

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

I do hereby certify:

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

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

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

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

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed more than 90 days after the notice, but not less than 45 days from the date of publication of the notice of change; or

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

(e) Are filed more than 90 days after the notice, but within 21 days after the date of

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 TALLAHASSEE, FLORIDA  
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receipt of all material authorized to be submitted at the hearing; or

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

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

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

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rule is hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

42Z-1.001

42Z-1.002

42Z-1.003

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

Effective: December 1, 1999

*for* Jerese b. Jenker  
Secretary, Florida Land and Water  
Adjudicatory Commission

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Number of Pages Certified

### SUMMARY OF RULE

The purpose of this proposed rule is to establish the Brooks of Bonita Springs II Community Development District in Lee County, pursuant to the requirements of the Uniform Community Development District Act of 1980, as amended, and particularly section 190.005, F.S. The petition requests that the Commission establish such a uniform community development district with the uniform charter created by the Florida Legislature. The District is a specialized and limited single purpose local government, created by general law, to provide basic infrastructure to approximately 1222.85 acres of land, consisting of a community development located on proposed land areas designated in the local government comprehensive plan. On these lands, pursuant to appropriate development approvals, the petitioner is developing and will develop a mixed-use development. Though not legally material or relevant to the proposed rule: 1) the development to be serviced by the District on the proposed land is subject to a development order under section 380.06, F.S.; and 2) the entire development which will be serviced by the District is planned as residential community. It is noted, however, that the sole purpose of this proceeding is to authorize the establishment under section 190.006-190.041, F.S. Any information about necessary permits or development orders for construction, development, development impact or planning purposes regarding the community development to be serviced by the District are not within the scope of this proceeding and are irrelevant and immaterial to the rule section 190.002(2)6D, F.S., and section 190.004(3), F.S. The District by law is subject to, and shall not function inconsistent with, all existing and future development orders and permits. The area proposed to be served by the District is bounded on the North by Corkscrew Woodlands, Williams Road and various parcels of property; on the East by Interstate 75; on the West by Seminole Gulf Railroad and by undeveloped parcels of property west of

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Railroad; on the South by The Brooks, and comprises approximately 1,222.85 acres more or less.

### SUMMARY OF HEARINGS

The Commission published a Notice of Proposed Rule Development scheduling a public hearing for July 22, 1999, if requested. No hearing was requested and no written comments were received as a result of this notice.

The Commission published a Notice of Proposed Rule scheduling a public hearing for October 25, 1999, if requested. No hearing was requested and no written comments were received as a result of this notice.

The final public hearing was held on November 9, 1999, in Tallahassee, Florida, before the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission. There was no public testimony for or against the rule.

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STATEMENT OF FACTS AND CIRCUMSTANCES

JUSTIFYING ADOPTION OF RULE

Chapter 190, F.S., provides that a uniform community development district the size of 1,000 acres or more may be established by rule, adopted by the Florida Land and Water Adjudicatory Commission pursuant to Chapter 120, F.S. A community development district (CDD) is an independent unit of special purpose local government authorized by Chapter 190, F.S., as amended, to plan, finance, construct, operate and maintain community-wide infrastructure in large, planned community developments. CDDs provide a solution to the state's planning, management and financing needs for delivery of capital infrastructure to service projected growth without overburdening other governments and their taxpayers. Section 190.002(1)(a), F.S. Long Bay Partners, L.L.C., has petitioned to establish a uniform community development district pursuant to Chapter 190, F.S., as amended. The granting by rule of the petition to establish a community development district for the Brooks of Bonita Springs II Community Development would authorize the use of management and related financing mechanisms provided by Chapter 190, F.S., as amended, to provide infrastructure with respect to a community development of approximately 1,222.85 acres of land located within Lee County. The site is bounded on the North by Corkscrew Woodlands, Williams Road and various parcels of property; on the East by Interstate 75; on the West by Seminole Gulf Railroad and by undeveloped parcels of property west of Railroad; and on the South by The Brooks, development of regional impact in Lee County. The proposed District is designed to provide community infrastructure, services, and facilities along with their operations and maintenance to the existing Brooks development. The development plan for the proposed Brooks of Bonita Springs II CDD

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includes construction of approximately 1,586 single and multi-family residential dwelling units, passive recreational areas, up to 36 holes of golf, a golf clubhouse, and a network of trails and parks is authorized for inclusion within the Brooks of Bonita Springs II CDD. This District, if established, will be asked to provide infrastructure that will consist of roadways, roadway lighting, water management, utilities, security, landscaping, land/mitigation and off-site improvements. Community development is projected to occur over a seven year period.



THE TEXT OF THE PROPOSED RULE IS:

42Z Brooks of Bonita Springs II Community Development District

42Z-1.001 Creation and Establishment.

The Brooks of Bonita Springs II Community Development District is hereby created and established.

Specific Authority Section 190.005, F.S.

Law Implemented Sections 190.004 and 190.005, F.S.

History--New

42Z-1.002 Boundary.

The boundaries of the District are as follows:

Description of the Brooks at Bonita Springs II CDD Boundary limits. Being a part of Section 35, Township 46 South, Range 25 East, and a part of Sections 2, 3 and 11 Township 47 South, Range 25 East, Lee County, Florida. All that part of Section 35, Township 46 South, Range 25 East, Lee County, Florida and all that part of Section 2, 3 and 11, Township 47 South, Range 25 East Lee County, Florida, being more particularly described as follows: Commencing at the southeast corner of said Section 10; Thence along the south line of said Section 10 in the following two (2) described courses: 1. South 88°50'19" West 2664.18 feet; 2. South 88°50'37" West 2540.14 feet to the East Right-of-Way line of Seaboard Coast Railroad; Thence leaving said south line of Section 10, along said East Right-of-Way line of Seaboard Coast Railroad in the following two (2) described courses: 1. North 00°59'47" West 4648.64 feet; 2. Continue

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North 00°59'47" West 2268.16 feet to the POINT OF BEGINNING of the parcel herein described. Said point also being the Northwest corner of those lands described in Official Record Book 2988, Pages 3943 and 3944 Public Records of Lee County, Florida. Thence, leaving said lands, continue along said East Right-of-Way line of Seaboard Coast Railroad in the following four (4) described courses: 1. Continuing North 00°59'47" West 1116.83 feet; 2. North 00°56'59" West 1590.73 feet; 3. Northerly, 959.37 feet along the arc of a tangential circular curve concave to the West, having a radius of 5771.40 feet, through a central angle of 09°31'27" and being subtended by a chord which bears North 05°42'43" West 958.27 feet; 4. North 10°28'26" West 77.72 feet to a point on the Southerly Right-of-Way line of Williams Road; Thence leaving said Easterly Right-of-Way line of Seaboard Coast Railroad along said Southerly Right-of-Way line of Williams Road in the following three (3) described courses: 1. North 89°51'03" East 2623.11 feet to the North 1/4 corner of said section 3; 2. North 89°51'33" East 975.29 feet; 3. North 00°08'27" West 100.00 feet to a point on the North line of said Section 3; Thence leaving said Right-of-Way line of Williams Road along said North line of Section 3, North 89°51'33" East 1664.48 feet to the Northeast corner of said Section 3, also being the Southwest corner of said Section 35, Township 46 South, Range 25 East, Lee County, Florida; Thence along the West line of said Section 35, North 00°35'46" West 1320.30 feet to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 35; Thence leaving said West line along the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 35, North 89°55'37" East 1317.26 feet to the Northeast corner of the Southwest 1/4 of the Southwest 1/4 of said Section 35; Thence along the East line of said Southwest 1/4 of the Southwest 1/4 of Section 35, South 00°44'07" East 1318.67 feet to the Southeast corner of said Southwest 1/4 of the Southwest 1/4 of Section

35 and a point on the North line of said Section 2, Township 47 South, Range 25 East; Thence along said North line of Section 2, North 89°51'17" East 1321.50 feet to the North 1/4 corner of said Section 2; Thence continue along said North line of Section 2, North 89°50'12" East 2026.48 feet to a point on the Westerly Right-of-Way line of Interstate 75, a 410 foot Right-of-Way; Thence leaving said North line of Section 2 along said Westerly Right-of-Way line in the following two (2) described courses: 1. Southerly, 826.13 feet along the arc of a non-tangential circular curve concave to the West, having a radius of 5567.58 feet, through a central angle of 08°30'06" and being subtended by a chord which bears South 05°49'00" East 825.37 feet; 2. South 01°33'57" East 4512.58 feet to a point on the North line of said Section 11; Thence continue along Westerly Right-of-Way line of Interstate 75, continuing South 01°33'57" East 1238.06 feet; Thence leaving said Westerly Right-of-Way line, South 04°27'35" West 905.00 feet; Thence South 30°54'19" West 1303.84 feet; Thence South 81°18'33" West 1007.78 feet to a point on the boundary of those lands recorded in Official Record Book 2988, Pages 3943 and 3944, Public Records of Lee County, Florida. Thence along the boundary said lands in the following thirty seven (37) described courses: 1. South 88°26'03" West 206.76 feet; 2. North 01°33'57" West 765.95 feet; 3. South 88°26'03" West 1702.61 feet; 4. North 01°33'57" West 447.86 feet; 5. Northerly, 1185.82 feet along the arc of a tangential circular curve concave to the East, having a radius of 2150.00 feet, through a central angle of 31°36'04" and being subtended by a chord which bears North 14°14'05" East 1170.84 feet; 6. North 30°02'07" East 450.00 feet; 7. Northeasterly and Northwesterly, 3046.91 feet along the arc of a tangential circular curve concave to the West, having a radius of 2326.57 feet, through a central angle of 75°02'07" and being subtended by a chord which bears North 07°28'57" West 2833.79 feet; 8. North 45°00'00"

West 840.17 feet to a point of cusp; 9. Southeasterly and Southwesterly, 86.39 feet along the arc of a non-tangential circular curve concave to the West, having a radius of 55.00 feet, through a central angle of 90°00'00" and being subtended by a chord which bears South 00°00'00" East 77.78 feet; 10. South 45°00'00" West 364.09 feet; 11. Southwesterly, 518.58 feet along the arc of a tangential circular curve concave to the Southeast, having a radius of 1410.00 feet, through a central angle of 21°04'21" and being subtended by a chord which bears South 34°27'50" West 515.66 feet; 12. South 23°55'39" West 315.15 feet; 13. Southwesterly, 411.86 feet along the arc of a tangential circular curve concave to the Northwest, having a radius of 690.00 feet, through a central angle of 34°11'58" and being subtended by a chord which bears South 41°01'38" West 405.77 feet to a point on said curve; 14. Leaving said curve, North 31°52'23" West 341.35 feet; 15. South 82°07'16" West 152.59 feet; 16. North 81°30'32" West 83.39 feet; 17. South 03°20'20" East 148.07 feet; 18. South 09°20'29" West 281.28 feet; 19. South 76°34'28" West 133.02 feet; 20. South 13°14'05" West 46.40 feet; 21. South 77°38'21" West 253.20 feet; 22. Southwesterly, 490.21 feet along the arc of a tangential circular curve concave to the Southeast, having a radius of 800.00 feet, through a central angle of 35°06'32" and being subtended by a chord which bears South 60°05'05" West 482.58 feet to a point on said curve; 23. Leaving said curve, North 47°24'19" West 160.65 feet; 24. Northwesterly, 553.03 feet along the arc of a tangential circular curve concave to the Southwest, having a radius of 870.00 feet, through a central angle of 36°25'15" and being subtended by a chord which bears North 65°36'56" West 543.76 feet; 25. North 83°49'34" West 585.05 feet; 26. Westerly, 194.64 feet along the arc of a tangential circular curve concave to the North, having a radius of 1030.00 feet, through a central angle of 10°49'38" and being subtended by a chord which bears North 78°24'45" West 194.35 feet; 27. North

72°59'56" West 809.49 feet: 28. Northwesterly, 347.99 feet along the arc of a tangential circular curve concave to the Northeast, having a radius of 1030.00 feet, through a central angle of 19°21'28" and being subtended by a chord which bears North 63°19'12" West 346.34 feet: 29. North 53°38'28" west 139.43 feet: 30. South 56°09'42" West 159.61 feet: 31. South 77°48'40" West 213.76 feet: 32. South 38°46'55" West 99.90 feet: 33. South 56°27'43" West 151.50 feet: 34. North 68°38'03" West 93.81 feet: 35. South 71°17'54" West 139.66 feet: 36. North 77°55'23" West 169.23 feet: 37. North 83°46'55" West 192.72 feet to the POINT OF BEGINNING of the parcel described. Subject to easements and restrictions of record. Containing 1222.85 Acres more or less. Bearings are based on the South line of the Southeast 1/4 of said Section 10, being South 88°50'19" West.

Specific Authority Section 190.005, F.S.

Law Implemented Sections 190.004 and 190.005, F.S.

History--New

42Z-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Tom Burgess, David H. Graham, Carl Barraco, Laura Agnew, and Sarah Spaugh.

Specific Authority Section 190.005, F.S.

Law Implemented Sections 190.004 and 190.005, F.S.

History--New