

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: CS/HB 1621 North Springs Improvement District, Broward County

SPONSOR(S): Military & Local Affairs Policy Committee and Porth

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

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Military & Local Affairs Policy Committee	13 Y, 0 N, As CS	Rojas	Hoagland
2)	Economic Development & Community Affairs Policy Council	15 Y, 0 N	Rojas	Tinker
3)				
4)				
5)				

SUMMARY ANALYSIS

The bill revises the legal description of the North Springs Improvement District’s boundaries to include several property owners who have requested that the district amend its boundaries to include their properties for the purpose of receiving water, wastewater and drainage services and facilities.

The boundaries of the district will expand from approximately 7,040 acres within Broward County to approximately 8,420 acres.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

The North Springs Improvement District

The North Springs Improvement District (District) was created by the decree of circuit court #71-1724, and has been revised by subsequent special acts. In 2005, the Legislature enacted HB 1479¹ which codified, and reenacted, all prior special acts of the District into a single, logically organized act, as required by s. 189.429, F.S.

The purpose of the District is to fund, construct, and maintain storm water management, water distribution, sewer collection and roadway improvements. The current boundaries of the District encompass approximately 7,040 acres within Broward County.

The District is governed by a three-member board of supervisors. One supervisor is elected by landowners owning property within the city limits of the City of Parkland, one supervisor is elected by landowners, owning property within the city limits of the City of Coral Springs, and one supervisor is elected at large by all landowners of the District. Board members receive \$200 per month as compensation and travel expenses.

The Board must annually adopt a resolution establishing the non-ad valorem special assessments necessary to meet expenses for the coming year. Special assessments are collected and enforced in the same manner as county taxes. The District does not levy ad valorem taxes. The charter exempts all real and personal property owned, leased, controlled, or used by the District from all county, municipal, taxing district, and other ad valorem taxes and special assessments for benefits.

The Board may issue bonds to carry out the purposes of its charter payable solely from revenues of the District. The value of all bonds outstanding may not exceed 35% of the District's anticipated revenues for the period for which the bonds are outstanding.

The current powers and authority of the District include the authority to:

- contract and be contracted with;
- adopt a water control plan;
- acquire and maintain sites for storage and maintenance of the equipment of the District;

¹ Ch. 2005-341, L.O.F.

- clean out, straighten, widen, open up, or change the course and flow, alter, or deepen any canal, ditch, drain, river, water course, or natural stream;
- regulate by resolution drainage requirements;
- borrow money and issue bonds, certificates, warrants, notes, or other evidences of indebtedness of the District;
- build and construct any other works, and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut in or out of the District;
- hold, control, and acquire by donation, purchase, or condemnation, any easement, reservation, or dedication in the District; to condemn as provided by chapters 73 and 74, F.S., or acquire, by purchase or grant for use in the District any land or property within the District;
- assess and impose on all of the lands in the District an ad valorem tax, an annual drainage tax, and a maintenance tax;
- impose and foreclose special assessments liens;
- prohibit, regulate, and restrict by appropriate resolution all structures, materials, and things, whether solid, liquid, or gas, whether permanent or temporary in nature, which come upon, come into, connect to, or be a part of any facility owned or operated by the District;
- make adopt, promulgate, amend, and repeal all rules and regulations necessary or convenient for the carrying out of the duties, obligations, and powers conferred on the District;
- cooperate with or contract with other water control districts or other governmental agencies;
- employ engineers, attorneys, agents, employees, and representatives as the board of supervisors may determine necessary and to fix their compensation and duties;
- exercise all of the powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes of the District;
- construct, improve, and maintain roadways and roads necessary and convenient to provide access to and efficient development of areas within the District;
- make use of any public easements, dedications to public use, platted reservations for public purposes, or any reservations for drainage purposes within the boundaries of the District;
- lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any projects of the type that the District is authorized to undertake and facilities or property of any nature for the use of the District;
- regulate the supply and level of water within the District;
- own, acquire, construct, reconstruct, equip, operate, maintain, extend, and improve water systems and sewer systems or combined water and sewer systems;
- own, acquire, construct, operate, and maintain parks, playgrounds, picnic grounds, camping facilities, and water recreation facilities within or without the District;
- issue general obligation bonds, revenue bonds, assessment bonds, or any other bonds or obligations; and
- exercise any and all other powers conferred to water control districts by ch. 298, F.S.
- plan, establish, construct, and maintain parks and facilities for indoor and outdoor community recreational and cultural uses, when authorized by resolution of the general purpose unit of local government, in its sole discretion, and also authorized by resolution of each municipality served by the District if the parks and facilities are or will be located in the unincorporated area; and
- construct or renovate school buildings and related structures, when authorized by the local district school board, which may be leased, sold, or donated to the school district, for use in the public educational system.

Broward County Boundary Change

In 2007, the Legislature enlarged the boundaries of Broward County² to include certain lands included in Palm Beach County. Prior to the boundary change, approximately 1,949 acres of land in the southern section of Palm Beach County was separated geographically from the remainder of the county by a water boundary created by the Hillsboro Canal. The Legislature amended s. 7.06, F.S., to extend the boundaries of Broward County and s. 7.50, F.S., to decrease the boundaries of Palm Beach County, thus transferring the property at issue.

² Ch. 2007-222

The property at issue forms a triangle-shaped parcel west of U.S. 441 (known as State Road 7 in Broward County) and south of the canal, and is commonly referred to as "The Wedge" or "The Golden Triangle." This site consists primarily of vacant or agricultural land.

Effect of the Bill

The bill revises the legal description contained in the District's existing enabling legislation to include several property owners who have requested that the district amend its boundaries to include their properties for the purpose of receiving water, wastewater and drainage services and facilities. The boundaries of the District will expand from approximately 7,040 acres within Broward County to approximately 8,420 acres.

B. SECTION DIRECTORY:

Section 1 Revises the legal description contained in the District's existing enabling legislation.

Section 2 Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 18, 2010

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?

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:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

An aerial map of the proposed boundary amendments revealed a wholly encompassed parcel of approximately 27.5 acres shown as "not included" in the eastern portion of the map. The owner leases this land to three broadcasting stations which have erected three 300 foot towers on the property. The owner does not intend any other development on the site and therefore does not require the services offered by the District.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On April 8, 2010, HB 1621 was amended in the Military & Local Affairs Policy Committee upon adoption of a proposed committee substitute. The analysis reflects the bill as amended.