

1 A bill to be entitled
2 An act relating to public school safety; providing a
3 short title; authorizing each county to create an
4 independent special district by ordinance to provide
5 funding for public school security and mental health
6 services; requiring elector approval to annually levy
7 ad valorem taxes; requiring the district to comply
8 with statutory requirements related to levying and
9 fixing millage and filing financial or compliance
10 reports; providing for the dissolution of the
11 district; requiring the governing body of the county
12 to periodically submit to the electorate the question
13 of retention or dissolution of the district; creating
14 a governing council for the district; basing the size
15 of the council on the population of the county;
16 specifying criteria for council membership; providing
17 terms of office; requiring the council to appoint a
18 chair and vice chair and elect other officers;
19 providing procedures for filling a vacancy on the
20 council; requiring council members to serve without
21 compensation; requiring members to follow certain
22 financial disclosure, noticing, and reporting
23 procedures; specifying the powers and functions of the
24 council; authorizing two or more districts to enter
25 into cooperative agreements; requiring the district to
26 provide an annual report to the school board and
27 county governing body; providing for the content of
28 the report; requiring the council to prepare a

29 tentative annual budget and compute a millage rate to
 30 fund the district; requiring that all tax moneys
 31 collected be paid directly to the council by the
 32 county tax collector and be deposited in qualified
 33 public depositories; requiring certain members to file
 34 a surety bond; specifying expenditures of funds;
 35 requiring the council to prepare and file quarterly
 36 financial reports with the county governing body;
 37 prohibiting the council from requiring certain
 38 matching funds; providing that all district financial
 39 records be subject to audit; providing legislative
 40 intent with respect to the use of funds collected by
 41 the council; providing an effective date.

42

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

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45 Section 1. This act may be cited as the "School Safety
 46 Act."

47 Section 2. School Safety Act.-

48 (1) SPECIAL DISTRICT.-Each county may, by ordinance,
 49 create an independent special district, as defined in s.
 50 189.403, Florida Statutes, to provide countywide school security
 51 and mental health referral services. The boundaries of such
 52 district must be coterminous with the boundaries of the county.

53 (a) Upon adoption of the ordinance creating the district,
 54 the governing body of the county enacting the ordinance shall
 55 place on the ballot the question of levying ad valorem taxes at
 56 a rate of up to 0.5 mills of assessed valuation of all

57 properties subject to ad valorem taxes within the county, which
 58 shall be used to fund the district. The tax must be approved by
 59 a majority of the electors of the county voting in a referendum
 60 held for such purpose. The ballot for the referendum must
 61 conform to s. 101.161, Florida Statutes.

62 (b) A district created under this section shall:

63 1. Levy and fix millage as provided in s. 200.065, Florida
 64 Statutes.

65 2. Maintain the same fiscal year as the county.

66 3. Comply with all other statutory requirements of general
 67 application which relate to the filing of any financial or
 68 compliance reports required under part III of chapter 218,
 69 Florida Statutes, or any other report or documentation required
 70 by law, including the requirements of ss. 189.415, 189.417, and
 71 189.418, Florida Statutes.

72 (c) The district may be dissolved by special act of the
 73 Legislature, or the county governing body may, by ordinance,
 74 dissolve the district subject to approval by a majority of the
 75 electors in the county voting on the issue. The district may
 76 also be dissolved pursuant to s. 189.4042, Florida Statutes.
 77 Before dissolving the district, the county shall obligate itself
 78 to assume the debts, liabilities, contracts, and outstanding
 79 obligations of the district within the total millage available
 80 to the county for all county and municipal purposes as provided
 81 under s. 9, Article VII of the State Constitution.

82 (d) A referendum by the electorate creating the district
 83 may specify that the district is not subject to reauthorization
 84 or may specify the number of years the initial authorization

85 remains effective. If the referendum does not prescribe terms of
 86 reauthorization, the governing body of the county shall submit
 87 the question of retention or dissolution to the electorate in
 88 the general election 12 years after the initial authorization.

89 1. The district council may specify, and submit to the
 90 governing body of the county within 9 months before the
 91 scheduled election, that the district is not subject to
 92 reauthorization or may specify the number of years for which
 93 reauthorization remains effective. If the district council makes
 94 such specification and submission, the governing body of the
 95 county shall include that information in the question submitted
 96 to the electorate. If the district council does not specify and
 97 submit such information, the governing body of the county shall
 98 resubmit the question of reauthorization to the electorate every
 99 12 years after the prior authorization. The district council may
 100 recommend to the governing body of the county language for the
 101 question submitted to the electorate.

102 2. This paragraph does not preclude the district council
 103 from requesting that the governing body of the county submit the
 104 question of retention or dissolution of a district with voter-
 105 approved taxing authority to the electorate at an earlier date.

106 3. This paragraph does not limit authority to dissolve a
 107 district as provided under paragraph (c).

108 (e) This section does not prohibit a county from
 109 exercising such power as is provided by general or special law
 110 to provide or fund safety services for public schools.

111 (2) COUNCIL MEMBERSHIP.—

112 (a) If the county has a population of fewer than 100,000

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113 according to the latest state census, the district shall be
114 governed by a 7-member council consisting of:

115 1. Two members who are county commissioners, appointed by
116 the board of county commissioners.

117 2. Two members who are school board members, appointed by
118 the county school board.

119 3. One member, who is an elected member of the governing
120 body of the largest municipality within the county, appointed by
121 the mayor of the municipality.

122 4. Two elected members of the county legislative
123 delegation, appointed by the chair of the delegation with the
124 assent of the delegation. Such members must be state senators or
125 state representatives in districts in which 50 percent or more
126 of the district lies within the county. Such members shall be ex
127 officio members and shall participate in all council matters but
128 may not vote on any binding resolution, motion, or matter that
129 relates to levying ad valorem taxation or assessments that may
130 be considered by the council.

131 (b) If the county has a population of 100,000 but fewer
132 than 600,000 according to the last state census, the district
133 shall be governed by a 9-member council consisting of:

134 1. Three members who are county commissioners, appointed
135 by the board of county commissioners.

136 2. Three members who are school board members, appointed
137 by the county school board.

138 3. One member, who is an elected member of the governing
139 body of the largest municipality within the county who shall be
140 appointed by the mayor of the municipality.

141 4. Two elected members of the county legislative
142 delegation, appointed by the chair of the delegation with the
143 assent of the delegation. Such members must be state senators or
144 state representatives in districts in which 50 percent or more
145 of the district lies within the county. Such members shall be ex
146 officio members and shall participate in all council matters but
147 may not vote on any binding resolution, motion, or matter that
148 relates to levying ad valorem taxation or assessments that may
149 be considered by the council.

150 (c) If the county has a population equal to or greater
151 than 600,000 according to the last state census, the district
152 shall be governed by an 11-member council consisting of:

153 1. Three members who are county commissioners, appointed
154 by the board of county commissioners.

155 2. Three members who are school board members, appointed
156 by the county school board.

157 3. Three members, who are elected members of the governing
158 body of the three municipalities within the county who shall be
159 appointed by the county League of Cities, or any similar
160 successor organization.

161 4. Two elected members of the county legislative
162 delegation, appointed by the chair of the delegation with the
163 assent of the delegation. Such members must be state senators or
164 state representatives in districts in which 50 percent or more
165 of the district lies within the county. Such members shall be ex
166 officio members and shall participate in all council matters but
167 may not vote on any binding resolution, motion, or matter that
168 relates to levying ad valorem taxation or assessments that may

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169 be considered by the council.

170 (d) The members shall be appointed to 4-year terms and may
171 be reappointed for one additional term of office. The length of
172 the terms of the initial appointees shall be adjusted to stagger
173 the terms.

174 (e) Immediately after appointment, the members shall elect
175 a chair and vice chair from among its members and elect other
176 officers as deemed necessary by the council.

177 (f) If any council member resigns, dies, or is removed
178 from office for cause, the vacancy shall be filled using the
179 same method as the original appointment, and the new member
180 shall be appointed for the remainder of the unexpired term.

181 (g) Members of the council shall serve without
182 compensation, but are entitled to reimbursement for per diem and
183 travel expenses in accordance with s. 112.061, Florida Statutes.

184 (h) The applicable financial disclosure, noticing, and
185 reporting requirements of the council are those of their
186 respective elected offices. The applicable financial disclosure,
187 noticing, and reporting requirements of other officers and
188 employees shall be the same as corresponding municipal
189 positions.

190 (3) COUNCIL DUTIES.—

191 (a) The council shall:

192 1. Make and adopt bylaws and rules for the council's
193 guidance, operation, governance, and maintenance. Such rules
194 must be consistent with federal or state laws or county
195 ordinances.

196 2. Arrange for and provide training and orientation to all

197 | new members sufficient to allow them to perform their duties.
 198 | 3. Immediately after the members are appointed and the
 199 | officers are elected, identify and assess the security and
 200 | mental health referral needs of all schools served by the school
 201 | board. This includes, but is not limited to:
 202 | a. Collecting information and statistical data that will
 203 | be helpful to the council in determining the needs of security
 204 | and mental health referral services within schools operated by
 205 | the school board.
 206 | b. Determining the manner in which the council will seek
 207 | and provide funding for needs.
 208 | c. Developing a strategy that will be used for interagency
 209 | coordination to maximize existing human and fiscal resources.
 210 | 4. Consult with other agencies providing security and
 211 | mental health referral services to schools operated by the
 212 | school board.
 213 | 5. Seek grants from state, federal, and local agencies and
 214 | accept donations of moneys or properties from public and private
 215 | sources.
 216 | 6. Lease or buy such real estate, equipment, and personal
 217 | property and construct such buildings as are needed to execute
 218 | the foregoing powers and duties. Purchases or building may not
 219 | be done except with funds on hand or secured by funds deposited
 220 | in financial institutions. This section does not authorize
 221 | issuance of bonds of any nature.
 222 | 7. Sell or dispose of property or properties owned by the
 223 | district for fair market value.
 224 | 8. Maintain minutes of each meeting, including a record of

225 all votes cast, and make the minutes available to any interested
 226 person.

227 9. Employ, pay, and provide benefits for any part-time or
 228 full-time personnel needed to carry out the powers, functions,
 229 and duties of the district.

230 10. Have all powers necessary and expedient to carry out
 231 the duties and functions described in this section.

232 (b) The council may:

233 1. Collect information and statistical data and conduct
 234 research and assessments that are helpful to the council and the
 235 county in determining the safety needs of county schools and
 236 students.

237 2. Consult and coordinate with other agencies providing
 238 mental health services in order to prevent the duplication of
 239 services.

240 3. Provide and maintain in the county the services which
 241 the council determines are needed for the safety of the schools
 242 and students, which may include:

243 a. Providing funding for all necessary school security for
 244 all schools operated directly by the school board.

245 b. Providing mental health referral services for all
 246 students and staff within schools operated by the school board.

247 c. Allocating and providing funds to other agencies that
 248 provide services.

249 (c) Two or more districts may enter into a cooperative
 250 agreement to:

251 1. Share administrative costs, including staff and office
 252 space if a more efficient or effective operation will result.

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253 The cooperative agreement must include provisions for
254 apportioning costs between the districts, keeping separate and
255 distinct financial records for each district, and resolving any
256 conflicts that might arise under the agreement.

257 2. Seek grants, accept donations, or jointly fund programs
258 serving multicounty areas. The cooperative agreement must
259 include provisions for the adequate accounting of separate and
260 joint funds.

261 (4) ANNUAL REPORT.—The district shall provide an annual
262 written report, to be presented by January 1, to the school
263 board and the board of county commissioners. At a minimum, the
264 report must include:

265 (a) Detailed information on the various activities,
266 programs, and services available to schools, staff, and students
267 and the degree to which the programs, services, and activities
268 have been successfully used.

269 (b) Information on the effectiveness of programs,
270 services, and activities offered by the district, including cost
271 effectiveness.

272 (c) A detailed anticipated budget for continuation of
273 programs, services, or activities offered by the district, and a
274 list of all sources of funding, both public and private.

275 (d) Procedures for identification of at-risk school
276 children or staff who need additional or continued mental health
277 services and methods for ensuring that the additional or
278 continued services are received.

279 (e) Information on programs, services, and activities that
280 should be eliminated; programs, services, and activities that

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281 should be continued; and programs, services, and activities that
282 should be added to the district's basic format.

283 (f) A description of the degree to which the district's
284 objectives and activities are consistent with the goals of this
285 section.

286 (5) DISTRICT BUDGET AND FINANCIAL MATTERS.—

287 (a) On or before July 1 of each year, the council shall,
288 pursuant to s. 189.418, Florida Statutes, prepare a tentative
289 annual budget of the district's expected income and
290 expenditures, including a contingency fund. In addition, the
291 council shall compute a proposed millage rate of up to 0.5 mills
292 of assessed value, as necessary to fund the tentative budget.
293 The council must comply with s. 200.065, Florida Statutes.

294 (b) After the district's budget is certified and delivered
295 to the county governing body, the budget may not be changed or
296 modified by the governing body or any other authority.

297 (c) As soon after collection as is reasonably practicable,
298 all taxes collected under this section shall be paid directly to
299 the district by the county's revenue-collection entity.

300 (d) All moneys received by the district shall be deposited
301 into qualified public depositories, as defined in s. 280.02,
302 Florida Statutes, with separate and distinguishable accounts
303 established specifically for the district, and may be withdrawn
304 only by checks signed by the chair of the council and
305 countersigned by one other council member or by a chief
306 executive officer authorized by the council.

307 1. Upon taking office, the chair and the other member of
308 the council or chief executive officer authorized to sign checks

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309 shall each file a surety bond in the sum of at least \$1,000 for
310 each \$1 million, or portion of such amount, of the district's
311 annual budget, which shall be conditioned upon the faithful
312 discharge of the duties of his or her office. The premium on
313 such bond may be paid by the district as part of the expenses of
314 the council. Other members of the council are not required to
315 give bond or other security.

316 2. Funds of the district may not be expended except by
317 check, except for expenditures of up to \$100, which may be made
318 from a petty cash account. All expenditures from petty cash must
319 be recorded on the books and records of the council. District
320 funds, except expenditures from petty cash, may not be expended
321 without prior approval of the council, in addition to the
322 budgeting of such funds.

323 (e) Within 10 business days after the expiration of each
324 annual quarter, the council shall prepare and file with the
325 county governing body a financial report that includes:

- 326 1. The council's total expenditures for the quarter.
327 2. The council's total receipts during the quarter.
328 3. A statement of the funds the council has on hand, has
329 invested, or has deposited at the end of the quarter.
330 4. The council's total administrative costs for the
331 quarter.

332 (f) The council may not require any service provider to
333 provide additional matching funds as a condition of providing
334 district services or programs to schools and students.

335 (g) All financial records and accounts relating to the
336 district shall be available for audit by state auditors as they

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337 are assigned from time to time to audit the affairs of the
338 county. If no annual audit of the district is conducted by the
339 state, the council shall cause an independent audit of the
340 district to be conducted.

341 (h) It is the intent of the Legislature that the funds
342 collected pursuant to this section be used to support
343 improvements in services for county schools and students and
344 that such funds not be used as a substitute for existing
345 resources or for resources that would otherwise be available for
346 such services.

347 Section 3. This act shall take effect July 1, 2013.