

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 1029

North Springs Improvement District, Broward County

**SPONSOR(S):** Seiler

**TIED BILLS:**

**IDEN./SIM. BILLS:**

| REFERENCE  | ACTION | ANALYST      | STAFF DIRECTOR |
|--|--------|--------------|----------------|
| 1) <u>Committee on Urban &amp; Local Affairs</u>             | _____  | <u>Fudge</u> | <u>Kruse</u>   |
| 2) <u>Government Efficiency &amp; Accountability Council</u> | _____  | _____        | _____          |
| 3) _____   | _____  | _____        | _____          |
| 4) _____   | _____  | _____        | _____          |
| 5) _____   | _____  | _____        | _____          |

**SUMMARY ANALYSIS**

This bill provides for the transition to a board elected by qualified electors, increases compensation, and revises competitive bidding requirements of the North Springs Improvement District Board of Supervisors.

This bill is effective upon becoming law.

**Pursuant to House Rule 5.5(b), a local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills. The provisions of House Rule 5.5(b) appear to apply to this bill.**

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

The North Springs Improvement District is an independent special district that was created in 1971 and codified in 2005.<sup>1</sup> 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 expense for attending the meeting from his or her residence.

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 published in Broward County in general circulation in the district.

##### **Election Procedure for Independent Special Districts Generally**

Section 189.4051, F.S., provides a transition process for 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. This section requires a referendum to be called by the 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. If the qualified electors approve the election procedures described in s. 189.4051(2), F.S., the board must be increased to five members and elections must be held pursuant to that provision. If the electors disapprove of the election procedure, elections of board members continue as described by general law or enabling legislation of the district.

##### **Effect of Proposed Changes**

The bill would allow the board, upon majority vote, to convert to a board elected by the qualified electors of the district, as defined by the bill. At the first election to be held in connection with the next general election, two supervisors will be elected to four year terms, one supervisor would be elected to a two year term. The candidate for Seat 1 must be an elector and resident of the City of Parkland. The candidate for Seat 2 must be an elector and resident of the City of Coral Springs. The candidate for Seat 3 must be an elector and resident of the district. At subsequent elections held every two years, the supervisors would serve four year terms. The bill also establishes requirements for qualifying for election. The bill increases the compensation for board members to \$400 per meeting of the board, not to exceed \$4,800 per year per supervisor and expands allowable travel expenses to those incurred in connection with district business.

The bill increases the competitive procurement threshold from \$4,000 to \$150,000.<sup>2</sup> The bill would also require 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.

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<sup>1</sup> 2005-341, L.O.F.

<sup>2</sup> See s. 287.017(1)(d), F.S.

C. SECTION DIRECTORY:

Section 1: Provides for transition to a board elected by qualified electors; increases 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 [X] No []

IF YES, WHEN? January 12, 2007.

WHERE? IN the Sun-Sentinel a daily newspaper published in Broward County.

B. REFERENDUM(S) REQUIRED? Yes [] No [X]

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [X] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No []

Anticipated Expenditures

|  |                 |                 |
|--|-----------------|-----------------|
|  | <u>FY 06-07</u> | <u>FY 07-08</u> |
| Increase in Compensation<br>for Board of Supervisors | \$2,400         | \$7,200         |

Anticipated Sources of Funding

|                              |                 |                 |
|------------------------------|-----------------|-----------------|
|                              | <u>FY 06-07</u> | <u>FY 07-08</u> |
| Special District Assessments | \$2,400         | \$7,200         |

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The district shall adopt rules, policies, or procedures establishing competitive bidding procedures for maintenance services.

C. DRAFTING ISSUES OR OTHER COMMENTS:

**Possible Exemption from General Law**

As stated above, s. 189.4051, F.S., provides a transition process for 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. This bill vests the power in the board, upon majority vote, to decide whether the board should transition to board elected by qualified electors.<sup>3</sup> In addition, the bill does not increase the membership of the board to five members as required by s. 189.4051(2)(a)2., F.S.

**Other Comments**

The bill provides for elections every two years even though members serve four year terms.

D. STATEMENT OF THE SPONSOR

No statement submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

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<sup>3</sup> In 2001, Governor Bush vetoed a prior bill for this district, because it bypassed the provisions of s. 189.4051(2)(a), F.S., thereby compromising the right of the residents to express their wishes regarding the manner in which the board is elected.