and nature contemplated**
41 **within the proposed Southaven Community Development District ("District")?**
42

1 Yes, I have been involved in numerous master planned communities as either the
2 engineer of record or design engineer.

3
4 **9. Are you familiar with the Petition filed by Southeast Land Strategies, LLC**
5 **("Petitioner") on October 25, 2013, seeking the establishment of the proposed**
6 **District?**

7
8 Yes, I have reviewed the petition and exhibits, as supplemented.

9
10 **10. Are you generally familiar with the geographical area, type, and scope of**
11 **development and the available services and facilities in the vicinity of the proposed**
12 **District?**

13
14 Yes, I am.

15
16 **11. Which documents did you prepare or have others prepare under your supervision?**

17
18 Exhibits 1, 2, 4, 5, 6 and 7 attached to the Petition.

19
20 **12. Do any of those exhibits require any change or correction?**

21
22 No.

23
24 **13. Are Exhibits 1, 2, 4, 5, 6 and 7 to the Petition true and correct?**

25
26 Yes, to the best of my knowledge.

27
28 **14. In general, what do Exhibits 1, 2, 4, 5, 6 and 7 to the Petition demonstrate?**

29
30 Exhibit 1 is a map showing the general location in which the proposed District is located.

31
32 Composite Exhibit 2 is a metes and bounds description of the external boundaries of the
33 proposed District, together with a map depicting the same.

34
35 Exhibit 4 is a map showing the existing future land uses within the proposed District.

36
37 Exhibit 5 is a map depicting the proposed and existing major water and wastewater
38 facilities, as well as drainage patterns within the proposed District.

39
40 Exhibit 6 provides a list of facilities the proposed District will provide and identifies the
41 anticipated owner and entity responsible for maintenance.

42

1 Exhibit 7 provides the estimated costs and timetable for constructing the proposed
2 District improvements.

3
4 **15. What capital facilities are presently expected to be provided by the District?**

5
6 Based on information provided by Petitioner and as more fully described in Petition
7 Exhibit 6, it is presently expected that the District will construct or acquire roadways,
8 wastewater facilities, off site utility extensions, stormwater management systems,
9 landscape, lighting, entry features and an amenity center.

10
11 **16. Based upon your training and experience as an engineer, do you have an opinion as**
12 **to whether the proposed District is of sufficient size, compactness, and sufficient**
13 **contiguity to be developed as a functional interrelated community?**

14
15 Yes, based on my experience, the proposed District is of sufficient size, compactness and
16 contiguity to be developed as a one functional interrelated community.

17
18 **17. What is the basis for your opinion?**

19
20 For many reasons the proposed District facilities can be provided in an efficient,
21 functional and integrated manner.

22
23 First, there are sufficient, significant infrastructure needs for the area within the proposed
24 District to allow development as a functionally interrelated community.

25
26 Second, the specific design of the community allows infrastructure to be provided in a
27 cost effective manner. The land included within the proposed District area is contiguous,
28 which facilitates an efficient and effective planned development.

29
30 Third, the provision of services and facilities through the use of one development plan
31 provides a contiguous and homogenous method of providing services to lands throughout
32 the District.

33
34 **18. In your opinion, you said the proposed District is sufficiently compact and**
35 **contiguous to be developable as a functionally interrelated community. Would you**
36 **please explain what you mean when stating that the proposed District is of sufficient**
37 **compactness?**

38
39 The District will encompass approximately 314 acres and will provide a range of
40 residential and residential-support land uses that require the necessary elements of
41 infrastructure including roadways, wastewater facilities, off site utility extensions,
42 stormwater management systems, landscape, lighting, entry features and an amenity
43 center and other improvements described in the Petition. The proposed District will have

1 sufficient overall residential density to require all the above-mentioned necessary
2 elements of infrastructure of a comprehensive community. These facilities and services
3 require adequate planning, design, financing, construction, and maintenance to provide
4 the community with appropriate infrastructure. The preferred method of developing land,
5 especially for higher density residential uses, is for the development to be spatially
6 compact. This augments the District's ability to construct and maintain improvements,
7 and provide services, in a cost efficient manner.
8

9 **19. Can you provide an example of a service or facility and explain why a CDD is a**
10 **preferred alternative for long-term operation and maintenance?**
11

12 Yes. A good example would be a stormwater management system. Both a CDD and a
13 homeowner association are permitted to operate and maintain such systems under
14 applicable St. Johns River Water Management District ("SJRWMD") and St. Johns
15 County rules. However, SJRWMD rules generally require homeowners' associations to
16 provide significantly more information and documentation before the SJRWMD and St.
17 Johns County will accept them as an operation and maintenance entity. This additional
18 information is required to ensure that the association has the financial, legal and
19 administrative capability to provide for long-term maintenance of the stormwater
20 management system. Such documentation generally must (1) indicate that the association
21 has the power to levy assessments; (2) mandate that the association will operate and
22 maintain such systems; and (3) provide that the association cannot be dissolved until
23 another entity is found to maintain the system.
24

25 In comparison, a CDD is a perpetual local government unit, which by law has the
26 requisite assessment authority, including the ability to collect such assessments on the
27 county tax roll. Thus, a CDD generally must simply provide a letter to the SJRWMD
28 stating that the CDD will accept operation and maintenance responsibility. All things
29 being equal, a CDD is preferred over a homeowners' or property owners' association for
30 operation and maintenance of a stormwater management system.
31

32 **20. Based on your experience, do you have an opinion as to whether the services and**
33 **facilities to be provided by the proposed District will be incompatible with the**
34 **capacities and uses of existing local and regional community facilities and services?**
35

36 Yes. It is my opinion that the proposed services and facilities of the proposed District
37 will not be incompatible with the capacity and uses of existing local or regional
38 community development services and facilities.
39

40 **21. What is the basis for your opinion?**
41

42 Currently, none of the planned infrastructure improvements that the proposed District
43 plans to provide exist on the subject property in a manner which is useful to the proposed

1 development. Each of the elements of infrastructure for the necessary services and
2 facilities will connect into the County's existing, surrounding systems according to
3 criteria, review and approval of the County; there will be no incompatibility issue.
4

- 5 **22. Based on your experience, do you have an opinion as to whether the area to be**
6 **included within the proposed District is amenable to being served by a separate**
7 **special district government?**
8

9 Yes. In my opinion, and to the best of my knowledge, the area identified in the petition is
10 amenable to being served by a separate special district government.
11

- 12 **23. What is the basis for your opinion?**
13

14 The proposed District is limited in purpose and the infrastructure improvements to be
15 provided by the proposed District are limited in scope. This infrastructure is expected to
16 directly benefit the development and may be adequately served by a special district
17 government. In addition, special district governance provides a mechanism whereby
18 long-term maintenance obligations can be satisfied by the persons primarily using the
19 facilities and services.
20

- 21 **24. Does this conclude your testimony?**
22

23 Yes, it does.

BEFORE THE COUNTY COMMISSION
ST. JOHNS COUNTY, FLORIDA

IN RE: PETITION TO ESTABLISH)
 SOUTHAVEN COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF DUVAL

I, Tony Robbins, of Prosser, being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Tony Robbins, and my business address is 13901 Sutton Park Dr. S., Suite 200, Jacksonville, Florida 32224.
3. The prepared written, pre-filed testimony consisting of eight (8) pages, submitted under my name to the County Commission of St. Johns County relating to the establishment of the Southaven Community Development District and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the Southaven Community Development District establishment hearing on May 6, 2014, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning the land use and planning aspects of special districts is set forth in my testimony.
6. My pre-filed testimony addresses the various land planning aspects of the development within the proposed Southaven Community Development District.
7. No corrections or amendments to my pre-filed testimony are required.


Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 4TH day of April, 2014.



Tony Robbins

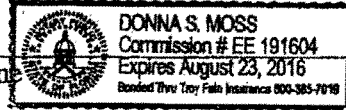
SWORN TO and SUBSCRIBED before me by the Affiant, on this 4th day of April, 2014.



Notary Public

(SEAL)

Typed Name _____



Personally known ☒
Type of Identification produced _____

1 **TESTIMONY OF TONY ROBBINS FOR THE ESTABLISHMENT**
2 **OF THE SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT**
3

4 **1. Please state your name and business address.**
5

6 My name is Tony Robbins and my business address is 13901 Sutton Park Dr. S., Suite
7 200, Jacksonville, Florida 32224.
8

9 **2. By whom are you employed and in what capacity?**
10

11 I am employed by Prosser, Inc. as Senior Planner.
12

13 **3. Please describe the kinds of clients you serve and services you provide in that**
14 **capacity.**
15

16 I have served as planning consultant to several local governments in northeast Florida,
17 assisting as support staff and project manager in the creation and revision of land
18 development regulations, voluntary annexations, expert witness testimony, growth
19 management analysis, evaluation and appraisal reports, and community outreach.
20

21 I have also served as planning consultant for private property landowners and real estate
22 developers, representing their interests regarding new master planned communities,
23 rezonings and/or comprehensive plan amendments before local planning agencies, local
24 governing bodies, regulatory agency boards, and citizens groups. I have also provided
25 testimony as an expert in comprehensive planning relative to administrative hearings,
26 settlement agreements, and eminent domain cases.
27

28 **4. Please describe your educational background.**
29

30 I received a Bachelor of Science in Environmental Resource Management & Planning,
31 1994, from the University of West Florida. I also received Master of Public
32 Administration (Coastal Zone Studies), 1997, from the University of West Florida.
33

34 **5. Do you hold any professional designations or certifications?**
35

36 I hold the following professional designations/certifications:
37

- 38 • American Institute of Certified Planners, Member 017756, 2002 to Present
- 39 • FDOT Certified: PD&E, Noise Studies, Water Quality Impact Analysis, Section
- 40 4(f) Evaluation, Cultural Resources Assessments
41

42 **6. Are you a member of any professional associations?**
43

44 I am a member of the following professional associations:
45

- American Planning Association, Member 119701, 1998 to Present

- American Planning Association, First Coast Section Chair, 2000-2003, 2011 to Present
- Jacksonville Planning Commission, 2010 to Present (Chair, 2013-2014)

7. Prior to your current employment, by whom were you employed and in what positions?

I was employed by the City of Fernandina Beach Community Development Department as a Planner from 1997-1998.

8. Please summarize your previous experience as it relates to public facility design, construction and land development.

I have applied an in-depth knowledge of public- and private-sector trends to guide land use and comprehensive planning decisions, becoming proficient with Development of Regional Impact Applications for Development Approval. I have served as part of negotiation teams tasked with reaching consensus on complex and difficult trade-offs and resulting in capital improvement mitigation plans acceptable to the private real estate developers, local governments, and the state oversight agencies. This includes extension of water and wastewater utility lines, expansion of roadway capacity, installation of sidewalks and bikeways, construction of schools, recreational amenities, and neighborhood site design.

9. Please summarize your previous work experience relating to special districts in general.

My work experience relating to special districts includes providing entitlement accountings and governing legislation/terms and conditions for those entitlements for the special district.

10. Have you been involved in any developments of the type and nature contemplated within the establishment of Southaven Community Development District?

Yes.

11. Where in Florida are the community development districts with which you have been involved?

St. Johns County.

12. Are you familiar with the Petition to establish the Southaven Community Development District (the "District")?

Yes. I have reviewed the Petition and accompanying exhibits, along with Supplement No. 1 dated December 19, 2013. I am familiar with the underlying real estate project.

1 **13. In the course of your work in Florida, have you had an opportunity to work with the**
2 **State Comprehensive Plan found in Chapter 187, Florida Statutes?**

3
4 Yes, I have often referred to the State Comprehensive plan in rendering consultation to
5 public and private entities. It is attached to my testimony as Exhibit A.
6

7 **14. In the course of your work in Florida, have you had an opportunity to review local**
8 **government comprehensive plans?**

9
10 Yes.
11

12 **15. What types of land development projects have you worked on which involved**
13 **analyzing consistency with the state and local comprehensive plans?**

14
15 I have worked on numerous large master planned communities. I have also helped to
16 create local comprehensive plans, evaluations and appraisals of comprehensive plans, and
17 amendments to existing comprehensive plans for several Florida municipalities. All
18 require consistency with comprehensive plans or amendments to change the
19 comprehensive plan so that the development complies with the plan.
20

21 **16. Do you have an opinion, as someone experienced in planning, as to whether the**
22 **establishment of the proposed District is inconsistent with any applicable element or**
23 **portion of the state comprehensive plan?**

24
25 Yes.
26

27 **17. What is that opinion?**

28
29 It is my opinion that the establishment of the District is not inconsistent with any
30 applicable element or portion of the state comprehensive plan.
31

32 **18. What is the basis for that opinion?**

33
34 I have reviewed, from a planning perspective, applicable portions of the State
35 Comprehensive Plan which relate to the establishment of a community development
36 district.
37

38 The State of Florida Comprehensive Plan, (Chapter 187, F.S.), "provides long-range
39 policy guidance for the orderly social, economic, and physical growth of the state." The
40 State Plan sets forth 25 subjects, goals, and numerous policies. Two subjects are
41 particularly relevant, from a planning perspective, to the establishment of the District:
42 No. 15- Land Use and No. 25- Plan Implementation.
43

44 **19. What is Subject 15 and why is it relevant?**
45

1 Subject 15 recognizes the importance of locating development in areas that have the
2 fiscal abilities and service capacity to accommodate growth. It is relevant because
3 community development districts are designed to provide infrastructure services and
4 facilities in a fiscally responsible manner to the areas which can accommodate
5 development. The proposed CDD is not inconsistent with this goal because the District
6 will have the fiscal capability to provide the specified services and facilities in this
7 growth area. Additionally, under this subject, Policy 1 is relevant.
8

9 **20. What is policy 1 and what is its relevance?**

10
11 Policy 1 promotes efficient development activities in areas which will have the capacity
12 to service new populations and commerce. The proposed CDD will be a vehicle to
13 provide a high quality of infrastructure facilities and services in an efficient and focused
14 manner at sustained levels over the long term life of the community.
15

16 **21. You also mentioned Subject 25. What is this and why is it relevant?**

17
18 This subject calls for systematic planning capabilities to be integrated into all levels of
19 government throughout the state, with particular emphasis on improving inter-
20 governmental coordination and maximizing citizen involvement. The proposed CDD
21 will be able to finance and construct (and in some cases operate and maintain) the
22 contemplated infrastructure improvements as authorized under Chapter 190, F.S., subject
23 to and not inconsistent with the local government comprehensive plan and land
24 development regulations. Citizen involvement is maximized since District Board
25 meetings are publicly advertised, open to the public, and all District property owners and
26 residents can be involved in the provision of the improvements. Additionally,
27 establishment of the CDD will enhance governmental coordination since Section
28 189.415, F.S., requires the District to file public facilities reports with St. Johns County,
29 and to annually update such reports to the extent there are any changes, which reports and
30 updates the County may rely upon in any revisions to its local comprehensive plan.
31

32 **22. Are there any relevant policies under this subject of the State Comprehensive Plan?**

33
34 Yes, policies 2, 3, 6 and 8. Policy 2 seeks to ensure that every level of government has
35 the appropriate operational authority to implement the policy directive established in the
36 plan. Chapter 190, F.S., provides the District with its necessary operational authority. In
37 fact, section 190.002(1) identifies community development districts as a means to deliver
38 the basic community services and capital infrastructure called for by the Growth
39 Management Act without overburdening other local governments and their taxpayers.
40 The establishment of the CDD to provide the infrastructure systems and facilities for the
41 acreage to be included within the District in a manner which does not burden the general
42 body of taxpayers in St. Johns County is directly in furtherance of this policy.
43

44 Policy 3 provides for establishing effective monitoring, incentive, and enforcement
45 capabilities to see that the requirements established by regulatory programs are met.
46 Section 189.415(2), F.S., requires all independent special districts to submit public

1 facilities reports, including annual updates as to changes. This facilitates an effective
2 monitoring program of the CDD by the County. Sections 190.002(2)(c), and 190.004(3),
3 F. S., dictate the legislative policy that all CDDs comply with all government laws, rules
4 and regulations applicable to community development. Therefore, establishment of the
5 CDD is not inconsistent, and in fact is in furtherance, of this policy.
6

7 Policy 6 encourages citizen participation at all levels of policy development, planning
8 and operations. The District holds its meetings in the sunshine pursuant to Chapter 286,
9 F.S. This process encourages citizen participation in, and ultimately citizen control of, the
10 activities of the District.
11

12 Policy 8 encourages continual cooperation among communities to bring the private and
13 public sectors together for establishing an orderly, environmentally, and economically
14 sound plan for future needs and growth. The District will be a vehicle to enhance
15 cooperation in the provision of infrastructure between the private sector and the County.
16

17 **23. Are there any other subjects within the State Comprehensive Plan which are**
18 **relevant?**
19

20 Two additional subject areas applicable to establishment of a CDD include subject 9 -
21 Natural Systems and Recreational Lands, and subject 17 - Public Facilities. The
22 applicable policies of subject 9 relate to expanding state and local efforts to provide
23 activity-based recreational opportunities to urban areas which can be accomplished with
24 the funding assistance of the CDD. The applicable goal and policies of subject 17 relate
25 to: (i) protecting investments in existing public facilities; (ii) providing financing for new
26 facilities; (iii) allocating the costs of new public facilities on the basis of the benefits
27 received by future residents; (iv) implementing innovative but fiscally sound techniques
28 for financing public facilities; and (v) identifying and using stable revenue sources for
29 financing public facilities. The establishment of a CDD will further these State
30 Comprehensive Plan Goals and Policies.
31

32 **24. Do you have an opinion, as someone with expertise in planning, as to whether the**
33 **establishment of the proposed District is inconsistent with any applicable element or**
34 **portion of the St. Johns County Comprehensive Plan?**
35

36 Yes.
37

38 **25. What is that opinion?**
39

40 It is my opinion that the establishment of the proposed District is not inconsistent with
41 any applicable element or portion of the St. Johns County Comprehensive Plan.
42

43 **26. What is the basis of that opinion?**
44

45 There is nothing about establishing a CDD as an alternative means of providing
46 infrastructure systems and services to these lands which would cause an inconsistency

1 with the local comprehensive plan. In fact, establishment of the CDD is in furtherance of
2 certain provisions including:

3
4 Policy F.1.3.10 - This policy states that PUD's, planned unit subdivisions, and other large
5 developments shall provide for the dedication of parks and open space to be generated by
6 the development according to the level of service standards. The CDD will finance the
7 construction of, and ultimately own and maintain community parks and facilities.

8
9 Objective G.1.5 - This objective calls for the County to work cooperatively with other
10 units of government to address issues and concerns. The CDD may be expected to enter
11 into interlocal agreements with the County to provide certain enhanced maintenance.
12 Additionally, over the long term, the establishment of the CDD will provide another unit
13 of local government in place and able to cooperate with the County on future issues and
14 concerns.

15
16 Goal H.1 - This Goal states that the County is to ensure the orderly and efficient
17 provision of infrastructure facilities and services such as roads, utilities, recreation, and
18 drainage. The CDD will serve as an alternative provider of these infrastructure systems
19 and services to meet the needs of the lands within its boundaries.

20
21 Objective H.1.7 - This objective states that the County shall manage fiscal resources to
22 ensure the provision of needed infrastructure. The CDD will provide the infrastructure
23 facilities and services needed for its lands without burdening the fiscal resources of the
24 County or impacting the bonding limits contained in Policy H.1.7.1.

25
26 The establishment of the CDD is not inconsistent with these or any other provisions of
27 the St. Johns County Comprehensive Plan.

28
29 **27. Do you have an opinion, as someone experienced in planning, as to whether the area**
30 **to be included within the proposed district is of sufficient size, is sufficiently**
31 **compact, and sufficiently contiguous to be developable as one functional,**
32 **interrelated community?**

33
34 Yes.

35
36 **28. What is your opinion?**

37
38 The proposed CDD has sufficient land area, and is sufficiently compact and contiguous to
39 be developed with infrastructure systems, facilities and services as one functionally
40 interrelated community.

41
42 **29. What is the basis for your opinion?**

43
44 The area to be included within the District can be expected to succeed as a functional,
45 interrelated community from a planning perspective because these characteristics ensure
46 that services and facilities for the lands within the District will not be hampered by

1 significant barriers or spatial problems. In addition, as proposed, the District will be
2 providing relatively limited services and facilities. Thus, from a planning perspective,
3 the relatively small nature of the District, its planned community character and the
4 proposed limited services and facilities are a good match.

5
6 The proposed CDD is of sufficient size, is sufficiently compact and sufficiently
7 contiguous to serve as one functional, inter-related community.

8
9 **30. Do you have an opinion, as someone experienced in planning, as to whether the**
10 **community development services and facilities of the district will be incompatible**
11 **with the capacity and uses of existing local and regional community development**
12 **services and facilities?**

13
14 Yes.

15
16 **31. What is your opinion?**

17
18 The proposed services and facilities of the District are not incompatible with the capacity
19 and uses of existing local or regional community development services and facilities.

20
21 **32. What is the basis for your opinion?**

22
23 In order to answer this question it is necessary to look to the community development
24 services and facilities which will be provided by the CDD to the lands within its
25 boundaries and to compare this to the existing community development services and
26 facilities presently available to those lands. Currently, the planned infrastructure
27 improvements that the proposed District plans to provide don't exist on the property. The
28 proposed District is an efficient method to construct the necessary infrastructure
29 improvements on the lands to be included within the District.

30
31 **33. Do you have an opinion as to whether the area that will be served by the proposed**
32 **district is amenable to separate special district government?**

33
34 Yes I do.

35
36 **34. And what is your opinion?**

37
38 Based on its contiguity, compactness and size, and given the limited scope of the
39 infrastructure improvements to be provided by the CDD, the area to be included within
40 the District is amenable to separate special purpose government.

41
42 **35. As a planner, do you have an opinion as to whether the proposed District is the best**
43 **alternative available for providing the proposed community development services**
44 **and facilities to the area to be served?**

45
46 Yes I have.

1
2 **36. What is your opinion?**
3

4 In my opinion, the District is the best alternative for providing the proposed community
5 development services and facilities to the 314 acres proposed to be included within the
6 CDD.
7

8 **37. What is the basis for your opinion?**
9

10 My experience as a planner, in part, and a review of the petition in part. To answer this
11 question, we must consider the alternative means, from a planning perspective, by which
12 these roadway, drainage, utility facilities and services might be provided to the 314 acres
13 proposed to be included within the CDD.
14

15 The alternatives include the County, either directly or through an MSBU, or the
16 developer through a property owner's association (POA). From a planning perspective,
17 establishment of a CDD over these lands provides a perpetual local government capable
18 of delivering these improvements which will be directly responsible and responsive to the
19 residents of the CDD. For example, the CDD will own, operate and maintain the drainage
20 improvements for the lands within the District. CDD residents will one day comprise this
21 Board and will be able to directly govern the levels of service provided without diverting
22 County resources from other County owned recreation facilities or drainage systems.
23 Furthermore, because these systems will be owned by the CDD, the residents will have
24 the protection of public bidding of maintenance services and will have a direct voice in
25 the governance of these systems, which would not be the case with the POA.
26

27 As far as the roadway and utility improvements are concerned, the CDD is also the best
28 alternative provider of these facilities. As I discussed earlier, Objective H.1.7 of the St.
29 Johns County Comprehensive Plan calls for the management of the County's fiscal
30 resources the ensure the provision of needed infrastructure. Provision of these
31 improvements by the CDD is the best alternative to preserve the County's fiscal
32 resources since only growth within the CDD will pay for these improvements. The CDD
33 is also superior to a POA in providing these improvements since, from a planning
34 perspective, a POA would not be the kind of perpetual governmental entity to effectively
35 manage the construction of these improvements or any enhanced maintenance after
36 dedication of these facilities to the County.
37

38 **38. Does this conclude your testimony?**
39

40 Yes.

CHAPTER 187

STATE COMPREHENSIVE PLAN

187.101 Description of plan; legislative intent; construction and application of plan.

187.201 State Comprehensive Plan adopted.

187.101 Description of plan; legislative intent; construction and application of plan.—

(1) The State Comprehensive Plan shall provide long-range policy guidance for the orderly social, economic, and physical growth of the state. It shall be reviewed biennially by the Legislature, and implementation of its policies shall require legislative action unless otherwise specifically authorized by the constitution or law.

(2) The State Comprehensive Plan is intended to be a direction-setting document. Its policies may be implemented only to the extent that financial resources are provided pursuant to legislative appropriation or grants or appropriations of any other public or private entities. The plan does not create regulatory authority or authorize the adoption of agency rules, criteria, or standards not otherwise authorized by law.

(3) The goals and policies contained in the State Comprehensive Plan shall be reasonably applied where they are economically and environmentally feasible, not contrary to the public interest, and consistent with the protection of private property rights. The plan shall be construed and applied as a whole, and no specific goal or policy in the plan shall be construed or applied in isolation from the other goals and policies in the plan.

History.—s. 1, ch. 85-57.

187.201 State Comprehensive Plan adopted.—

The Legislature hereby adopts as the State Comprehensive Plan the following specific goals and policies:

(1) CHILDREN.—

(a) *Goal.*—Florida shall provide programs sufficient to protect the health, safety, and welfare of all of its children.

(b) Policies.—

1. Decrease the number of children at risk of becoming delinquent, abused, or otherwise dependent on society through preventive counseling services and day treatment programs.

2. Treat no children or adolescents in state mental health institutions, and provide that the primary emphasis on mental health treatment of children shall be community-based services.

3. Provide training in normal child development and family relationship skills in public education programs at all levels.

4. Sponsor seminars and clinics for parents on positive ways to handle stress related to child-rearing.

5. Encourage prevention programs in schools and community centers to decrease the incidence of teenage pregnancy and provide programs to reduce the detrimental effects of teenage pregnancy.

6. Develop and participate in alcohol and drug prevention programs in the school system and in the community.

7. Encourage the development and public awareness of community support networks for parents and children at risk of abuse or drug or alcohol dependency.

8. Target funds for intensive prevention programs to families at risk of child abuse or substance abuse problems.

9. Develop and expand prevention, identification, and treatment programs for substance abusers who are children or adolescents.

10. Encourage private sector involvement in prevention programs through employee assistance programs.

11. Promote the preservation and strengthening of families by providing programs designed to reduce the occurrence of abuse and neglect.

12. Promote educational programs to increase awareness in children of the damage to their minds and bodies caused from the use of alcohol, drugs, and tobacco.

13. Provide timely intervention and treatment services in the appropriate setting when incidents of abuse or neglect do occur.

14. Provide a comprehensive range of children's mental health services, from prevention programs to the less-intensive residential programs, with minimal use of institutional settings.

15. Provide secure, intensive treatment facilities for children and adolescents who, due to their aggressive or violent behavior, would otherwise be treated in placements in other states or in institutional settings in Florida.

16. Emphasize prevention and nonresidential services directed toward keeping children in their homes and communities, with each child's protection and well-being as the first priority.

17. Provide a strong, interagency case-management system, including appropriate state agencies, law enforcement, school districts, and community mental health centers, to ensure the proper placement of children in need of services.

18. Develop a community-oriented juvenile justice system which meets the individual needs of referred and committed youth offenders and which treats juveniles in the least restrictive manner while ensuring the safety of the community by holding juveniles accountable for their behavior and by linking reentry into the community to stable behavior.

19. Develop a child abuse service system that will detect abuse and neglect in the early stages, intervene promptly and effectively in both family and nonfamily settings, and apply a multidisciplinary child abuse prevention/treatment team approach.

20. Expand prenatal and perinatal screening programs in order to increase the number of at-risk mothers and infants who receive prevention services.

21. Increase the state's capacity to provide training and support services to developmentally disabled children and adolescents in the community.

22. Ensure that all current and new programs for children and adolescents are as family-focused and

supportive of the family unit as feasible without exposing the child to unacceptable physical and emotional risks.

23. Expand the range of programs currently available for children with physical handicaps other than developmental disabilities, learning disabilities, and emotional problems.

24. Ensure the safety of children and the quality of services they receive in residential, day care, and treatment programs through necessary and appropriate regulations.

25. Establish a system to determine and evaluate client outcomes and program effectiveness for all programs serving children, youth, and families.

26. Provide for a systematic outcome evaluation of programs and services to children.

(2) FAMILIES.—

(a) *Goal.*—Florida shall strengthen the family and promote its economic independence.

(b) *Policies.*—

1. Eliminate state policies which cause voluntary family separations.

2. Promote concepts to stabilize the family unit to strengthen bonds between parents and children.

3. Promote home care services for the sick and disabled.

4. Provide financial support for alternative child care services.

5. Increase direct parental involvement in K-12 education programs.

6. Promote family dispute resolution centers.

7. Support displaced homemaker programs.

8. Provide increased assurance that child support payments will be made.

9. Actively develop job opportunities, community work experience programs, and job training programs for persons receiving governmental financial assistance.

10. Direct local law enforcement authorities and district mental health councils to increase efforts to prevent family violence and to adequately punish the guilty party.

11. Provide financial, mental health, and other support for victims of family violence.

(3) THE ELDERLY.—

(a) *Goal.*—Florida shall improve the quality of life for its elderly citizens by promoting improved provision of services, with an emphasis on independence and self-sufficiency.

(b) *Policies.*—

1. Increase the percentage of elderly persons who are living self-sufficiently, with emphasis upon those individuals aged 75 years and older.

2. Develop and implement preventive services and strategies to maximize individual independence and to delay or to avoid institutionalization.

3. Strengthen the caregiving capacity of family members and other informal support providers in order to prevent neglect, exploitation, and abuse of elderly persons.

4. Support cost-effective community alternatives to long-term institutional care.

5. Integrate health care and social service delivery systems to provide comprehensive coordinated, cost-effective care that is responsive to individual needs.

6. Implement a case-management system which will assure delivery of appropriate services, with an emphasis on individual needs; control access to long-term care services; and monitor expenditures.

7. Promote geriatric health care education programs to improve quality of care.

8. Ensure the right of patients, to the extent feasible, to determine the course of their own medical treatment.

9. Provide services designed to increase the involvement of elderly persons in the day-to-day life of the community, to ensure their adequate housing, and to improve employment opportunities for those elderly persons who are willing and able to work.

10. Improve and expand transportation services to increase mobility of elderly persons.

11. Increase the participation of the elderly in education and social service programs serving children.

12. Provide services and target resources to those elderly persons with the greatest need.

13. Ensure the adequacy of health and social services through nonduplicative licensure and certification activities in order to provide for systematic regulatory oversight.

(4) HOUSING.—

(a) *Goal.*—The public and private sectors shall increase the affordability and availability of housing for low-income and moderate-income persons, including citizens in rural areas, while at the same time encouraging self-sufficiency of the individual and assuring environmental and structural quality and cost-effective operations.

(b) *Policies.*—

1. Eliminate public policies which result in housing discrimination, and develop policies which encourage housing opportunities for all Florida's citizens.

2. Diminish the use of institutions to house persons by promoting deinstitutionalization to the maximum extent possible.

3. Increase the supply of safe, affordable, and sanitary housing for low-income and moderate-income persons and elderly persons by alleviating housing shortages, recycling older houses and redeveloping residential neighborhoods, identifying housing needs, providing incentives to the private sector to build affordable housing, encouraging public-private partnerships to maximize the creation of affordable housing, and encouraging research into low-cost housing construction techniques, considering life-cycle operating costs.

4. Reduce the cost of housing construction by eliminating unnecessary regulatory practices which add to the cost of housing.

(5) HEALTH.—

(a)1. *Goal.*—Healthy residents who protect their own health and the health of others and who actively participate in recovering their own health when they become ill.

2. *Policies.*—

a. Individuals are fundamentally responsible for their own health, but they need encouragement and may need financial support from government.

b. The state shall develop mechanisms whereby all Florida residents can participate in a plan of adequate health care coverage to which they contribute financially, based on their ability to pay.

c. All Florida residents should be supported through education and other means to develop and maintain healthy lifestyles.

d. All Florida students should be provided with comprehensive, continuous health education in prekindergarten through grade 12 settings.

e. Treatment of illness is a partnership between health care providers and patients in which individual patients participate in decisions related to their health care. In this process, patients and health care providers have mutual rights and responsibilities.

(b)1. *Goal*.—An environment which supports a healthy population and which does not cause illness.

2. *Policies*.—

a. Every Florida resident has a right to breathe clean air, drink pure water, and eat nutritious food.

b. The state should assure a safe and healthful environment through monitoring and regulating activities which impact the quality of the state's air, water, and food.

c. Government shall ensure that future growth does not cause the environment to adversely affect the health of the population.

d. Every employer shall provide a safe and healthful workplace.

(c)1. *Goal*.—Health care services which are of high quality, reasonably accessible, and adequate to meet the needs of the public.

2. *Policies*.—

a. Where feasible, resources will be redirected to programs and services that prevent illness and intervene in the early stages of disease.

b. The public shall have access to affordable health care.

c. Each pregnant woman in this state has a right to adequate prenatal care in order to protect her health and to help her child begin life healthy.

d. The state shall promote the availability of needed health care professionals and services in medically underserved areas.

e. The responsibility for ensuring good quality, accessibility, and availability of health care services is shared among health care practitioners, institutions, patients, and government.

f. Government shall provide for the orderly growth and development of health care facilities and services through health planning, growth management, and regulation.

g. Government shall establish a public health infrastructure of facilities, equipment, and personnel necessary to provide for community health needs.

(d)1. *Goal*.—Health costs which are contained to a level appropriate to the financial resources of the state and its residents.

2. *Policies*.—

a. The primary long-range strategy for containing health care costs shall be prevention of avoidable illness and disability.

b. The state shall promote the development of a rational financing system for health care which minimizes the shifting of costs, discourages inappropriate utilization, reduces administrative costs, and contains the costs of new technology.

c. The state shall encourage the delivery of health care services in a manner that enables patients to establish reasonable expectations of outcome and enables health care providers to focus on the health of their patients.

(6) PUBLIC SAFETY.—

(a) *Goal*.—Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

(b) *Policies*.—

1. Maintain safe and secure prisons and other correctional facilities with the required number of well-trained staff.

2. Provide effective alternatives to incarceration for appropriate offenders and encourage victim restitution.

3. Make the corrections system as financially cost-effective as possible through prison industries and other inmate work programs and through contractual agreements with public and private vendors.

4. Continue to monitor educational and vocational training of inmates to increase the likelihood of successful reintegration into the community.

5. Provide all inmates with access to adequate health care, including diagnostic and treatment programs for offenders suffering from substance abuse or psychological disorders.

6. Provide incentives to attract and retain high-quality law enforcement and correctional officers.

7. Emphasize the reduction of serious crime, particularly violent, organized, economic, and drug-related crimes.

8. Increase the level of training and technical assistance provided to law enforcement agencies.

9. Increase crime prevention efforts to enhance the protection of individual personal safety and property.

10. Emphasize and protect the rights of crime victims.

11. Continue to implement coordinated and integrated strategies to combat organized crime, economic crime, and drug trafficking.

12. Expand the state's provisions for the protection of witnesses in criminal cases, especially organized crime cases.

13. Strengthen the state's commitment to pursue, both criminally and civilly, those individuals who profit from economic crimes, in a manner that keeps pace with the level and sophistication of these criminal activities.

14. Improve the efficiency of law enforcement through the establishment of a close communication and coordination system among agencies and a comprehensive reporting system for such types of criminal activities as forcible felonies and organized, economic, and drug crimes.

15. Improve the effectiveness of the delinquent juvenile justice system commitment programs to reduce recidivism of juveniles who would otherwise be recommitted to state supervision.

16. Utilize alternative sentencing and dispute resolution when appropriate, particularly in civil disputes and minor criminal violations.

17. Increase the state's commitment to stringent enforcement of laws against drunken or drugged driving.

18. Expand public awareness campaigns that will emphasize the dangers of driving while under the influence of alcohol or drugs.

19. Promote efforts to encourage the use of personal safety restraint devices for all persons traveling in motor vehicles.

20. Improve the enforcement of and compliance with safe highway speed limits.

21. Provide effective and efficient driver licensing systems, including a reliable testing system designed to preclude unqualified drivers from receiving driver's licenses.

22. Require local governments, in cooperation with regional and state agencies, to prepare advance plans for the safe evacuation of coastal residents.

23. Require local governments, in cooperation with regional and state agencies, to adopt plans and policies to protect public and private property and human lives from the effects of natural disasters.

(7) WATER RESOURCES.—

(a) *Goal.*—Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

(b) Policies.—

1. Ensure the safety and quality of drinking water supplies and promote the development of reverse osmosis and desalinization technologies for developing water supplies.

2. Identify and protect the functions of water recharge areas and provide incentives for their conservation.

3. Encourage the development of local and regional water supplies within water management districts instead of transporting surface water across district boundaries.

4. Protect and use natural water systems in lieu of structural alternatives and restore modified systems.

5. Ensure that new development is compatible with existing local and regional water supplies.

6. Establish minimum seasonal flows and levels for surface watercourses with primary consideration given to the protection of natural resources, especially marine, estuarine, and aquatic ecosystems.

7. Discourage the channelization, diversion, or damming of natural riverine systems.

8. Encourage the development of a strict floodplain management program by state and local governments designed to preserve hydrologically significant wetlands and other natural floodplain features.

9. Protect aquifers from depletion and contamination through appropriate regulatory programs and through incentives.

10. Protect surface and groundwater quality and quantity in the state.

11. Promote water conservation as an integral part of water management programs as well as the use and reuse of water of the lowest acceptable quality for the purposes intended.

12. Eliminate the discharge of inadequately treated wastewater and stormwater runoff into the waters of the state.

13. Identify and develop alternative methods of wastewater treatment, disposal, and reuse of wastewater to reduce degradation of water resources.

14. Reserve from use that water necessary to support essential nonwithdrawal demands, including navigation, recreation, and the protection of fish and wildlife.

(8) COASTAL AND MARINE RESOURCES.—

(a) *Goal.*—Florida shall ensure that development and marine resource use and beach access improvements in coastal areas do not endanger public safety or important natural resources. Florida shall, through acquisition and access improvements, make available to the state's population additional beaches and marine environment, consistent with sound environmental planning.

(b) Policies.—

1. Accelerate public acquisition of coastal and beachfront land where necessary to protect coastal and marine resources or to meet projected public demand.

2. Ensure the public's right to reasonable access to beaches.

3. Avoid the expenditure of state funds that subsidize development in high-hazard coastal areas.

4. Protect coastal resources, marine resources, and dune systems from the adverse effects of development.

5. Develop and implement a comprehensive system of coordinated planning, management, and land acquisition to ensure the integrity and continued attractive image of coastal areas.

6. Encourage land and water uses which are compatible with the protection of sensitive coastal resources.

7. Protect and restore long-term productivity of marine fisheries habitat and other aquatic resources.

8. Avoid the exploration and development of mineral resources which threaten marine, aquatic, and estuarine resources.

9. Prohibit development and other activities which disturb coastal dune systems, and ensure and promote the restoration of coastal dune systems that are damaged.

10. Give priority in marine development to water-dependent uses over other uses.

(9) NATURAL SYSTEMS AND RECREATIONAL LANDS.—

(a) *Goal.*—Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

(b) *Policies.*—

1. Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.
2. Acquire, retain, manage, and inventory public lands to provide recreation, conservation, and related public benefits.
3. Prohibit the destruction of endangered species and protect their habitats.
4. Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.
5. Promote the use of agricultural practices which are compatible with the protection of wildlife and natural systems.
6. Encourage multiple use of forest resources, where appropriate, to provide for timber production, recreation, wildlife habitat, watershed protection, erosion control, and maintenance of water quality.
7. Protect and restore the ecological functions of wetlands systems to ensure their long-term environmental, economic, and recreational value.
8. Promote restoration of the Everglades system and of the hydrological and ecological functions of degraded or substantially disrupted surface waters.
9. Develop and implement a comprehensive planning, management, and acquisition program to ensure the integrity of Florida's river systems.
10. Emphasize the acquisition and maintenance of ecologically intact systems in all land and water planning, management, and regulation.
11. Expand state and local efforts to provide recreational opportunities to urban areas, including the development of activity-based parks.
12. Protect and expand park systems throughout the state.
13. Encourage the use of public and private financial and other resources for the development of recreational opportunities at the state and local levels.

(10) *AIR QUALITY.*—

(a) *Goal.*—Florida shall comply with all national air quality standards by 1987, and by 1992 meet standards which are more stringent than 1985 state standards.

(b) *Policies.*—

1. Improve air quality and maintain the improved level to safeguard human health and prevent damage to the natural environment.
2. Ensure that developments and transportation systems are consistent with the maintenance of optimum air quality.
3. Reduce sulfur dioxide and nitrogen oxide emissions and mitigate their effects on the natural and human environment.
4. Encourage the use of alternative energy resources that do not degrade air quality.
5. Ensure, at a minimum, that power plant fuel conversion does not result in higher levels of air pollution.
6. Encourage the development of low-carbon-emitting electric power plants.

(11) *ENERGY.*—

(a) *Goal.*—Florida shall reduce its energy requirements through enhanced conservation and efficiency

measures in all end-use sectors and shall reduce atmospheric carbon dioxide by promoting an increased use of renewable energy resources and low-carbon-emitting electric power plants.

(b) *Policies.*—

1. Continue to reduce per capita energy consumption.
2. Encourage and provide incentives for consumer and producer energy conservation and establish acceptable energy performance standards for buildings and energy consuming items.
3. Improve the efficiency of traffic flow on existing roads.
4. Ensure energy efficiency in transportation design and planning and increase the availability of more efficient modes of transportation.
5. Reduce the need for new power plants by encouraging end-use efficiency, reducing peak demand, and using cost-effective alternatives.
6. Increase the efficient use of energy in design and operation of buildings, public utility systems, and other infrastructure and related equipment.
7. Promote the development and application of solar energy technologies and passive solar design techniques.
8. Provide information on energy conservation through active media campaigns.
9. Promote the use and development of renewable energy resources and low-carbon-emitting electric power plants.
10. Develop and maintain energy preparedness plans that will be both practical and effective under circumstances of disrupted energy supplies or unexpected price surges.

(12) *HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE.*—

(a) *Goal.*—All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

(b) *Policies.*—

1. By 1994, reduce all volume of solid waste requiring disposal by 30 percent.
2. By 1994, provide in all counties a countywide solid waste collection system to discourage littering and the illegal dumping of solid waste.
3. Initiate programs to develop or expand recyclable material markets, especially those involving plastics, metals, paper, and glass.
4. Encourage and expedite the development of environmentally safe hazardous waste treatment, storage, and disposal facilities.
5. Identify and clean up hazardous waste sites.
6. Enforce and strengthen regulation of the generation, storage, treatment, disposal, and transportation of hazardous waste.
7. Establish a system for identifying the location, type, and quantity of hazardous materials.
8. Require all hazardous waste generators to properly manage their own wastes.
9. Encourage the research, development, and implementation of recycling, resource recovery, energy recovery, and other methods of using garbage, trash,

sewage, slime, sludge, hazardous waste, and other waste.

10. Encourage coordination of intergovernmental and interstate waste management efforts.

11. Identify, develop, and encourage environmentally sound wastewater treatment and disposal methods.

12. Develop a permanent system for households, small business, and other low-volume generators of hazardous waste to safely dispose of these materials in a convenient manner.

13. Encourage strict enforcement of hazardous waste laws and swift prosecution of violators.

(13) MINING.—

(a) *Goal*.—Florida shall protect its air, land, and water resources from the adverse effects of resource extraction and ensure that the disturbed areas are reclaimed or restored to beneficial use as soon as reasonably possible.

(b) *Policies*.—

1. Develop a comprehensive approach to the regulation of resource extraction.

2. Require mining operations to provide evidence of financial responsibility to ensure the reclamation of mined lands.

3. Require that disturbed areas, except those selected to be reclaimed by nature, be reclaimed to productive and beneficial use within a period determined by the state to be reasonable and practical.

4. Require state reclamation standards to be simple and well-coordinated and to be consistent with the protection of the public interest and conservation of natural resources.

5. Prohibit resource extraction which will result in an adverse effect on environmentally sensitive areas of the state which cannot be restored.

6. Minimize the effects of resource extraction upon ground and surface waters.

7. Protect human health from radiological or other adverse impacts associated with resource extraction.

8. Reduce the adverse impacts of waste disposal associated with resource extraction.

9. Require that mining and reclamation regulation recognizes the geological constraints and inherent differences in the types and locations of resources to be mined.

(14) PROPERTY RIGHTS.—

(a) *Goal*.—Florida shall protect private property rights and recognize the existence of legitimate and often competing public and private interests in land use regulations and other government action.

(b) *Policies*.—

1. Provide compensation, or other appropriate relief as provided by law, to a landowner for any governmental action that is determined to be an unreasonable exercise of the state's police power so as to constitute a taking.

2. Determine compensation or other relief by judicial proceeding rather than by administrative proceeding.

3. Encourage acquisition of lands by state or local government in cases where regulation will severely limit practical use of real property.

(15) LAND USE.—

(a) *Goal*.—In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

(b) *Policies*.—

1. Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.

2. Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.

3. Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

4. Develop a system of intergovernmental negotiation for siting locally unpopular public and private land uses which considers the area of population served, the impact on land development patterns or important natural resources, and the cost-effectiveness of service delivery.

5. Encourage and assist local governments in establishing comprehensive impact-review procedures to evaluate the effects of significant development activities in their jurisdictions.

6. Consider, in land use planning and regulation, the impact of land use on water quality and quantity; the availability of land, water, and other natural resources to meet demands; and the potential for flooding.

7. Provide educational programs and research to meet state, regional, and local planning and growth-management needs.

8. Provide for the siting of low-carbon-emitting electric power plants, including nuclear power plants, to meet the state's determined need for electric power generation.

(16) URBAN AND DOWNTOWN REVITALIZATION.

(a) *Goal*.—In recognition of the importance of Florida's vital urban centers and of the need to develop and redevelop downtowns to the state's ability to use existing infrastructure and to accommodate growth in an orderly, efficient, and environmentally acceptable manner, Florida shall encourage the centralization of commercial, governmental, retail, residential, and cultural activities within downtown areas.

(b) *Policies*.—

1. Provide incentives to encourage private sector investment in the preservation and enhancement of downtown areas.

2. Assist local governments in the planning, financing, and implementation of development efforts aimed at revitalizing distressed downtown areas.

3. Promote state programs and investments which encourage redevelopment of downtown areas.

4. Promote and encourage communities to engage in a redesign step to include public participation of members of the community in envisioning

redevelopment goals and design of the community core before redevelopment.

5. Ensure that local governments have adequate flexibility to determine and address their urban priorities within the state urban policy.

6. Enhance the linkages between land use, water use, and transportation planning in state, regional, and local plans for current and future designated urban areas.

7. Develop concurrency requirements that do not compromise public health and safety for urban areas that promote redevelopment efforts.

8. Promote processes for the state, general purpose local governments, school boards, and local community colleges to coordinate and cooperate regarding educational facilities in urban areas, including planning functions, the development of joint facilities, and the reuse of existing buildings.

9. Encourage the development of mass transit systems for urban centers, including multimodal transportation feeder systems, as a priority of local, metropolitan, regional, and state transportation planning.

10. Locate appropriate public facilities within urban centers to demonstrate public commitment to the centers and to encourage private sector development.

11. Integrate state programs that have been developed to promote economic development and neighborhood revitalization through incentives to promote the development of designated urban infill areas.

12. Promote infill development and redevelopment as an important mechanism to revitalize and sustain urban centers.

(17) PUBLIC FACILITIES.—

(a) *Goal.*—Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

(b) Policies.—

1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.

2. Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.

3. Allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.

4. Create a partnership among state government, local governments, and the private sector which would identify and build needed public facilities and allocate the costs of such facilities among the partners in proportion to the benefits accruing to each of them.

5. Encourage local government financial self-sufficiency in providing public facilities.

6. Identify and implement innovative but fiscally sound and cost-effective techniques for financing public facilities.

7. Encourage the development, use, and coordination of capital improvement plans by all levels of government.

8. Take into consideration, in the assessed value of property, increased property values directly related to infrastructure expenditures by government.

9. Identify and use stable revenue sources which are also responsive to growth for financing public facilities.

10. Encourage development of graywater systems to extend existing sewerage capacity.

(18) CULTURAL AND HISTORICAL RESOURCES.

(a) *Goal.*—By 1995, Florida shall increase access to its historical and cultural resources and programs and encourage the development of cultural programs of national excellence.

(b) Policies.—

1. Promote and provide access throughout the state to performing arts, visual arts, and historic preservation and appreciation programs at a level commensurate with the state's economic development.

2. Develop a strategy for the construction of arts facilities based on an assessment which ranks regional and statewide capabilities and needs.

3. Ensure the identification, evaluation, and protection of archaeological folk heritage and historic resources properties of the state's diverse ethnic population.

4. Stimulate increased private sector participation and support for historical and cultural programs.

5. Encourage the rehabilitation and sensitive, adaptive use of historic properties through technical assistance and economic incentive programs.

6. Ensure that historic resources are taken into consideration in the planning of all capital programs and projects at all levels of government and that such programs and projects are carried out in a manner which recognizes the preservation of historic resources.

(19) TRANSPORTATION.—

(a) *Goal.*—Florida shall direct future transportation improvements to aid in the management of growth and shall have a state transportation system that integrates highway, air, mass transit, and other transportation modes.

(b) Policies.—

1. By 1995, establish a high-speed rail system that links the Tampa Bay area, Orlando, and Miami.

2. Coordinate transportation investments in major travel corridors to enhance system efficiency and minimize adverse environmental impacts.

3. Promote a comprehensive transportation planning process which coordinates state, regional, and local transportation plans.

4. Allow flexibility in state and local participation in funding of public transit projects and encourage construction and use of toll facilities in order to meet transportation needs.

5. Ensure that existing port facilities and airports are being used to the maximum extent possible before encouraging the expansion or development of new port facilities and airports to support economic growth.

6. Promote timely resurfacing and repair of roads and bridges to minimize costly reconstruction and to enhance safety.

7. Develop a revenue base for transportation which is consistent with the goals and policies of this plan.

8. Encourage the construction and utilization of a public transit system, including, but not limited to, a

high-speed rail system, in lieu of the expansion of the highway system, where appropriate.

9. Ensure that the transportation system provides Florida's citizens and visitors with timely and efficient access to services, jobs, markets, and attractions.

10. Promote ride sharing by public and private sector employees.

11. Emphasize state transportation investments in major travel corridors and direct state transportation investments to contribute to efficient urban development.

12. Avoid transportation improvements which encourage or subsidize increased development in coastal high-hazard areas or in identified environmentally sensitive areas such as wetlands, floodways, or productive marine areas.

13. Coordinate transportation improvements with state, local, and regional plans.

14. Acquire advanced rights-of-way for transportation projects in designated transportation corridors consistent with state, regional, and local plans.

15. Promote effective coordination among various modes of transportation in urban areas to assist urban development and redevelopment efforts.

(20) GOVERNMENTAL EFFICIENCY.—

(a) *Goal.*—Florida governments shall economically and efficiently provide the amount and quality of services required by the public.

(b) *Policies.*—

1. Encourage greater cooperation between, among, and within all levels of Florida government through the use of appropriate interlocal agreements and mutual participation for mutual benefit.

2. Allow the creation of independent special taxing districts which have uniform general law standards and procedures and do not overburden other governments and their taxpayers while preventing the proliferation of independent special taxing districts which do not meet these standards.

3. Encourage the use of municipal services taxing units and other dependent special districts to provide needed infrastructure where the fiscal capacity exists to support such an approach.

4. Eliminate regulatory activities that are not tied to specific public and natural resource protection needs.

5. Eliminate needless duplication of, and promote cooperation in, governmental activities between, among, and within state, regional, county, city, and other governmental units.

6. Ensure, wherever possible, that the geographic boundaries of water management districts, regional planning councils, and substate districts of the executive departments shall be coterminous for related state or agency programs and functions and promote inter-agency agreements in order to reduce the number of districts and councils with jurisdiction in any one county.

7. Encourage and provide for the restructuring of city and county political jurisdictions with the goals of greater efficiency and high-quality and more equitable and responsive public service programs.

8. Replace multiple, small scale, economically inefficient local public facilities with regional facilities where they are proven to be more economical,

particularly in terms of energy efficiency, and yet can retain the quality of service expected by the public.

9. Encourage greater efficiency and economy at all levels of government through adoption and implementation of effective records management, information management, and evaluation procedures.

10. Throughout government, establish citizen management efficiency groups and internal management groups to make recommendations for greater operating efficiencies and improved management practices.

11. Encourage governments to seek outside contracting on a competitive-bid basis when cost-effective and appropriate.

12. Discourage undue expansion of state government and make every effort to streamline state government in a cost-effective manner.

13. Encourage joint venture solutions to mutual problems between levels of government and private enterprise.

(21) THE ECONOMY.—

(a) *Goal.*—Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income for its residents.

(b) *Policies.*—

1. Attract new job-producing industries, corporate headquarters, distribution and service centers, regional offices, and research and development facilities to provide quality employment for the residents of Florida.

2. Promote entrepreneurship and small and minority-owned business startup by providing technical and information resources, facilitating capital formation, and removing regulatory restraints which are unnecessary for the protection of consumers and society.

3. Maintain, as one of the state's primary economic assets, the environment, including clean air and water, beaches, forests, historic landmarks, and agricultural and natural resources.

4. Strengthen Florida's position in the world economy through attracting foreign investment and promoting international banking and trade.

5. Build on the state's attractiveness to make it a leader in the visual and performing arts and in all phases of film, television, and recording production.

6. Promote economic development for Florida residents through partnerships among education, business, industry, agriculture, and the arts.

7. Provide increased opportunities for training Florida's workforce to provide skilled employees for new and expanding business.

8. Promote economic self-sufficiency through training and educational programs which result in productive employment.

9. Promote cooperative employment arrangements between private employers and public sector employment efforts to provide productive, permanent employment opportunities for public assistance recipients through provisions of education opportunities, tax incentives, and employment training.

10. Provide for nondiscriminatory employment opportunities.

11. Provide quality child day care for public assistance families and others who need it in order to work.

12. Encourage the development of a business climate that provides opportunities for the growth and expansion of existing state industries, particularly those industries which are compatible with Florida's environment.

13. Promote coordination among Florida's ports to increase their utilization.

14. Encourage the full utilization by businesses of the economic development enhancement programs implemented by the Legislature for the purpose of extensively involving private businesses in the development and expansion of permanent job opportunities, especially for the economically disadvantaged, through the utilization of enterprise zones, community development corporations, and other programs designed to enhance economic and employment opportunities.

(22) AGRICULTURE.—

(a) *Goal.*—Florida shall maintain and strive to expand its food, agriculture, ornamental horticulture, aquaculture, forestry, and related industries in order to be a healthy and competitive force in the national and international marketplace.

(b) Policies.—

1. Ensure that goals and policies contained in state and regional plans are not interpreted to permanently restrict the conversion of agricultural lands to other uses.

2. Encourage diversification within the agriculture industry, especially to reduce the vulnerability of communities that are largely reliant upon agriculture for either income or employment.

3. Promote and increase international agricultural marketing opportunities for all Florida agricultural producers.

4. Stimulate research, development, and application of agricultural technology to promote and enhance the conservation, production, and marketing techniques available to the agriculture industry.

5. Encourage conservation, wastewater recycling, and other appropriate measures to assure adequate water resources to meet agricultural and other beneficial needs.

6. Promote entrepreneurship in the agricultural sector by providing technical and informational services.

7. Stimulate continued productivity through investment in education and research.

8. Encourage development of biological pest controls to further the reduction in reliance on chemical controls.

9. Conserve soil resources to maintain the economic value of land for agricultural pursuits and to prevent sedimentation in state waters.

10. Promote the vitality of Florida's agricultural industry through continued funding of basic research, extension, inspection, and analysis services and of programs providing for marketing and technical assistance and the control and eradication of diseases and infestations.

11. Continue to promote the use of lands for agricultural purposes by maintaining preferential property tax treatment through the greenbelt law.

12. Ensure that coordinated state planning of road, rail, and waterborne transportation systems provides

adequate facilities for the economical transport of agricultural products and supplies between producing areas and markets.

13. Eliminate the discharge of inadequately treated wastewater and stormwater runoff into waters of the state.

(23) TOURISM.—

(a) *Goal.*—Florida will attract at least 55 million tourists annually by 1995 and shall support efforts by all areas of the state wishing to develop or expand tourist-related economies.

(b) Policies.—

1. Promote statewide tourism and support promotional efforts in those parts of the state that desire to attract visitors.

2. Acquire and manage public lands to offer visitors and residents increased outdoor experiences.

3. Promote awareness of historic places and cultural and historical activities.

(24) EMPLOYMENT.—

(a) *Goal.*—Florida shall promote economic opportunities for its unemployed and economically disadvantaged residents.

(b) Policies.—

1. Achieve by 1995 a 70-percent job placement rate for state training program graduates and a 50-percent reduction in the gap between the unemployment rate for disadvantaged groups and the average state unemployment rate.

2. Provide training opportunities for the unemployed which are based upon documented labor market needs.

3. Provide training and job placement assistance to hard-to-employ groups encountering special barriers.

4. Encourage economic development in economically distressed areas.

5. Ensure that the transportation system provides maximum access to jobs and markets.

6. Promote interagency coordination and cooperation to maximize the impact of employment and training services on target groups.

7. Provide services which assist students to make informed career decisions.

8. Encourage innovative arrangements such as onsite day care facilities and flexible hours of employment to increase the access of working parents to the job market.

9. Ensure that all training programs focus on providing each student with lifetime employment skills, including the ability to communicate, compute, and think critically.

(25) PLAN IMPLEMENTATION.—

(a) *Goal.*—Systematic planning capabilities shall be integrated into all levels of government in Florida with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement.

(b) Policies.—

1. Establish strong and flexible agency and regional planning functions at all levels of government capable of responding to changing state policies and goals.

2. Ensure that every level of government has the appropriate operational authority to implement the policy directives established in the plan.

3. Establish effective monitoring, incentive, and enforcement capabilities to see that the requirements established by regulatory programs are met.

4. Simplify, streamline, and make more predictable the existing permitting procedures.

5. Ensure that each agency's functional plan and management process is designed to achieve the policies and goals of the state plan consistent with state law.

6. Encourage citizen participation at all levels of policy development, planning, and operations.

7. Ensure the development of strategic regional policy plans and local plans that implement and

accurately reflect state goals and policies and that address problems, issues, and conditions that are of particular concern in a region.

8. Encourage the continual cooperation among communities which have a unique natural area, irrespective of political boundaries, to bring the private and public sectors together for establishing an orderly, environmentally, and economically sound plan for future needs and growth.

History.—s. 2, ch. 85-87; s. 1, ch. 87-354; s. 47, ch. 88-130; s. 4, ch. 89-279; s. 85, ch. 90-201; s. 28, ch. 91-5; s. 103, ch. 91-282; s. 2, ch. 95-149; s. 2, ch. 96-388; s. 6, ch. 99-378; s. 1056, ch. 2002-387; s. 5, ch. 2008-227.

BEFORE THE COUNTY COMMISSION
ST. JOHNS COUNTY, FLORIDA

IN RE: PETITION TO ESTABLISH)
 SOUTHAVEN COMMUNITY)
 DEVELOPMENT DISTRICT)

AFFIDAVIT ADOPTING WRITTEN, PRE-FILED TESTIMONY

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I, Walter O'Shea, of Hines Interests Limited Partnership, Managing Member of Petitioner Southeast Land Strategies, LLC, being first duly sworn, do hereby state for my affidavit as follows:

1. I have personal knowledge of the matters set forth in this affidavit.
2. My name is Walter O'Shea, and my business address is 605 Palencia Club Drive, St. Augustine, Florida.
3. The prepared written, pre-filed testimony consisting of seven (7) pages, submitted under my name to the County Commission of St. Johns County relating to the establishment of the Southaven Community Development District and attached hereto, is true and correct.
4. If I were asked the questions contained in the pre-filed testimony orally at the Southaven Community Development District establishment hearing on May 6, 2014, my oral answers would be the same as the written answers presented in my pre-filed testimony.
5. My credentials, experience and qualifications concerning the Petition, its exhibits and the reasons for establishing the District are accurately set forth in my pre-filed testimony.
6. My pre-filed testimony addresses the various statutory requirements and provides an overview of the proposed development within the proposed Southaven Community Development District.

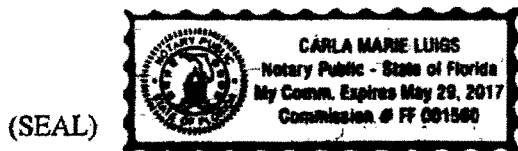
7. No corrections or amendments to my pre-filed testimony are required.

Under penalties of perjury, I declare that I have read the foregoing and the facts alleged are true and correct to the best of my knowledge and belief.

Executed this 4th day of April, 2014.

Walter O'Shea
Walter O'Shea

SWORN TO and SUBSCRIBED before me by the Affiant, on this 4th day of April, 2014.



Carla Marie Luigs
Notary Public
Carla Marie Luigs
Typed Name

Personally known ☒

Type of Identification produced _____

**TESTIMONY OF WALTER O'SHEA
FOR SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT**

1. Please state your name and business address.

My name is Walter O'Shea and my business address is 605 Palencia Club Drive, St. Augustine, Florida 32095.

2. By whom are you employed and in what capacity?

I am Managing Director for Hines Interests Limited Partnership ("Hines").

3. Briefly summarize your duties and responsibilities.

It is my responsibility to manage and oversee the execution of the project development process including financing, entitlements, master planning, design, construction, marketing and sales.

4. What positions did you hold prior to your present position?

I've held multiple positions within Hines since joining the company in 1996. Prior to this, I was the Project Superintendent for Turner Construction Company from 1988-1994. I owned and operated a residential construction company from 1984-1988.

5. Briefly describe your educational background.

I have a B.S. in Civil and Environmental Engineering from Cornell University (1988) and a Masters of Management from the J. L. Kellogg Graduate School of Management at Northwestern University (1996).

6. Who is the Petitioner in this proceeding?

The Petitioner is Southeast Land Strategies, LLC, of which Hines is the managing member.

7. Are you familiar with the Petition filed by the Petitioner seeking the establishment of a community development district?

Yes. I assisted in the preparation of the Petition filed on October 25, 2013, with St. Johns County (the "Petition"), as revised, and accompanying exhibits and worked with members of the team of consultants we hired to prepare the filing. I reviewed the Petition and exhibits prior to its filing.

8. What is the proposed name of the District?

The proposed name is the Southaven Community Development District ("District").

1 **9. Have you reviewed the contents of the Petition and approved its findings?**

2
3 Yes, I have.

4
5 **10. Are there any changes or corrections to the Petition at this time?**

6
7 No.

8
9 **11. Are there any changes or corrections to any of the exhibits submitted to the County**
10 **at this time?**

11
12 No.

13
14 **12. Please generally describe each of the exhibits attached to the Petition.**

15
16 Exhibit 1 is the map showing the general location of the proposed District.

17
18 Composite Exhibit 2 is the metes and bounds description of external boundaries of the
19 proposed District and a map matching the metes and bounds description of the external
20 boundaries of the proposed District.

21
22 Exhibit 3 is the Landowner Consent and Joinder.

23
24 Exhibit 4 is a map depicting future general distribution, location and extent of public and
25 private land uses within the proposed District by the land use plan element.

26
27 Exhibit 5 is a map depicting the proposed and existing major water and wastewater
28 facilities, as well as drainage patterns within the proposed District.

29
30 Exhibit 6 provides a list of facilities the proposed District anticipates it will provide,
31 identifying the anticipated owner and entity responsible for ultimate maintenance.

32
33 Exhibit 7 is a summary of the estimated costs and estimated timetable for constructing the
34 proposed District improvements.

35
36 Exhibit 8 is the Statement of Estimated Regulatory Costs required by statute.

37
38 Exhibit 9 is the authorization of agent form which authorizes Jonathan T. Johnson and
39 Katie S. Buchanan to act as the agents for the Petitioner.

40
41 **13. Were these exhibits prepared by you or under your supervision?**

42
43 Yes, I engaged a consultant team and directed the preparation of the exhibits to the
44 Petition.

45
46 **14. To the best of your knowledge, is the general location map identified as Exhibit 1 a**
47 **true and accurate depiction of the general location of the proposed District?**

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Yes, it is.

15. To the best of your knowledge is the metes and bounds description of the external boundaries of the District included in Composite Exhibit 2 and the map included thereto, a true and accurate recitation of the land area to be included within the proposed District?

Yes, it is.

16. To the best of your knowledge, is Exhibit 3 a true and accurate copy of the consent and joinder obtained from the owners of one hundred percent (100%) of the lands to be included within the proposed District?

Yes, it is.

17. To the best of your knowledge, is Exhibit 5 a true and accurate map that depicts the future general distribution, location and extent of the public and private land uses within the proposed District by the land use plan element?

Yes, it is.

18. To the best of your knowledge, is Exhibit 5 a true and depiction of the map depicting the proposed and existing major water and wastewater facilities, as well as drainage patterns for the lands within the proposed District?

Yes, it is.

19. To the best of your knowledge, is Exhibit 6 an accurate depiction of the types of facilities and services the Petitioner presently expects the District to finance, construct, acquire and/or install, as well as the anticipated entity responsible for ownership and maintenance?

Yes, it is.

20. To the best of your knowledge, is Exhibit 7 a true and accurate summary of the estimated costs and timeline of constructing, installing or acquiring the infrastructure serving land within the proposed District?

Yes, it is.

21. To the best of your knowledge, is Exhibit 8 true and accurate copy of the Statement of Estimated Regulatory Costs prepared by Rizzetta & Company, Inc.?

Yes, it is.

1 22. To the best of your knowledge, is Exhibit 9 a true and accurate copy of the
2 Authorization of Agent Form?

3
4 Yes, it is.
5

6 23. Are the contents of the Petition, and the exhibits attached to it, as described herein,
7 true and correct to the best of your knowledge?
8

9 Yes.
10

11 24. Are you familiar with the area that is proposed to be included within the District?
12

13 Yes, I am familiar with the general area and the site specifically.
14

15 25. Approximately how large is the proposed District in acres?
16

17 The proposed District is located entirely within unincorporated St. Johns County, Florida
18 and covers approximately 314 acres of land.
19

20 26. What steps were taken with respect to filing the Petition with St. Johns County?
21

22 On October 25, 2013 the Petitioner filed the original Petition with the St. Johns County
23 Clerk, along with a \$15,759 filing fee. Copies of the Petition were also provided to the
24 County Administrator and County Attorney. Supplemental information was provided on
25 December 19, 2013.
26

27 27. Has notice of the hearing been provided in accordance with section 190.005, Florida
28 Statutes?
29

30 Yes. A notice of hearing is being published in the St. Augustine Record, a newspaper of
31 general circulation in St. Johns County, as a display ad for four (4) consecutive weeks
32 immediately preceding the hearing. Proof of publication will be filed with the County by
33 the time of the establishment hearing.
34

35 28. Who are the five persons designated in the Petition to serve as the initial Board of
36 Supervisors?
37

38 The five persons are Lane Gardner, Naomi Lumley, Ella English, Dan Jones and myself.
39

40 29. Do you know each of these persons personally?
41

42 Yes, I do.
43

44 30. Are each of the persons designated to serve as the initial Board of Supervisors
45 residents of the State of Florida and citizens of the United States?
46

47 Yes, they are.

1
2 31. Are there residential units planned for development within the proposed District?

3
4 Yes. There are approximately 345 residential units planned for development within the
5 proposed District.
6

7 32. Are there residents currently living within the areas to be included within the
8 District, and, if so, have they been notified about the creation of the District?
9

10 No. There are no residents living within the areas to be included within the District.
11

12 33. In addition to meeting the requirements of Florida law, what other steps will be
13 taken to ensure that prospective purchasers of the District receive notice of the
14 existence of the District and its assessments?
15

16 There are certain state law disclosure requirements that all community development
17 districts ("CDDs") must meet.
18

19 First, within thirty (30) days of the establishment of the District, a Notice of
20 Establishment is required to be recorded in the property records. The notice contains a
21 legal description of the boundaries of the District and discloses, through inclusion of the
22 bold-faced language set forth in the paragraph immediately below, that the District may
23 levy assessments as required by Section 190.0485, *Florida Statutes*. The document also
24 provides contact information for someone to obtain more information about the District.
25 This document should appear on a title search typically prepared when someone intends
26 to purchase a home after a District has been established.
27

28 Second, Section 190.048, *Florida Statutes*, requires certain contractual language to
29 appear in bold-faced and conspicuous type immediately prior to the signature line on
30 every initial purchase contract. The following language will be required: **The Southaven
31 Community Development District may impose and levy taxes or assessments, or
32 both taxes and assessments, on this property. These taxes and assessments pay the
33 construction, operation, and maintenance costs of certain public facilities and
34 services of the District and are set annually by the governing board of the District.
35 These taxes and assessments are in addition to county and other local governmental
36 taxes and assessments and all other taxes and assessments provided for by law.**
37

38 Third, when assessments are levied for the first time or when previously levied
39 assessments are raised, notice of a public hearing is required to be given by publication in
40 a local newspaper and by mail to all property owners within the District. The
41 assessments are then considered at a public hearing.
42

43 Fourth, the District will be required to adopt and record in the St. Johns County Public
44 Records a Disclosure of Public Financing and Maintenance of Public Improvements. This
45 Disclosure summarizes the financing plan the District has undertaken, the existence, if
46 any, of capital and operations and maintenance assessments, and the facilities and
47 services that the District provides and maintains. This Disclosure is then provided by the

District to the developer to satisfy the requirements of Section 190.009, *Florida Statutes*, and is also available for inspection by residents and prospective residents.

34. Would you please describe the proposed timetable for development of land within the proposed District?

It is anticipated that the District improvements will be made, acquired, constructed and/or installed in up to three (3) phases, commencing in 2014. It is anticipated that completion will be by 2029.

35. Has all of the developable land within the proposed District been planned as a single community?

Yes, the developable land, along with the master infrastructure to be maintained by the proposed District that will service the developable land, although anticipated to be constructed in three phases, is planned as a single community.

36. Would you generally describe the services and facilities you currently expect the proposed District to provide?

The Petitioner presently intends for the District to provide for roadways, wastewater facilities, off site utility extensions, stormwater management systems, landscape, lighting, entry features and an amenity center. Capital costs of these improvements, including associated contingencies and professional fees, will be borne by the District. Petitioner's good faith expectation of the costs associated with such improvements is itemized in Exhibit 7 to the Petition.

37. Did you cause the cost estimates identified in Exhibit 7 to be prepared?

Yes, the cost estimates were prepared under my supervision.

38. What methods were used to estimate these costs?

The estimates are based on research regarding historical costs of constructing similar infrastructure and current market conditions.

39. In your opinion, are the construction cost estimates for the proposed facilities for the proposed District reasonable?

Yes, to the best of my knowledge and based on the information available.

40. In general, what financing methods does the Petitioner propose the District may use to pay for the anticipated facilities and services?

Petitioner presently expects that the District will finance certain services and improvements through the issuance of tax exempt bonds. The debt issued by the proposed District is expected to be retired by non-ad valorem (sometimes referred to as special)

1 assessments on benefitted property within the proposed District. Ongoing maintenance
2 and operational activities are expected to be funded by non-ad valorem assessments as
3 well. Any facilities not financed with a bond issue are anticipated to be funded by the
4 developer using conventional financing options.
5

6 **41. Who will be responsible for paying the proposed District's assessments?**
7

8 Only current property owners and those who choose to acquire property within the
9 proposed District will be responsible for paying District assessments. It is not anticipated
10 that the proposed District will issue general obligation debt that pledges the full faith and
11 credit of the proposed District.
12

13 **42. Will these proposed District debts be an obligation of St. Johns County or the State
14 of Florida?**
15

16 No. The debts will be the obligation of the property owners/developer, as Florida law
17 provides that CDD debt cannot become the obligation of a city, a county, or the state
18 without the consent of that government.
19

20 **43. Why is the Petitioner seeking to have a CDD established for this area?**
21

22 There are hundreds of CDDs throughout the State of Florida. CDDs are an efficient,
23 effective way to provide infrastructure and have become accepted in the marketplace of
24 homebuyers. CDDs have the ability to assist in the streamlined and efficient maintenance
25 and operation of infrastructure and services to developing communities.
26

27 From our perspective, the establishment of a CDD is logical for this project. It provides a
28 long-term, stable, financially-secure entity. The proposed District is a structured, formal
29 entity with the legal ability to respond to future changes in the circumstances and desires
30 of its residents. Under Florida law, the proposed District has access to the County's tax
31 collection mechanisms, which helps ensure that the facilities will be maintained. In that
32 sense, it is preferable over control by a property owners' association.
33

34 A CDD has the financial capability to assist in the provision of necessary capital
35 improvements sooner than may otherwise be the case. The County, developers, builders
36 and residents will all benefit from these improvements in terms of access, traffic flow,
37 safety and general property enhancement. A CDD additionally is the entity preferred by
38 many regulatory agencies, including many water management districts, to operate and
39 maintain the stormwater management and other similar systems. This is because the
40 CDD is a perpetual entity, operating in open meetings, with the financial ability to ensure
41 that the maintenance of these important environmental facilities and amenities is
42 accomplished. Given the nature of this project, in my opinion, a CDD is a logical,
43 prudent, and desirable way to ensure this needed infrastructure is maintained.
44

45 **44. Does this conclude your testimony?**
46

47 Yes.

The St. Augustine Record

COPY OF ADVERTISEMENT

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **MEGAN BECKER**

who on oath says that he is an Employee of the St. Augustine Record,


a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a **DISPLAY AD**

In/the matter of **NOTICE OF HEARING – SOUTHAVEN CDD**

was published in said newspaper **APRIL 8, 15, 22, 29, 2014**

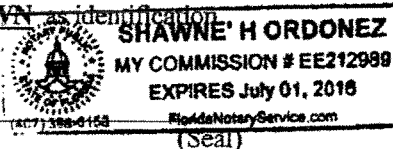
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.


MEGAN BECKER

Sworn to and subscribed before me this 29th day of **APRIL**, 2014.

by MEGAN BECKER who is personally known to me
or who has produced PERSONALLY KNOWN as identification


(Signature of Notary Public)



NOTICE OF LOCAL PUBLIC HEARING

St. Johns County Board of County Commissioners
For Establishment of the Southaven Community Development District

DATE: May 6, 2014
TIME: 9:00 a.m.
LOCATION: County Auditorium, County Administration Building
500 San Sebastian View
St. Augustine, Florida

In accordance with the provisions of Chapter 190, Florida Statutes, a public hearing will be held by the St. Johns County Board of County Commissioners beginning at 9:00 a.m. on May 6, 2014, in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to consider an ordinance granting a petition to establish the "Southaven Community Development District" (the "District"). The title of the proposed ordinance is as follows:

AN ORDINANCE ESTABLISHING THE SOUTHAVEN COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES (2013) NAMING THE DISTRICT, DESCRIBING THE EXTERNAL BOUNDARIES OF THE DISTRICT, DESCRIBING THE FUNCTIONS AND POWERS OF THE DISTRICT, DESIGNATING FIVE PERSONS TO SERVE AS THE INITIAL MEMBERS OF THE DISTRICT'S BOARD OF SUPERVISORS, PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

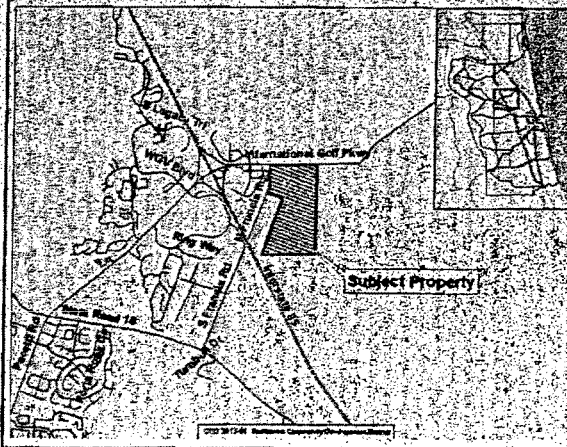
The District is comprised of approximately 314 acres, more or less, generally located south of International Golf Parkway and east of North Francis Road, entirely within St. Johns County, Florida. The petitioner has proposed to establish the District to plan, finance, acquire, construct, operate and maintain infrastructure and community facilities which may be authorized by such district under Florida law, including Chapter 190, Florida Statutes.

Copies of the petition, department reports and proposed ordinance are open to public inspection at the Long Range Planning Division of the Growth Management Department in the Permit Center at 4040 Lewis Speedway, St. Augustine, Florida.

All interested persons and affected units of general-purpose government shall be given an opportunity to appear at the hearing and present oral or written comments on the petition. Any person or affected unit of general-purpose government, who wish to appeal any decision made by the Board with respect to any matter considered at this public hearing, will need a record of the proceedings. For that purpose, the person or local unit of general-purpose government must insure that a written record of the proceedings is made that includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceedings should contact ADA Coordinator, at (904) 208-0650 or the County Administration Building, 500 San Sebastian View, St. Augustine, FL 32085 (for hearing-impaired individuals call Florida Relay Service at 1-800-955-8770, no later than 3 days prior to the date of the hearing).

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JAY MORRIS, CHAIRMAN
File Number: CDD/2013-01



STATE OF FLORIDA DEPARTMENT OF STATE

I, KEN DETZNER, Secretary of State of the State of Florida,
do hereby certify that the above and foregoing is a true and correct
copy of St. Johns County Ordinance No. 2014-22, which was filed
in this office on May 13, 2014, pursuant to the provisions of
Section 125.66, Florida Statutes, as shown by the records of this
office.

**Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
15th day of May, A.D., 2014.**



Ken Detzner
Secretary of State