

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO CERTAIN MEMBERSHIP, MEETING, DUTY, AND APPOINTMENT REQUIREMENTS FOR VARIOUS BOARDS, INCLUDING THE CHILDREN'S SERVICES BOARD, THE BROWARD REGIONAL EMERGENCY MEDICAL SERVICES BOARD, THE HUMAN RIGHTS BOARD, THE ADVISORY BOARD FOR INDIVIDUALS WITH DISABILITIES, AND THE BROWARD COUNTY LIBRARY ADVISORY BOARD; AMENDING SECTIONS 1-484, 1-485, 15-74, 15-75, 16½-21, 16½-88, 16½-93, AND 19-9 THROUGH 19-15 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); REPEALING SECTION 16½-92 OF THE CODE, PERTAINING TO THE ORGANIZATION AND ACTIVITY OF THE ADVISORY BOARD FOR INDIVIDUALS WITH DISABILITIES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Section 2.09 of the Broward County Charter and Sections 1-244 through 1-247 of the Broward County Code of Ordinances ("Code") provide for the periodic review of all existing Broward County boards, authorities, and agencies; and

WHEREAS, the Board of County Commissioners of Broward County, Florida ("Board"), has completed this annual review and determined that certain amendments are appropriate at this time,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
BROWARD COUNTY, FLORIDA:

Section 1. Sections 1-484 and 1-485 of the Broward County Code of Ordinances, pertaining to the Children's Services Board, are hereby amended to read as follows:

Sec. 1-484. Purpose.

(a) The Children's Services Board ("CSB") shall have as its purpose and sole interest the improvement of life for the children of Broward County. ~~The Children's Services Board shall focus on an array of services including, but not limited to, services for those children with special needs.~~

(b) To accomplish this purpose, the ~~Board~~ CSB shall ~~be the focus for the planning and coordination of the above~~ focus on setting priorities for services for and on behalf of children in Broward County; shall be considered a principal source of knowledge and wisdom in the community regarding the ~~special~~ needs of children; shall serve as an advocate for children's services; and shall function as an independent entity ~~providing an annual plan and~~ serving as an advisory board that provides funding recommendations on children's services to the Broward County Board of County Commissioners ("Board"). The CSB shall periodically present its funding recommendations to the Board for consideration.

Sec. 1-485. Members.

~~The Children's Services Board ("CSB")~~ shall consist of twenty (20) members appointed by the ~~Broward County Board of County Commissioners.~~

44 (a) The CSB shall consist of the following members so long as the member
45 holds the respective office:

46 (1) A member of the ~~Broward County Board of County Commissioners~~;

47 . . .

48 (b) In addition, the ~~Broward County Board of County Commissioners~~ shall
49 appoint the following additional members to the CSB:

50 . . .

51 (5) Nine (9) members, with each member of the ~~Broward County Board of~~
52 ~~County Commissioners~~ nominating one member, who and the members
53 nominated shall, to the extent possible, represent the demographic diversity
54 of the community the CSB serves, reflect the interest of the community the
55 CSB serves, serve as the link between the CSB and the public or
56 community, ensure that the CSB's policies and performance uphold the
57 public interest of Broward County, and have demonstrated a proven
58 commitment to children's welfare; and

59 . . .

60 (c) The nine (9) members nominated by each of the respective members of the
61 ~~Broward County Board of County Commissioners~~ shall be free of any conflict of interest
62 incurred by being an employee of a nonprofit/profit agency receiving children's services
63 funding and must be willing to resign from the CSB if a conflict develops once appointed.
64 All members shall serve in accordance with the provisions of Section 1-233 of the Broward
65 County Code of Ordinances, as may be amended, except the members referenced in the
66 following sections are not subject to the residency requirements of Section 1-233(b)(1):

Section 1-485(a)(3); Section 1-485(a)(4); Section 1-485(b)(1); Section 1-485(b)(2); and
Section 1-485(b)(3).

Section 2. Sections 15-74 and 15-75 of the Broward County Code of Ordinances, pertaining to the Broward Regional Emergency Medical Services Council, are hereby amended to read as follows:

Sec. 15-74. Membership; terms.

...

(b) *Terms of Members; Attendance and Removal.*

(1) The nine (9) members appointed to the EMS Council pursuant to ~~Subsection 15-74(a)(3)~~(2) shall serve terms in accordance with the provisions of Section 1-233 of the Code.

...

Sec. 15-75. Meetings.

...

(b) *Special Meetings.* Special meetings of the EMS Council may be called by ~~the Chair, or at the request of one-half (1/2) of the appointed membership~~ according to the provisions in Section 1-233(d)(2) of the Code.

...

Section 3. Section 16½-21 of the Broward County Code of Ordinances, pertaining to the Human Rights Board, is hereby amended to read as follows:

Sec. 16½-21. Human rights board created; composition; terms; authorities.

(a) There is hereby created the Human Rights Board, which shall be composed of eighteen (18) members appointed by the Broward County Board of County Commissioners ("County Commission").

(b) Each County Commissioner shall make two (2) nominations to the Board. In appointing members to the Board, the County Commission shall consider and should balance its appointments so the Board ~~is representative~~ reflects the demographic composition of the Broward County's population and reflective of the County's racial, ethnic, and religious make-up in terms of race, ethnicity, national origin, age, sexual orientation, gender identity, status as a disabled individual, and religion. In addition ~~to appointing members~~, the County Commission shall also seek geographic and economic balance when appointing members to the Board. The Director, or ~~his or her~~ their designee, shall be the ex officio clerk of the Board.

(c) The membership of the Board must include one person from each of the following categories ("Category Appointments"):

- (1) an attorney who is a member in good standing of The Florida Bar;
- (2) a member of the business community;
- (3) a representative of the real estate industry;
- (4) a member of a ~~non-profit~~ nonprofit civil rights organization;
- (5) a member who is sixty (60) years of age or older;
- (6) a small business owner;
- (7) a representative of municipal government;
- (8) a representative of an employee organization; and

(9) a representative of the banking industry.

(d) In selecting persons for nominations for other than Category Appointments, County Commissioners shall consider, in addition to any other criteria they deem appropriate, the prospective nominee's personal, professional, and academic experience with human rights issues regarding diversity and culture. In selecting persons for nominations for Category Appointments, Commissioners shall consider, in addition to any other criteria they deem appropriate, the prospective nominee's willingness to lend their knowledge and expertise in their respective category.

~~(e)~~ (e) The members of the Board shall receive no compensation. At the discretion of and within annual appropriations made by the County Commission, Board members may qualify for reimbursement, in accordance with County policy, for actual and necessary expenses incurred in the performance of their Board duties.

~~(d)~~ (f) Board members shall serve at the pleasure of the nominating County Commissioner and for terms in accordance with the policies set by the County Commission.

~~(e)~~ (g) A majority of the appointed members shall constitute a quorum. The Board may, by rule, establish committees of not less than a quorum of its members to exercise Board powers; except that the board may not delegate any of the quasi-judicial powers and authority provided in ~~Sub~~section 16½-22(b).

(f) (h) The Board shall elect a Chair and Vice-Chair and such other officers, and shall promulgate rules, as necessary to conduct the business of the Board. No Board member shall be elected to, or serve in, the same board office for more than two (2) consecutive one (1) year terms.

(g) (i) Except to the extent inconsistent with the provisions of this Act, the Board shall be governed by the provisions of Section 1-233 of the Broward County Code of Ordinances.

(h) (j) The Board shall meet no more than six (6) times per calendar year, unless the Chair, with approval of a majority of the appointed Board members, determines that a special meeting is necessary.

(i) (k) Members of the Board must file a Statement of Financial Interests in accordance with Section 112.3145, Florida Statutes.

Section 4. Sections 16½-88 and 16½-93 of the Broward County Code of Ordinances, pertaining to the Advisory Board for Individuals With Disabilities, are hereby amended to read as follows:

Sec. 16½-88. Duties.

The Advisory Board for Individuals With Disabilities shall:

...

(2) Prepare and submit reports and recommendations to the Board relating to matters that include, but are not limited to, ~~discrimination, employment, and vocational training, as well as the present and future needs for public transportation, services, emergency management disaster planning, affordable and accessible housing, accessible facilities~~ services, activities, and programs for individuals with disabilities.

(3) Formulate and recommend plans, programs, and policies to the Board for the coordination of County governmental and ~~nongovernmental~~ activities that directly affect disabled individuals.

...

Sec. 16½-93. Supporting Staff.

Administrative and staff support for the Advisory Board shall be provided by the Broward County Professional Standards and Human Rights Division of Broward County, Florida, and shall include the Office of Equal Opportunity ADA Coordinator Section or the County Administrator's designee.

Section 5. Section 16½-92 of the Broward County Code of Ordinances, pertaining to the Advisory Board for Individual With Disabilities, entitled "Organization and activity," is hereby repealed in its entirety.

Section 6. Sections 19-9 through 19-15 of the Broward County Code of Ordinances, pertaining to the Broward County Library Advisory Board, are hereby amended to read as follows:

Sec. 19-9. Broward County Library Advisory Board—Declaration of Legislative Intent.

It is hereby declared for purpose and intent of the board of county commissioners of this ordinance to create and establish a library advisory board for the purpose of obtaining the benefit of accurate, comprehensive information, advice and counsel concerning all matters relating to public libraries. This ordinance shall not be construed as delegating to such advisory board or its members any power or authority of a governmental, legislative, or administrative nature.

Sec. 19-10. ~~Same—Creation~~ Creation.

There is hereby created and established in Broward County, Florida, an advisory board to be known as the Broward County Library Advisory Board ("Library Advisory

179 Board). The ~~Broward County~~ Library Advisory Board shall be subject to the requirements
180 of Section 1-233, Broward County Code of Ordinances ("Code"), as may be amended
181 from time to time.

182 **Sec. 19-11. ~~Same—Membership~~ Membership, qualifications, and terms.**

183 The ~~Broward County~~ Library Advisory Board shall consist of nine (9) members to
184 be appointed by the Board of County Commissioners of Broward County ("Board"). Each
185 member shall be a resident and elector of Broward County; shall possess a reputation for
186 integrity, responsibility, civic accomplishment, and professional or business ability; and
187 shall not be employed by the Broward County Libraries Division of ~~Broward County~~
188 ~~government~~. Terms of office shall be in accordance with the provisions of Section 1-233,
189 ~~Broward County~~ of the Code of Ordinances, as may be amended from time to time. The
190 members of the ~~Broward County~~ Library Advisory Board shall receive no compensation
191 for performance of their duties. ~~An appointment to fill a vacancy shall be for the unexpired~~
192 ~~term only.~~

193 **Sec. 19-12. ~~Same—Removal~~ Removal of members.**

194 Any member of the Library Advisory ~~b~~Board who ceases to be a qualified elector
195 or resident may be removed from office without cause by the appointing Commissioner.

196 **Sec. 19-13. ~~Same—Organization~~ Organization; quorum; meetings.**

197 The Library ~~a~~Advisory ~~b~~Board shall select a chair and such other officers as may
198 be deemed necessary or desirable, who shall serve at the pleasure of the advisory board.
199 A majority vote of the members present at any meeting shall be sufficient to enable taking
200 any action. The Library ~~a~~Advisory ~~b~~Board shall meet at an appropriate place and shall
201 arrange a time for holding regular meetings ~~of the advisory board~~ and for such other

meetings as shall be necessary. Special meetings of the Library Advisory ~~b~~Board may be called ~~by the chair, by written notice signed by four (4) members of the board, or by action of the board at any meeting, general or special~~ according to the provisions of Section 1-233(d)(2) of the Code, as may be amended from time to time. The ~~h~~Library ~~a~~Advisory ~~b~~Board may further adopt such rules of procedure and elect such other officers as it may deem necessary; provided that they do not conflict with Section 1-233, ~~Broward County of the~~ Code of Ordinances, as may be amended from time to time.

Sec. 19-14. ~~Same—Duties~~ Duties; functions; responsibilities.

The ~~Broward County~~ Library Advisory Board shall have the following duties, functions, and responsibilities:

- (1) ~~To s~~Serve in an advisory capacity to the ~~Broward County Board of County Commissioners (“Board”), the County Administrator, and the Broward County Libraries Division with respect to all matters pertaining to the Broward County library system;~~
- . . .
- (4) Make continuing studies of all existing ~~and future~~ needs of the county in respect to public library ~~facilities and services;~~
- (5) ~~Review the financial position of the library system and make reports and recommendations for a sound, feasible program for financing its cost;~~
- (6) Be aware of public library standards, trends, regulations, and legislation;
- (7) ~~Formulate or recommend actions to raise the quality of service and utilization of professional and financial assistance from state, national, and other sources;~~

- 225 ~~(8)~~ (6) Review ~~with the Libraries Division Director~~ book and material selection
226 programs, plans, and policies with the Libraries Division Director;
- 227 ~~(9)~~ Promote, recommend, and solicit bequests, donations, and contributions,
228 for the Broward County Library System;
- 229 ~~(10)~~ (7) Recommend, promote, and participate in a planned public relations
230 program for the library system;
- 231 ~~(11)~~ (8) Perform and carry out such other duties and functions of an advisory nature
232 as may be assigned by the Board; and
- 233 ~~(12)~~ (9) Furnish an annual report of the prior fiscal year by December 31st to the
234 Board on the Library Advisory Board's accomplishments ~~and status of the~~
235 Broward County Library System.

236 **Sec. 19.15 ~~Same—Limitation~~ Limitation on powers; budgeting, expenditure of**
237 **funds.**

238 The ~~adoption~~ enactment of ~~s~~Sections 19-9 through 19-14 and the creation of the
239 ~~Broward County~~ Library Advisory Board shall not be construed or deemed to impose a
240 mandatory requirement upon the Board of ~~County Commissioners of Broward County~~ to
241 provide office space, staff, or funding for said Library a~~d~~Advisory b~~B~~Board. However, the
242 b~~B~~Board of ~~county commissioners~~ may, if it deems advisable and in the interest of the
243 general welfare of Broward County, budget and provide for the expenditure of funds for
244 said library advisory board. Such budgeting and expenditure of funds is declared a valid
245 county and public purpose.

246 Section 7. Severability.

247 If any portion of this Ordinance is determined by any court to be invalid, the invalid
248 portion will be stricken, and such striking will not affect the validity of the remainder of this
249 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
250 legally applied to any individual, group, entity, property, or circumstance, such
251 determination will not affect the applicability of this Ordinance to any other individual,
252 group, entity, property, or circumstance.

253 Section 8. Inclusion in the Broward County Code of Ordinances.

254 It is the intention of the Board of County Commissioners that the provisions of this
255 Ordinance become part of the Broward County Code of Ordinances as of the effective
256 date. The sections of this Ordinance may be renumbered or relettered and the word
257 "ordinance" may be changed to "section," "article," or such other appropriate word or
258 phrase to the extent necessary in order to accomplish such intention.

259 Section 9. Effective Date.

260 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Kristin M. Carter 09/21/2022
 Kristin M. Carter (date)
 Assistant County Attorney

By: /s/ Adam M. Katzman 09/21/2022
 Adam M. Katzman (date)
 Senior Assistant County Attorney

KMC/jl
Sunset Review Ordinance
09/21/2022
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Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.