

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1311 Lehigh Acres Municipal Services Improvement District, Lee and Hendry Counties  
**SPONSOR(S):** Caldwell  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	14 Y, 0 N	Banner	Miller
2) Ways & Means Committee	18 Y, 0 N	Aldridge	Langston
3) Government Accountability Committee			

### SUMMARY ANALYSIS

The Lehigh Acres Municipal Services Improvement District (District) is an independent special district formed under ch. 189, F.S., in 2015 to replace the East County Water Control District. The District preserves and protects water reserves in 70,000 acres of land in both Lehigh Acres and the western portion of Hendry County and is authorized to provide additional services.

HB 1311 amends the district boundaries to remove a tract of land in the northern portion of the District and clarify the inclusion of several parcels of land located within the interior of the current district boundaries. The bill also ratifies all taxes and assessments previously levied by or for the District notwithstanding any defects in such levy or assessment.

The Economic Impact Statement projects \$43,387 in new recurring revenue will be generated. This represents the net impact of the loss of the parcels being removed and the offset of the interior parcels being added into the current boundaries.

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### Special Districts

A “special district” is a “local unit of special purpose...government within a limited boundary, created by special law, special act, local ordinance, or by rule of the Governor and Cabinet.”<sup>1</sup> Special districts are created to provide a variety of services, such as mosquito control, beach facilities, children’s services,<sup>2</sup> fire control and rescue,<sup>3</sup> or drainage control.<sup>4</sup>

An “independent special district” is characterized by having a governing board comprised of members which are not identical in membership to, nor all appointed by, nor any removable at will by, the governing body of a single county or municipality, and the district budget cannot be affirmed or vetoed by the governing body of a single county or municipality.<sup>5</sup> Additionally, a district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.

##### Lehigh Acres Municipal Services Improvement District

Lehigh Acres lies primarily in the unincorporated area of eastern Lee County. One of the largest platted subdivisions in the state, the area has undergone periods of growth and development since the 1950s. According to the U.S. Census, the population of Lehigh Acres in 2010 was 86,784.<sup>6</sup> In contrast, the estimated population in 2016 for all of Lee County was 680,539, including municipalities such as Cape Coral (170,474) and Fort Myers (76,108).<sup>7</sup>

The Lehigh Acres Municipal Services Improvement District is a multi-county special district that was created in 2015 to replace the East County Water Control District and to provide:

- Drainage and water control;
- Public improvements and community facilities;
- Water and wastewater services;
- Local streets and sidewalks;
- Streetlights; and
- Certain authority over outdoor signage and monuments.<sup>8</sup>

The District preserves and protects water reserves through drainage, conservation, mitigation, navigational and water management practices in 70,000 acres of land in both Lehigh Acres and the western portion of Hendry County.<sup>9</sup>

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<sup>1</sup> Section 189.012(6), F.S.

<sup>2</sup> Section 125.901, F.S.

<sup>3</sup> Section 191.002, F.S.

<sup>4</sup> Section 298.01, F.S.

<sup>5</sup> Section 189.012(3), F.S.

<sup>6</sup> At <https://www.census.gov/quickfacts/table/PST045215/1239925/accessible> (accessed 3/7/2017).

<sup>7</sup> Office of Economic and Demographic Research, *Population and Demographic Data*, available at [http://edr.state.fl.us/Content/population-demographics/data/2016\\_Pop\\_Estimates.pdf](http://edr.state.fl.us/Content/population-demographics/data/2016_Pop_Estimates.pdf) (accessed 3/7/2017).

<sup>8</sup> Ch. 2015-202, Laws of Fla.

<sup>9</sup> Lehigh Acres Municipal Services Improvement District, About, available at <http://www.myecwcd.net/> (accessed 3/16/2017).

The District maintains 311 miles of canals, 20 lakes, 3260 culvert crossings, 22 bridges, and 66 water control structures. Additionally, the district maintains 1,298 preserve acres as well as 578 acres of Harns Marsh, a major retention/detention area.<sup>10</sup>

The District replaced the East County Water Control District and assumed all rights, title, and possession of property, and all obligations and liabilities of the water control district. Additionally, the District is authorized to raise funds as provided in general law but is prohibited from imposing or collecting ad valorem taxes.<sup>11</sup>

### **Effect of Proposed Changes**

The bill removes 244.63 acres of land in the northern portion of the District. Additionally, the bill revises the legal description of the boundaries to include 657.25 acres of land located primarily in the interior of the current District boundaries. These tracts of land were inadvertently excluded from the legal boundary description, as crafted in 2015 when the District was created. These modifications result in a net addition of 412.62 acres of land and \$43,387 in additional recurring revenue.

The bill ratifies the taxes and assessments levied by or for the District on lands within the District and identified in the bill, notwithstanding any defects in such levy or assessment. The bill also clarifies that all taxes and assessments levied by and for the District will remain in effect for all areas within the District's boundaries.

#### **B. SECTION DIRECTORY:**

Section 1: Amends s. 2, ch. 2015-202, L.O.F., to revise the District boundaries.

Section 2: Ratifies taxes and assessments levied by or for the District in lands situated within the District, as identified in the bill, and clarifies that all taxes and assessments levied by and for the District remain in effect.

Section 3: Provides an effective date upon becoming law.

### **II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN? February 3, 2017

WHERE? *News-Press*, a daily newspaper published 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 ☐

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<sup>10</sup> Lehigh Acres Municipal Services Improvement District, About, available at <http://www.myecwcd.net/> (accessed 3/16/2017).

<sup>11</sup> *Id.*

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

None.

#### **B. RULE-MAKING AUTHORITY:**

The bill does not provide rulemaking authority or require executive branch rulemaking.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.