

**STORAGE NAME:** h1183a.lgva.doc

**DATE:** February 21, 2002

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
LOCAL GOVERNMENT & VETERANS AFFAIRS  
ANALYSIS – LOCAL LEGISLATION**

**BILL #:** HB 1183

**RELATING TO:** Lee Co./City of Fort Myers

**SPONSOR(S):** Representative Kyle

**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 8 NAYS 0
  - (2) COUNCIL FOR SMARTER GOVERNMENT
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

This bill adds the authority for the City of Fort Myers to hold a **special** election to ratify and approve the interlocal agreement for annexation of the areas known as “Dunbar” and “Belle Vue” by the City of Fort Myers.

Although the Economic Impact Statement indicates funding impacts related to annexation, this bill does not authorize annexation, but rather authorizes a **special** election referendum to ratify an interlocal agreement for annexation of two enclaves. The authority to hold at a regular election, the question of ratifying the interlocal agreement, granted by earlier special acts, remains intact.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Chapter 98-488, Laws of Florida

Chapter 98-488, Laws of Florida, authorized the City of Fort Myers and Lee County to enter into an interlocal agreement, subject to referendum approval, for the municipal annexation of two unincorporated enclaves commonly known as "Dunbar" and "Belle Vue". Upon annexation, there is a transfer of authority for municipal service duties and infrastructure, subject to an interlocal agreement. Subsequent to the adoption of an interlocal agreement between the City of Fort Myers and Lee County, a dual-referendum was required in the City of Fort Myers for the ratification and approval of the interlocal agreement. A majority of the combined registered electors in the enclaves and within the city limits of Fort Myers must vote affirmatively for the annexation to be valid. The referendum was to be held by the city at any regular election following adoption of the interlocal agreement. If approved by the voters, the agreement becomes effective as may be provided in the agreement or not more than one year following the referendum.

Chapter 2000-413, Laws of Florida

Chapter 2000-413, Laws of Florida, conformed the provisions of ch. 98-48, Laws of Florida, to the provisions of s. 171.0413, F.S. that were amended in 1999 to remove the requirement for a dual referendum in specific circumstances. Specifically, the special act removed the requirement that a dual referendum must be held by the City of Fort Myers prior to the ratification and approval of the interlocal agreement for annexation of areas known as "Dunbar" and "Belle Vue" enclaves located in Lee County. The act removed the requirement that a majority of the combined registered electors in the enclaves and within the city limits of Fort Myers must vote affirmatively for the annexation to be valid. Rather, only a majority of the combined registered electors in the enclaves must vote affirmatively for the annexation to be valid. However, the city commission was given the option of also submitting the referendum to the residents of the city for approval.

C. EFFECT OF PROPOSED CHANGES:

This bill adds the authority for the City of Fort Myers to hold a **special** election to ratify and approve the interlocal agreement for annexation of enclave areas known as "Dunbar" and "Belle Vue."

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides authority to the City of Fort Myers to hold a referendum at a **special** election for the purpose of ratifying and approving the annexation of the "Dunbar" and "Belle Vue" enclaves into the City of Fort Myers.

Section 2. Provides for an effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN?

October 5, 2001

WHERE?

News-Press, a daily published in Fort Myers and circulated in Lee, Charlotte, Collier, Glades and Hendry Counties.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached  No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

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VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

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Andrew S. Grayson, Esquire

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Joan Highsmith-Smith