

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [HB 4035](#)

TITLE: Lee County

SPONSOR(S): Giallombardo

COMPANION BILL: None

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 115 Y's

0 N's

GOVERNOR'S ACTION: Pending

SUMMARY

Effect of the Bill:

The bill merges the Fort Myers Beach Mosquito Control District into the Lee County Mosquito Control District, subject to the approval of the electors of both districts voting in a referendum held at the 2026 general election.

Fiscal or Economic Impact:

The Economic Impact Statement (EIS) for the bill states Fort Myers Beach Mosquito Control District currently pays \$80,000 to the Lee County Mosquito Control District for aerial spraying and inspection services. Additional revenue from Fort Myers Beach residents are estimated to be \$1 million. The EIS states that a merger would result in more equitable sharing of the cost of mosquito control services and most taxpayers would see a reduction in their millage rate.

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ANALYSIS

EFFECT OF THE BILL:

Subject to approval by a referendum, the bill merges the [Fort Myers Beach Mosquito Control District](#) into the [Lee County Mosquito Control District](#) and transfers the assets and liabilities of the Fort Myers Beach Mosquito Control District to the Lee County Mosquito Control District. (Section [3](#))

The bill amends the boundaries of the Lee County Mosquito Control District to include all of Lee County and repeals the special act governing the Fort Myers Beach Mosquito Control District. (Sections [1](#) and [2](#))

The bill is subject to approval by the electors of *both* districts voting in a referendum to be held on November 3, 2026, the 2026 general election. The bill specifies the wording of the referendum question on the ballot and requires the referendum to be held in accordance with the Florida Election Code. (Section [4](#))

Subject to the Governor's veto powers, the effective date of this bill is upon its approval by a majority vote of the qualified electors of both districts voting in a referendum, except that sections 4 and 5 take effect upon becoming a law. (Section [5](#))

FISCAL OR ECONOMIC IMPACT:

LOCAL GOVERNMENT:

The Economic Impact Statement (EIS) for the bill states Fort Myers Beach Mosquito Control District currently pays \$80,000 to the Lee County Mosquito Control District for aerial spraying and inspection services. Additional revenue from Fort Myers Beach residents are estimated to be \$1 million. The EIS states that a merger would result in more equitable sharing of the cost of mosquito control services and most taxpayers would see a reduction in their millage rate.

STORAGE NAME: h4035z.IAS

DATE: 5/9/2025

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.¹ Special districts are created by general law, special act, local ordinance, or rule of the Governor and Cabinet.² A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.³ Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.⁴

Special districts may be classified as dependent or independent based on their relationship with local general-purpose governments. A special district is classified as “dependent” if the governing body of a single county or municipality:

- Serves as governing body of the district;
- Appoints the governing body of the district;
- May remove members of the district’s governing body at-will during their unexpired terms; or
- Approves or can veto the budget of the district.⁵

A district is classified as “independent” if it does not meet any of the above criteria or is located in more than one county, unless the district lies entirely within the boundaries of single municipality.⁶

Special districts are governed generally by the Uniform Special District Accountability Act (USDAA).⁷ The USDAA centralizes provisions governing special districts and applies to the formation,⁸ governance,⁹ administration,¹⁰ supervision,¹¹ merger,¹² and dissolution¹³ of special districts, unless otherwise expressly provided in law.¹⁴ The USDAA requires notice and publication of tentative budgets and final budgets.¹⁵ Certain budget amendments are allowed up to 60 days following the end of the fiscal year.¹⁶

Special districts do not possess “home rule” powers and may impose only those taxes, assessments, or fees authorized by special or general law. The special act creating an independent special district may provide for

¹ See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

² See ss. [189.02\(1\)](#), [189.031\(3\)](#), and [190.005\(1\)](#), F.S. See generally [s. 189.012\(6\)](#), F.S.

³ Intergovernmental Affairs Subcommittee, *Local Government Formation Manual*, p. 56 (last visited Mar. 28, 2025).

⁴ The method of financing a district must be stated in its charter. Ss. [189.02\(4\)\(g\)](#) and [189.031\(3\)](#), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., [ch. 2023-335, s. 1\(6\)](#), *Laws of Fla.* (East River Ranch Stewardship District). See also, e.g., ss. [190.021](#) (community development districts), [191.009](#) (independent fire control districts), [197.3631](#) (non-ad valorem assessments), [298.305](#) (water control districts), and [388.221](#), F.S. (mosquito control). See also [ch. 2004-397, s. 3\(27\)](#), *Laws of Fla.* (South Broward Hospital District).

⁵ S. [189.012\(2\)](#), F.S.

⁶ S. [189.012\(3\)](#), F.S.

⁷ S. [189.01](#), F.S., but see ch. 190, F.S. (community development districts), ch. 191, F.S. (independent special fire control districts), ch. 298, F.S. (water control districts), ch. 388, F.S. (mosquito control districts), and ch. 582, F.S. (soil and water conservation districts).

⁸ See ss. [189.02](#) (creation of dependent special districts) and [189.031](#), F.S. (creation of independent special districts).

⁹ See [s. 189.0311](#), F.S. (charter requirements for independent special districts).

¹⁰ See [s. 189.019](#), F.S. (requiring codification of charters incorporating all special acts for the district).

¹¹ See [s. 189.0651](#), F.S. (oversight for special districts created by special act of the Legislature).

¹² Ss. [189.071](#) and [189.074](#), F.S.

¹³ Ss. [189.071](#) and [189.072](#), F.S.

¹⁴ See, e.g., [s. 190.004](#), F.S. (Ch. 190, F.S. as “sole authorization” for creation of community development districts).

¹⁵ S. [189.016\(4\)](#), F.S.

¹⁶ S. [189.016\(6\)](#), F.S.

funding from a variety of sources while prohibiting others. For example, ad valorem tax authority is not mandatory for a special district.¹⁷

Mosquito Control Districts

Mosquito control districts (MCDs) are intended to protect health and safety, improve quality of life, promote economic development, and allow for the enjoyment of natural attractions of the state by reducing the number of insects that transmit disease within their boundaries.¹⁸ An MCD may contain part or all of a county or municipality.¹⁹ As of March 21, 2025, there were 18 MCDs: 15 independent districts and three dependent districts.²⁰ The creation of new MCDs has been prohibited since July 1, 1980.²¹

MCDs work closely with the Department of Agriculture and Consumer Services to develop a work plan and budget to meet the needs of the district.²² In counties without a district, the board of county commissioners may exercise the rights, powers, and duties authorized by statute for an MCD or may direct the county health department to do so.²³

MCDs are generally governed by a three-member board of supervisors who are elected to serve a four-year term.²⁴ Board members are elected at-large in a non-partisan election, with the three candidates receiving the highest number of votes elected to the board. An MCD board may adopt a resolution increasing the size of the board to five members or providing for staggered terms of office.²⁵

Lee County Mosquito Control District

The Lee County MCD was created by special act in 1958.²⁶ The charter of the district was re-codified in 1998.²⁷ The district provides services to all of Lee County, except for the area that is serviced by the Fort Myers Beach MCD.²⁸ The district is also authorized to take actions for the control and elimination of all species of mosquitoes and other arthropods of public health importance in a five-mile radius outside the boundaries of the district.²⁹

The district is governed by a seven-member board elected to serve staggered four-term years.³⁰ Members of the board receive \$4,800 a year as compensation.³¹

The district's charter authorizes an ad valorem tax levy of up to 1 mill.³² The district levies an ad valorem tax of 0.22 mills for the current fiscal year, generating approximately \$27.8 million in revenue.³³

¹⁷ See, e.g., [ch. 2006-354, Laws of Fla.](#) (Argyle Fire District may impose special assessments, but has no ad valorem tax authority).

¹⁸ Ss. [388.0101](#) and [388.011\(5\), F.S.](#)

¹⁹ S. [388.021\(1\), F.S.](#)

²⁰ Florida Dept. of Commerce, Special District Accountability Program, [Official List of Special Districts](#) (last visited Mar. 28, 2025).

²¹ S. [388.021\(2\), F.S.](#)

²² See ss. [388.271](#) and [388.281, F.S.](#)

²³ Ss. [388.241](#) and [388.251, F.S.](#) The county health department must keep the books and make all reports required under ch. 388, F.S., and all purchases, whether by bid or otherwise, must be made in accordance with the procedures allowed by the board of county commissioners. The health department must also submit to the board of county commissioners itemized monthly statements of expenses incurred in carrying out the control program in the county.

²⁴ S. [388.101\(1\), F.S.](#)

²⁵ S. [388.101\(2\) and \(3\), F.S.](#)

²⁶ Ch. 57-2060, s. 22, Laws of Fla.

²⁷ Ch. 98-461, Laws of Fla.

²⁸ Ch. 98-461, s. 1, Laws of Fla. See also [ch. 2001-335, s. 3\(2\), Laws of Fla.](#)

²⁹ Ch. 98-461, s. 5, Laws of Fla.

³⁰ Ch. 98-461, s. 3, Laws of Fla.

³¹ Ch. 98-461, s. 7, Laws of Fla. See also [s. 388.141, F.S.](#)

³² Ch. 98-461, s. 13, Laws of Fla.

³³ Lee County Mosquito Control District, [Lee County Mosquito Control District 2025 Budget](#) (last visited Mar. 28, 2025).

[Fort Myers Beach Mosquito Control District](#)

The Fort Myers Beach MCD was created by county resolution in 1949.³⁴ The charter of the district was re-codified by special act in 2001.³⁵ The district is authorized to exercise all powers and authority granted to MCDs under ch. 388, F.S., and by special acts relating to the district.³⁶ The district provides services to a 25 square mile area.³⁷ The district is governed by a three-member board elected to serve four-term years.³⁸

Local Bill Forms

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.³⁹ A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website⁴⁰ at least 30 days prior to the introduction of the local bill in the House or Senate.⁴¹ The bill takes effect only upon its approval by the qualified electors of both MCDs voting in a referendum held on November 3, 2026.

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement Form be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as possible.⁴² Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- [Local Bill Certification Form](#)
- [Economic Impact Statement Form](#)

³⁴ [Ch. 2001-335, s. 2, Laws of Fla.](#)

³⁵ [Ch. 2001-335, Laws of Fla.](#)

³⁶ [Ch. 2001-335, s. 5, Laws of Fla.](#)

³⁷ *See* [ch. 2001-335, s. 2, Laws of Fla.](#)

³⁸ [Ch. 2001-335, s. 3, Laws of Fla.](#)

³⁹ [Art. III, s. 10, Fla. Const.](#)

⁴⁰ [S. 50.0311\(2\), F.S.](#)

⁴¹ [S. 11.02, F.S.](#) If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.

⁴² Intergovernmental Affairs Subcommittee, [Local Bill Policies and Procedures Manual](#), p. 11 (last visited Mar. 28, 2025).