

CHAPTER 2010-242

Council Substitute for Committee Substitute for House Bill No. 511

An act relating to Collier County; providing a charter; creating an independent special district to provide children's services in the county; providing for a governing board; providing for membership, terms, and powers and duties of the board; authorizing reimbursement for per diem and travel expenses; requiring certain reports and audits; specifying a fiscal year; providing financial requirements and budget procedures; authorizing the levy of ad valorem assessments and providing a millage cap; requiring a surety bond of certain persons; providing requirements for amendment or dissolution of the district; providing for referendums; providing an effective date.

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

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

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

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

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

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

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

(a) Category 1:

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

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

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

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

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

(b) Category 2:

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

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

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

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

(d) Category 4: Five trustees initially appointed by a majority of the board of county commissioners. Each trustee must be a legal resident of a different county commission district so that each district has a representative. Successor appointees, including the reappointment of any initial trustee in this category, shall be selected by the county commissioners from a list of three nominees for each position recommended to the board by the trustees. The trustees, in making recommendations to the county commissioners, and the commissioners, in appointing each of the five trustees, shall consider the backgrounds, qualifications, experience, and demographic diversity of the trustees serving in each category so as to result in a board of trustees with members of varied ethnicity, gender, and age, as well as members with managerial, financial, accounting, legal, health care, and social services experience.

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

(3) All trustees in categories 2, 3, and 4 must have been legal residents of the county for the 2 calendar years preceding appointment and must remain legal residents while serving as trustees. The trustees in category 1 need not

have been legal residents of the county for the 2 calendar years preceding appointment, except for senior officers designated by the sheriff and the superintendent of schools. Each trustee must continue to retain the position that qualified him or her for appointment as a trustee in the applicable category. Should a trustee fail to retain such position, he or she shall no longer be eligible to serve, and his or her term shall end at such time.

(4) The initial 10 trustees in categories 2, 3, and 4 shall be divided into three groups, two of which shall contain three members each and one of which shall contain four members. The student representative shall serve a 2-year term and initially be included in the 2-year term group. After initial appointment, these groups shall be designated by the chair of the board of trustees in a blind name drawing so as to create the three groups with initial terms of 1, 2, and 3 years, respectively, to create staggered terms. The four-member group shall serve initial 3-year terms. Except as otherwise provided, each trustee shall serve a 3-year term. A trustee may serve two consecutive full 3-year terms in addition to any preceding shorter term with a duration of less than 2 years but may not thereafter serve without a 2-year hiatus.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The trustees of the trust shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. A financial statement.

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

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

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

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

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

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

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

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

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

Section 5. Fiscal year; budget.—

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

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

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

Section 6. Levying of ad valorem assessments; use and control of funds. In order to provide funds for the trust, the trust may levy ad valorem taxes annually on all taxable property in Collier County in an amount no greater than the millage rate limit approved by the electorate in the countywide referendum pursuant to section 8, not to exceed one-half mill. The trust shall compute a proposed millage rate within the voter-approved limit necessary to fund the tentative budget and, prior to adopting a final budget, comply with the provisions of section 200.065, Florida Statutes, relating to the method of fixing millage, and shall fix the final millage rate by resolution of the trustees. All taxes collected under this act, as soon as is reasonably practicable after the collection thereof, shall be paid directly to the trust by the tax collector and all other applicable county officials. The moneys so received by the trust shall be deposited in one or more qualified public depositories maintained by the trust. The trust's funds may be temporarily invested in such manner as public funds are generally approved for investment in the state. Except as otherwise provided, all disbursements shall require the signature of two persons, at least one of whom must be a trustee. The chair or any other trustee or employee who signs checks on behalf of the trust shall secure a surety bond in the amount of at least \$1,000 for each \$1 million or portion thereof of the trust's annual budget. The actual amount shall be determined by a majority of the trustees based on professional advice, which bond shall be conditioned that each such trustee or employee shall faithfully discharge the duties of his or her office. No other trustee or employee shall be required to secure bonds or other security. The trust shall pay the cost and premiums for such bonds. No funds of the trust shall be expended except by check, except expenditures of a petty cash account that shall not at any time exceed \$500. All expenditures from petty cash shall be recorded on the books and records of the trust. No funds of the trust may be expended unless they are in accord with its approved budget, but nothing shall prevent the trustees from periodically approving revisions to particular budget line items. Except for the expenditure of petty cash or issuance of checks made payable for sums no greater than \$5,000, no funds of the trust shall be expended without prior written approval of the trustees. However, budgeted expenditures of \$5,000 or less may be made by the chief executive officer of the trust without the prior written approval of the trustees but shall be reported to the trustees by written report during the month in which any such expenditures are made. For purposes of this section, electronic wire transfers shall be deemed to be checks if written authorization for each wire transfer is obtained in the same manner as checks are approved.

Section 7. Amendment and dissolution.—The charter for the district that is created by this act may be amended only by special act of the Legislature. The district may be dissolved by a special act of the Legislature, by the electorate of Collier County in a referendum appearing on the ballot in a

primary, general, or special election or by virtue of the sunset provisions of section 8.

Section 8. Referendum.—As a condition to the creation and establishment of the district, it must be approved by a 60-percent vote of the electorate of Collier County voting in a referendum appearing on the ballot in a general election. The decision to place the item on the ballot for a referendum shall be made by the board of county commissioners. The referendum shall include provisions for the district or trust to cease to exist, or for the authorization to levy ad valorem assessments to cease at the end of a stated sunset period of not more than 7 years and not less than 5 years, the actual number of years to be established in the referendum approved by the board of county commissioners. If the initial referendum is approved by the electorate, the district or trust may be continued at the end of the sunset period by an affirmative 60-percent vote of the electorate in a subsequent referendum.

Section 9. This act shall take effect only upon its approval by a 60-percent vote of those qualified electors of Collier County voting in a referendum to be held by the Board of County Commissioners of Collier County in conjunction with the next general election in Collier County, except that this section shall take effect upon this act becoming a law.

Approved by the Governor May 26, 2010.

Filed in Office Secretary of State May 26, 2010.