An act relating to the Lehigh Acres Municipal Services Improvement District, Lee and Hendry Counties; amending chapter 2015-202, Laws of Florida; amending section 3, powers of the district; providing the district with certain emergency planning powers; amending section 4 board of district commissioners; amending compensation for board members; providing an effective date.

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

Section 1. Section 3 of chapter 2015-202, Laws of Florida, is amended to read:

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)~~ (5).

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

~~(5)~~ (6).

(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) and perform all necessary duties in anticipation of implementing the powers that are provided for in the charter. 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.

(8) The district shall have, and the board may exercise, emergency planning authority and may create an emergency management program within the boundaries of the district in coordination with the respective lead county agencies, Lee and Hendry Counties. The district shall have all emergency management planning and response powers provided for political subdivisions as set forth in s. 252.38(3). Nothing herein shall be construed to modify Lee and Hendry Counties role as the local emergency management agency as provided for in Chapter 252, Florida Statutes.

Section 2. Section 4 of chapter 2015-202, Laws of Florida, is amended to read:

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~~ that shall not exceed a maximum of $750 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 3. This act shall take effect upon becoming a law.