

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: (X) Consent () Regular
June 19, 2007 () Ordinance () Public Hearing

Department:

Submitted By: Clerk & Comptroller

Submitted For: Finance Department

EXECUTIVE BRIEF

A. Motion and Title:

Staff recommends motion to approve: State Revenue Sharing application for the fiscal year 2007-2008.

B. Summary:

Each unit of local government is required to file an application in order to be considered for any funds to be distributed under the Revenue Sharing Act.

C. Background and Justification: Section 218.26(4), FS states:

"It shall be the duty of each agency and unit of local government required to submit certified information to the Department pursuant to the administration of this part to file timely information." This application must be submitted to the Department of Revenue NO LATER THAN JUNE 30, 2007.

Applications have been reviewed for compliance by Chief Herman Brice, Fire Rescue Administrator; Rick Bradshaw, Sheriff; Sharon R. Bock, Clerk & Comptroller; and Richard Roberts, OFMB Director.

D. Attachments:

Two (2) original applications:
(1 for the Dept. of Revenue, 1 for the official files of BCC)

Recommended:  5/21/07
Carter Hammer, Chief Financial Officer Date

Approved: N/A
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____

Is item included in current budget? Yes _____ No _____

Budget Account No.: Fund ___ Agency ___ Org. ___ Object ___

Reporting Category _____

B. Recommended sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Budget and/or Contract Dev. And Control Comments: - NO BUDGET IMPACT

Richard Robert D 5/18/07
OFMB/ Budget

N/A
Contract Development and Control

B. Legal Sufficiency:

Paul F. L 5/18/07
Assistant County Attorney

C. Other Department Reviews:

Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.



Application For Revenue Sharing 2007-2008 State Fiscal Year (Chapter 218, Part II Florida Statutes)

DR-700218 R. 04/07

Application must be received by the Department of Revenue prior to June 30, 2007

Please TYPE or PRINT all entries except those requiring a signature.

Part One

Name of County Palm Beach

OR

Name of Municipality County

Telephone Number (561) 355-2959

Fax Telephone Number (561) 355-3806

Mayor or Chairman of Governing Body Addie Greene, Chairperson, Board of County Commissioners

Chief Fiscal Officer Sharon R. Bock, Clerk & Comptroller

Official Mailing Address P.O. Box 4036

Check here if the address represents a change from the previous application.

Federal Employer I.D. Number 59-6000785 (required for new participants only).

Part Two

To be eligible to participate in Revenue Sharing beyond the minimum entitlement as defined in section 218.21(7) Florida Statutes, (F.S.), for any fiscal year, a unit of local government is required to have fulfilled certain requirements set forth in s. 218.23, F.S., including certification requirements. Signatures by the appropriate official in the signature blocks, where applicable, shall constitute fulfillment of the certification requirements set forth in s. 218.23, F.S.

Consistent with the requirements of s. 218.23, F.S., has the applicant:

Note: Question 1 and 2 pertain to financial audit requirements. If a financial audit was required, report on the most recently completed audit period. Fiscal year ending 09/30/05 will be sufficient for this purpose.

1. Reported its finances for its most recently completed fiscal year to the Department of Banking and Finance, pursuant to s. 218.32, F.S.?

Yes No

RAZ 5/17/07

Dept of Financial Services

2. Made provisions for annual postaudits of its financial accounts in accordance with s. 11.45, F.S.?

Yes No

RAZ 5/17/07

7-18-06 Date of Audit Report

RAZ 5/17/07

3. Levied, as shown on its most recent financial report, pursuant to s. 218.32, F.S., ad valorem taxes, exclusive of taxes levied for debt service or other special millages authorized by the voters, to produce the revenue equivalent to a millage rate of three (3) mills on the dollar based on the 1973 taxable values as certified by the property appraiser, pursuant to s. 193.122(2), F.S.,

Yes No

MR

OR

In order to produce revenue equivalent to that which would otherwise be produced by such a three (3) mill ad valorem tax:

- (A) to have received a remittance from the county pursuant to s. 125.01(6)(a), F.S.;
- (B) collected an occupational license tax;
- (C) collected a utility tax;
- (D) levied an ad valorem tax;
- (E) received revenue from any combination of these four sources?

Yes No

4. Certified that:

(A) Law enforcement officers, as defined in s. 943.10(1), F.S., employed by this Unit meet the qualifications for employment as established by the Criminal Justice Standards and Training Commission?

Yes No

(B) The salary structure and salary plans for law enforcement officers meet the provisions of Chapter 943, F.S.?

Yes No

(C) All law enforcement officers, as defined in s. 943.10(1), F.S., are compensated at an annual salary rate of six thousand dollars (\$6,000) or more?

Yes No

[If the answer to (C) above is (NO), please state in an addendum to this application any reason you may have for waiver of such requirement (one of which must be that you are levying ten (10) mills of ad valorem taxes).]

Signed: *RLB*
Appropriate Law Enforcement Officer

Date: 5/15/07

Ric L. Bradshaw, Sheriff
[If you have no police department, etc., please check the block to the left side.]

5. Certified that persons in its employ as firefighters, as defined in s. 633.30(1), F.S., meet the qualification for employment as established by the Division of State Fire Marshal pursuant to the provisions of ss. 633.34 and 633.35, F.S., and that the provisions of s. 633.382, F.S. are met?

Yes No

Additionally, please answer the following:

- (A) Does the addressed unit of government employ any full-time firefighters which currently possess either a bachelor's degree or associate degree from a college or university which is applicable to fire department duties, provided that degree is not required for their current position?

Yes No

- (B) If so, are these firefighters currently receiving supplemental compensation for those degrees?

Yes No Does Not Apply

Signed: Herman Spice
Appropriate Fire Official

Date: 5-16-07

[If you have no fire department or if you have a strictly volunteer fire department, etc., please check the box to the left side.]

6. Certified that each dependent special district that is budgeted separately from the general budget of the local governing authority has met the provisions for annual postaudit of its financial accounts in accordance with the provisions of s. 218.39(1), F.S.?

Yes No Does Not Apply

Signed: Shawna B. Balo
Chief Fiscal Official

Date: 5/21/07

7. Certified to the Department of Revenue that the requirements of s. 200.065, F.S., if applicable, were met? (The certification shall be made annually within 30 days of adoption of an ordinance or resolution establishing a final property tax levy or, if no property tax is levied, not later than November 1. The portion of revenue sharing funds which, pursuant to this part, would otherwise be distributed to a unit of local government which has not certified compliance or has otherwise failed to meet the requirements of s. 200.065, F.S., shall be deposited in the General Revenue Fund for the 12 months following a determination of noncompliance by the department.)

Signed: Shawna B. Balo
Chief Fiscal Official

Date: 5/21/07

Part Three

I hereby certify that all of the foregoing information is accurate and true to the best of my knowledge. I further certify that I will promptly report to the Department of Revenue any changes in the above information. I also realize that failure to provide timely information required, pursuant to the administration of this Act shall, by such action, authorize the Department to utilize the best information available or, if no such information is available, to take necessary action including DISQUALIFICATION, EITHER PARTIAL OR ENTIRE, and shall further, by such action, waive any right to challenge the determination of the Department to its share of funds, if any, beyond its minimum entitlement, pursuant to the privilege of receiving shared revenues from the Revenue Sharing Trust Funds.

Do you believe that you have complied with ALL eligibility requirements as set forth above?

Yes

No

If the answer to the above question is (NO), please provide as an attachment to this form the amount of revenue necessary to meet your obligations as a result of pledges or assignments or trusts entered into which obligated funds received from revenue sharing.

Signed: Sharon W. Beck Date: 5/21/07
Chief Fiscal Official

Signed: Addie L. Greene Date: 5/23/07
Mayor or Chairman of Governing Body

Mail completed original application to address shown below.

Florida Department of Revenue
Revenue Accounting Subprocess
PO Box 6609
Tallahassee FL 32399-6609

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

Paul F. [Signature]
COUNTY ATTORNEY

STATE REVENUE SHARING INFORMATION BULLETIN
FISCAL YEAR 2007-2008

SUMMARY OF REVENUE SHARING ELIGIBILITY REQUIREMENTS AND DISTRIBUTION PROCEDURE
AS PROVIDED IN CHAPTER 218, PART II, FLORIDA STATUTES

- I. Pursuant to s. 218.23(1), F.S., to be eligible to participate in revenue sharing beyond the minimum entitlement in any fiscal year, a unit of local government (Note: counties, municipalities, and metropolitan and consolidated governments) is required to have:
- a. Reported its finances for its most recently completed fiscal year to the Department of Financial Services pursuant to s. 218.32, F.S.

Note: Occupational license tax and utility service tax data will be obtained from the most current fiscal year reports as certified by the Department of Financial Services.
 - b. Made provisions for annual post audits of its financial accounts in accordance with provisions of law.
 - c. Levied, as shown on its most recent financial report pursuant to s. 218.32, F.S., ad valorem taxes, exclusive of taxes levied for debt service or other special millages authorized by the voters, to produce the revenue equivalent to millage rate of three mills on the dollar based on the 1973 taxable values as certified by the property appraiser pursuant to s. 193.122(2), F.S., or in order to produce revenue equivalent to that which would otherwise be produced by such three mill ad valorem tax, to have received a remittance from the county pursuant to s. 125.01(6)(a), F.S., collected an occupational license tax or a utility tax, levied an ad valorem tax, or received revenue from any combination of these four sources. If a new municipality is incorporated, the provisions of this paragraph shall apply to the taxable values for the year of incorporation as certified by the property appraiser. This paragraph requires only a minimum amount of revenue to be raised from the ad valorem tax, the occupational license tax, and the utility tax. It does not require a minimum millage rate.
 - d. Certified that persons in its employ as law enforcement officers, as defined in s. 943.10(1), F.S., meet the qualifications for employment as established by the Criminal Justice Standards and Training Commission; that its salary structure and salary plans meet the provisions of chapter 943; and that no law enforcement officer is compensated for his or her services at an annual salary rate of less than \$6,000.00. However, the department may waive the minimum law enforcement officer salary requirement if a city or county certifies that it is levying ad valorem taxes at 10 mills.
 - e. Certified that persons in its employ as firefighters, as defined in s. 633.30(1), F.S., meet the qualification for employment as established by the Division of State Fire Marshal pursuant to the provisions of ss. 633.34 and 633.35, F.S., and that the provisions of s. 633.382, F.S., have been met.
 - f. Certified that each dependent special district that is budgeted separately from the general budget of the local governing authority has met the provisions for annual post-audit of its financial accounts in accordance with the provisions of law.

Additionally, to receive its share of revenue sharing funds, a unit of local government shall certify to the Department of Revenue that the

requirements of s. 200.065, F.S., if applicable, were met. The certification shall be made annually within 30 days of adoption of an ordinance or resolution establishing a final property tax levy or, if no property tax is levied, not later than November 1. The portion of revenue sharing funds, which pursuant to this part would otherwise be distributed to a unit of local government, which has not certified compliance or has otherwise failed to meet the requirements of s. 200.065, F.S., shall be deposited in the General Revenue Fund for the 12 months following a determination of noncompliance by the department.

- II. If the Department determines that a unit of local government does NOT meet all of the eligibility requirements, the unit will only receive its minimum entitlement.

Pursuant to s. 218.21(7), F.S., "Minimum entitlement" means the amount of revenue, as certified by a unit of local government and determined by the department, which must be shared with a unit of local government so that such unit will receive the amount of revenue necessary to meet its obligations as a result of pledges or assignments or trusts entered into which obligated funds received from revenue sources or proceeds which by terms of the act shall henceforth be distributed out of revenue sharing trust funds.

- III. Pursuant to s. 218.23(3), F.S., the distribution to a unit of local government under this part is determined by the following formula:

NOTE FOR MUNICIPALITIES: The distribution formula as described below applies to revenues in excess of 1999/2000 Revenue Sharing and Municipal Financial Assistance funds. In the event that a deficit occurs in comparison to the 1999/2000 Revenue Sharing and Municipal Financial Assistance funds, each municipality shall receive an amount proportionate to their combined 1999/2000 Revenue Sharing and Municipal Financial Assistance as described in s. 212.20, F.S. Effective 7/1/2004, the additional revenues attributed to the increase from 1.0715 percent to 1.3409 percent for the distribution to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 212.20(6)(d)6., F.S., shall be distributed to each eligible municipality based on the amount received from the half-cent sales tax under s.218.61, F.S., in the prior state fiscal year divided by the total receipts under s.218.61, F.S., in the prior state fiscal year for all eligible local governments. Municipalities that began participation in half-cent sales tax in the previous year shall have their half-cent sales tax annualized for this purpose.

- a. First, the entitlement of an eligible unit of local government shall be computed on the basis of the apportionment factor provided in s. 218.245 F.S., which shall be applied for all eligible units of local government to all receipts available for distribution in the respective revenue sharing trust fund.
- b. Second, revenue shared with ELIGIBLE units of local government for any fiscal year shall be adjusted so that no ELIGIBLE unit of local government receives less funds than its guaranteed entitlement.

NOTE: Pursuant to s. 218.21(6), F.S., "Guaranteed Entitlement" means the amount of revenue which must be shared with an ELIGIBLE unit of local government so that:

- A. No ELIGIBLE county shall receive less funds from the Revenue Sharing Trust Fund for Counties in any fiscal year than the amount received in the aggregate from the state in fiscal year 1971-72 under the provisions of the then existing s.

210.20(2)(c) F.S., tax on cigarettes; s. 323.16(4) F.S., road tax; and s. 199.292(4) F.S., tax on intangible personal property.

- B. No ELIGIBLE municipality shall receive less funds from the Revenue Sharing Trust Fund for Municipalities in any fiscal year than the aggregate amount it received from the state in fiscal year 1971-1972 under the provisions of the then existing s. 210.20(2)(a) F.S., tax on cigarettes. S. 323.16(3) F.S., road tax and s. 206.605 F.S., tax on motor fuel. Effective in the 1994-1995 fiscal year and thereafter, any government exercising municipal powers under s. 6(f), Art. VIII of the State Constitution may not receive less than the aggregate amount it received from the Revenue Sharing Trust Fund for Municipalities in the preceding fiscal year, plus a percentage increase in such amount equal to the percentage increase of the Revenue Sharing Trust Fund for Municipalities for the preceding fiscal year through fiscal year 2008-2009. 2005-2006 shall calculate the increase by excluding the increase attributed to the increase in the municipal revenue sharing from 1.0715 percent to 1.3409 percent pursuant to 212.20(6)(d)6. For the purpose of calculating distributions made under s. 212.20(6), if the total revenue to be distributed is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total revenue to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.
- c. Third, revenues shared with counties for any fiscal year shall be adjusted so that no county receives fewer funds than its guaranteed entitlement plus the second guaranteed entitlement for counties.

NOTE: Pursuant to s. 218.21(10), F.S., "Second guaranteed entitlement for counties" means the amount of revenue received in the aggregate by the ELIGIBLE county in fiscal year 1981-82 under the provisions of the then existing s. 210.20(2)(a) F.S., tax on cigarettes, and s. 199.292(4) F.S., tax on intangible personal property, less the guaranteed entitlement.

- d. Fourth, revenue shared with units of local government for any fiscal year shall be adjusted so that no unit of local government receives less funds than its minimum entitlement.