

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, REPEALING PART II (CHILDREN'S SERVICES ADVISORY COMMITTEE) OF CHAPTER 103 (COMMISSIONS AND BOARDS); ENACTING CHAPTER 215 (CHILDREN'S TRUST DISTRICT) OF THE CODE OF INDIAN RIVER COUNTY, FLORIDA CREATING THE CHILDREN'S TRUST DISTRICT, BEING A SPECIAL DEPENDENT TAXING DISTRICT OF THE BOARD OF COUNTY COMMISSIONERS FOR THE PROVISION OF SERVICES TO PROMOTE THE HEALTH AND WELL-BEING OF CHILDREN IN ALL OF INDIAN RIVER COUNTY AND REVISING THE ADMINISTRATION AND FUNDING OF CHILDREN'S SERVICES; PROVIDING FOR A REFERENDUM FOR THE LEVY OF AD VALOREM TAX BY THE CHILDREN'S TRUST DISTRICT; AND PROVIDING FOR CODIFICATION, SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS, SUNSET AD VALOREM TAX BY THE CHILDREN'S TRUST DISTRICT; AND AN EFFECTIVE DATE.**

**WHEREAS**, the community has taken action to formally recommend to the Indian River County Board of County Commissioners the establishment of a dependent special district to be known as the Children's Trust District and to hold a referendum on the creation of the Children's Trust District with the authority to levy ad valorem tax to support authorized children's trust services; and

**WHEREAS**, investing in developmental and educational resources for children and families will provide measurable returns for our community; and

**WHEREAS**, Indian River County's children need enhanced services; and

**WHEREAS**, 14.5% of babies born in Indian River County each year are considered low birth weight or preterm and 50% of babies born in Indian River County each year are born into poverty; and

**WHEREAS**, over half of the children in Indian River County are not prepared to enter kindergarten; and

**WHEREAS**, as many as 50% of children with developmental delays or disorders are not diagnosed or properly treated before they start school; and

**WHEREAS**, over 60% of students are eligible for free & reduced lunch; and

**WHEREAS**, in Indian River County only 51% of children in 3rd grade read on grade level and only 51% of 7th graders are proficient in 7th grade math; and

**WHEREAS**, every year in Indian River County over 1,500 reports of suspected child abuse are received by the Department of Children and Families; and

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**WHEREAS**, over 10% of middle school age children report using alcohol in the past 30 days; and

**WHEREAS**, 18% of Indian River County students are chronically absent; and

**WHEREAS**, 64.7% of Florida's youth with major depression did not receive any mental health treatment in 2021; and

**WHEREAS**, quality programs addressing these needs pay for themselves many times over and the cost of inaction is a tragic loss of human and economic potential that we cannot afford,

**WHEREAS**, the Indian River County Board of County Commissioners determines that it is in the best interests of the health and well-being of our children and broader community to place a referendum establishing the Children's Trust District within Indian River County before the qualified Indian River County voters on the November 8, 2022 general election ballot.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:**

### **Section 1. Enactment Authority.**

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county. The Indian River County Board of County Commissioners specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

### **Section 2. Repeal of Part II (Children's Services Advisory Committee) of Chapter 103 (Commissions and Boards) of the Code of Indian River County, Florida.**

Part II (Children's Services Advisory Committee) of Chapter 103 (Commissions and Boards) of the Code of Indian River County, Florida, is hereby repealed in its entirety.

### **Section 3. Enactment of Chapter 215 (Children's Trust District) of the Code of Indian River County, Florida.**

Chapter 215 (Children's Trust District) of the Code of Indian River County, Florida is hereby enacted to read as follows:

#### **CHAPTER 215. CHILDREN'S TRUST DISTRICT.**

##### **Section 215.01. – Creation and boundaries of Children's Trust District.**

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Pursuant to section 125.01(5)(a), Florida Statutes, there is hereby created a dependent special taxing district of the Board of County Commissioners to be known as the Children's Trust District. The boundaries of the district shall be all of Indian River County.

### **Section 215.02. – Governing body.**

The governing body of the district shall be the Board of County Commissioners sitting as the Board of Commissioners of the Children's Trust District.

### **Section 215.03. - Purpose.**

The purpose of the Children's Trust District is to promote the health and well-being of children in a healthy community. The term "healthy" encompasses socioeconomic, physical, mental, social, emotional, environmental and educational health.

### **Section 215.04. - Objective.**

- (1) The objective of the Children's Trust is to provide a unified system of planning and delivery within which children's needs can be identified, targeted, evaluated and addressed by the Children's Trust Advisory Board.
- (2) Definition of child. Any person who has not attained the age of eighteen (18) years, also minor.
- (3) This objective will be met by the Children's Trust Advisory Board through the powers and functions of the Board of County Commissioners as follows:
  - a) Recommended to provide and maintain in the county, services for children as the Children's Trust Advisory Board determines are needed for the general well being of the county.
  - b) Collect information and statistical data and conduct research helpful to the Children's Trust Advisory Board and the county in deciding the needs of children in the county.
  - c) Consult, collaborate, and coordinate with other agencies dedicated to the well being of children to the end that unnecessary duplication of services will be prevented.
  - d) Recommend the allocation of funds to agencies that provide services for the benefit of children in Indian River County.
  - e) Recommend standards for evidence based measurable outcomes within the request for proposal and monitor the agencies for actual performance on agreed upon standards.

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- f) Recommend to employ, pay and provide benefits for any part-time or full-time position needed to execute the foregoing powers and functions.

### **Section 215.05. - Appointment to the Children's Trust Advisory Board.**

- (1) The membership of the Children's Trust Advisory Board shall consist of fifteen (15) voting members who must be residents of Indian River County as follows:
  - a) Seven (7) ex-officio voting members. Those members shall be:
    - 1. County Commissioner
    - 2. Judge living in Indian River designated by Chief Judge
    - 3. Superintendent of Schools
    - 4. Department of Children and Families, Assistant District Administrator for Indian River County.
    - 5. Department of Health County Health Department Administrator
    - 6. Law Enforcement officer
    - 7. Representative from the Indian River County Hospital District.
  - b) Five (5) voting members from the community appointed by the Board of County Commissioners, which individuals shall have some form of expertise in the arena of children's services, such as a physician, licensed mental health professional, or child advocate.
  - c) One voting member, appointed by the Board of County Commissioners, who is an accountant, certified financial officer, certified financial planner or has significant financial experience.
  - d) Two (2) at-large voting members shall be appointed by the Board of County Commissioners.
- (2) The members appointed by the Board of County Commissioners shall have been residents of Indian River County for at least twenty-four (24) months prior to nomination. Such members shall be appointed for four-year terms, except that the length of the terms of the initial appointees shall be adjusted to stagger the terms. No at-large member shall serve for more than two (2) consecutive four-year terms.
- (3) No designee of principals will be allowed for any member of the Children's Trust Advisory Board.

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- (4) Except in the event of a conflict between with this Chapter, the Children's Trust Advisory Board shall be subject to the provisions of Chapter 103 of the Indian River County Code of Ordinances.

### **Section 215.06. - Duties of the Children's Trust Advisory Board members.**

- (1) Identify and assess the needs of the children in Indian River County and submit to the Board of County Commissioners a written description of:
- a) The activities, services, and opportunities available to Indian River County children.
  - b) The activities, services, and opportunities that need to be provided to Indian River County's children.
  - c) The anticipated schedule for providing those activities, services, and opportunities.
  - d) The manner in which children will be served, including a description of collaboration and partnerships that 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.
  - e) The strategy that will be used for interagency coordination and collaboration to maximize existing human and fiscal resources.
  - f) The special outreach efforts that will be undertaken to provide services to promote healthy children.
- (2) Provide orientation to all new Children's Trust Advisory Board members, to allow them to perform their duties and understand the Sunshine Law.
- (3) Based upon board of county commissioner's fiscal year, provide an annual written report and presentation in January to the Board of County Commissioners.
- (4) Provide an updated short term and long-term plan to the Board of County Commissioners to include, but not limited to:
- a) Programs, services, and activities that meet the objectives of the Children's Trust Advisory Board.
  - b) A detailed budget for activities, services, and programs recommended to receive funding from the Board of County Commissioners.

### **Section 215.07. - Sub-committees.**

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- (1) The Children's Trust Advisory Board may establish the change of membership in or termination of the existence of any sub-committees. Each sub-committee shall be named and shall have and may exercise such powers as delegated by the Children's Trust Advisory Board through the Board of County Commissioners. Sub-committees may be composed of Children's Trust Advisory Board members and citizens who are Indian River County residents. Only Children's Trust Advisory Board members shall serve as sub-committee chairs. A minimum of three people will serve on each sub-committee.
- (2) There shall be standing sub-committees created by the Children's Trust Advisory Board. The Children's Trust Advisory Board chair shall appoint the sub-committee chairs with the approval of the Children's Trust Advisory Board. Annually standing sub-committees will evaluate their effectiveness and make recommendations to the Children's Trust Advisory Board.
  - a) Nominating sub-committee: Potential appointees shall submit resumes to the Board of County Commissioners and the board will make the selection.
  - b) Community needs assessment and planning sub-committee: Identify and assess the needs of children of Indian River County through a needs assessment and asset mapping; submit to the Board of County Commissioners through the Children's Trust Advisory Board a written description of those needs. Provide and update short term and long term plan to the Children's Trust Advisory Board including, but not limited to:
    - i) Programs, services, and activities that meet the objectives of the Children's Trust Advisory Board.
    - ii) A detailed budget for activities, services, and programs recommended to receive funding from the Board of County Commissioners.
  - c) Grant review and program sub-committee: In coordination with the executive office director, review and revise requests for proposal (RFP) based on need determination and set priorities. Submit to Children's Trust Advisory Board for approval. Review and recommend letters of intent submitted by agencies requesting funding. Through executive office director, notify selected grant applicant of second step process. Review final RFPs and make recommendations for funding to Children's Trust Advisory Board, who will then recommend to the Board of County Commissioners for funding. Receive, review and present to Children's Trust Advisory Board members' quarterly (at a minimum) reports from funded agencies. Conduct program evaluations throughout the funding period, schedule and attend site visits to funded program.

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- d) Other sub-committees deemed necessary to fulfill the duties of the Children's Trust Advisory Board may be established by the Children's Trust Advisory Board chair, with the expressed consent of the Board of County Commissioners.

### **Section 215.08. - Meetings.**

- (1) The Children's Trust Advisory Board will meet at least quarterly or as called by the chair.
  - a) All members are expected to attend all meetings. If a member's annual attendance drops below the seventy-five (75) percent mark the executive office director shall submit a report to the Board County of Commissioners for their consideration of possible removal from Children's Trust Advisory Board.
  - b) Members of the Children's Trust Advisory Board shall serve without compensation.
- (2) The fiscal year of the Children's Trust Advisory Board will be the same as the Indian River County Board of Commissioners.

### **Section 215.09. - Funding.**

- (1) In order to promote and improve children's health and well-being, and to fund quality programs and services for children residing in Indian River County, the Indian River County Board of County Commissioners shall dedicate each year an ad valorem tax of 0.250 of a mill from 2023-2024 to 2026-2027 and 0.375 of a mill from 2027-2028 to 2034-2035.
- (2) The amount of revenue to be generated shall be reported to the advisory board by the director as soon as reasonably possible after the property appraiser certifies the tax roll and shall be accounted for by the clerk separate and apart from all other county funds.
- (3) Effective beginning in 2023-2024, the millage raised for the Children's Trust District shall replace existing funding provided by the county's Children's Services Advisory Board and may be expended only for funding programs and services for children in accordance with the provisions of this article.
- (4) Any funds generated by the Children's Trust District not used during any fiscal year and all interest earned on such funds shall be accounted for and used only for the purposes established in this chapter.

### **Section 215.10. Use of funds.**

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It is the intent of this chapter that the funds generated by the Children's Trust District shall be used for the development and authorization of continuing programs to improve the quality of life for all children in Indian River County. The Children's Trust District will expend funds for children's services to promote the health and well-being of children, which encompasses socioeconomic, physical, mental, social, emotional, environmental and educational health. Such programs and services may include, but shall not be limited to the following purposes:

- 1) To allocate and provide funds for agencies in Indian River County which are operated for the benefit of children.
- 2) To support programs and services which will enhance academic achievement and assist all children to achieve literacy and perform at grade level in core areas such as reading, math and science.
- 3) To provide and maintain in Indian River County such guidance, psychological, or psychiatric programs and services as the county determines are needed for the general welfare of the children and families of Indian River County.
- 4) To support programs and services which promote and improve the physical health and well-being of all children, including physical and recreational activities.
- 5) To support programs and services designed to stop child abuse before it starts.
- 6) To provide funds to programs and services that keep our children off the streets and away from drugs, alcohol and other risky behaviors.
- 7) To provide prenatal care programs where such programs will improve birth outcomes for all children.
- 8) To provide for such other services for all children as the county determines are needed for the general welfare of Indian River County.
- 9) To collect information and statistical data which will be helpful to the county in deciding the needs of children and to develop techniques for monitoring the efficacy of funded programs and services including, but not limited to the gathering of data, measuring outcomes, goal effectiveness, research.
- 10) To provide or coordinate training, professional development and other support to Children's Trust funded agencies which will ultimately improve service delivery and desired outcomes for children.
- 11) To consult, coordinate and collaborate with local, state and national entities which promote best practices, professional standards and advocacy focusing on the health, well-being and education of children and families.



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- 12) To lease or purchase such equipment and personal property, up to \$5,000, as are needed to execute the foregoing programs and services.
- 13) To employ and pay, on a part-time or full-time basis, personnel needed to execute the foregoing programs and services.
- 14) To provide for administrative expenses limited to Indian River County staff implementing this chapter and operating supplies, directly related to tasks necessary to fulfill the scope and purposes of this chapter, in an amount not to exceed eight (8) per cent of the annual millage for that fiscal year, to be determined at the time of budget adoption.

Such children's services may be provided in accordance with the provisions of this article and such rules, policies and procedures as may be established by resolution of the county, which may include, but shall not be limited to programs providing for grants to not-for-profit agencies for the reimbursement of expenditures for operational and overhead expenses for the creation, development and implementation of programs, grants to not-for-profit agencies or children based upon funding all or a portion of the cost of services rendered, the purchase of services or, where children's services can most economically and efficiently be provided by county, through the establishment of county-run programs. Funding will not be used to pay for or reimburse services provided by other governmental entities or their employees.

### **Section 215.11. – Process for distribution of funds.**

- 1) The application process will be in the form of a request for proposal. Each completed application shall contain expected results stated in required evidence based measurable terms for review by the Children's Trust Advisory Board and a copy of the most recent financial audit. Governmental agencies are excluded from the financial audit requirement.
- 2) Announcement of plan. As soon as reasonably possible after submission of the advisory board's annual report and initial funding plan for children's programs and services, the county shall approve or modify the plan and announce the availability of funding for the upcoming fiscal year. The announcement will include a description of services and programs recommended for funding from the Children's Trust District. The announcement will include information pertaining to funding applications, rules and procedures pertaining to the award of funds and applicable dates for submission of applications and all details pertinent thereto.
- 3) Funding request evaluation. Evaluations of agencies submitting funding applications shall include, but not be limited to, site visits, interviews, and application review. Applications received will be assessed on the basis of specified criteria and will include, but not be limited to, the following items:

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- a. Organization's capability. The qualifications and experience of the applicant in providing quality human services and the agency's financial capability.
  - b. Evidence based outcomes from prior years.
  - c. Need for service. Appropriate goals and objectives in response to the advertisement of funding availability.
  - d. Soundness of methodology. The goal and objectives, description of services with timeline and documented coordination with other service providers.
  - e. Evaluation. The program's process and outcome objectives, data collection system and evaluation design.
  - f. Cost effectiveness. The proportion of budget applied to direct services, funds from other sources, funds requested, current and projected long range efficiency.
  - g. Children and families served. The extent to which the application addresses services to meet identified needs of the target population.
  - h. Neighborhood-based initiatives. The extent and degree to which the application focuses on a local area or neighborhood.
  - i. Response to a specified strategy. The applicant's identification of and appropriate response to a specified primary strategy.
  - j. Application. The relative completeness, clarity and conciseness of the response to all required items in the funding announcement and application.
- 4) Prior to budget hearings, the Children's Trust Advisory Board shall submit a line item request, by program, to the Board of County Commissioners for funding consideration. This total request will be within the boundaries of the aggregate funding allocated for children's services by the Board of County Commissioners as set forth in section 215.07.

### **Section 215.12. - Function of executive office director.**

The executive office director of the County, under the purview of the County Administrator, will provide all services needed to support the services set forth in this chapter, including, but not limited to, completing reports and activities required to meet the objectives of the Children's Trust Advisory Board. These activities will include, but are not limited to, administrative support for the Children's Trust Advisory Board meetings and be the official record repository for said records, keeping other records, monitoring agencies receiving funds, writing appropriate grants, producing written materials,

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reviewing applications for funding, reporting to the Children's Trust Advisory Board, preparing annual budgets, writing and presenting annual reports. The office of the executive office director shall consist of a director or manager and adequate staff to perform all duties provided for under this chapter.

### **Section 215.13. - Bookkeeping and audit.**

Any agency funded through the process set forth in this chapter shall be required to keep adequate records reflecting the use of funds and services provided. These records shall be made available to the Children's Trust Advisory Board or Board of County Commissioners upon reasonable demand. The executive office director shall, at a minimum; review and records quarterly and prepare written reports for the Children's Trust Advisory Board. All agencies must provide the Children's Trust Advisory Board with an audit based upon standard accounting procedures.

### **Section 215.14. - Procedures handbook.**

The procedure handbook shall be adopted by the Board of County Commissioners by resolution, which sets out the operating procedures of the Children's Trust Advisory Board.

### **Section 215.15. Sunset.**

This Chapter shall expire on November 8, 2034, twelve (12) years after the date such authority to dedicate millage for children's services was submitted to the electors of Indian River County voting in a referendum.

**Section 4. Codification.** It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections 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 intention.

**Section 5. Severability.** If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

**Section 6. Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 7. Referendum Approval.** A question shall be placed on the ballot at the November 8, 2022 election to be held in Indian River County for referendum approval by the electors of Indian River County to be worded substantially as follows:

"In order to fund improvements in quality children's development, physical and mental health, and other services for children residing in Indian River County, shall the Indian

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River County Board of County Commissioners, through the Children’s Trust District, levy each year an ad valorem tax of 0.2500 of a mill from 2023-2024 to 2026-2027 and 0.3750 of a mill from 2027-2028 to 2034-2035?”

\_\_\_ For the Children’s Trust District  
\_\_\_ Against the Children’s Trust District

**Section 8. Sunset Date.**

This ordinance shall expire on November 8, 2034, twelve (12) years after the date such authority for the Children’s Trust District was submitted to the electors of Indian River County voting in a referendum.

**Section 9. Effective Date.**

This ordinance shall become effective on November 8, 2022 only if a majority vote “yes” in favor of the taxing authority of the Children’s Trust District, at the referendum scheduled for November 8, 2022. If a majority vote “no”, this ordinance shall be null and void.

This ordinance was advertised in the Indian River Press Journal on the \_\_\_ day of \_\_\_\_\_, 2022, for a public hearing to be held on the \_\_\_ day of \_\_\_\_\_, 2022, at which time it was moved for adoption by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and adopted by the following vote:

Chairman Peter D. O’Bryan \_\_\_\_\_  
Vice Chairman Joseph H. Earman \_\_\_\_\_  
Commissioner Susan Adams \_\_\_\_\_  
Commissioner Joseph E. Flescher \_\_\_\_\_  
Commissioner Laura Moss \_\_\_\_\_

The Chairman thereupon declared the ordinance duly passed and adopted this \_\_\_ day of \_\_\_\_\_, 2022.

**BOARD OF COUNTY  
COMMISSIONERS OF INDIAN RIVER  
COUNTY, FLORIDA**

By: \_\_\_\_\_  
Peter D. O’Bryan, Chairman

**ATTEST: Jeffrey R. Smith, Clerk  
and Comptroller**

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By: \_\_\_\_\_  
Deputy Clerk

This Ordinance was filed with the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 2022.