

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 1211 Coral Springs Improvement District, Broward County

**SPONSOR(S):** Community & Military Affairs Subcommittee; Jenne

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Community & Military Affairs Subcommittee	14 Y, 0 N, As CS	Duncan	Hoagland
2) Government Operations Subcommittee			
3) Economic Affairs Committee			

### SUMMARY ANALYSIS

The Coral Springs Improvement District (District) is an independent special district created in 1966 and codified in 2004. The District is responsible for providing fresh water to its residents, sewage and wastewater collection and treatment, as well as flood control to the southern portion of Coral Springs. The District is also responsible for maintaining approximately 184 acres, or 20 miles, of canals.

The District is governed by a three member board of supervisors who serve four year terms. The supervisors are elected by landowners of the District who must be residents of the state. A majority of the supervisors must be residents of Broward County. Supervisors receive \$200 per month and reasonable travel expenses for attending the meeting from his or her residence. The bill:

- Creates staggered terms of three years each for the District's Board of Supervisors beginning with an election in 2015.
- Provides that the compensation for board members must not exceed \$200 per meeting, not to exceed \$2,400 per year per supervisor and expands allowable travel expenses to those incurred in connection with district business.
- Provides that the threshold required for competitive bidding is Category Two (\$35,000). The bill requires the board to comply with the Consultant's Competitive Negotiation Act and general law governing the bidding of public construction projects. The bill allows the District to apply to the Department of Management Services to purchase commodities and services from state term contracts.

The bill provides an effective date of upon becoming law.

# The FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

The Coral Springs Improvement District (District) is an independent special district created in 1966 and codified in 2004.<sup>1</sup> The District is responsible for providing fresh water to its residents, sewage and wastewater collection and treatment, as well as flood control to the southern portion of Coral Springs.<sup>2</sup> The District is also responsible for maintaining approximately 184 acres, or 20 miles, of canals.

The District is governed by a three member board of supervisors who serve four year terms. The supervisors are elected by landowners of the district who must be residents of the state. A majority of the supervisors must be residents of Broward County. Supervisors receive \$200 per month and reasonable travel expenses for attending the meeting from his or her residence.

The meetings of landowners are required to be held in a public place, or any other place made available for the purpose of the meeting in the Broward County Courthouse, and the place, date, and hour and purpose of the meeting must be stated in the required public notice.

The board must provide notice of bids on contracts that exceed \$4,000 by advertising once a week for two consecutive weeks in a newspaper of published in Broward County and of general circulation in the district. The bid of the lowest bidder must be accepted, unless all bids are rejected because the bids are too high.

#### **Local Bids and Contracts for Public Construction Works**

State law provides that a county, municipality, special district as defined in chapter 189, F.S., or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated, according to the generally accepted cost-accounting principles, to cost more than \$300,000.<sup>3</sup> For electrical work, the local government must competitively award to an appropriately licensed contractor each project that is estimated, in accordance with generally accepted cost-accounting principles, to cost more than \$75,000.<sup>4</sup>

The term “competitively award” means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation.<sup>5</sup>

#### **The Consultants’ Competitive Negotiation Act**

The Consultants’ Competitive Negotiation Act<sup>6</sup> (CCNA) provides a competitive negotiation process for state and local government agencies when procuring the professional services of an architect, professional engineer, landscape architect, or registered surveyor and mapper. The CCNA establishes the threshold amounts, which cause an entity to follow a competitive selection process. The categories are as follows:<sup>7</sup>

- Category One: \$20,000
- Category Two: \$35,000
- Category Three: \$65,000
- Category Four: \$195,000

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<sup>1</sup> Chapter 2004-469, L.O.F.

<sup>2</sup> Coral Springs Improvement District, *October 2011 Newsletter, A Message from the President*, at 6, available at [http://www.fladistricts.com/csid/about/newsletter%2010\\_2011\\_published.pdf](http://www.fladistricts.com/csid/about/newsletter%2010_2011_published.pdf).

<sup>3</sup> Section 255.20(1), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Section 287.055, F.S.

<sup>7</sup> See s. 287.017(1)(d), F.S.

- Category Five: \$395,000

### Effect of Proposed Changes

The bill:

- Creates staggered terms of three years each for the District's Board of Supervisors beginning with an election in 2015.
- Provides that the compensation for board members must not exceed \$200 per meeting, not to exceed \$2,400 per year per supervisor and expands allowable travel expenses to those incurred in connection with district business.
- Provides that the threshold required for competitive bidding is Category Two (\$35,000). The bill requires the board to comply with the Consultant's Competitive Negotiation Act and general law governing the bidding of public construction projects. The bill allows the District to apply to the Department of Management Services to purchase commodities and services from state term contracts.

#### B. SECTION DIRECTORY:

Section 1: Provides for staggered term for the board of supervisors; modifies the compensation for the board; and revises competitive bidding requirements.

Section 2: Provides an effective date of upon becoming law.

## II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? November 23, 2011.

WHERE? The *Sun-Sentinel*, a daily newspaper published in Broward, Palm Beach and Miami-Dade Counties, 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

According to the Economic Impact Statement, no fiscal impacts are anticipated for either fiscal year 2011-12 or 2012-2013.

## III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 25, 2012, the House Community & Military Affairs Subcommittee adopted a strike everything after the enacting clause amendment. The amendment:

- Removes the provision authorizing the governing board, upon majority vote, to convert to a board elected by the qualified electors of the district. The conversion<sup>8</sup> will occur pursuant to the process provided in the Uniform Special District Accountability Act of 1989.
- Creates staggered terms of three years each for the District's Board of Supervisors beginning with an election in 2015.
- Provides that the compensation for board members must not exceed \$200 per meeting, not to exceed \$2,400 per year per supervisor.
- Decreases the competitive bidding threshold from Category Four (\$195,000) to Category Two (\$35,000).

The analysis has been updated to reflect the amendment.

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<sup>8</sup> The Uniform Special District Accountability Act of 1989 provides a transition process for governing boards of special districts to convert from board members elected on a one-acre-one vote basis, to board members elected by qualified electors of the district. A referendum must be called by the governing board of a district that is elected on a one-acre/one vote basis on the question of whether certain members of a district governing board should be elected by qualified electors.