

By Senator Richter

37-01042-10

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

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

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

25 WHEREAS, the Legislature has determined that it would serve
26 the public interest of Collier County to provide for the
27 establishment by special act of an independent special district
28 within Collier County that has a governing board membership that
29 differs from that provided for in section 125.901, Florida

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30 Statutes, as a way of better serving the needs of all children
31 in Collier County, NOW, THEREFORE,

32
33 Be It Enacted by the Legislature of the State of Florida:

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35 Section 1. This act may be cited as the "Children's Trust
36 Act of Collier County."

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

46 Section 3. (1) The trust shall be composed of 15 trustees,
47 as follows:

48 (a) Category 1:

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

51 2. The Sheriff of Collier County or his or her designated
52 senior officer.

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

55 4. A member of the Board of County Commissioners of Collier
56 County, chosen annually by a majority of the commissioners.

57 5. A judge assigned to preside over juvenile cases in
58 Collier County, who shall sit as a voting member of the trust,

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59 except that he or she shall not vote or participate in the
60 setting of ad valorem assessments. The chief judge of the 20th
61 judicial circuit shall annually designate the judge to serve on
62 the board.

63 (b) Category 2:

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

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

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

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

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

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

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

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

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

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117 full 3-year terms in addition to any preceding shorter term with
118 a duration of less than 2 years but may not thereafter serve
119 without a 2-year hiatus.

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

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

145 Section 4. (1) The trust shall have the following powers

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146 and duties:

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

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

157 (c) To collect information and statistical data that will
158 be helpful to the trustees in determining the needs of children
159 in the county.

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

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

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

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

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175 the initial year.

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

178 (i) Except as may be specifically limited or changed by
179 this act, to have all powers, duties, responsibilities, and
180 obligations as provided for special districts in sections
181 125.901 and 125.902, Florida Statutes.

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

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

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

194 (5) The trustees of the trust shall:

195 (a) As soon as practicable, but not later than 1 year after
196 the trustees are first appointed and officers are elected,
197 identify and assess the needs of the children in the county
198 served by the trustees and submit to the board of county
199 commissioners a written description of:

200 1. The activities, services, and opportunities that will be
201 provided to children and the anticipated schedule for providing
202 those activities, services, and opportunities.

203 2. The manner in which children will be served, including a

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204 description of arrangements and agreements that are proposed to
205 be made with community organizations, state and local
206 educational agencies, federal agencies, public assistance
207 agencies, the juvenile courts, foster care agencies, and other
208 applicable public and private agencies.

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

211 4. The manner in which the trustees will seek and provide
212 funding for unmet needs, including the use of available funding
213 grants.

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

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

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

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

226 1. Information on the effectiveness of activities,
227 services, and programs offered by the trust, including cost-
228 effectiveness.

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

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

237 4. A description of the degree to which the trust's
238 objectives and activities are consistent with the goals of this
239 section.

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

244 6. Information on programs, services, and activities that
245 should be eliminated, continued, and added to the basic format
246 of the trust.

247 7. A financial statement.

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

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

254 (8) All financial statements of the district shall be
255 audited annually by independent auditors based on generally
256 accepted governmental accounting principles. The financial
257 records shall also be available for audit by state auditors.

258 (9) Within 30 days after the end of each fiscal quarter,
259 the trust shall cause to be prepared and filed with the board a
260 financial report that shall include the following:

261 (a) The total expenditures of the trust for the most recent

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262 fiscal quarter.

263 (b) The total receipts of the trust during the most recent
264 fiscal quarter.

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

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

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

272 Section 5. Fiscal year; budget.—

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

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

290 (3) Neither the final nor any preliminary or tentative

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291 budget of the trust shall be subject to change or modification
292 by the board of county commissioners or any other authority.

293 Section 6. Levying of ad valorem assessments; use and
294 control of funds.-In order to provide funds for the trust, the
295 trust may levy ad valorem taxes annually on all taxable property
296 in Collier County in an amount no greater than the millage rate
297 limit approved by the electorate in the countywide referendum
298 pursuant to section 8, not to exceed one-half mill. The trust
299 shall compute a proposed millage rate within the voter-approved
300 limit necessary to fund the tentative budget and, prior to
301 adopting a final budget, comply with the provisions of section
302 200.065, Florida Statutes, relating to the method of fixing
303 millage, and shall fix the final millage rate by resolution of
304 the trustees. All assessments collected under this act, as soon
305 as is reasonably practicable after the collection thereof, shall
306 be paid directly to the trust by the tax collector and all other
307 applicable county officials. The moneys so received by the trust
308 shall be deposited in one or more investment accounts maintained
309 by the trust. The trust's funds may be temporarily invested in
310 such manner as public funds are generally approved for
311 investment in the state. Except as otherwise provided, all
312 disbursements shall require the signature of two persons, at
313 least one of whom must be a trustee. The chair or any other
314 trustee or employee who signs checks on behalf of the trust
315 shall secure a surety bond in the amount of at least \$1,000 for
316 each \$1 million of funds assessed annually. The actual amount
317 shall be determined by a majority of the trustees based on
318 professional advice, which bond shall be conditioned that each
319 trustee shall faithfully discharge the duties of his or her

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320 office. No other trustee or employee shall be required to secure
321 bonds or other security. The trust shall pay the cost and
322 premiums for such bonds. No funds of the trust shall be expended
323 except by check, except expenditures of a petty cash account
324 that shall not at any time exceed \$500. No funds of the trust
325 may be expended unless they are in accord with its approved
326 budget, but nothing shall prevent the trustees from periodically
327 approving revisions to particular budget line items. Except for
328 the expenditure of petty cash or issuance of checks made payable
329 for sums no greater than \$5,000, no funds of the trust shall be
330 expended without prior written approval of the trustees.
331 However, budgeted expenditures of \$5,000 or less may be made by
332 the chief executive officer of the trust without the prior
333 written approval of the trustees but shall be reported to the
334 trustees by written report during the month in which any such
335 expenditures are made. For purposes of this section, electronic
336 wire transfers shall be deemed to be checks if written
337 authorization for each wire transfer is obtained in the same
338 manner as checks are approved.

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

345 Section 8. Referendum.—As a condition to the creation and
346 establishment of the district or trust, it must be approved by a
347 majority vote of the electorate of Collier County voting in a
348 referendum appearing on the ballot in a primary, general, or

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349 special election. The decision to place the item on the ballot
350 for a referendum shall be made by the board of county
351 commissioners in the manner provided in section 125.901, Florida
352 Statutes. The referendum shall include provisions for the
353 district or trust to cease to exist, or for the authorization to
354 levy ad valorem assessments to cease at the end of a stated
355 sunset period of not more than 7 years and not less than 5
356 years, the actual number of years to be established in the
357 referendum approved by the board. If the initial referendum is
358 approved by the electorate, the district or trust may be
359 continued at the end of the sunset period by an affirmative vote
360 of the electorate in a subsequent referendum.

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