

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 999 Fort Myers Beach Fire Control District, Lee County

SPONSOR(S): Williams

TIED BILLS: **IDEN./SIM. BILLS:** SB 2886

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Urban & Local Affairs</u>	<u>9 Y, 0 N</u>	<u>Nelson</u>	<u>Kruse</u>
2) <u>Government Efficiency & Accountability Council</u>	<u>13 Y, 0 N</u>	<u>Nelson</u>	<u>Cooper</u>
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The Fort Myers Beach Fire Control District is an independent special district in Lee County. This bill amends the charter of the Fort Myers Beach Fire Control District to remove property from its legal description which is included in the geographic boundaries of the Bonita Springs Fire Control and Rescue District. Currently, the Bonita Springs district taxes and serves the area at issue.

The act provides an effective date of upon becoming a law.

According to the Economic Impact Statement, the bill will have no fiscal effect.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The Fort Myers Beach Fire Control District

The Fort Myers Beach Fire Control District, an independent special district, was created by special act of the Legislature in 1951.¹ It currently provides fire suppression, advanced life support transport, fire inspections and prevention, and public education to approximately 20,000 residents within an area of 10 square miles in Lee County. The district codified all its previous special acts pursuant to ch. 2000-422, L.O.F., which provides the charter for the district.

Uniform Criteria for Operation of Independent Fire Control Districts in Lee County

Chapter 97-340, L.O.F., is a special act which provides uniform criteria for operation of all independent fire control districts in Lee County. Section 12 of that chapter provides, in relevant part:

District expansion, merger, and dissolution.—The boundaries of a district may be modified, extended, or enlarged as follows:

Lands may be added or deleted from a district only by special act of the Legislature, subject to a referendum vote. Lands added to a district shall also require a board resolution approving the addition of lands to the district. The addition or deletion of lands may be effective only upon an affirmative majority vote of the electors in the lands to be included or deleted in the district.

Effect of Proposed Changes

This bill amends s. 1 of s. 3 of ch. 2000-422, L.O.F., to remove the following property from the geographic boundaries of the Fort Myers Beach Fire Control District:

that part of Black Island, Inner Key, Lover's Key, and Long Key, north of the northern boundary line of Sections 13 and 14, Township 47 South, Range 24 East.

This is to correct a boundary “overlap” in the legal descriptions of the codification legislation for the Fort Myers Beach Fire Control District and the Bonita Springs Fire Control and Rescue District.

The legal description used for the Fort Myers Beach Fire Control District codification was a verbatim statement of the legal description contained in the prior enacted enabling legislation for the district. It recently was discovered that the legal description of the district included areas that were included in the legal description of the Bonita Springs Fire Control and Rescue District.

¹ Chapter 27676, L.O.F.

The land at issue encompasses 360 acres which currently is being taxed and served by the Bonita Springs Fire Control and Rescue District. The vast majority of the subject land is owned by the State of Florida or Lee County. The primary uses of the government-owned lands are parks and recreational uses of a barrier island. Approximately 30 acres of this land has been developed with condominiums.

This bill does not modify the Bonita Springs Fire Control and Rescue District's boundaries, and will not result in any changes in the provision of services to the area at issue. As such, this bill appears to simply correct a legal description, and is not an addition or deletion of land as contemplated by ch. 97-340, L.O.F.

The act provides an effective date of upon becoming a law.

C. SECTION DIRECTORY:

Section 1: Amends s. 1 of s. 3 of ch. 2000-422, L.O.F., referring to the geographic boundaries of the Fort Myers Beach Fire Control District.

Section 2: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 2, 2008

WHERE? The *News-Press*, a daily newspaper of general publication published in Lee County, Florida.

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

According to the Economic Impact Statement, the bill will have no fiscal effect.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No sponsor statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES