



# **The Florida House of Representatives**

## **State Affairs Committee**

### **Local Administration & Veterans Affairs Subcommittee**

**Rep. Chris Sprowls**  
**Speaker**

**Rep. Jackie Toledo**  
**Subcommittee Chair**

October 13, 2022

Louis Colantuoni, Jr.  
7849 Coconut Boulevard  
West Palm Beach, FL 33412

Bob Morgan  
13784 67th Street North  
West Palm Beach, FL 33412

Elizabeth Accomando  
6521 Carol Street  
Loxahatchee, FL 33470

Re: 2022 Feasibility Study: Proposed Municipal Incorporation of Village of Loxahatchee

Dear Mr. Colantuoni, Mr. Morgan, and Ms. Accomando:

On September 2, 2022, we received the 2022 feasibility study for the proposed municipal incorporation of the Village of Loxahatchee. The purpose of this letter is to identify issues or questions noted in our review and provide you an opportunity to clarify or revise the information provided in the study. As part of the review process we will request certain state entities to analyze the feasibility study together with this letter and any supplemental material you provide.

By statute, municipalities must meet certain population, geographic, and legal requirements in order to incorporate. If a proposed municipality does not satisfy one or more of these statutory requirements, the Legislature must waive each unmet requirement to allow incorporation.

The feasibility study for the proposed municipality of Loxahatchee appears to comply with 18 of the 22 statutory requirements for incorporation. The feasibility study raises questions in the following areas:

- Section 165.041(1)(b)3.a., F.S., requires a list of current land use designations applied to the subject area in the county comprehensive plan, while section 165.041(1)(b)3.b., F.S., requires a list of current county zoning designations. The feasibility study provides a

narrative describing current land use and zoning designations and a series of maps. However, despite the addition of a legend on each map, the image quality of the maps makes it unclear which designations apply to the areas on each map.

Suggested resolution: Please provide a version of each map with sufficient clarity so that land use and zoning designations are legible.

- Section 165.041(1)(b)8., F.S., requires evidence of fiscal capacity and an organizational plan including minimum requirements for revenue bases and operational capacity. Pages 34-36 refer to a planned interlocal agreement with the Indian Trails Improvement District to turn over certain services and assets to the new municipality, such as roads and park improvements, as well as for the district to continue providing other services, such as drainage and water control. We note that litigation continues between the district, Minto PBLH, LLC, and Seminole Improvement District, raising issues of property rights, public road access, governmental permitting, and governmental authority of the district. The feasibility study does not address the potential consequences for the new municipality of this litigation, such as the possible costs of increased obligations to the defendants if the district does not prevail.

Suggested resolution: Please provide additional information on the potential impact on the district's assets, obligations, duties, and liabilities of an adverse outcome in the case styled *Minto PBLH, et al. v. Indian Trails Improvement District, et al.*, Case No. 50-2020-CA-006322-XXXXMB, pending in the Circuit Court for the Fifteenth Judicial Circuit. Please also provide information on how such potential impacts to the district would impact the proposed five-year operational plan for the new municipality.

- Section 165.061(1)(a), F.S. requires each new municipality to be compact, contiguous, and amenable to separate municipal government. While the proposed municipality appears to be contiguous, it is unclear if it is sufficiently compact and amenable to separate municipal government.
- Section 165.061(1)(d), F.S. requires each new municipality to have a minimum distance of at least two miles from the boundaries of any existing municipality in the same county or to be separated from such municipality by an extraordinary natural barrier. The proposed municipality appears to share borders with five existing municipalities: Westlake, Loxahatchee Groves, Royal Palm Beach, Palm Beach Gardens, and West Palm Beach.

LT/Proponents  
October 13, 2022  
Page 3

Please provide any supplemental materials responding to the foregoing issues within ten (10) days from the date of this letter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, reading "Eric H. Miller". The signature is written in a cursive style with a large initial "E" and "M".

Eric H. Miller, Policy Chief  
Board Certified in State & Federal Government & Administrative Practice

cc: The Honorable Representative Rick Roth, w/copy of feasibility study