

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 throughout Broward
 5 County; providing for a governing body to be known as
 6 the Senior Services Council of Broward County;
 7 providing for such council's membership, powers and
 8 duties, and budget procedures; authorizing the levy of
 9 ad valorem taxes not to exceed one-half mill;
 10 providing for additional district powers, duties,
 11 responsibilities, and obligations; providing for
 12 dissolution of the district; requiring a referendum;
 13 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, 2025,
 20 subject to approval as provided in section 9, there is created
 21 an independent special district ("district") to fund and provide
 22 services to seniors throughout Broward County ("county"). The
 23 boundaries of such district shall be coterminous with the
 24 boundaries of the county. The governing body of the district
 25 shall be a board of directors to be known as the Senior Services

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

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 a senior program in the county.

34 (b) The director of 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 of whom shall be the county representative of the Broward League
49 of 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 to fill the remainder of
70 the unexpired term. The board of county commissioners or the
71 Governor, as applicable, shall, to the greatest extent possible,
72 fill a vacancy within 45 days after its occurrence.

73 (6) Members of the council shall serve without
74 compensation but may be reimbursed for per diem and travel
75 expenses as provided in s. 112.061, Florida Statutes.

76 Section 4. Council powers and duties.-

77 (1) The council is authorized to:

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

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

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

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

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

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

98 | issue bonds of any nature, and the district does not have the
 99 | authority to require the imposition of any bond by the board of
 100 | county commissioners.

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

104 | (2) The council shall:

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

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

112 | 1. The activities, services, and opportunities that will
 113 | be provided to seniors.

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

120 | 3. The anticipated schedule for providing those
 121 | activities, services, and opportunities.

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

125 5. How the council will seek and obtain funding for unmet
 126 needs.

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

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

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

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

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

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

149 3. Procedures used for 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 4. A description of the degree to which the council's
154 objectives and activities are meeting the goals of this act.

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

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

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

165 Section 5. District budget.—

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

168 (2) On or before July 1 of each year, the council shall,
169 in accordance with s. 189.016, Florida Statutes, prepare a
170 tentative annual written budget of the district's expected

171 income and expenditures, including a contingency fund. In
172 addition, the council shall compute a proposed millage rate of
173 up to 0.5 mills necessary to fund the tentative budget. The
174 council shall comply with s. 200.065, Florida Statutes, and fix
175 the final millage rate by resolution of the council.

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

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

189 Section 6. Levying of ad valorem taxes.—

190 (1) In order to provide funds for the council, the council
191 may levy ad valorem taxes annually on all taxable property in
192 the county in an amount not to exceed 0.5 mills, provided the
193 authority to levy such taxes has been approved by a majority
194 vote of the electors of the district voting in a countywide
195 general election held in accordance with the requirements of the

196 State Constitution, general law, and this act. The tax shall be
197 assessed, levied, and collected in the same manner and at the
198 same time as is provided by general law for the levy,
199 collection, and enforcement of the collection of county taxes.

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

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

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

219 2. Funds of the district may only be expended by check,
220 except expenditures of up to \$100, which may be made from a

221 petty cash account. All expenditures from petty cash must be
 222 recorded on the books and records of the district. District
 223 funds, except expenditures from petty cash, may not be expended
 224 without prior approval of the council, in addition to the
 225 budgeting of such funds.

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

- 229 1. The council's total expenditures for the quarter.
- 230 2. The council's total receipts during the quarter.
- 231 3. A statement of the funds the council has on hand, has
 232 invested, or has deposited at the end of the quarter.
- 233 4. The council's total administrative costs for the
 234 quarter.

235 Section 7. Additional district powers, duties,
 236 responsibilities, and obligations; limitations.-

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

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

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

249 (4)(a) It is the intent of the Legislature that funds
250 collected pursuant to this act be used to support improvements
251 in services, programs, or activities for seniors and that such
252 funds not be used as a substitute for existing resources or for
253 resources that would otherwise be available for senior services.

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

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

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

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

274 Section 8. Dissolution of the district; retention.

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

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

293 (b) This subsection does not prohibit the council from
294 requesting that the board of county commissioners submit the

295 question of the district's retention or dissolution to the
 296 electorate at an earlier date. In addition, this subsection does
 297 not limit the authority to dissolve the district as provided in
 298 subsection (1).

299 (3) This section does not prohibit or limit the authority
 300 of the board of county commissioners to provide or fund services
 301 for seniors.

302 Section 9. Referendum.—A referendum election is called to
 303 carry out the purposes and intent of this act and to do all
 304 things necessary to implement and fund the council and the
 305 district created under this act and in accordance with general
 306 laws pertaining to elections and the provisions of law
 307 pertaining to elections currently enforced in Broward County.
 308 However, the procedures prescribed in ss. 101.6101-101.6107,
 309 Florida Statutes, may not be used in this election. The item
 310 that shall appear on the ballot November 5, 2024, the date of
 311 the 2024 general election, shall be as follows:

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

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

319 YES for Approval

HB 1325

2023

320 | NO for Rejection.

321 | Section 10. This act shall take effect only upon its
322 | approval by a majority vote of the qualified electors of Broward
323 | County voting in a referendum to be held in conjunction with the
324 | 2024 general election, except that this section and section 9
325 | shall take effect upon becoming a law.