

STORAGE NAME: h1701a.ca
DATE: March 30, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1701
RELATING TO: Broward County/Children's Services Act
SPONSOR(S): Representative Wasserman Schultz
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CHILDREN & FAMILIES (HFC) YEAS 9 NAYS 0
 - (2) COMMUNITY AFFAIRS (PRC) YEAS 8 NAYS 0
 - (3) EDUCATION INNOVATION (AEC)
 - (4) FINANCE & TAXATION (FRC)
 - (5) HEALTH & HUMAN SERVICES APPROPRIATIONS (FRC)
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I. SUMMARY:

This bill establishes the Children's Services Act of Broward County, as an independent special district (District), to provide children's services throughout Broward County.

The District will have a governing board to be known as the Children's Services Council (Council) for Broward County. The Council shall have the power and duty to provide services for children, maintain records, elect officers, assess the needs of children and prepare a budget.

This bill authorizes a levy of ad valorem taxes at a rate not exceeding .50 mill contingent upon voter approval (\$.50 for each \$1,000 of all properties within the county that are subject to county taxes).

This bill provides that the implementation of this act is contingent upon referendum approval.

The Economic Impact Statement indicates that there is a fiscal impact.

The Committee on Children and Families adopted one amendment that is traveling with the bill. As indicated in the "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES" section the amendment conforms section 4 of the bill to current state auditing practice.

The Committee on Community Affairs adopted one amendment that is traveling with the bill. As indicated in the "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES" section the amendment corrects a spelling error.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

This bill establishes, subject to local referendum, an independent special district to provide children's services throughout Broward County governed by a board and authorizes the district to levy ad valorem taxes not to exceed .50 mill (\$.50 for each \$1,000 of all properties within the county that are subject to county taxes).

B. PRESENT SITUATION:

In 1986, the Florida Legislature authorized counties to create independent special districts, governed by councils, to provide funding for children's services (s. 125.901, F.S., amended subsequently). Services are funded through ad valorem property taxes, capped at .50 mill, subject to voter approval. S. 125.901, F.S. further provides for independent special district status, children's services council composition, powers and functions of the council, and bookkeeping and budget procedure.

Seven counties in Florida have established such districts and councils: Hillsborough, Martin, Metro-Dade, Palm Beach, St. Lucie, Volusia and Jacksonville.

C. EFFECT OF PROPOSED CHANGES:

This bill establishes an independent special children's services district in Broward County modeled after the children's services districts provided for in s. 125.901, F.S. Services are funded through a maximum ad valorem property tax of .50 mill (\$.50 for each \$1,000 of all properties within the county that are subject to county taxes). This bill provides for a special election referendum on September 5, 2000 for voters to approve the creation of the Children's Services Council of Broward County and authorize taxation.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides that the bill shall be titled "Children's Services Act of Broward County."

Section 2. Provides for the creation of an independent district; authorizes a governing body, the Children's Services Council (Council).

Section 3. Provides for a ten-member council to be the governing board of the special district and establishes board membership, duties and responsibilities; members include the superintendent of schools, a school board member, the district administrator of the Department of Children and Family Services, a county commissioner and a juvenile court judge, who serves with certain limitations; members serve four-year terms, effective January 2, 2001; the remaining five members, selected by the Governor from county

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commission nominations, should reflect county diversity; authorizes Governor to remove a member for cause and to fill certain sudden vacancies.

Section 4. Requires Council to provide the following: Child preventive, developmental, treatment and rehabilitative services; assess children's needs, develop a method, strategy and outreach to provide services, and coordinate with other agencies to avoid duplication; allocate and provide funds to benefit children; compile statistical data; purchase or lease property or equipment as needed, hire and pay personnel, and maintain bookkeeping; elect Council officers and submit a written assessment to County Commission; train new members; draft bylaws; provide an annual written report to County Commission, to include efficiency assessment, anticipated budget, outline of procedures used for targeting at-risk children, comparison between Council goals and goals of this act, and program information.

Requires Council to maintain meeting minutes, serve uncompensated but with per diem, make financial records and accounts available for audit and hire an independent auditor if state does not conduct an audit, and file quarterly reports, to include aggregate receipts and expenditures.

Section 5. Provides that the fiscal year is the same as Broward County; requires Council to adopt a budget on or before July 1, to include an estimate of the millage rate necessary to raise budgeted expenditures; caps millage at 50 cents per \$1,000 of assessed valuation of all properties subject to county taxes; precludes Board of County Commissioners from changing Council's certified budget.

Section 6. Authorizes Council to levy ad valorem taxes at a rate not to exceed one-half mill and provides procedure for the collection and enforcement of taxes contingent upon voter approval, and for the posting of surety bonds; provides for petty cash account.

Section 7. Cites s. 125.901, F.S., which provides powers, duties, responsibilities and obligations for children's services special district, as controlling authority.

Section 8. Provides for a special referendum to be held on September 5, 2000 to create the council and authorize taxation, and proposes specific ballot language.

Section 9. Provides for the bill to become effective upon becoming law, except that the act shall take effect only if approved by a majority vote in a referendum, to be held September 5, 2000.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [X] No []

IF YES, WHEN? January 26, 2000.

WHERE? The Sun Sentinel newspaper published in Broward, Palm Beach and Dade Counties.

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

IF YES, WHEN? September 5, 2000.

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

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

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

Rule making authority is provided for under section 4 of the bill relating to powers and duties of the children's council. However, the wording "to make and adopt bylaws and rules and regulations" appears too broad for a limited area special district. A suggested revision is to remove the word "regulations."

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Children & Families met on March 23, 2000, and adopted one amendment.

Amendment 1, removes subsection (2) of section 4 of the bill relating to powers and duties, to conform to current audit practice by the state. Section (2) requires the accounts of the council to be exclusively audited by state auditors. Currently state auditors do not perform these audits. Audits are provided by contract. This amendment is traveling with the bill.

The Committee on Community Affairs met on March 30, 2000 and adopted one amendment which corrects a spelling error.

VI. SIGNATURES:

COMMITTEE ON CHILDREN & FAMILIES:

Prepared by:

Glenn A. Mitchell

Staff Director:

Robert Barrios

AS REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Cindy M. Brown, J.D.

Staff Director:

Joan Highsmith-Smith