

By Senator Negrón

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

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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 school board member; the district administrator from the

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

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88 by appointment by the Governor, using the same method as the
89 original appointment, and such appointment to fill a vacancy
90 shall be for the unexpired term of the person who resigns, dies,
91 or is removed from office.

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

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117 selected by that alliance or coalition; a member of the local
118 Parent-Teachers Association/Parent-Teacher-Student Association,
119 selected by that association; a youth representative selected by
120 the local school system's student government; a local school
121 board member appointed by the chair of the school board; the
122 mayor of the county or the mayor's designee; one member of the
123 county governing body, appointed by the chair of that body; a
124 member of the state Legislature who represents residents of the
125 county, selected by the chair of the local legislative
126 delegation; an elected official representing the residents of a
127 municipality in the county, selected by the county municipal
128 league; and four 4 members-at-large, appointed to the council by
129 the majority of sitting council members. The remaining seven 7
130 members shall be appointed by the Governor pursuant to ~~in~~
131 ~~accordance with procedures set forth in~~ paragraph (a), except
132 that the Governor may remove a member for cause or upon the
133 written petition of the council. Appointments by the Governor
134 must, to the extent reasonably possible, represent the
135 geographic and demographic diversity of the population of the
136 county. Members who are appointed to the council by reason of
137 their position are not subject to the length of terms and limits
138 on consecutive terms as provided in this section. The remaining
139 appointed members of the governing board shall be appointed to
140 serve 2-year terms, except that those members appointed by the
141 Governor shall be appointed to serve 4-year terms, and the youth
142 representative and the legislative delegate shall be appointed
143 to serve 1-year terms. A member may be reappointed. ~~†~~ However, a
144 member may not serve for more than three consecutive terms. A
145 member is eligible to be appointed again after a 2-year hiatus

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146 from the council.

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

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

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

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

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

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

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

170 6. To lease or buy such real estate, equipment, and
171 personal property and to construct such buildings as are needed
172 to execute the foregoing powers and functions, except provided
173 that ~~no~~ such purchases may not ~~shall~~ be made or building done
174 unless paid for with cash on hand or secured by funds deposited

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175 in financial institutions. The governing body of the county must
176 approve by resolution the purchase of real estate or the
177 construction of a building by the council. ~~Nothing in~~ This
178 subparagraph does not ~~shall be construed to~~ authorize a district
179 to issue bonds of any nature, and nor shall a district may not
180 ~~have the power to~~ require the imposition of any bond by the
181 governing body of the county.

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

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

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

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

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

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

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

203 d. The special outreach efforts that will be undertaken to

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204 provide services to at-risk, abused, or neglected children.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

251 (b) 1. On or before June 15 ~~July 1~~ of each year, the council
252 on children's services shall prepare and submit to the governing
253 body of the county a tentative annual written budget of the
254 district's expected income and expenditures, including a
255 contingency fund. The council shall, in addition, compute and
256 submit to the governing body of the county a proposed millage
257 rate within the voter-approved cap necessary to fund the
258 tentative budget ~~and, prior to adopting a final budget, comply~~
259 ~~with the provisions of s. 200.065, relating to the method of~~
260 ~~fixing millage, and shall fix the final millage rate by~~
261 ~~resolution of the council.~~ The council shall include with the

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262 submissions the council's rationale for the budget and millage
263 rate, as well as a detailed explanation for any significant
264 changes in the proposed use of funds from the prior year's
265 approved budget.

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

275 b. The authority under this subparagraph for the governing
276 body of the county to approve the budget of the council does not
277 cause the millage levied and fixed by the council to count
278 toward the maximum millage authorized for all county purposes
279 under s. 9, Art. VII of the State Constitution.

280 3. Before adopting a final budget, the council must comply
281 with the provisions of s. 200.065, relating to the method of
282 fixing millage, and shall fix the final millage rate by
283 resolution of the council.

284 4. The adopted budget and final millage rate shall be
285 certified and delivered to the governing body of the county as
286 soon as possible following the council's adoption of the final
287 budget and millage rate pursuant to chapter 200. Included in
288 each certified budget shall be the millage rate, adopted by
289 resolution of the council, necessary to be applied to raise the
290 funds budgeted for district operations and expenditures. In no

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291 circumstances, however, shall any district levy millage to
292 exceed a maximum of 0.5 mills of assessed valuation of all
293 properties within the county which are subject to ad valorem
294 county taxes.

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

299 (d) All tax money collected under this section, as soon
300 after the collection thereof as is reasonably practicable, shall
301 be paid directly to the council on children's services by the
302 tax collector of the county, or the clerk of the circuit court
303 if the clerk collects delinquent taxes.

304 (e)1. All moneys received by the council on children's
305 services shall be deposited in qualified public depositories, as
306 defined in s. 280.02, with separate and distinguishable accounts
307 established specifically for the council and shall be withdrawn
308 only by checks signed by the chair of the council and
309 countersigned by either one other member of the council on
310 children's services or by a chief executive officer who shall be
311 so authorized by the council.

312 2. Upon entering the duties of office, the chair and the
313 other member of the council or chief executive officer who signs
314 its checks shall each give a surety bond in the sum of at least
315 \$1,000 for each \$1 million or portion thereof of the council's
316 annual budget, which bond shall be conditioned that each shall
317 faithfully discharge the duties of his or her office. The
318 premium on such bond may be paid by the district as part of the
319 expense of the council. No other member of the council shall be

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320 required to give bond or other security.

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

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

335 1. The total expenditures of the council for the quarter
336 annual period.

337 2. The total receipts of the council during the quarter
338 annual period.

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

342 4. The total administrative costs of the council for the
343 quarter annual period.

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

348 (b) Notwithstanding paragraph (a), beginning in May 2016,

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349 and in May every 8 years thereafter, the governing body of the
350 county shall hear public testimony relating to the effectiveness
351 of the council on children's services and shall vote by
352 ordinance whether to retain or dissolve the district. Regardless
353 of its decision, the governing body of the county shall submit
354 the question of retention or dissolution of the district to the
355 electors in the August primary election immediately following
356 its decision. If the electorate votes to dissolve the district,
357 the district shall be dissolved.

358
359 If any district is dissolved pursuant to ~~the provisions of~~ this
360 subsection, each county must ~~shall~~ first obligate itself to
361 assume the debts, liabilities, contracts, and outstanding
362 obligations of the district within the total millage available
363 to the county governing body for all county and municipal
364 purposes as provided for under s. 9, Art. VII of the State
365 Constitution. Any district may also be dissolved pursuant to ~~the~~
366 ~~provisions of~~ s. 189.4042.

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

371 (6) Any district created pursuant to ~~the provisions of~~ this
372 section shall comply with all other statutory requirements of
373 general application which relate to the filing of any financial
374 reports or compliance reports required under part III of chapter
375 218, or any other report or documentation required by law,
376 including the requirements of ss. 189.415, 189.417, and 189.418.

377 (7) (a) Each county may by ordinance create a dependent

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

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

402 (8) It is the intent of the Legislature that the funds
403 collected pursuant to ~~the provisions of~~ this section ~~shall~~ be
404 used to support improvements in children's services and that
405 such funds may ~~shall~~ not be used as a substitute for existing
406 resources or for resources that would otherwise be available for

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407 children's services. The council on children's services shall
408 give priority in the use of funds under this section to the
409 provision of children's services rather than to the purchase of
410 real estate or the construction of buildings.

411 (9) Two or more councils on children's services may enter
412 into a cooperative agreement to share administrative costs,
413 including, but not limited to, staff and office space, if a more
414 efficient or effective operation will result. The cooperative
415 agreement shall include provisions on apportioning costs between
416 the councils, keeping separate and distinct financial records
417 for each council, and resolving any conflicts that might arise
418 under the cooperative agreement.

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

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

432 Section 2. It is the intent of the Legislature that the
433 revisions made by this act to s. 125.901, Florida Statutes,
434 apply to any council on children's services in existence on the
435 effective date of this act and to any council created on or

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436 after the effective date of this act. It is further the intent
437 of the Legislature that the revisions made by this act to the
438 process by which a council develops a budget for the special
439 district apply to the budget for the 2010-2011 fiscal year of
440 the district.

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