

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1405 Children's Services Council
SPONSOR(S): Gottlieb
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs (Sub)</u>	<u>10 Y, 0 N</u>	<u>Grayson</u>	<u>Cutchins</u>
2) <u>Local Government & Veterans' Affairs</u>	<u></u>	<u></u>	<u></u>
3) <u>Finance & Tax</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill amends ch. 2000-461, L.O.F., creating the Children's Services Council of Broward County (CSC) and its charter.

The bill changes the requirement that the Council submit a "certified" annual budget to Broward County by July 1, to a requirement for providing a tentative annual budget.

The bill revises procedures concerning the levy of ad valorem tax to delete the reference to County taxes and specifically reference general law statutory authority.

The bill revises the charter to allow CSC staff to make budgeted expenditures up to the sum of \$5,000 without subsequent board approval.

The bill revises the CSC charter to allow the utilization of electronic wire transfers.

The bill exempts the Children's Services Council from paying the incremental tax revenues attributable to increased property valuations, to community redevelopment agencies.

According to the Economic Impact Statement, the bill is not expected to impact the state budget. There is a \$530,000 shift in revenues anticipated beginning in FY 2003-2004 from the local community redevelopment agencies to the Children's Services Council.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1405a.lgv.doc
DATE: April 15, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

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

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

B. EFFECT OF PROPOSED CHANGES:

This bill amends ch. 2000-461, L.O.F., which created the Children's Services Council of Broward County (CSC) and its charter.

The bill changes the requirement that the Council submit a "certified" annual budget to Broward County by July 1, to require the Council to provide a tentative annual budget. Chapter 2000.461, L.O.F., is substantially similar in language to s. 125.901, F.S. (which allows counties to create children's services councils). According to a representative of the CSC¹, this change is required because the CSC is not able to provide a certified budget before the July 1 deadline since the property appraiser does not provide the final assessment roles to the CSC until July 1. This revision would impose the same requirement for children's services councils created pursuant to general law.

The bill revises procedures concerning the levy of ad valorem tax to delete the reference to County taxes and specifically reference general law statutory authority. The CSC charter currently states that ad valorem taxes are to be levied "in the same manner and at the same time" as County taxes. As an independent district, the CSC members are other than county commissioners and therefore could not levy taxes in a manner identical to that of the County. The proposed revision utilizes the exact language of s. 125.901, F.S. which sets forth the ad valorem taxing procedures for children's services councils established pursuant to general law.²

The bill revises the charter to allow CSC staff to make budgeted expenditures up to the sum of \$5,000 without subsequent board approval. The existing CSC Charter provides that all expenditures (except for petty cash expenditures of less than \$100) must be approved by the CSC Council (even though the funds are budgeted). The CSC has found in practice that obtaining the approval for all expenditures can create a hardship to make routine expenditures when a meeting may not be able to be convened or when emergency needs arise.³

The bill revises the CSC charter to allow the utilization of electronic wire transfers. Currently, the CSC charter only permits expenditures by check or by petty cash. The bill allows electronic wire transfers if each specific authorization for wire transfer is approved in writing by the CSC chair and the applicable council member that countersigns checks.

The bill exempts the Children's Services Council from paying the incremental tax revenues attributable to increased property valuations to community redevelopment agencies. The CSC is limited to levying

¹ John M. Milledge, Esq., letter of 9/25/02, to Sandy Harris, Executive Director, Broward Legislative Delegation.

² *Id.*

³ *Id.*

.5 mills for purposes of improving the lives of children within Broward County. It is anticipated that for fiscal year 2002 - 2003 that approximately \$500,000 of the CRA revenues may be diverted for purposes other than benefiting children. The hardship on CRAs would be minimal as the CSC tax is a new tax that (additional .5 mills) was imposed for the first time in tax year 2001. It should be noted that library districts and water management districts are currently exempted pursuant to general law.⁴

Background

In addition, s. 163.387(2)(d), F.S., authorizes a local governing body that creates a community redevelopment agency under s. 163.356 to exempt a special district that levies ad valorem taxes within that community redevelopment area from the requirement to deposit incremental revenue into a CRA's redevelopment trust fund. The local governing body may grant the exemption either in its sole discretion or in response to the request of the special district. The subsection requires the local governing body to establish procedures by which a special district may submit a written request to be exempted within 120 days after July 1, 1993. The subsection further provides that in deciding whether to deny or grant a special district's request for exemption, the local governing body must consider specified factors.

The subsection requires the local governing body to hold a public hearing on a special district's request for exemption after public notice of the hearing is published in a newspaper having a general circulation in the county or municipality that created the community redevelopment area. The notice must describe the time, date, place, and purpose of the hearing and must identify generally the community redevelopment area covered by the plan and the impact of the plan on the special district that requested the exemption.

If a local governing body grants an exemption to a special district under this paragraph, the local governing body and the special district must enter into an interlocal agreement that establishes the conditions of the exemption, including, but not limited to, the period of time for which the exemption is granted. If a local governing body denies a request for exemption by a special district, the local governing body shall provide the special district with a written analysis specifying the rationale for such denial. This written analysis must include specified information. The decision to either deny or grant an exemption must be made by the local governing body within 120 days after the date the written request was submitted to the local governing body pursuant to the procedures established by such local governing body.

Children's Services Council – Accomplishments & Achievements (2002)

According to information supplied by a representative of the Broward County Legislative Delegation⁵, the following information summarizes the CSC's activities as of 11/7/02.

CSC Vision Statement: The children of Broward County shall have the opportunity to realize their full potential, their hopes and their dreams, supported by a nurturing family and community.

CSC Mission Statement: To provide leadership, advocacy and resources necessary to enhance children's lives and empower them to become responsible, productive adults through collaborative planning and funding of a continuum of quality care.

The CSC was established by referendum on September 5, 2000. The CSC members were appointed March, 2001. The CSC currently has a staff of 23 individuals. The FY 2001-02 budget was \$23,969,838 (includes approximately \$20 million for Direct Services). The FY 2001-02 millage rate was 0.3055.

⁴ *Id.*

⁵ Sandy Harris, Executive Director, Broward County Legislative Delegation, 4/11/03.

The CSC funded the following programs and achieved the following accomplishments:

- **Family Strengthening Programs:** In the inaugural funding allocation, thirteen organizations received nearly \$3 million to replicate national service models and expand successful local programs. These initiatives are aimed at strengthening families and reducing abuse and neglect.
- **School-Based Nursing Services:** Over \$300,000 was made available on an annual basis to three organizations that provide school based health care in 16 elementary and middle schools throughout Broward County. The funding awards were made in conjunction with the Broward County Commission's Children's Services Board and will empower school nurses to promote optimal health care for Broward County schools.
- **Summer Program Challenge 2002:** Over \$4 million in funding was made available to 28 agencies serving over nine thousand of Broward's youth for summer activities. Approximately \$2.3 million was awarded to 15 agencies serving low-income youth in the general population and \$1.7 million will fund nine agencies serving the special needs population. An additional \$720,000 was allocated for five agencies to serve 260 children with diagnosed behavioral health conditions.
- **Maximizing Out-Of-School Time (M.O.S.T) programs:** Over \$5 million in funding was allocated to 14 agencies for after school programs. These initiatives will serve nearly 3,000 economically disadvantaged youth and 800 children with special needs during non-school hours including teacher work days and holidays. Also funded were two programs that are neighborhood-based and demonstrate cultural/linguistic sensitivity and support, targeting middle school age youth. These programs for adolescents, ages 11 to 15 years, include a strong component to assist youth and their families in the acculturation process.
- **New Diversion Alternatives for Youth (NEW D.A.Y.):** On October 15, 2002, a request for proposals was issued that will provide funding for Delinquency Diversion programs. All proposals must be received by November 15, 2002 at 12 noon in the CSC's offices. The eventual funded programs will divert juvenile offenders from the delinquency system and reduce repeat offenses by providing highly-structured diversionary alternatives. Additionally, the programs will be appropriate for public safety by incorporating interventions that decrease the likelihood of re-offending.
- **Bridges to Prevention and Mental Health Support Programs for Children Ages 0-13:** On November 4, 2002, request for proposals was issued to provide funding for Prevention and Mental Health Support Programs for children ages 0 through 13. Funded programs will provide services to parents and caregivers to strengthen protective factors and reduce relevant risk factors to prevent the escalation of mental health problems and reduce the intensity, frequency, and duration of behavioral conditions.

Apart from Request for Proposals, the CSC has been busy in other areas:

- **Foster Care:** In Feb., 2002, an interagency agreement with the Broward County Court Administration was reached, whereby the CSC made available \$1.3 million to facilitate permanency planning for children in foster care for more than twelve months. With this money, an additional termination of parental rights court was set up and 62 cases had been heard by the end of May.
- **Adoption Campaign:** The CSC's Adoption Committee in partnership with Department of Children and Families launched a foster and adoptive parent recruitment campaign.

Additional achievements for the Children's Service Council are reflected in the 2003 Annual Report.⁶

⁶ A copy is available for review in the offices of the Committee on Local Government & Veterans' Affairs.

C. SECTION DIRECTORY:

Section 1. Amends s. 3 of ch. 2000-461, L.O.F., to extend the membership of the council to include an eleventh member, the senior administrator of the Broward County Health Department.

Section 2. Amends s. 5 of ch. 2000-461, L.O.F., to change existing special act regarding the annual creation of the council's budget.

Section 3. Amends s. 6 of ch. 2000-461, L.O.F., to change the manner in which the final millage rate is fixed to conform with s. 200.065, F.S.; provides exemption from fees or taxes or incremental tax revenues attributable to CRA; allows electronic wire transfers under certain circumstances.

Section 4. Provides for an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 25, 2004.

WHERE?

Sun Sentinel, a daily newspaper published in Broward, Palm Beach and Dade Counties.

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:

Drafting Issues

There do not appear to be any technical drafting issues.

Other Comments

During the 2003 Legislative Session, this bill was considered as HB 1567. On July 6, 2003, the Governor issued his veto message for that bill stating as follows:

The bill makes several changes to the operations of the Children's Services Council in Broward County. It adds a member to the Council's governing board, revises the requirements for delivering the council's budget, specifies the procedures for fixing the millage rate, provides expenditure authority regarding funds to up a certain amount, and exempts the council from remitting funds to the Community Redevelopment Agencies.

The bill causes me significant concern in that it violates two provisions of my local bill policy. First, the bill creates an exemption from general law by special act. The bill specifically exempts the Children's services council from contributing incremental taxes to any of the Community Redevelopment Agencies in Broward County. Additionally, the purpose of the bill can be accomplished at the local level. Current statute creates a mechanism for the local governing body that creates a Community redevelopment [sic] Agency to grant an exemption either in its sole discretion or in response to the request of a special district. The Children's Services Council did not avail itself of this mechanism.

It is not clear whether or not the CSC sought an exemption from the local governing body pursuant to s. 163.387(2)(d), F.S., prior to filing this bill.

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

None.