

1 A bill to be entitled

2 An act relating to Broward County; creating the Broward
3 County Council for Services for Seniors; creating an
4 independent special district to provide funding for
5 services for seniors; requiring approval by a majority
6 vote of electors to annually levy ad valorem taxes not to
7 exceed a certain maximum; creating a governing board for
8 the district; specifying criteria for membership of the
9 governing board; providing terms of office; specifying the
10 powers and functions of the council; requiring the council
11 to elect a chair, vice chair, and officers, to identify
12 and assess the needs of seniors, to provide training and
13 orientation to new members of the council, to make and
14 adopt bylaws and rules for the council's operation and
15 governance, and to provide an annual report to the Broward
16 County Board of County Commissioners; requiring the
17 council to maintain minutes of each meeting and to serve
18 without compensation; requiring the council to prepare a
19 tentative annual budget and to compute a millage rate to
20 fund the tentative budget; requiring that all tax moneys
21 collected be paid directly to the council by the Broward
22 County Tax Collector and deposited in qualified public
23 depositories; specifying expenditures of funds; requiring
24 the council to prepare and file a financial report to the
25 Broward County Board of County Commissioners; providing
26 that the district may be amended or dissolved by a special
27 act of the Legislature; authorizing the Broward County
28 Board of County Commissioners to fund the budget of the

29 council from its own funds after or during the council's
 30 first year of operation; requiring the district to comply
 31 with statutory requirements related to the filing of a
 32 financial or compliance report; authorizing the district
 33 to seek grants and accept donations from public and
 34 private sources; providing legislative intent with respect
 35 to the use of funds collected by the council; requiring a
 36 referendum; providing a ballot statement; providing an
 37 effective date.

38
 39 WHEREAS, the Legislature has determined that it would
 40 serve the public interest to establish an independent
 41 special district to provide services to seniors within
 42 Broward County, NOW, THEREFORE,

43
 44 Be It Enacted by the Legislature of the State of Florida:

45
 46 Section 1. Services for seniors; independent special
 47 district; council; powers, duties, and functions.--

48 (1) There is hereby created an independent special
 49 district, as defined in sections 189.403 and 200.001, Florida
 50 Statutes, to provide funding for services for seniors throughout
 51 Broward County in accordance with this act. The boundaries of
 52 such district shall be coterminous with the boundaries of
 53 Broward County. The district created pursuant to this act shall
 54 levy and fix millage as provided in section 200.065, Florida
 55 Statutes. Once the millage is approved by the electorate, the
 56 district is not required to seek approval of the electorate in

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57 future years to levy the previously approved millage. For
58 purposes of this section, the term "senior" means a person who
59 is at least 60 years of age.

60 (2) The governing board of the district shall be the
61 Broward County Council for Services for Seniors. The council
62 shall consist of 11 members, including the Executive Director of
63 the Area Agency on Aging of Broward County or his or her
64 designee who is a director of senior programs; the Broward
65 County Director of Human Services or his or her designee who is
66 a director of senior services; one member of the Broward County
67 Board of County Commissioners; two nonvoting members of the
68 Broward County Legislative Delegation appointed by the
69 delegation chair; and two representatives of the Broward League
70 of Cities appointed by the President of the League of Cities.
71 The Executive Director of the Area Agency on Aging of Broward
72 County or his or her designee and the Broward County Director of
73 Human Services or his or her designee are permanent positions.
74 The members appointed from the Broward County Board of County
75 Commissioners, the Broward County Legislative Delegation, and
76 the Broward League of Cities shall be appointed to 2-year terms
77 each. The other four members shall be appointed by the Governor
78 and shall represent, to the greatest extent possible, the
79 cultural diversity of Broward County's population. At least one
80 of the gubernatorial appointees must be an individual who is
81 both a caretaker for a senior and 60 years of age or older.
82 Recommendations for these members shall be provided by the
83 Broward County Board of County Commissioners. Three names shall
84 be submitted for each vacancy, determined by category. The

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85 gubernatorial appointees shall be appointed to 4-year terms and
86 may be reappointed for one additional term of office. The
87 Governor shall make a selection within a 45-day period or
88 request a new list of candidates. All members appointed by the
89 Governor must have been residents of Broward County for the
90 previous 24 months. The length of the terms of the initial
91 appointees shall be adjusted to stagger the terms. The Governor
92 may remove a member for cause or upon the written petition of
93 the Broward County Board of County Commissioners. If any of the
94 members of the council appointed by the Governor resign, die, or
95 are removed from office, the vacancy shall be filled by
96 appointment by the Governor using the same method as the
97 original appointment, and such appointment to fill a vacancy
98 shall be for the unexpired term of the member who resigns, dies,
99 or is removed from office.

100 (3) (a) The Broward County Council for Services for Seniors
101 may:

102 1. Provide and maintain in the county the preventive,
103 developmental, treatment, and rehabilitative services for
104 seniors the council determines are needed for the general
105 welfare of seniors.

106 2. Provide any other services the council determines are
107 needed for the general welfare of seniors in the county.

108 3. Allocate and provide funds for other agencies in the
109 county that are operated for the benefit of seniors.

110 4. Collect information and statistical data and conduct
111 research and assessments that will be helpful to the council and
112 the county in deciding the needs of seniors in the county.

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113 5. Consult and coordinate with other agencies dedicated to
114 the welfare of seniors to the end that the overlapping of
115 services will be prevented.

116 6. Seek grants from state, federal, and local agencies and
117 accept donations from public and private sources.

118 7. Lease or buy real estate, equipment, and personal
119 property and construct buildings as needed to execute the
120 foregoing powers and functions, except that such purchases or
121 construction may only be paid for with cash on hand or secured
122 by funds deposited in financial institutions. This subparagraph
123 does not authorize the district to issue bonds of any nature,
124 and the district does not have the power to require the
125 imposition of any bond by the governing body of the county.

126 8. Employ, pay, and provide benefits for any part-time or
127 full-time personnel needed to execute the foregoing powers and
128 functions.

129 (b) The Broward County Council for Services for Seniors
130 shall:

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

134 2. As soon as possible after the members are appointed and
135 officers are elected, identify and assess the needs of seniors
136 in the county and submit to the Broward County Board of County
137 Commissioners a written description of:

138 a. The activities, services, and opportunities that will
139 be provided to seniors.

140 b. The anticipated schedule for providing those

141 activities, services, and opportunities.

142 c. The manner in which seniors will be served, including a
 143 description of arrangements and agreements that will be made
 144 with community organizations, state and local agencies, federal
 145 agencies, public assistance agencies, the court system,
 146 guardianship groups, and other applicable public and private
 147 agencies and organizations.

148 d. The special outreach efforts that will be undertaken to
 149 provide services to at-risk, abused, or neglected and ailing
 150 seniors.

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

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

155 3. Provide training and orientation to all new members
 156 sufficient to allow them to perform their duties.

157 4. Make and adopt bylaws and rules for the council's
 158 guidance, operation, governance, and maintenance not
 159 inconsistent with federal or state laws or county ordinances.

160 5. Provide an annual written report, to be presented no
 161 later than January 1, to the Broward County Board of County
 162 Commissioners. The annual report must contain, but need not be
 163 limited to:

164 a. Information on the effectiveness of activities,
 165 services, and programs offered by the council, including cost-
 166 effectiveness.

167 b. A detailed anticipated budget for continuation of
 168 activities, services, and programs offered by the council and a

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169 list of all sources of requested funding, both public and
170 private.

171 c. Procedures used for early identification of at-risk
172 seniors who need additional or continued services and methods
173 for ensuring that the additional or continued services are
174 provided.

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

178 e. Detailed data on the various programs, services, and
179 activities available to seniors.

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

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

187 (d) Members of the council shall serve without
188 compensation but are entitled to receive reimbursement for per
189 diem and travel expenses consistent with section 112.061,
190 Florida Statutes.

191 (4) (a) The district shall maintain the same fiscal year as
192 Broward County.

193 (b) On or before July 1 of each year, the council shall
194 prepare a tentative annual written budget of the district's
195 expected income and expenditures, including a contingency fund.
196 The council shall, in addition, compute a proposed millage rate

197 within the voter-approved cap necessary to fund the tentative
 198 budget and, prior to adopting a final budget, comply with
 199 section 200.065, Florida Statutes, relating to the method of
 200 fixing millage, and fix the final millage rate by resolution of
 201 the council. The adopted budget and final millage rate must be
 202 certified and delivered to the Broward County Board of County
 203 Commissioners within 15 days following the council's adoption of
 204 the final budget and millage rate under chapter 200, Florida
 205 Statutes. Included in each certified budget shall be the millage
 206 rate, adopted by resolution of the council, necessary to be
 207 applied to raise the funds budgeted for district operations and
 208 expenditures. District millage may not exceed 0.5 mills of
 209 assessed valuation of all properties within Broward County that
 210 are subject to ad valorem county taxes.

211 (c) After the budget of the district is certified and
 212 delivered to the Broward County Board of County Commissioners,
 213 the budget may not be changed or modified by the Broward County
 214 Board of County Commissioners or any other authority.

215 (d) All taxes collected under this section, as soon after
 216 collection as is reasonably practicable, shall be paid directly
 217 to the council by the Broward County Revenue Collection
 218 Division.

219 1. All moneys received by the council shall be deposited
 220 in qualified public depositories, as defined in section 280.02,
 221 Florida Statutes, with separate and distinguishable accounts
 222 established specifically for the council and may be withdrawn
 223 only by checks signed by the chair of the council and
 224 countersigned by one other member of the council or by a chief

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225 executive officer authorized by the council.

226 2. Upon entering the duties of office, the chair and the
227 other member of the council or chief executive officer who signs
228 its checks shall each file a surety bond in the sum of at least
229 \$1,000 for each \$1 million or portion thereof of the council's
230 annual budget, which bond shall be conditioned upon the faithful
231 discharge of the duties of his or her office. The premium on
232 such bond may be paid by the district as part of the expenses of
233 the council. Other members of the council may not be required to
234 give bond or other security.

235 3. Funds of the district may only be expended by check,
236 except expenditures from a petty cash account, which account may
237 not at any time exceed \$100. All expenditures from petty cash
238 must be recorded on the books and records of the council. Funds
239 of the council, except expenditures from petty cash, may not be
240 expended without prior approval of the council, in addition to
241 the budgeting thereof.

242 (e) Within 10 days, exclusive of weekends and legal
243 holidays, after the expiration of each quarter-annual period,
244 the council shall prepare and file with the Broward County Board
245 of County Commissioners a financial report that includes:

246 1. The total expenditures of the council for the quarter-
247 annual period.

248 2. The total receipts of the council during the quarter-
249 annual period.

250 3. A statement of the funds the council has on hand, has
251 invested, or has deposited with qualified public depositories at
252 the end of the quarter-annual period.

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253 4. The total administrative costs of the council for the
254 quarter-annual period.

255 (5) The district created under this act may be amended or
256 dissolved by a special act of the Legislature.

257 (6) After or during the first year of operation of the
258 council, the Broward County Board of County Commissioners, at
259 its option, may fund in whole or in part the budget of the
260 council from its own funds.

261 (7) The district created under this act shall comply with
262 all other statutory requirements of general application that
263 relate to the filing of any financial reports or compliancy
264 reports required under part III of chapter 218, Florida
265 Statutes, or any other report or documentation required by law,
266 including the requirements of sections 189.415, 189.417, and
267 189.418, Florida Statutes.

268 Section 2. Referendum.--The Broward County Board of County
269 Commissioners is directed to call and the Supervisor of
270 Elections of Broward County shall conduct a special referendum
271 election to be held in conjunction with the primary election
272 held on September 5, 2006, to carry out the purposes and intent
273 of this act and to do all things necessary to implement and fund
274 the Broward County Council for Services for Seniors and the
275 independent special district created hereby in accordance with
276 the terms of this act and the laws pertaining to elections. The
277 item shall appear on the ballot as follows:

278
279 Creating the Council for Services for Seniors and authorization
280 of taxation

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281
 282 An independent special district known as the "Broward County
 283 Council for Services for Seniors" is created to fund the
 284 improvement and availability of services for seniors by levying
 285 each year an ad valorem tax not to exceed 0.5 mills for services
 286 for seniors.

287
 288 Yes
 289 No

290
 291 Section 3. This act shall take effect only upon approval
 292 by a majority vote of those qualified electors of Broward County
 293 voting in a referendum election to be called by the Broward
 294 County Board of County Commissioners and held in conjunction
 295 with the primary election held on September 5, 2006, in
 296 accordance with the provisions of law relating to elections
 297 currently in force, except that this section and section 2
 298 shall take effect upon becoming a law.