



Greater Pine Island Water Association

Greater Pine Island Civic Association Presentation

June 7, 2022



COCC ANNEXATION STRATEGY

City of Cape Coral (CoCC) has a two pronged approach to annexation, voluntary and involuntary.

Voluntary annexation was discussed at the MPIFD Regular Board Meeting on 5/25/2022.

The focus of this presentation will be the involuntary annexation by **Special Act**, and a discussion of what might be motivating the aggressive annexation policy.



GPIWA OPPOSES ANNEXATION BY SPECIAL ACT

The Greater Pine Island Water Association (GPIWA) opposes the CoCC Enclave Annexation by Special Act.

Rationale for opposing annexation is that GPIWA would lose its future water franchise, and its current franchise would end in 2050. In other words, it can no longer serve those properties and loses the associated customers.



GPIWA NEEDS UNINCORPORATED LEE COUNTY

GPIWA's legal authority to sell water in Unincorporated Lee County comes from Lee County via a Franchise Agreement.

If the properties that make up the GPIWA service area leave Unincorporated Lee County,

at the end of the Franchise Agreement, GPIWA has to stop serving those properties.



WHY SHOULD THE MEMBERS OF GPICA OPPOSE ANNEXATIONS

For the same reason GPIWA is opposing annexation, you want to remain in Unincorporate Lee County?



LET'S TALK ABOUT GOVERNMENT

Lee County and Incorporated Areas



Matlacha and Pine Island are governed by Lee County as they not incorporated.

Prepared by Lee County, August 24, 2020



PROTECTING RURAL OLD FLORIDA LIFESTYLE

The Pine Island and Matlacha communities have successfully documented their requirements for development in the

Lee County Land Development Code (LDC)

https://library.municode.com/fl/lee_county/codes/land_development_code?nodeId=LADECOLECOFL

Chapter 33 Planning Communities

- Article III Greater Pine Island
- Article VI Matlacha Residential Overlay

which protects these communities from development that does not fit with the rural old Florida lifestyle envisioned by a majority of the citizens in these areas.



HOW DO THEY INCREASE DEVELOPMENT

Get rid of the Lee County Land Development Code (LDC)



HOW DO THEY GET RID OF THE LEE COUNTY LAND DEVELOPMENT CODE (LDC)?

Get rid of the Lee County.



ANNEXATION INTO THE CITY OF CAPE CORAL

Lee County and Incorporated Areas



CoCC annexation removes Matlacha and Pine Island out of unincorporated Lee County,

which removes LDC development barriers.

Prepared by Lee County, August 24, 2020



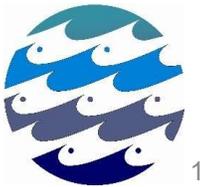
HOW DO ANNEXATIONS IN THE STATE OF FLORIDA WORK?

Annexations are defined in the Florida Statutes (FS) Title XII Municipalities, Chapter 171 Local Government Boundaries

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0171/0171ContentsIndex.html

There are three normal mechanisms for annexation and one special.

- 1.FS Section 171.044, voluntary annexation
- 2.FS Section 171.0413, involuntary annexation pursuant to a referendum
- 3.FS Section 171.046, annexation by interlocal agreement

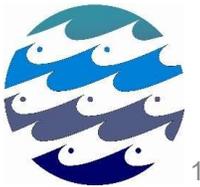


SPECIAL METHOD OF ANNEXATION IN THE STATE OF FLORIDA

Chapter 171 Section 044(4), Florida Statutes provides the following:

“The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law”

In other words, the three previous annexation methods called out in Chapter 171, are subordinate to any laws created to annex properties.



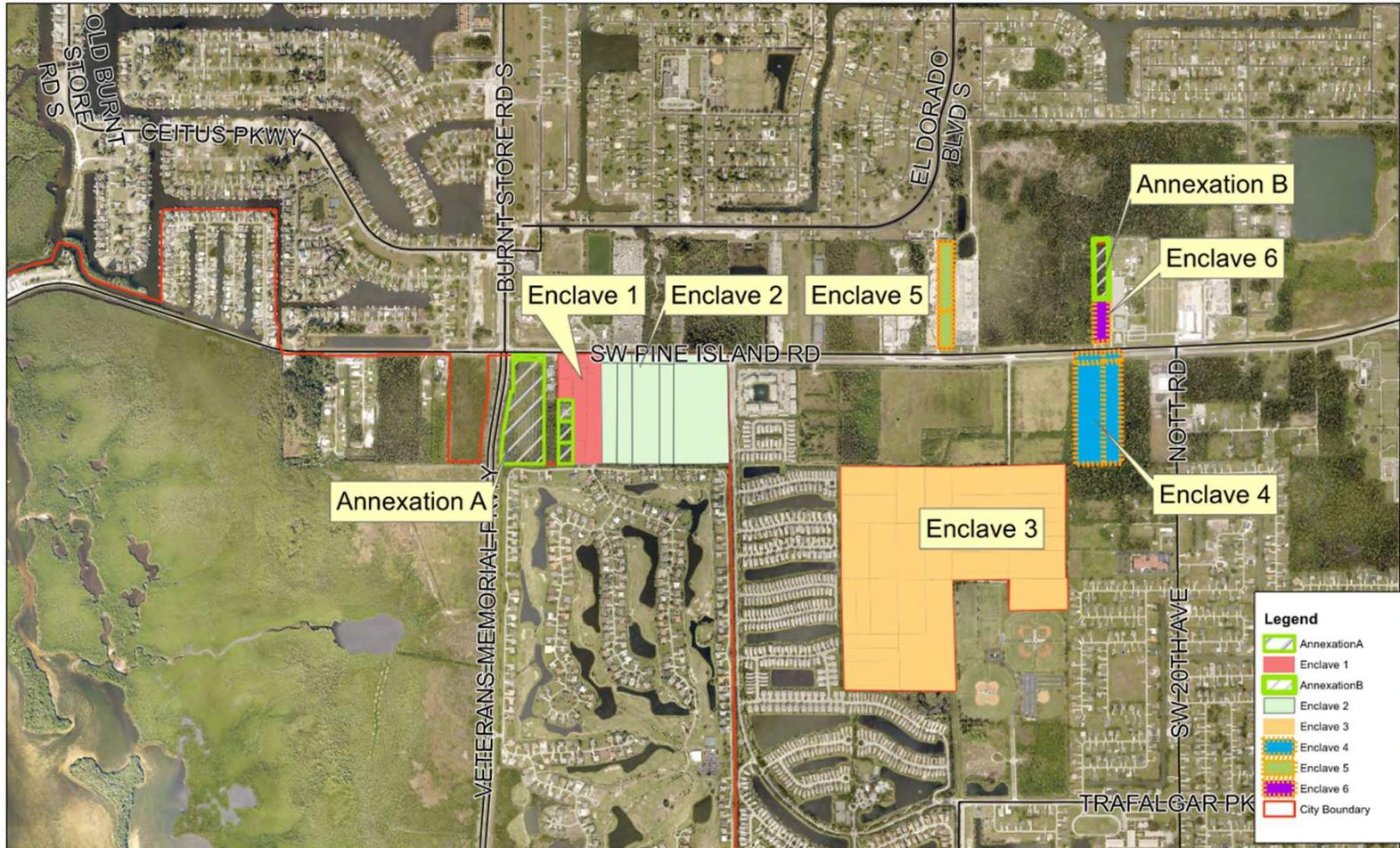
HOW DO WE KNOW COCC WANTS TO ANNEX BY SPECIAL ACT?

3/9/2022 CoCC Committee of the Whole (COW) presented to the CoCC Council an Enclave Annexation Strategy. The strategy is to involuntarily annex twelve enclaves. Six of which are within GPIWA franchise.

As a stakeholder GPIWA was not invited to the meeting.



ANNEXATION OF ENCLAVES 1 THRU 6



All enclaves shown fall within GPIWA franchise area

and

MPIFD Fire District



Map taken from 3/9/2022 CoCC Committee of the Whole (COW) presentation to the CoCC Council, of their Enclave Annexation Strategy, PDF Page 18 of 87.

ENCLAVE ANNEXATION MOVING CITY LIMITS FURTHER WEST



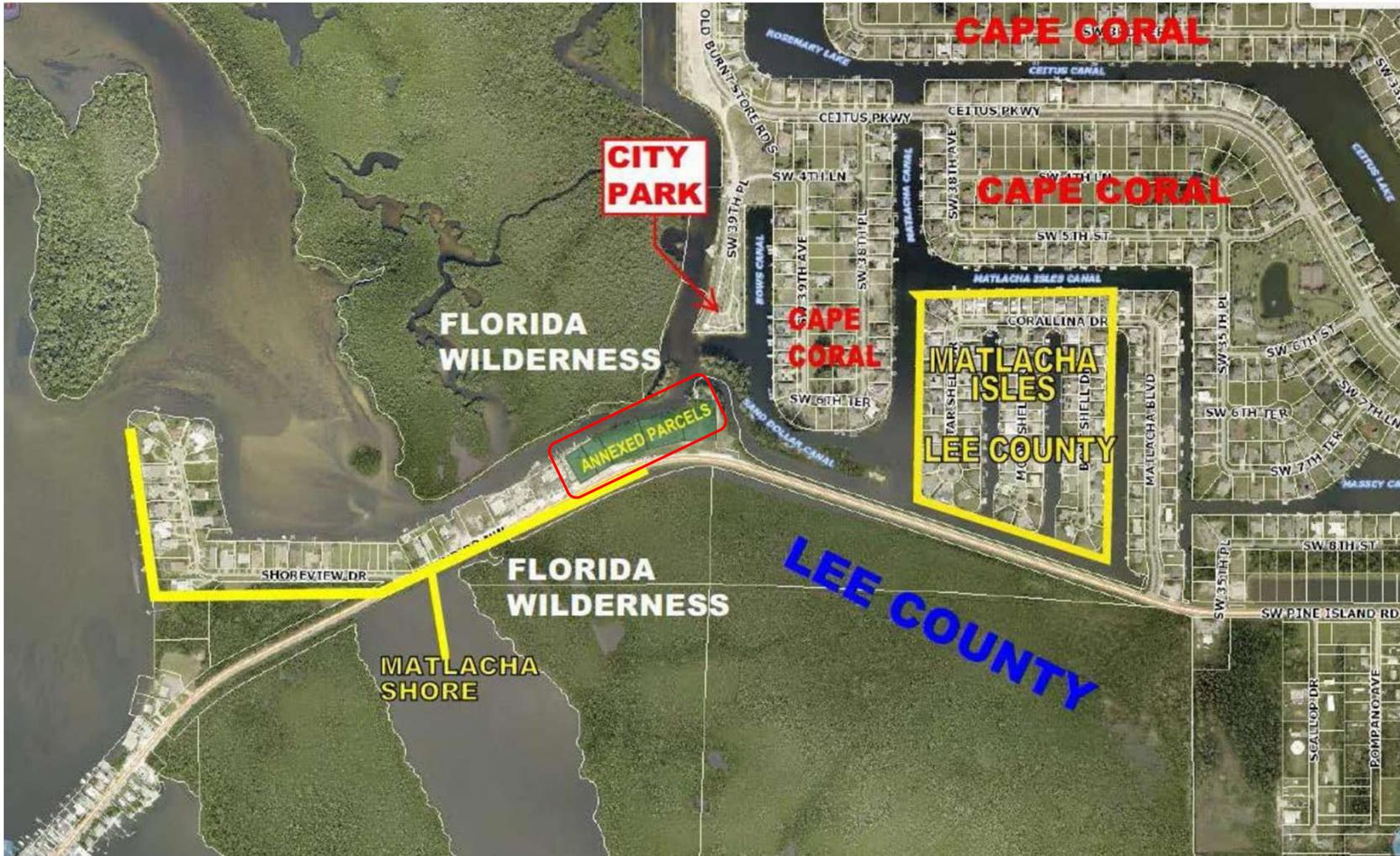
After voluntary and involuntary annexations of the areas inside the red border,

Cape Royal will be bounded on three sides by CoCC.

After voluntary annexations of the areas inside the white border City limit moves westward south of Pine Island Rd.



2016 ANNEXATION OF DD BAIT PROPERTIES



After the CoCC bought the properties inside the red border, they voluntarily annexed the properties, to themselves.



2019 ANNEXATION OVERTURNED BECAUSE DD BAIT PROPERTIES NOT CONTIGUOUS TO COCC



Area outlined in light blue, marked as LOT A was not contiguous to CoCC, resulting in their annexation being overturned.

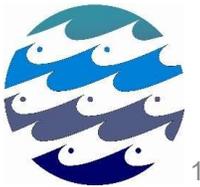


ANNEXATION MECHANISM BY SPECIAL ACT

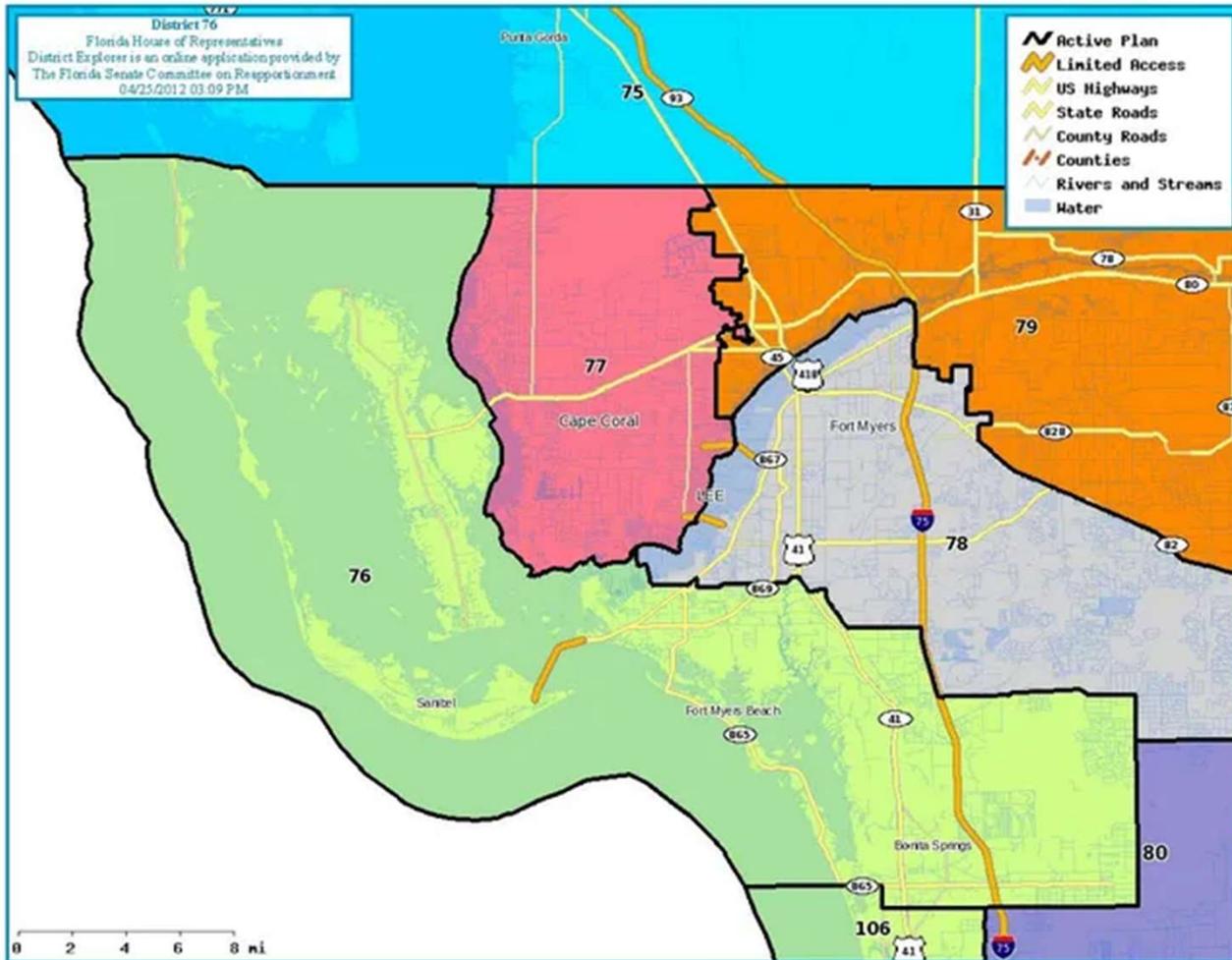
Basically, creating a new law.

Step-1: CoCC would communicate to local State Representatives and Senators looking for Congressional sponsors to create a bill from their Special Act, in advance of the **Lee County Legislative Delegation** meeting on 8/18/2022.

Who are the **Lee County Legislative Delegation**?



STATE HOUSE DISTRICTS IN LEE COUNTY



76, Adam Botana

77, Mike Giallombardo

*78, Jenna Persons-
Mulicka*

79, Spencer Roach



FLORIDA REPRESENTATIVES' W/ DISTRICTS IN LEE COUNTY

Mike.Giallombardo@myfloridahouse.gov

Spencer.Roach@myfloridahouse.gov



Botana, Adam

Republican — District: 76

Part of Lee

11/04/20 - 11/08/22

Sunshine Professional Center, Suite 2215
9240 Bonita Beach Road Southeast
Bonita Springs, FL 34135-4251
(239) 949-6279

Suite 310
1039 Southeast 9th Place
Cape Coral, FL 33990-3131
(239) 772-1291



Giallombardo, Mike

Republican — District: 77

Part of Lee

11/04/20 - 11/08/22

Adam.Botana@myfloridahouse.gov



Persons-Mulicka, Jenna

Republican — District: 78

Part of Lee

11/04/20 - 11/08/22

Suite 208
2120 Main Street
Fort Myers, FL 33901-3010
(239) 338-2328

Jenna.Persons@myfloridahouse.gov

Suite 6
3436 Marinatown Lane
North Fort Myers, FL 33903-7058
(239) 656-7790



Roach, Spencer

Republican — District: 79

Part of Lee

11/04/20 - 11/08/22



FLORIDA SENATORS' W/ DISTRICTS IN LEE COUNTY



DISTRICT 26

Portions of Polk, Hardee, DeSoto, Okeechobee, Highlands, Charlotte, Lee, and Glades Counties

BEN ALBRITTON (Republican)

Next Election: 2022
 308 Senate Office Bldg
 404 S Monroe St
 Tallahassee FL 32399
 850-487-5026

albritton.ben.web@flsenate.gov



DISTRICT 27

Lee County

RAY RODRIGUES (Republican)

Next Election: 2024
 400 Senate Office Bldg
 404 S Monroe St
 Tallahassee FL 32399
 850-487-5027

rodrigues.ray.web@flsenate.gov District 27



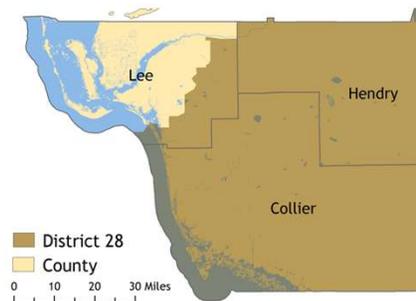
DISTRICT 28

Portions of Lee, Hendry, and Collier Counties

KATHLEEN PASSIDOMO (Republican)

Next Election: 2022
 330 Senate Office Bldg
 404 S Monroe St
 Tallahassee FL 32399

850-487-5028
passidomo.kathleen.web@flsenate.gov



ANNEXATION MECHANISM BY SPECIAL ACT

Step-2: Special Act submitted to Delegation for acceptance to their agenda by 8/6/2022.

Step-3: Presentations of the Special Act at the Legislative Delegation meeting. Theoretically, after the meeting one or more Legislative Delegates would volunteer to sponsor a bill.

Step-4: Bill must clear the Florida House of Representatives.

Step-5: Bill must clear the Florida Senate.

Step-6: Governor of Florida allows the Bill to become law by not vetoing it.



STOPPING ANNEXATION BY SPECIAL ACT

Stopping annexation by Special Act could be done by opposing the different steps laid out previously, all of which hinge on letting members of the Legislative Delegation know our opposition.

This can take the form of emails, phone calls, letters, or in-person meetings.

If you live in Pine Island or Matalacha, we believe your focus should first be with Representative Adam Botana and Senator Ray Rodrigues as you are their constituents.

If you live off island in Cape Royal or Saddlewood, we believe your focus should first be with Representative Mike Giallombardo and Senator Ray Rodrigues as you are their constituents.



COCC RATIONALE FOR ANNEXATION

CoCC, whether in newspaper articles or during council meetings, continuously stresses that communities called out as enclaves are a burden on the City as they theoretically use City resources.

These enclaves are being served potable water by GPIWA, fire and emergency services by MPIFD, and security services by Lee County Sheriff Department. They use Lee County DOT, FDOT, or their own private roads. Most boaters in these communities use Matlacha Community Park boat ramp to avoid 30-45 minute boat ride from Burnt Store Boat Ramp to reach Matlacha Pass.

Obliviously these enclaves are NOT a burden to the CoCC.



WE HAVE SEEN THIS BEFORE 2003 COCC ANNEXATION BY SPECIAL ACT

In 2003 CoCC was successful in getting their Annexation of Enclaves by Special Act created in the House of Representatives via House Bill 421 by Representative Kottkamp.

HB-421 did pass through the House.

HB-421 did pass through the Senate.

After passage by the House, **due to public outcry**, the bill's sponsor Representative Kottkamp removed his support and urged the Governor to veto his Bill.

HB-421 **was vetoed** by Governor Jeb Bush.



DEMOCRACY WORKS



JEB BUSH
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

June 26, 2003

Office of the Clerk

03 JUN 27 AM 9:37

2003 JUN 26 PM 7:41
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

The Honorable Glenda E. Hood
Secretary of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of House Bill 421, enacted during the 35th Session of the Legislature of Florida convened under the Constitution of 1968, during the Regular Session of 2003, and entitled:

An act relating to Lee County and the City of Cape Coral...

The bill authorizes the City of Cape Coral and Lee County to enter into an interlocal agreement for the municipal annexation of various Lee County-administered areas, all of which are not enclaves, subject to referendum approval. While the bill attempts to include local electorate approval and on face value adheres to my local bill policy, the referendum requires majority approval of the combined electorate of the enclaves described in the bill. Consequently, favorable votes in heavily populated enclaves could completely offset unfavorable votes in less populated enclaves. This design is contrary to the spirit of my local bill policy of requiring referenda in annexations.

There have also been concerns raised by many affected and interested parties, that were made only after passage of the legislation. Because of the faulty referendum process, the violations of the local bill policy, and the number of concerns raised by those that originally proposed this legislation, this bill should not be allowed to become law. I hope that the concerns with this legislation can be addressed more specifically and directly at the local level.

I, therefore, withhold my approval of House Bill 421.

Sincerely,


Jeb Bush



JUNE 2003 FLIP FLOP BY REP. KOTTKAMP ON ANNEXATION BY SPECIAL ACT

JUNE 11, 2003

Kottkamp withdraws support for zoning bill

By KEVIN DUFFY
Special to The Eagle

Pine Islanders are hailing State Rep. Jeff Kottkamp's request that Gov. Jeb Bush veto legislation that would allow the city of Cape Coral to annex pockets of land into the city.

Despite its successful passage through the state House and Senate, Kottkamp, who sponsored House Bill 421 at the request of the city, says there is too much local opposition to the measure and so he can no longer support it, at least not at this time.

"So many people seemed upset with it, I thought it was premature," Kottkamp said.

Pine Islander Leo Amos, who has said annexation of off-island areas served by the Greater Pine Island Water Association would cost the association much-needed revenues, is one of those pleased by Kottkamp's decision.

"The recent decision by our State Rep. Kottkamp to ask Governor Bush to veto the City of Cape Coral's requests for a referendum for annexation of what the city calls 'enclaves' should prove to everyone that Rep. Kottkamp does

listen to us even though we are a very small part of his district compared of the City of Cape Coral," said Amos in a prepared statement. "I would further like to stress that it takes great courage and strength of character to go before the Governor and ask that your own piece of legislation be vetoed. Even Florida Common Cause said they had never witnessed a legislator ask that his own legislation be vetoed."

Kottkamp proposed the enclave annexation legislation at the request of Cape officials who would like to extend water and sewer services westward toward

Burnt Store Road. Having made it through the legislative session without a single dissenting vote, the bill now awaits the signature of Gov. Jeb Bush.

However, in a letter to Bush dated May 15, Kottkamp asked the governor to veto the legislation, citing concerns raised by affected constituents.

In addition to the position shared by Amos, Cape Royal, a golfing community of approximately 180-200 households, would be part of that utility expansion if annexation of included enclaves is approved by referen-

dum, something the bill mandates.

"We don't really see what we would gain by being annexed, except higher taxes," said John Rehrer, president of the Cape Royal Homeowner's Association.

Rehrer said that the vast majority of residents within the community are satisfied with receiving services from the Greater Pine Island Water Authority, the Matlacha Fire Department, and the Lee County Sheriff's office.

"We've already paid for septic

See KOTTkAMP, page 5



CONTACT YOUR STATE REPRESENTATIVE & SENATOR

In a vacuum any argument seems logical.

The CoCC Mayor and City Manager have put forth their rationale for Enclave Annexation by Special Act.

If unopposed, it would be natural for any politician to support it.

Those of us with concerns need to make our voices heard. Dialogue is the key to making democracy work.



CONTACT YOUR STATE REPRESENTATIVE & SENATOR

The political process can work.

Please contact your State Representative and State Senator, and let them know you oppose the City of Cape Coral's Enclave Annexation by Special Act.

You will be looking for them to NOT sponsor the Special Act, Bill at August's Lee County Legislative Delegation Meeting, and to oppose it if it is sponsored.



CONTACT YOUR STATE REPRESENTATIVE & SENATOR

If you want to send a letter or email your Representative or Senator, editable letters can be found at

<https://pineislandwater.com/annexation-defense>

Also, please feel free to write your own letters.

These can also be used as talking points.

