

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 969 North Springs Improvement District, Broward County

**SPONSOR(S):** Clarke-Reed

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	13 Y, 0 N	Darden	Miller
2) Local & Federal Affairs Committee	16 Y, 0 N	Darden	Kiner

### SUMMARY ANALYSIS

The North Springs Improvement District (District) is an independent special district in Broward County, providing water treatment, wastewater collection, and stormwater management services to approximately 40,000 residents in the cities of Coral Springs and Parkland. The District was formed in 1971.

The bill expands the boundaries of the District by 75 acres. The newly annexed land consists of one parcel and the owner of the parcel has requested annexation.

According to the Economic Impact Statement, the bill would increase the District's revenues by \$1,000,000 in fiscal year 2015-2016 and \$4,125,000 in fiscal year 2016-2017, in the form of utility connection fees paid by homes being constructed in a new development.

The bill would take effect upon becoming law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### North Springs Improvement District Overview

The North Springs Improvement District (District) is an independent special district in Broward County, created by a circuit court decree in 1971.<sup>1</sup> The Legislature passed a special act the same year setting out the powers and boundaries of the District.<sup>2</sup> The District provides water treatment, wastewater collection, and stormwater management services to approximately 40,000 residents in the cities of Coral Springs and Parkland.<sup>3</sup> In accordance with s. 189.019, F.S., the district's original charter and subsequent amendments were codified in 2005.<sup>4</sup>

The District is governed by a board consisting of three supervisors, one elected by and from the landowners of Parkland, one elected by and from the landowners of Coral Springs, and one elected at-large.<sup>5</sup> Board members serve four year terms, must be landowners within the district, and a majority of members must be residents of Broward County.<sup>6</sup> The board has been authorized since its creation to exercise the powers enumerated in ch. 298, F.S., governing drainage and water control districts, as well as powers specifically granted in the District's charter, such as the maintenance of a sewer system.<sup>7</sup>

The powers of the district granted by the charter include, but are not limited to:

- Entering into contracts;<sup>8</sup>
- Adopting a water control plan;<sup>9</sup>
- Maintaining storage facilities for necessary equipment;<sup>10</sup>
- Operating systems to manage water flow and drainage;<sup>11</sup>
- Setting drainage requirements for new construction;<sup>12</sup>
- Imposing an ad valorem tax, drainage, maintenance tax, and to levy special assessments;<sup>13</sup>
- Cooperating with other water control districts and other government agencies.<sup>14</sup>

##### Previous Annexation by the District

The District currently provides services for approximately 8,684 acres of land in Broward County.<sup>15</sup> Since codification, the district's boundaries have been expanded on two occasions.<sup>16</sup> Each of these expansions encompassed portions of an area known as "The Wedge" or "The Golden Triangle." The Legislature revised the boundaries of Broward County in 2007 to include "The Wedge," which had

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<sup>1</sup> See ch. 71-580, Laws of Fla.

<sup>2</sup> *Id.*

<sup>3</sup> North Springs Improvement District, *About the North Springs Improvement District*, <http://nsidfl.gov/about-us.php> (last visited Feb. 25, 2015).

<sup>4</sup> See ch. 2005-341, Laws of Fla.

<sup>5</sup> S. 5(2), Charter for the North Springs Improvement District, as codified in s. 3, Ch. 2005-341, Laws of Fla. (herein NSID Charter).

<sup>6</sup> S. 5(1), NSID Charter.

<sup>7</sup> Ch. 71-580, Laws of Fla.

<sup>8</sup> S. 9(1), NSID Charter.

<sup>9</sup> S. 9(2), NSID Charter.

<sup>10</sup> S. 9(3), NSID Charter.

<sup>11</sup> S. 9(4), NSID Charter.

<sup>12</sup> S. 9(5), NSID Charter.

<sup>13</sup> Ss. 9(9),(10), NSID Charter.

<sup>14</sup> S. 9(13), NSID Charter.

<sup>15</sup> Ch. 2011-251, Laws of Fla.

<sup>16</sup> Ch. 2010-269, Laws of Fla. (from 7040.325 to 8420.477 acres) and Ch. 2011-251, Laws of Fla. (from 8420.477 to 8683.696 acres).

previously been part of Palm Beach County.<sup>17</sup> “The Wedge” sits south of a water boundary created by the Hillsboro Canal and is only accessible by Broward County roadways.<sup>18</sup> “The Wedge” is approximately 1,949 acres and consisted primarily of vacant and agricultural land at the time it was shifted into Broward County.<sup>19</sup> At the time the parcel was annexed by Broward County, the owners of parcels in the area were planning to build 2,822 homes and 350,000 square feet of commercial space, but faced opposition from residents of neighboring residential areas due to the expectation of increased traffic.<sup>20</sup>

### **Effect of Proposed Changes**

The bill revises the legal description of the District to annex 75.51 acres located in the City of Parkland. The area, part of “The Wedge,” has historically been known as the Salta Parcel.<sup>21</sup> The parcel, along with three others that are already part of the District, recently received site plan approval for a development to be known as Parkland Royale.<sup>22</sup> The owner of the parcel filed a written request with the District, asking to be included in its jurisdiction.<sup>23</sup>

The Economic Impact Statement for the bill states the annexation will increase District revenue by \$1,000,000 in fiscal year 2015-2016 and \$4,125,000 in fiscal year 2016-2017.<sup>24</sup> The full amount of the increase comes from utility connection fees charged in connection with development construction.<sup>25</sup>

#### **B. SECTION DIRECTORY:**

Section 1: Amends Section 2 of Ch. 2005-341, Laws of Florida, as amended by Ch. 2011-251, Laws of Florida, to enlarge the North Springs Improvement District

Section 2: Provides the bill shall take effect upon becoming law.

### **II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 28, 2014

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

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<sup>17</sup> Ch. 2007-222, Laws of Fla.

<sup>18</sup> House Policy and Budget Council analysis for HB 1315 (2007).

<sup>19</sup> *Id.* 94.77 percent of The Wedge consisted of agricultural (27.14 percent) and vacant (67.63 percent) land.

<sup>20</sup> *Id.*

<sup>21</sup> Letter from Brian Tuttle, TLH-18-SALTA LLC, to Rod Colon, Director of Operations, North Springs Improvement District, dated August 22, 2014. A copy of this letter is attached in Appendix A.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Economic Impact Statement for HB 969 (2015).

<sup>25</sup> *Id.*

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

Article VII, Section 9 of the Florida Constitution requires any taxing authority for a special district to be approved by the affected voters in a referendum.<sup>26</sup> While this bill does not provide for a referendum, the bill annexes a single parcel and the owner of the parcel has consented to annexation.<sup>27</sup> The Legislature has previously expanded the boundaries of the North Springs Improvement District without a referendum, but with consent of property owners, on two occasions.<sup>28</sup> There is no case law stating if the written request of all affected property owners to be annexed is sufficient to meet the requirements of the Florida Constitution.

#### B. RULE-MAKING AUTHORITY:

This bill does not provide authority or require executive branch rulemaking

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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<sup>26</sup> Fla. Const. art. VII, s. 9.

<sup>27</sup> Tuttle, *supra* note 21.

<sup>28</sup> Ch. 2010-269, Laws of Fla.; Ch. 2011-251, Laws of Fla.

APPENDIX A: TUTTLE LETTER OF 8/22/2014

TLH-18-SALTA LLC  
961 Hillsboro Mile  
Hillsboro Beach, FL 33062

August 22, 2014

Mr. Rod Colon, Director of Operations  
North Springs Improvement District  
970 NW 52<sup>nd</sup> Street  
Coral Springs, FL 33076

RE: Request for Water, Wastewater and Drainage Services for the Salta property

Dear Mr. Colon,

TLH-18-SALTA LLC owns a property located in with City of Parkland in the "Wedge" which has historically been known as the "Salta Parcel". The parcel was assembled with three other parcels and the assemblage recently received site plan approval for a development to be known as Parkland Royale.

On behalf of TLH-18-SALTA LLC, please allow this letter to be our formal request that the Salta Parcel be included within the jurisdictional boundaries of the North Spring Improvement District. Please include the parcel in any state bills or other actions that are necessary to allow for the District to provide water, wastewater and drainage services to the property. A legal description of the subject parcel is attached.

If you need additional information, please feel free to contact me.

Sincerely,

  
Brian Tuttle  
TLH-18-SALTA LLC  
961 Hillsboro Mile  
Hillsboro Beach, FL 33062  
561718-4816

Encl; Legal Description

LEGAL DESCRIPTION

A PORTION OF TRACTS 29, 30, AND 31 OF FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 2 OF SECTION 19, TOWNSHIP 47 SOUTH, RANGE 41 EAST, AS RECORDED IN PLAT BOOK 1, PAGE 102 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS SITUATE LYING AND BEING IN BROWARD COUNTY, TOGETHER WITH A PORTION OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 30, TOWNSHIP 47 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID N.E. 1/4 OF SECTION 30, THENCE SOUTH 89°48'54" EAST, ALONG THE SOUTH LINE OF SAID N.E. 1/4 OF SECTION 30, 118.81 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0°20'38" WEST, PARALLEL WITH THE WEST LINE OF SAID N.E. 1/4 OF SECTION 30, 2654.19 FEET TO A POINT ON THE NORTH LINE OF SAID N.E. 1/4 OF SECTION 30, THENCE NORTH 0°21'11" WEST, 1,406.20 FEET, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 827, AS CLAIMED BY THE STATE ROAD DEVELOPMENT; THENCE SOUTH 71°40'03" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE 262.96 FEET; THENCE NORTH 89°53'12" EAST 78.99 FEET THENCE SOUTH 71°39'44" EAST, 246.97 FEET; THENCE SOUTH 0°20'46" EAST 3901.95 FEET, TO A POINT ON THE SOUTH LINE OF SAID N.E. 1/4 OF SECTION 30, THENCE NORTH 89°48'54" WEST ALONG THE SOUTH LINE OF SAID N.E. 1/4 OF SECTION 30, 561.57 FEET TO THE POINT OF BEGINNING.