

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 355 Juvenile Welfare Board of Pinellas County
SPONSOR(S): Farkas
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Affairs (Sub)	8 Y, 0 N	Sheheane	Highsmith-Smith
2) Local Government & Veterans' Affairs	18 Y, 0 N	Sheheane	Highsmith-Smith
3)			
4)			
5)			

SUMMARY ANALYSIS

This bill codifies all prior special acts relating to the Juvenile Welfare Board of Pinellas County. The bill maintains a maximum millage rate of \$1.00 for each \$1,000.00 of assessed valuation of all properties within Pinellas County which are subject to county taxes. The bill also makes others changes that do not appear to alter the effect of existing law pertaining to the District.

According to the Economic Impact Statement, there are no fiscal impacts on state budgets or local government budgets.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This bill provides for the codification of all prior special acts relating to the Juvenile Welfare Board of Pinellas County. The bill maintains the current maximum millage rate of \$1.00 for each \$1,000.00 of assessed valuation of all properties within Pinellas County which are subject to county taxes.

Background

The Juvenile Welfare Board of Pinellas County was created in 1945 by chapter 23483, Laws of Florida, and has been subsequently amended by 12 special acts.

Codification

Codification is the process of bringing a special act up-to-date. After a special district is created, special acts often amend or alter the special district's charter provisions. To ascertain the current status of a special district's charter, it is necessary to research all amendments or changes made to the charter since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to more easily determine the current charter of a district.

Codification of special district charters was initially authorized by the 1997 Legislature and is codified in section 189.429, F.S. and s. 191.015, F.S. The 1998 Legislature subsequently amended both sections of statute. Current law provides for codification of all special district charters by December 1, 2004. The 1998 law allows for the adoption of the codification schedule provided for in an October 3, 1997, memorandum issued by the Chair of the Committee on Community Affairs. Any codified act relating to a special district must provide for the repeal of all prior special acts of the Legislature relating to the district. Additionally, the 2001 Legislature amended section 189.429, Florida Statutes to provide that reenactment of existing law pursuant to section 189.429: (1) shall not be construed to grant additional authority nor to supercede the authority of an entity; (2) shall continue the application of exceptions to law contained in special acts reenacted pursuant to the section; (3) shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness; and (4) shall not be construed to affect a district's ability to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing the district's bonded indebtedness.

Status Statement Language

Section 189.404(5), F.S., provides that after October 1, 1997, the charter of any newly created special district shall contain and, as practical, the charter of a preexisting special district shall be amended to contain, a reference to the status of the special district as dependent or independent. When necessary, the status statement shall be amended to conform to the Department of Community Affairs' determination or declaratory statement regarding the status of the district

C. SECTION DIRECTORY:

Section 1: that this act constitutes the codification of all special acts relating to the district.

Section 2: Chapters 23483 (1945), 24826 (1947), 25500 (1949), 26356 (1949), 61-2675, 65-2101, 70-894, 79-555, 92-228, 93-311, 95-473, and 2000-427 are amended, codified, reenacted, and repealed as herein provided.

Section 3: The charter is re-created and reenacted to read:

Part I:

Describes the membership of the Board and provides detail to the requirements of the members.

Part 2:

(a) The Board shall have the following powers and duties:

(1) To provide and maintain preventative and rehabilitative services for children as necessarily determined by the Welfare Board.

(2) To provide other services needed for children as the Board determines necessary.

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

(4) To collect information and statistical data which will be helpful to the Board in deciding the needs of juveniles in the county.

(5) To lease or buy real estate, equipment, and personal property needed to execute foregoing powers and duties.

(6) Books of account are to be kept by the Board or its staff, and the fiscal affairs are to be audited annually by certified public accountants selected by the Board.

(b) States that the Juvenile Welfare Board shall be exempt of any fees, taxes, or increment revenues to community redevelopment agencies established pursuant to part III of chapter 163, Florida Statutes, except to the extent that such fees have previously been pledged bonds, notes, or other forms of indebtedness authorized and issued by the governing body of a municipality or community redevelopment agency before May 5, 1993.

Part 3:

Section 1:

(a) Requires the Juvenile Welfare Board to adopt an annual fiscal year which shall be the same as the Board of County Commissioners of Pinellas County.

(b) Requires the Board to prepare, on or before July 1 each year, an annual written budget of its expected expenditures and income.

(c) Said budget shall not be subject to change by the Board of County Commissioners or any other authority.

Section 2:

(a) Maintains that there is to be a tax levied on taxable property not to exceed \$1.00 for each \$1,000.00 of assessed valuation on taxable property.

(b) The Board of County Commissioners shall direct the levy of said additional tax at the millage rate so certified by the Juvenile Welfare Board.

(c) Requires the tax to be assessed, levied, and collected in the same fashion and at the same time as provided by law. This section also requires the collected money from the tax to be deposited in a special bank account and provides stipulations for withdrawing said money.

(d) No funds shall be expended except by check or an appropriate electronic transfer, except expenditures from a petty cash account which shall not exceed \$100.00 at any one time.

(e) No funds except for the funds from the petty cash account are to be expended without approval of the Board.

(f) States that it is the intent of the Legislature that funds collected be used to support improvements in children's services within the County.

Section 3: Within ten days after the expiration of each quarter annual period, the Juvenile Welfare Board of Pinellas County shall cause to be prepared and filed with the Board of County Commissioners of Pinellas County and it shall include the following:

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

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

(c) A statement of the funds the Board has on hand or in banks at the end of said quarter annual period.

Part 4:

States that if the Board deems it necessary for additional funds in order to further its purposes, then the Board of County Commissioners is authorized to furnish additional funds from its reserves.

Section 4: Provides for severability.

Section 5: In the event of a conflict between this act and the provisions of another act, this act shall control the extent of such conflict.

Section 6: This act shall be liberally construed to promote the purpose for which it was intended.

Section 7: Chapters 23483 (1945), 24826 (1947), 25500 (1949), 26356 (1949), 61-2675, 65-2101, 70-894, 79-555, 92-228, 93-311, 95-473, and 2000-427, Laws of Florida, are repealed.

Section 8: This act shall take effect upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 7, 2003.

WHERE? Tampa Bay Review, Pinellas 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:

None.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

None.