

ENROLLED
CS/CS/HB 511

2010 Legislature

1 A bill to be entitled
2 An act relating to Collier County; providing a charter;
3 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:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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

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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

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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,

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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

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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.

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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

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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:

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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.

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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

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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

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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

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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 60-
349 percent vote of the electorate of Collier County voting in a
350 referendum appearing on the ballot in a general election. The
351 decision to place the item on the ballot for a referendum shall
352 be made by the board of county commissioners. The referendum
353 shall include provisions for the district or trust to cease to
354 exist, or for the authorization to levy ad valorem assessments
355 to cease at the end of a stated sunset period of not more than 7
356 years and not less than 5 years, the actual number of years to
357 be established in the referendum approved by the board of county
358 commissioners. If the initial referendum is approved by the
359 electorate, the district or trust may be continued at the end of
360 the sunset period by an affirmative 60-percent vote of the
361 electorate in a subsequent referendum.

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362 Section 9. This act shall take effect only upon its
363 approval by a 60-percent 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 general election in Collier County, except that this
367 section shall take effect upon this act becoming a law.