

STORAGE NAME: h1443.lgva.doc

DATE: February 8, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LOCAL GOVERNMENT & VETERANS AFFAIRS
ANALYSIS**

BILL #: HB 1443

RELATING TO: Children's Services

SPONSOR(S): Representative Barreiro

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC)
- (2) CHILD & FAMILY SECURITY (HCC)
- (3) COUNCIL FOR SMARTER GOVERNMENT
- (4)
- (5)

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

This bill authorizes, a defined local government, by ordinance, to create an independent special district to provide funding for children's services.

This bill provides for the creation of a 33-member council on children's services. The bill specifies council membership and terms of office.

This bill does not appear to have a fiscal impact upon state or local governments.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Pursuant to section 125.901, F.S., counties are allowed, by ordinance, to create an independent special district to provide funding for children's services. All counties, including those which have home rule charters, that create a children's service district must have a governing board of ten members. The governing board (Board) is known as the Council on Children's Services or the Juvenile Welfare Board. Boards will consist of the county superintendent of schools, a school board member, the district administrator from the appropriate district of the Department of Children and Family Services or his or her designee, one member of the county governing board and the judge assigned to juvenile cases in the county. Current law allows for the Council to propose an ad valorem tax rate which must be approved by the voters residing in the District. The judge is not allowed to participate in the setting of ad valorem tax rates.

If there is more than one juvenile case judge, the chief judge shall choose the juvenile judge to sit on the Board. The county governing board selects three people for each remaining Board member vacancy and submits its recommendations to the Governor. The Governor, in a matter that reflects the demographic diversity of the county population, appoints the remaining five members. The Governor makes a selection within a 45-day period or requests a new list of candidates. All members appointed by the Governor must be residents of the county for the previous 24-month period and shall be appointed for 4-year terms, except that the length of the terms of the initial appointees must be adjusted to stagger the terms. The Governor may remove a member for cause or upon the written petition of the county governing body. If any of the members of the council required to be appointed by the Governor resign, die, or are removed from office, the vacancy created must be, as soon as practicable, filled by appointment by the Governor, using the same method as the original appointment, and such appointment to fill a vacancy must be for the unexpired term of the person who resigns, dies, or is removed from office. There are no limits to the number of terms that a Board member may serve.

C. EFFECT OF PROPOSED CHANGES:

A county, defined in section 125.011 (1), F.S. (Miami-Dade County), may instead of a 10 member board, create a governing board consisting of 33 members, including: the superintendent of schools; two representatives of public institutions of higher education located in the county; the county manager or the equivalent county officer; the district administrator from the appropriate district of the Department of Children and Family Services, or the administrator's designee who is a member of the Senior Management Service or the Selected Exempt Service; the district administrator for the state Department of Health or the district administrator's designee; the state

attorney for the county or the state attorney's designee; the chief judge assigned to juvenile cases, or another juvenile judge who is the chief judge's designee and who sits as a voting member of the board, except that the judge may not vote or participate in setting ad valorem taxes under this section; an individual who is selected by the board of the local United Way or its equivalent; a member of a locally recognized faith-based coalition, selected by that coalition; a member of the local chamber of commerce, selected by that chamber or, if more than one chamber exists within the county, a person selected by a coalition of the local chambers; a member of the local school readiness coalition, selected by that coalition; a representative of a labor organization or union active in the county; a member of a local alliance or coalition engaged in cross-system planning for health and social service delivery in the county, selected by that alliance or coalition; a member of the local Parent-Teachers Association/Parent-Teacher-Student Association, selected by that association; a youth representative selected by the local school system's student government; a local school board member appointed by the chair of the school board; the mayor of the county or the mayor's designee; one member of the county governing body, appointed by the chair of that body; a member of the state Legislature who represents residents of the county, selected by the chair of the local legislative delegation; an elected official representing the residents of a municipality in the county, selected by the county municipal league; and 4 members-at-large, appointed to the council by the majority of sitting council members. The remaining 7 members are appointed by the Governor in accordance with procedures set forth in paragraph (a), subsection 1 of chapter 125.901, F.S., except that the Governor may remove a member for cause or upon the written petition of the council.

Appointments by the Governor must, to the extent reasonably possible, represent the geographic and demographic diversity of the population of the county. The appointed members of the governing board shall be appointed to serve 2-year terms, except that those members appointed by the Governor are appointed to serve 4-year terms, and the youth representative and the legislative delegate are appointed to serve 1-year terms. A member may be reappointed; however, a member may not serve for more than three consecutive terms. A member is eligible to be appointed again after a 2-year hiatus from the council.

The bill allows the Council to propose an ad valorem tax rate which must be approved by the voters residing in the District.

The bill also makes some technical corrections that do not affect current law.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends Subsection 1 of section 125.901, F.S to:

1. Allows Miami-Dade County to create an independent special district to provide funding for children's services in accordance with this section. States that the boundaries of the district shall be coterminous with the county. Provides guidelines for ad valorem taxation, with voter approval.
 - A. Defines the governing board as Council of Children's Services. Provides membership guidelines.
 - B. Allows for alternative membership guidelines for the governing boards and defines the alternatives for counties.

Section 2: The bill takes effect on July 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

NONE

2. Expenditures:

NONE

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

NONE

2. Expenditures:

NONE

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

NONE

D. FISCAL COMMENTS:

The bill only allows for the creation of a Children's Services Council in counties. If a county decides to create a Children's Council, it may have a negative fiscal impact on local governments.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None

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B. RULE-MAKING AUTHORITY:

None

C. OTHER COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

NONE

VII. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

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