

ORDINANCE NO. 2018- 13

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2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF LEON COUNTY, FLORIDA,
5 PROVIDING FOR THE CREATION OF AN
6 INDEPENDENT SPECIAL DISTRICT TO BE KNOWN AS
7 THE "CHILDREN'S SERVICES COUNCIL OF LEON
8 COUNTY", SUBJECT TO THE APPROVAL OF THE
9 ELECTORATE; PROVIDING FOR A GOVERNING BODY
10 TO BE KNOWN AS THE CHILDREN'S SERVICES
11 COUNCIL OF LEON COUNTY; PROVIDING FOR
12 MEMBERSHIP AND DUTIES OF THE COUNCIL;
13 PROVIDING FOR FINANCIAL REQUIREMENTS AND
14 BUDGET PROCEDURES; PROVIDING FOR THE
15 AUTHORIZATION TO LEVY AD VALOREM TAXES
16 NOT TO EXCEED ONE-HALF (1/2) MILL, SUBJECT TO
17 A REFERENDUM; SETTING FORTH THE BALLOT
18 QUESTION FOR SUCH REFERENDUM; PROVIDING
19 FOR CONFLICTS; PROVIDING FOR SEVERABILITY;
20 AND PROVIDING AN EFFECTIVE DATE.
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23 WHEREAS, Section 125.901 Florida Statutes, authorizes the creation of an independent
24 special district to provide children's services throughout each county of the State; and

25 WHEREAS, the Board of County Commissioners has determined that it would serve the
26 public interest to establish said independent special district within Leon County, and to authorize
27 the district to levy ad valorem taxes not to exceed one-half mill, all subject to approval by the
28 electorate by referendum.

29 BE IT ORDAINED by the Board of County Commissioners of the County of Leon,
30 Florida, as follows, that:

31 **Section 1. Title.**

32 This ordinance may be cited as the "Children's Services Council of Leon County
33 Independent Special District Ordinance."

34 **Section 2. Not exclusionary.**

1 Nothing in this ordinance shall prohibit the county from exercising such power as is
2 provided by general or special law to provide children's services.

3 **Section 3. Creation of independent special district; tax levy.**

4 (a) *Creation.* There is hereby created, subject to the approval of the electorate of the
5 county by referendum, an independent special district as defined in F.S. §§ 189.012 and
6 200.001(8)(e) to provide funding for children's services throughout the county in accordance
7 with F.S. § 125.901. The independent special district shall be known as the "Children's Services
8 Council of Leon County". The boundaries of the district shall be coterminous with the
9 boundaries of the county.

10 (b) *Tax levy.* The Board of County Commissioners shall obtain approval, by a
11 majority vote of those electors voting on the question, to allow the Children's Services Council
12 of Leon County to annually levy ad valorem taxes which shall not exceed the maximum millage
13 rate of one-half (1/2) mill as authorized by s. 125.901, F.S. The district shall be required to levy
14 and fix millage subject to the provisions of F.S. § 200.065. Once such millage is approved by
15 the electorate, the district shall not be required to seek approval of the electorate in future years
16 to levy the previously approved millage.

17 **Section 4. Governing body of the district; composition; appointment; term.**

18 (a) *Governing body of district.* The governing body of the Children's Services
19 Special District shall be known as the "Children's Services Council of Leon County."

20 (b) *Composition; appointment; term.* The Children's Services Council of Leon
21 County shall consist of ten (10) members, including: the superintendent of county public schools;
22 a member of the county school board (as selected by the school board); the district administrator
23 from Circuit 2 of the Northwest Region of the Florida Department of Children and Families, or

1 his or her designee, who is a member of the Senior Management Service or of the Selected
2 Exempt Service; one member of the Board of County Commissioners; and a judge assigned to
3 juvenile cases, who shall sit as a voting member of the board, except that the judge shall not vote
4 or participate in the setting of ad valorem taxes under this ordinance. In the event there is more
5 than one judge assigned to juvenile cases in the county, the chief judge shall designate one of the
6 juvenile judges to serve on the board. The remaining five members shall be appointed by the
7 Governor, and shall, to the extent possible, represent the demographic diversity of the population
8 of the county. After soliciting recommendations from the public, the Board of County
9 Commissioners shall submit to the Governor the names of at least three (3) persons for each
10 vacancy occurring among the five (5) members appointed by the Governor, and the Governor
11 shall appoint members to the council from the candidates nominated by the Board of County
12 Commissioners. The Governor shall make a selection within a 45-day period or request a new
13 list of candidates. All members appointed by the Governor shall have been residents of the
14 county for the previous 24-month period. Such members shall be appointed for 4-year terms,
15 except that the length of the terms of the initial appointees shall be adjusted to stagger the terms.
16 The Governor may remove a member for cause or upon the written petition of the Board of
17 County Commissioners. If any of the members of the council required to be appointed by the
18 Governor under the provisions of this section shall resign, die or be removed from office, the
19 vacancy thereby created shall, as soon as practicable, be filled by appointment by the Governor,
20 using the same method as the original appointment, and such appointment to fill a vacancy shall
21 be for the unexpired term of the person who resigns, dies or is removed from office.

22 **Section 5. Council's powers and functions.**

1 The Children's Services Council of Leon County shall have all of the following powers
2 and functions:

- 3 (1) To provide and maintain in the county such preventive, developmental, treatment
4 and rehabilitative services for children as the council determines are needed for
5 the general welfare of the county.
- 6 (2) To provide such other services for all children as the council determines are
7 needed for the general welfare of the county.
- 8 (3) To allocate and provide funds for other agencies in the county which are operated
9 for the benefit of children, provided they are not under the exclusive jurisdiction
10 of the public school system.
- 11 (4) To collect information and statistical data and to conduct research, which will be
12 helpful to the council and the county in deciding the needs of children in the
13 county.
- 14 (5) To consult with other agencies dedicated to the welfare of children, to the end that
15 the overlapping of services will be prevented.
- 16 (6) To lease or buy such real estate, equipment, and personal property and to
17 construct such buildings as are needed to execute the foregoing powers and
18 functions, provided that no such purchases shall be made or building done unless
19 paid for with cash on hand or secured by funds deposited in financial institutions.
20 Nothing in this subsection shall be construed to authorize the district to issue
21 bonds of any nature, nor shall the district have the power to require the imposition
22 of any bond by the Board of County Commissioners.

- 1 (7) To employ, pay, and provide benefits for any part-time or full-time personnel
2 needed to execute the foregoing powers and duties.

3 **Section 6. Organization of Council.**

4 The Children's Services Council of Leon County shall:

- 5 (1) Immediately after the members are appointed, elect a chairman and a vice
6 chairman from among its members, and elect other officers as deemed necessary
7 by the council.
- 8 (2) Immediately after the members are appointed and officers are elected, identify
9 and assess the needs of the children in the county served by the council and
10 submit to the Board of County Commissioners a written description of:
- 11 a. The activities, services and opportunities that will be provided to children.
 - 12 b. The anticipated schedule for providing those activities, services, and
13 opportunities.
 - 14 c. The manner in which children will be served, including a description of
15 arrangements and agreements which will be made with community
16 organizations, state and local educational agencies, federal agencies,
17 public assistance agencies, the juvenile courts, foster care agencies, and
18 other applicable public and private agencies and organizations.
 - 19 d. The special outreach efforts that will be undertaken to provide services to
20 at-risk, abused, or neglected children.
 - 21 e. The manner in which the council will seek and provide funding for unmet
22 needs.

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

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

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

8 **Section 7. Annual report of the Council.**

9 The Children's Services Council of Leon County shall provide an annual written report,
10 to be presented no later than January 1, to the Board of County Commissioners. The annual
11 report shall contain, but not be limited to, the following information:

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

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

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

20 (4) A description of the degree to which the council's objectives and activities are
21 consistent with the goals of this ordinance.

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

4 (6) Information on programs, services, and activities that should be eliminated;
5 programs, services and activities that should be continued; and programs, services
6 and activities that should be added to the basic format of the council.

7 **Section 8. Quarterly financial report.**

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

- 11 (1) The total expenditures of the council for the quarter annual period.
- 12 (2) The total receipts of the council during the quarter annual period.
- 13 (3) A statement of the funds the council has on hand, has invested, or has deposited
14 with qualified public depositories at the end of the quarter annual period.
- 15 (4) The total administrative costs of the council for the quarter annual period.

16 **Section 9. Minutes of meetings.**

17 The Children's Services Council shall maintain minutes of each meeting, including a
18 record of all votes cast, and shall make such minutes available to any interested person.

19 **Section 10. Compensation; expenses.**

20 Members of the Children's Services Council shall serve without compensation, but shall
21 be entitled to receive reimbursement for per diem and travel expenses consistent with the
22 provisions of F.S. § 112.061.

23 **Section 11. District fiscal year; budget.**

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

2 (b) On or before July 1 of each year, the Children's Services Council shall prepare a
3 tentative annual written budget of the district's expected income and expenditures, including a
4 contingency fund. The council shall, in addition, compute a proposed millage rate within the
5 voter-approved cap necessary to fund the tentative budget and, prior to adopting a final budget,
6 comply with the provisions of F.S. § 200.065, relating to the method of fixing millage, and shall
7 fix the final millage rate by resolution of the council. The adopted budget and final millage rate
8 shall be certified and delivered to the Board of County Commissioners as soon as possible
9 following the council's adoption of the final budget and millage rate pursuant to F.S. ch. 200.
10 Included in each certified budget shall be the millage rate, adopted by resolution of the council,
11 necessary to be applied to raise the funds budgeted for district operations and expenditures. In
12 no circumstances, however, shall any district levy millage to exceed a maximum of one-half
13 (1/2) mill of assessed valuation of all properties within the county which are subject to ad
14 valorem county taxes.

15 (c) The budget of the district so certified and delivered to the Board of County
16 Commissioners shall not be subject to change or modification by the Board of County
17 Commissioners or any other authority.

18 **Section 12. District reports and documentation required by law.**

19 The district shall comply with all statutory requirements of general application which
20 relate to the filing of any financial reports or compliance reports required under F.S. ch. 218, pt.
21 III, or any other report or documentation required by law, including the requirements of F.S. §§
22 189.015, 189.016, and 189.08.

23 **Section 13. Fiscal management; surety bond.**

1 (a) All tax money collected under this ordinance, as soon after the collection thereof
2 as is reasonably practicable, shall be paid directly to the Children's Services Council by the tax
3 collector of the county, or the clerk of the circuit court, if the clerk collects delinquent taxes.

4 (b) All moneys received by the Children's Services Council shall be deposited in
5 qualified public depositories, as defined in F.S. § 280.02, with separate and distinguishable
6 accounts established specifically for the council and shall be withdrawn only by checks signed
7 by the chairman of the council and countersigned by either one other member of the council or
8 by a chief executive officer who shall be so authorized by the council.

9 (c) Upon entering the duties of office, the chairman and the other member of the
10 council or chief executive officer who signs its checks shall each give a surety bond in the sum
11 of at least \$1,000.00 for each \$1,000,000.00 or portion thereof of the council's annual budget,
12 which bond shall be conditioned that each shall faithfully discharge the duties of his or her
13 office. The premium on such bond may be paid by the district as part of the expense of the
14 council. No other member of the council shall be required to give bond or other security.

15 (d) No funds of the district shall be expended except by check as aforesaid, except
16 expenditures from a petty cash account which shall not at any time exceed \$100.00. All
17 expenditures from petty cash shall be recorded on the books and records of the council. No
18 funds of the council, excepting expenditures from petty cash, shall be expended without prior
19 approval of the council, in addition to the budgeting thereof.

20 **Section 14. Optional funding.**

21 After or during the first year of operation of the Children's Services Council of Leon
22 County, the Board of County Commissioners, at its option, may fund in whole or in part the
23 budget of the council from its own funds.

1 **Section 15. Use of funds.**

2 Funds collected pursuant to the provisions of this ordinance shall be used to support
3 improvements in children’s services and that such funds shall not be used as a substitute for
4 existing resources or for resources that would otherwise be available for children’s services.

5 **Section 16. Referendum.**

6 The authority of the Children’s Services of Leon County to levy up to one-half (1/2) mill
7 to carry out the purposes and intent of this ordinance and to fund the District shall be presented
8 to the County electorate by placing a question on the November 3, 2020 general election ballot.

9 The Supervisor of Elections of Leon County shall place the following question on the general
10 election ballot:

11 ESTABLISHMENT OF CHILDREN’S SERVICES COUNCIL OF LEON COUNTY
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14 “Should the Children’s Services Council of Leon County be established to provide
15 children with early learning and reading skills, development, treatment, preventative and other
16 children’s services in Leon County as a special district with ad valorem taxing authority limited
17 to one-half (1/2) mill annually, and independent oversight and accountability as required by law,
18 unless and until the district is dissolved as specified in s.125.901(4)(a), Florida Statutes?”
19

20 YES _____

21 NO _____
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23

24 **Section 17. Conflicts.** All ordinances or parts of ordinances in conflict with the
25 provisions of this ordinance are hereby repealed to the extent of such conflict, except to the
26 extent of any conflicts with the Tallahassee-Leon County 2030 Comprehensive Plan, as
27 amended, which provisions shall prevail over any parts of this ordinance which are inconsistent,
28 either in whole or in part, with the said Comprehensive Plan.

