

1                                   A bill to be entitled  
 2       An act relating to Collier County; providing a short  
 3       title; creating an independent special district to provide  
 4       children's services in the county; providing for a  
 5       governing board; providing for membership, terms, and  
 6       powers and duties of the board; authorizing reimbursement  
 7       for per diem and travel expenses; requiring certain  
 8       reports and audits; specifying a fiscal year; providing  
 9       financial requirements and budget procedures; authorizing  
 10      the levy of ad valorem assessments and providing a millage  
 11      cap; requiring a surety bond of certain persons; providing  
 12      requirements for amendment or dissolution of the district;  
 13      providing for referendums; providing an effective date.

14  
 15   WHEREAS, credible studies have shown that there is an unmet  
 16   funding gap for services necessary to address the needs of  
 17   children in Collier County, and

18           WHEREAS, section 125.901, Florida Statutes, authorizes the  
 19   creation of an independent special district to provide  
 20   children's services throughout each county and permits an  
 21   individual county to establish such a district by ordinance, and

22           WHEREAS, the Legislature has determined that it would serve  
 23   the public interest of Collier County to provide for the  
 24   establishment by special act of an independent special district  
 25   within Collier County, as a way of better serving the needs of  
 26   all children in Collier County, NOW, THEREFORE,

27  
 28   Be It Enacted by the Legislature of the State of Florida:

29  
30       Section 1. This act provides a charter for the "Children's  
31 Trust of Collier County."

32       Section 2. Subject to approval as provided in section 8,  
33 there is created an independent special district to be known as  
34 the "Children's Trust of Collier County" to provide children's  
35 services throughout Collier County. The boundaries of the  
36 district shall be coterminous with the boundaries of the county.  
37 The governing body of the district shall be a board of trustees.  
38 Nothing in this act prevents the county from creating a  
39 children's services council pursuant to section 125.901, Florida  
40 Statutes.

41       Section 3. (1) The board of trustees shall be composed of  
42 15 trustees, as follows:

43       (a) Category 1:

44       1. The superintendent of schools of the Collier County  
45 School District or his or her designated senior officer.

46       2. The Sheriff of Collier County or his or her designated  
47 senior officer.

48       3. A member of the District School Board of Collier  
49 County, chosen annually by a majority of its members.

50       4. A member of the Board of County Commissioners of  
51 Collier County, chosen annually by a majority of the  
52 commissioners.

53       5. A judge assigned to preside over juvenile cases in  
54 Collier County, who shall sit as a voting member of the trust,  
55 except that he or she shall not vote or participate in the  
56 setting of ad valorem assessments. The chief judge of the 20th

57 judicial circuit shall annually designate the judge to serve on  
 58 the board.

59 (b) Category 2:

60 1. An executive or board member of the United Way, the  
 61 Community Foundation, or a similar community organization.

62 2. An executive or board member from a Collier County  
 63 health or medical services organization that, in whole or in  
 64 part, serves the needs of children.

65 3. A student attending an educational institution who is  
 66 between the ages of 18 and 22 at the time of appointment and is  
 67 and remains a legal resident of the county.

68 (c) Category 3: Two members of the Collier County  
 69 community who have served in paid or volunteer positions in  
 70 organizations devoted to providing children's services for at  
 71 least 3 of the 7 years preceding appointment and whose  
 72 backgrounds will help achieve the diversity and experience  
 73 described in paragraph (d).

74 (d) Category 4: Five trustees initially appointed by a  
 75 majority of the board of county commissioners. Each trustee must  
 76 be a legal resident of a different county commission district so  
 77 that each district has a representative. Successor appointees,  
 78 including the reappointment of any initial trustee in this  
 79 category, shall be selected by the county commissioners from a  
 80 list of three nominees for each position recommended to the  
 81 board by the trustees. The trustees, in making recommendations  
 82 to the county commissioners, and the commissioners, in  
 83 appointing each of the five trustees, shall consider the  
 84 backgrounds, qualifications, experience, and demographic

85 diversity of the trustees serving in each category so as to  
 86 result in a board of trustees with members of varied ethnicity,  
 87 gender, and age, as well as members with managerial, financial,  
 88 accounting, legal, health care, and social services experience.

89 (2) The five appointees in categories 2 and 3 shall be  
 90 selected by a majority of the other 10 trustees.

91 (3) All trustees in categories 2, 3, and 4 must have been  
 92 legal residents of the county for the 2 calendar years preceding  
 93 appointment and must remain legal residents while serving as  
 94 trustees. The trustees in category 1 need not have been legal  
 95 residents of the county for the 2 calendar years preceding  
 96 appointment, except for senior officers designated by the  
 97 sheriff and the superintendent of schools. Each trustee must  
 98 continue to retain the position that qualified him or her for  
 99 appointment as a trustee in the applicable category. Should a  
 100 trustee fail to retain such position, he or she shall no longer  
 101 be eligible to serve, and his or her term shall end at such  
 102 time.

103 (4) The initial 10 trustees in categories 2, 3, and 4  
 104 shall be divided into three groups, two of which shall contain  
 105 three members each and one of which shall contain four members.  
 106 The student representative shall serve a 2-year term and  
 107 initially be included in the 2-year term group. After initial  
 108 appointment, these groups shall be designated by the chair of  
 109 the board of trustees in a blind name drawing so as to create  
 110 the three groups with initial terms of 1, 2, and 3 years,  
 111 respectively, to create staggered terms. The four-member group  
 112 shall serve initial 3-year terms. Except as otherwise provided,

113 each trustee shall serve a 3-year term. A trustee may serve two  
 114 consecutive full 3-year terms in addition to any preceding  
 115 shorter term with a duration of less than 2 years but may not  
 116 thereafter serve without a 2-year hiatus.

117 (5) A trustee may be removed by a vote of the majority of  
 118 the board of county commissioners plus one after a  
 119 recommendation by a two-thirds vote of the membership of the  
 120 trust. A trustee may be removed for cause by a majority vote of  
 121 the board of county commissioners after a recommendation by a  
 122 majority vote of the trustees. If any of the trustees dies,  
 123 resigns, is removed from office, or no longer retains the  
 124 position or residential status that qualified the trustee for  
 125 appointment, the vacancy created shall, as soon as practicable,  
 126 be filled by appointment using the same method as the original  
 127 or subsequent appointment procedure, as the case may be, and  
 128 such appointment to fill a vacancy shall be for the unexpired  
 129 term of the person who resigns, dies, is removed from office, or  
 130 is no longer eligible for office.

131 (6) The availability of appointments for the initial  
 132 positions on the board of trustees, in all categories other than  
 133 category 1, as well as all subsequent vacancies after initial  
 134 terms, shall be publicly advertised, including the applicable  
 135 criteria for each available position, so as to encourage  
 136 qualified persons to apply for appointment prior to the making  
 137 of recommendations or appointments by the trustees.  
 138 Recommendations and appointments need not be made from among  
 139 applicants who respond to the advertising, but the trustees

140 shall consider any such applicants prior to making any  
 141 recommendations or appointments.

142 Section 4. (1) The trust shall have the following powers  
 143 and duties:

144 (a) To provide for such early childhood, interventional,  
 145 preventive, developmental, treatment, and rehabilitative  
 146 services for children as the trustees determine are needed for  
 147 the general welfare of the county; and provide for such other  
 148 services for children as the trustees determine are needed for  
 149 the general welfare of the county.

150 (b) To allocate and provide funds to other agencies in the  
 151 county that are operated for the benefit of children, provided  
 152 such agencies are not under the exclusive jurisdiction of the  
 153 public school system.

154 (c) To collect information and statistical data that will  
 155 be helpful to the trustees in determining the needs of children  
 156 in the county.

157 (d) To consult with other agencies dedicated to the  
 158 welfare of children to prevent overlapping of services.

159 (e) To buy or lease such real estate, equipment, and  
 160 personal property and construct such buildings as are needed to  
 161 execute the foregoing powers and duties, provided that no such  
 162 purchases shall be made or building done except for cash with  
 163 funds on hand or secured by funds deposited in financial  
 164 institutions. Nothing in this act shall be construed to  
 165 authorize issuance of bonds of any nature.

166 (f) To employ and pay, on a part-time or full-time basis,  
 167 personnel needed to execute the powers and duties of the trust.

168        (g) To borrow money for initial administrative and  
 169 organizational expenses and issue evidence of indebtedness in  
 170 anticipation of the initial tax revenues so long as the amount  
 171 is not greater than 20 percent of the anticipated revenues for  
 172 the initial year.

173        (h) To apply for, obtain, and receive funding grants that  
 174 are consistent with the purpose of the trust.

175        (i) Except as may be specifically limited or changed by  
 176 this act, to have all powers, duties, responsibilities, and  
 177 obligations as provided for special districts in sections  
 178 125.901 and 125.902, Florida Statutes.

179        (2) Promptly after the initial trustees are appointed by  
 180 the board of county commissioners and the individuals who will  
 181 actually serve in the category 1 positions are identified, those  
 182 trustees shall select and appoint the remaining trustees from  
 183 categories 2 and 3.

184        (3) Promptly after all the trustees are initially  
 185 appointed, the trustees of the trust shall elect a chair and  
 186 vice chair or chair elect from among its members and other  
 187 elected officers as deemed necessary by the trust.

188        (4) Promptly after the trustees are initially appointed or  
 189 designated, they shall be divided into three groups with  
 190 staggered terms as provided in section 3.

191        (5) The trustees of the trust shall:

192        (a) As soon as practicable, but not later than 1 year  
 193 after the trustees are first appointed and officers are elected,  
 194 identify and assess the needs of the children in the county

195 served by the trustees and submit to the board of county  
 196 commissioners a written description of:

197 1. The activities, services, and opportunities that will  
 198 be provided to children and the anticipated schedule for  
 199 providing those activities, services, and opportunities.

200 2. The manner in which children will be served, including  
 201 a description of arrangements and agreements that are proposed  
 202 to be made with community organizations, state and local  
 203 educational agencies, federal agencies, public assistance  
 204 agencies, the juvenile courts, foster care agencies, and other  
 205 applicable public and private agencies.

206 3. The special outreach efforts that will be undertaken to  
 207 provide services to at-risk, abused, or neglected children.

208 4. The manner in which the trustees will seek and provide  
 209 funding for unmet needs, including the use of available funding  
 210 grants.

211 5. The strategy that will be used for interagency  
 212 coordination to maximize existing human and fiscal resources.

213 (b) Provide training and orientation to all trustees  
 214 sufficient to allow them to perform their duties.

215 (c) Make and adopt bylaws and rules for the trust's  
 216 guidance, operation, governance, and maintenance, provided such  
 217 rules are not inconsistent with federal or state laws or county  
 218 ordinances.

219 (d) Provide an annual written report to be presented no  
 220 later than 90 days after the end of each fiscal year to the  
 221 board of county commissioners. The report shall contain, but not  
 222 be limited to, the following:

223 1. Information on the effectiveness of activities,  
 224 services, and programs offered by the trust, including cost-  
 225 effectiveness.

226 2. A detailed anticipated budget for continuation of  
 227 activities, services, and programs offered by the trust and a  
 228 list of all sources of requested funding, both public and  
 229 private.

230 3. Procedures used for early identification of at-risk  
 231 children who need additional or continued services and methods  
 232 for ensuring that the additional or continued services are  
 233 delivered and received.

234 4. A description of the degree to which the trust's  
 235 objectives and activities are consistent with the goals of this  
 236 section.

237 5. Detailed information on the various programs, services,  
 238 and activities available to participants and the degree to which  
 239 the programs, services, and activities have been successfully  
 240 used by children.

241 6. Information on programs, services, and activities that  
 242 should be eliminated, continued, and added to the basic format  
 243 of the trust.

244 7. A financial statement.

245 (6) The trustees shall maintain minutes of each meeting,  
 246 including a record of all votes cast, and shall make such  
 247 minutes available to any interested person.

248 (7) Trustees shall serve without compensation but shall be  
 249 entitled to receive reimbursement for per diem and travel  
 250 expenses consistent with section 112.061, Florida Statutes.

251 (8) All financial statements of the trust shall be audited  
 252 annually by independent auditors based on generally accepted  
 253 governmental accounting principles. The financial records shall  
 254 also be available for audit by state auditors.

255 (9) Within 30 days after the end of each fiscal quarter,  
 256 the trustees shall cause to be prepared and filed with the board  
 257 of county commissioners a financial report that shall include  
 258 the following:

259 (a) The total expenditures of the trust for the most  
 260 recent fiscal quarter.

261 (b) The total receipts of the trust during the most recent  
 262 fiscal quarter.

263 (c) A statement of the funds that the trust has on hand,  
 264 has invested, or has deposited with qualified public  
 265 depositories at the end of the most recent fiscal quarter.

266 (d) The total administrative costs of the trust for the  
 267 most recent fiscal quarter.

268 (10) The trustees of the trust shall comply with all  
 269 fiscal and other requirements in section 125.901, Florida  
 270 Statutes.

271 Section 5. Fiscal year; budget.-

272 (1) The fiscal year of the district or trust shall be the  
 273 same as that of Collier County.

274 (2) Before the end of each fiscal year, the trust shall  
 275 prepare and adopt a tentative annual written budget for the  
 276 ensuing fiscal year that includes its expected income and  
 277 expenditures and provision for a contingency fund. The tentative  
 278 annual written budget shall be delivered to the board of county

279 commissioners within 90 days before the end of each fiscal year.  
 280 Included in each tentative annual written budget shall be an  
 281 estimate of the millage rate necessary to be applied to raise  
 282 the funds budgeted for expenditures, which millage rate shall  
 283 not exceed a maximum of 50 cents for each \$1,000 of assessed  
 284 valuation of all properties within the county that are subject  
 285 to county taxes. The adopted budget and final millage rate shall  
 286 be certified and delivered to the board of county commissioners  
 287 within 15 days after the trust's adoption of the final budget  
 288 and millage rate pursuant to chapter 200, Florida Statutes.

289 (3) Neither the final nor any preliminary or tentative  
 290 budget of the trust shall be subject to change or modification  
 291 by the board of county commissioners or any other authority.

292 Section 6. Levying of ad valorem assessments; use and  
 293 control of funds.-In order to provide funds for the trust, the  
 294 trust may levy ad valorem taxes annually on all taxable property  
 295 in Collier County in an amount no greater than the millage rate  
 296 limit approved by the electorate in the countywide referendum  
 297 pursuant to section 8, not to exceed one-half mill. The trust  
 298 shall compute a proposed millage rate within the voter-approved  
 299 limit necessary to fund the tentative budget and, prior to  
 300 adopting a final budget, comply with the provisions of section  
 301 200.065, Florida Statutes, relating to the method of fixing  
 302 millage, and shall fix the final millage rate by resolution of  
 303 the trustees. All taxes collected under this act, as soon as is  
 304 reasonably practicable after the collection thereof, shall be  
 305 paid directly to the trust by the tax collector and all other  
 306 applicable county officials. The moneys so received by the trust

307 shall be deposited in one or more qualified public depositories  
 308 maintained by the trust. The trust's funds may be temporarily  
 309 invested in such manner as public funds are generally approved  
 310 for investment in the state. Except as otherwise provided, all  
 311 disbursements shall require the signature of two persons, at  
 312 least one of whom must be a trustee. The chair or any other  
 313 trustee or employee who signs checks on behalf of the trust  
 314 shall secure a surety bond in the amount of at least \$1,000 for  
 315 each \$1 million or portion thereof of the trust's annual budget.  
 316 The actual amount shall be determined by a majority of the  
 317 trustees based on professional advice, which bond shall be  
 318 conditioned that each such trustee or employee shall faithfully  
 319 discharge the duties of his or her office. No other trustee or  
 320 employee shall be required to secure bonds or other security.  
 321 The trust shall pay the cost and premiums for such bonds. No  
 322 funds of the trust shall be expended except by check, except  
 323 expenditures of a petty cash account that shall not at any time  
 324 exceed \$500. All expenditures from petty cash shall be recorded  
 325 on the books and records of the trust. No funds of the trust may  
 326 be expended unless they are in accord with its approved budget,  
 327 but nothing shall prevent the trustees from periodically  
 328 approving revisions to particular budget line items. Except for  
 329 the expenditure of petty cash or issuance of checks made payable  
 330 for sums no greater than \$5,000, no funds of the trust shall be  
 331 expended without prior written approval of the trustees.  
 332 However, budgeted expenditures of \$5,000 or less may be made by  
 333 the chief executive officer of the trust without the prior  
 334 written approval of the trustees but shall be reported to the

335 trustees by written report during the month in which any such  
336 expenditures are made. For purposes of this section, electronic  
337 wire transfers shall be deemed to be checks if written  
338 authorization for each wire transfer is obtained in the same  
339 manner as checks are approved.

340 Section 7. Amendment and dissolution.—The charter for the  
341 district that is created by this act may be amended only by  
342 special act of the Legislature. The district may be dissolved by  
343 a special act of the Legislature, by the electorate of Collier  
344 County in a referendum appearing on the ballot in a primary,  
345 general, or special election or by virtue of the sunset  
346 provisions of section 8.

347 Section 8. Referendum.—As a condition to the creation and  
348 establishment of the district, it must be approved by a majority  
349 vote of the electorate of Collier County voting in a referendum  
350 appearing on the ballot in a primary, general, or special  
351 election. The decision to place the item on the ballot for a  
352 referendum shall be made by the board of county commissioners.  
353 The referendum shall include provisions for the district or  
354 trust to cease to exist, or for the authorization to levy ad  
355 valorem assessments to cease at the end of a stated sunset  
356 period of not more than 7 years and not less than 5 years, the  
357 actual number of years to be established in the referendum  
358 approved by the board of county commissioners. If the initial  
359 referendum is approved by the electorate, the district or trust  
360 may be continued at the end of the sunset period by an  
361 affirmative vote of the electorate in a subsequent referendum.

PCS for HB 511

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362           Section 9. This act shall take effect only upon its  
363 approval by a majority vote of those qualified electors of  
364 Collier County voting in a referendum to be held by the Board of  
365 County Commissioners of Collier County in conjunction with the  
366 next primary, general, or special election in Collier County,  
367 except that this section shall take effect upon this act  
368 becoming a law.

369           Section 10. This act shall take effect July 1, 2010.