

CHAPTER 2015-202

Committee Substitute for Committee Substitute for House Bill No. 1255

An act relating to Lee and Hendry Counties; creating and establishing the Lehigh Acres Municipal Services Improvement District as an independent special district; providing legislative findings and intent; providing a district charter; describing boundaries; providing powers and authority of the district; providing applicability of chapters 189 and 197, F.S., and other general laws; providing for a board; providing authority, duties, and powers of the district board; requiring approval by referendum before the district may exercise certain powers; providing a ballot statement; providing for elections, compensation, and removal of board members; authorizing the board to employ a manager and staff; repealing chapters 2000-423, 2003-315, 2005-308, 2006-319, 2009-260, and 2012-254, Laws of Florida, relating to the East County Water Control District; dissolving the East County Water Control District; providing for the transfer of assets, assumption of all lawful debts and other obligations, and continuation of contracts by the Lehigh Acres Municipal Services Improvement District; prohibiting annexation by any municipality of any area within the district; providing an exception for municipal incorporation of the entire area; providing construction; providing that the act shall take precedence over any conflicting law to the extent of such conflict; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Legislative findings.—The Legislature finds:

(1) The East County Water Control District is comprised of approximately 60,000 acres lying in the unincorporated area of eastern Lee County known as Lehigh Acres and approximately 2,000 acres of western Hendry County.

(2) According to the 2010 United States Census, the population of Lehigh Acres is approximately 86,784.

(3) Upon completion of all projected construction, the population of Lehigh Acres is projected to exceed 250,000, making Lehigh Acres one of the largest communities in Florida.

(4) The East County Water Control District currently provides such services as authorized under chapter 298, Florida Statutes, and operates under chapters 2000-423, 2003-315, 2005-308, 2006-319, 2009-260, and 2012-254, Laws of Florida, in the entire described area of Lehigh Acres in Lee and Hendry Counties.

(5) The Lehigh Acres Fire Control District currently provides such services as authorized under chapter 191, Florida Statutes, to the area of Lehigh Acres located in Lee County.

(6) The Lehigh Acres Streetlighting Unit is a municipal services taxing unit created and controlled by the Board of County Commissioners of Lee County. The Streetlighting Unit operates within a designated area of Lehigh Acres with the purpose of providing streetlighting, maintenance of streetlights, and installation and maintenance of decorative seasonal banners and holiday lighting.

(7) In nonbinding referenda conducted in 1996 and 2008, the residents in Lehigh Acres rejected proposed incorporation of a municipal general government.

(8) The residents in Lehigh Acres continue to prefer and support the method of non-ad valorem assessment used by the East County Water Control District and also prefer to use the same funding method to meet other specific needs within the community, including, without limitation, the installation and maintenance of streets, sidewalks, and streetlights.

(9) There is no pending or proposed municipal incorporation for Lehigh Acres, and the residents remain under several different special districts, imposing multiple layers of administration, regulation, and cost, including multiple assessments, both ad valorem and non-ad valorem, for the delivery of services.

(10) The unique history and situation of Lehigh Acres, the need and desire of the population for basic services now being addressed in part by multiple districts, and the lack of any reasonable alternatives prove that an independent special district with powers and authority sufficient to address the diverse needs of this population will provide the broadest degree of necessary services in the most efficient, least intrusive, and most cost-effective manner.

Section 2. Legislative intent.—

(1) Based on the foregoing findings, it is the intent of the Legislature to create and constitute the Lehigh Acres Municipal Services Improvement District for the purposes of providing the services authorized in this act.

(2) For the effective and efficient provision of services to all residents and visitors in Lehigh Acres, it is the intent of the Legislature for the Board of County Commissioners of Lee County and the Board of District Commissioners of the Lehigh Acres Municipal Services Improvement District, as soon as practicable, to negotiate for the implementation by the district of the powers authorized under subsection (2) of section 3 of section 4. It is the further intent of the Legislature that a framework be established to facilitate the negotiation for the implementation of each authorized power. In establishing this framework, the Legislature intends that the Board of

District Commissioners of the Lehigh Acres Municipal Services Improvement District be granted the authority and flexibility to negotiate for the implementation of each authorized power independently from any other authorized power.

Section 3. The Lehigh Acres Municipal Services Improvement District (“district”) is created as an independent special district in Lee and Hendry Counties. The district is organized and exists for all purposes and shall hold all powers set forth in this act and chapters 189 and 197, Florida Statutes, except as otherwise provided in this act. The district charter may be amended only by special act of the Legislature.

Section 4. The charter for the Lehigh Acres Municipal Services Improvement District is created to read:

Section 1. Name and corporate status.—

(1) The name of the district is the “Lehigh Acres Municipal Services Improvement District.”

(2) The district shall be an independent special district of the State of Florida and a body corporate and politic.

Section 2. District boundaries.—The lands incorporated within the Lehigh Acres Municipal Services Improvement District consist of the following described lands in Hendry and Lee Counties:

A. LANDS IN LEE COUNTY, FLORIDA:

TOWNSHIP 43 SOUTH, RANGE 26 EAST

SECTION 25: The following portions of Section 25:

The East ½ of the Northeast ¼ of the Northeast ¼, together with the Northeast ¼ of the Southeast ¼ of the Northeast ¼.

TOWNSHIP 43 SOUTH, RANGE 27 EAST

SECTION 19:

Commencing at the Southeast corner of Government Lot 5 of said Section 19, said point also being the Southeast Corner of the Southwest ¼ of said Section 19; thence North 89° 32’ 09” West along the South line of said Section 19, a distance of 941.17 feet to the POINT OF BEGINNING thence continuing along the south line of said Section 19 a distance of 623.70 feet; thence North 00° 33’ 48” West along the west line of lands described in Book 4433, Page 952-953 of the Official Records of Lee County, Florida a distance of 579.14 feet to a point on the southerly right-of-way of the Caloosahatchee River Canal; thence North 72° 41’ 35” East along said right-of-way a distance of 264.64 feet; thence North 50° 57’ 38” East along said right-of way a distance of 399.11 feet; thence North 84° 04’ 34” East along said right-of-way a distance of 57.98 feet to the northeast corner of lands described in Book 3558, Page 3183-

3185 of the Official Records of Lee County, Florida; thence South 00° 33' 49" East along the east line of said lands a distance of 920.30 feet to the POINT OF BEGINNING and there terminate.

SECTION 30: The following portions of Section 30;

That portion of the West 1/2 of said Section 30 lying North of State Road 80, LESS the West 118.40 feet thereof.

That portion of the Northwest 1/4 of the Northeast 1/4 of Section 30 lying North of State Road 80.

That portion of Section 30 lying South of the Southerly Right-of-Way line of State Road 80, LESS the West 200.00 feet of said Section 30 lying South of Hickey's Creek,

AND LESS lots 18 thru 28, Lots 31 and 32, Lots 37 and 38, Lots 41 thru 44 all as shown on Pine Creek Acres, Unit No. 1 as recorded in Plat Book 10, Page 13 of the Public Records of Lee County, Florida;

AND LESS Lot 1, Lots 23 and 24, Lots 27 and 28, the 50 foot Right-of-Way for Dixie Lane and that portion of the 50 foot Right-of-Way for Pine Boulevard lying Easterly of a line connecting the Northeast corner of Lot 92 with the Southeast corner of Lot 35 all as shown on Pine Creek Acres, Unit No. 2 as recorded in Plat Book 10, Page 74 of the said Public Records;

AND LESS the following described parcel;

BEGINNING at the Northeast corner of Pine Creek Acres, Unit No. 1 as recorded in Plat Book 10, Page 13 of the said Public Records; thence South 00° 56' 00" East along the East line of said Pine Creek Acres, Unit No. 1 and the Southerly projection thereof, a distance of 223.86 feet; thence North 89° 35' 20" East, a distance of 166.20 feet; thence North 00° 24' 40" West, a distance of 203.00 feet to the said Southerly Right-of-Way line of State Road 80; thence North 82° 54' 00" West along the said Southerly Right-of-Way line of State Road 80 to the POINT OF BEGINNING;

AND LESS the following described parcel;

Commencing at the said Northeast corner of Pine Creek Acres, Unit No. 1; thence South 82° 54' 00" East along the said Southerly Right-of-Way line of State Road 80, a distance of 307.31 feet to the POINT OF BEGINNING of this description; thence South 00° 24' 40" East, a distance of 237.58 feet; thence North 89° 35' 20" East, a distance of 209.19 feet; thence South 00° 24' 40" East, a distance of 918.16 feet; thence North 89° 35' 20" East, a distance of 420.00 feet; thence North 00° 24' 40" West, a distance of 1069.39 feet to the said Southerly Right-of-Way line of State Road 80; thence Northwesterly along the said

Southerly Right-of-Way line of State Road 80 to the POINT OF BEGINNING;

AND LESS the following described parcel;

BEGINNING at the intersection of the East line of the Northwest 1/4 of the Northeast 1/4 of said Section 30 and the said Southerly Right-of-Way line of State Road 80; thence South 00° 24' 40" East along the East line of the West 1/2 of the Northeast 1/4 of said Section 30, a distance of 129.00 feet from the Northwest corner of the Southeast 1/4 of the Northeast 1/4 of said Section 30; thence South 89° 41' 55" East along a line parallel with the North line of the said Southeast 1/4 of the Northeast 1/4, a distance of 337.00 feet; thence North 00° 24' 40" West to the said Southerly Right-of-Way line of State Road 80; thence North 81° 08' 00" West along the said Southerly Right-of-Way line of State Road 80 to the POINT OF BEGINNING.

SECTION 31: The following portions of Section 31;

The West 1/2, together with the West 1/2 of the Southeast 1/4, together with the Southeast 1/4 of the Southeast 1/4, together with the Southwest 1/4 of the Northeast 1/4, together with the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4, together with the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4.

SECTION 36: The East 1/2 of Section 36, LESS the Northwest 1/4 of the Northeast 1/4 thereof.

TOWNSHIP 44 SOUTH, RANGE 26 EAST

SECTION 1-3: All of Sections 1, 2 and 3.

SECTION 4: The East 1/2 of Section 4.

SECTION 10: The following portions of Section 10;

The East 1/2 of the Southeast 1/4, together with the Northwest 1/4 of the Southeast 1/4.

SECTIONS 11-14: All of Sections 11, 12, 13 and 14.

SECTION 15: The East 1/2 of the East 1/2 of Section 15.

SECTION 16: The following portions of Section 16;

All of Units 1 through 5 of "Lehigh Acres" as recorded in Plat Book 27, Page 186 of the Public Records of Lee County, Florida, together with Lot 16, Block 36 of "Buckingham Park, Northwest Section" as recorded in Plat Book 9, Page 92 of the said Public Records.

SECTION 19: The following portions of Section 19;

The Southeast 1/4, together with that portion of the Northeast 1/4 of said Section 19 lying South of Buckingham Road.

SECTION 20: The following portions of Section 20:

The South 1/2, together with that portion of the North 1/2 of said Section 20 lying South of Buckingham Road.

SECTION 21: The following portions of "Buckingham Park, South Section" as recorded in Plat Book 9, Page 99 of the said Public Records being in Section 21:

Lots 3 through 10 of Block 40; Lots 1 and 3 of Block 38,

Lot 28 of Block 29; the North 40 feet of Lot 29 of Block 29; all of Tract "D", all of Block "E," together with the Re-subdivision of that portion of Block "E" of said "Buckingham Park, South Section" as replatted on "Plat of Unit 3 Lehigh Park, a Subdivision of Lehigh Acres" as recorded in Plat Book 15, Page 66 of the said Public Records, together with that portion of said Section 21 lying Southwesterly of the centerline of a 60 foot easement as described in Miscellaneous Book 32, Page 335 of the said Public Records.

SECTION 22: That portion of Section 22 lying South and Southwesterly of Homestead Road as shown on Plat of "Buckingham Park Entrance Roads" as recorded in Plat Book 9, Page 97 of the said Public Records.

SECTIONS 23-29: All of Sections 23, 24, 25, 26, 27, 28 and 29.

SECTION 30: The following portions of Section 30:

The South 1/2, together with the South 100 feet of the North 1/2 together with the remainder of the Northeast 1/4.

SECTION 31: That portion of said Section 31 lying Northeasterly of State Road 82.

SECTIONS 32-36: All of Sections 32, 33, 34, 35 and 36.

TOWNSHIP 44 SOUTH, RANGE 27 EAST

SECTION 1: All of Section 1.

SECTION 2: All of Section 2, LESS the Northwest 1/4 of the Northwest 1/4 thereof.

SECTION 3: All of Section 3, LESS the Northeast 1/4 thereof, AND LESS the East 1/2 of the Northwest 1/4 thereof.

SECTIONS 4-6: All of Sections 4, 5 and 6.

SECTION 7: The following portions of Section 7;

The South 1/2, together with the Northwest 1/4, together with the Southwest 1/4 of the Northeast 1/4, together with the North 1/2 of the Northeast 1/4, together with the North 854 feet of the East 466 feet of the Southeast 1/4 of the Northeast 1/4.

SECTION 8: The following portions of Section 8;

The South 1/2, together with the Northwest 1/4 of the Northeast 1/4, together with the West 1/2 of the Northeast 1/4, together with the East 3/4 of the Southeast 1/4 of the Northwest 1/4.

SECTION 9: All of said Section 9, LESS the Southwest 1/4 of the Northeast 1/4 thereof.

SECTIONS 10-36: All of Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36.

TOWNSHIP 45 SOUTH, RANGE 26 EAST

SECTIONS 1-3: All of Section 1, 2 and 3.

SECTION 4: All that portion of Section 4 lying North of State Road 82.

SECTION 5: All that portion of Section 5 lying North of State Road 82.

SECTION 6: All that portion of Section 6 lying North of State Road 82.

SECTION 9: All that portion of Section 9 lying North of State Road 82.

SECTION 10: All that portion of Section 10 lying North of State Road 82.

SECTION 11: All that portion of Section 11 lying North of State Road 82.

SECTION 12: All of Section 12.

SECTION 13: All that portion of Section 13 lying North of State Road 82.

SECTION 14: All that portion of Section 14 lying North of State Road 82.

TOWNSHIP 45 SOUTH, RANGE 27 EAST

SECTIONS 1-3: All of Sections 1, 2 and 3.

SECTION 4: All of Section 4, LESS the Southeast 1/4 of the Southeast 1/4 thereof, AND LESS the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of said Section 4,

AND LESS the South 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Southeast 1/4 of said Section 4, AND LESS the Northwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of said Section 4.

SECTION 5: The following portions of Section 5;

The Northwest $\frac{1}{4}$, together with the East $\frac{3}{4}$ of the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$, together with The South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$, together with the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ LESS the South 175 feet of the East 125 feet thereof, together with The following described parcel being in the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 5; Commencing at the Northeast corner of said Section 5; thence Westerly along the North line of said Section 5, said North line of Section 5 being the South line of Units 7 and 18 of "Leeland Heights" as shown on plat recorded in Plat Book 12, Page 53 of the said Public Records, a distance of 116.51 feet to the Southwest corner of Lot 10 of Block 87 of said "Leeland Heights" and the POINT OF BEGINNING of this description; thence continuing Westerly along the said North line of Section 5, a distance of 1208.55 feet to the Northwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 5; thence South $01^{\circ} 35' 34''$ East along the West line of the said Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 5, a distance of 1149.72 feet; thence Easterly along a line parallel with the said North line of Section 5, a distance of 1268.07 feet to a point of intersection with a line parallel with and 60 feet Westerly of (as measured at right angles) the East line of said Section 5; thence North $01^{\circ} 44' 40''$ West along said parallel line, a distance of 1089.78 feet to a point of intersection with a line parallel with and 60 feet Southerly of (as measured at right angles) the said North line of Section 5; thence Westerly along said line parallel with and 60 feet Southerly of the North line of Section 5, a distance of 58.31 feet to a point of intersection with the Southerly prolongation of the West line of said Lot 10 of Block 87 of "Leeland Heights"; thence Northerly along said Southerly prolongation, a distance of 60.00 feet to the POINT OF BEGINNING. Bearings in last described parcel relative to said Plat of Units 7 and 18 of "Leeland Heights," together with the following described parcel beginning at the Northwest corner of the Southeast $\frac{1}{4}$ of said Section 5; thence $N02^{\circ}13'08''W$ along the west line of the Northeast $\frac{1}{4}$ of said Section 5 a distance of 1405.94 feet to a point on the Southwesterly right-of-way line of Homestead Road (80 feet wide); thence $S45^{\circ}12'26''E$ along said Southwesterly right-of-way a distance of 3913.55 feet to the East line of the Southeast $\frac{1}{4}$ of said Section 5; thence $S02^{\circ}29'49''E$ along the East line of the Southeast $\frac{1}{4}$ of said Section 5 a distance of 1239.65 feet to the Southeast corner of the Southeast $\frac{1}{4}$ of said Section 5; thence $S89^{\circ}08'31''W$ along the South line of the Southeast $\frac{1}{4}$ of said Section 5 a distance of 1462.65 feet; thence $N02^{\circ}21'32''W$ a distance of 175.06 feet; thence $N89^{\circ}08'31''E$ a distance of 125.05 feet to a point on the East line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 5; thence $N02^{\circ}21'29''W$ along the East line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 5 a distance of 1141.39 feet to the Northeast corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 5; thence $S89^{\circ}08'13'' W$ along the North line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 5 a distance of 1334.41 feet to the West line of the Southeast $\frac{1}{4}$ of said Section 5; thence $N02^{\circ}13'08''W$ along the West line of the Southeast $\frac{1}{4}$ of said Section 5 a distance of 1316.26 feet to the POINT OF BEGINNING; with the exception of the following described parcel recorded in Book 2383, Page 399 of the Official Records of Lee

County, Florida and BEGINNING at the Northwest corner of the Southeast ¼ of said Section 5; thence N89°07'57"E along the North line of said Southeast ¼ a distance of 1340.36 feet to a point on the Southwesterly right-of-way line of Homestead Road (80 feet wide);- thence S45°12'26"E along said right-of-way line a distance 530.85 feet to the POINT OF BEGINNING of said parcel; thence continuing S45°12'26"E along said right-of-way line a distance of 461.42 feet; thence S44°50'37"W a distance of 100.69 feet; thence S89°07'57"W along a line lying 780.00 feet South of (as measured per perpendicular) and parallel to the aforementioned North line of said Southeast ¼ a distance of 687.60 feet; thence N00°45'12"W a distance of 400.32 feet; thence N89°07'57"E a distance of 436.39 feet to a point on the Southwesterly right-of-way line of Homestead Road and the POINT OF BEGINNING.

SECTION 6: All of Section 6, LESS the following described parcel: BEGINNING at the Southwest corner of Government Lot 5 of said Section 6; thence Northerly along the West line of said Government Lot 5, a distance of 466.70 feet; thence Easterly along a line parallel with the South line of said Government Lot 5, a distance of 466.70 feet; thence Southerly along a line parallel with the said West line of Government Lot 5, a distance of 466.70 feet; thence Westerly along the South line of said Government Lot 5, a distance of 466.70 feet to the POINT OF BEGINNING.

SECTION 7: All of Section 7.

SECTION 8: All of Section 8, LESS the Southwest ¼ of the Southeast ¼ thereof.

SECTION 9: The following portions of Section 9;

The West ½ of the Southwest ¼, together with the Southeast ¼, together with the West ½ of the Northeast ¼, together with the Southeast ¼ of the Northeast ¼.

SECTIONS 10-17: All of Sections 10, 11, 12, 13, 14, 15, 16 and 17.

SECTION 18: All of Section 18, LESS the 200 foot Right-of-Way for State Road 82 thereof, AND LESS the Westerly 25 feet of that portion of said Section 18 lying Northerly of said State Road 82, said 25 foot strip as conveyed to Lee County for roadway purposes by deed recorded in Official Record Book 147, Page 73 of the said Public Records of Lee County.

SECTION 19: All of Section 19, LESS the 200 foot Right-of-Way for State Road 82 thereof, AND LESS the following described parcel, BEGINNING at the Northeast corner of said Section 19; thence South 89°55'00" W along the North line of said Section 19 a distance of 1327.50 feet to the Northwest corner of the East ½ of the Northeast ¼ of said Section 19; thence South 49°30'50"W a distance of 465.93 ft to a point on the North right-of-way line of State Road 82; thence Southeasterly with the North

right-of-way line of State Road 82 to a point on the East line of said Section 19; thence North 00°34'00"W along the East line of said Section 19 to the POINT OF BEGINNING.

SECTION 20: All of Section 20, LESS the 200 foot Right-of-Way for State Road 82 thereof, AND LESS the following described parcel, BEGINNING at the Northwest corner of said Section 20; thence North 89° 15' 50" East along the North line of said Section 20, a distance of 227.46 feet; thence South 00° 34' 00" East along a line parallel with the West line of said Section 20, a distance of 1516.82 feet to a point of intersection with the Northerly Right-of-Way line of State Road 82; thence North 49° 52' 20" West along the said Northerly Right-of-Way line of State Road 82, a distance of 300.00 feet to a point of intersection with the West line of said Section 20; thence North 00° 34' 00" East along the said West line of Section 20 to the POINT OF BEGINNING; AND LESS the following described parcel, BEGINNING at the intersection of the Southwesterly Right-of-Way line of State Road 82 and the South line of said Section 20; thence North 24° 51' 40" West along the said Southwesterly Right-of-Way line of State Road 82, a distance of 1000.00 feet; thence South 32° 24' 30" West, a distance of 1081.39 feet to a point of intersection with the said South line of Section 20; thence North 89° 40' 40" East along the said South line of Section 20, a distance of 1000.00 feet to the POINT OF BEGINNING. Last described parcel being recorded in Deed Book 306, Page 153 of the said Public Records of Lee County.

SECTIONS 21-26: All of Sections 21, 22, 23, 24, 25 and 26.

SECTION 27: All of Section 27 lying NORTH of State Road 82.

SECTION 28: All of Section 28 lying North of State Road 82.

SECTION 29: All of Section 29 lying North of State Road 82.

SECTION 34: All of Section 34 lying North of State Road 82.

SECTION 35: All of Section 35 lying North of State Road 82.

SECTION 36: All of Section 36 LESS the 200 foot Right-of-Way for State Road 82 thereof.

B. LANDS IN HENDRY COUNTY, FLORIDA

TOWNSHIP 43 SOUTH, RANGE 28 EAST

SECTION 30: The following portions of Section 30:

The West 400.00 feet of the Southwest ¼ less the right-of-way for State Road 80, together with the parcel commencing at the West ¼ corner of Section 30; thence along the West Section line North 01° 01' 11" West, a distance of 164.01 feet to the North right-of-way line of State Road 80 and the POINT OF BEGINNING; thence continuing North 01° 01' 11"

West, a distance of 1156.17 feet to the South Right-of-Way line for the Caloosahatchee River (C-43 canal); thence along said South Right-of-Way line North 78° 07' 28" East, a distance of 162.92 feet; thence South 01° 01' 11" East, a distance of 415.55 feet; thence South 45° 02' 36" East, a distance of 345.35 feet; thence South 01° 01' 11" East, a distance of 520.42 feet to the North Right-of-Way for State Road 80; thence along said right-of-way South 88° 36' 43" West, a distance of 400.00 feet to the POINT OF BEGINNING.

SECTION 31: The following portions of Section 31;

The Southeast ¼ of the Northwest ¼, together with the East ½ of the Southwest ¼, together with the South 185.00 feet of the North ½ of the Northwest ¼ less the West 1189.24 feet of the East 1439.25 feet of the South 25.00 feet thereof; together with the West 660.76 feet of the North 30.00 feet of the Southwest ¼ of the Northwest ¼; together with the West 400.00 feet of the Northwest ¼ of the Northwest ¼.

TOWNSHIP 44 SOUTH, RANGE 28 EAST

SECTION 6: The West ½ of Section 6.

SECTION 7: The West ½ of Section 7.

SECTION 18: The West ½ of Section 18.

SECTION 19: The West ½ of Section 19.

SECTION 30: The West ½ of Section 30.

SECTION 31: The West ½ of Section 31.

Section 3. Powers of the district.—

(1) The district shall have all authority, powers, and duties granted by this charter and by chapters 189 and 197, Florida Statutes.

(2) The district shall have all authority, powers, and duties to provide the following services:

(a) Drainage and water control as provided in subsection (4).

(b) Public improvements and community facilities as provided in subsection (5).

(c) Designation, creation, implementation, and maintenance of conservation, mitigation, and wildlife habitat, including, without limitation:

1. Recreational, cultural, and educational facilities.

2. Navigational and boating facilities.

(d) Subject to the requirements of subsection (3), with regard to water and waste water services, the district shall have, and the board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included therein, the power to provide water supply, sewer, and wastewater management, reclamation, and reuse or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.

(e) Subject to the requirements of subsection (3), local streets and sidewalks.

(f) Subject to the requirements of subsection (3), streetlights.

(g) Subject to the requirements of subsection (3), installation, maintenance, and control of outdoor signage, monuments, and decorative and seasonal banners and lights.

(h) Subject to the requirements of subsection (3), the district board shall act as the planning advisory panel for Lehigh Acres.

The special powers enumerated in paragraphs (d)-(h) do not apply within any portion of Hendry County.

(3) The district may only implement the powers authorized in paragraphs (2)(d)-(h) pursuant to this subsection.

(a) For each power authorized in paragraph (2)(d), paragraph (2)(e), paragraph (2)(f), paragraph (2)(g), or paragraph (2)(h), the district board shall first complete and execute an agreement with the Board of County Commissioners of Lee County. The district shall have the authority and flexibility to enter into one or more agreements with the Board of County Commissioners of Lee County for the implementation of each power authorized in paragraphs (2)(d)-(h). To implement the power authorized in paragraph (2)(f), the agreement shall provide for the dissolution of the Lehigh Acres Streetlighting Unit and the transfer of all equipment, facilities, leases, contracts, and obligations of the unit to the district.

(b) No power authorized in paragraph (2)(d), paragraph (2)(e), paragraph (2)(f), paragraph (2)(g), or paragraph (2)(h) may be implemented by the district without the prior approval by the qualified electors in a districtwide referendum on the agreement entered into between the district and the Board of County Commissioners of Lee County.

1. A separate referendum question shall be presented to the qualified electors for each power authorized in paragraph (2)(d), paragraph (2)(e),

paragraph (2)(f), paragraph (2)(g), or paragraph (2)(h) for which the district seeks approval to implement.

2. The referendum for approval of the implementation of a power shall be conducted at the first general election held in Lee County after the date of execution of the written agreement.

3. Each referendum question presented to the qualified electors to approve the district’s implementation of a power authorized in paragraph (2)(d), paragraph (2)(e), paragraph (2)(f), paragraph (2)(g), or paragraph (2)(h) shall be substantially in the following form:

SHALL THE LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT IMPLEMENT THE POWER TO ...(specify the power)... ACCORDING TO THAT WRITTEN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY DATED ...(date the written agreement was executed)...?

(4) The district shall have the authority to employ staff to discharge its responsibilities, including, but not limited to, staff necessary to exercise its authority and discharge its duties under subsection (5). Employees of the district shall serve at the pleasure of the district board.

(5) The following provisions provide and limit the district’s power and authority for drainage and water control:

(a) In exercising its authority for drainage and water control, the district shall have the authority provided by, and be subject to, ss. 298.16, 298.17, 298.18, 298.20, 298.21, 298.22, 298.225, 298.23, 298.24, 298.25, 298.26, 298.28, 298.301, 298.305, 298.329, 298.333, 298.341, 298.345, 298.353, 298.36, 298.365, 298.366, 298.401, 298.41(1), 298.465, 298.47, 298.48, 298.49, 298.50, 298.52, 298.54, 298.56, 298.59, 298.61, 298.62, 298.63, and 298.66, Florida Statutes.

(b) The district shall have the power to employ a person designated as manager of the district and to vest such authority in, delegate the performance of such duties to, and provide such compensation for such person as may be determined by the board. The manager shall have charge to manage the works of said district and its construction, operation, and maintenance. The district may require the manager to furnish bond with good and sufficient surety in such amount as the board may by resolution determine.

(6) The district shall have, and the board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included therein, any or all of the following special powers relating to public improvements and community facilities authorized by this act:

(a) The power to finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructure for conservation areas, mitigation areas, and wildlife habitat, including the maintenance of any plant or animal species, and any related interest in real or personal property.

(b) After the board has obtained the consent of the local general purpose government within the jurisdiction of which the specified power is to be exercised, the power to plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain additional systems and facilities for parks and facilities for indoor and outdoor recreational, cultural, and educational uses, with the exception of Lake Camille Park, Williams Park, and ECO Park.

(c) The power to construct and maintain navigational and boating facilities in its canals, including, but not limited to, locks and dams, to widen and deepen its canals, to make them usable for navigation and boating, and to regulate in all respects the use of its canals for navigation and boating, including, but not limited to, the size of boats, their speed, and hours of use.

(7) The district's planning requirements shall be as set forth in this act and chapter 189, Florida Statutes.

Section 4. Board of district commissioners.—

(1) The authority, power, business, and affairs of the district shall be exercised and administered by a governing body known as the "Board of District Commissioners of the Lehigh Acres Municipal Services Improvement District."

(2) The following provisions shall control the Lehigh Acres Municipal Services Improvement District:

(a) On the effective date of this act, the members of the former Board of Commissioners of the East County Water Control District shall constitute the five-member Board of District Commissioners of the Lehigh Acres Municipal Services Improvement District, with existing 4-year terms of office to remain intact. The procedures for conducting district elections or referenda and for qualification of electors shall be pursuant to chapter 189, Florida Statutes. Unless otherwise provided in s. 189.04, Florida Statutes, all elections for district commissioners shall be held on the first Tuesday after the first Monday in November of even-numbered years. The district commissioners shall be registered voters and residents of the district and elected at large by nonpartisan plurality vote with the candidate who receives the highest number of votes for each seat winning the election. Only registered voters residing within the district shall be permitted to vote. The cost of any election shall be borne by the district. The term of each commissioner shall begin 10 days after that commissioner's election.

(b) Qualifying for the position of district commissioner shall be coordinated by the supervisors of elections of the counties within which the district is located. Methods of qualifying shall be uniform pursuant to s. 99.061, Florida Statutes. Candidates shall be required to open depositories and appoint treasurers before accepting any contributions or expending any funds.

(c) Unless otherwise provided by general law, if a vacancy occurs on the board before a general election, the Governor shall appoint a successor to serve until the next general election for which candidates may qualify.

(d) The members of the board shall be reimbursed for their expenses pursuant to s. 112.061, Florida Statutes, and paid a salary of \$250 per calendar month during term of office as established herein. The board may remove any member who has three consecutive, unexcused absences from regularly scheduled meetings. In addition, commissioners shall not be paid for any unexcused absences from regularly scheduled meetings. The board shall adopt policies by resolution defining excused and unexcused absences.

(e) Each year, the board of commissioners shall hold an annual organizational meeting and elect a chair, vice chair, secretary, and treasurer, whose duties shall be established by resolution of the board.

(3) The board shall have those administrative duties set forth in this charter and chapter 189, Florida Statutes.

(4) A quorum of the board shall be a majority of its members. Official action will require a majority of those voting members present.

(5) Requirements for financial disclosure, meeting notices, reporting, public records maintenance, and per diem expenses for officers and employees shall be as set forth in chapters 112, 119, 189, and 286, Florida Statutes.

Section 5. Finances.—

(1) The powers, functions, and duties of the district regarding bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements, and the methods for financing the district and for collecting non-ad valorem assessments, fees, or service charges, shall be as set forth in this charter, in chapters 170, 189, and 197, Florida Statutes, and in any applicable general or special law.

(2) The district shall have no power or authority to impose or collect ad valorem taxes.

(3) Annual installment assessments, which are levied pursuant to s. 298.36, Florida Statutes, shall become due and be collected during each year at the same time that county taxes are due and collected, pursuant to s. 298.36, Florida Statutes, chapter 197, Florida Statutes, and this charter.

Said assessments shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes.

(4) Maintenance assessments as provided for under s. 298.54, Florida Statutes, shall be apportioned upon the basis of the net assessments of benefits assessed as accruing from original construction and shall be due and collected pursuant to s. 298.54, Florida Statutes, chapter 197, Florida Statutes, and this charter. Provided, nothing herein shall prevent the board of commissioners from apportioning maintenance taxes for the maintenance of the district facilities equally to all benefited acres if the board of commissioners determines that benefits are substantially equal for benefited acreage throughout the district. Said assessments shall be a lien until paid on the property against which assessed and enforceable in like manner as county taxes.

(5) Non ad-valorem assessments and user charges or fees, including impact fees, authorized by the board of commissioners may be levied to finance, fund, plan, establish, acquire, construct, operate, and maintain systems, facilities, and basic infrastructures for water supply, sewer, and wastewater management, reclamation, and reuse and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.

(6) The methods for assessing and collecting non-ad valorem assessments, fees, or service charges shall be as set forth in this charter and chapter 170, chapter 189, chapter 197, or chapter 298, Florida Statutes. The receipt and collection of these charges or fees shall be in the manner prescribed by resolution not inconsistent with general law.

(7) Notwithstanding s. 298.47, Florida Statutes, the board of district commissioners may issue bonds maturing at annual intervals within 40 years.

(8) Notwithstanding s. 298.36(2), Florida Statutes, the secretary of the board of district commissioners, as soon as said total assessment is levied, shall, at the expense of the district, prepare a list of all assessments levied, said list to be stored in electronic format.

(9) The board annually shall prepare, consider, and adopt a district budget pursuant to the applicable requirements of this charter and chapter 189, Florida Statutes. The fiscal year shall be from October 1 through September 30.

(10) All warrants for the payment of labor, equipment, materials, and other allowable expenses incurred by the board of district commissioners in carrying out this charter shall be payable on accounts and vouchers approved by the board.

(11)(a) The district shall have the authority to charge and collect impact fees for capital improvements on new construction within the district as prescribed in this charter, chapter 189, Florida Statutes, or any other applicable general law.

(b) The district shall comply with s. 163.31801, Florida Statutes, and chapter 189, Florida Statutes, in its collection and use of impact fees. New facilities and equipment shall be as provided in chapter 189, Florida Statutes.

(c) The district is authorized to enter into agreements regarding the collection of impact fees.

(12) The district shall have the authority to sell, lease, or otherwise encumber surplus real property owned by the district for the benefit of the district, except for environmentally sensitive property as designated by the Department of Environmental Protection.

Section 5. Chapters 2000-423, 2003-315, 2005-308, 2006-319, 2009-260, and 2012-254, Laws of Florida, are repealed.

Section 6. The East County Water Control District is dissolved.

Section 7. As of the effective date of this act, all property, whether real, personal, or mixed, that is owned, possessed, or controlled by the East County Water Control District and all other assets, contracts, obligations, and liabilities of the East County Water Control District are hereby transferred and vested in the Lehigh Acres Municipal Services Improvement District. All contracts and obligations of the East County Water Control District existing on the effective date of this act shall remain in full force and effect, and this act shall in no way affect the validity of such contracts or obligations.

Section 8. Notwithstanding the provisions of general or other special law, the annexation by any municipality of any of the lands within the district as described in section 4 is prohibited. This prohibition of annexation shall not prevent any subsequent chartering of a municipal incorporation comprised of the entirety of the area occupied by the district.

Section 9. The provisions of this act shall be liberally construed in order to effectively carry out the purposes of this act in the interest of the public health, welfare, and safety of the citizens served by the district.

Section 10. In the event of a conflict between any provision of this act and the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 11. This act shall take effect upon becoming a law.

Approved by the Governor June 10, 2015.

Filed in Office Secretary of State June 10, 2015.