

1 A bill to be entitled
2 An act relating to Broward County; providing a short
3 title; creating an independent special district to
4 provide and fund senior services in Broward County;
5 providing for a governing body to be known as the
6 Senior Services Council of Broward County; providing
7 for such council's membership, powers and duties, and
8 budget procedures; authorizing the levy of ad valorem
9 taxes not to exceed a specified amount; providing for
10 additional district powers, duties, responsibilities,
11 and obligations; providing for dissolution of the
12 district; providing for a referendum and ballot
13 question; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Short title.—This act may be cited as the
18 "Edith Schaffer Lederberg Senior Services Act."

19 Section 2. Special district.—Effective January 2, 2023,
20 subject to approval as provided in section 9, there is hereby
21 created an independent special district ("district") for
22 purposes of funding and providing services to seniors throughout
23 Broward County ("county"). The boundaries of such district shall
24 be coterminous with the boundaries of the county. The governing
25 body of the district shall be a board of directors to be known

26 as the Senior Services Council of Broward County ("council").
27 For purposes of this act, the term "senior" means a person who
28 is 60 years of age or older.

29 Section 3. Membership.—The council shall consist of 11
30 members, including:

31 (1) Five permanent members representing:

32 (a) The executive director of the area agency on aging or
33 a designee who is a director of senior programs in the county.

34 (b) The director of the Broward County Human Services
35 Department or a designee who is a director of services for
36 seniors.

37 (c) The director of the Southeastern Region of the
38 Department of Children and Families or a designee who is a
39 senior administrator or director responsible for adult
40 protective services within Broward County.

41 (d) The director or administrator of the Florida
42 Department of Health in Broward County or his or her designee.

43 (e) A county commissioner appointed by a majority of the
44 board of county commissioners.

45 (2) Two members appointed by a majority of the board of
46 county commissioners, one of whom shall be a designee of a
47 university that administers health services to seniors, and one
48 whom shall be the county representative of the Broward League of
49 Cities.

50 (3) One consumer member appointed by the board of county

51 commissioners who is a senior at the time of appointment.

52 (4) Three members appointed by the Governor, one of whom
53 is a member of the business community, one of whom is president
54 or chief executive officer of a local nonprofit entity providing
55 senior services within Broward County, and one of whom is a
56 consumer member who is a senior at the time of appointment.

57 (5) (a) Members appointed under subsections (3) and (4)
58 shall be residents of the county during the 24 months before
59 appointment. Such appointees must, to the greatest extent
60 possible, represent the cultural diversity of the county's
61 population.

62 (b) Except as provided in paragraph (c), the members
63 appointed under subsections (2), (3), and (4) shall be appointed
64 to 4-year terms and may be reappointed for one additional term
65 of office. The Governor may remove his or her appointees for
66 cause or upon written petition of the council.

67 (c) If any council member appointed by the board of county
68 commissioners or the Governor resigns, dies, or is removed from
69 office, a new member shall be appointed in the same manner as
70 the original appointment to fill the remainder of the unexpired
71 term. The board of county commissioners or the Governor, as
72 applicable, shall, to the greatest extent possible, fill a
73 vacancy within 45 days after its occurrence.

74 (6) Members of the council shall serve without
75 compensation but may be reimbursed for per diem and travel

76 expenses as provided in s. 112.061, Florida Statutes.

77 Section 4. Powers and duties.—

78 (1) The council may:

79 (a) Provide and maintain in the county preventive,
80 developmental, treatment, rehabilitative, and other services
81 which the council determines are necessary for the general
82 welfare of seniors.

83 (b) Allocate and provide funds to other agencies in the
84 county that operate for the benefit of seniors.

85 (c) Collect information and statistical data and conduct
86 research and assessments that will be helpful to the council and
87 the county in deciding the needs of seniors.

88 (d) Consult and coordinate with other agencies providing
89 services dedicated to the welfare of seniors in order to prevent
90 the unnecessary duplication of senior services.

91 (e) Seek grants for state, federal, and local agencies,
92 and accept donations from all sources.

93 (f) Lease or buy real estate, equipment, and personal
94 property, and construct buildings as necessary to carry out the
95 powers, functions, and duties of the district, except that such
96 purchases may not be made or buildings constructed unless paid
97 for with cash on hand or secured by funds deposited in financial
98 institutions. This paragraph does not authorize a district to
99 issue bonds of any nature, and the district does not have the
100 authority to require the imposition of any bond by the board of

101 county commissioners.

102 (g) Employ, pay, and provide benefits for any part-time or
103 full-time personnel needed to carry out the powers, functions,
104 and duties of the district.

105 (2) The council shall:

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

109 (b) Immediately after the officers are elected, identify
110 and assess the needs of seniors within the county and submit a
111 written report to the board of county commissioners which
112 describes:

113 1. The activities, services, and programs that will be
114 provided to seniors.

115 2. The way in which seniors will be served, including a
116 description of arrangements and agreements that will be made
117 with community organizations, state and local educational
118 agencies, federal agencies, public assistance agencies, the
119 court system, guardianship groups, and other applicable public
120 and private agencies and organizations.

121 3. The anticipated schedule for providing those
122 activities, services, and programs.

123 4. The special outreach efforts that will be undertaken to
124 provide services to seniors who are at risk, abused, neglected,
125 or ailing.

126 5. The way in which the council will seek and obtain
 127 funding for unmet needs.

128 6. The strategy for interagency coordination to maximize
 129 existing human and fiscal resources.

130 (c) Provide training and orientation to all new members to
 131 allow them to perform their duties. All council members,
 132 officers, and employees of the district must complete at least 4
 133 hours of ethics training each calendar year in accordance with
 134 s. 112.3142(2)(b), Florida Statutes, except that any council
 135 member who is an elected official subject to s. 112.3142,
 136 Florida Statutes, is exempt from the ethics training requirement
 137 of this paragraph.

138 (d) Make and adopt bylaws and rules for the council's
 139 guidance, operation, governance, and maintenance, if such rules
 140 are consistent with federal or state laws or county ordinances.

141 (e) Provide an annual written report, to be presented no
 142 later than January 1, to the board of county commissioners. At a
 143 minimum, the annual report must include:

144 1. Information on the effectiveness of activities,
 145 services, and programs offered by the council, including cost
 146 effectiveness.

147 2. A detailed anticipated budget for continuation of
 148 activities, services, and programs offered by the council and a
 149 list of all sources of funding, both public and private.

150 3. Procedures used for early identification of at-risk

151 seniors who need additional or continued services, and methods
152 for ensuring that the additional or continued services are
153 received.

154 4. A description of the degree to which the council's
155 objectives and activities are meeting the goals of this act.

156 5. Detailed information on the various programs, services,
157 and activities available to seniors, and how the programs,
158 services, and activities have been successfully used by seniors.

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

163 (3) The council shall maintain minutes of each meeting,
164 including a record of all votes cast, and shall make such
165 minutes available to any interested person.

166 Section 5. Fiscal year.—

167 (1) The fiscal year of the district shall be the same as
168 the fiscal year of the county.

169 (2) On or before July 1 of each year, the council shall,
170 in accordance with s. 189.016, Florida Statutes, prepare a
171 tentative annual written budget of the district's expected
172 income and expenditures, including a contingency fund. In
173 addition, the council shall compute a proposed millage rate of
174 up to 0.5 mills necessary to fund the tentative budget. The
175 council shall comply with s. 200.065, Florida Statutes, and fix

176 the final millage rate by resolution of the council.

177 (3) The budget and final millage rate must be certified
178 and delivered to the board of county commissioners by July 1 of
179 each year or as reasonably possible following the council's
180 adoption of the final budget and millage rate. The certified
181 budget shall include the millage rate, adopted by resolution of
182 the council, necessary to be applied to raise the funds budgeted
183 for district operations and expenditures, which may not exceed
184 0.5 mills of assessed valuation of all properties within the
185 county which are subject to ad valorem county taxes.

186 (4) After its delivery to the board of county
187 commissioners, the certified budget of the district may not be
188 changed or modified by the board of county commissioners or any
189 other authority.

190 Section 6. Levying of ad valorem taxes.—

191 (1) In order to provide funds for the council, the council
192 may levy ad valorem taxes annually on all taxable property in
193 the county in an amount not to exceed 0.5 mills, provided the
194 authority to levy such taxes has been approved by a majority
195 vote of the electors of the district voting in a countywide
196 general election held in accordance with the requirements of the
197 State Constitution, general law, and this act. The tax shall be
198 assessed, levied, and collected in the same manner and at the
199 same time as is provided by general law for the levy,
200 collection, and enforcement of the collection of county taxes.

201 (2) All taxes collected under this act, as soon after
 202 collection as is reasonably practicable, shall be paid directly
 203 to the district by the tax collector of the county.

204 (3) (a) All moneys received by the district shall be
 205 deposited in qualified public depositories, as defined in s.
 206 280.02, Florida Statutes, with separate and distinguishable
 207 accounts established specifically for the council and may be
 208 withdrawn only by checks signed by the chair of the council and
 209 countersigned by one other member of the council or the
 210 council's chief executive officer, as authorized by the council.

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

220 2. Funds of the district may only be expended by check,
 221 except 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 district. 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 of such funds.

227 (c) Within 10 business days after the expiration of each
228 annual quarter, the council shall prepare and file with the
229 board of county commissioners a financial report that includes:

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

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

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

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

236 Section 7. Powers, duties, responsibilities, and
237 obligations; limitations.-

238 (1) Except as expressly provided by this act, the council
239 shall have all the powers, duties, responsibilities, and
240 obligations as provided by general law for special districts.

241 (2) The council shall comply with all other statutory
242 requirements of general application which relate to the filing
243 of any financial reports or compliance reports required under
244 part III of chapter 218, Florida Statutes, or any other report
245 or documentation required by law, including the requirements of
246 ss. 189.015, 189.016, and 189.08, Florida Statutes.

247 (3) The council may not require any service provider to
248 provide additional matching funds as a condition of providing
249 district services, programs, or activities for seniors.

250 (4) (a) It is the intent of the Legislature that funds

251 collected pursuant to this act be used to support improvements
252 in services, programs, or activities for seniors and that such
253 funds not be used as a substitute for existing resources or for
254 resources that would otherwise be available for senior services.

255 (b) After or during the first year of operation of the
256 council, the board of county commissioners may fund in whole or
257 in part the budget of the council from its own funds.

258 (5) The council may enter into a cooperative agreement
259 with one or more special districts to share administrative
260 costs, including staff and office space, if a more efficient or
261 effective operation will result. The cooperative agreement must
262 include provisions on apportioning costs between the council and
263 districts, keeping separate and distinct financial records for
264 each, and resolving any conflicts that might arise under the
265 cooperative agreement.

266 (6) The council may enter into a cooperative agreement
267 with the county or other councils to seek grants, accept
268 donations, or jointly fund programs serving multicounty areas.
269 The cooperative agreement must include provisions for the
270 adequate accounting of separate and joint funds.

271 (7) This act does not prohibit the county from exercising
272 any of the powers authorized by the State Constitution, general
273 or special laws, or the Broward County Charter to fund or
274 provide services for seniors.

275 Section 8. Dissolution of the district; retention.-

276 (1) The district created under this act may be dissolved
277 by a special act of the Legislature or by ordinance of the board
278 of county commissioners subject to the approval of the
279 electorate. If the district is dissolved under this section, the
280 county shall first obligate itself to assume the debts,
281 liabilities, contracts, and outstanding obligations of the
282 district within the total millage available to the board of
283 county commissioners for all county and municipal purposes as
284 provided for under s. 9, Article VII of the State Constitution.
285 Any district may also be dissolved pursuant to part VII of
286 chapter 189, Florida Statutes.

287 (2) (a) Subsequent to the initial referendum to create the
288 district, the board of county commissioners must place a
289 question to reauthorize the district before the county's
290 electors at a general election occurring at least every 12 years
291 after the district's creation or prior reauthorization. The
292 council may recommend to the board of county commissioners
293 language for the question submitted to the electorate.

294 (b) This subsection does not prohibit the council from
295 requesting that the board of county commissioners submit the
296 question of the district's retention or dissolution to the
297 electorate at an earlier date. In addition, this subsection does
298 not limit the authority to dissolve the district as provided in
299 subsection (1).

300 (3) This section does not prohibit or limit the authority

301 of the board of county commissioners to provide or fund services
302 for seniors.

303 Section 9. Referendum.—A referendum election is called to
304 carry out the purposes and intent of this act and to do all
305 things necessary to implement and fund the council and the
306 district created under this act and in accordance with general
307 laws pertaining to elections and the provisions of law
308 pertaining to elections currently enforced in Broward County.
309 However, the procedures prescribed in ss. 101.6101-101.6107,
310 Florida Statutes, may not be used in this election. The item
311 that shall appear on the November 2022 general election ballot
312 shall be as follows:

313 (Title) Creation of Senior Services Council of Broward
314 County and authorization of taxation.

315 (Issue) An independent special district known as the
316 "Senior Services District of Broward County" is
317 created to provide and fund the improvement of
318 services for seniors in Broward County by levying each
319 year an ad valorem tax not to exceed one-half (1/2)
320 mill for services for seniors.

321 YES for Approval

322 NO for Rejection

323 Section 10. This act shall take effect upon its approval
324 by a majority vote of those qualified electors of Broward County
325 voting in a referendum to be held in conjunction with the

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326 | general election to be held in Broward County in November 2022,
327 | except that this section and section 9 shall take effect upon
328 | this act becoming a law.