

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1497

Sunshine Water Control District, Broward County

SPONSOR(S): Sobel

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government Council</u>	<u>8 Y, 0 N</u>	<u>Smith</u>	<u>Hamby</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 1497 establishes the Sunshine Water Control District (District) in Broward County as a dependent district and incorporates the District's authority into an ordinance of the City of Coral Springs.

According to the Economic Impact Statement, no fiscal impacts are anticipated for either fiscal year 2006-07 or 2007-08.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – This bill establishes the Sunshine Water Control District in Broward County as a dependent district and repeals and then incorporates chapter 63-609, L.O.F., into an ordinance of the City of Coral Springs.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The Sunshine Water Control District (District), an independent special district, was created in 1963 by chapter 63-609, L.O.F. The District was created to provide for drainage, reclamation and improvement of water. The District also has the right to dike, dam and construct levees. The District is governed pursuant to chapter 298, F.S. Each landowner within the District is entitled to one vote per acre of assessable land that he or she owns. Landowners owning less than one acre are entitled to one vote. The District has a three-member board of supervisors. The District currently imposes a special assessment.

Effect of Proposed Changes

This bill repeals chapter 63-609, L.O.F., thereby establishing the Sunshine Water Control District in Broward County as a dependent district and incorporates the District's authority into an ordinance of the City of Coral Springs.

This bill authorizes the City of Coral Springs to provide by ordinance for the election or appointment of a replacement supervisor when a District supervisor's term has expired.

This bill provides that any budget of the District approved subsequent to the effective date of this act be approved by the City of Coral Springs pursuant to the procedures provided in chapters 189 and 200, F.S., and in compliance with the charter of the City of Coral Springs.

This bill provides that except as provided for in this act, nothing will preclude the District from using any power contained in chapter 298, F.S.

The bill provides that all title to property, uncollected taxes and assessments, judgments, causes of action, and property rights held or owned by the District will continue to be vested in the District.

The bill provides that no obligations or contracts, including bonds or causes of action, will be impaired or avoided.

The bill provides that all contracts, franchises, and permits to do business issued by the District will remain in full force and effect according to their terms.

C. SECTION DIRECTORY:

Section 1. Repeals chapter 63-609, L.O.F.

Section 2. Provides upon the expiration of the term of any supervisor of the District for the City of Coral Springs to provide by ordinance for the election or appointment of a replacement supervisor.

- Section 3. Provides that any District budget approved subsequent to the effective date of this act be approved by the City of Coral Springs pursuant to the procedures provided in chapters 189 and 200, F.S., and in compliance with the charter of the City of Coral Springs.
- Section 4. Provides for the status of the District.
- Section 5. Provides that except as provided for in this act, nothing will preclude the District from using any power contained in chapter 298, F.S.
- Section 6. Provides for the continuation of all assets, obligations, contracts, franchises, and permits.
- Section 7. Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 27, 2006.

WHERE? Sun-Sentinel, Fort Lauderdale, Broward County; Boca Raton, Palm Beach County; 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:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

The City of Margate passed resolution no. 10-539, endorsing HB 1497, relating to the Sunshine Water Control District and the City of Coral Springs, amending chapter 63-609, L.O.F.

Sandy Harris, Executive Director, of the Broward County Legislative Delegation, submitted a letter stating the following (in part):¹

¹ See Memorandum from Sandy Harris (March 16, 2006) (on file with House of Representatives, Local Government Council).
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The City of Margate initiated conflict resolution procedures pursuant to chapter 164, F.S., as to the maintenance of the property of the Sunshine Water Control District. The City of Margate determined that large trees on the property owned by the Sunshine Water Control District along the boundary between the City of Coral Springs and the City of Margate remain felled on the property of the Sunshine Water Control District and property within the City of Margate. The fallen trees are a result of Hurricane Wilma.

The properties of the Sunshine Water Control District are totally within the boundaries of the City of Coral Springs. However, the fallen trees have precluded many Margate residents who own property along the boundary between the City of Coral Springs and the City of Margate from utilizing their backyards for any purpose. In addition, the trees pose a danger to ingress and egress for Margate emergency employees and otherwise interfere with property within the City of Margate.

The District previously disclaimed any responsibility for the cause or maintenance of the above nuisance in spite of the fact that minutes of the District's Board demonstrate that the District was well aware of the potential liability. Excerpts from the minutes of the Board Meetings show that the District had discussed taking preemptive action to avoid damage to adjacent properties as a result of trees being damaged during a hurricane as long ago as 1995. However, no action was taken. At a meeting between the District and the City of Margate, the District committed to a plan for clean up of the downed trees.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.