

STORAGE NAME: h0863.lgva

DATE: April 9, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LOCAL GOVERNMENT & VETERANS AFFAIRS
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 863

RELATING TO: North 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)
 - (2) RULES, ETHICS & ELECTIONS (PRC)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill amends the number of board members from three to five.

This bill provides for elections by electors residing within the district.

The bill provides that one member be elected by majority vote of the registered electors within the district and within the City of Coral Springs and one member elected by a majority vote of electors within the district and within the City of Parkland. The bill provides that one member be elected by a majority vote of registered electors of those residing in the district. The bill provides that selection occur by majority vote and be chosen from a city commissioner from the City of Coral Springs, or a designee, and by majority vote, a city commissioner from the City of Parkland, or a designee. The bill provides for term limits and that the district pays the costs of special elections.

The bill provides for regular and special board meetings instead of landowner meetings.

The North Springs Improvement District, in its enabling act, exempted itself from applicable general law requiring members of the governing board of the District to be elected by the one-ACRE/one-vote method. However, the District 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 in and for Broward County, Florida, entered in chancery No. 71-1724, creating and incorporating the North Springs Drainage District as a public corporation of the State. Chapter 71-580, Laws of Florida, changed the name of the district to North Springs Improvement District. The District provides construction of roads and highways, drainage and water control systems, water and sewage facilities and recreational facilities.

Chapter 298, Florida Statutes

Chapter 298, Florida Statutes, contains provisions governing the creation and operation of water control districts. The election of the board of supervisors provision is briefly described below.

Election of Board of Supervisors

Upon the formation of a water control district, the circuit court where the majority of the land is located has jurisdiction within the boundaries of the district. Once a district is organized, notice of the first landowners' meeting shall be given. The notice shall be published once a week for two consecutive weeks in a newspaper. At the first meeting, the landowners are required to elect a three-member board of supervisors. Supervisors serve 3-year rotating terms, with one supervisor elected each year at a required annual meeting. To qualify as a supervisor, a person must own property in the district and be a resident of the county in which the district is located, unless a district's special act provides otherwise. The Department of Environmental Protection is authorized to vote on any matter that may come before a landowners' meeting if acreage owned by the state is subject to assessment by the district.

C. EFFECT OF PROPOSED CHANGES:

This bill amends from three board members to five board members.

This bill provides for elections by electors residing within the district.

The bill provides to elect one member by majority vote of the registered electors within the district and within the City of Coral Springs and one member elected by a majority vote of electors within the district and within the City of Parkland. The bill provides to elect one member by a majority vote of registered electors of those residing in the district. The bill provides to select by majority vote a city commissioner from the City of Coral Springs, or a designee, and to select by majority vote a city

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commissioner from the City of Parkland, or a designee. The bill provides for term limits and that the district pays the costs of special elections.

The bill provides for regular and special board meetings instead of landowner meetings.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Chapter 71-580, Laws of Florida, as amended by chapter 89-440, Laws of Florida, as amended, is amended to do the following:

Section 5 of the charter, relating to board; election, organization; terms of office; quorum; report and minutes; subsection (1) is amended from three board members to five board members. The elected members of the board will be residents of the district. Paragraph (a) is created to elect one member by majority vote of the registered electors within the district and within the City of Coral Springs and one member elected by a majority vote of electors within the district and within the City of Parkland. Paragraph (b) is created to elect one member by a majority vote of registered electors of those residing in the district. Paragraph (c) is created to select by majority vote of the city commission one member a city commissioner from the City of Coral Springs, or a designee, also to be selected by a majority vote of the city commission. Paragraph (d) is created to select by majority vote of the city commission one member a city commissioner from the City of Parkland, or a designee, also to be selected by a majority vote of the city commission. Subsection 2 is amended to provide for term limits and the district shall pay the costs of special elections.

Section 2. Chapter 71-580, Laws of Florida, as amended by chapter 89-440, Laws of Florida, as amended, is amended to do the following:

Section 13 of the charter, relating to notice and call of meetings of landowners; quorum; adjournments; representation of meetings; taking action without meeting; the title is amended to notice of call of board meetings. Subsection (1) provides for regular and special board meetings instead of landowner meetings.

Section 3. Provides for the severability of any unconstitutional provisions.

Section 4. Provides effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

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

IF YES, WHEN? January 28, 2001

WHERE? Sun – Sentinel, Fort Lauderdale, Broward County, Florida

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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:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The 2001 Economic Impact Statement estimated cost of administration, implementation, and enforcement for expenditures is estimated that the cost of an election in November, 2001, (a Special Election) would be no more than \$50,000. This estimate is based on information provided by the Office of the Supervisor of Elections of Broward County and should be considered a high estimate.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor of the bill requests an amendment to the bill. The amendment changes the composition of the board to allow for democratic elections and representation on the Board of Supervisors: two from the residents of Coral Springs, two from residents of Parkland, and one at large.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Terri S. Boggis

Joan Highsmith-Smith