

**STORAGE NAME:** h4463z.ca  
**DATE:** August 18, 1998

**\*\*FINAL ACTION\*\***  
**\*\*SEE FINAL ACTION STATUS SECTION\*\***

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

**BILL #:** HB 4463  
**RELATING TO:** The City of Sunrise, Broward County  
**SPONSOR(S):** Representative Rayson  
**COMPANION BILL(S):** SB 2610 (I)

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

- (1) COMMUNITY AFFAIRS YEAS 7 NAYS 0
- (2)
- (3)
- (4)
- (5)

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**I. FINAL ACTION STATUS:**

The bill was filed March 26, 1998 and introduced March 31, 1998. The bill was referred to the House Committee on Community Affairs and voted favorably by the committee on April 21, 1998. The bill was placed on the House Local Calendar April 24, 1998 and approved by the House 120 YEAS 0 NAYS on April 24, 1998. The bill was received by the Senate in Messages April 24, 1998 and referred to the Committee on Rules and Calendar April 28, 1998. The bill was withdrawn from the committee, placed on the Senate Local Calendar May 1, 1998 and approved by the Senate 40 YEAS 0 NAYS. The bill became law without the Governor's signature and is chapter 98-521, Laws of Florida.

**II. SUMMARY:**

This bill creates the South Broward Utility Advisory Board. The bill provides for memberships, qualifications, terms, responsibilities, and powers of the board. The bill provides an appropriation for the board. The bill provides a limitation of the powers of the board. The bill provides for adoption of procedures and regulations.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

**South Broward Utility, Inc.:**

South Broward Utility, Inc. was a privately owned water and sewer utility company. This company was purchased by the City of Sunrise, in late 1997.

B. EFFECT OF PROPOSED CHANGES:

This bill creates the South Broward Utility Advisory Board consisting of 7 members with 2 year terms, as follows:

- 2 members appointed by the City of Sunrise;
- 2 members appointed by the Town of Davie;
- 1 members appointed by the City of Pembroke Pines; and
- 2 members appointed by the Broward County Commission.

Each appointed member must be a water and sewer user within the service area of the former South Broward Utility.

The advisory board is responsible for advising the City of Sunrise regarding proposed water and sewer rate changes for the service area formerly controlled by the South Broward Utility. In the event of a proposed rate change, the advisory board can require the City of Sunrise to hire a rate consultant to advise the city.

Within 30 days after the City issues a notice of rate change, the advisory board must present a report of its findings regarding the rate change. A report submitted within the 30-day period must be considered by the City before rates can be altered or changed within the former South Broward Utility service area.

The City of Sunrise must appropriate not more than \$25,000 annually for a rate consultant for the advisory board.

The advisory board has no legal standing to bring any legal action.

The City of Sunrise must adopt, by ordinance, procedures and regulations which are not in conflict with this act that are necessary for the continued operation of the advisory board.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

N/A

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. This bill creates the South Broward Utility Advisory Board.

This bill requires the City of Sunrise to appoint 2 members to the advisory board; adopt ordinances to provide procedures and regulations for the board; appropriate not more than \$25,000 per year to hire a rate consultant; and consider the advisory board's timely filed report prior to altering or changing rates in the former South Broward Utility service area.

This bill requires the Town of Davie to appoint 2 members to the advisory board.

This bill requires the City of Pembroke Pines to appoint 1 member to the advisory board.

This bill requires the Broward County Commission to appoint 2 members to the advisory board.

This bill requires the 7 member advisory board to prepare and present a report of its findings regarding rate alterations or changes in the former South Broward Utility service area within 30 days after a notice of rate change has been issued.

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

**E. SECTION-BY-SECTION RESEARCH:**

**Section 1:** Creates the South Broward Utility Advisory Board, an advisory board of the City of Sunrise. The board will consist of 7 members, as follows:

- 2 members appointed by the City of Sunrise;
- 2 members appointed by the Town of Davie;
- 1 members appointed by the City of Pembroke Pines; and
- 2 members appointed by the Broward County Commission.

Each appointed member must be a water and sewer user within the service area of the former South Broward Utility.

Each member will serve for a 2-year term, except that all appointments and retention of board members is at the sole discretion of the appointing authorities.

The advisory board's responsibilities are to review and advise the City of Sunrise regarding any proposed utility rate alterations or changes with the former South Broward Utility service area. The advisory board can require the City of Sunrise to hire a rate consultant to advise the city on proposed rate alterations or changes. The City must appropriate not more than \$25,000 annually for a rate consultant for the advisory board.

Within 30 days following a notice of rate change the advisory board must present to the City of Sunrise a report of its findings regarding the proposed change. The City must consider the report before rates may be altered or changed within the former South Broward Utility service area.

The City must adopt, by ordinance, the procedures and regulations which are not in conflict with this act which are necessary for the continued operation of the advisory board.

**Section 2:** Provides that this act takes effect upon becoming law.

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IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? February 9, 1998

WHERE? Fort Lauderdale, Broward County, Florida; *Sun-Sentinel*

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

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Tonya Sue Chavis, Esq.

Joan Highsmith-Smith

**FINAL RESEARCH PREPARED BY COMMITTEE ON COMMUNITY AFFAIRS:**

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