ORDINANCE NO. 2001-014

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING ORDINANCE 86-32, AS CODIFIED IN THE PALM BEACH COUNTY CODE SECTION 13-101 THROUGH 13-106, INCREASING MEMBERSHIP OF THE CHILDREN’S SERVICES COUNCIL FROM NINE TO TEN MEMBERS; INCREASING LIMIT ON THE MAXIMUM MILLAGE RATE THAT MAY BE LEVIED BY THE CHILDREN’S SERVICES COUNCIL OF PALM BEACH COUNTY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Florida Legislature, pursuant to Chapter 433, Laws of Florida 2000, has authorized the Children’s Services Council of Palm Beach County to increase the maximum millage rate it may levy from .5 mill to 1.0 mill of assessed valuation of all properties in Palm Beach County subject to ad valorem taxation, provided a majority vote of qualified electors of Palm Beach County voting in referendum approves such increase; and

WHEREAS, the Children’s Services Council directed that such referendum be held in the general election November 7, 2000; and

WHEREAS, a majority vote of qualified electors of Palm Beach County approved at this general election the referendum granting the Children’s Services Council authority to increase its maximum authorized millage rate as allowed by Chapter 433, Laws of Florida 2000; and

WHEREAS, the local Ordinance which establishes the Children’s Service Council and governs its functions, currently limits the maximum millage rate which may be levied by the Children’s Services Council to one-half mill; and

WHEREAS, Section 125.901, Florida Statutes, provides that the size of the Children’s Services Council be increased from nine members to ten members; and
WHEREAS, this Ordinance 86-32, which is codified in the Palm Beach County Code at sections 13-101 through 13-106, must be amended as set forth below to remain consistent with applicable Florida law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Palm Beach County Code Section 13-102 is amended as set forth below:

Sec. 13-102. Membership of children's services council.

The children's services council shall consist of ten (10) nine (9) members, including the superintendent of schools, a local school board member (as selected by the school board), the district administrator from district IX or such other district as may serve Palm Beach County in the future from the state department of children and family health and rehabilitative services, and a member of the board of county commissioners (as selected by 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 (5) members of the board shall be appointed by the governor and shall serve for terms of four (4) years each. If any of the members of the council required to be appointed by the governor under the provisions of this article 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.

Section 2. Palm Beach County Code Section 13-104(b) is amended as set forth below:

Sec. 13-104. Finances Generally.

* * *

(b) On or before July 1 of each year, the children's services council 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 the maximum millage rate allowed by law and applied to a maximum of fifty cents (0.50) for each one thousand dollars ($1,000.00) of assessed valuation of all properties within the county which are subject to county taxes.
Section 3. Palm Beach County Code Section 13-105 is amended as set forth below:

Sec. 13-105. Levying of ad valorem taxes.

In order to provide funds for the children's services council, the council may levy ad valorem taxes annually on all taxable property in the county in an amount not to exceed the maximum millage rate allowed by law 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 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 article . . .

Section 4. REPEAL OF LAWS IN CONFLICT.

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of any such conflict.

Section 5. SEVERABILITY.

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

Section 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provision of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section 7. EFFECTIVE DATE;

The provisions of this ordinance shall become effective upon filing with the Department of State.
APPROVED AND ADOPTED by the Board of County Commissioners of
Palm Beach County, on the ___________ 17th day of __April________, 200_.

Palm Beach County, Florida.
By its Board of County Commissioners

By
Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

DOROTHY H. WILKEN, CLERK
Board of County Commissioners

COUNTY ATTORNEY

EFFECTIVE DATE: Filed with the Department of State on this ____ day of

_____, 200_.

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