

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** PCS for HB 1227 Children's Services  
**SPONSOR(S):** Military & Local Affairs Policy Committee  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 1216

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
Orig. Comm.:	Military & Local Affairs Policy Committee		Fudge	Hoagland
1)				
2)				
3)				
4)				
5)				

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**SUMMARY ANALYSIS**

Section 125.901, F.S., authorizes counties to create, by ordinance, an independent or dependent special district to provide funding for preventative, developmental, treatment, and rehabilitative services for children throughout the county. Upon approval by the electors in the county, the district may annually levy ad valorem taxes, not to exceed 0.5 mills.

Children's services districts created under the authority of s. 125.901, F.S., may be dissolved by special act or the county governing body may, by ordinance, dissolve the district subject to referendum.

The bill requires the governing body of the county to submit the question of retention or dissolution of children services district to the electorate in the August primary according to a prescribed schedule and every six years thereafter.

The bill is effective upon becoming law.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

##### Children's Services Districts

Section 125.901, F.S., authorizes counties to create, by ordinance, an independent or dependent special district to provide funding for preventative, developmental, treatment, and rehabilitative services for children throughout the county. Upon approval by the electors in the county, the district may annually levy ad valorem taxes, not to exceed 0.5 mills. In addition, this section provides for an appointed governing board for the special district, specifying the powers and functions of the board; requires each board to identify and assess the needs of the children in the county served by the board and to provide an annual written report to the governing body of the county; requires the board to prepare a budget and prepare and file a financial report with the governing body of the county; and provides for the dissolution of the district.

According to Special District Information Program (SDIP), there are nine independent Children's Services Districts in Florida:<sup>1</sup>

Children's Board of Hillsborough County created October 4, 1988;  
Children's Services Council of Brevard County created November 30, 1990;<sup>2</sup>  
Children's Services Council of Broward County created January 2, 2001;<sup>3</sup>  
Children's Services Council of Martin County created June 28, 1988;  
Children's Services Council of Okeechobee County created September 1, 1990;  
Children's Services Council of Palm Beach County created November 1, 1986;<sup>4</sup>  
Children's Services Council of St. Lucie County created October 1, 1990;  
The Children's Trust (Miami-Dade County) created December 3, 2002;<sup>5</sup> and  
The Juvenile Welfare Board of Pinellas County created June, 11, 1945.

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<sup>1</sup> *Official List of Special Districts Online, Customized Special District List by Children/Welfare Function as of 2/28/2010*, available at <http://www.floridaspecialdistricts.org/OfficialList/criteria.cfm> (last visited March 17, 2010).

<sup>2</sup> Revenue source is listed as "other" on the SDIP website.

<sup>3</sup> Created by special act of the Legislature, ch. 2000-461, L.O.F.

<sup>4</sup> Received authorization for millage increase in 2001.

<sup>5</sup> Reauthorized in 2008.

The eight counties with independent children's services districts are home to nearly 2 million children, or 43 percent of the children living in Florida. The districts collectively generated \$450 million for programs and services for children in their communities in fiscal year 2008-2009.<sup>6</sup> During that same period, over \$90 million was generated through local, federal and private program funding. The largest portions of the district budgets are invested to support maternal and child health, school readiness/child care, and out of school and afterschool programs. The districts invest in prevention and early intervention services not funded by other entities with the aim of avoiding future higher-cost state-funded services.<sup>7</sup>

Prior to 1990, counties were authorized to create juvenile welfare boards by ordinance to provide child guidance, psychological, or psychiatric clinics. In 1990 there was a substantial amendment to juvenile welfare boards, which renamed these boards council on children's services and changing the services offered to preventive, developmental, treatment, and rehabilitative services. The amendment also placed new requirements on the children's services councils. However, s. 31 of ch. 90-288, L.O.F., authorized all districts that existed prior to October 1, 1990, to continue to operate under the provisions of s. 125.901, F.S., as they existed prior to that date. However, those districts could comply with the new requirements of s. 125.901, F.S., if a board or council determines to comply with those provisions.

Children's services districts created under the authority of s. 125.901, F.S., may be dissolved by special act or the county governing body may, by ordinance, dissolve the district subject to referendum.<sup>8</sup>

### **Effect of Proposed Changes**

The bill requires the governing body of the county to submit the question of retention or dissolution of children services district to the electorate in the August primary according to a prescribed schedule and every six years thereafter. Based on this schedule, the following districts would hold a referendum in 2010: Hillsborough, Brevard<sup>9</sup>, Martin, St. Lucie, Okeechobee, and the Juvenile Welfare Board of Pinellas.<sup>10</sup> The bill also provides that these revisions apply to any special district having taxing authority to provide funding for children's services, and governed by a council on children's services.

#### **B. SECTION DIRECTORY:**

Section 1: Amends s. 125.901, F.S., to require a referendum on the issue of retention or dissolution of children's services districts.

Section 2: Provides that the changes made by the act apply to all children's services district with taxing authority that are governed by a council on children's services.

Section 3: Provides an effective date of upon becoming law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

None.

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<sup>6</sup> Fact sheet from Florida Children's Services Council, received from Kristin Vallese, Director of Outreach and Operations, Florida Children's Services Council, by committee staff on March 17, 2010 (on file with the committee).

<sup>7</sup> Id.

<sup>8</sup> Section 125.901(4), F.S.

<sup>9</sup> A referendum may not be necessary because the district may not have taxing authority.

<sup>10</sup> Telephone call with Vivian Alarcon, Chief Executive Officer, Children's Services Council.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

There will be costs associated with the calling of a referendum.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The mandates provision appears to apply because the bill requires counties or municipalities to take an action, the calling of a referendum, requiring the expenditure of funds; however, the amount of the expenditures is insignificant, and therefore an exemption applies. Accordingly, the bill does not require a two-thirds vote of the membership of each house.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**