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ORDINANCE NO. 2020 - 22

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA; CREATING CHAPTER 90, ARTICLE 10 OF THE CODE OF ORDINANCES, PROVIDING FOR THE CREATION OF A COUNTYWIDE INDEPENDENT SPECIAL DISTRICT TO INVEST IN METRICS BASED, SUCCESSFUL CHILDREN'S SERVICES PROGRAMS THROUGHOUT ESCAMBIA COUNTY; PROVIDING FOR A GOVERNING BOARD TO BE KNOWN AS THE ESCAMBIA CHILDREN'S TRUST; PROVIDING FOR THE MEMBERSHIP; PROVIDING FOR THE POWERS AND DUTIES OF THE TRUST; PROVIDING FOR THE CONDUCT OF BUSINESS; PROVIDING FINANCIAL REQUIREMENTS, REPORTING REQUIREMENTS, AND BUDGET PROCEDURES; PROVIDING FOR AUTHORIZATION OF THE LEVY OF AD VALOREM TAXES OF ONE-HALF MILL FOR A TERM OF 10 YEARS; PROVIDING FOR A NOVEMBER 3, 2020 REFERENDUM AND A BALLOT QUESTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Date: 7/7/2020 Verified By: 

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of Florida has, in Chapter 125.901, authorized the creation of Children's Services Councils (CSCs) as a countywide special taxing district created by ordinance, and approved by voters, to invest in metrics based, successful programs and services that improve the lives, health and well-being of children and their families; and

WHEREAS, to date, nine Florida counties have created independent CSCs that invest taxpayer dollars in the well-being of their community's children and families, and the primary focus of all CSCs is to invest in early childhood education, prevention and early intervention programs that produce measurable results; and

WHEREAS, in nine counties, voters have approved independent taxing authority for their CSC to ensure that a dedicated, recurring funding source is available for children's programs and services. The counties are Palm Beach, Alachua, Broward, Hillsborough, Martin, Miami-Dade, Okeechobee, Pinellas and St. Lucie; and

WHEREAS, the community has taken action to formally recommend to the Escambia County Board of County Commissioners the establishment of an independent

Children's Trust to be known as the Escambia Children's Trust and to hold a referendum on the creation of an independent special district; and

WHEREAS, Escambia County children need increased and enhanced services; and

WHEREAS, more than half of the children in Escambia County are not prepared to enter kindergarten¹; and

WHEREAS, in Escambia County only 56% of children in 3rd grade read on grade level and only 50% of 7th graders are proficient in 7th grade math. While 12.1% of Escambia County students are chronically absent²; and

WHEREAS, Escambia County ranks 47 out of 67 Florida counties, according to the 2019 Florida Child Well-Being Index³; and

WHEREAS, every year in Escambia County over 5,000+ reports of suspected child abuse are received by the Department of Children and Families. Child abuse comes in many forms – physical abuse, sexual abuse, neglect – and recognizing child abuse is not easy⁴; and

WHEREAS, allegations of child abuse or medical neglect affect one in eight children in Escambia County⁵; and

WHEREAS, as many as 70% of children with developmental delays or disorders are not diagnosed or properly treated before they start school; and

WHEREAS, the higher a person's educational attainment and income, the more likely that person is to have a longer life expectancy; and

WHEREAS, the Board of County Commissioners determines that it is in the best interests of the health, safety and welfare of the public to place a referendum establishing said independent district within Escambia County before the qualified Escambia County voters on the November 3, 2020 general election ballot.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Escambia County that the following regulation is hereby adopted.

¹ <https://www.achieveescambia.org/data>

² <https://www.achieveescambia.org/data>

³ <https://static1.squarespace.com/static/5ba3f2780feb9d7656220531/t/5e273266c8d88d7566a9227b/1579627124664/Annual+Report+2020.pdf>

⁴ <https://www.gulfcoastkidshouse.org/child-abuse-prevention/programs.asp>

⁵ <https://test.gulfcoastkidshouse.org/>

Section 1. The above recitals are true and correct and are incorporated herein by reference.

Section 2. Chapter 90, Taxation, Article 10, Children's Services Independent District, is created as follows:

Sec. 90-311 – Sec. 90 – 349. Reserved.

Article X. Children's Services Independent District. The "Escambia Children's Trust."

Sec. 90 – 350. Short Title.

This article shall be known and may be cited as the "Escambia Children's Trust"

Sec. 90 – 351. Authority.

This article is adopted pursuant to §125.901, Florida Statutes (2019), Children's Services.

Sec. 90 – 352. Creation of an Independent Special District; Creation of the Children's Trust of Escambia County.

Subject to the approval of a majority of the qualified electors of Escambia County voting in November 3, 2020 referendum, there is hereby created an independent special district to invest in children's services throughout the County. The boundaries of the District shall be coterminous with the boundaries of Escambia County. The governing body of the District shall be a board of directors to be known as the Escambia County Children's Trust council on children's services.

Sec. 90 – 353. Purpose.

The purpose of the Escambia Children's Trust is to invest in the well-being of children within Escambia County by maximizing resources and ensuring accountability through investment in and support to community provider programs through a competitive review process. Escambia Children's Trust shall serve to collaborate and support necessary educational, preventive, developmental, treatment, intervention, and rehabilitative services for children within the County through funding and/or through cooperative agreements where not otherwise prohibited. The Escambia Children's Trust will assist the children through issuance and evaluation of requests for proposals from children's services providers when such is determined to be in the best interest of the health, safety and welfare of the community. Eligibility for application, review, and approval of Trust funding shall require that the direct service provider meets the Trust's requirements of proven fiscal accountability and performance based metrics to ensure successful program operation and accountable use of funding for the benefit of children.

Sec. 90 – 354. Membership.

The Escambia Children's Trust shall consist of 10 members as mandated by State of Florida Statute 125.901, Florida Statutes (2019), including:

- (1) The superintendent of schools;
- (2) A local school board member;
- (3) The district administrator from the appropriate district of the Department of Children and Families, or his or her designee who is a member of the Senior Management Service or of the Selected Exempt Service;
- (4) One member of the county governing body;
- (5) The judge assigned to juvenile cases who shall sit as a voting member of the board, except that said judge shall not vote or participate in the setting of ad valorem taxes under this section. If there is more than one judge assigned to juvenile cases in a county, the chief judge shall designate one of said juvenile judges to serve on the board; and
- (6) The remaining five members shall be appointed by the Governor, and shall, to the extent possible, represent the demographic diversity of the population of the county. After soliciting recommendations from the public, the county governing body shall submit to the Governor the names of at least three persons for each vacancy occurring among the five members appointed by the Governor, and the Governor shall appoint members to the council from the candidates nominated by the county governing body. The Governor shall make a selection within a 45-day period or request a new list of candidates. All members appointed by the Governor shall have been residents of the county for the previous 24-month period. Such members shall be appointed for 4-year terms, except that the length of the terms of the initial appointees shall be adjusted to stagger the terms. The Governor may remove a member for cause or upon the written petition of the county governing body. If any of the members of the council required to be appointed by the Governor under the provisions of this subsection shall resign, die, or be removed from office, the vacancy thereby created shall, as soon as practicable, be filled by appointment by the Governor, using the same method as the original appointment, and such appointment to fill a vacancy shall be for the unexpired term of the person who resigns, dies, or is removed from office.

Sec. 90 – 355. Powers and Functions.

The Escambia Children's Trust shall have the following powers and functions:

- (1) To provide funding and maintain in the County such preventive, developmental, treatment, intervention, and rehabilitative services for children from birth to 18 years of age as the council determines are needed for the general welfare of the county.

(2) To provide such other services for all children as the council determines are needed for the general welfare of the county.

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

(4) To collect information and statistical data and to conduct research which will be helpful to the council and the county in deciding the needs of children in the county.

(5) To consult and coordinate with other agencies dedicated to the welfare of children to the end that the overlapping of services will be prevented.

(6) To lease or buy such real estate, equipment, and personal property and to construct such buildings as are needed to execute the foregoing powers and functions, provided that no such purchases shall be made or building done unless paid for with cash on hand or secured by funds deposited in financial institutions. Nothing in this subparagraph shall be construed to authorize a district to issue bonds of any nature, nor shall a district have the power to require the imposition of any bond by the governing body of the county.

(7) To employ, pay, and provide benefits for any part-time or full-time personnel needed to execute the foregoing powers and functions.

(8) All powers, functions, and duties specified in Section 125.901, Florida Statutes or otherwise permitted by law.

(9) It is the intent of the County that the funds collected pursuant to the provisions of this section shall be used to support improvements in children's services and that such funds shall not be used as a substitute for existing resources or for resources that would otherwise be available for children's services.

(10) Members of the council shall serve without compensation, but shall be entitled to receive reimbursement for per diem and travel expenses consistent with the provisions of Section 112.061, *Florida Statutes* (2019), as amended.

Sec. 90 – 356. Conduct of Business.

The Escambia Children's Trust shall:

(1) Immediately after the members are appointed, elect a chair and a vice chair from among its members, and elect other officers as deemed necessary by the council.

(2) Immediately after the members are appointed and officers are elected, identify, and assess the needs of the children in Escambia County and submit to the Escambia County Board of County Commissioners a written description of:

a. The activities, services, and opportunities that will be provided to children.

b. The anticipated schedule for providing those activities, services, and opportunities.

c. The manner in which children will be served, including a description of arrangements and agreements which will 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 and organizations.

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

e. The manner in which the council will seek and provide funding for unmet needs.

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

(3) Provide training and orientation to all new members sufficient to allow them to perform their duties, including operating transparency and Sunshine requirements.

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

(5) Provide an annual written report, to be presented no later than January 1, to the governing body of the county. The annual report shall contain, but not be limited to, the following information:

a. Information on the effectiveness of activities, services, and programs offered by the Escambia Children's Trust, including cost effectiveness.

b. A detailed anticipated budget for continuation of activities, services, and programs offered by the Escambia Children's Trust, both public and private.

c. 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 received.

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

e. 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.

f. Information on programs, services and activities that should be eliminated; programs, services and activities that should be continued; and programs, services, and activities that should be added to the basic format of the council.

Sec. 90 – 357. Sunshine Law and Public Records

- (1) The Council shall operate as required by the Florida Sunshine Law, Chapter 286, *Florida Statutes* (2019), as amended and the Florida Public Records Act, Chapter 119, *Florida Statutes* (2019), as amended.
- (2) The Council shall maintain minutes of each meeting, including a record of all votes cast, and shall make such minutes available to any interested person.
- (3) Meetings of the council shall be publicly noticed.

Sec. 90-358. Fiscal Year.

- (a) The fiscal year of the District shall be the same as that of the county.
- (b) On or before July 1 of each year, the council shall prepare and adopt an annual written budget of the District's expected income and expenditures, including a contingency fund. The council shall, in addition, compute a proposed millage rate within the voter-approved cap necessary to fund the tentative budget and, prior to adopting a final budget, comply with the provisions of s. 200.065, relating to the method of fixing millage, and shall fix the final millage rate by resolution of the council. The adopted budget and final millage rate shall be certified and delivered to the governing body of the county as soon as possible following the council's adoption of the final budget and millage rate pursuant to chapter 200. Included in each certified budget shall be the millage rate, adopted by resolution of the council, necessary to be applied to raise the funds budgeted for district operations and expenditures. In no circumstances, however, shall any district levy millage to exceed a maximum of 0.5 mills of taxable valuation of all properties within the county which are subject to ad valorem county taxes.
- (c) The budget of the district so certified and delivered to the governing body of the county shall not be subject to change or modification by the governing body of the county or any other authority.

Sec. 90-359. Levying of Ad Valorem Taxes.

- (1) In order to provide funds for the Escambia Children's Trust, the District may levy ad valorem taxes annually on all taxable property in the County of one-half mill for a term of 10 years, provided that the authority to levy such taxes has been approved by a majority vote of the electors of the County voting in a countywide election to be held in accordance with the requirements of the Constitution and the laws of Florida. The tax shall be assessed, levied and collected in the same manner and at the same time as is provided by law for the levy, collection and enforcement of collection of County taxes. The authority to levy the ad valorem tax must be submitted to the voters for reauthorization every 10 years commencing with the effective date of this ordinance.

- (2) All tax money collected under this section, as soon after the collection thereof as is reasonably practicable, shall be paid directly to the council by the tax collector of the county, or the clerk of the circuit court if the clerk collects delinquent taxes.
- (3) a. All moneys received by the council shall be deposited in qualified public depositories, as defined in s. 280.02, with separate and distinguishable accounts established specifically for the council and shall be withdrawn only by checks signed by the chair of the council and countersigned by either one other member of the council or by a chief executive officer who shall be so authorized by the council.

b. Upon entering the duties of office, the chair and the other member of the council or chief executive officer who signs its checks shall each give a surety bond in the sum of at least \$1,000 for each \$1 million or portion thereof of the council's annual budget, which bond shall be conditioned that each shall faithfully discharge the duties of his or her office. The premium on such bond may be paid by the council as part of the expense of the council. No other member of the council shall be required to give bond or other security.
- (4) No funds of the district shall be expended except by check as aforesaid, except expenditures from a petty cash account which shall not at any time exceed \$100. All expenditures from petty cash shall be recorded on the books and records of the council. No funds of the council, excepting expenditures from petty cash, shall be expended without prior approval of the council, in addition to the budgeting thereof.

Sec. 90-360. Reporting.

- (1) Within 10 days, exclusive of weekends and legal holidays, after the expiration of each quarter annual period, the council on children's services shall cause to be prepared and filed with the governing body of the county a financial report which shall include the following:
 - a. The total expenditures of the council for the quarter annual period.
 - b. The total receipts of the council during the quarter annual period.
 - c. A statement of the funds the council has on hand, has invested, or has deposited with qualified public depositories at the end of the quarter annual period.
 - d. The total administrative costs of the council for the quarter annual period.

Sec. 90 – 361. Referendum.

The authority of the Escambia Children's Trust Special District to levy 0.5 mills to carry out the purposes and intent of this ordinance and to do all things necessary to fund the Children's Trust and the independent district created hereby shall be presented to the County electorate by placing a question on the November 3, 2020 general election ballot. The Supervisor of Elections of Escambia County shall place the following question on the November 3, 2020, general election ballot:

CHILDREN'S TRUST OF ESCAMBIA COUNTY – AUTHORITY TO LEVY ONE-HALF MILL AD VALOREM TAXES

IN ORDER TO PROVIDE ADDITIONAL EARLY CHILDHOOD EDUCATION, SAFETY, DEVELOPMENTAL, PREVENTATIVE, HEALTH, AND WELL-BEING SERVICES, INCLUDING AFTER SCHOOL AND SUMMER ENRICHMENT PROGRAMS, SHOULD AN INDEPENDENT SPECIAL DISTRICT TITLED THE "ESCAMBIA CHILDREN'S TRUST" BE CREATED AND BE AUTHORIZED TO LEVY AN ANNUAL AD VALOREM TAX OF ONE-HALF (1/2) MILL FOR 10 YEARS.

 YES
 NO

Section 3. Severability.

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. Inclusion in Code.

It is the intention of the Escambia County Board of County Commissioners that the provisions of this Ordinance shall be codified as required by Chapter 125, Florida Statutes, and that the sections, subsections and other provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Liberally Construed.

The Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety or welfare.

Section 6. Repeal of Conflicting Ordinances.

All Escambia County Ordinances and resolutions, or portions thereof, in conflict with this Ordinance are, to the extent of such conflict, repealed.

This Ordinance does not prohibit the County from exercising such power as is provided by general or special law to provide children's services.


Section 7. Effective Date.

A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment. This ordinance shall become effective only if approved by a "yes" vote of the majority of those voting on the question posed in a November 3, 2020 referendum. If the majority of those voting do not vote "yes" to the question proposed, the District shall not be created and

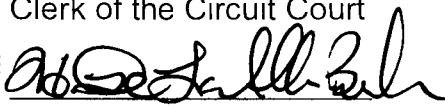
this ordinance shall be of no force and effect. The effective date of the creation of the special district, if approved by the November 3, 2020 referendum, shall be December 1, 2020.

DONE AND ENACTED this 2nd day of July, 2020.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: 
Steven Barry, Chairman



Pam Childers
Clerk of the Circuit Court


Date Executed: 7/7/2020

Approved as to form and legal sufficiency.

ENACTED: **July 2, 2020**

By/Title: Kia M. Johnson, ACA

EFFECTIVE DATE: **See Section 7.**

Date: 06-17-2020