

body of the county. These children's services councils are not required to meet the council membership requirements of the statute.

Section 125.901(1)(a), F.S., sets forth the requirements for the composition of and appointments to the children's services councils. Each council is to consist of 10 members as follows:

- The superintendent of schools,
- A local school board member,
- The district administrator for the Department of Children and Family Services or designee,
- A member of the county governing body,
- A judge assigned to juvenile cases, and
- Five members appointed by the Governor who represent the demographic diversity of the population of the county. Each county governing body is to provide the Governor with at least three persons for each gubernatorial slot, from which the Governor appoints the members. The members appointed by the Governor serve for a 4-year term and may be removed by the Governor.

Currently, seven counties have established children's services councils with the approved ad valorem property tax to fund the services. These counties are Hillsborough, Martin, Okeechobee, Palm Beach, Pinellas, St. Lucie, and Broward. An additional nine counties have established children's services councils but have not received approval for the ad valorem tax to fund the services. These councils are instead funded through other avenues, such as the governing body of the county, and at varying levels. Most children's services councils that do not have a dedicated ad valorem tax do not receive comparable funding levels as counties with the taxing authority and, therefore, are usually not able to offer and support children's services to the same extent.

Miami-Dade County established a children's services council by ordinance in 1990. An ad valorem tax has not been approved to fund its children's services. Currently, the council has 26 members and serves in an advocacy, system planning and coordination role which is funded by the county. In examining how the council can shift to an ad valorem tax supported children's services council, the members have determined that the current mandated composition of the council would not be fully representative of Miami-Dade County. More specifically, the statutorily required membership for children's services councils would not allow the council in Miami-Dade County to reflect the established children's services providers that have evolved since the creation of this statute, the ethnic diversity of the area and private sector's involvement in children's issues, such as through businesses and faith-based organizations. Miami-Dade County is also the only county operating under a home rule charter adopted pursuant to s. 11, Art. VIII, of the Constitution of 1885 which meets the definition set forth in s. 125.011(1), F.S.

III. Effect of Proposed Changes:

Senate Bill 2086 provides counties operating under a home rule charter defined in s. 125.011(1), F.S., which includes only Miami-Dade county, with an alternative membership for its children's services councils. This alternative membership increases the number of members from 10 to 33 members and provides for a wide range of public and private, as well as

government and non-government, representation. Specific term limits are provided for council members.

The bill amends s. 125.901(1), F.S., to allow counties operating under a home rule charter as defined in s. 125.011(1), F.S., to create a governing board for the council which consists of 33 members. Dade County is the only county operating under this home rule charter as authorized by ss. 10, 11, or 24, Art. VIII of the Constitution of 1885 and, therefore, the only county to which this council membership configuration would apply. The appointments to the 33 member council allowed by this bill are as follows:

- The superintendent of schools,
- Two representatives of public institutions of higher education located in the county,
- The county manager or equivalent county officer,
- The district administrator for the Department of Children and Family Services or designee,
- The district administrator for the Department of Health or designee,
- The state attorney for the county or designee,
- The chief judge assigned to juvenile cases or judge designated by the chief judge,
- An individual selected by the local United Way or its equivalent,
- A member of a locally recognized faith-based coalition,
- A member of the local chamber of commerce,
- A member of the local school readiness coalition,
- A representative of a labor organization or union active in the county,
- A member of a local alliance or coalition that conducts cross-system planning of health and social service delivery in the county,
- A member of the local Parent-Teachers Association or Parent-Teacher-Student Association,
- A youth selected by the local school system's student government,
- The mayor of the county or designee,
- A local school board member,
- A member of the county governing body,
- A member of the state legislature,
- An elected official representing a municipality in the county,
- 4 members-at-large who are appointed by the majority of the sitting council members, and
- 7 members appointed by the Governor, in accordance with the procedures for the gubernatorial appointments to the counties provided for existing councils. As with the members appointed by the Governor in current statute, the bill provides that the Governor's appointments shall serve 4-year terms and may be removed for cause. However, the bill allows for the Governor to remove a gubernatorial appointment upon the written petition of the council instead of requiring written petition of the governing board of the county. The bill stipulates that the appointments by the Governor must, to the extent possible, represent not only the demographic but the geographic diversity of the county's population.

The bill provides that appointments to the council, with the exception of the Governor's appointments, are to serve 2-year terms. The youth and legislator representatives are appointed

for 1-year terms. The bill allows members to be reappointed but for no more than three consecutive terms, after which a 2-year period off the council is required before the individual may serve again.

The provisions of this bill become effective July 1, 2002.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The terms used to describe the Department of Health and the higher education members are not the correct terms used by these entities and are not clear in the intended targeted appointments.

The bill implies that no member may serve more than three consecutive terms which would be problematic for persons designated as members by virtue of their position who are in the specified position beyond the three consecutive term limitation.

VIII. Amendments:

#1 by Children and Families:

This amendment corrects the description of the representatives from the postsecondary education institutions to reflect the terms currently used and to clarify the intended appointments.

#2 by Children and Families:

This amendment corrects the description of the representative from the Department of Health to reflect the terms used by the department and clarify the intended appointment.

#3 by Children and Families:

This amendment clarifies that the prohibition to length of terms and limits on consecutive terms does not apply to persons designated as members by reason of their position.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
