

House Bill No. 1701

An act relating to Broward County; providing for the creation of a countywide independent special district to provide children's services throughout Broward County; providing for a governing board to be known as the Children's Service Council of Broward County; providing for the membership and duties of the council; providing financial requirements and budget procedures; providing for authorization of the levy of ad valorem taxes not to exceed one-half mill; providing for a ballot question; providing for a referendum; providing an effective date.

WHEREAS, section 125.901, Florida Statutes, authorizes the creation of an independent special district to provide children's services throughout each county of the State, and

WHEREAS, the Florida Legislature has determined that it would serve the public interest to establish said independent special district within Broward County, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. Title.—This act may be cited as the “Children’s Services Act of Broward County.”

Section 2. Creation of an Independent Special District.—There is hereby created, effective January 2, 2001, an independent special district to provide children’s services throughout Broward County. The boundaries of the District shall be coterminous with the boundaries of Broward County. The governing body of the District shall be a board of directors to be known as the Children’s Services Council of Broward County.

Section 3. Membership.—Such council shall consist of 10 members, including:

(1) The superintendent of schools; a local school board member, chosen by a majority of the School Board of Broward County; the district administrator from district X of the Department of Children and Family Services, or his or her designee who is a member of the Senior Management Service or of the Selected Exempt Service; one member of the County Commission, chosen by a majority of the Broward County Board of County Commissioners; and a judge assigned to juvenile cases who shall sit as a voting member of the board, except that said judge shall not vote or participate in the setting of ad valorem taxes under this section. The chief judge of the 17th judicial circuit shall designate which judge shall serve on the board. All of the proceeding members shall serve 4-year terms effective January 2, 2001.

(2) The remaining five members shall be appointed by the Governor, and shall, to the extent possible, represent the demographic diversity of the population of Broward County. After soliciting recommendations from the public, the Broward County Board of County Commissioners shall submit

to the Governor the names of at least three persons for each vacancy occurring among the five members to be appointed by the Governor, and the Governor shall appoint members to the council from the candidates nominated. The Governor shall make a selection within a 45-day period or request a new list of candidates. All members appointed by the Governor shall have been residents of the county for the previous 24-month period. Such members shall be appointed for 4-year terms, except that the length of the terms of the initial appointees shall be for 2 years. The Governor may remove a member for cause or upon the written petition of a majority of the County Commission plus one. If any of the members of the council required to be appointed by the Governor under the provisions of this subsection shall resign, die, or be removed from office, the vacancy thereby created shall, as soon as practicable, be filled by appointment by the Governor, using the same method as the original appointment, and such appointment to fill a vacancy shall be for the unexpired term of the person who resigns, dies, or is removed from office.

Section 4. Powers and Duties.—

(1) The Children's Services Council of Broward County shall have the following powers and duties:

(a) To provide and maintain in the County such preventive, developmental, treatment, and rehabilitative services for children as the council determines are needed for the general welfare of the County.

(b) To provide such other services for all children as the council determines are needed for the general welfare of the County.

(c) To allocate and provide funds for other agencies in the County which are operated for the benefit of children, provided they are not under the exclusive jurisdiction of the public school system.

(d) To collect information and statistical data which will be helpful to the council in deciding the needs of children in the County.

(e) To consult with other agencies dedicated to the welfare of children to the end that the overlapping of services will be prevented.

(f) To lease or buy such real estate, equipment, and personal property and to construct such buildings as are needed to execute the foregoing powers and duties, provided that no such purchases shall be made or building done except for cash with funds on hand or secured by funds deposited in financial institutions. Nothing in this act shall be construed to authorize issuance of bonds of any nature.

(g) To employ and pay, on a part-time or full-time basis, personnel needed to execute the foregoing powers and duties.

(2) The Children's Services Council of Broward County shall:

(a) Immediately after the members are appointed, elect a chair and vice chair from among its members, and elect other officers as deemed necessary by the council.

(b) Immediately after the members are appointed and officers are elected, identify and assess the needs of the children in Broward County served by the council and submit to the County Commission of Broward County a written description of:

1. The activities, services, and opportunities that will be provided to children.

2. The anticipated schedule for providing those activities, services, and opportunities.

3. The manner in which children will be served, including a description of arrangements and agreements which will be made with community organizations, state and local educational agencies, federal agencies, public assistance agencies, the juvenile courts, foster care agencies, and other applicable public and private agencies.

4. The special outreach efforts that will be undertaken to provide services to at-risk, abused, or neglected children.

5. The manner in which the council will seek and provide funding for unmet needs.

6. The strategy which will be used for interagency coordination to maximize existing human and fiscal resources.

(c) Provide training and orientation to all new members sufficient to allow them to perform their duties.

(d) Make and adopt bylaws and rules for the council's guidance, operation, governance, and maintenance, provided such rules are not inconsistent with federal or state laws or county ordinances.

(e) Provide an annual written report, to be presented no later than January 1, to the County Commission of Broward County. The annual report shall contain, but not be limited to the following information:

1. Information on the effectiveness of activities, services, and programs offered by the council, including cost-effectiveness.

2. A detailed anticipated budget for continuation of activities, services, and programs offered by the council, and a list of all sources of requested funding, both public and private.

3. Procedures used for early identification of at-risk children who need additional or continued services and methods for ensuring that the additional or continued services are received.

4. A description of the degree to which the council's objectives and activities are consistent with the goals of this section.

5. Detailed information on the various programs, services, and activities available to participants and the degree to which the programs, services, and activities have been successfully used by children.

6. Information on programs, services, and activities that should be eliminated; programs, services, and activities that should be continued; and programs, services, and activities that should be added to the basic format of the Children's Services Council.

(3) The council shall maintain minutes of each meeting, including a record of all votes cast, and shall make such minutes available to any interested person.

(4) Members of the council shall serve without compensation, but shall be entitled to receive reimbursement for per diem and travel expenses consistent with the provisions of section 112.061, Florida Statutes.

(5) All financial records and accounts relating to the district shall be available for audit by state auditors as they are assigned from time to time to audit the affairs of the County officials. If no annual audit of the district is conducted by the state, the council shall cause an independent audit of the District to be conducted.

(6) Within 10 days, exclusive of weekends and legal holidays, after the expiration of each quarter annual period, the Children's Services Council shall cause to be prepared and filed with the County Commission of Broward County a financial report which shall include the following:

(a) The total expenditures of the council for the quarter annual period.

(b) The total receipts of the council during the quarter annual period.

(c) A statement of the funds the council has on hand, has invested, or has deposited with qualified public depositories at the end of the quarter annual period.

(d) The total administrative costs of the council for the quarter annual period.

Section 5. Fiscal Year.—

(1) The fiscal year of the District shall be the same as that of Broward County.

(2) On or before July 1 of each year, the Children's Services Council of Broward County shall prepare and adopt an annual written budget of its expected income and expenditures, including a contingency fund. The written budget shall be certified and delivered to the Board of County Commissioners on or before July 1 of each year. Included in each certified budget shall be an estimate of the millage rate necessary to be applied to raise the funds budgeted for expenditures, which millage rate shall not exceed a maximum of 50 cents for each \$1,000 of assessed valuation of all properties within the County which are subject to County taxes.

(3) The budget of the Children's Services Council so certified and delivered to the Board of County Commissioners shall not be subject to change or modification by the Board of County Commissioners or any other authority.

Section 6. Levying of Ad Valorem Taxes.—In order to provide funds for the Children’s Services Council of Broward County, the council may levy ad valorem taxes annually on all taxable property in the County in an amount not to exceed one-half mill, provided that the authority to levy such taxes has been approved by a majority vote of the electors of the District voting in the Countywide Election to be held in accordance with the requirements of the constitution and the laws of Florida and as set forth in this act. The tax shall be assessed, levied, and collected in the same manner and at the same time as is provided by law of the levy, collection, and enforcement of collection of County taxes. All tax money collected under this act, as soon after the collection thereof as is reasonably practicable, shall be paid directly to the Children’s Services Council by the Tax Collector of the County and all other applicable County officials. The moneys so received by the Children’s Services Council, shall be deposited in a special bank account, shall be withdrawn only by checks signed by the chair of the council and countersigned by one other member of the council, who shall be so authorized by the council. The chair and other member of the council who signs its checks shall each give a surety bond in the amount of \$1,000 which bond shall be conditioned that each shall faithfully discharge the duties of their office. No other member of the council shall be required to give bond or other security. No funds of the council shall be expended except by check as aforesaid, except expenditures of petty cash account which shall not at any time exceed \$100. All expenditures from petty cash shall be recorded on the books and records of the Children’s Services Council. No funds of the council, except the expenditure of petty cash, shall be expended without prior approval of the council, in addition to the budgeting thereof.

Section 7. Powers, Duties, Responsibilities and Obligations.—Except as specifically provided by this act, the Children’s Services Council of Broward County shall have all powers, duties, responsibilities and obligations as provided for special districts in section 125.901, Florida Statutes as amended except that the independent district created by this act may only be amended or dissolved by special act of the Legislature.

Section 8. Referendum.—There is hereby authorized the calling of a special referendum election to carry out the purposes and intent of this act and to do all things necessary to implement and fund the Children’s Services Council and the independent district created hereby in accordance with the terms of this act and the laws pertaining to elections. The item that shall appear on the ballot on September 5, 2000, the date of the primary election of 2000, shall be as follows:

(Title) Creation of Children’s Services Council of Broward County and authorization of taxation

(Issue) An independent special district known as “The Children’s Service Council of Broward County” is created to fund the improvement of children’s developmental, health, and other children’s services by the levying each year of an ad valorem tax not to exceed one-half (½) mill for services for children.

Yes

No

Section 9. This act, except for this section, which shall take effect upon becoming a law, shall take effect only if it is approved by a majority vote of those qualified electors of Broward County voting in a referendum as provided in section 8 of this act to be called by the Supervisor of Elections of Broward County on September 5, 2000, the date of primary election of 2000, in accordance with the provisions of law relating to elections currently enforced in Broward County. In this election, procedures prescribed in sections 101.6101-101.6107, Florida Statutes, may not be used.

Approved by the Governor June 7, 2000.

Filed in Office Secretary of State June 7, 2000.