

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 1147 Central Broward Water Control District, Broward County

**SPONSOR(S):** Jenne

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	12 Y, 0 N	Banner	Miller
2) Natural Resources & Public Lands Subcommittee	14 Y, 0 N	Gregory	Shugar
3) Government Accountability Committee			

### SUMMARY ANALYSIS

The Central Broward Water Control District (formerly known as the Napoleon B. Broward Drainage District) is an independent special district in Broward County created for the purpose of reclaiming the lands within its boundaries and to provide drainage and water management services.

The bill removes the requirement that the board of commissioners act by resolution in addition to a majority vote when making a determination or taking action on a matter.

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

A “special district” is a “local unit of special purpose...government within a limited boundary, created by special law, special act, local ordinance, or by rule of the Governor and Cabinet.”<sup>1</sup> Special districts are created to provide a variety of services, such as mosquito control, beach facilities, children’s services,<sup>2</sup> fire control and rescue,<sup>3</sup> or drainage control.<sup>4</sup>

An “independent special district” is characterized by having a governing board comprised of members which are not identical in membership to, nor all appointed by, nor any removable at will by, the governing body of a single county or municipality, and the district budget cannot be affirmed or vetoed by the governing body of a single county or municipality. Additionally, a district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.<sup>5</sup>

Special districts are governed generally by ch. 189, F.S, the Uniform Special District Accountability Act (Act). The Act addresses provisions governing special districts, such as formation,<sup>6</sup> governance,<sup>7</sup> administration,<sup>8</sup> supervision,<sup>9</sup> merger,<sup>10</sup> and dissolution<sup>11</sup> of special districts, unless otherwise expressly provided in law. Special district charters must contain provisions related to the:<sup>12</sup>

- Purpose of the district;
- Powers, functions, and duties of the district regarding taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, tax deeds and certificates, and contractual agreements;
- Methods for establishing the district;
- Method for amending the charter of the district;
- Membership and organization of the governing body, including administrative duties and maximum compensation of the members;
- Applicable financial disclosure, noticing and reporting requirements;
- Procedures and requirements for issuing bonds, if applicable;
- Procedures for conducting district elections or referenda required and the qualifications of an elector of the district;
- Millage rate, if applicable;
- Method for collecting non-ad valorem assessments, fees, or service charges;
- Planning requirements; and
- Geographic boundary limitations.

Current law does not require specific rules of procedure within the charter provisions when making a determination or taking action on matters before the board.

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<sup>1</sup> s. 189.012(6), F.S.

<sup>2</sup> s. 125.901, F.S.

<sup>3</sup> s. 191.002, F.S.

<sup>4</sup> s. 298.01, F.S.

<sup>5</sup> s. 189.012(3), F.S.

<sup>6</sup> s. 189.031, F.S.

<sup>7</sup> s. 189.0311, F.S.

<sup>8</sup> s. 189.019, F.S.

<sup>9</sup> s. 189.0651, F.S.

<sup>10</sup> s. 189.071 and 189.074, F.S.

<sup>11</sup> s. 189.071 and 189.072, F.S.

<sup>12</sup> s. 189.031(3), F.S.

## The Central Broward Water Control District

The Central Broward Water Control District (district) (formerly known as the Napoleon B. Broward Drainage District<sup>13</sup>) is an independent special district in Broward County created by special act for the purpose of reclaiming the lands within its boundaries and to provide drainage and water management services.<sup>14</sup> All prior special acts relating to the district were codified, reenacted, amended, and repealed, and the district charter codified by ch. 98-501, Laws of Florida.

The district is governed by a board of commissioners consisting of six members elected on a nonpartisan basis, by qualified electors residing within each district zone.<sup>15</sup> The district is supported by a non-ad valorem assessment based on each acre or fraction thereof.<sup>16</sup> Currently, the commissioners are required to act by both resolution and the affirmative votes of a majority to make any determination or effect any action.<sup>17</sup>

The district is subject to the applicable provisions of ch. 298, F.S., "Drainage and Water Control."

### **Effect of Proposed Changes**

The bill removes the requirement that the board act in all matters by resolution, requiring only a majority vote to take or effect any action.

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

Section 1: Revises provisions of the district's charter by removing the requirement for the board to act by both resolution and majority vote.

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

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

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 29, 2017

WHERE? Sun-Sentinel, Broward County

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>13</sup> s. 1, ch. 98-501, Laws of Fla.

<sup>14</sup> s. 2, ch. 98-501, Laws of Fla.

<sup>15</sup> s. 4, ch. 98-501, Laws of Fla.

<sup>16</sup> s. 12, ch. 98-501, Laws of Fla.

<sup>17</sup> s. 7, ch. 98-501, Laws of Fla.

### **III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

None.

**B. RULE-MAKING AUTHORITY:**

The bill neither requires nor authorizes administrative rulemaking by executive branch agencies.

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

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.