

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 973 CS

South Broward Drainage District, Broward County

SPONSOR(S): Sobel

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government Council</u>	<u>6 Y, 0 N, w/CS</u>	<u>Camechis</u>	<u>Hamby</u>
2) <u>Finance & Tax Committee</u>	<u></u>	<u></u>	<u></u>
3) <u></u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The bill amends the charter of the South Broward Drainage District to revise the district's procurement procedures. Currently, the board may not execute a contract for the construction or maintenance of any improvements, nor may any goods, supplies, or materials be purchased, when the amount to be paid by the district exceeds \$10,000 unless the district complies with public notice and competitive bidding requirements in the charter. This bill amends the district charter to increase the threshold from \$10,000 to \$25,000, the threshold amount provided in s. 287.017(1), F.S. for CATEGORY TWO purchases.

This bill does not have a fiscal impact on the state or district.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

The South Broward Drainage District (district) was originally established by the Legislature in 1967¹ as an independent water control district. In 1998, the Legislature codified the charter of the district.² Today, the district operates as a water control district under its special act charter as well as under the provisions of ch. 298, F.S. A water control district operating under ch. 298, F.S., is organized for limited and definite purposes, and its powers are restricted to those deemed essential by the Legislature to affect its purpose. Therefore, these districts have no power or authority other than that conferred by law.

The district is governed by a board consisting of six members elected by the landowners of the district. The board is authorized to exercise any and all other powers conferred upon drainage districts by ch. 298, F.S., including, but not limited to, the power to acquire and construct drainage improvements, to issue bonds to pay the cost thereof, and to levy and collect non-ad valorem taxes upon lands benefited by the improvements.

Procurement of contractual services and purchase of goods, supplies, and materials.

Section 53 of the district charter requires all contracts let by the board for professional architectural, engineering, landscape architectural, or land surveying services for any project authorized by the charter to be in compliance with s. 287.055, F. S. Unless exempt by the charter or s. 287.055, F.S., no contract may be executed by the board for the construction or maintenance of any improvements authorized under the charter, nor may any goods, supplies, or materials be purchased when the amount thereof to be paid by the district exceeds \$10,000, unless notice of bids is advertised once a week for 2 consecutive weeks in a newspaper in general circulation in Broward County, and in each case the bid of the lowest responsible bidder must be accepted, unless all bids are rejected because the bids are too high. The board may require the bidders to furnish bond with responsible surety to be approved by the board. Nothing in this section prevents the board from undertaking and performing the construction, operation, and maintenance of any project, facility, or improvements authorized under the charter by the employment of labor, material, and machinery.

Notwithstanding the bidding procedure prescribed above, if the board determines, by resolution, that the use of competitive bidding is not practicable, contractual services and purchases of goods, supplies, or materials may be procured by competitive sealed proposals. The request for proposals must include a statement of the services sought or the goods, supplies, or materials requested and all contractual terms and conditions applicable to the procurement of the contractual services or of the goods, supplies, or materials requested. The contract must be awarded to the responsive offeror whose proposal is determined to be the most advantageous to the district, taking into consideration price and other evaluation criteria set forth in the request for proposals.

If the board determines, by resolution, that an immediate danger to the public health or safety or other substantial loss to the district requires emergency action, the board may proceed with the procurement

¹ ch. 67-904, L.O.F.

² ch. 98-524, L.O.F.

of contractual services necessitated by the immediate danger without competition. However, such emergency procurement must be made with such competition as is practicable under the circumstances.

If no competitive bids or proposals for contractual services or for purchase of goods, supplies, or materials are received, the board may negotiate the best terms and conditions available as determined by the board.

Effect of Proposed Changes

Currently, the board may not execute a contract for the construction or maintenance of any improvements, nor may any goods, supplies, or materials be purchased, when the amount to be paid by the district exceeds \$10,000 unless the district complies with public notice and competitive bidding requirements in the charter. This bill amends the district charter to increase the threshold from \$10,000 to \$25,000, the threshold amount provided in s. 287.017(1), F.S. for CATEGORY TWO purchases.

C. SECTION DIRECTORY:

- Section 1. Amends ch. 98-524, L.O.F., changing the amount for which advertisement for bids is required for the procurement by the district of contractual services and purchase of goods, supplies, and materials to comply with state statutory requirements;
- Section 2. Providing for recording of the Act in the public record;
- Section 3. Providing severability;
- Section 4. Providing an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 31, 2005

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? November 7, 2006

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: Rule-making is not addressed in this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 11, 2006, the Local Government Council adopted a strike-all amendment to remove all revisions to the district's taxing authority; therefore, the district's taxing authority is unaffected by the committee substitute. The strike-all amendment retained only the section revising the district's procurement procedures.