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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 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 special act,
22 and

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

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

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

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

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

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

46 (a) Category 1:

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

49 2. The Sheriff of Collier County or his or her designated
 50 senior officer.

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

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

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56 5. A judge assigned to preside over juvenile cases in
57 Collier County, who shall sit as a voting member of the trust,
58 except that he or she shall not vote or participate in the
59 setting of ad valorem assessments. The chief judge of the 20th
60 judicial circuit shall annually designate the judge to serve on
61 the board.

62 (b) Category 2:

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

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

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

71 (c) Category 3: Two members of the Collier County
72 community who have served in paid or volunteer positions in
73 organizations devoted to providing children's services for at
74 least 3 of the 7 years preceding appointment and whose
75 backgrounds will help achieve the diversity and experience
76 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
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
107 shall be divided into three groups, two of which shall contain
108 three members each and one of which shall contain four members.
109 The student representative shall serve a 2-year term and
110 initially be included in the 2-year term group. After initial
111 appointment, these groups shall be designated by the chair of

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112 the board of trustees in a blind name drawing so as to create
113 the three groups with initial terms of 1, 2, and 3 years,
114 respectively, to create staggered terms. The four-member group
115 shall serve initial 3-year terms. Except as otherwise provided,
116 each trustee shall serve a 3-year term. A trustee may serve two
117 consecutive full 3-year terms in addition to any preceding
118 shorter term with a duration of less than 2 years but may not
119 thereafter serve 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

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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
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
161 welfare 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

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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
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
 196 after 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
 201 be provided to children and the anticipated schedule for
 202 providing those activities, services, and opportunities.

203 2. The manner in which children will be served, including
 204 a description of arrangements and agreements that are proposed
 205 to 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.

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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.

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
 262 recent 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
 271 fiscal and other requirements in section 125.901, Florida
 272 Statutes.

273 Section 5. Fiscal year; budget.-

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

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

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

294 Section 6. Levying of ad valorem assessments; use and
295 control of funds.-In order to provide funds for the trust, the
296 trust may levy ad valorem taxes annually on all taxable property
297 in Collier County in an amount no greater than the millage rate
298 limit approved by the electorate in the countywide referendum
299 pursuant to section 8, not to exceed one-half mill. The trust
300 shall compute a proposed millage rate within the voter-approved
301 limit necessary to fund the tentative budget and, prior to
302 adopting a final budget, comply with the provisions of section
303 200.065, Florida Statutes, relating to the method of fixing

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304 millage, and shall fix the final millage rate by resolution of
305 the trustees. All assessments collected under this act, as soon
306 as is reasonably practicable after the collection thereof, shall
307 be paid directly to the trust by the tax collector and all other
308 applicable county officials. The moneys so received by the trust
309 shall be deposited in one or more investment accounts maintained
310 by the trust. The trust's funds may be temporarily invested in
311 such manner as public funds are generally approved for
312 investment in the state. Except as otherwise provided, all
313 disbursements shall require the signature of two persons, at
314 least one of whom must be a trustee. The chair or any other
315 trustee or employee who signs checks on behalf of the trust
316 shall secure a surety bond in the amount of at least \$1,000 for
317 each \$1 million of funds assessed annually. The actual amount
318 shall be determined by a majority of the trustees based on
319 professional advice, which bond shall be conditioned that each
320 trustee shall faithfully discharge the duties of his or her
321 office. No other trustee or employee shall be required to secure
322 bonds or other security. The trust shall pay the cost and
323 premiums for such bonds. No funds of the trust shall be expended
324 except by check, except expenditures of a petty cash account
325 that shall not at any time exceed \$500. No funds of the trust
326 may be expended unless they are in accord with its approved
327 budget, 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.

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

346 Section 8. Referendum.—As a condition to the creation and
347 establishment of the district or trust, it must be approved by a
348 majority vote of the electorate of Collier County voting in a
349 referendum appearing on the ballot in a primary, general, or
350 special election. The decision to place the item on the ballot
351 for a referendum shall be made by the board of county
352 commissioners in the manner provided in section 125.901, Florida
353 Statutes. The referendum shall include provisions for the
354 district or trust to cease to exist, or for the authorization to
355 levy ad valorem assessments to cease at the end of a stated
356 sunset period of not more than 7 years and not less than 5
357 years, the actual number of years to be established in the
358 referendum approved by the board. If the initial referendum is
359 approved by the electorate, the district or trust may be

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360 continued at the end of the sunset period by an affirmative vote
361 of the electorate in a subsequent referendum.

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.