

STORAGE NAME: h0931.sa.doc
DATE: April 10, 2001

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
STATE ADMINISTRATION
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 931
RELATING TO: Coral Springs Improvement District
SPONSOR(S): Representative Ritter
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 9 NAYS 0
 - (2) STATE ADMINISTRATION
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill codifies all prior special acts relating to the Coral Springs Improvement District in Broward County into a single act and repeals all prior special acts relating to the District's charter.

The bill provides for two additional board members – one to be a member of the City Commission of the City of Coral Springs and selected by a majority vote of the City Commission. A designee may be substituted for the City Commissioner to be selected by a majority vote of the City Commission.

No fiscal impacts are anticipated for either fiscal year 2001-02 or 2002-03 according to the Economic Impact Statement.

On April 5, 2001, the Committee on Local Government & Veterans Affairs considered HB 931, adopted 2 amendments, and passed the bill. The amendments, which are traveling with the bill, are explained in this bill analysis. (See section V. "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:")

The Coral Springs Improvement District, in its enabling act, exempted itself from applicable general law that, in part, requires members of the governing board of the District to be elected by the one-ACRE/one-vote method. However, the District still chose to elect its board members through the one-acre/one-vote method. This bill, as amended, proposes that members of the governing board of the District be elected by a one-PERSON/one-vote method. This change in election methodology will result in a diminution of the voting rights of owners of large tracts of land, may result in the elimination of the voting power of the Department of Environmental Protection to the extent acreage owned by the state is subject to assessment by the District, and may result in the elimination of the voting rights of non-resident landowners and landowners whose interests are represented by proxy (e.g., corporations, partnerships, estates, trusts, and incompetents). (See section II. "PRESENT SITUATION".)

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

B. PRESENT SITUATION:

The decree of the circuit court for the seventeenth judicial circuit of the State of Florida, entered in chancery No. 66-1301, on September 8, 1966, created and incorporated the Coral Springs Drainage District. Chapter 70-617, Laws of Florida, changed the name of the district to Coral Springs Improvement District. The District provides construction of roads and highways, drainage and water control systems, water and sewage facilities and recreational facilities. The charter currently provides for three board members. The board members are compensated for their services in an amount not to exceed \$200 dollars per month. The landowners are entitled to cast *one-vote per acre of land* owned by him/her and located within the district. The board has the power to levy and assess an ad valorem tax on all the taxable real and tangible personal property in the district. The tax shall be assessed, levied and collected in the manner and at the same time as county taxes.

Codification

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes, to provide for codification of all special district charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. Section 189.429, Florida Statutes (1997), also required that no changes be made to a district's charter, as it existed on October 1, 1997. However, the 1998 Legislature amended section 189.429, Florida Statutes, to: (1) extend the codification deadline to December 1, 2004; (2) allow for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the Committee on Community Affairs; (3) remove the prohibition of substantive amendments in a district's codification bill; and (4) remove the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district.

Schedule Of Submittals Of Special Districts' Charters

Special Districts with less than 2 special acts	1999 Legislative Session
Special Districts with 3 - 4 special acts	2000 Legislative Session
Special Districts with 5 - 7 special acts	2001 Legislative Session
Special Districts with 8 - 12 special acts	2002 Legislative Session
Special Districts with more than 12 special acts	2003 Legislative Session
Special Fire Control Districts	2004 Legislative Session

Since the enactment of sections 189.429 and 191.015, Florida Statutes, 89 special districts have codified their charters. A list of those special districts that have codified pursuant to sections 189.429 and 191.015, Florida Statutes, is available at the office of the Committee on Local Government and Veterans Affairs, Florida House of Representatives.

Status Statement Language

Section 189.404(5), Florida Statutes, provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform to the department's determination or declaratory statement regarding the status of the district.

Section 189.4051(1), Florida Statutes, provides the definition of "governing board member" as

any duly elected member of the governing board elected by popular vote shall be a qualified district elector and any board member elected on a one-acre/one-vote basis shall meet the requirements of s. 298.11, F.S. for election to the board.

C. EFFECT OF PROPOSED CHANGES:

This bill codifies all prior special acts relating to the Coral Springs Improvement District in Broward County into a single act and repeals all prior special acts relating to the District's charter.

Currently, the charter provides for three board members. The bill provides for two additional board members – one to be a member of the City Commission of the City of Coral Springs and selected by a majority vote of the City Commission. A designee may be substituted for the City Commissioner to be selected by a majority vote of the City Commission.

No fiscal impacts are anticipated for either fiscal year 2001-02 or 2002-03 according to the Economic Impact Statement.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides that this act is the District's charter codification required under section 189.429, Florida Statutes; provides Legislative intent; preserves all District authority.

Section 2. Codifies, reenacts, amends, and repeals chapters 70-617 and 89-419, Laws of Florida.

- Section 3.** Re-creates and reenacts the Coral Springs Improvement District charter as follows:
- Section 1. States the creation of the District ratified and approved; states the name change of the District.
 - Section 2. Describes the District's boundaries.
 - Section 3. Provides for applicability of certain provisions of chapter 298, Florida Statutes, to the District; provides provisions of chapter 298, Florida Statutes, not applicable to the District.
 - Section 4. States definitions.
 - Section 5. Provides for a five member governing board; provides for election and organization of the board; provides term limits; provides for a quorum; provides for reports and minutes of meetings.
 - Section 6. Provides for appointment and duties of District manager; provides for compensation of manager.
 - Section 7. Provides for the treasurer; provides for the depositories of bonds; provides for a fiscal agent.
 - Section 8. Provides for compensation of the supervisors.
 - Section 9. Provides for the District's powers.
 - Section 10. Provides for the seal of the District.
 - Section 11. States the fiscal year of the District.
 - Section 12. Provides for the annual budget.
 - Section 13. Provides for the monthly meetings of the District; provides for a public notice; provides for special meetings.
 - Section 14. Provides for a plan of reclamation and proceedings.
 - Section 15. Provides for the adoption, revision, and revocation of the plan of reclamation.
 - Section 16. Provides for assessing land for reclamation; provides for the apportionment of tax; provides for lands belonging to state assessed; provides the drainage tax record.
 - Section 17. Provides for the prepayment of taxes or assessments.
 - Section 18. Provides for tax liens.
 - Section 19. Provides for the issuance of bond anticipation notes.
 - Section 20. Provides for short-term borrowing.
 - Section 21. Provides for trust agreements.

- Section 22. Provides for the sale of bonds.
- Section 23. Authorizes by resolution(s) the issuance of bonds.
- Section 24. Authorizes the board to issue interim certificates, receipts, or temporary bonds; provides for replacement of bonds.
- Section 25. Provides for the negotiability of bonds.
- Section 26. Provides for the defeasance of the right, title, and interest of the holders of the bonds and obligations of the District.
- Section 27. Provides for the issuance of additional bonds.
- Section 28. Provides for the retirement or refunding of bonds or obligations of the District.
- Section 29. Authorizes the District to issue revenue bonds.
- Section 30. Authorizes the District to issue general obligation bonds.
- Section 31. Provides bonds issued under the provisions of this act constitute legal investments or securities.
- Section 32. Provides for covenants.
- Section 33. Provides for the validity of bonds; provides validation proceedings.
- Section 34. Provides this act constitutes full and complete authority for the issuance of bonds.
- Section 35. Provides for the state pledge to the bondholders of the District and to the Federal Government.
- Section 36. Provides that the board is currently authorized to levy and assess ad valorem taxes on real and tangible personal property in the District.
- Section 37. Provides for annual installment taxes.
- Section 38. Provides for a maintenance tax.
- Section 39. Provides for the collection and enforcement of all taxes.
- Section 40. Provides for penalties when unpaid tax is delinquent.
- Section 41. Provides for a tax exemption.
- Section 42. Provides for special assessments.
- Section 43. Provides for the issuance of certificates of indebtedness based on improvements; provides for assessment bonds.
- Section 44. Provides for the foreclosure of liens.

- Section 45. Provides for the payment of taxes and redemption of tax liens by the District; provides for sharing in proceeds of tax sale pursuant to section 194.21, F.S.
- Section 46. Provides for the use of District facilities and services.
- Section 47. Provides for bids required.
- Section 48. Provides for the maintenance of projects across rights-of-way.
- Section 49. Provides the board the power to retain and enter into agreements with state commissions and others.
- Section 50. Authorizes the board to enter agreements with other political bodies for the joint discharge of common functions.
- Section 51. Provides for the establishment and collection of fees, rentals, or other charges; provides for the procedure for adoption and modifications; provides for minimum revenue requirements.
- Section 52. Provides for the recovery of delinquent charges.
- Section 53. Provides for the discontinuance of service.
- Section 54. Provides for actions taken on consent of landowners.
- Section 55. Provides for enforcement and penalties.
- Section 56. Provides for suits, subject to limitations in section 768.28, F.S., against the District.
- Section 57. Provides for exemption of District property from execution.
- Section 4.** Repeals chapter 70-617 and 89-419, Laws of Florida.
- Section 5.** Provides for the liberal construction of act.
- Section 6.** Provides for act's control if there are conflicting provisions.
- Section 7.** Provides that the act shall take effect upon being law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [X] No []

IF YES, WHEN? January 28, 2001

WHERE? Sun-Sentinel in Fort Lauderdale, Broward County, Florida

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

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

The Coral Springs Improvement District, in its enabling act, exempted itself from applicable general law that, in part, requires members of the governing board of the District to be elected by the one-ACRE/one-vote method. However, the District still chooses to elect its board members through the one-acre/one-vote method. All of the Water Control Districts use the one-acre/one-vote method, however, some of the Improvement Districts have opted to use, in part, the one-person/one-vote method for certain areas within the districts.

This bill, as amended, proposes that members of the governing board of the District be elected by a one-PERSON/one-vote method. This change in election methodology will result in a diminution of the voting rights of owners of large tracts of land, may result in the elimination of the voting power of the Department of Environmental Protection to the extent acreage owned by the state is subject to assessment by the District, and may result in the elimination of the voting rights of non-resident landowners and landowners whose interests are represented by proxy (e.g., corporations, partnerships, estates, trusts, and incompetents). (See also section II. "PRESENT SITUATION".)

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Local Government & Veterans Affairs adopted two amendments on April 5, 2001. The first amendment provides for a *one-person/one-vote election* by the residents of the district and provides that the elected members of the board of supervisors be a resident of the district rather than having one be a Coral Springs City Commissioner or his/her designee. The second amendment provides for November 2002, instead of November 2001, for the two new board members to be selected or elected as provided in the charter.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Terri S. Boggis

Joan Highsmith-Smith

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Prepared by:

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