

STORAGE NAME: h1701a.cf

DATE: March 23, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
Children & Families
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1701

RELATING TO: Broward County/Children's Services Act

SPONSOR(S): Wasserman Schultz

TIED BILL(S):

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

- (1) Children & Families YEAS 9 NAYS 0
 - (2) Community Affairs
 - (3) Education Innovation
 - (4) Finance & Taxation
 - (5) Health & Human Services Appropriations
-

I. SUMMARY:

The bill establishes the Children's Services Act of Broward County to create an independent special district to provide children's services throughout Broward County, effective January 2, 2001. It is modeled after provisions for children's services councils in s. 125.901, F.S.

The district would have a governing board to be known as the Children's Service Council for Broward County. The board would consist of ten members. Five members would become board members due to their specific position (i.e., superintendent of schools, school board member, county commissioner, District Administrator for the Department of Children and Families, and juvenile court judge). Five members would be appointed by the Governor.

The Children's Services 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.

The bill authorizes a levy of 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).

The bill requires the special district, council and millage be approved in a special referendum election, and provides the wording of the ballot question.

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"/> |

The bill establishes, subject to local referendum, an independent special district to provide children's services throughout Broward County governed by a board and authorized 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 Legislature provided for each county to create in ordinance an independent special district governed by a council to provide funding for children's services (s. 125.901, F.S., amended subsequently). Services are to be funded through an ad valorem property tax of not more than .50 mill, subject to approval by the voters.

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

The statute provides for a ten-member council to be the governing board of the special district and establishes board membership, duties and responsibilities. Membership includes the superintendent of schools, a local school board member, the district administrator of the Department of Children and Family Services, one member of the county governing body and the judge assigned to juvenile cases, with certain requirements. The remaining five members are appointed by the Governor and represent the diversity of the county.

The statute includes financial requirements and budget procedures, and millage requirements pursuant to s. 200.065, F.S. Once the millage is approved by the electorate, the district is not required to seek approval in future years to levy it.

C. EFFECT OF PROPOSED CHANGES:

The proposed local bill will establish an independent special children's services district in Palm Beach County modeled after the children's services districts provided for in s. 125.901, F.S. Funding for services will be 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). The 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 authorization of 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 and a governing body.

Section 3. Provides for a ten-member council to be the governing board of the special district and establishes board membership, duties and responsibilities. Membership includes the superintendent of schools, a school board member, a county commissioner, the district administrator of the Department of Children and Family Services, and a juvenile court judge, with certain requirements. Each council member serves four-year terms, effective January 2, 2001. The remaining five members are appointed by the Governor and are to represent the diversity of the county.

Section 4. Provides for powers and duties. The purpose of the council is to provide preventive, developmental, treatment and rehabilitative services for children. The council is to determine the needs of children, develop a method, strategy and outreach to provide services, and consult with other agencies to prevent overlap of services. It is to provide funds to benefit children and collect data. The council is to adopt bylaws, purchase or lease property or equipment as needed, employ personnel, keep records in preparation for audit, and provide quarterly and annual reports.

Section 5. Provides that the fiscal year be the same as Broward County. It requires the council to adopt a budget on or before July 1, each year that includes an estimate of the millage rate necessary to raise budgeted expenditures. The millage is capped at 50 cents per \$1,000 of assessed valuation of all properties subject to county taxes.

Section 6. Provides for the authority for the council to levy ad valorem taxes and for a process for maintaining those funds.

Section 7. Provides the council with the powers, duties, responsibilities and obligations as provided for in s. 125.901, F.S., that provides for establishing special districts for children's services in counties.

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

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B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? September 5, 2000.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached 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 adopted one amendment.

Amendment 1, removed 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 be exclusively audited by state auditors as assigned to audit the county. Currently state auditors do not perform these audits. Audits are provided by contract.

House Bill 1701 was adopted as amended.

VI. SIGNATURES:

COMMITTEE ON Children & Families:

Prepared by:

Staff Director:

Glenn A. Mitchell

Robert Barrios