

1 A bill to be entitled
2 An act relating to Broward County; creating the
3 Broward County Council for Services for Seniors;
4 providing a definition; creating an independent
5 special district to provide funding for services for
6 seniors; requiring approval by a majority vote of
7 electors to annually levy ad valorem taxes; requiring
8 the district to comply with provisions of general law
9 related to levying and fixing millage and filing
10 financial or compliance reports; creating a governing
11 council for the district; specifying criteria for
12 membership to the council; providing terms of office;
13 requiring the council members to serve without
14 compensation; specifying the powers and functions of
15 the council; requiring the council to appoint a chair
16 and vice chair and elect other officers, identify and
17 assess the needs of seniors, provide training and
18 orientation to new members of the council, make and
19 adopt bylaws and rules for the council's operation and
20 governance, and provide an annual report to the county
21 governing body; requiring the council to maintain
22 minutes of each meeting; requiring the council to
23 prepare a tentative annual budget and compute a
24 millage rate to fund the district; requiring that all
25 tax collected be paid directly to the council by the
26 county tax collector and deposited in qualified public
27 depositories; requiring certain council members to
28 file a surety bond; specifying requirements for

29 expenditures of funds; requiring the council to
 30 prepare and file quarterly financial reports with the
 31 county governing body; providing legislative intent
 32 with respect to the use of funds collected by the
 33 council; requiring a referendum; providing a
 34 contingent effective date.

35
 36 Be It Enacted by the Legislature of the State of Florida:

37
 38 Section 1. Broward County Council for Services for
 39 Seniors; independent special district.-

40 (1) DEFINITION.-As used in this section, the term "senior"
 41 means a person who is 60 years of age or older.

42 (2) SPECIAL DISTRICT.-The Broward County Council for
 43 Services for Seniors is created as an independent special
 44 district, as defined in ss. 189.403 and 200.001, Florida
 45 Statutes, to provide countywide funding for senior services. The
 46 boundaries of the district shall be coterminous with the
 47 boundaries of Broward County.

48 (a) The Board of County Commissioners of Broward County
 49 shall obtain approval, by a majority vote of the electors, to
 50 authorize the district to annually levy ad valorem taxes, which
 51 shall not exceed 0.5 mills of assessed valuation of all
 52 properties subject to ad valorem taxes within the county. The
 53 ballot for the referendum must conform to the requirements of s.
 54 101.161, Florida Statutes.

55 (b) The district shall:

56 1. Levy and fix millage as provided in s. 200.065, Florida

57 | Statutes.

58 | 2. Maintain the same fiscal year as Broward County.

59 | 3. Comply with all provisions of general law that relate
 60 | to the filing of any financial or compliance reports required
 61 | under part III of chapter 218, Florida Statutes, or any other
 62 | report or documentation required by law, including the
 63 | requirements of ss. 189.415, 189.417, and 189.418, Florida
 64 | Statutes.

65 | (c) This act does not prohibit Broward County from
 66 | exercising such powers as provided by general or special law to
 67 | provide or fund services for seniors.

68 | (3) COUNCIL MEMBERSHIP.—

69 | (a) The district shall be governed by an 11-member council
 70 | consisting of:

71 | 1. Four permanent positions representing:

72 | a. The executive director of the Aging and Disability
 73 | Resource Center of Broward County or her or his designee, who
 74 | must be a director of senior programs.

75 | b. The Broward County Director of Human Services or her or
 76 | his designee, who must be a director of senior services.

77 | c. The administrator of the Department of Children and
 78 | Families circuit serving Broward County or her or his designee.

79 | d. The director of the Broward County Health Department or
 80 | her or his designee.

81 | 2. Two members appointed for 2-year terms by a majority of
 82 | the Board of County Commissioners of Broward County, one of whom
 83 | shall represent the Board of County Commissioners and one of
 84 | whom shall be a representative of a municipality that is a

85 member of, and shall represent, the Broward League of Cities.

86 3. Five members appointed by the Governor and
 87 representing, to the greatest extent possible, the cultural
 88 diversity of Broward County's population, of which at least one
 89 member is a senior. All members appointed by the Governor must
 90 have been residents of Broward County during the previous 24
 91 months.

92 a. Three nominees shall be submitted for each appointment
 93 to the Governor by the Board of County Commissioners of Broward
 94 County. The Governor shall make a selection within 45 days after
 95 receipt of the nominees or request a new list of nominees.

96 b. The appointees shall be appointed to 4-year terms and
 97 may be reappointed for one additional term of office. The length
 98 of the terms of the initial appointees shall be adjusted to
 99 stagger the terms.

100 c. The Governor may remove any of her or his appointees
 101 for cause or upon the written petition of the Board of County
 102 Commissioners of Broward County. If a member appointed by the
 103 Governor resigns, dies, or is removed from office, the vacancy
 104 shall be filled by the Governor in the same manner as the
 105 original appointment, and the new member shall be appointed for
 106 the remainder of the unexpired term.

107 (b) Council members shall serve without compensation.

108 (4) COUNCIL DUTIES.—

109 (a) The council shall:

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

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113 2. Immediately after the officers are elected, identify
114 and assess the needs of seniors within Broward County and submit
115 a written report to the Board of County Commissioners of Broward
116 County that describes:

117 a. The activities, services, and opportunities that will
118 be provided to seniors.

119 b. The manner in which seniors will be served, including a
120 description of arrangements and agreements that will be made
121 with community organizations, state and local educational
122 agencies, federal agencies, public assistance agencies, the
123 court system, guardianship groups, and other applicable public
124 and private agencies and organizations.

125 c. The anticipated schedule for providing these
126 activities, services, and opportunities.

127 d. The special outreach efforts that will be undertaken to
128 provide services to seniors who are at risk, abused, neglected,
129 or ailing.

130 e. The manner in which the council will seek and obtain
131 funding for unmet needs.

132 f. The strategy for interagency coordination in order to
133 maximize existing human and fiscal resources.

134 3. Provide training and orientation to all new members to
135 allow them to perform their duties.

136 4. Make and adopt bylaws and rules for the council's
137 guidance, operation, governance, and maintenance that are
138 consistent with applicable federal and state laws and county
139 ordinances.

140 5. Provide an annual written report, to be presented no

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141 later than January 1, to the Board of County Commissioners of
142 Broward County. At a minimum, the annual report must include:

143 a. Information on the effectiveness of activities,
144 services, and programs offered by the district, including cost-
145 effectiveness.

146 b. A detailed anticipated budget for the continuation of
147 activities, services, and programs offered by the district and a
148 list of all sources of funding.

149 c. Procedures used for the early identification of at-risk
150 seniors who need additional or continued services and methods
151 for ensuring that the additional or continued services are
152 received.

153 d. A description of the degree to which the district's
154 objectives and activities are meeting the goals of this section.

155 e. Detailed information on the district's various
156 programs, services, and activities that are available to
157 seniors.

158 f. Information on district programs, services, and
159 activities that should be eliminated; programs, services, and
160 activities that should be continued; and programs, services, and
161 activities that should be added to the basic responsibilities of
162 the district.

163 (b) The council may:

164 1. Provide and maintain in Broward County preventive,
165 developmental, treatment, rehabilitative, and other services for
166 seniors that the council determines are needed for the general
167 welfare of such persons.

168 2. Allocate and provide funds to other county agencies

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169 that operate for the benefit of seniors.

170 3. Collect information and statistical data and conduct
171 research and assessments that are helpful to the council and the
172 county in determining the needs of seniors in Broward County.

173 4. Consult and coordinate with other agencies providing
174 services dedicated to the welfare of seniors in order to prevent
175 the duplication of services.

176 5. Seek grants from state, federal, and local agencies and
177 accept donations from all sources.

178 6. Lease or buy real estate, equipment, and personal
179 property and construct buildings as needed to carry out the
180 powers, functions, and duties of the district, except that such
181 purchases may not be made or buildings constructed unless paid
182 for with cash on hand or secured by funds deposited in a
183 financial institution.

184 7. Employ, pay, and provide benefits for any part-time or
185 full-time personnel needed to carry out the powers, functions,
186 and duties of the district.

187 (c) The council shall maintain minutes of each meeting,
188 including a record of all votes cast, and shall make such
189 minutes available to any interested person.

190 (5) DISTRICT BUDGET.—

191 (a) On or before July 1 of each year, the council shall,
192 pursuant to s. 189.418, Florida Statutes, prepare a tentative
193 annual budget of the district's expected income and
194 expenditures, including a contingency fund. In addition, the
195 council shall compute a proposed millage rate, not to exceed 0.5
196 mills of assessed value, as necessary to fund the tentative

197 budget. The council must comply with the requirements of s.
 198 200.065, Florida Statutes.

199 (b) After the district's budget is certified and delivered
 200 to the Board of County Commissioners of Broward County, the
 201 budget may not be changed or modified by the Board of County
 202 Commissioners or any other authority.

203 (c) As soon as reasonably practicable after collection,
 204 all taxes collected under this section shall be paid directly to
 205 the district by the Broward County Records, Taxes, and Treasury
 206 Division.

207 (d) All moneys received by the district must be deposited
 208 in qualified public depositories, as defined in s. 280.02,
 209 Florida Statutes, with separate and distinguishable accounts
 210 established specifically for the district, and may be withdrawn
 211 only by checks signed by the chair of the council.

212 1. Upon taking office, the chair and the other members of
 213 the council or the chief executive officer who are authorized to
 214 sign checks shall each file a surety bond in the sum of at least
 215 \$1,000 for each \$1 million, or portion thereof, of the
 216 district's annual budget, which shall be conditioned upon the
 217 faithful discharge of the duties of her or his office. The
 218 premium on such bond may be paid by the district as part of the
 219 expenses of the council. Other members of the council are not
 220 required to give bond or other security.

221 2. Funds of the district must be expended by check, except
 222 for expenditures of up to \$100, which may be made from a petty
 223 cash account. All expenditures from petty cash must be recorded
 224 on the books and records of the council. District funds, except

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225 expenditures from petty cash, may not be expended without
226 previous approval of the council, in addition to the budgeting
227 thereof.

228 (e) Within 10 business days after the expiration of each
229 annual quarter, the council shall prepare and file with the
230 Board of County Commissioners of Broward County a financial
231 report that includes:

- 232 1. The district's total expenditures for the quarter.
- 233 2. The district's total receipts during the quarter.
- 234 3. A statement of the funds that the district has on hand,
235 has invested, or has deposited at the end of the quarter.
- 236 4. The district's total administrative costs for the
237 quarter.

238 (f) The council may not require any service provider to
239 provide additional matching funds as a condition of providing
240 district services or programs to seniors.

241 (g) It is the intent of the Legislature that the funds
242 collected pursuant to this section be used to support
243 improvements in services for seniors and that such funds not be
244 used as a substitute for existing resources or for resources
245 that would otherwise be available for such services.

246 (6) POWERS, DUTIES, RESPONSIBILITIES, AND OBLIGATIONS;
247 AMENDMENT OF CHARTER.—Except as otherwise expressly provided in
248 this act, the district shall have all powers, duties,
249 responsibilities, and obligations as provided for an independent
250 special district in s. 189.404, Florida Statutes, except that
251 the district may only be dissolved, and the district's charter,
252 as created by this act, may only be amended, by special act of

253 | the Legislature.

254 | Section 2. Referendum.—The Board of County Commissioners
 255 | of Broward County shall call, and the Supervisor of Elections of
 256 | Broward County shall conduct, in conjunction with the primary
 257 | election to be held on August 12, 2014, a referendum as follows:

258 |
 259 | CREATING THE COUNCIL FOR SERVICES FOR SENIORS AND
 260 | AUTHORIZATION OF TAXATION.—Shall an independent special district
 261 | known as the "Council for Services for Seniors" be created by
 262 | special act of the Legislature with authority to levy each year
 263 | an ad valorem tax not to exceed one-half of one mill to fund
 264 | services for seniors within Broward County?

265 |
 266 | YES _____

267 | NO _____

268 |
 269 | Section 3. This act shall take effect upon approval by
 270 | majority vote of those qualified electors of Broward County
 271 | voting in a referendum to be held in conjunction with the
 272 | primary election held on August 12, 2014, in accordance with the
 273 | provisions of law relating to elections currently in force,
 274 | except that this section and section 2 shall take effect upon
 275 | becoming a law.