

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

29 | county governing body; prohibiting the council from
 30 | requiring certain matching funds; providing legislative
 31 | intent with respect to the use of funds collected by the
 32 | council; providing for amendment or dissolution of the
 33 | district by the Legislature; requiring a referendum;
 34 | providing a ballot statement; providing an effective date.

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

38 | Section 1. Services for seniors; special district.-

39 | (1) DEFINITION.-As used in this section, the term "senior"
 40 | means a person who is at least 60 years of age.

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

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

55 | (b) The district created under this act shall:

56 | 1. Levy and fix millage as provided in section 200.065,

57 Florida Statutes.
 58 2. Maintain the same fiscal year as Broward County.
 59 3. Comply with all other statutory requirements of general
 60 application that relate to the filing of any financial or
 61 compliance reports required under part III of chapter 218,
 62 Florida Statutes, or any other report or documentation required
 63 by law, including the requirements of sections 189.415, 189.417,
 64 and 189.418, Florida Statutes.
 65 (c) This act does not prohibit Broward County from
 66 exercising such power 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 & Disability
 73 Resource Center of Broward County or her or his designee who is
 74 a director of senior programs.
 75 b. The Broward County Director of Human Services or her or
 76 his designee who is a director of elderly services.
 77 c. The District 10 director of the Department of Children
 78 and Family Services 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 Broward County Board of County Commissioners, one of whom
 83 shall represent the board of county commissioners and one of
 84 whom shall be a member of and represent the Broward League of

85 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 shall be 60 years of age or older. All members appointed
 90 by the Governor must have been residents of Broward County
 91 during the previous 24 months.

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

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 Broward County
 102 Board of County Commissioners. If any council member appointed
 103 by the Governor resigns, dies, or is removed from office, the
 104 vacancy shall be filled by the Governor, using the same method
 105 as the original appointment, and the new member shall be
 106 appointed for the remainder of the unexpired term.

107 (b) Members of the council shall serve without
 108 compensation.

109 (4) COUNCIL POWERS AND DUTIES.—

110 (a) The council shall:

111 1. Immediately after the members are appointed, elect a
 112 chair and vice chair from among their members and elect other

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113 officers as deemed necessary by the council.

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

118 a. The activities, services, and programs that will be
119 provided to seniors and the anticipated schedule for providing
120 those activities, services, and programs.

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

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

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

132 e. 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 or 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 Broward County Board of County
142 Commissioners. 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 the
151 methods for ensuring that the additional or continued services
152 are 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 available to seniors.

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

162 (b) The council may:

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

167 2. Allocate and provide funds to other county agencies
168 that operate for the benefit of seniors.

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

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

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

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

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

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

189 (5) DISTRICT BUDGET.—

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

197 200.065, Florida Statutes.

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

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

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

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

220 2. Funds of the district may only be expended by check,
 221 except for expenditures of up to \$100, which may be made from a
 222 petty cash account. All expenditures from petty cash must be
 223 recorded on the books and records of the council. District
 224 funds, except expenditures from petty cash, may not be expended

225 without prior approval of the council, in addition to the
 226 budgeting thereof.

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

231 1. The council's total expenditures for the quarter.

232 2. The council's total receipts during the quarter.

233 3. A statement of the funds the council has on hand, has
 234 invested, or has deposited at the end of the quarter.

235 4. The council's total administrative costs for the
 236 quarter.

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

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

245 Section 2. Powers, duties, responsibilities, and
 246 obligations.—Except as specifically provided by this act, the
 247 district shall have all powers, duties, responsibilities, and
 248 obligations as provided for special independent districts in
 249 section 125.901, Florida Statutes, except that the independent
 250 district created by this act may only be amended or dissolved by
 251 special act of the Legislature.

252 Section 3. Referendum.—The Broward County Board of County

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253 Commissioners shall call and the Supervisor of Elections of
 254 Broward County shall conduct, in conjunction with the general
 255 election to be held on November 6, 2012, a referendum as
 256 follows:

257
 258 Creating the Council for Services for Seniors and authorization
 259 of taxation.

260
 261 Shall an independent special district known as the Council for
 262 Services for Seniors be created by special act of the
 263 Legislature with authority to levy each year an ad valorem tax
 264 not to exceed one-half of one mill to fund services for seniors?

265
 266 Yes _____

267 No _____

268 Section 4. This act and the provisions of this act which
 269 authorize ad valorem taxation shall take effect only upon
 270 approval by majority vote of those qualified electors of Broward
 271 County voting in a referendum to be held in conjunction with the
 272 general election held on November 6, 2012, in accordance with
 273 the provisions of law relating to elections currently in force,
 274 except that this section and section 3 of this act shall take
 275 effect upon becoming a law.