

ORDINANCE NO. 2020 - __

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2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA;
5 CREATING CHAPTER 90, ARTICLE 10 OF THE CODE OF
6 ORDINANCES, PROVIDING FOR THE CREATION OF A
7 COUNTYWIDE INDEPENDENT SPECIAL DISTRICT TO INVEST
8 IN METRICS BASED, SUCCESSFUL CHILDREN’S SERVICES
9 PROGRAMS THROUGHOUT ESCAMBIA COUNTY; PROVIDING
10 FOR A GOVERNING BOARD TO BE KNOWN AS THE
11 ESCAMBIA CHILDREN’S TRUST; PROVIDING FOR THE
12 MEMBERSHIP; PROVIDING FOR THE POWERS AND DUTIES
13 OF THE TRUST; PROVIDING FOR THE CONDUCT OF
14 BUSINESS; PROVIDING FINANCIAL REQUIREMENTS,
15 REPORTING REQUIREMENTS, AND BUDGET PROCEDURES;
16 PROVIDING FOR AUTHORIZATION OF THE LEVY OF AD
17 VALOREM TAXES OF ONE-HALF MILL FOR A TERM OF 10
18 YEARS; PROVIDING FOR A NOVEMBER 3, 2020
19 REFERENDUM AND A BALLOT QUESTION; PROVIDING FOR
20 SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING
21 FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN
22 EFFECTIVE DATE.
23

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

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

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

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

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

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

3 **WHEREAS**, Escambia County children need increased and enhanced services;
4 and

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

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

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

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

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

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

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

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

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

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29

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/>

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

3 **Section 2.** Chapter 90, Taxation, Article 10, Children’s Services Independent
4 District, is created as follows:

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

6 **Article X. Children’s Services Independent District. The “Escambia Children’s**
7 **Trust.”**

8 **Sec. 90 – 350. Short Title.**

9 This article shall be known and may be cited as the “Escambia Children’s Trust”

10 **Sec. 90 – 351. Authority.**

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

13 **Sec. 90 – 352. Creation of an Independent Special District; Creation of the**
14 **Children’s Trust of Escambia County.**

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

21 **Sec. 90 – 353. Purpose.**

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

1 **Sec. 90 – 354. Membership.**

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

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

34 **Sec. 90 – 355. Powers and Functions.**

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

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

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

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

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

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

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

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

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

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

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

28 **Sec. 90 – 356. Conduct of Business.**

29 The Escambia Children’s Trust shall:

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

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

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

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

3 c. The manner in which children will be served, including a description of
4 arrangements and agreements which will be made with community organizations, state
5 and local educational agencies, federal agencies, public assistance agencies, the juvenile
6 courts, foster care agencies, and other applicable public and private agencies and
7 organizations.

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

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 90 – 357. Sunshine Law and Public Records**

2 (1) The Council shall operate as required by the Florida Sunshine Law, Chapter
3 286, Florida Statutes (2019), as amended and the Florida Public Records Act,
4 Chapter 119, Florida Statutes (2019), as amended.

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

7 (3) Meetings of the council shall be publicly noticed.

8 **Sec. 90-358. Fiscal Year.**

9 (a) The fiscal year of the District shall be the same as that of the county.

10 (b) On or before July 1 of each year, the council shall prepare and adopt an
11 annual written budget of the District’s expected income and expenditures, including a
12 contingency fund. The council shall, in addition, compute a proposed millage rate within
13 the voter-approved cap necessary to fund the tentative budget and, prior to adopting a
14 final budget, comply with the provisions of s. 200.065, relating to the method of fixing
15 millage, and shall fix the final millage rate by resolution of the council. The adopted budget
16 and final millage rate shall be certified and delivered to the governing body of the county
17 as soon as possible following the council’s adoption of the final budget and millage rate
18 pursuant to chapter 200. Included in each certified budget shall be the millage rate,
19 adopted by resolution of the council, necessary to be applied to raise the funds budgeted
20 for district operations and expenditures. In no circumstances, however, shall any district
21 levy millage to exceed a maximum of 0.5 mills of taxable valuation of all properties within
22 the county which are subject to ad valorem county taxes.

23 (c) The budget of the district so certified and delivered to the governing body of
24 the county shall not be subject to change or modification by the governing body of the
25 county or any other authority.

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

27 (1) In order to provide funds for the Escambia Children’s Trust, the District may levy ad
28 valorem taxes annually on all taxable property in the County of one-half mill for a term
29 of 10 years, provided that the authority to levy such taxes has been approved by a
30 majority vote of the electors of the County voting in a countywide election to be held
31 in accordance with the requirements of the Constitution and the laws of Florida. The
32 tax shall be assessed, levied and collected in the same manner and at the same time
33 as is provided by law for the levy, collection and enforcement of collection of County
34 taxes. The authority to levy the ad valorem tax must be submitted to the voters for
35 reauthorization every 10 years commencing with the effective date of this ordinance.
36

1 (2) All tax money collected under this section, as soon after the collection thereof as is
2 reasonably practicable, shall be paid directly to the council by the tax collector of the
3 county, or the clerk of the circuit court if the clerk collects delinquent taxes.

4 (3) a. All moneys received by the council shall be deposited in qualified public
5 depositories, as defined in s. 280.02, with separate and distinguishable accounts
6 established specifically for the council and shall be withdrawn only by checks signed
7 by the chair of the council and countersigned by either one other member of the
8 council or by a chief executive officer who shall be so authorized by the council.

9 b. Upon entering the duties of office, the chair and the other member of the council
10 or chief executive officer who signs its checks shall each give a surety bond in the
11 sum of at least \$1,000 for each \$1 million or portion thereof of the council’s annual
12 budget, which bond shall be conditioned that each shall faithfully discharge the duties
13 of his or her office. The premium on such bond may be paid by the council as part of
14 the expense of the council. No other member of the council shall be required to give
15 bond or other security.

16 (4) No funds of the district shall be expended except by check as aforesaid, except
17 expenditures from a petty cash account which shall not at any time exceed \$100. All
18 expenditures from petty cash shall be recorded on the books and records of the
19 council. No funds of the council, excepting expenditures from petty cash, shall be
20 expended without prior approval of the council, in addition to the budgeting thereof.

21 **Sec. 90-360. Reporting.**

22 (1) Within 10 days, exclusive of weekends and legal holidays, after the expiration of each
23 quarter annual period, the council on children’s services shall cause to be prepared and
24 filed with the governing body of the county a financial report which shall include the
25 following:

26 a. . The total expenditures of the council for the quarter annual period.

27 b.. The total receipts of the council during the quarter annual period.

28 c. A statement of the funds the council has on hand, has invested, or has deposited with
29 qualified public depositories at the end of the quarter annual period.

30 d. The total administrative costs of the council for the quarter annual period.

31 **Sec. 90 – 361. Referendum.**

32 _____ The authority of the Escambia Children’s Trust Special District to levy 0.5 mills to
33 carry out the purposes and intent of this ordinance and to do all things necessary to fund
34 the Children’s Trust and the independent district created hereby shall be presented to the
35 County electorate by placing a question on the November 3, 2020 general election ballot.
36 The Supervisor of Elections of Escambia County shall place the following question on the
37 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

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

4 DONE AND ENACTED this ____ day of _____, 2020.

5

6

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

7

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9

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By: _____
Steven Barry, Chairman

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ATTEST: Pam Childers
Clerk of the Circuit Court

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17

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By: _____ Date Executed: _____

19

20

(SEAL)

21

22

ENACTED:

23

24

EFFECTIVE DATE:

25