

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

IN RE: PETITION TO ESTABLISH )  
THE MYAKKA RANCH COMMUNITY )  
DEVELOPMENT DISTRICT ) Case No. 07-1135  
\_\_\_\_\_ )

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

On June 21, 2007, a local public hearing under Subsection 190.005(1)(d), Florida Statutes (2006),<sup>1</sup> was conducted by Daniel M. Kilbride, Administrative Law Judge (ALJ) of the Division of Administrative Hearings (DOAH). The hearing was held at the Holiday Inn Lakewood Ranch, 6231 Lake Osprey Drive, Sarasota, Florida.

APPEARANCES

For Petitioner: Kevin S. Hennessy, Esquire  
Jennifer R. Cowan, Esquire  
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STATEMENT OF THE ISSUE

The issue before the Florida Land and Water Adjudicatory Commission (FLWAC) in this proceeding is whether the Petition to Establish the Myakka Ranch Community Development District (Petition) meets the criteria set forth in Chapter 190, Florida Statutes, and Chapter 42-1, Florida Administrative Code. The local public hearing was for the purpose of gathering

information in anticipation of quasi-legislative rulemaking by FLWAC.

PRELIMINARY STATEMENT

On December 6, 2006, Resource Conservation of Sarasota, LLC (Petitioner) filed the Petition and supplemental information to the Petition with FLWAC. The Petition requested that FLWAC adopt a rule to establish a community development district, to be called Myakka Ranch Community Development District (District). Prior to the filing, Petitioner provided for delivery of the Petition and its attachments, along with the requisite filing fee, to Sarasota County (County).

The land to be included within the proposed District is located entirely within the limits of the unincorporated area of the County. Subsection 190.005(1)(c), Florida Statutes, provides that the County and the municipality containing all or a portion of the lands within the proposed District have the option to hold a public hearing within forty-five days of the filing of a petition. The Sarasota County Board of County Commissioners (Board) held an optional public hearing on January 10, 2007. During this duly advertised public hearing, the Board passed Resolution 2007-012, representing its consent to and support of the establishment of the District based on the consideration of each of the six statutory factors set out in Subsection 190.005(1)(e), Florida Statutes.

On March 9, 2007, the Clerk of FLWAC filed the Petition with DOAH for the purpose of holding the public hearing required under Subsection 190.005(1)(d), Florida Statutes. Petitioner then published notice of the local public hearing in accordance with Subsection 190.005(1)(d), Florida Statutes.

The local public hearing before the ALJ was held on Thursday, June 21, 2007, at 9:00 a.m., at the Holiday Inn Lakewood Ranch, 6231 Lake Osprey Drive, Sarasota, Florida. On May 17, 2007, Petitioner pre-filed the written testimony of its witnesses: Patrick K. Neal, co-manager and 50 percent owner of Resource Conservation of Sarasota, LLC; Elizabeth Benac, an expert in land planning and an expert in the establishment of community development districts, who is Vice President, Principal, and Manager of Planning for WilsonMiller; and Hank H. Fishkind, Ph.D., an expert economist, an expert in urban and regional economics, and an expert in the creation and management of community development districts, who is Chief Executive Officer of Fishkind & Associates. At the public hearing, Petitioner presented the testimony of Dale Weidemiller, President of Neal Communities Land Development, Inc.; Patrick K. Neal; Elizabeth Benac; and Dr. Henry H. Fishkind. Public comment was received at the hearing from Glenn Peachey, 4710 Verner Road, Myakka City, Florida 34251.

During the hearing, the pre-filed testimony of Neal, Benac, and Fishkind were received into evidence as Composite Hearing Exhibit 1. A PowerPoint presentation that summarized Weidemiller's testimony was received into evidence as Hearing Exhibit 2. A copy of the Petition including attachments was received into evidence as Composite Hearing Exhibit 3. A copy of the Statement of Estimated Regulatory Costs was received into evidence as Hearing Exhibit 4. Two maps, collectively referred to as "Future Land Uses of Surrounding Parcels, Sarasota County, Florida" were received into evidence as Hearing Exhibit 5. A copy of Estimated Construction Costs and Phasing was received into evidence as Hearing Exhibit 6. The proof of publication providing notice was received into evidence as Hearing Exhibit 7. A certified copy of Resolution No. 2007-012 of the Board of County Commissioners of Sarasota County was received into evidence as Hearing Exhibit 8.

The Transcript of the local public hearing was filed with DOAH on June 28, 2007. Petitioner filed a Proposed Findings of Fact, Conclusions of Law, and Recommended Order on July 11, 2007.

#### SUMMARY OF THE RECORD

##### A. Petition and Related Matters

1. Petitioner seeks the adoption of a rule by FLWAC to establish a community development district which would consist

of approximately 1,055 acres located entirely within the boundaries of unincorporated Sarasota County. Petition Exhibit 1 describes the metes and bounds of the external boundaries of the District.

2. The Petition states that there are no parcels of land within the external boundaries of the proposed District which are to be excluded from the District.

3. Petition Exhibit 2 contains written consent to the establishment of the District by the only two landowners within the District: FC, LLC, a Florida limited liability company; and Myakka Ranch Holdings, LLC, a Florida limited liability company. This exhibit establishes consent of 100 percent of the landowners within the boundaries of the proposed District.

4. The Petition states that the proposed name of the District is "Myakka Ranch Community Development District."

5. The Petition names the five persons designated to be the initial members of the Board of Supervisors of the proposed District. James R. Schier, Dale E. Weidemiller, Priscilla G. Heim, Karen L. Byrnes, and Alan Anderson are all listed at the same address: 8210 Lakewood Ranch Boulevard, Bradenton, Florida 34202. The Petition states that they are all residents of the State of Florida and citizens of the United States of America.

6. Future land uses are shown on Petition Exhibit 3. The Petition states that the proposed land uses are consistent with the Sarasota County Comprehensive Plan.

7. The Petition describes what infrastructure the District intends to provide, the proposed cost of that infrastructure, and the proposed timetable for construction. The proposed timetable for construction of the infrastructure was filed as supplemental information to the petition.

8. Petition Exhibit 4 is the statement of estimated regulatory costs (SERC), which is based upon presently available data. The SERC was prepared in accordance with the requirements of Section 120.541, Florida Statutes.

9. The SERC contains an estimate of the costs and benefits to all persons directly affected by the proposed rule to establish the District. These persons include the State of Florida and its citizens, the county and its citizens, Petitioner, and other consumers.

10. Beyond administrative costs related to rule adoption, the State and its citizens will only incur minimal costs from the District's establishment. These costs are related to the incremental costs to various agencies of reviewing one additional local government report. The proposed District will require no subsidies from the State. Benefits will include

improved planning and coordination of development, which is difficult to quantify but nonetheless significant.

11. Administrative costs incurred by the County related to rule adoption will be modest. These modest costs are offset by the \$15,000 filing fee required to accompany the copy of the Petition filed with Sarasota County.

12. Future landowners in the District may be required to pay non-ad valorem or special assessments for certain facilities. Generally, District financing will be less expensive than maintenance through a municipal service taxing unit, a neighborhood association, City/County provision, or through capital improvements financed through developer loans. Benefits to consumers in the area within the community development district will include a higher level of public services and amenities than might otherwise be available, community services completed concurrently with development of the lands within the District, and a larger share of direct control over community development services and facilities within the area. Locating within the District is voluntary. The District therefore provides an alternative means to finance necessary community services.

13. The Petition alleges that prior to the filing of the Petition, Petitioner submitted a copy of the Petition with

Exhibits and the filing fee of \$15,000.00 to the County, in accordance with Subsection 190.005(1)(b), Florida Statutes.

14. The Petition alleges that it should be granted according to the factors listed in Subsection 190.005(1)(e), Florida Statutes.

15. The Petition meets all of the requirements of Subsection 190.005(1)(a), Florida Statutes.

B. Additional Information

16. Subsection 190.005(1)(d), Florida Statutes, requires Petitioner to publish notice of the local public hearing in a newspaper of general circulation in Sarasota County for four consecutive weeks prior to the hearing. The notice was published in a newspaper of general paid circulation in Sarasota County (*The Sarasota Herald-Tribune*) for four consecutive weeks, on May 26, June 2, June 9, and June 16, 2007.

SUMMARY OF EVIDENCE AND TESTIMONY

A. Factor 1: Whether all statements contained within the Petition have been found to be true and correct.

17. Composite Hearing Exhibit 3 consists of the Petition and its attachments as filed with the Commission. Mr. Neal testified that he had reviewed the contents of the Petition and approved its findings. Mr. Neal testified that the statements in the Petition are accurate and complete to the best of his knowledge.



18. Mr. Neal testified that the supplemental information to the Petition, Exhibits 4-6, were prepared in support of the Petition at his request.

19. Dr. Fishkind testified that he had prepared Exhibit 4, the Statement of Estimated Regulatory Costs.

20. The Petition included written consent to establish the District from 100 percent of the owners of the real property located within the lands to be included in the proposed District. Mr. Neal testified that there are two different owners of the proposed district: FC, LLC, and Myakka Ranch Holdings, LLC. Mr. Neal further testified that he owns Myakka Ranch Holdings, LLC. He also stated that there are no plans to sell any of the lands within the proposed District prior to the establishment of the District. A copy of the Consent of Landowners, for each landowner, is in the record.

B. Factor 2: Whether the establishment of the District is inconsistent with any applicable element or portion of the State Comprehensive Plan or of the effective local government comprehensive plan.

21. Ms. Benac reviewed the proposed District in light of the requirements of the State Comprehensive Plan, Chapter 187, Florida Statutes, and the Sarasota County Comprehensive Plan.

22. The State Comprehensive Plan "provides long-range policy guidance for the orderly social, economic and physical growth of the State."

23. Ms. Benac testified that the proposed large-lot subdivision and alternative Hamlet Land Use is consistent with the State Comprehensive Plan. Specifically, and based upon review of the Petition and related information, Ms. Benac testified that the proposed District is consistent with the following goals and its policies:

- a) Goal 7, Water Resources, assures the availability of an adequate water supply 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.
- b) Policy 13 of Goal 7, recognizes the importance of identifying and developing alternative methods of wastewater treatment, disposal, and reuse of waste water to reduce degradation of water resources.
- c) Goal 9, Natural Systems and Recreational Lands, protects unique natural habitats and ecological systems, and restores degraded natural systems to a functional condition.
- d) Policy 7 of Goal 9, provides for protecting and restoring the ecological functions of wetland systems to ensure their long-term environmental, economic, and recreational value.
- e) Goal 15, Land Use, recognizes the importance of preserving the natural resources and enhancing the quality of life in the state of Florida by locating development in 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.

f) Policy 2 of Goal 15, provides for the development of 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.

g) Policy 3 of Goal 15, provides for the enhancement of the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

h) Goal 17, Public Facilities, mandates protection of the substantial investments in public facilities that already exist and planning for and financing new facilities to serve residents in a timely, orderly, and efficient manner.

i) Policy 1 of Goal 17, provides incentives for developing land in a way that maximizes the uses of existing facilities.

j) Policy 3 of Goal 17, allocates the costs of new public facilities on the basis of the benefits received by future residents.

k) Policy 4 of Goal 17, creates a partnership among state and local government 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.

l) Policy 6 of Goal 17 encourages the identification and implementation of innovative but fiscally sound and cost-effective techniques for financing public facilities.

k) Policy 9 of Goal 17, promotes the identification and use of stable revenue sources which are also responsive to growth for financing public facilities.

m) Policy 2 of Goal 20, allows for 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.

24. Ms. Benac stated that the proposed services of the District under the Hamlet development scenario include the provision of public infrastructure within the District including stormwater management, sanitary sewer, potable water distribution, roadways, landscaping, and related improvements. She also said that upon completion, the District will maintain the stormwater management system and Sarasota County will maintain the sanitary and potable water facilities.

25. Ms. Benac evaluated the testimony and exhibits in the record and testified that the proposed District will not be inconsistent with any applicable element or portion of the State Comprehensive Plan.

26. The Sarasota County Comprehensive Plan contains numerous goals, objectives, and policies. According to Ms. Benac, the County has also adopted the Sarasota 2050 Plan, which includes specific goals, objectives, and policies that are designed to serve as a supplement to the Future Land Use Chapter of the Sarasota County Comprehensive Plan.

27. Ms. Benac testified that the District's proposed large-lot subdivision is consistent with the existing rural designation for the site on the Sarasota Future Land Use Map in the Sarasota Comprehensive Plan. Further, she stated that the current proposed Hamlet Land Use option is also consistent with the designated land use in the adopted Sarasota 2050 Plan. The Hamlet Land Use is an alternative development option under the Sarasota Comprehensive Plan.

28. Ms. Benac stated that the Sarasota County Comprehensive Plan mandates that a Hamlet development must provide central water and may provide central wastewater and irrigations services depending on the location, soil conditions, the proximity to existing central services, and other criteria. The proposed District is to provide central wastewater and potable water facilities. Additionally, the District's proposed public streets, centralized water, and wastewater systems in the Hamlet Development Option is consistent with the requirements of the Sarasota County Comprehensive Plan, according to Ms. Benac.

29. Based on the pre-filed testimony, the live testimony at the hearing, and exhibits in the record, the proposed District will not be inconsistent with any applicable element or portion of the Sarasota Comprehensive Plan.

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

30. Testimony on these factors was provided by Ms. Benac.

31. The proposed District will include approximately 1,055 acres, located entirely within the boundary of unincorporated Sarasota County, Florida.

32. The term "compactness" relates to the closeness in distance between the lands within the development.

33. The proposed District's boundaries form a community that is sufficiently compact, with no obstacles separating the land uses, and the property is not irregular in shape. The property is not divided, and the land area is such that it can accommodate both physical and social amenities.

34. The term "contiguous" is a spatial term used to describe lands which are adjacent.

35. The District's land is spatially close together, it is completely contiguous, and it is large enough in land area to allow for the efficient provision of infrastructure systems, facilities, and services.

36. Functional interrelation means that each community purpose has a mutual relationship to the other. Each function must be designed to contribute to the development or the maintenance of the community. Additionally, the land area of

the community must be of sufficient size to accommodate the permitted land uses and the required, interrelated infrastructure facilities and services.

37. The District includes a unified site plan for a Hamlet Development option in addition to a large-lot subdivision. The Hamlet development regulations include a maximum size (400 units) and a minimum open space requirement, with which the District's plan is in compliance. Additionally, the proposed District has been evaluated as to the costs associated with providing the necessary community facilities. Given the results of the cost estimates and the compliance with the standards for a Hamlet development option as provided through the extensive Sarasota 2050 process, the evidence shows that the proposed District is of sufficient size to be developed as one functional interrelated community.

38. Based on the pre-filed testimony, the live testimony at the hearing, and evidence in the record, Petitioner has demonstrated that the proposed District will be of sufficient size, sufficiently compact, and sufficiently contiguous to be developed as a single functionally interrelated community.

D. Factor 4: Whether the proposed District is the best alternative available for delivering community development services and facilities to the area that will be served by the proposed District.

39. Ms. Benac and Dr. Fishkind testified as to the District being the best alternative available.

40. The District is comprised of over 1,000 acres, and it will require extensive and expensive infrastructure facilities. These facilities must be operated and maintained once they are constructed.

41. "Community development services and facilities" are generally described as the necessary infrastructure required to provide for the daily needs of the community. These services and facilities include potable water, wastewater treatment service, stormwater management, roads, irrigation, landscaping, and related improvements that may be provided, such as lighting or recreational uses. Further, many of these "services" consist of district management services which are similar in nature to those associated with being a manager of a city or a town in Florida, including: holding regular meetings, properly keeping the books and financial records, and advertising the meetings and filing the reports with the State of Florida and other units of government.

42. "Best alternative available" implies that there has been an evaluation of the various alternative ways to provide



basic systems, facilities, and services to the community development.

43. Dr. Fishkind and Ms. Benac evaluated three alternative ways to provide basic systems, facilities, and services to the community development on this property in Sarasota County. The first way is through improvements constructed and maintained by a private developer, such as separate private infrastructure contractors, a private utility company, a homeowners' association, a property owners' association, or any combination of these private means of providing community development services and facilities along with related financing powers. The second alternative would be public (either through the County or by County management while financed through the use of County Municipal Service Taxing Units (MSTU), County Municipal Service Benefit Units (MSBU), or "dependent districts"). The third alternative would also be public, but through the specialized, limited, single-purpose Community Development District created pursuant to Chapter 190, Florida Statutes, which combines with both public and private interests and capabilities.

44. Planning considerations in determining the best alternative to deliver basic infrastructure to community developments include: whether the alternative is able to provide a higher quality of services and facilities; whether the

alternative is available to deliver the facilities and services in a timely manner when the community development service and facility demand occur; whether the alternative has a means of management that would be responsive to the community development over the long term; and whether the alternative could obtain and maintain long-term financing to facilitate the management benefits. Long-term and sustained adequacy and efficiency of infrastructure are important, as is the assurance that the supply of infrastructure will be available in advance of the impacts of the actual development (also known as "concurrency").

45. Dr. Fishkind compared the proposed District to a property owners' association (POA). The District will be governed by Florida's open meetings laws, open financial records, and all of the other public safeguards that apply to local governments. A POA is not subject to these public protective measures. In addition, unlike the District, a POA does not have the power to impose special assessments on properties in the community. Instead, it must rely upon its lien powers. This is not sufficient as a credit source to allow a POA to fund the extensive and expensive infrastructure program needed for the community.

46. Dr. Fishkind then compared the County with the proposed District for the provision of community facilities and services to the area. The District will be a focused unit of

local government with the sole purpose of providing the facilities and services needed for the community. The County has numerous other functions and responsibilities, so the County is simply less focused on the community compared to the District. In addition, the County has more difficulty raising the funds it needs to provide infrastructure facilities. The District will impose assessments on the properties benefiting from its capital improvement program and will not likely have any difficulty raising the funds needed. The County could do the same, but its focus is entirely different. This is important in the context of the size and complexity of the community's infrastructure needs. The District will be a unit of local government so, like the County, all of its meetings must be in the sunshine, and the District will be governed by all the same laws as the County. Thus, the District will afford its residents the same protections under Florida law as the County, but the District will be more local and more focused.

47. The Sarasota County Comprehensive Plan states in the Future Land Use Policy 3.1.10, "Financial strategy for infrastructure development and maintenance including the construction and maintenance of all required public infrastructure. Community Development Districts are one of the preferred financing techniques for infrastructure needs." Further, the District's property is located within the

village/open space Resource Management Area (RMA), which encourages the use of a Community Development District for delivery of community facilities and services. Sarasota County's Capital Improvement Plan for the District's area reflects that no sewer or water lines are planned to serve this area in the near future. The development plan (including the proposed infrastructure costs) demonstrates that the infrastructure could be provided in a cost-effective manner to service the proposed Hamlet alternative development plan.

48. County Policy VOS2.9 of the Village/Open Space RMA approval process requires that a Hamlet development option "provide adequate infrastructure that meets or exceeds the level of service standards and be fiscally neutral or beneficial to Sarasota County government and residents outside that development." The policy also requires that the "intent of Fiscal Neutrality is that the costs of additional local government services and infrastructure that are built or provided for the Hamlet shall be funded by properties within the approved Hamlet." According to Ms. Benac, community development districts have been established in other new communities so as to provide for the cost-effective provision of community facilities and services and those Community Development Districts have proven to be the best alternative for ensuring the long-term maintenance of services and facilities at a level

of service that the community desires without burdening taxpayers who live outside the district. Further, Dr. Fishkind stated that community development districts have been a superior mechanism for infusing infrastructure into property, and for isolating the expenses relative to the particular owner.

49. From planning, economic, and special district management perspectives, Petitioner has demonstrated that the proposed District is the best alternative available for delivering community development services and facilities to the area that will be served by the District.

E. Factor 5: Whether the community development services and facilities of the proposed District will be incompatible with the capacity and uses of existing local and regional community development services and facilities.

50. There are no regional community development services and facilities available to serve the proposed development. The proposed local community development services and facilities for the proposed development will ensure that there is capacity available for the provision of water and wastewater treatment facilities. However, the provision of these services will not be assured until the construction plans for the proposed community development district are approved by the County.

51. The District's proposed community services and facilities include infrastructure improvements limited primarily to stormwater management, sanitary sewer, potable water

distribution, roadways, landscaping, and related improvements, given a Hamlet Development option. Upon completion, Sarasota County will maintain the sanitary sewer and potable water facilities, and the District will maintain the stormwater management system, the roadways, and any remaining improvements. The District will be the maintenance entity for the private improvements. If the Hamlet development option is not chosen the District will provide stormwater management, roadways, landscaping, and related improvements; individual septic systems and potable wells owned by the lot owners may provide for wastewater treatment and potable water.

52. The services and facilities of the proposed District will not be incompatible with the capacity and uses of the existing local and regional community development services and facilities.

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

53. As cited previously, the area of land to be included in the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developed and become a functionally interrelated community.

54. The community to be included in the District has need for certain basic infrastructure systems, and the proposed District provides for an efficient mechanism to oversee the

installation of these improvements. From planning, engineering, economic and management perspectives, the area that will be served by the District is amenable to separate special-district government.

G. Public Comment on the Petition.

55. The only public comment related to the total acreage of the proposed District and its current zoning. Specifically, Mr. Peachey inquired as to how many of the 1,055 acres was zoned "one to five" and how many were zoned "one to ten."

Mr. Weidemiller responded that approximately 755 acres of the District are currently zoned at one unit per five acres, and approximately 300 acres are zoned at one unit per ten acres.

APPLICABLE LAW

56. This proceeding is governed by Chapters 190 and 120, Florida Statutes, and Chapter 42-1, Florida Administrative Code.

57. Subsection 190.005(1), Florida Statutes, provides that the exclusive method for establishing a community development district with a size of 1,000 acres or more shall be by rule adopted by FLWAC.

58. The evidence indicates that the proceeding was properly noticed pursuant to Section 190.005, Florida Statutes, by publication of an advertisement, in the proper section of a newspaper of general paid circulation in Sarasota County, and of general interest and readership, once each week for the four

successive weeks immediately prior to the June 21, 2007, hearing.

59. The evidence indicates that Petitioner has met the requirements of Subsection 190.005(1)(d), Florida Statutes, regarding the submission of the Petition and filing fee requirements.

60. Petitioner bears the burden of establishing that the petition meets the relevant statutory criteria set forth in Subsection 190.005(1)(e), Florida Statutes.

61. All portions of the Petition and other submittals have been complete and filed as required by law.

62. The evidence indicates that all statements contained within the Petition and supplemental materials as corrected and supplemented at the hearing are true and correct.

63. The evidence indicates that the establishment of the District is not inconsistent with any applicable element or portion of the State Comprehensive Plan or the Sarasota County Comprehensive Plan.

64. The evidence indicates that the area of land within the proposed District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community.

65. The evidence indicates that the proposed District is the best alternative available for delivering community



development services and facilities to the area that will be served by the District.

66. The evidence indicates that the community development services and facilities of the proposed District will not be incompatible with the capacity and uses of existing local and regional community development services and facilities.

67. The evidence indicates that the area to be served by the proposed District is amenable to separate special district government.

#### CONCLUSION

Subsection 190.005(1)(e), Florida Statutes, states that FLWAC "shall consider the entire record of the local hearing, the transcript of the hearing, resolutions adopted by local general-purpose governments," and the factors listed in that subparagraph. Based on the record evidence, the Petition appears to meet all statutory requirements, and there appears to be no reason not to grant the Petition and establish the proposed Myakka Ranch Community Development District by rule.

DONE AND ENTERED this 31st day of July, 2007, in  
Tallahassee, Leon County, Florida.



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Filed with the Clerk of the  
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this 31st day of July, 2007.

ENDNOTE

1/ All references to Florida Statutes are to Florida Statutes  
(2006).

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