

By Senator Rich

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See HB 971

1 A bill to be entitled

2 An act relating to Broward County; creating the

3 Broward County Council for Services for

4 Seniors; creating an independent special

5 district to provide funding for services for

6 seniors; requiring approval by a majority vote

7 of electors to annually levy ad valorem taxes

8 not to exceed a certain maximum; creating a

9 governing board for the district; specifying

10 criteria for membership of the governing board;

11 providing terms of office; specifying the

12 powers and functions of the council; requiring

13 the council to elect a chair, vice chair, and

14 officers, to identify and assess the needs of

15 seniors, to provide training and orientation to

16 new members of the council, to make and adopt

17 bylaws and rules for the council's operation

18 and governance, and to provide an annual report

19 to the Broward County Board of County

20 Commissioners; requiring the council to

21 maintain minutes of each meeting and to serve

22 without compensation; requiring the council to

23 prepare a tentative annual budget and to

24 compute a millage rate to fund the tentative

25 budget; requiring that all tax moneys collected

26 be paid directly to the council by the Broward

27 County Tax Collector and deposited in qualified

28 public depositories; specifying expenditures of

29 funds; requiring the council to prepare and

30 file a financial report to the Broward County

31 Board of County Commissioners; providing that

1 the district may be amended or dissolved by a
2 special act of the Legislature; authorizing the
3 Broward County Board of County Commissioners to
4 fund the budget of the council from its own
5 funds after or during the council's first year
6 of operation; requiring the district to comply
7 with statutory requirements related to the
8 filing of a financial or compliance report;
9 authorizing the district to seek grants and
10 accept donations from public and private
11 sources; providing legislative intent with
12 respect to the use of funds collected by the
13 council; requiring a referendum; providing a
14 ballot statement; providing an effective date.

15
16 WHEREAS, the Legislature has determined that it would
17 serve the public interest to establish an independent special
18 district to provide services to seniors within Broward County,
19 NOW, THEREFORE,

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21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Services for seniors; independent special
24 district; council; powers, duties, and functions.--

25 (1) There is hereby created an independent special
26 district, as defined in sections 189.403 and 200.001, Florida
27 Statutes, to provide funding for services for seniors
28 throughout Broward County in accordance with this act. The
29 boundaries of such district shall be coterminous with the
30 boundaries of Broward County. The district created pursuant to
31 this act shall levy and fix millage as provided in section

1 200.065, Florida Statutes. Once the millage is approved by the
2 electorate, the district is not required to seek approval of
3 the electorate in future years to levy the previously approved
4 millage. For purposes of this section, the term "senior" means
5 a person who is at least 60 years of age.

6 (2) The governing board of the district shall be the
7 Broward County Council for Services for Seniors. The council
8 shall consist of 11 members, including the Executive Director
9 of the Area Agency on Aging of Broward County or his or her
10 designee who is a director of senior programs; the Broward
11 County Director of Human Services or his or her designee who
12 is a director of senior services; one member of the Broward
13 County Board of County Commissioners; two nonvoting members of
14 the Broward County Legislative Delegation appointed by the
15 delegation chair; and two representatives of the Broward
16 League of Cities appointed by the President of the League of
17 Cities. The Executive Director of the Area Agency on Aging of
18 Broward County or his or her designee and the Broward County
19 Director of Human Services or his or her designee are
20 permanent positions. The members appointed from the Broward
21 County Board of County Commissioners, the Broward County
22 Legislative Delegation, and the Broward League of Cities shall
23 be appointed to 2-year terms each. The other four members
24 shall be appointed by the Governor and shall represent, to the
25 greatest extent possible, the cultural diversity of Broward
26 County's population. At least one of the gubernatorial
27 appointees must be an individual who is both a caretaker for a
28 senior and 60 years of age or older. Recommendations for these
29 members shall be provided by the Broward County Board of
30 County Commissioners. Three names shall be submitted for each
31 vacancy, determined by category. The gubernatorial appointees

1 shall be appointed to 4-year terms and may be reappointed for
2 one additional term of office. The Governor shall make a
3 selection within a 45-day period or request a new list of
4 candidates. All members appointed by the Governor must have
5 been residents of Broward County for the previous 24 months.
6 The length of the terms of the initial appointees shall be
7 adjusted to stagger the terms. The Governor may remove a
8 member for cause or upon the written petition of the Broward
9 County Board of County Commissioners. If any of the members of
10 the council appointed by the Governor resign, die, or are
11 removed from office, the vacancy shall be filled by
12 appointment by the Governor using the same method as the
13 original appointment, and such appointment to fill a vacancy
14 shall be for the unexpired term of the member who resigns,
15 dies, or is removed from office.

16 (3)(a) The Broward County Council for Services for
17 Seniors may:

18 1. Provide and maintain in the county the preventive,
19 developmental, treatment, and rehabilitative services for
20 seniors the council determines are needed for the general
21 welfare of seniors.

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

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

26 4. Collect information and statistical data and
27 conduct research and assessments that will be helpful to the
28 council and the county in deciding the needs of seniors in the
29 county.

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1 5. Consult and coordinate with other agencies
2 dedicated to the welfare of seniors to the end that the
3 overlapping of services will be prevented.

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

6 7. Lease or buy real estate, equipment, and personal
7 property and construct buildings as needed to execute the
8 foregoing powers and functions, except that such purchases or
9 construction may only be paid for with cash on hand or secured
10 by funds deposited in financial institutions. This
11 subparagraph does not authorize the district to issue bonds of
12 any nature, and the district does not have the power to
13 require the imposition of any bond by the governing body of
14 the county.

15 8. Employ, pay, and provide benefits for any part-time
16 or full-time personnel needed to execute the foregoing powers
17 and functions.

18 (b) The Broward County Council for Services for
19 Seniors shall:

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

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

27 a. The activities, services, and opportunities that
28 will be provided to seniors.

29 b. The anticipated schedule for providing those
30 activities, services, and opportunities.

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1 c. The manner in which seniors will be served,
2 including a description of arrangements and agreements that
3 will be made with community organizations, state and local
4 agencies, federal agencies, public assistance agencies, the
5 court system, guardianship groups, and other applicable public
6 and private agencies and organizations.

7 d. The special outreach efforts that will be
8 undertaken to provide services to at-risk, abused, or
9 neglected and ailing seniors.

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

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

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

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

19 5. Provide an annual written report, to be presented
20 no later than January 1, to the Broward County Board of County
21 Commissioners. The annual report must contain, but need not be
22 limited to:

23 a. Information on the effectiveness of activities,
24 services, and programs offered by the council, including
25 cost-effectiveness.

26 b. A detailed anticipated budget for continuation of
27 activities, services, and programs offered by the council and
28 a list of all sources of requested funding, both public and
29 private.

30 c. Procedures used for early identification of at-risk
31 seniors who need additional or continued services and methods

1 for ensuring that the additional or continued services are
2 provided.

3 d. A description of the degree to which the council's
4 objectives and activities are consistent with the goals of
5 this section.

6 e. Detailed data on the various programs, services,
7 and activities available to seniors.

8 f. Information on programs, services, and activities
9 that should be eliminated; programs, services, and activities
10 that should be continued; and programs, services, and
11 activities that should be added to the basic format of the
12 council.

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

16 (d) Members of the council shall serve without
17 compensation but are entitled to receive reimbursement for per
18 diem and travel expenses consistent with section 112.061,
19 Florida Statutes.

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

22 (b) On or before July 1 of each year, the council
23 shall prepare a tentative annual written budget of the
24 district's expected income and expenditures, including a
25 contingency fund. The council shall, in addition, compute a
26 proposed millage rate within the voter-approved cap necessary
27 to fund the tentative budget and, prior to adopting a final
28 budget, comply with section 200.065, Florida Statutes,
29 relating to the method of fixing millage, and fix the final
30 millage rate by resolution of the council. The adopted budget
31 and final millage rate must be certified and delivered to the

1 Broward County Board of County Commissioners within 15 days
2 following the council's adoption of the final budget and
3 millage rate under chapter 200, Florida Statutes. Included in
4 each certified budget shall be the millage rate, adopted by
5 resolution of the council, necessary to be applied to raise
6 the funds budgeted for district operations and expenditures.
7 District millage may not exceed 0.5 mills of assessed
8 valuation of all properties within Broward County that are
9 subject to ad valorem county taxes.

10 (c) After the budget of the district is certified and
11 delivered to the Broward County Board of County Commissioners,
12 the budget may not be changed or modified by the Broward
13 County Board of County Commissioners or any other authority.

14 (d) All taxes collected under this section, as soon
15 after collection as is reasonably practicable, shall be paid
16 directly to the council by the Broward County Revenue
17 Collection Division.

18 1. All moneys received by the council shall be
19 deposited in qualified public depositories, as defined in
20 section 280.02, Florida Statutes, with separate and
21 distinguishable accounts established specifically for the
22 council and may be withdrawn only by checks signed by the
23 chair of the council and countersigned by one other member of
24 the council or by a chief executive officer authorized by the
25 council.

26 2. Upon entering the duties of office, the chair and
27 the other member of the council or chief executive officer who
28 signs its checks shall each file a surety bond in the sum of
29 at least \$1,000 for each \$1 million or portion thereof of the
30 council's annual budget, which bond shall be conditioned upon
31 the faithful discharge of the duties of his or her office. The

1 premium on such bond may be paid by the district as part of
2 the expenses of the council. Other members of the council may
3 not be required to give bond or other security.

4 3. Funds of the district may only be expended by
5 check, except expenditures from a petty cash account, which
6 account may not at any time exceed \$100. All expenditures from
7 petty cash must be recorded on the books and records of the
8 council. Funds of the council, except expenditures from petty
9 cash, may not be expended without prior approval of the
10 council, in addition to the budgeting thereof.

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

16 1. The total expenditures of the council for the
17 quarter-annual period.

18 2. The total receipts of the council during the
19 quarter-annual period.

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

23 4. The total administrative costs of the council for
24 the quarter-annual period.

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

27 (6) After or during the first year of operation of the
28 council, the Broward County Board of County Commissioners, at
29 its option, may fund in whole or in part the budget of the
30 council from its own funds.

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1 (7) The district created under this act shall comply
2 with all other statutory requirements of general application
3 that relate to the filing of any financial reports or
4 compliance reports required under part III of chapter 218,
5 Florida Statutes, or any other report or documentation
6 required by law, including the requirements of sections
7 189.415, 189.417, and 189.418, Florida Statutes.

8 Section 2. Referendum.--The Broward County Board of
9 County Commissioners is directed to call and the Supervisor of
10 Elections of Broward County shall conduct a special referendum
11 election to be held in conjunction with the primary election
12 held on September 5, 2006, to carry out the purposes and
13 intent of this act and to do all things necessary to implement
14 and fund the Broward County Council for Services for Seniors
15 and the independent special district created hereby in
16 accordance with the terms of this act and the laws pertaining
17 to elections. The item shall appear on the ballot as follows:

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19 Creating the Council for Services for Seniors and
20 authorization of taxation

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22 An independent special district known as the "Broward County
23 Council for Services for Seniors" is created to fund the
24 improvement and availability of services for seniors by
25 levying each year an ad valorem tax not to exceed 0.5 mills
26 for services for seniors.

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28 Yes _____

29 No _____

30 Section 3. This act shall take effect only upon
31 approval by a majority vote of those qualified electors of

1 | Broward County voting in a referendum election to be called by
2 | the Broward County Board of County Commissioners and held in
3 | conjunction with the primary election held on September 5,
4 | 2006, in accordance with the provisions of law relating to
5 | elections currently in force, except that this section and
6 | section 2 shall take effect upon becoming a law.
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