A bill to be entitled

An act relating to Lee County and Hendry County; creating and establishing the Lehigh Acres Municipal Services Improvement District as an independent special district; making legislative findings; stating legislative intent; providing a district charter; describing boundaries; providing powers and authority of the district; providing for the applicability of chapters 189, 197, and other general laws; providing for a district board; providing authority, duties, and powers of the district board; providing for elections to the board; providing for compensation to board members; providing for removal of board members; providing authority for board to employ and manage 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 an effective date.

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

Section 1. Legislative findings. The Legislature finds the following:

1. Lehigh Acres is comprised of approximately 70,000

acres lying in the unincorporated areas of eastern Lee County and western Hendry County.

1. According to the U.S. Census Bureau, the population of

Lehigh Acres is approximately 86,784.

1. Upon completion of all projected construction, the

population of Lehigh Acres is projected to exceed 250,000 persons, making Lehigh Acres one of the largest communities in Florida.

1. The East County Water Control District currently

provides such services as authorized under chapter 298, Florida Statutes, to the entire described area of Lehigh Acres in Lee County and Hendry County.

1. 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.

1. The Lehigh Acres Streelighting Unit is a dependent

special district created and controlled by the Lee County Board of County Commissioners. 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.

1. In non-binding referenda conducted in 1996 and 2008, the residents in Lehigh Acres rejected proposed incorporation of a municipal general government.
2. The residents in Lehigh Acres continue to prefer and support the method of non-ad valorem assessment utilized by the East County Water Control District and also prefer to utilize the same funding method to meet other specific needs within the community, including without limitation the installation and maintenance of streets, sidewalks, and streetlights.
3. 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.

1. 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.

1. 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 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 Article III, Section 3.03 of the district charter provided in s. 4 of this act.

Section 3. The Lehigh Acres Municipal Services Improvement District (“district”) is hereby created as an independent special district in Lee County and Hendry County. 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, as they may be amended subsequent to this act, 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:

ARTICLE I

NAME AND CORPORATE STATUS

Section 1.01. The name of the district is the Lehigh Acres Municipal Services Improvement District.

Section 1.02. The district shall be an independent special district of the State of Florida and a body corporate and politic.

ARTICLE II

DISTRICT BOUNDARIES

2.01. The lands incorporated within the Lehigh Acres Municipal Services Improvement District consist of the following described lands in Lee County and in Hendry County:

A. LANDS IN LEE COUNTY, FLORIDA:

SECTION 25: The following portions of Section 25;

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

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 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 he 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 1/4, together with the East 3/4 of the North 1/2 of the Southwest 1/4, together with The South 1/2 of the Southwest 1/4, together with the Southwest 1/4 of the Southeast 1/4 LESS the South 175 feet of the East 125 feet thereof, together with The following described parcel being in the Northeast 1/4 of the Northeast 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 1/4 of the Northeast 1/4 of said Section 5; thence South 01° 35' 34" East along the West line of the said Northeast 1/4 of the Northeast 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° 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 1/4 of said Section 5; thence N02°13'08"W along the west line of the Northeast 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°12'26"E along said Southwesterly right-of-way a distance of 3913.55 feet to the East line of the Southeast 1/4 of said Section 5; thence S02°29'49"E along the East line of the Southeast 1/4 of said Section 5 a distance of 1239.65 feet to the Southeast corner of the Southeast 1/4 of said Section 5; thence S89°08'31"W along the South line of the Southeast 1/4 of said Section 5 a distance of 1462.65 feet; thence N02°21'32"W a distance of 175.06 feet; thence N89°08'31"E a distance of 125.05 feet to a point on the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 5; thence N02°21'29"W along the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 5 a distance of 1141.39 feet to the Northeast corner of the Southwest 1/4 of the Southeast 1/4 of said Section 5; thence S89°08'13" W along the North line of the Southwest 1/4 of the Southeast 1/4 of said Section 5 a distance of 1334.41 feet to the West line of the Southeast 1/4 of said Section 5; thence N02°13'08"W along the West line of the Southeast 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 1/4 of said Section 5; thence N89°07'57"E along the North line of said Southeast 1/4 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 1/4 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 1/4 of the Southeast 1/4 thereof.

SECTION 9: The following portions of Section 9;

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

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 1/2 of the Northeast 1/4 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 1/4 less the right-of-way for State Road 80, together with the parcel commencing at the West 1/4 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 1/4 of the Northwest 1/4, together with the East 1/2 of the Southwest 1/4, together with the South 185.00 feet of the North 1/2 of the Northwest 1/4 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 1/4 of the Northwest ¼; together with the West 400.00 feet of the Northwest 1/4 of the Northwest 1/4.

TOWNSHIP 44 SOUTH, RANGE 28 EAST

SECTION 6: The West 1/2 of Section 6.

SECTION 7: The West 1/2 of Section 7.

SECTION 18: The West 1/2 of Section 18.

SECTION 19: The West 1/2 of Section 19.

SECTION 30: The West 1/2 of Section 30.

SECTION 31: The West 1/2 of Section 31.

ARTICLE III

POWERS OF THE DISTRICT

Section 3.01. The district shall have all authority, powers, and duties granted by this charter and by chapters 189 and 197, Florida Statutes, as they may be amended subsequent to this act.

Section 3.02. The district shall have all authority, powers, and duties to provide the following services:

1. Drainage and water control as provided in section 3.04 of this Article III.
2. Recreational facilities.
3. Environmental conservation.

Section 3.03. Upon the completion and execution of an agreement with the Board of Commissioners of Lee County for the district to exercise the powers under this Section, including without limitation 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, the district shall have all authority, powers, and duties to provide the following services:

(1) Water and waste water services.

(2) Local streets and sidewalks.

(3) Streetlights.

(4) Installation, maintenance, and control of outdoor signage, monuments, and decorative and seasonal banners and lights.

(5) The District Board shall act as the planning advisory panel for Lehigh Acres.

Section 3.04. 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 section 3.04 of this article III. Employees of the district shall serve at the pleasure of the district board.

Section 3.05. Drainage and water control. The following provisions provide and limit the district’s power and authority for drainage and water control:

1. In exercising its authority for drainage and water

control the district shall have the authority provided by, and be subject to, sections 298.16, 298.19, 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, as may be subsequently amended.

1. The district shall have the power to employ a person

designated General 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 of Commissioners. The district may require the General Manager to furnish bond with good and sufficient surety in such amount as the Board may by resolution determine.

Section 3.06. Public improvements and community facilities.--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:

(1)  Conservation, mitigation, and wildlife habitat.--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.

(2)  Recreational, cultural, and educational.--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.

(3)  Navigational and boating facilities.--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.

Section 3.07. The district’s planning requirements shall be as set forth in this act and chapter 189, Florida Statutes, as may be amended subsequent to this act.

ARTICLE IV

BOARD OF DISTRICT COMMISSIONERS

Section 4.01. 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.”

Section 4.02. Board of Commissioners; elections; candidate qualifications; powers and duties.—The following provisions shall control the Lehigh Acres Municipal Services Improvement District:

1. 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.

1. The procedures for conducting district elections or referenda and for qualification of electors shall be pursuant to chapter 189, Florida Statutes, as may be amended subsequent to this act.
2. Unless otherwise provided in s. 189.04, all elections for district commissioners shall be held on the first Tuesday after the first Monday in November of even-numbered years. All District Commissioners shall be 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.

(4) 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 section 99.092, Florida Statutes. Candidates shall be required to open depositories and appoint treasurers prior to accepting any contributions or expending any funds.

(5) Vacancies on the Board shall be filled pursuant to s. 189.04(3)(b).

(6) The members of the Board shall be reimbursed for their expenses pursuant to section 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.

(7) Within 60 days of the general election the Board of District Commissioners shall meet and elect a Chair, Vice-Chair, Secretary, and Treasurer, whose duties shall be established by Resolution of the Board.

Section 4.03. The Board shall have those administrative duties set forth in this charter and chapter 189, Florida Statutes.

Section 4.04. A quorum of the Board shall be a majority of its members. Official action will require a majority of those voting members present.

Section 4.05. 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, as may be amended subsequent to this act.

ARTICLE V

FINANCES

Section 5.01. 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.

Section 5.02. The district shall have no power or authority to impose or collect ad valorem taxes.

Section 5.03. Installment assessments and the collection thereof.--Annual installment assessments, which are levied pursuant to section 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 section 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.

Section 5.04.  Maintenance assessments.--Maintenance assessments as provided for under section 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 section 298.54, 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.

Section 5.05. 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, as may be amended subsequent to this act.

Section 5.06.  Bonds issuable for 40 years.--Notwithstanding the provisions of section 298.47, Florida Statutes, the Board of District Commissioners may issue bonds maturing at annual intervals within 40 years.

Section 5.07. Assessment records.--Notwithstanding the provisions of section 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.

Section 5.08. The Board of District Commissioners 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 through .

Section 5.09. All warrants for the payment of labor, equipment, materials, and other allowable expenses incurred by the Board of District Commissioners in carrying out the provisions of this charter shall be payable on accounts and vouchers approved by the Board.

Section 5.10. Impact fees.—

(1) 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.

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

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

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

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

Section 7. As of the effective date of this act, all property, (real, personal, or mixed) 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 s. 4 of this act 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. Liberal construction.—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. Severability.—It is declared to be the intent of the Legislature that if any section, subsection, sentence, clause, phrase, or portion of this act is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 11. Conflict.—In the event of a conflict of any provision of this act with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 12. This act shall take effect upon becoming a law.