

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Caldwell offered the following:

**Amendment (with title amendment)**

Remove lines 644-732 and insert:

(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

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15 pipelines in, along, and under any street, alley, highway, or  
16 other public place or ways, and to dispose of any effluent,  
17 residue, or other byproducts of such system or sewer system.

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

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

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

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

28  
29 The special powers enumerated in paragraphs (d)-(h) do not apply  
30 within any portion of Hendry County.

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

33 (a) For each power authorized in paragraph (2) (d),  
34 paragraph (2) (e), paragraph (2) (f), paragraph (2) (g), or  
35 paragraph (2) (h), the district board shall first complete and  
36 execute an agreement with the Board of County Commissioners of  
37 Lee County. The district shall have the authority and  
38 flexibility to enter into one or more agreements with the Board  
39 of County Commissioners of Lee County for the implementation of  
40 each power authorized in paragraphs (2) (d)-(h). To implement the

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41 power authorized in paragraph (2)(f), the agreement shall  
42 provide for the dissolution of the Lehigh Acres Streetlighting  
43 Unit and the transfer of all equipment, facilities, leases,  
44 contracts, and obligations of the unit to the district.

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

51 1. A separate referendum question shall be presented to  
52 the qualified electors for each power authorized in paragraph  
53 (2)(d), paragraph (2)(e), paragraph (2)(f), paragraph (2)(g), or  
54 paragraph (2)(h) for which the district seeks approval to  
55 implement.

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

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

64  
65 SHALL THE LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT  
66 IMPLEMENT THE POWER TO ...(specify the power)... ACCORDING TO

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67 THAT WRITTEN AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF  
68 LEE COUNTY DATED ... (date the written agreement was  
69 executed) ...?

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

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

78 (a) In exercising its authority for drainage and water  
79 control, the district shall have the authority provided by, and  
80 be subject to, ss. 298.16, 298.17, 298.18, 298.20, 298.21,  
81 298.22, 298.225, 298.23, 298.24, 298.25, 298.26, 298.28,  
82 298.301, 298.305, 298.329, 298.333, 298.341, 298.345, 298.353,  
83 298.36, 298.365, 298.366, 298.401, 298.41(1), 298.465, 298.47,  
84 298.48, 298.49, 298.50, 298.52, 298.54, 298.56, 298.59, 298.61,  
85 298.62, 298.63, and 298.66, Florida Statutes.

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

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93 sufficient surety in such amount as the board may by resolution  
94 determine.

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

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

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

116 (c) The power to construct and maintain navigational and  
117 boating facilities in its canals, including, but not limited to,  
118 locks and dams, to widen and deepen its canals, to make them

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119 usable for navigation and boating, and to regulate in all  
120 respects the use of its canals for navigation and boating,  
121 including, but not limited to, the size of boats, their speed,  
122 and hours of use.

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

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**T I T L E   A M E N D M E N T**

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Remove line 11 and insert:

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district board; requiring approval by referendum

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before the district may exercise certain powers;

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providing a ballot statement; providing for elections,

132

compensation,

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