

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

**BILL #:** HB 863/1ST ENG

**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) YEAS 8 NAYS 0
- (2) RULES, ETHICS & ELECTIONS (PRC) (W/D)
- (3)
- (4)
- (5)

**I. SUMMARY:**

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

The bill provides member's terms of office for a term of four years and until his or her successor is chosen and qualified. The bill provides for an election conducted by the supervisor of elections on the first Tuesday in November of the year in which the board members' terms expire. The bill provides the costs of the elections are paid by the district. Board members must be residents of the district. Two members are to be residents of the City of Coral Springs by majority vote of the registered electors within the City of Coral Springs and two members are residents of the City of Parkland by majority vote of the registered electors within the City of Parkland. The bill provides one member of the board must be elected by a majority vote of registered electors residing within the district. One new board member to be elected by electors residing within the City of Coral Springs and one new board member to be elected by electors residing within the City of Parkland at the general election to be held in November 2002. The bill provides existing board members' terms as of the effective date of this act are extended to November of the year in which their terms expire and, commencing upon the expiration of the terms of those board members, all subsequent board members must meet the requirements and be elected as provided in the bill.

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.

The bill provides member's terms of office for a term of four years and until his or her successor is chosen and qualified. The bill provides for an election conducted by the supervisor of elections on the first Tuesday in November of the year in which the board members' terms expire. The bill provides the costs of the elections are paid by the district. Board members must be residents of the district. Two members are to be residents of the City of Coral Springs by majority vote of the registered electors within the City of Coral Springs and two members are residents of the City of Parkland by majority vote of the registered electors within the City of Parkland. The bill provides

one member of the board must be elected by a majority vote of registered electors residing within the district. One new board member to be elected by electors residing within the City of Coral Springs and one new board member to be elected by electors residing within the City of Parkland at the general election to be held in November 2002. The bill provides existing board members' terms as of the effective date of this act are extended to November of the year in which their terms expire and, commencing upon the expiration of the terms of those board members, all subsequent board members must meet the requirements and be elected as provided in the bill.

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 in the following manner:

Section 5 of the charter, relating to the board; election, organization; terms of office; quorum; report and minutes; subsection (1) is amended to provide a change from three board members to five board members; each member holding office for a term of four years and until his or her successor is chosen and qualified. The Board members are to be elected at an election conducted by the supervisor of elections on the first Tuesday in November of the year in which the board members' terms expire. The costs of the elections are to be paid by the district. Subsection (2) is amended to reflect that the board members be residents of the district. Paragraph (a) is created to provide that two members that are residents of the City of Coral Springs by majority vote of the registered electors within the City of Coral Springs and paragraph (b) is created to provide that two members that are residents of the City of Parkland be elected by majority vote of the registered electors within the City of Parkland. Paragraph (c) is created to provide that one member of the board be elected by a majority vote of registered electors residing within the district. Subsection (3) is created to provide that one new board member be elected by electors residing within the City of Coral Springs and one new board member be elected by electors residing within the City of Parkland at the general election to be held in November 2002. The bill provides that existing board members' terms, as of the effective date of this act, be extended to November of the year in which their terms expire and, commencing upon the expiration of the terms of those board members, all subsequent board members must meet the requirements and be elected as provided in subsections (1) and (2).

**Section 2.** Section 13 of the charter, relating to notice and call of meetings of landowners; quorum; adjournments; representation of meetings; taking action without meeting; is amended to relate only to notice and call of board meetings. Subsection (1) provides for regular and special board meetings instead of landowner meetings. The bill provides the board may decide by majority vote to take one month off from meetings each year for a vacation. The bill provides the meetings be held in a public place, and in accordance with the requirements of chapter 286, F.S. The bill provides special meetings of the board may be called at any time to receive reports of the board, or for any purpose the board may determine, upon 24 hours' notice to board members and to the public by posting a notice at the district office at a public location set aside for these purposes.

**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  No

IF YES, WHEN? January 28, 2001

WHERE? Sun – Sentinel, 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:

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 Committee on Local Government & Veterans Affairs adopted one amendment on April 12, 2001. The amendment provides that members of the governing board of the District be elected by a one-person/one-vote method and changes the composition of the board to: two residents of the City of Coral Springs, two residents of the City of Parkland, and one at-large member.

The House approved the amendment on May 1, 2001 and passed the bill as amended.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Terri S. Boggis

Joan Highsmith-Smith

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**DATE:** June 28, 2001

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**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON LOCAL GOVERNMENT & VETERANS  
AFFAIRS:**

Prepared by:

Staff Director:

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Terri S. Boggis

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Joan Highsmith-Smith