

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1149 North Springs Improvement District, Broward County

SPONSOR(S): Moskowitz

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	12 Y, 0 N	Renner	Miller
2) Natural Resources & Public Lands Subcommittee	13 Y, 0 N	Gregory	Shugar
3) Government Accountability Committee	19 Y, 0 N	Renner	Williamson

SUMMARY ANALYSIS

The North Springs Improvement District (District) is an independent special district in Broward County, providing water treatment, wastewater collection, and stormwater management services to approximately 40,000 residents in the cities of Coral Springs and Parkland. The District was formed in 1971.

The bill revises the legal description of the District to annex a 42 acre parcel known as Watercrest. The revised legal description also includes the right of way for Bishop's Pit Road and a parcel of land called the Gap Parcel. Each annexation is at the request of the owner of the subject parcel.

The Economic Impact Statement estimates the District's revenues will increase by \$1,643,919 in fiscal year 2016-2017 and \$236,307 in fiscal year 2017-2018, in the form of utility connection fees.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

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. Special districts are created by general law,¹ special act,² local ordinance,³ or by rule of the Governor and Cabinet.⁴ 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.⁵

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.⁶

North Springs Improvement District Overview

The North Springs Improvement District (District) is an independent special district in Broward County, created by a circuit court decree in 1971.⁷ The Legislature passed a special act the same year setting out the powers and boundaries of the District.⁸ The District provides water treatment, wastewater collection, and stormwater management services to approximately 40,000 residents in the cities of Coral Springs and Parkland.⁹ In accordance with s. 189.019, F.S., the District's original charter and subsequent amendments were codified in 2005.¹⁰

The District is governed by a board consisting of three supervisors: one elected by and from the landowners of Parkland, one elected by and from the landowners of Coral Springs, and one elected at-large.¹¹ Board members serve four year terms, they must be landowners within the District, and a majority of the members must be residents of Broward County.¹² The board has been authorized since its creation to exercise the powers enumerated in ch. 298, F.S., governing drainage and water control districts, as well as powers specifically granted in the District's charter, such as the maintenance of a sewer system.¹³

¹ s. 189.031(3), F.S.

² *Id.*

³ s. 189.02(1), F.S.

⁴ s. 190.005(1), F.S. *See, generally, s. 189.012(6), F.S.*

⁵ 2017 – 2018 *Local Gov't Formation Manual*, p. 64, available at

<http://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911> (last viewed 3/1/2017)

⁶ s. 189.012(3), F.S.

⁷ *See* ch. 71-580, Laws of Fla.

⁸ *Id.*

⁹ North Springs Improvement District, *About the North Springs Improvement District*, available at: <http://nsidfl.gov/about-us.php> (last visited March 2, 2017).

¹⁰ *See* ch. 2005-341, Laws of Fla.

¹¹ s. 5(2), Charter for the North Springs Improvement District, as codified in s. 3, Ch. 2005-341, Laws of Fla. (herein NSID Charter).

¹² s. 5(1), NSID Charter.

¹³ Ch. 71-580, Laws of Fla.

The powers of the District granted by the charter include, but are not limited to:

- Entering into contracts;¹⁴
- Adopting a water control plan;¹⁵
- Maintaining storage facilities for necessary equipment;¹⁶
- Operating systems to manage water flow and drainage;¹⁷
- Setting drainage requirements for new construction;¹⁸
- Imposing an ad valorem tax, a drainage tax, or a maintenance tax and levying special assessments;¹⁹
- Cooperating with other water control districts and other government agencies.²⁰

Previous Annexation by the District

Since codification, the District's boundaries have been expanded on three occasions.²¹ Each of these expansions encompassed portions of an area known as "The Wedge" or "The Golden Triangle." The Legislature revised the boundaries of Broward County in 2007 to include "The Wedge," which had previously been part of Palm Beach County.²² "The Wedge" sits south of a water boundary created by the Hillsboro Canal and is only accessible by Broward County roadways.²³ "The Wedge" is approximately 1,949 acres and consisted primarily of vacant and agricultural land when it was shifted into Broward County.²⁴ At the time the parcel was annexed by Broward County, the owners of parcels in the area were planning to build 2,822 homes and 350,000 square feet of commercial space, but faced opposition from residents of neighboring residential areas due to the expectation of increased traffic.²⁵ In 2015, 75.51 acres located in the City of Parkland were annexed.²⁶ This area is also part of "The Wedge." The owner of the parcel filed a written request with the District, asking to be included in its jurisdiction.

Proposed District Annexation

Ch. 2007-222, Laws of Florida, enlarged the boundaries of Broward County, including the Wedge which was property formerly located in Palm Beach County. Ch. 2007-222, Laws of Florida, also included certain property in the municipal limits of the City of Parkland. Since 2007, most of the land located within the Wedge has been annexed into the City of Parkland. When the easterly half of Bishop Pit Road came into Broward County and into the municipal limits of the City of Parkland, Broward County determined the road was to be classified as a local road under the jurisdiction of the City of Parkland. Historically, any property owned by the City of Parkland and located within its municipal boundaries has been included in the District's boundaries at the City of Parkland's request if services to the property were to be rendered by the District. The City of Parkland has requested that the easterly half of Bishop Road be included in the District's boundaries.²⁷

¹⁴ s. 9(1), NSID Charter.

¹⁵ s. 9(2), NSID Charter.

¹⁶ s. 9(3), NSID Charter.

¹⁷ s. 9(4), NSID Charter.

¹⁸ s. 9(5), NSID Charter.

¹⁹ ss. 9(9), (10), NSID Charter.

²⁰ s. 9(13), NSID Charter.

²¹ Ch. 2010-269, Laws of Fla., Ch. 2011-251, Laws of Fla., and Ch. 2015-192, Laws of Fla.

²² Ch. 2007-222, Laws of Fla.

²³ House Policy and Budget Council analysis for HB 1315 (2007).

²⁴ *Id.* 94.77 percent of The Wedge consisted of agricultural (27.14 percent) and vacant (67.63 percent) land.

²⁵ *Id.*

²⁶ Ch. 2015-192, Laws of Fla.

²⁷ Request letter from City of Parkland to the North Springs Improvement District, September 22, 2016. On file with Local, Federal & Veterans Affairs Subcommittee.

Additionally, Sabra Land Trust, owner of the "Gap Parcel," west of Bishop Road, has requested service for water, wastewater, and drainage from the District and would like to have the "Gap Parcel" included within the District's boundaries.²⁸

Lastly, CalAtlantic Homes, the developer of "Watercrest," a 42-acre plat located in Broward County, has requested service for water, wastewater, and drainage from the District and would like to have the property included within the District's boundaries.²⁹

Effect of Proposed Changes

The bill revises the legal description of the District to annex a 42 acre parcel known as Watercrest. The revised legal description also includes the right of way for Bishop's Pit Road and a parcel of land called the Gap Parcel.³⁰

The Economic Impact Statement estimates the District's revenues will increase by \$1,643,919 in fiscal year 2016-2017 and \$236,307 in fiscal year 2017-2018, in the form of utility connection fees.

B. SECTION DIRECTORY:

Section 1 Amends Section 2 of Ch. 2005-341, Laws of Florida, as amended by Ch. 2015-192, Laws of Florida, to enlarge the North Springs Improvement District.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN? January 29, 2017

WHERE? *Sun-Sentinel*, a daily newspaper published in Broward, Palm Beach, 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:

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

²⁸ Request letter from Sabra Land Trust, October 5, 2016. On file with Local, Federal & Veterans Affairs Subcommittee.

²⁹ Request letter from CalAtlantic Homes, November 5, 2016. On file with Local, Federal & Veterans Affairs Subcommittee.

³⁰ Letter from the North Springs Improvement District to the Broward County Legislative Delegation, December 14, 2016. On file with Local, Federal & Veterans Affairs staff.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.