

HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

BILL #:	HB 1311	FINAL HOUSE FLOOR ACTION:		
SUBJECT/SHORT TITLE	Lehigh Acres Municipal Services Improvement District, Lee and Hendry Counties	115	Y's 1	N's
SPONSOR(S):	Caldwell	GOVERNOR'S ACTION:		Approved
COMPANION BILLS:	N/A			

SUMMARY ANALYSIS

HB 1311 passed the House on April 27, 2017, and subsequently passed the Senate on May 4, 2017.

The bill amends the boundaries of the Lehigh Acres Municipal Services Improvement District (District) 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 District is an independent special district formed 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.

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 was approved by the Governor on June 6, 2017, ch. 2017-216, L.O.F., and became effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Current 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.”¹ Special districts are created to provide a variety of services, such as mosquito control,² children’s services,³ fire control and rescue,⁴ or drainage control.⁵

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.⁶ 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 86,784.⁷ 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).⁸

The Lehigh Acres Municipal Services Improvement District (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.⁹ 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.¹⁰

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.¹¹

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

¹ Section 189.012(6), F.S.

² See s. 388.021, F.S.

³ See s. 125.901, F.S.

⁴ See ch. 191, F.S.

⁵ See ch. 298, F.S.

⁶ Section 189.012(3), F.S.

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

⁸ 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 (accessed 3/7/2017).

⁹ Ch. 2015-202, Laws of Fla.

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

¹¹ Lehigh Acres Municipal Services Improvement District, About, available at <http://www.myecwcd.net/> (accessed 3/16/2017).

District is authorized to raise funds as provided in general law but is prohibited from imposing or collecting ad valorem taxes.¹²

Effect of the Bill

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.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

A net increase of \$43,387 in recurring revenue is projected to be realized as a result of this bill.

2. Expenditures:

None.

C. ECONOMIC IMPACT STATEMENT FILED? Yes, attached ☒ No ☐

D. 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.

E. REFERENDUM REQUIRED? Yes ☐ No ☒

IF YES, WHEN?

¹² *Id.*