

EXHIBIT 1

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AN ACT RELATING TO BROWARD COUNTY; PROVIDING FOR THE CREATION OF A COUNTYWIDE INDEPENDENT SPECIAL DISTRICT TO PROVIDE SCHOOL SECURITY AND MENTAL HEALTH REFERRAL SERVICES THROUGHOUT BROWARD COUNTY; PROVIDING FOR A GOVERNING BOARD TO BE KNOWN AS THE BROWARD SCHOOL SAFETY BOARD; PROVIDING FOR THE MEMBERSHIP AND DUTIES OF THE BOARD; PROVIDING FINANCIAL REQUIREMENTS AND BUDGET PROCEDURES; PROVIDING FOR AUTHORIZATION TO LEVY SPECIAL ASSESSMENTS; PROVIDING FOR AUTHORIZATION TO LEVY AD VALOREM TAXES NOT TO EXCEED ONE-HALF MILL; PROVIDING FOR A BALLOT QUESTION; PROVIDING FOR A REFERENDUM; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has determined that it would serve the public interest to establish said independent special district within Broward County, NOW, THEREFORE,

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

Section 1. Title. --- This act may be cited as the "School Safety Act of Broward County."

Section 2. Creation of an Independent Special District. --- There is hereby created, effective September 15, 2013, an independent special district to provide school security and mental health referral services throughout Broward County. The boundaries of the District shall be coterminous with the boundaries of Broward County. The governing body of the District shall be a board of directors known as the Broward School Safety Board.

Section 3. Membership. --- The Broward School Safety Board shall consist of 11 members, appointed as follows:

- (1) 3 members who shall be elected County Commissioners, appointed by the Board of County Commissioners of Broward County.
- (2) 3 members who shall be elected School Board members, appointed by the School Board of Broward County.
- (3) 3 members, who shall be elected members of municipal governing bodies within Broward County who shall be appointed by the Broward League of Cities (or any similar successor organization).

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- (4) 2 elected members of the Broward Legislative Delegation, who shall be appointed by the Chair of the Broward Legislative Delegation with the assent of the Legislative Delegation. Members chosen by the Broward Legislative Delegation shall be either State Senators or State Representatives whose districts are 50% or more within Broward County. Members of the Board appointed pursuant to this subsection shall be ex officio members. They shall participate in all board matters but may not vote on any binding resolution, motion or matters that relate to roles levying of Ad Valorem taxation or assessment that may be considered by the board.
- (5) All members appointed shall serve 4 years. If any members of the Board shall resign, die, no longer be ineligible for office or be removed from office, the vacancy thereby created, shall as soon as practicable, be filled by appointment by the appointing authority provided in this section, using the same method as the original appointment. Such appointment shall be for the unexpired term of the person who resigns, dies, or is removed from office.
- (6) All initial appointments to the Broward School Safety Board as provided by this section shall be made by November 1, 2013.

Section 4. Powers and Duties. ---

- (1) The Broward School Safety Board shall have the following powers and duties:
 - (a) To provide funding for all necessary school security for all schools operated directly by the School Board of Broward County.
 - (b) To provide mental health referral services for all students and staff within schools operated by the School Board of Broward County
 - (c) To collect information and statistical data which will be helpful to the Board in determining the needs of security and mental health referral services within schools operated by the School Board of Broward County
 - (d) To consult with other agencies providing planning security and mental health referral services to schools operated by the School Board of Broward County.
 - (e) To lease or buy such real estate, equipment, and personal property and to construct such buildings as are needed to execute the forgoing powers and duties, provided that no such purchases shall be made or building done except for cash with funds on hand or secured by funds deposited in financial institutions. Nothing in this act shall be construed to authorize issuance of bonds of any nature.

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- (f) To accept donation of monies or properties from public and private sources
 - (g) To sell or dispose of property or properties owned by the Broward School Safety Board for fair market value.
 - (h) To employ and pay, on a part-time or full-time basis, personnel needed to execute the forgoing powers and duties.
 - (i) To have all powers necessary and expedient to carry out the duties and functions provided for within this act. In regard to the foregoing, powers granted herein shall be liberally continued in favor of the Broward School Safety Board.
- (2) The Broward School Safety Board shall: ---
- (a) Immediately after the members are appointed, elect a chair and vice chair from among its members, and elect other officers as deemed necessary by the Board.
 - (b) Immediately after the members are appointed and the officers are elected, identify and assess the security and mental health referral needs of all schools served by the School Board of Broward County. This shall include but not be limited to:
 - 1. The manner in which the Board will seek and provide funding for needs.
 - 2. The strategy which will be used for interagency coordination to maximize existing human and fiscal resources.
 - 3. Provide training and orientation to all new members sufficient to allow them to perform their duties.
 - 4. Make and adopt bylaws and rules for the Boards guidance, operation, governance, and maintenance, provided such rules are nor inconsistent with federal or state laws or county ordinances.
 - (c) Provide an annual written report, to be presented no later than January 1, to the School Board of Broward, The Broward County Board of County Commissioners and the Broward Legislative Delegation. The annual report shall contain but not be limited to the following information:
 - 1. Information on the effectiveness of activities, services, and programs offered by the Board, including cost effectiveness.
 - 2. A detailed anticipated budget for continuation of activities, services, and programs offered by the Board, and a list of all sources of requested funding, both public and private.

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3. Procedures for identification of at-risk school children or staff who need additional or continued mental health services and methods for ensuring that the additional or continued services are received.
4. A description of the degree to which the council's objectives and activities are consistent with the goals of this section.
5. Detailed information on the various programs, services, and activities available to participants and the degree to which the programs, services and activities have been successfully used.
6. Information on programs, services, and activities that should be eliminated; programs, services, and activities that should be continued; and programs, services, and activities that should be added to the basic format of the Broward School Safety Board.
7. The Board shall maintain minutes of each meeting, including a record of all votes cast, and shall make such minutes available to any interested person.
8. Members of the board shall serve without compensation, but shall be entitled to receive reimbursement for per diem and travel expenses consistent with the provisions of section 112.061, Florida Statutes.
9. All financial records and accounts relating to the district shall be available for audit by state auditors as they are assigned from time to time to audit the affairs of the County officials. If no annual audit of the district is conducted by the state, the board shall cause an independent audit of the District to be conducted.
10. The applicable financial disclosure, noticing, and reporting requirements of the Board shall be those of their respective elected offices. The applicable financial disclosure, noticing and reporting requirements of other officers and employees shall be the same as corresponding municipal positions.

Section 5. Fiscal Year. ---

- (1) The fiscal year of the District shall be the same as that of Broward County.
- (2) On or before July 1 of each year, the Broward School Safety Board shall prepare and adopt an annual written budget of its expected income and expenditures, including a contingency fund. The written budget shall be certified and delivered

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to the School Board of Broward County on or before July 1 of each year. Included in each certified budget shall be an estimate of the millage rate if necessary to be applied to raise the funds budgeted for expenditures, which millage rate shall not exceed a maximum of 50 cents for each \$1,000 of assessed valuation of all properties within the County which are subject to County taxes.

- (3) The budget of the Broward School Safety Board so certified and delivered to the School Board of Broward County, The Broward County Board of County Commissioners and the Broward Legislative Delegation shall not be subject to change or modification by the School Board of Broward County or any other authority.

~~Section 6. Levying of Non Ad Valorem Assessment. The Legislature of the State of Florida determines that all properties within Broward County are specifically and specially benefited by school security services within the County.~~

~~The Legislature finds that there is a direct correlation between the value of property within school districts and schools which are safe and secure.~~

~~Based upon the foregoing, the Legislature of the State of Florida authorizes the Broward School Safety Board to levy non ad valorem assessments as it deems necessary utilizing the procedures as follows:~~

- ~~(1) The Broward School Safety Board may provide for the levy of non ad valorem assessments under this act on the lands and real estate within all of Broward County. The district may use any assessment apportionment methodology that meets fair apportionment standards.~~
- ~~(2) The board may determine to exercise any power authorized by this act and defray the whole or any part of the expense thereof by non ad valorem assessments. The district shall adopt a non ad valorem assessment role pursuant to the procedures contained in this section or in s. 197.3632 if:
 - ~~(a) The non ad valorem assessment is levied for the first time;~~
 - ~~(b) The non ad valorem assessment is increased beyond the maximum rate authorized by the last year's prior resolution of the Board.~~
 - ~~(c) The board shall so declare by resolution stating the nature of the proposed service, the location of any capital facilities, personnel, and equipment needed to provide the service, and any other projected expense of providing the service or improvement, and the part or portion of the expense thereof to be paid by non ad valorem assessments, the manner in which the assessments shall be made, when the assessments are to be paid, and what part, if any, shall be apportioned to be~~~~

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- ~~paid from other revenues or funds of the district. The resolution shall also designate the lands upon which the non-ad valorem assessments shall be levied. The resolution shall also state the total estimated costs of the service or improvement.~~
- (3) ~~At the time of the adoption of the resolution provided for in subsection (2), there shall be on file at the district's offices an assessment plat showing the area to be assessed.~~
- (4) ~~Upon the adoption of the resolution provided for in subsection (2) or completion of the preliminary assessment roll provided for in subsection (5), whichever is later, the board shall publish notice of resolution once in a newspaper of general circulation in Broward County. The notice shall state in brief and general terms a description of the proposed service or improvements with estimates available to the public at the district's offices. The notice shall also state the date and time of hearing to hear objections provided for in subsection (7), which hearing shall be no earlier than 15 days after publication of the notice. The publication shall be verified by the affidavit of the publisher and files with the secretary to the board.~~
- (5) ~~Upon the adoption of the resolution provided for in subsection (2), the board shall cause to be made a preliminary assessment roll in accordance with the method of assessment provided in the resolution. The assessment roll shall show the lots and lands assessed and the amount of the benefit to and the assessment against each lot or parcel of land, and, if the assessment is to be paid in installments, the number of annual installments in with the assessment is divided shall be entered and shown upon the assessment roll.~~
- (6) ~~Upon the completion of the preliminary assessment roll, the board shall by resolution fix a time and place at which the owners of the property to be assessed or any other persons interested therein may appear before the board and be heard as to the advisability of providing the service or making the improvements, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against each property so improved. Ten days' notice in writing of the time and place shall be given to the property owners. The notice shall include the amount of the assessment and shall be served by mailing a copy to each of the property owners at his or her last known address, the names and addresses of the property owners to be obtained from the records of the property appraiser, and proof of such mailing to be made by the affidavit of the secretary.~~
- (7) ~~At the time and place named in the notice provided for in subsection (4), the board shall meet and hear testimony from affected property owners as to the advisability of providing the service or making the improvements and funding them with non-ad valorem assessments on property. Following the testimony, the board shall make a final decision on whether to levy the non-ad valorem~~

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~~assessments, adjusting assessments as may be warranted by information received at or prior to the hearing. If any property which may be chargeable under this section has been omitted from the preliminary roll or if the prima facie assessment has not been made against it, the board may place on the roll an apportionment to that property. The owners of any property so added to the assessment roll shall be mailed a copy of the notice provided for in subsection (6), and granted 15 days from the date of mailing to file any objections with the board. When so approved by resolution of the board, a final assessment roll shall be filed with the vice chair of the board, and the assessments shall stand confirmed and remain legal, valid, and binding first liens upon the property against which the assessments are made until paid. The assessment so made shall be final and conclusive as to each lot or parcel assessed unless proper steps are taken within 30 days after the filing of the final assessment roll in a court of competent jurisdiction to secure relief. If the assessment against any property is sustained or reduced or abated by the court, the vice chair shall note that fact on the assessment roll opposite the description of the property affected and notify the county property appraiser and the tax collector in writing. The amount of the non ad valorem assessment against any lot or parcel which may be abated by the court, unless the assessment upon the entire district is abated, or the amount by which the assessment is so reduced, may by resolution of the board be made chargeable against the district at large, or, at the discretion of the board, a new assessment roll may be prepared and confirmed in the manner provided in this section for the preparation and confirmation of the original assessment roll.~~

- ~~(8) The non ad valorem assessments:
 - ~~(a) Shall be payable at the time and in the manner stipulated in the resolution providing for the improvement or services.~~
 - ~~(b) Shall remain liens, coequal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid.~~
 - ~~(c) Shall bear interest as provided by s. 170.09.~~~~
- ~~(9) The non ad valorem assessments approved by the board may be levied, assessed, and collected pursuant to ss. 197.363-197.3635. The collection and enforcement of the non ad valorem assessment levied by the district shall be at the same time and in like manner as county taxes.~~
- ~~(10) All assessments shall constitute a lien upon the property so assessed from the date of confirmation of the resolution ordering the improvement of the same nature and to the same extent as the lien for general county, municipal, or district taxes falling due in the same year or years in which such assessments or installments thereof fall due, and any assessment or installment not paid when due~~

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~~shall be collected with such interest and with a reasonable attorney's fee and costs, but without penalties, by the district by proceedings in a court of equity to foreclose the lien of assessment as a lien for mortgages is or may be foreclosed under the laws of the state, provided any such proceedings to foreclose shall embrace all installments of principal remaining unpaid with accrued interest thereon, which installments shall, by virtue of the institution of such proceedings immediately become due and payable. If, prior to any sale of the property under decree of foreclosure in such proceedings, payment is made of the installment or installments which are shown to be due under the provisions of the resolution passed pursuant to subsection (9) and this subsection, and all costs including attorney's fees, the payment shall have the effect of restoring the remaining installments to their original maturities and the proceedings shall be dismissed. The district shall enforce the prompt collection of assessments by the means provided in this in a court of competent jurisdiction by mandamus or other appropriate proceedings or action. Not later than 60 days after assessments are due and payable, the board shall direct the attorney or attorneys whom the board shall designate to institute actions within 3 months after such direction to enforce the collection of all non-ad valorem assessments remaining due and unpaid at the time of such direction. Such action shall be prosecuted in the manner and under the conditions in and under which mortgages are foreclosed under the laws of the state. It is lawful to join in one action the collection of assessments against any or all property assessed by virtue of the same assessment roll unless the court deems such joinder prejudicial to the interest of any defendant. The court shall allow a reasonable attorney's fee for the attorney or attorneys of the district, and the fee shall be collectible as a part of or in addition to the costs of the action. At the sale pursuant to decree in any such action, the district may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by the district may be sold or otherwise disposed of, the proceeds of such disposition to be placed in a fund and used for purposes of the district, provided no sale or other disposition thereof shall be made unless the notice calling for bids therefor to be received at a stated time and place was published in a newspaper of general circulation in the district once in each of 4 successive weeks prior to such disposition.~~

Section 7 ~~6~~. Levying of Ad Valorem Taxes. --- In order to provide funds for the Broward School Safety Board, the board may, upon approval by referendum as provided in section 9 ~~8~~ of this act, levy ad valorem taxes annually on all taxable property in the County in an amount not to exceed one-half mill, provided that the authority to levy such taxes has been approved by a majority vote of the electors of the District voting in the Countywide Election to be held in accordance with the requirements of the constitution and the laws of Florida and as set forth in this act. The tax shall be assessed, levied, and collected in the same manner and the same time as is provided by law of the levy,

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collection and enforcement of collection of County taxes. All tax money collected under this act, as soon after the collection thereof as is reasonably practicable, shall be paid directly to the School Safety Board by the Tax Collector of the County and all other applicable County officials. The moneys so received by the School Safety Board shall be deposited in a special bank account, shall be withdrawn only by checks signed by the chair of the board and counter-signed by one other member of the board. The chair and the other member of the board who signs its checks shall give a surety bond in the amount of \$1,000 which bond shall be conditioned that each shall faithfully discharge the duties of their office. No other member of the council shall be required to give bond or other security. No funds of the board shall be expended except by check aforesaid, except expenditures of petty cash account which shall not at any time exceed \$100. All expenditures from petty cash shall be recorded on the books and records of the School Safety Board. No funds of the board, except the expenditures of petty cash shall be expended without prior approval of the board, in addition to the budgeting thereof.

Section ~~8~~ 7. The Broward School Safety Board, it's powers and duties, independent special district created herein and this special act, may be amended by special act of the legislature.

Section ~~9~~ 8. Referendum.---To provide for the power of the Broward School Safety Board to levy Ad Valorem taxes as provided for in section ~~6~~ 7 of this act, the Broward County Board of County Commissioners is hereby directed to call a special election on the date of the primary election of 2014. The item that shall appear on the ballot on _____ the date of the primary election of 2014, shall be as follows:

(Title) The Broward School Safety Board shall be authorized to levy ad valorem taxation.

(Issue) An independent special district known as the Broward Board is hereby authorized to levy each year an ad valorem tax not to exceed one-half (1/2) mill for purposes of the security of the public schools within Broward County and for mental health referral services for students and staff within said schools.

Yes _____

No _____

Section ~~10~~ 9. The Broward County Board of County Commissioners shall submit the question of retention or dissolution of the Broward School Safety Board and the Independent Special District created herein to the electorate in the general election of November, 2026, and at every general election every twelve (12) years thereafter.

Section ~~11~~ 10. This act shall take effect upon coming law except that section ~~7~~ 6 and section ~~8~~ 7 shall take effect only if it is approved by a majority vote of those qualified electors of Broward County voting in a referendum as provided in section 8 of this act to

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be called by the Supervisor of Elections of Broward County on the date of primary election of 2014, in accordance with the provisions of law relating to elections currently enforced in Broward County. In this election, procedures prescribed in sections 101.6101-101.6107, Florida Statutes, may not be used.