

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 909 Village of Captiva Charter/Lee Co.  
**SPONSOR(S):** Kyle  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1344

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government &amp; Veterans' Affairs</u>	<u>18 Y, 0 N</u>	<u>Nelson</u>	<u>Highsmith-Smith</u>
2) <u>Procedures</u>	<u></u>	<u></u>	<u></u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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**SUMMARY ANALYSIS**

This bill provides a city charter for the Village of Captiva; provides for incorporation; provides for a council-manager form of government; provides for a village council and its membership; provides that the act takes effect only upon its approval by a majority vote of qualified electors residing within the proposed corporate limits of the Village of Captiva.

According to the Economic Impact Statement, Lee County government will lose \$1.77 million in its general fund for fiscal year 2005 if the proposed Village of Captiva is established. The citizens of the Village of Captiva will develop a \$1.77 million reserve by the end of fiscal year 2005.

**Pursuant to House Rule 5.5(b), a local bill providing an exception from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) appear to apply to this bill.**

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |  |   |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

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

1. If the municipality is approved, as proposed, it will create an additional local government entity.

#### B. EFFECT OF PROPOSED CHANGES:

This bill provides a city charter for the Village of Captiva; provides for incorporation; provides for a council-manager form of government and its powers and duties; provides for a village council and its membership, including mayor, vice-mayor, and mayor pro tem, qualifications and terms of office, powers and duties, absence of compensation, expenses and prescribed procedures re: vacancies, including forfeiture of office, suspension and recall; provides for meetings; provides for recordkeeping; provides certain restrictions; provides for charter officers and their appointment, removal, compensation, filling of vacancies, qualification, and powers and duties; establishes a fiscal year; provides for a budget, appropriations, amendments and limitations; provides for elections; defines boundaries of the city; specifies provisions relating to charter review and amendment and standards of conduct; provides for severability; provides for a referendum, initial election of council members, transition services and compensation, first year expenses, specified transitional matters, and state shared and gas tax revenues; provides that the act takes effect only upon its approval by a majority vote of qualified electors residing within the proposed corporate limits of the Village of Captiva. The bill provides exceptions to s.165.041(b) and s. 165.061(1), F.S.

#### Current Law

#### **Constitutional Provisions**

S.2, art. VIII of the State Constitution provides that municipalities<sup>1</sup> may be established or abolished and their charters amended pursuant to general or special law. Municipalities are constitutionally granted all governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services. Municipalities may exercise any power for municipal purposes except as otherwise provided by law. The only specific constitutional requirement concerning municipal government is that its legislative body must be elected.

#### **Statutory Provisions**

Florida law governing the formation and dissolution of municipal governments is found in chapter 165, F.S., the "Formation of Municipalities Act (Act)." The stated purpose of the Act is to provide standards, direction and procedures for the incorporation, merger and dissolution of municipalities so as to:

- allow orderly patterns of urban growth and land use;

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<sup>1</sup> A municipality is a local government entity, located within a county that is created to perform additional functions and provide additional services for the particular benefit of the population within the municipality. The term "municipality" can be used interchangeably with the terms "city," "town" and "village."

- assure adequate quality and quantity of local public services;
- ensure financial integrity of municipalities;
- eliminate or reduce avoidable and undesirable differentials in fiscal capacity among neighboring local governmental jurisdictions; and
- promote equity in the financing of municipal services.

Under chapter 165, F. S., there is ONLY ONE WAY to establish a city government where no such government exists: the Legislature must pass a SPECIAL ACT creating the city's charter. <sup>2</sup>

### **Requirements and Standards for Municipal Incorporation**

Submittal of a \*feasibility study and a local bill that proposes the local government charter is required. In addition, the new municipality must meet the following conditions in the area proposed for incorporation pursuant to s. 165.061(1), F.S.:

1. It must be compact, contiguous, and amenable to separate municipal government.
2. It must have a total population, as determined in the latest official state census, special census, or estimate of population, of at least 1,500 persons in counties with a population of less than 75,000, and of at least 5,000 population in counties with a population of more than 75,000.
3. It must have an average population density of at least 1.5 persons per acre or have extraordinary conditions requiring the establishment of a municipal corporation with less existing density.
4. It must have a minimum distance of at least two miles from the boundaries of an existing municipality within the county or have an extraordinary natural boundary that requires separate municipal government must be present.
5. It must have a proposed municipal charter that clearly prescribes and defines the form of government and its functions and does not prohibit or restrict the levy of authorized tax.
6. In accordance with s. 10, art. 1 of the State Constitution, the plan for incorporation must honor existing solid-waste contracts in the affected geographic area subject to incorporation.

### **\*Feasibility Study**

The feasibility study is a study of the proposed area to be incorporated. The purpose of the study is to enable the Legislature to determine whether or not the area: 1) meets the statutory requirements for incorporation, and 2) is financially feasible.

The feasibility study must be completed and submitted to the Legislature at least 90 days prior to the first day of the regular Legislative Session during which the municipal charter would be enacted.

In 1999, the Legislature revised s.165.041, F.S., by adding new, detailed requirements for the preparation of the required feasibility study for any area requesting incorporation. Specifically, the study must include:

1. The general location of territory subject to a boundary change and a map of the area that identifies the proposed change;
2. The major reasons for proposing the boundary change;
3. The following characteristics of the area:
  - a list of the current land use designations applied to the subject area in the county comprehensive plan;
  - a list of the current county zoning designations applied to the subject area;
  - a general statement of present land use characteristics of the area;

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<sup>2</sup> An exception to this exists in Miami-Dade County where it appears the county has the exclusive power to create cities through its home rule powers.

- a description of development being proposed for the territory, if any, and a statement of when actual development is expected to begin, if known.
4. A list of all public agencies, such as local governments, school districts, and special districts, whose current boundary falls within the boundary of the territory proposed for the change or reorganization;
  5. A list of current services being provided within the proposed incorporation area, including, but not limited to, water, sewer, solid waste, transportation, public works, law enforcement, fire and rescue, zoning, street lighting, parks and recreation, and library and cultural facilities, and the estimated costs for each service;
  6. A list of proposed services to be provided within the proposed incorporation area, and the estimated cost of such services;
  7. The names and addresses of three officers or persons submitting the proposal;
  8. Evidence of fiscal capacity and an organizational plan that, at a minimum, includes:
    - existing tax bases, including ad valorem taxable value, utility taxes, sales and use taxes, franchise taxes, license and permit fees, charges for services, fines and forfeitures, and other revenue sources, as appropriate;
    - a five-year operational plan that, at a minimum, includes proposed staffing, building acquisition and construction, debt issuance, budgets;
  9. Data and analysis to support the conclusions that incorporation is necessary and financially feasible, including population projections and population density calculations and an explanation concerning methodologies used for such analysis;
  10. Evaluation of the alternatives available to the area to address its policy concerns;
  11. Evidence that the proposed municipality meets the standards for incorporation of s.165.061, F.S.

### Formation Activity in Florida

#### Municipal Incorporation and Mergers:

From 1972 to the present, 16 municipalities have been created by special act (Bonita Springs, DeBary, Deltona, Destin, Ft. Myers Beach, Islamorada, Jacob City, Lake Mary, Marathon, Marco Island, Midway, Palm Coast, Sanibel, Southwest Ranches, Wellington and Weston). During this time, one municipality was recreated by special act after previous incorporation under authority of general law in effect prior to 1974 (Seminole). The cities of Key Biscayne, Pinecrest, Aventura and Sunny Isles Beach were created under the provisions of Miami-Dade County's Charter.

The following table indicates recent municipal incorporations by year, county, and enabling law.

#### *Municipal Incorporations Since 1970*

<i>Year</i>	<i>Municipality</i>	<i>County</i>	<i>Enabling Law</i>
1970	SEMINOLE	Pinellas County	general law
1972	SEMINOLE	Pinellas County	chapter 72-693, Laws of Florida
1973	LAKE MARY	Seminole County	chapter 73-522, Laws of Florida
1974	SANIBEL	Lee County	chapter 74-606, Laws of Florida

1983	JACOB CITY	Jackson County	chapter 83-434, Laws of Florida chapter 84-456, Laws of Florida
1984	DESTIN	Okaloosa County	chapter 84-422, Laws of Florida chapter 85-471, Laws of Florida
1986	MIDWAY	Gadsden County	chapter 86-471, Laws of Florida
1991	KEY BISCAYNE	Dade County	by authority of the Miami-Dade County Charter
1993	DEBARY	Volusia County	chapter 93-351, Laws of Florida chapter 93-363, Laws of Florida
1995	AVENTURA	Dade County	by authority of the Miami-Dade County Charter
1995	PINECREST	Dade County	by authority of the Miami-Dade County Charter
1995	FT. MYERS BEACH	Lee County	chapter 95-494, Laws of Florida
1995	DELTONA	Volusia County	chapter 95-498, Laws of Florida
1995	WELLINGTON	Palm Beach County	chapter 95-496, Laws of Florida
1996	WESTON	Broward County	chapter 96-472, Laws of Florida
1997	ISLAMORADA	Monroe County	chapter 97-348, Laws of Florida
1997	MARCO ISLAND	Collier County	chapter 97-367, Laws of Florida
1997	SUNNY ISLES BEACH	Dade County	by authority of the Miami-Dade County Charter
1999	BONITA SPRINGS	Lee County	chapter 99-428, Laws of Florida

1999	MARATHON	Monroe County	chapter 99-427, Laws of Florida
1999	PALM COAST	Flagler County	chapter 99-448, Laws of Florida
2000	SOUTHWEST RANCHES	Broward County	chapter 00-475, Laws of Florida

*Failed Attempts at Municipal Incorporation*

Over the years, a number of incorporation attempts have failed. Since 1980, some Floridians have rejected municipal government by voting down the incorporation efforts of:

- The City of Deltona Lakes (1987)  
(chapter 87-449, Laws of Florida)
- The City of Deltona (1990)  
(chapter 90-410, Laws of Florida)
- The City of Fort Myers Beach (1982/1986)  
(chapters 82-295, and 86-413, Laws of Florida)
- A city in the Halifax area of Volusia County (1985)  
(chapter 85-504, Laws of Florida)
- The City of Marco Island (1980/1982/1986/1990/1993)  
(chapters 80-541, 82-330, 86-434, 90-457, and 93-384, Laws of Florida)
- The City of Spring Hill (1986)  
(chapter 86-463, Laws of Florida)
- The City of Port LaBelle (1994)  
(chapter 94-480, Laws of Florida)
- The City of Destin (1995)  
(by authority of the Dade County Charter)
- The City of Ponte Vedra (1998)  
(chapter 98-534, Laws of Florida)
- The Village of Key Largo (1999)  
(chapter 99-430, Laws of Florida)
- The City of Southport (1999)  
(chapter 99-444, Laws of Florida)
- The Village of the Lower Keys (2000)  
(chapter 00-383, Laws of Florida)
- The Village of Paradise Islands (2000)  
(chapter 00-382, Laws of Florida)

## Present Situation

The feasibility study re: creation of a Village of Captiva was submitted to a member of the Lee County Delegation<sup>3</sup> on November 26, 2002. The study was amended on November 29, 2002, and provided to the Committee on Local Government & Veterans' Affairs on December 4. The study was reviewed by the:

- Office of Economic & Demographic Research;
- Legislative Committee on Intergovernmental Relations;
- Governor's Office of Planning and Budgeting;
- Department of Revenue; and
- Department of Community Affairs.

Their comments indicated that the proposed incorporation and the feasibility study failed to meet a number of the statutory requirements of Chapter 165, and are noted in "Comments" in section III.(C) of this analysis.

### C. SECTION DIRECTORY:

Section 1: Names this act the "Village of Captiva Charter."

Section 2: Provides legislative intent, i.e., that it is in the best interests of the public health, safety, and welfare of the citizens of this community to form a separate municipality for Captiva Island with all powers and authority necessary to provide efficient and adequate municipal services to its residents.

Section 3: Creates, effective November 6, 2003, a new municipality to be known as the village of Captiva in Lee County.

Provides that the Village of Captiva shall operate under a council-manager form of government.

Section 4: Provides that the Village shall be a body corporate and politic and shall have all the powers of a municipality under the State Constitution and the laws of the State, as fully and completely as though such powers were specifically enumerated in its charter, unless otherwise prohibited by or contrary to the provisions of this charter.

Section 5: Provides for a village council, consisting of five members who shall be electors of the village elected at large. Each individual seeking office is required to reside within the boundaries of the Village and must submit a petition signed by at least one percent of the electorate supporting his or her candidacy, or pay a qualifying fee of \$60.

Provides that the term of office for each member shall be four years.

Provides that each council member shall remain in office until his or her successor is elected and assumes the duties of the position.

Provides that except as otherwise prescribed herein or as provided by law, legislative and police powers of the Village shall be vested in the council.

Provides that the council shall elect from its members a mayor and a vice mayor.

Provides that the mayor and the vice mayor shall have the same powers and duties as any other council member.

Provides for compensation and expenses.

Provides for vacancies; forfeiture of office; suspension; recall; and filling of vacancies.

Provides for council meetings; organization meeting, quorum and special meetings.

Provides for the keeping of records.

Provides for limitation of employment of council members.

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<sup>3</sup> Carole Green, Representative, House District 75

Provides for noninterference by council with the supervisory powers of the village manager or village attorney.

Section 6: Provides that the designated charter officers shall be the village manager and the village attorney. Provides for their appointment; removal; compensation; and filling of vacancies.

Section 7: Provides for budget and appropriations.

Section 8: Provides for elections.

Section 9: Describes the initial corporate boundaries.

Section 10: Provides that nothing in the charter shall affect the status of special districts existing within the territory encompassed by the Village.

Section 11: Provides for amendment of the charter; charter review; initiative and referendum, standards of conduct for elected officials and employees.

Section 12: Provides for severability if any provision of the act is held invalid.

Section 13: Provides that a referendum election called for by this act shall be held on November 4, 2003; for initial election of council members; for transition services and compensation.

Section 14: Provides an effective date upon approval by a majority vote of those qualified electors residing within the proposed corporate limits of the proposed Village of Captiva, except that this section shall take effect upon becoming a law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? November 16, 2002

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

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

## III. COMMENTS

A. CONSTITUTIONAL ISSUES: Not applicable.

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

**Office of Economic & Demographic Research:**

-The estimate of revenues was found to be reasonable.



-The proposal does not meet the minimum size requirement of 5,000 nor does it meet the required population density of 1.5 persons per acre if wetlands are not factored into the calculations.

-The geographic boundary represented by Blind Pass could be reasonably construed to negate the minimum distance requirement of two miles from an existing municipality.

### **Legislative Committee on Intergovernmental Relations:**

-According to the information provided in the *Study*, the proposed area for incorporation meets the requirement that the area be compact and contiguous.

-Based on the figures provided in the *Study*, the population requirements are not met. The reported population of 379 is approximately 7.6 percent of the minimum 5,000 population required for a new municipality in Lee County (a county with a population greater than 75,000). Municipalities with small populations such as this were only created prior to the establishment of state standards in 1974. The report does indicate that numerous residents are not permanent residents, and as a result are not included in the population count. Nonetheless, the municipal incorporation standards do not address seasonal population estimates, only permanent residents.

-The *Study* does not identify the number of acres proposed for incorporation, but does state that the developable areas minus the wetlands would enable the density requirement to be met. The Lee County Planning Department places the total number of dry acres at 794 acres. Even with this figure, the land to population ratio results in a population density of approximately 0.5 persons per acre or one-third of the required minimum 1.5 persons per acre. As such, the density requirement is not met. The *Study* notes that this population density ratio does not take into account that Captiva Island is a popular resort area nor does this ratio consider the amount of wetlands on barrier islands. It is unknown whether these conditions constitute "extraordinary conditions requiring the establishment of a municipal corporation with less existing density" as provided by chapter 165. Additional information provided by the Lee County Planning Department suggests the total area encompassed by the proposed incorporation boundaries is approximately 6,720 acres. This increase in territory would reduce the population density to .05 persons per acre, well below the minimum 1.5 persons per acre population density standard.

-Information in the *Study* acknowledges that the area to be incorporated does not maintain a distance of at least two miles from a boundary of an existing municipality (the City of Sanibel) as required by chapter 165. The Study maintains that "an extraordinary natural boundary that requires separate municipal government is present: Blind Pass." Information provided by the Lee County Planning Department indicates that Blind Pass is similar in nature to most bridges located within the county. Accordingly, the committee cannot ascertain whether the requirement regarding a minimum distance from Sanibel is met.

-The proposed charter prescribes the form of government and clearly defines the responsibilities for legislative and executive functions.

-The committee cannot ascertain whether the requirement prohibiting provisions within the Charter from limiting the legislative body of the municipality from exercising its powers to levy any tax authorized by the Florida Constitution or general law is met.

-The plan for incorporation honors existing solid-waste contracts in the affected geographic area subject to incorporation for five years or the remainder of the contract term, whichever is less.

-With regard to the issue of whether the *Study* meets the statutory requirements for a Municipal Incorporation Feasibility Study, a review of the *Study* indicates that while some of the required elements were included, other requirements were either not clearly identifiable or not addressed:

- The *Study* meets the requirement that it provide the general location for the proposed municipality. The *Study* does not include a map of the area proposed for incorporation, and as such does not meet this requirement.
- The *Study* meets the requirement that it provide reasons for pursuing incorporation.<sup>4</sup>
- The *Study* identifies “preservation of the island environment” and “to build a community centered land use plan to maintain the environment and other needs of the island” as goals. It cannot be ascertained whether these goals meet the requirement that the study include a list of current land use designations applied to the area as currently contained in the county comprehensive plan. The *Study* does not appear to include a list of current zoning designations. The *Study* does not appear to include a general statement of present land use characteristics of the area. It cannot be ascertained whether the stated goals mean that no development is proposed for the territory.
- Based on the information contained in the *Study*, it appears to identify all local public agencies with boundaries lying within the territory proposed for incorporation.
- Based on the information contained in the *Study*, it appears to identify all current public service providers.
- The *Study* meets the requirement that it identify proposed services. Based on the information contained in the *Study*, the committee cannot ascertain whether it meets the requirement to identify estimated costs for the proposed services.
- The *Study* does not meet the requirement that it include the name and address of three persons submitting the proposal.
- The *Study* appears to meet some but not all elements of the requirement that it provide evidence of the fiscal capacity for the area proposed for incorporation.
- The *Study* does include a five-year operational plan and budget.
- The *Study* appears to address portions of the requirement that it provide data and analysis to support the conclusions that incorporation is necessary and financially feasible. However, some of the methodologies used and assumptions employed in the analyses are unclear or inconsistent with other information regarding the area proposed for incorporations.
- The *Study* appears to meet the requirement for evaluating alternatives available to the area regarding the policy concerns.
- The *Study* does not provide evidence that the proposed municipality meets the requirements for incorporation pursuant to s. 165.061, F.S.

### **Governor’s Office of Planning and Budgeting:**

-In Section 8 of the Charter it states that “if the vote at the general city election results in a tie, the outcome shall be determined by lot as follows: (1) the outcome shall be determined by lot as follows: (1) .... the Supervisor of Elections...shall toss a coin. In alphabetic order, the TWO candidates shall call the coin.” This poses a potential problem because it does not state that the two candidates must call different sides of the coin. Because the next section (2) states that “the candidate whose call matches the coin toss shall be declared the winner”, then perhaps, section (1) should state that only ONE candidate (given the alphabetic order rule) shall call the coin, instead of two.

-In Section 11, the intent of the percent of qualified electorate that shall have power to petition the council is unclear. It states that “at least 10 percent of the qualified electorate of the city shall have the power to petition the council...” As written, it implies that no less than 10 percent of the electorate have “power to petition the council.” If the intent is that there must be at least 10

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<sup>4</sup> However, one of the stated goals for incorporation is to secure “control of the future land use” in the community. The paragraph that follows the goals indicates that Lee County would continue to be responsible for “planning, zoning, building inspections and code enforcement.” Thus, it is unclear how the City of Captiva Island would control future land use if the county maintains all responsibility in that area. In addition, Lee County as a charter county has additional authority to define its interactions with other local governments, including how conflicts between county and municipal ordinances are resolved. It may be appropriate to address the relationship between the proposed municipality and Lee County as a charter county.

percent to petition the council in order to propose and ordinance, etc, then perhaps it should state something like: "MUST HAVE at least 10 percent of the qualified electorate of the city IN ORDER TO CONSTITUTE SUFFICIENT PARTICIPATION AMONG THE ELECTORATE to petition the council...."

-In Section 13, it should be noted that after the initial population estimates for calculating eligibility for shared revenues are determined by the University of Florida Bureau of Economic and Business Research (bureau), that the bureau "certify" future population estimates for said purpose. This would be consistent with other successfully created incorporation charters.

-Lastly, in Section 13, it should be clearly stated that the City will be eligible for local option gas tax revenues in accord with an interlocal agreement, until such time the City becomes eligible for local option gas tax revenue distribution by the Florida Department of Revenue (DOR), as these funds would not be distributed by the County at that point, but rather, by DOR.

-Apart from the issues identified above, the feasibility study findings and proposed charter seem to be professionally sound. The approach and methodologies for determining municipal revenue and expenditure projections after incorporation seem reasonable. Lastly, as pointed out in the study, the proposed area for incorporation does not meet the minimum population threshold of 5,000, and will require a waiver in the local bill.

#### **Department of Revenue:**

The Department of Revenue provided a fiscal analysis for the proposed incorporation of Captiva. The analysis indicated that after incorporation, Captiva Island would gain \$31,596 in ½ cent distributions; \$51,709 in the 1 % discretionary surtax; and \$5,795 in municipal Revenue Sharing. The County and surrounding municipalities would suffer projected losses.

#### **Department of Community Affairs:**

The Department of Community Affairs' review is to ensure that groups seeking to incorporate are aware of their potential responsibilities as they relate to growth management. The Department's review does not address the merits of incorporation. The Department stated:

-Should it incorporate; the Village will face many challenges in fulfilling their growth management responsibilities. The Village of Captiva would be required to develop and adopt a comprehensive plan as set out in chapter 163, F.S., within three years after the date of incorporation. These provisions of law and rule outline specific requirements for comprehensive planning that all local governments in Florida must address.

-Pursuant to chapter 163, the Lee County comprehensive plan as it exists on the date of incorporation is the controlling document for guiding growth and development until the Village of Captiva adopts its comprehensive plan in accordance with these requirements. Within one year of incorporation, the Village must establish a local planning agency pursuant to s. 163.3174, F.S. and notify the DCA of the establishment of its local planning agency for the purpose of developing the comprehensive plan.

-This is the third attempt to incorporate the Village of Captiva.

-Despite the County's efforts to approve a Community Plan for Captiva and urging for the Captiva Incorporation Committee (supporting incorporation) and the Captiva Island Property Owners Association (opposed to incorporation) to work together, the feasibility study suggests that the Incorporation Committee is not pleased with the changes made by the County to key policies in the Community Plan. The feasibility study for the Village indicates a continued dissatisfaction with Lee County's land use and zoning decision making, and the survey results included in the feasibility study indicate a continued desire by property owners to incorporate.

As pointed out in the study, the proposed area for the Village of Captiva does not meet the population threshold and will require a waiver of this requirement. The recommendation to add a provision for a transitional or interim comprehensive plan appears to have been adequately addressed in the proposed bill.

**Comments by the Captiva Island Property Owners Association, Inc.**

Comments also were provided by the Captiva Island Property Owners Association, Inc. This group opposes the incorporation and states that Captiva does not meet the statutory standards for incorporation. The group also articulates what it sees to be numerous problems with the proposal, including: a "lack of critical mass" to run the city; a proposed election schedule is too compressed and chaotic; a problem with adopting a millage due to possible lack of council meetings during budget cycle; a concern that too many Captivans are voiceless in the debate; the existence of budgetary concerns; revenue-sharing problems; financial fallacies; problems with contracting for services; and a number of other issues.

**IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES**

None.