

HB 1227

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1 A bill to be entitled
2 An act relating to children's services; amending s.
3 125.901, F.S.; revising the membership of councils on
4 children's services; requiring the governing body of the
5 county to approve the purchase of real estate or the
6 construction of a building by a council on children's
7 services; requiring a council on children's services to
8 submit a tentative budget and proposed millage rate to the
9 governing body of the county; requiring the governing body
10 of the county to take public testimony on the council's
11 tentative budget and proposed millage rate; providing for
12 the governing body of the county to approve the budget
13 before final adoption by a council on children's services;
14 specifying that millage levied and fixed by a council on
15 children's services does not count against the millage
16 limit applicable to the county under the State
17 Constitution; limiting the authority of the governing body
18 of the county over funds related to the council on
19 children's services; requiring the governing body of the
20 county to take public testimony on the effectiveness of a
21 council on children's services; requiring the electors of
22 a county to periodically vote on whether to retain or
23 dissolve a council on children's services; requiring a
24 council on children's services to give priority in the use
25 of funds to the provision of children's services rather
26 than to the purchase of real estate or the construction of
27 buildings; expressing legislative intent on application of
28 the act; providing an effective date.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

Section 1. Section 125.901, Florida Statutes, is amended to read:

125.901 Children's services; independent special district; council; powers, duties, and functions; public records exemption.—

(1) Each county may by ordinance create an independent special district, as defined in ss. 189.403(3) and 200.001(8) (e), to provide funding for children's services throughout the county in accordance with this section. The boundaries of such district shall be coterminous with the boundaries of the county. The county governing body must ~~shall~~ obtain approval, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes that may ~~which shall~~ not exceed the maximum millage rate authorized by this section. Any district created pursuant to ~~the provisions of~~ this subsection shall ~~be required to~~ levy and fix millage subject to the provisions of s. 200.065. Once such millage is approved by the electorate, the district may ~~shall~~ not be required to seek approval of the electorate in future years to levy the previously approved millage.

(a) The governing board of the district shall be a council on children's services, which may also be known as a juvenile welfare board or similar name as established in the ordinance by the county governing body. Such council shall consist of 11 ~~10~~ members, including: the superintendent of schools; a local

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57 | school board member; the district administrator from the
58 | appropriate district of the Department of Children and Family
59 | Services, or his or her designee who is a member of the Senior
60 | Management Service or of the Selected Exempt Service; two
61 | members ~~one member~~ of the county governing body; and the judge
62 | assigned to juvenile cases, who shall sit as a voting member of
63 | the board, except that the ~~said~~ judge may ~~shall~~ not vote or
64 | participate in the setting of ad valorem taxes under this
65 | section. If ~~there is~~ more than one judge is assigned to juvenile
66 | cases in a county, the chief judge shall designate one of the
67 | ~~said~~ juvenile judges to serve on the board. The remaining five
68 | members shall be appointed by the Governor, and shall, to the
69 | extent possible, represent the demographic diversity of the
70 | population of the county. After soliciting recommendations from
71 | the public, the county governing body shall submit to the
72 | Governor the names of at least three persons for each vacancy
73 | occurring among the five members appointed by the Governor, and
74 | the Governor shall appoint members to the council from the
75 | candidates nominated by the county governing body. The Governor
76 | shall make a selection within a 45-day period or request a new
77 | list of candidates. All members appointed by the Governor must
78 | ~~shall~~ have been residents of the county for the previous 24-
79 | month period. Such members shall be appointed for 4-year terms,
80 | except that the length of the terms of the initial appointees
81 | shall be adjusted to stagger the terms. The Governor may remove
82 | a member for cause or upon the written petition of the county
83 | governing body. If any of the members of the council required to
84 | be appointed by the Governor under ~~the provisions of~~ this

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85 subsection ~~shall~~ resign, die, or are ~~be~~ removed from office, the
86 vacancy ~~thereby~~ created shall, as soon as practicable, be filled
87 by appointment by the Governor, using the same method as the
88 original appointment, and such appointment to fill a vacancy
89 shall be for the unexpired term of the person who resigns, dies,
90 or is removed from office.

91 (b) However, any county as defined in s. 125.011(1) may
92 instead have a governing board consisting of 33 members,
93 including: the superintendent of schools; two representatives of
94 public postsecondary education institutions located in the
95 county; the county manager or the equivalent county officer; the
96 district administrator from the appropriate district of the
97 Department of Children and Family Services, or the
98 administrator's designee who is a member of the Senior
99 Management Service or the Selected Exempt Service; the director
100 of the county health department or the director's designee; the
101 state attorney for the county or the state attorney's designee;
102 the chief judge assigned to juvenile cases, or another juvenile
103 judge who is the chief judge's designee and who shall sit as a
104 voting member of the board, except that the judge may not vote
105 or participate in setting ad valorem taxes under this section;
106 an individual who is selected by the board of the local United
107 Way or its equivalent; a member of a locally recognized faith-
108 based coalition, selected by that coalition; a member of the
109 local chamber of commerce, selected by that chamber or, if more
110 than one chamber exists within the county, a person selected by
111 a coalition of the local chambers; a member of the early
112 learning coalition, selected by that coalition; a representative

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113 of a labor organization or union active in the county; a member
 114 of a local alliance or coalition engaged in cross-system
 115 planning for health and social service delivery in the county,
 116 selected by that alliance or coalition; a member of the local
 117 Parent-Teachers Association/Parent-Teacher-Student Association,
 118 selected by that association; a youth representative selected by
 119 the local school system's student government; a local school
 120 board member appointed by the chair of the school board; the
 121 mayor of the county or the mayor's designee; one member of the
 122 county governing body, appointed by the chair of that body; a
 123 member of the state Legislature who represents residents of the
 124 county, selected by the chair of the local legislative
 125 delegation; an elected official representing the residents of a
 126 municipality in the county, selected by the county municipal
 127 league; and four 4 members-at-large, appointed to the council by
 128 the majority of sitting council members. The remaining seven 7
 129 members shall be appointed by the Governor pursuant to ~~in~~
 130 ~~accordance with procedures set forth in~~ paragraph (a), except
 131 that the Governor may remove a member for cause or upon the
 132 written petition of the council. Appointments by the Governor
 133 must, to the extent reasonably possible, represent the
 134 geographic and demographic diversity of the population of the
 135 county. Members who are appointed to the council by reason of
 136 their position are not subject to the length of terms and limits
 137 on consecutive terms as provided in this section. The remaining
 138 appointed members of the governing board shall be appointed to
 139 serve 2-year terms, except that those members appointed by the
 140 Governor shall be appointed to serve 4-year terms, and the youth

141 representative and the legislative delegate shall be appointed
 142 to serve 1-year terms. A member may be reappointed.~~+~~ However, a
 143 member may not serve for more than three consecutive terms. A
 144 member is eligible to be appointed again after a 2-year hiatus
 145 from the council.

146 (c) This subsection does not prohibit a county from
 147 exercising such power as is provided by general or special law
 148 to provide children's services or to create a special district
 149 to provide such services.

150 (2) (a) Each council on children's services shall have all
 151 of the following powers and functions:

152 1. To provide and maintain in the county such preventive,
 153 developmental, treatment, and rehabilitative services for
 154 children as the council determines are needed for the general
 155 welfare of the county.

156 2. To provide such other services for all children as the
 157 council determines are needed for the general welfare of the
 158 county.

159 3. To allocate and provide funds for other agencies in the
 160 county which are operated for the benefit of children, if those
 161 funds ~~provided they~~ are not under the exclusive jurisdiction of
 162 the public school system.

163 4. To collect information and statistical data and to
 164 conduct research that ~~which~~ will be helpful to the council and
 165 the county in deciding the needs of children in the county.

166 5. To consult and coordinate with other agencies dedicated
 167 to the welfare of children to the end that the overlapping of
 168 services will be prevented.

169 6. To lease or buy such real estate, equipment, and
 170 personal property and to construct such buildings as are needed
 171 to execute the foregoing powers and functions, except provided
 172 that ~~no~~ such purchases may not ~~shall~~ be made or building done
 173 unless paid for with cash on hand or secured by funds deposited
 174 in financial institutions. The governing body of the county must
 175 approve by resolution the purchase of real estate or the
 176 construction of a building by the council. ~~Nothing in~~ This
 177 subparagraph does not ~~shall be construed to~~ authorize a district
 178 to issue bonds of any nature, and nor shall a district may not
 179 ~~have the power to~~ require the imposition of any bond by the
 180 governing body of the county.

181 7. To employ, pay, and provide benefits for any part-time
 182 or full-time personnel needed to execute the foregoing powers
 183 and functions.

184 (b) Each council on children's services shall:

185 1. Immediately after the members are appointed, elect a
 186 chair and a vice chair from among its members, and elect other
 187 officers as deemed necessary by the council.

188 2. Immediately after the members are appointed and
 189 officers are elected, identify and assess the needs of the
 190 children in the county served by the council and submit to the
 191 governing body of each county a written description of:

192 a. The activities, services, and opportunities that will
 193 be provided to children.

194 b. The anticipated schedule for providing those
 195 activities, services, and opportunities.

196 c. The manner in which children will be served, including

197 a description of arrangements and agreements that ~~which~~ will be
 198 made with community organizations, state and local educational
 199 agencies, federal agencies, public assistance agencies, the
 200 juvenile courts, foster care agencies, and other applicable
 201 public and private agencies and organizations.

202 d. The special outreach efforts that will be undertaken to
 203 provide services to at-risk, abused, or neglected children.

204 e. The manner in which the council will seek and provide
 205 funding for unmet needs.

206 f. The strategy that ~~which~~ will be used for interagency
 207 coordination to maximize existing human and fiscal resources.

208 3. Provide training and orientation to all new members
 209 sufficient to allow them to perform their duties.

210 4. Make and adopt bylaws and rules and regulations for the
 211 council's guidance, operation, governance, and maintenance
 212 which, ~~provided such rules and regulations~~ are not inconsistent
 213 with federal or state laws or county ordinances.

214 5. Provide an annual written report, to be presented no
 215 later than January 1, to the governing body of the county. The
 216 annual report shall contain, but need not be limited to, the
 217 following information:

218 a. Information on the effectiveness of activities,
 219 services, and programs offered by the council, including cost-
 220 effectiveness.

221 b. A detailed anticipated budget for continuation of
 222 activities, services, and programs offered by the council, and a
 223 list of all sources of requested funding, both public and
 224 private.

225 c. Procedures used for early identification of at-risk
 226 children who need additional or continued services and methods
 227 for ensuring that the additional or continued services are
 228 received.

229 d. A description of the degree to which the council's
 230 objectives and activities are consistent with the goals of this
 231 section.

232 e. Detailed information on the various programs, services,
 233 and activities available to participants and the degree to which
 234 the programs, services, and activities have been successfully
 235 used by children.

236 f. Information on programs, services, and activities that
 237 should be eliminated; programs, services, and activities that
 238 should be continued; and programs, services, and activities that
 239 should be added to the basic format of the children's services
 240 council.

241 (c) The council shall maintain minutes of each meeting,
 242 including a record of all votes cast, and shall make such
 243 minutes available to any interested person.

244 (d) Members of the council shall serve without
 245 compensation, but are ~~shall be~~ entitled to receive reimbursement
 246 for per diem and travel expenses consistent with ~~the provisions~~
 247 ~~of~~ s. 112.061.

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

250 (b) 1. On or before June 15 ~~July 1~~ of each year, the
 251 council on children's services shall prepare and submit to the
 252 governing body of the county a tentative annual written budget

253 of the district's expected income and expenditures, including a
 254 contingency fund. The council shall, in addition, compute and
 255 submit to the governing body of the county a proposed millage
 256 rate within the voter-approved cap necessary to fund the
 257 tentative budget ~~and, prior to adopting a final budget, comply~~
 258 ~~with the provisions of s. 200.065, relating to the method of~~
 259 ~~fixing millage, and shall fix the final millage rate by~~
 260 ~~resolution of the council.~~ The council shall include with the
 261 submissions the council's rationale for the budget and millage
 262 rate, as well as a detailed explanation for any significant
 263 changes in the proposed use of funds from the prior year's
 264 approved budget.

265 2.a. Within 20 days after receiving the tentative budget
 266 and proposed millage rate from the council, the governing body
 267 of the county shall hold a public hearing and receive public
 268 testimony on the tentative budget and proposed millage rate. The
 269 governing body of the county shall by resolution approve the
 270 budget or reject it and direct the council to submit a revised
 271 tentative budget within 10 days for approval or rejection by the
 272 governing body. The council may not adopt a final budget until
 273 the budget has been approved by the governing body.

274 b. The authority under this subparagraph for the governing
 275 body of the county to approve the budget of the council does
 276 not:

277 (I) Cause the millage levied and fixed by the council to
 278 count toward the maximum millage authorized for all county
 279 purposes under s. 9, Art. VII of the State Constitution;

280 (II) Authorize the governing body of the county to require

281 the council to expend funds generated from the levy of ad
 282 valorem taxes under this section for purposes other than
 283 children's services; or

284 (III) Authorize the governing body of the county to expend
 285 funds generated from the levy of ad valorem taxes under this
 286 section.

287 3. Before adopting a final budget, the council must comply
 288 with the provisions of s. 200.065, relating to the method of
 289 fixing millage, and shall fix the final millage rate by
 290 resolution of the council.

291 4. The adopted budget and final millage rate shall be
 292 certified and delivered to the governing body of the county as
 293 soon as possible following the council's adoption of the final
 294 budget and millage rate pursuant to chapter 200. Included in
 295 each certified budget shall be the millage rate, adopted by
 296 resolution of the council, necessary to be applied to raise the
 297 funds budgeted for district operations and expenditures. In no
 298 circumstances, however, shall any district levy millage to
 299 exceed a maximum of 0.5 mills of assessed valuation of all
 300 properties within the county which are subject to ad valorem
 301 county taxes.

302 (c) The adopted budget of the district ~~se~~ certified and
 303 delivered to the governing body of the county under paragraph
 304 (b) is ~~shall~~ not ~~be~~ subject to change or modification by the
 305 governing body of the county or any other authority.

306 (d) All tax money collected under this section, as soon
 307 after the collection thereof as is reasonably practicable, shall
 308 be paid directly to the council on children's services by the

309 tax collector of the county, or the clerk of the circuit court
 310 if the clerk collects delinquent taxes.

311 (e)1. All moneys received by the council on children's
 312 services shall be deposited in qualified public depositories, as
 313 defined in s. 280.02, with separate and distinguishable accounts
 314 established specifically for the council and shall be withdrawn
 315 only by checks signed by the chair of the council and
 316 countersigned by either one other member of the council on
 317 children's services or by a chief executive officer who shall be
 318 so authorized by the council.

319 2. Upon entering the duties of office, the chair and the
 320 other member of the council or chief executive officer who signs
 321 its checks shall each give a surety bond in the sum of at least
 322 \$1,000 for each \$1 million or portion thereof of the council's
 323 annual budget, which bond shall be conditioned that each shall
 324 faithfully discharge the duties of his or her office. The
 325 premium on such bond may be paid by the district as part of the
 326 expense of the council. No other member of the council shall be
 327 required to give bond or other security.

328 3. ~~No~~ Funds of the district may not ~~shall~~ be expended
 329 except by check ~~as aforesaid~~, except for expenditures from a
 330 petty cash account, which may ~~shall~~ not at any time exceed \$100.
 331 All expenditures from petty cash shall be recorded on the books
 332 and records of the council on children's services. ~~No~~ Funds of
 333 the council on children's services, except ~~excepting~~
 334 expenditures from petty cash, may not ~~shall~~ be expended without
 335 prior approval of the council, in addition to the budgeting
 336 thereof.

337 (f) Within 10 days, exclusive of weekends and legal
 338 holidays, after the expiration of each quarter annual period,
 339 the council on children's services shall cause to be prepared
 340 and filed with the governing body of the county a financial
 341 report that includes ~~which shall include the following:~~

342 1. The total expenditures of the council for the quarter
 343 annual period.

344 2. The total receipts of the council during the quarter
 345 annual period.

346 3. A statement of the funds the council has on hand, has
 347 invested, or has deposited with qualified public depositories at
 348 the end of the quarter annual period.

349 4. The total administrative costs of the council for the
 350 quarter annual period.

351 (4) (a) Any district created pursuant to ~~the provisions of~~
 352 this section may be dissolved by a special act of the
 353 Legislature, or the county governing body may by ordinance
 354 dissolve the district subject to the approval of the electorate.

355 (b) Notwithstanding paragraph (a), beginning in May 2016,
 356 and in May every 8 years thereafter, the governing body of the
 357 county shall hear public testimony relating to the effectiveness
 358 of the council on children's services and shall submit the
 359 question of retention or dissolution of the district to the
 360 electors in the August primary election immediately following
 361 the hearing. If the electorate votes to dissolve the district,
 362 the district shall be dissolved.

363
 364 If any district is dissolved pursuant to ~~the provisions of~~ this

365 subsection, each county must ~~shall~~ first obligate itself to
 366 assume the debts, liabilities, contracts, and outstanding
 367 obligations of the district within the total millage available
 368 to the county governing body for all county and municipal
 369 purposes as provided for under s. 9, Art. VII of the State
 370 Constitution. Any district may also be dissolved pursuant to ~~the~~
 371 ~~provisions of~~ s. 189.4042.

372 (5) After or during the first year of operation of the
 373 council on children's services, the governing body of the
 374 county, at its option, may fund in whole or in part the budget
 375 of the council on children's services from its own funds.

376 (6) Any district created pursuant to ~~the provisions of~~
 377 this section shall comply with all other statutory requirements
 378 of general application which relate to the filing of any
 379 financial reports or compliance reports required under part III
 380 of chapter 218, or any other report or documentation required by
 381 law, including the requirements of ss. 189.415, 189.417, and
 382 189.418.

383 (7) (a) Each county may by ordinance create a dependent
 384 special district within the boundaries of the county for the
 385 purpose of providing preventive, developmental, treatment, and
 386 rehabilitative services for children. The district may ~~is~~
 387 ~~authorized to~~ seek grants from state, federal, and local
 388 agencies and ~~to~~ accept donations from public and private sources
 389 if, ~~provided that~~ the district complies with the provisions of
 390 paragraphs (1) (a) and (2) (b), ~~and provided that the district~~ has
 391 a budget that requires approval through an affirmative vote of
 392 the governing body of the county or that may be vetoed by the

393 governing body of the county.

394 (b) If the provisions of a county charter relating to the
 395 membership of the governing board of a dependent special
 396 district conflict with paragraph (1)(a), a county may by
 397 ordinance create a dependent special district within the
 398 boundaries of the county for the purpose of providing
 399 preventive, developmental, treatment, and rehabilitative
 400 services for children, and the district may ~~shall be authorized~~
 401 ~~to~~ seek grants from state, federal, and local agencies and ~~to~~
 402 accept donations from public and private sources if, provided
 403 ~~that~~ the district complies with the provisions of paragraph
 404 (2)(b), ~~and provided that the district~~ has a budget that
 405 requires approval through an affirmative vote of the governing
 406 body of the county or that may be vetoed by the governing body
 407 of the county.

408 (8) It is the intent of the Legislature that the funds
 409 collected pursuant to ~~the provisions of~~ this section ~~shall~~ be
 410 used to support improvements in children's services and that
 411 such funds may ~~shall~~ not be used as a substitute for existing
 412 resources or for resources that would otherwise be available for
 413 children's services. The council on children's services shall
 414 give priority in the use of funds under this section to the
 415 provision of children's services rather than to the purchase of
 416 real estate or the construction of buildings.

417 (9) Two or more councils on children's services may enter
 418 into a cooperative agreement to share administrative costs,
 419 including, but not limited to, staff and office space, if a more
 420 efficient or effective operation will result. The cooperative

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421 agreement shall include provisions on apportioning costs between
422 the councils, keeping separate and distinct financial records
423 for each council, and resolving any conflicts that might arise
424 under the cooperative agreement.

425 (10) Two or more councils on children's services may enter
426 into a cooperative agreement to seek grants, to accept
427 donations, or to jointly fund programs serving multicounty
428 areas. The cooperative agreement shall include provisions for
429 the adequate accounting of separate and joint funds.

430 (11) Personal identifying information of a child or the
431 parent or guardian of the child, held by a council on children's
432 services, juvenile welfare board, or other similar entity
433 created under this section or by special law, or held by a
434 service provider or researcher under contract with such entity,
435 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
436 Constitution. This exemption applies to such information held
437 before, on, or after the effective date of this exemption.

438 Section 2. It is the intent of the Legislature that the
439 revisions made by this act to s. 125.901, Florida Statutes,
440 apply to any council on children's services in existence on the
441 effective date of this act and to any council created on or
442 after the effective date of this act. It is further the intent
443 of the Legislature that the revisions made by this act to the
444 process by which a council develops a budget for the special
445 district apply to the budget for the 2010-2011 fiscal year of
446 the district.

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