

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 1495 Coral Springs Improvement District, Broward County

**SPONSOR(S):** Local Administration & Veterans Affairs Subcommittee, Daley

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	18 Y, 0 N, As CS	Darden	Miller
2) Public Integrity & Elections Committee	14 Y, 0 N	Rubottom	Rubottom
3) State Affairs Committee	24 Y, 0 N	Mwakyanjala	Williamson

### SUMMARY ANALYSIS

The Coral Springs Improvement District (District) is an independent special district providing drainage, water, and sewer services to portions of the City of Coral Springs in Broward County. The District was created by a circuit court order in 1966, with a charter codified by a special act in 1970, and re-codified in 2004. A three-member board elected by the landowners governs the District. Voting is conducted on a one-acre/one-vote basis. The District's total revenue for Fiscal Year 2020-21 is \$20.2 million, most of which is derived from water and sewer service charges.

The bill increases the size of the District's board from three to five members and requires each board member to be elected by the qualified electors of the District. The bill is subject to approval by the qualified electors of the District voting in a referendum to be held during the 2022 general election. If approved, the first election of the popularly-elected board would occur at the 2024 general election, with three members elected to four-year terms and two members elected to two-year terms. All members would be elected to four-year terms thereafter. Members of the board serving as of October 1, 2023, will continued to serve until the certification of the 2024 general election results.

**According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. Since this bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.**

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

##### Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.<sup>1</sup> Special districts are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.<sup>2</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>3</sup>

An “independent special district” is characterized by having a governing board comprised of members who 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.<sup>4</sup> 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.

##### Water Control Districts

Chapter 298, F.S., governs the creation and operation of water control districts (WCD). A WCD has authority and responsibility to construct, complete, operate, maintain, repair, and replace any and all works and improvements necessary to execute the water control plan adopted by that district.<sup>5</sup> A WCD may build and construct any other works and improvements deemed necessary to preserve and maintain the works in or out of said district. A WCD also may acquire, construct, operate, maintain, use, purchase, sell, lease, convey, or transfer real or personal property, including pumping stations, pumping machinery, motive equipment, electric lines and all appurtenant or auxiliary machines, devices, or equipment.<sup>6</sup>

Most WCDs are governed by a three-member board composed of landowners within the district who are also residents of the county where the district is located.<sup>7</sup> A landowner meeting to elect the initial board must be noticed within 20 days after the effective date of the special act creating the district. The notice must be published at least once a week for two consecutive weeks in a newspaper of general circulation in each county in which the district is located and the last publication must be no less than 10 and no more than 15 days before the date of the meeting.

Landowners vote for the governing board of the district on a one-acre/one-vote basis, with the three persons receiving the highest number of votes elected in the initial election.<sup>8</sup> Landowners may vote in person or by a signed proxy that complies with the requirements of s. 607.0722, F.S. The landowners at the initial election determine the length of the term of office for the initial board, selecting one member to serve a one-, two-, or three-year term, respectively. All members subsequently elected

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<sup>1</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

<sup>2</sup> See ss. 189.02(1), 189.031(3), and 190.005(1), F.S. See generally s. 189.012(6), F.S.

<sup>3</sup> 2020 – 2022 Local Gov’t Formation Manual, pp. 60-61, at

<https://myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=3117&Session=2021&DocumentType=General+Publications&FileName=2021-2022+Local+Government+Formation+Manual.pdf> (last visited Mar. 23, 2021).

<sup>4</sup> S. 189.012(3), F.S.

<sup>5</sup> S. 298.22, F.S.

<sup>6</sup> S. 298.22(3), F.S.

<sup>7</sup> S. 298.11(1), F.S.

<sup>8</sup> S. 298.11(2), F.S. Landowners who own less than one acre receive one vote, while landowners who own more than one acre are entitled to additional votes for any fraction of an acre greater than one-half owned in addition to votes equal to the number of whole acres owned.

serve a three-year term, with one member of the board elected by the landowners each year.<sup>9</sup> Ch. 298, F.S., provides no authority to convert the governing board of a WCD to election by the qualified electors of the district on a one-person/one-vote basis.<sup>10</sup>

A special act or general law of local application may not grant additional authority, powers, rights, or privileges to a WCD.<sup>11</sup> This prohibition, however, excludes legislation that would:

- Amend an existing special act to provide for the levy of an annual maintenance tax of a district;
- Extend the corporate life of a district;
- Consolidate adjacent districts; or
- Authorize the construction or maintenance of roads for agricultural purposes.

Additionally, the statute expressly does not prohibit special or local legislation to:

- Change the method of voting for a board of supervisors for any WCD;<sup>12</sup>
- Change the term of office for board members and the qualifications to serve on the board of supervisors in a WCD;<sup>13</sup> and
- Change the governing authority or governing board of any WCD.<sup>14</sup>

Any special or local law enacted by the Legislature pertaining to a WCD prevails on the district and has the same force and effect as if it was a part of ch. 298, F.S., at the time the district was created and organized.<sup>15</sup>

### Conversion Procedure for Landowner-elected Special District Governing Bodies

The general statutes governing all special districts provide a process for transitioning a special district governing board elected on a one-acre/one-vote basis to election by the qualified electors of the district. A referendum may be called at any time once the district has at least 500 qualified electors.<sup>16</sup> A petition signed by 10 percent of the qualified electors must be filed with the governing body of the district requesting a referendum.<sup>17</sup> Upon verification of the petition, the governing board of the district must call for a referendum at the earlier of the next regularly scheduled election of governing body members occurring at least 30 days after the verification of the petition or within six months of verification.<sup>18</sup>

If the qualified electors approve of the transition, the size of the board is increased to five members and elections for the board are held at the earlier of the next regularly scheduled general election or a special election held within six months following the referendum approving transition and the finalization of the district urban area map.<sup>19</sup> If the qualified electors do not approve of the transition, a new referendum may not be held for at least two years.<sup>20</sup>

Within 30 days after the transition referendum, the governing body of the district must direct the district's staff to prepare and present maps describing all urban areas contained in the district.<sup>21</sup> For the purposes of this determination, an "urban area" is a contiguous, developed, and inhabited urban area within a district with a minimum density of at least:

- 1.5 persons per acre, as defined by the latest census or other official population count;
- 1 single-family home per 2.5 acres, with access to improved roads; or

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<sup>9</sup> S. 298.12(1), F.S.

<sup>10</sup> See ss. 298.11, 298.12, F.S.

<sup>11</sup> S. 298.76(1), F.S. Before revisions in 1980, this section provided an explicit restatement of the Legislature's authority to grant additional powers to WCDs by special act. See ch. 80-281, s. 5, Laws of Fla.

<sup>12</sup> S. 298.76(2), F.S.

<sup>13</sup> S. 298.76(3), F.S.

<sup>14</sup> S. 298.76(4), F.S.

<sup>15</sup> S. 298.76(5), F.S.

<sup>16</sup> S. 189.041(2)(a)1.a., F.S.

<sup>17</sup> S. 189.041(2)(a)1.b., F.S.

<sup>18</sup> S. 189.041(2)(a)2., F.S.

<sup>19</sup> S. 189.041(2)(a)3., F.S.

<sup>20</sup> S. 189.041(2)(a)4., F.S.

<sup>21</sup> S. 189.041(2)(b)1. F.S.

- 1 single-family home per 5 acres within a recorded plat subdivision.<sup>22</sup>

The maps describing the urban areas must be presented to the governing body of the district within 60 days after the referendum.<sup>23</sup> The determination of urban areas is made with the assistance of local general-purpose governments and district landowners or electors may contest the accuracy of the map.<sup>24</sup> If a landowner or elector raises an objection to the map, the map is submitted to the county engineer for review.<sup>25</sup> After all objections to the map have been addressed, the governing body of the district must adopt either its initial map or the map as amended by the county engineer as the official map at a regular scheduled meeting of the governing body held within 60 days of the presentation of all such maps.<sup>26</sup> A landowner or elector may contest the accuracy of the map by filing a petition in circuit court within 30 days.<sup>27</sup>

After the adoption of the official map or a certification by the circuit court, the district urban area map must determine the extent of urban area within the district and the composition of the board pursuant to s. 189.041(3)(a), F.S.<sup>28</sup> The maps must be readopted every five years, but may be readopted sooner at the discretion of the governing body of the district.<sup>29</sup>

The composition of the board is determined by the percentage of the district that is urban area, as follows:<sup>30</sup>

<b>Urban Area as Percentage of District</b>	<b>Number of Board Members Elected by Landowners</b>	<b>Number of Board Members Elected by Qualified Electors</b>
Less than 25 percent	4	1
26 percent-50 percent	3	2
51 percent-70 percent	2	3
70 percent-90 percent	1	4
More than 91 percent	0	5

Governing board members elected by qualified electors serve four-year terms, except for those elected at the first election and the first landowner's meeting following the referendum, who serve the following terms:<sup>31</sup>

<b>Urban Area as Percentage of District</b>	<b>Terms of Board Members Elected by Landowners</b>	<b>Terms of Board Members Elected by Qualified Electors</b>
Less than 25 percent	1 member each serving a 1-, 2-, 3-, and 4-year term	1 member serving a 4-year term
26 percent-50 percent	1 member each serving a 1-, 2-, and 3-year term	2 members serving separate 4-year terms
51 percent-70 percent	1 member each serving a 1- and 2-year term	2 members serving separate 4-year terms, 1 member serving a 2-year term
70 percent-90 percent	1 member serving a 1-year term	2 members serving separate 4-year terms, 2 members serving separate 2-year terms
More than 91 percent	n/a	3 members serving separate 4-year terms, 2 members serving separate 2-year terms

<sup>22</sup> S. 189.041(1)(b), F.S.

<sup>23</sup> S. 189.041(2)(b)2., F.S.

<sup>24</sup> Ss. 189.041(1)(b), (2)(b)3., F.S.

<sup>25</sup> S. 189.041(2)(b)3., F.S.

<sup>26</sup> S. 189.041(2)(b)4., F.S.

<sup>27</sup> S. 189.041(2)(b)5., F.S.

<sup>28</sup> S. 189.041(2)(b)6., F.S.

<sup>29</sup> S. 189.041(2)(b)8., F.S.

<sup>30</sup> S. 189.041(3)(a), F.S.

<sup>31</sup> S. 189.041(3)(b), F.S.

Annual landowners meetings continue to be held as long as at least one member of the board is elected on a one-acre/one-vote basis.<sup>32</sup> There is no requirement for a majority of the acreage of the district to be represented by either an owner or an owner's proxy at the landowners meeting.<sup>33</sup> Electors must hold landowner meetings in the month preceding the month of the election of governing body members.<sup>34</sup>

Initial elections of members elected by the qualified electors of the district are held at the next regularly scheduled election closest in time to the expiration date of the term of the member elected by the landowners.<sup>35</sup> If the nearest regularly scheduled election comes after the expiration of the term of the member elected by the landowners, that member holds office until the election of his or her successor. All elections for members elected by the qualified electors must be non-partisan.

This conversion process applies to all one-acre/one-vote special districts except for districts that were established and continue to operate as single-purpose WCDs, whether those districts were created pursuant to ch. 298, F.S., a special act, local government ordinance, or a judicial decree.<sup>36</sup>

### Coral Springs Improvement District

The Coral Springs Improvement District (District) is an independent special district providing drainage, water, and sewer services to portions of the City of Coral Springs in Broward County.<sup>37</sup> The District was created by a circuit court order in 1966, with a charter codified by a special act in 1970,<sup>38</sup> and re-codified in 2004.<sup>39</sup> As originally enacted, the charter provided the District with an expanded scope of powers, including all powers under ch. 298, F.S., as well as authority to develop and operate water and sewer systems.<sup>40</sup> The charter does not provide a process to convert to popular election of the board members.

A board of three members serving four-year terms governs the District.<sup>41</sup> Members of the board must be residents of Broward County and own land within the district. The board is elected in a landowner election held at the office of the District during June, every four years, beginning with an initial election in 1971.<sup>42</sup> Each landowner may cast one vote, in person or by proxy, for each acre he or she owns, as well one vote for any fraction of the acre owned.<sup>43</sup> In the event of a vacancy, the other members of the District's board may appoint a new member to serve the remainder of the unexpired term.<sup>44</sup>

The total budget of the District for Fiscal Year 2020-21 is \$20.2 million, with \$4.1 million in the District's general fund and \$16.1 million in the District's water and sewer enterprise fund.<sup>45</sup> The District's budgeted non-carryover funds for the year are \$17 million, of which \$12.3 million is generated by charges for water and sewer service.<sup>46</sup>

### Effect of Proposed Changes

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<sup>32</sup> S. 189.041(3)(c)1., F.S.

<sup>33</sup> S. 189.041(3)(c)2., F.S.

<sup>34</sup> S. 189.041(3)(c)3., F.S.

<sup>35</sup> S. 189.041(4), F.S.

<sup>36</sup> S. 189.041(5), F.S. This subsection was adopted in 1980. As this change was not made retroactive, the allocation of additional powers to a WCD prior to the change would not have been curtailed. See s. 298.76, F.S. (1979).

<sup>37</sup> See ch. 2004-469, s. 7, Laws of Fla. See also *Water Billing*, City of Coral Springs, <https://www.coral springs.org/Government/Departments/Water-Billing> (last visited Mar. 16, 2021) (maps of water districts providing services to the residents of Coral Springs).

<sup>38</sup> Ch. 70-617, Laws of Fla.

<sup>39</sup> Ch. 2004-469, s. 2, 3(1), Laws of Fla.

<sup>40</sup> Ch. 70-617, s. 9(21), Laws of Fla., now ch. 2004-469, s. 9(21) of s. 3, Laws of Fla.

<sup>41</sup> Ch. 2004-469, s. 3(5)(1), Laws of Fla.

<sup>42</sup> Ch. 2004-469, s. 3(5)(3), Laws of Fla. The most recent elections were held in 2019. See *About Us*, Coral Springs Improvement District, <https://www.csidfl.org/about-us> (last visited Mar. 16, 2021) (election dates for current board members).

<sup>43</sup> Ch. 2004-469, s. 3(5)(3), Laws of Fla.

<sup>44</sup> Ch. 2004-469, s. 3(5)(5), Laws of Fla.

<sup>45</sup> See *General Fund Adopted Budget FY 2020/2021*, Coral Springs Improvement District, available at <https://www.csidfl.org/documents> (last visited Mar. 16, 2021) and *Water & Sewer Adopted Budget FY 2020/2021*, Coral Springs Improvement District, available at <https://www.csidfl.org/documents> (last visited Mar. 16, 2021).

<sup>46</sup> *Id.*

The bill increases the size of the District's board from three to five members and requires each member of the board to be elected by the qualified electors of the District. The first election of the popularly-elected board would occur at the 2024 general election, with three members elected to four-year terms and two members elected to two-year terms. All members are elected to four-year terms thereafter. Members of the board serving as of October 1, 2023, will continue to serve until the certification of the 2024 general election results.

Elections to the board must be non-partisan and conducted in accordance with general law concerning elections. Candidates for the board are required to file qualifying papers for individual seats and either pay a qualifying fee or submit a petition signed by at least 1 percent of the qualified electors of the District.

The bill may only take effect upon approval of the qualified electors of the District voting in a referendum held during the 2022 general election. The bill provides a ballot title and question for the referendum and instructs the Broward County Supervisor of Elections to conduct the referendum election.

**B. SECTION DIRECTORY:**

Section 1: Amends ch. 2004-469, Laws of Fla., to provide for election of District board members by all qualified electors of the District.

Section 2: Sets a referendum on the bill to be held at the 2022 general election and provides a ballot summary and ballot question.

Section 3: Provides the bill takes effect upon its approval by a majority vote of the qualified electors of the District voting in a referendum to be held on November 8, 2022, except section 2 and section 3 take effect upon the bill becoming a law.

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

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? January 17, 2021

WHERE? The *Sun-Sentinel*, a daily newspaper of general circulation published in Broward County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN? November 8, 2022

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 23, 2021, the Local Administration & Veterans Affairs Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS expanded the District's board from three members to five members and conditioned the bill taking effect upon approval by the District's electors voting in a referendum to be held during the 2022 general election.

This analysis is drafted to the committee substitute as approved by the Local Administration & Veterans Affairs Subcommittee.