

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION  
AGENDA**

**November 22, 2005**

1. **Approval of the minutes of the meeting held August 9, 2005.**
2. **Consideration of a Petition to Dissolve the Cocohatchee Community Development District in the Lee County, Florida. Petitioner: Cocohatchee Community Development District. FLWAC Case No. CDD-05-005.**

In 2003, the Florida Land and Water Adjudicatory Commission adopted rule chapter 42KK-1 setting forth the establishment, boundary and supervisors of the Cocohatchee Community Development District (District). The development contemplated in 2003 was never undertaken. On July 5, 2005, the District Board of Supervisors filed a petition requesting the Commission begin proceedings to repeal chapter 42KK-1, F.A.C., as the District has determined that it is in the best interests of the District and the District's current and future landowners and residents that the District be dissolved. The property within the District is under contract and the plan of development for the property has changed. Rather than a single integrated development, several separate and distinct developments are planned, each of which will be owned and developed by a different entity. A single community development district is no longer consistent with the development plans of the contract purchaser.

Section 190.046(9), F.S., allows for the dissolution of a community development district which has no outstanding financial obligations and no operating or maintenance responsibilities by the repeal of the rule that established the district. The District is not providing any community development services or facilities to the property within its boundaries and has no outstanding financial obligations or operating and maintenance responsibilities.

Upon request of the Secretary, the Department of Community Affairs (DCA) reviewed the petition from the standpoint of their programs and responsibilities, and the requirements of section 190.005(1)(e), F.S. The DCA submitted a comment letter dated November 4, 2005, finding no potential inconsistencies with Chapter 163, F.S.

Pursuant to Chapter 120, F.S., a notice of proposed rule repeal was published in the *Florida Administrative Weekly*. No public hearings were requested and no written comments were received as a result of the notice of proposed rule repeal.

**Recommendation:**

Approve the dissolution of the Cocohatchee Community Development District and authorize the Secretary to file for final rule repeal.

**Back-Up:**

Cocohatchee Community Development District's letter and petition dated July 5, 2005.

Cocohatchee Community Development District's letter dated August 5, 2005.

DCA's comment letter dated November 4, 2005.

Final Rule Repeal Package.