

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

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

**BILL #:** [CS/HB 4013](#)

**TITLE:** Lee County

**SPONSOR(S):** Botana

**COMPANION BILL:** None

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Intergovernmental Affairs](#)

14 Y, 0 N, As CS

[Ways & Means](#)

17 Y, 0 N

[State Affairs](#)

25 Y, 0 N

## SUMMARY

### **Effect of the Bill:**

The bill merges the Fort Myers Beach Fire Control District into the Iona-McGregor Fire Protection and Rescue Service District, subject to the approval of the electors of both districts voting in a referendum held at the 2026 general election, and provides for a transitional board consisting of the board of the Iona-McGregor Fire Protection and Rescue Service District as of the effective date of the bill, as well the two members of the Fort Myers Beach Fire Control District board, whose terms expire at the 2028 general election.

### **Fiscal or Economic Impact:**

The Economic Impact Statement (EIS) for the bill states implementing the bill will cost \$750,000 in the first fiscal year after the bill takes effect due to legal and administrative expenses related to the transition. The EIS projects consolidation will result in long-term savings due to increased administrative and operational efficiencies.

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## ANALYSIS

### **EFFECT OF THE BILL:**

Subject to approval by a referendum, the bill [merges](#) the [Fort Myers Beach Fire Control District](#) (Fort Myers Beach FCD) into the [Iona-McGregor Fire Protection and Rescue Service District](#) (Iona-McGregor FCD) and transfers the assets and liabilities of the Fort Myers Beach FCD to the Iona-McGregor FCD. (Section [3](#))

The bill amends the boundaries of the Iona-McGregor FCD to include all areas currently included in the Fort Myers Beach FCD and repeals the special act governing the Fort Myers Beach FCD. (Sections [1](#) and [2](#))

The bill provides that the merged district's governing board must, from the effective date of the bill until the 2028 general election, consist of the board members of the Iona-McGregor FCD as of the effective date of the bill, as well the two members of the Fort Myers Beach FCD board whose terms expire at the 2028 general election. Starting with the 2028 general election, the board will consist of five members elected by the electors of the merged district. (Section [3](#))

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](#))

The bill provides that it only takes effect 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](#))

**STORAGE NAME:** h4013e.SAC

**DATE:** 2/10/2026

## FISCAL OR ECONOMIC IMPACT:

### LOCAL GOVERNMENT:

The Economic Impact Statement (EIS) for the bill states implementing the bill will cost \$750,000 in the first fiscal year after the bill takes effect due to legal and administrative expenses related to the transition. The EIS projects consolidation will result in long-term savings due to increased administrative and operational efficiencies.

## 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.<sup>1</sup> Special districts are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.<sup>2</sup> 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.<sup>3</sup> Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.<sup>4</sup>

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.<sup>5</sup>

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.<sup>6</sup>

Special districts are governed generally by the Uniform Special District Accountability Act (USDAA).<sup>7</sup> The USDAA centralizes provisions governing special districts and applies to the formation,<sup>8</sup> governance,<sup>9</sup> administration,<sup>10</sup> supervision,<sup>11</sup> merger,<sup>12</sup> and dissolution<sup>13</sup> of special districts, unless otherwise expressly provided in law.<sup>14</sup> The

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

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

<sup>3</sup> Intergovernmental Affairs Subcommittee, [Local Government Formation Manual](#), p. 56 (last visited Dec. 4, 2025).

<sup>4</sup> 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).

<sup>5</sup> [S. 189.012\(2\)](#), F.S.

<sup>6</sup> [S. 189.012\(3\)](#), F.S.

<sup>7</sup> [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).

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

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

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

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

<sup>12</sup> [Ss. 189.071](#) and [189.074](#), F.S.

<sup>13</sup> [Ss. 189.071](#) and [189.072](#), F.S.

USDA requires notice and publication of tentative budgets and final budgets.<sup>15</sup> Certain budget amendments are allowed up to 60 days following the end of the fiscal year.<sup>16</sup>

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

#### Involuntary Merger of Independent Special Districts

All independent special districts created by special act may be merged by the passage of a subsequent special act to merge the districts.<sup>18</sup> A merger that is not initiated by the governing bodies of the districts or an elector petition is referred to as an “involuntary” merger.<sup>19</sup> An “involuntary” merger must be approved at separate referenda of the impacted special districts voting in the same manner in which the governing body of the district is elected. The special act merging the districts must contain a plan of merger that addresses transition issues such as the effective date of the merger, governance and administration of the district, powers of the district, pensions, and the assumption of all assets and liabilities of the merged districts.

#### **Independent Fire Control Districts**

An independent special fire control district (FCD) is a type of independent special district created by the Legislature to provide fire suppression and related activities within the territorial jurisdiction of the district.<sup>20</sup> As of December 4, 2025, there were 53 active FCDs.<sup>21</sup>

The Independent Special Fire Control District Act provides standards, direction, and procedures for the uniform operation and governance of these districts, including financing authority, fiscally responsible service delivery, and elections.<sup>22</sup> The act controls over more specific provisions in any special act or general law of local application creating a FCD’s charter,<sup>23</sup> requiring every FCD to be governed by a five-member board,<sup>24</sup> and providing:

- General powers.<sup>25</sup>
- Special powers.<sup>26</sup>
- Authority and procedures for the assessment and collection of ad valorem taxes.<sup>27</sup>
- Authority and procedures for the imposition, levy, and collection of non-ad valorem assessments, charges, and fees.<sup>28</sup>
- Issuance of district bonds and evidence of debt.<sup>29</sup>

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

<sup>15</sup> [S. 189.016\(4\), F.S.](#)

<sup>16</sup> [S. 189.016\(6\), F.S.](#)

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

<sup>18</sup> [S. 189.073, F.S.](#)

<sup>19</sup> [S. 189.075\(1\), F.S.](#) See also [S. 189.074, F.S.](#) (providing procedures for the merger of two or more contiguous independent special districts created by special act initiated by the governing bodies of those respective districts or an elector initiative).

<sup>20</sup> [S. 191.003\(5\), F.S.](#)

<sup>21</sup> Florida Dept. of Commerce, Special District Accountability Program, [Official List of Special Districts](#), (last visited Dec. 4, 2025).

<sup>22</sup> [S. 191.002, F.S.](#)

<sup>23</sup> [S. 191.004, F.S.](#) Provisions in other laws pertaining to district boundaries or geographical sub-districts for electing members to the governing board are excepted from this section.

<sup>24</sup> [S. 191.005\(1\)\(a\), F.S.](#) (a fire control district may continue to be governed by a three-member board if authorized by special act adopted on or after 1997).

<sup>25</sup> [S. 191.006, F.S.](#) (e.g. the power to sue and be sued in the name of the district, the power to contract, and the power of eminent domain).

<sup>26</sup> [S. 191.008, F.S.](#)

<sup>27</sup> [Ss. 191.006\(14\) and 191.009\(1\), F.S.](#)

<sup>28</sup> [Ss. 191.006\(11\) and \(15\); 191.009\(2\), \(3\), and \(4\); and 191.011, F.S.](#)

<sup>29</sup> [S. 191.012, F.S.](#)

FCDs may levy ad valorem taxes on real property within the district of no more than 3.75 mills unless a greater amount was previously authorized.<sup>30</sup> A district also may levy non-ad valorem assessments and adopt a schedule of reasonable fees for services performed.<sup>31</sup> Additionally, the district board may impose an impact fee if authorized by law and the local general-purpose government has not adopted an impact fee for fire services that is distributed to the district for the purchase of new facilities and equipment.<sup>32</sup>

FCDs in Lee County are also governed according to the Lee County Independent Special Fire Control District Act.<sup>33</sup> The provisions of this special act mirror the provisions of Ch. 191, F.S., as they existed upon initial passage in 1997.<sup>34</sup>

### **Iona-McGregor Fire Protection and Rescue Service District**

The Iona-McGregor Fire Protection and Rescue Service District was created by special act in 1975.<sup>35</sup> The charter of the district was re-codified in 2000.<sup>36</sup> The district provides fire, rescue, and emergency services to 80,000 residents in an area containing 42 square miles of land as well as more than 20 miles of shoreline and canals.<sup>37</sup>

The district is governed by a five-member board elected to serve staggered four-term years.<sup>38</sup> Members of the board serve without compensation, but may be reimbursed for actual expenses incurred in the performance of their official duties.<sup>39</sup>

The district's charter authorizes an ad valorem tax levy of up to 1.75 mills, unless a higher amount has been approved by the electors of the district in accordance with the Independent Special Fire Control District Act and the Lee County Independent Special Fire Control District Act.<sup>40</sup> The district levies an ad valorem tax of 2.5 mills during the 2025-26 Fiscal Year (FY), generating approximately \$27.6 million in revenue.<sup>41</sup>

### **Fort Myers Beach Fire Control District**

The Fort Myers Beach FCD was created by special act in 1951.<sup>42</sup> The charter of the district was re-codified in 2000.<sup>43</sup> The district provides a variety of services including fire suppression activities, emergency medical advanced life support (ALS) on all apparatus, ambulance transport, technical rescue, hazardous materials incident response, and a variety of other emergency and non-emergency services.<sup>44</sup>

The district is governed by a five-member board elected to serve staggered four-term years.<sup>45</sup> Members of the board may be paid a salary of up to \$500 per month, as determined by a majority-plus-one vote of the district's board, and may be reimbursed for travel and per diem expenses.<sup>46</sup>

<sup>30</sup> [S. 191.009\(1\), F.S.](#), but see [art. VII, s. 9, Fla. Const.](#) (special districts may not levy an ad valorem tax in excess of the millage "authorized by law approved by vote of the electors.")

<sup>31</sup> [S. 191.009\(2\) and \(3\), F.S.](#) If the district levies a non-ad valorem assessment to fund emergency medical and transport services, the district is prohibited from levying an ad valorem tax to fund those services.

<sup>32</sup> [S. 191.009\(4\), F.S.](#)

<sup>33</sup> Ch. 97-340, Laws of Fla.

<sup>34</sup> Compare ch. 97-340, s. 6, Laws of Fla. (general powers of FCDs in Lee County), with [s. 191.006, F.S.](#) (general powers of FCDs, containing same provisions along with a new section 19 concerning housing assistance for employees adopted in 2007).

<sup>35</sup> Ch. 75-421, Laws of Fla.

<sup>36</sup> [Ch. 2000-384, Laws of Fla.](#)

<sup>37</sup> Iona-McGregor Fire Protection and Rescue Service District, [Our History](#) (last visited Dec. 4, 2025).

<sup>38</sup> [Ch. 2000-384, s. 3, Laws of Fla.](#)

<sup>39</sup> [Ch. 2000-384, s. 4, Laws of Fla.](#)

<sup>40</sup> [Ch. 2000-384, s. 5, Laws of Fla.](#)

<sup>41</sup> Iona-McGregor Fire Protection and Rescue Service District, [Adopted Budget 2025-2026 Fiscal Year](#) (last visited Dec. 4, 2025).

<sup>42</sup> Ch. 51-27676, Laws of Fla.

<sup>43</sup> [Ch. 2000-422, Laws of Fla.](#)

<sup>44</sup> Fort Myers Beach Fire Control District, [About Us](#) (last visited Dec. 4, 2025).

<sup>45</sup> [Ch. 2000-422, s. 3\(2\), Laws of Fla.](#)

<sup>46</sup> See ch. 97-240, Laws of Fla. (salary, honoraria, and expenses for members of FCD boards in Lee County).

The district's charter authorizes an ad valorem tax levy of up to 3 mills, unless a higher amount has been approved by the electors of the district in accordance with the Independent Special Fire Control District Act and the Lee County Independent Special Fire Control District Act.<sup>47</sup> The district levies an ad valorem tax of 2.76 mills during the 2025-26 FY, generating approximately \$14.3 million in revenue.<sup>48</sup>

### 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.<sup>49</sup> A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website<sup>50</sup> at least 30 days prior to the introduction of the local bill in the House or Senate.<sup>51</sup> The bill takes effect only upon its approval by the qualified electors of both districts 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.<sup>52</sup> 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](#)

### BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Intergovernmental Affairs Subcommittee</a>	14 Y, 0 N, As CS	12/11/2025	Darden	Darden
THE CHANGES ADOPTED BY THE COMMITTEE:				
	<ul style="list-style-type: none"> <li>• Provides that transitional board structure for the district applies notwithstanding both the Independent Special Fire Control District Act and the Lee County Independent Special Fire Control District Act.</li> </ul>			
<a href="#">Ways &amp; Means Committee</a>	17 Y, 0 N	1/22/2026	Aldridge	Kurtz
<a href="#">State Affairs Committee</a>	25 Y, 0 N	2/10/2026	Williamson	Darden

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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<sup>47</sup> [Ch. 2000-384, s. 5, Laws of Fla.](#)

<sup>48</sup> Fort Myers Beach Fire Control District, [Fort Myers Beach Fire Control District Community Budget Information Fiscal Year 2025/2026](#) (last visited Dec. 4, 2025).

<sup>49</sup> [Art. III, s. 10, Fla. Const.](#)

<sup>50</sup> [S. 50.0311\(2\), F.S.](#)

<sup>51</sup> [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.

<sup>52</sup> Intergovernmental Affairs Subcommittee, [Local Bill Policies and Procedures Manual](#), p. 11 (last visited Dec. 4, 2025).