

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1709 Coral Springs Improvement District  
**SPONSOR(S):** Gottlieb  
**TIED BILLS:** None. **IDEN./SIM. BILLS:** None.

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government &amp; Veterans' Affairs</u>	_____	<u>Smith</u>	<u>Cutchins</u>
2) <u>Finance &amp; Tax</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

The Coral Springs Improvement District (District) is an independent special district that was created in 1966, by a decree of the circuit court in and for the seventeenth judicial circuit of the State of Florida, entered in chancery No. 66-130, and which has been amended by subsequent special acts.

This bill codifies, or reenacts, all prior special acts of the district into a single act, as required by section 189.429, Florida Statutes. Reenactment of existing law is permitted by this section, although this reenactment is not to be construed as a grant of additional authority.

The bill deletes outdated language and organizes previously authorized powers of the Authority. The bill also makes minor, stylistic changes to some of the language of the charter.

According to the Economic Impact Statement, no fiscal impacts are anticipated for either fiscal year 2004-05 or 2005-06.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | 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. EFFECT OF PROPOSED CHANGES:

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.

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 codifies, or reenacts, all prior special acts of the district into a single act, as required by section 189.429, Florida Statutes. Reenactment of existing law is permitted by this section, although this reenactment is not to be construed as a grant of additional authority.

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#### Background on the Codification Process

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.

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.

Additionally, the 2001 Legislature amended section 189.429, Florida Statutes, creating subsections (2) and (3). The subsections provide that reenactment of existing law pursuant to section 189.429: (1) shall not be construed to grant additional authority nor to supercede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

According to the schedule of submittals, Special Fire Control Districts are to submit their charters during the 2004 Legislative Session.

#### C. SECTION DIRECTORY:

**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 the board of the district be the governing body of the district; provides for a three member governing board; provides four year term limits; provides for the election and organization of the board members; provides elected members of the board be landowners within the district; provides for a quorum; and provides for reporting and minutes of meetings.
- Section 6. Provides for appointment and duties of the district manager; and 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 board.<sup>1</sup>
- 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 water control plan; provides for the proceedings.
- Section 15. Provides for the adoption, revision, and revocation of the water control plan.
- 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. Provides for the authorization and form 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.

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<sup>1</sup> See chapter 89-419, Laws of Florida.

- 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, Florida Statutes.
- 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 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 severability of any invalid section if found unconstitutional.

**Section 6.** Provides that the act shall take effect upon being law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 25, 2004

WHERE? *Sun-Sentinel*, Fort Lauderdale, Broward County, and in Boca Raton, Palm Beach County, and in Miami, Miami Dade 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

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

There do not appear to be any constitutional issues with the bill.

B. RULE-MAKING AUTHORITY:

The bill only grants rule-making authority to the Authority.

C. DRAFTING ISSUES OR 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.

## IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

Not Applicable.