

ORDINANCE NO. 88-28

AN ORDINANCE CREATING SUBJECT TO VOTER APPROVAL, AN INDEPENDENT SPECIAL TAXING DISTRICT FOR THE PURPOSE OF PROVIDING JUVENILE WELFARE SERVICES THROUGHOUT HILLSBOROUGH COUNTY; PROVIDING FOR TITLE; PROVIDING FOR MEMBERSHIP; PROVIDING FOR POWERS AND DUTIES; PROVIDING FOR FISCAL YEAR; PROVIDING FOR LEVY OF AD VALOREM TAXES; PROVIDING FOR FINANCIAL REPORT/FUNDING; PROVIDING FOR AUTHORIZATION OF THE LEVY OF AD VALOREM TAXES NOT TO EXCEED ONE-HALF MILL SUBJECT TO A REFERENDUM; PROVIDING FOR THE HOLDING OF A TAX REFERENDUM BALLOT TO AUTHORIZE SAID LEVY ON OCTOBER 4, 1988; PROVIDING FOR AUTHORIZATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes 125.901 authorizes each County of the State to create an independent special district to provide juvenile welfare services throughout the County with authority to levy ad valorem taxes annually in accordance with said statute; and

WHEREAS, the Board of County Commissioners of Hillsborough County has determined that it would serve the public interest to establish said independent special district provided that a majority of the electors voting in said district approve the authority of the District to levy such taxes in an election called for such purpose; and

WHEREAS, it is the intent of the Board of County Commissioners to create an independent special district with taxing authority if this ordinance and such taxing authority is approved by a majority vote of the qualified electors of the County voting in a October 4, 1988 referendum.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA that:

Section 1 - Title

This ordinance shall be cited as the "Children's Board Ordinance."

Section 2 - Creation of an Independent Special District with Authority to tax

Subject to the approval of a majority of those qualified electors of Hillsborough County voting in the referendum hereinafter provided for, there is hereby created an Independent Special District (District) to provide juvenile welfare services throughout Hillsborough County with the authority to levy and impose an ad valorem tax to provide funds for the District not to exceed .50 mill (1/2) mill annually. All territory within the incorporated and unincorporated areas of Hillsborough County shall be embraced by the provisions of this Ordinance.

Section 3 - Membership

The governing body of the District shall be a board of juvenile welfare to be known as the "Children's Board" of Hillsborough County (hereinafter referred to as "Board"). The Board shall consist of nine (9) members, (including the Superintendent of Schools) a local School Board member (as selected by the School Board), the District Administrator from District VI from the Florida Department of Health and Rehabilitative Services, and a member of the Board of County Commissioners (as selected by the Board of County Commissioners). The other five members of the Board shall be appointed by the Governor and shall serve for terms of four years each. If any of the members of the Board that are required to be appointed by the Governor under the provisions of this Ordinance shall resign, die, or be removed from office, the vacancy thereby created shall, as soon as practicable, be filled by appointment by the Governor, and such appointment shall be for the unexpired term of the person who resigns, dies, or is removed from office.

Section 4 - Powers and Duties

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

(a) To provide and maintain in the County such child guidance, psychological or psychiatric clinics for juveniles as

the Board determines are needed for the general welfare of the County.

(b) To provide for the care of dependent juveniles and to provide such other services for all juveniles as the Board 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 juveniles, 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 Board in deciding the needs of juveniles in the County.

(e) To consult with other agencies dedicated to the welfare of juveniles 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.

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

(h) Books of account shall be kept by the Board or its clerical assistants, and the fiscal affairs of the Board shall be exclusively audited by state auditors as are assigned from time to time to audit the affairs of the County officials.

(i) To tax if approved at referendum as described in Section 6 of this Ordinance.

Section 5 - Fiscal Year

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

(2) On or before July 1 of each year, the Board 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 expenditure, 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) As provided by law, the budget of the Board, 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 Board, the Board may levy ad valorem taxes annually on all taxable property in the County in an amount not to exceed one-half (1/2) mill, provided that the authority to levy such taxes has been approved by a majority vote of the electors of the District voting in a Countywide election to be held in accordance with the requirements of the Constitution and the laws of Florida and as set forth in this ordinance. The tax shall be assessed, levied and collected in the same manner and at the same time as is provided by law for the levy, collection, and enforcement of collection of County taxes. All tax money collected under this ordinance, as soon after the collection thereof as is reasonably practicable, shall be paid directly to the Board by the Tax Collector of the County, or the Clerk of the Circuit Court, if he collects delinquent taxes. The moneys so received by the Board shall be deposited in a special bank account, shall be withdrawn only by checks signed by the chair of the Board and countersigned by one other member of the Board, who shall be so authorized by the Board. The Chair and other members of the Board who signs the Board's checks shall each give a surety bond in the amount of one thousand dollars

(\$1,000.00) which bond shall be conditioned such that each shall faithfully discharge the duties of their office. No other member of the Board shall be required to give bond or other security. No funds of the Board shall be expended except by check as aforesaid, except expenditures of petty cash account which shall not at any time exceed twenty-five dollars (\$25.00). All expenditures from petty cash shall be recorded on the books and records of the Board. No funds of the Board, except the expenditure of petty cash, shall be expended without prior approval of the Board, in addition to the budgeting thereof.

Section 7 - Financial Report/Funding

(1) Within ten (10) days after the expiration of each quarter annual period, the Board shall cause to be prepared and filed with the Board of County Commissioners a financial report which shall include the following:

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

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

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

(2) After the first year of operation of the Board, the Board of County Commissioners may, at its option, fund the budget of the board of juvenile welfare from its own funds.

Section 8 - Referendum

(1) The proposed creation of the Board with taxing authority shall be presented by ballot to the Hillsborough County electorate at a referendum election held in conjunction with the second primary election to be held October 4, 1988, by placing the question of whether this ordinance, which provides for the improvement of services for children through the creation of a Special District governed by an appointed board with the authority to levy up to .50 mill (1/2) mill ad valorem tax annually, shall be approved.

(2) The question on the ballot shall be as follows:

CREATION OF SPECIAL DISTRICT WITH AD VALOREM
TAXING AUTHORITY FOR CHILDREN SERVICES IN
HILLSBOROUGH COUNTY.

Shall Hillsborough County Ordinance No. _____, providing improvement of services for children through the creation of a Special District governed by an appointed board with authority to levy each year an ad valorem tax not to exceed .50 mill (1/2) mill for services for children be approved?

YES _____ (For Approval)

NO _____ (For Rejection)

Section 9 - Authorization

The Board of County Commissioners, officers, agents and employees of the County are hereby authorized and directed to do all acts and things which may be required of them in order to carry out the provisions of this Ordinance.

Section 10 - Effective Date

(a) The creation of a special district governed by a Children's Board with authority to levy an ad valorem tax to provide juvenile welfare services proposed by this Ordinance shall become effective when and only if approved by a "yes" vote by a majority of those voting on the question posed at the October 4, 1988 referendum. If a majority of those voting do not vote "yes" to the question posed, the District shall not be created and this Ordinance shall be of no force and effect. The effective date of the creation of the special district, if approved, shall be January 1, 1989.

(b) This Ordinance shall be effective upon receipt of official acknowledgment that it has been duly filed, but shall be of no further effect if, this ordinance (providing for the creation of a Special District) is not approved by a majority of those voting at the October 4, 1988 referendum.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its regular meeting of July 28, 1988, 1988, as the same appears of record in Minute Book 146 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 3rd day of August, 1988.

RICHARD AKE, CLERK

BY: *James S. Austin*

Deputy Clerk

APPROVED: *For Transaction in Resubmission.*

BY: *John M. Cich*

8-3-88

OFFICE OF THE COUNTY ATTORNEY

This is the law under which the CBHC has always operated and continues to operate.

When describing the Children's Board, the following sentence is a correct description:

The Children's Board of Hillsborough County is an independent special district operating under Section 125.901, Florida Statutes, as it existed prior to October 1, 1990.

TITLE XI. COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS

CHAPTER 125. COUNTY GOVERNMENT

PART V. JUVENILE WELFARE SERVICES

125.901. County juvenile welfare services; independent special district; powers, duties, and functions of governing body

(1) Each county may by ordinance create an independent special district to provide juvenile welfare services throughout the county in accordance with this act. The boundaries of such district shall be coterminous with the boundaries of the county.

(2) The governing board of the district shall be a board of juvenile welfare consisting of ten members, including: the superintendent of schools, a local school board member, the district administrator from the appropriate district of the Department of Health and Rehabilitative Services or his designee, one member of the board of county commissioners, and the 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. In the event there is more than one judge assigned to juvenile cases in a county, the chief judge shall designate one of said juvenile judges to serve on the board. The other five members of the board shall be appointed by the Governor and shall serve for terms of 4 years each. If any of the members of the board required to be appointed by the Governor under the provisions

of this act shall resign, die, or be removed from office, the vacancy thereby created shall, as soon as practicable, be filled by appointment by the Governor, and such appointment to fill a vacancy shall be for the unexpired term of the person who resigns, dies, or is removed from office.

(3)(a) Each board of juvenile welfare shall have the following powers and duties:

1. To provide and maintain in the county such child guidance, psychological, or psychiatric clinics for juveniles as the board determines are needed for the general welfare of the county.
2. To provide for the care of dependent juveniles and to provide such other services for all juveniles as the board determines are needed for the general welfare of the county.
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 the 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 consult with other agencies dedicated to the welfare of juveniles to the end that the overlapping of services will be prevented.
6. 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.
7. To employ and pay, on a part-time or full-time basis, personnel needed to execute the foregoing powers and duties.

(b) Books of account shall be kept by the board or its clerical assistants, and the fiscal affairs of the board shall be exclusively audited by state auditors as they are assigned from time to time to audit the affairs of the county officials.

(4)(a) The fiscal year of the district shall be the same as that of the county.

(b) On or before July 1 of each year, the board of juvenile welfare 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.

(c) The budget of the board of juvenile welfare 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.

(d) In order to provide funds for the board of juvenile welfare, the district 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 an election called by the board of county commissioners for such purpose. The tax shall be assessed, levied, and collected in the same manner and at the same times provided by law for 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 board of juvenile welfare by the tax collector of the county, or the clerk of the circuit court if he collects delinquent taxes. The moneys so received by the board of juvenile welfare shall be deposited in a special bank account and shall be withdrawn only by checks signed by the chairman of the board and countersigned by one other member of the board of juvenile welfare who shall be so authorized by the board. The chairman and the other member of the board who signs its checks shall each give a surety bond in the sum of \$1,000, which bond shall be conditioned that each shall faithfully discharge the duties of his office. No other member of the board shall be required to give bond or other security. No funds of the board of juvenile welfare shall be expended except by check as aforesaid, except expenditures from a petty cash account which shall not at any time exceed \$25. All expenditures from petty cash shall be recorded on the books and records of the board of juvenile welfare. No funds of the board of juvenile welfare, excepting expenditures from petty cash, shall be expended without prior approval of the board, in addition to the

budgeting thereof.

(e) Within 10 days after the expiration of each quarter annual period, the board of juvenile welfare shall cause to be prepared and filed with the board of county commissioners a financial report which shall include the following:

1. The total expenditures of the board for the quarter annual period.
2. The total receipts of the board during the quarter annual period.
3. A statement of the funds the board has on hand or in banks at the end of the quarter annual period.

(5) After the first year of operation of the board of juvenile welfare, the board of county commissioners may, at its option, fund the budget of the board of juvenile welfare from its own funds.

HISTORICAL AND STATUTORY NOTES

1990 Main Volume Historical and Statutory Notes

Derivation:

Laws 1989, c. 89-379, § 26.

Laws 1986, c. 86-197, §§ 1 to 5.

Laws 1989, c. 89-379, § 26, eff. July 6, 1989, in subsec. (2), increased the membership of the board from nine to ten, allowed designees of district administrators to serve on the board, and inserted the provisions relating to judges assigned to juvenile cases.

END OF DOCUMENT

Note on the 1990 and Subsequent Versions of Section 125.901, Florida Statutes, as Contained in the Florida Statutes.

The CBHC DOES NOT operate under the 1990 version of Section 125.901, F.S., or subsequent versions of Section 125.901, F.S., but instead follows the savings clause below that allows the CBHC to continue to operate according to Section 125.901, Florida Statutes, as it existed prior to October 1, 1990. The CBHC was approved by the voters on October 4, 1988. The CBHC was created effective January 1, 1989.

Laws 1990, c. 90-288, § 30, eff. Oct. 1, 1990, rewrote the section 125.901.

Laws 1990, c. 90-288, § 31, provides:

"All districts created pursuant to the provisions of s. 125.901, Florida Statutes, as they existed prior to October 1, 1990, shall continue to operate under the provisions of s. 125.901, Florida Statutes, as they existed prior to October 1, 1990, or may, at the council's own option, comply with the provisions of s. 125.901, Florida Statutes, as amended by this act. If a board or council determines to comply with the provisions of s. 125.901, Florida Statutes, as amended by this act, members appointed by the Governor serving on October 1, 1990, may continue to serve until the expiration of their terms."

CBHC Special Acts

The following two special acts also apply to the Children's Board of Hillsborough County. The two special laws exempt the Children's Board from certain future payments to community redevelopment agencies (CRAs). The Children's Board was not exempted from such payments that had been previously pledged to bonds.

this additional benefit, effective January 1, 1993. Any increased cost required to fund any additional pension benefit or any benefit arising from a worker's compensation claim relating to the presumption created in subsection (1) shall be paid solely from contributions of the affected law enforcement officers. Said increases shall be in addition to all other changes to such contribution rates which may be enacted into law to take effect on said date.

Section 2. Effective October 1, 1992, this act shall be repealed; however, the provisions of this act continue in effect as an ordinance of the City of Jacksonville.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval April 9, 1992.

Filed in Office Secretary of State April 8, 1992.



CHAPTER 92-238

Senate Bill No. 1398

An act relating to the Children's Board of Hillsborough County; providing that the Children's Board of Hillsborough County shall be exempt from the payment of fees, taxes, or increment revenue to community redevelopment agencies created pursuant to part III of chapter 163, Florida Statutes, except to the extent that such fees, taxes, or increment revenues have previously been pledged to bonds, notes, or other forms of indebtedness of a municipality or a community redevelopment agency authorized and issued before the effective date of this act; providing for severability; providing for repeal on July 1, 1993; providing an effective date.

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

Section 1. The Children's Board of Hillsborough County shall be exempt from the payment of any fees, taxes, or increment revenue to community redevelopment agencies established pursuant to part III of chapter 163, Florida Statutes, except to the extent that such fees, taxes, or increment revenues have previously been pledged to bonds, notes, or other forms of indebtedness authorized and issued by the governing body of a municipality or a community redevelopment agency before the effective date of this act. With respect to the fees, taxes, or increment revenues that, before the effective date of this act, have previously been pledged to bonds, notes, or other forms of indebtedness, the Children's Board of Hillsborough County shall be exempt from the payment of any further fees, taxes, or increment revenues to community redevelopment agencies, upon the payment or other defeasance of such bonds, notes, or other forms of indebtedness.

Section 2. If any section, subsection, sentence, clause, or phrase of this act is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this act.

Section 3. This act shall be repealed on July 1, 1993.

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Section 4. This act shall take effect upon becoming a law.

Became a law without the Governor's approval April 9, 1992.

Filed in Office Secretary of State April 8, 1992.

CHAPTER 92-239

Senate Bill No. 1654

An act relating to the Water Control District of South Brevard, Brevard County; amending chapter 86-418, Laws of Florida, as amended; provid-
ing for a change of boundaries of the district; providing an effective date.

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

Section 1. Section 3 of chapter 86-418, Laws of Florida, as amended by chapter 91-341, Laws of Florida, is amended to read:

Section 3. Special district. There is hereby created and incorporated the Water Control District of South Brevard, a dependent special district, for the purpose of constructing, reconstructing and repairing, maintaining, and operating a surface water management system heretofore managed by Melbourne-Tillman Water Control District, a district created pursuant to the method authorized in Chapter 298, Florida Statutes. The boundaries of the District are:

All of Township 29 South, Range 36 East, and portions of Township 29 South, Range 37 East, Township 28 South, Range 36 East and Township 28 South, Range 37 East in Brevard County, Florida being more particularly described as follows:

Township 29 South, Range 37 East:

The West $\frac{1}{2}$ of Sections 3, 27 and 34, and all of Sections 4 through 9, 16 through 21, and 28 through 33, and the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 34.

Township 28 South, Range 36 East:

The South $\frac{1}{2}$ of Sections 1 through 5, the Southeast $\frac{1}{4}$ of Section 6, and all of Sections 7 through 36.

Township 28 South, Range 37 East:

The Southwest $\frac{1}{4}$ of Section 6, the West $\frac{1}{2}$ and Southeast $\frac{1}{4}$ of Section 7, and West $\frac{1}{2}$ of Section 17, the South $\frac{1}{2}$ of Section 21, a portion of the Southwest $\frac{1}{4}$ of Section 22 described as, the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, less Parcel 543, the South $\frac{1}{2}$ of Section 27, the West $\frac{1}{2}$, Northeast $\frac{1}{4}$ and a portion of the Southeast $\frac{1}{4}$ described as the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$, and Lot 4 and the West $\frac{1}{2}$ of Lot 3, all within of Section 34, the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 35, and all of Sections 18 through 20, and 28 through 33.

CHAPTER 93-313

Senate Bill No. 664

An act relating to the Children's Board of Hillsborough County; repealing s. 3, ch. 92-238, Laws of Florida; continuing the temporary partial exemption granted to the board by ch. 92-238 from the payment of fees, taxes, or increment revenue to community redevelopment agencies created pursuant to part III of ch. 163, F.S., indefinitely, by repealing the expiration clause for that exemption; providing for contingent retroactive operation; providing an effective date.

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

Section 1. Section 3 of chapter 92-238, Laws of Florida, is repealed.

Section 2. This act shall take effect upon becoming a law; but, if it does not become a law prior to July 1, 1993, it shall operate retroactively to that date.

Became a law without the Governor's approval April 23, 1993.

Filed in Office Secretary of State April 22, 1993.

CHAPTER 93-314

Senate Bill No. 2274

An act relating to Hillsborough County; repealing various expired and obsolete laws relating to the courts of the county; repealing ch. 4223, Laws of Florida, 1893, relating to the criminal court of record; repealing ch. 4440, Laws of Florida, 1895, relating to the criminal court of record; repealing ch. 5563, Laws of Florida, 1905, relating to the criminal court of record; repealing ch. 6592, Laws of Florida, 1913, relating to probation officers; repealing ch. 8061, Laws of Florida, 1919, relating to the juvenile court; repealing ch. 8063, Laws of Florida, 1919, and ch. 8701, Laws of Florida, 1921, relating to employment of detectives by the solicitor of the criminal court of record; repealing ch. 8702, Laws of Florida, 1921, relating to the juvenile court; repealing ch. 9469, Laws of Florida, 1923, relating to probation officers; repealing ch. 9918, Laws of Florida, 1923, relating to municipal courts; repealing ch. 9922, Laws of Florida, 1923, relating to municipal courts; repealing ch. 10640, Laws of Florida, 1925, relating to probation officers; repealing ch. 11892, Laws of Florida, 1927, relating to compensation of the judge of the criminal court of record; repealing ch. 12045, Laws of Florida, 1927, relating to the appointment of a deputy constable; repealing ch. 12201, Laws of Florida, 1927, relating to probation officers; repealing ch. 13444, Laws of Florida, 1927, relating to the municipal court of Tampa; repealing ch. 13609, Laws of Florida, 1929, relating to the court reporter for the criminal court of record; repealing ch. 13672, Laws of Florida, 1929, relating to compensation of the judge of the juvenile court;

ch. 84-447, Laws of Florida, relating to the Port District; regulate common carriers that traverse any waterway; impose penalties; and impose penalties for violations of the provisions of the act by water carriers by water carriers of common carriers.

84-447, Laws of Florida, to read:

port authority shall enforce the provisions of this act. The provisions of this act shall apply to the operation and of carrying out of traffic through the ownership, control, or operation of a public harbor; notice shall be made in the port district. Without in any way, the port authority

control, license, and regulate by water which commerce over a regular the waters within the by in accordance with a fine not to exceed carrier in violation of or suspend the license any regulation adopted common carrier with who so operates such the port authority is provided in section city may not regulate rs which is operating

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