

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Goldstein offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 140-141 insert:

5 Section 1. Section 125.903, Florida Statutes, is created  
6 to read:

7 125.903 Services for seniors and adults with developmental  
8 disabilities; independent special district; council; powers,  
9 duties, and functions.--

10 (1) Broward county may by ordinance create an independent  
11 special district, as defined in ss. 189.403(3) and  
12 200.001(8)(e), to provide funding for services for seniors and  
13 adults with developmental disabilities throughout the county in  
14 accordance with this section. Such ordinance shall create a  
15 charter for the district which addresses and contains the

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16 minimum requirements required by s. 189.404(3). The boundaries  
17 of such district must be coterminous with the boundaries of the  
18 county. The county governing body shall obtain approval, by a  
19 majority vote of those electors voting on the question, to  
20 annually levy ad valorem taxes that may not exceed the maximum  
21 millage rate authorized by this section. Such approval shall be  
22 obtained by submitting the question to a referendum of the  
23 qualified electors in the county. The referendum shall be held  
24 in conjunction with the next regularly scheduled general  
25 election, in accordance with ss. 100.342 and 100.351. A district  
26 created under this subsection shall levy and fix millage as  
27 provided in s. 200.065. Once the millage is approved by the  
28 electorate, the district is not required to seek approval of the  
29 electorate in future years to levy the previously approved  
30 millage. For purposes of this section, the term "senior" means a  
31 person who is at least 60 years of age and the term "adult with  
32 developmental disabilities" means an adult with developmental  
33 disabilities who is at least 22 years of age.

34 (a) The governing board of the district shall be a council  
35 on services for seniors and adults with developmental  
36 disabilities. The council shall consist of 11 members, including  
37 the executive director of the area agency on aging or his or her  
38 designee who is a director of senior programs; the county  
39 director of human services or his or her designee who is a  
40 director of elderly services; one person who is a director of  
41 programs for adults with developmental disabilities or his or  
42 her designee; one member of the county governing board; one

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43 nonvoting member of the legislative delegation for the county  
44 appointed by the delegation chair; and one county representative  
45 of the Florida League of Cities. The executive director of the  
46 area agency on aging and his or her designee, the director of  
47 programs for adults with developmental disabilities and his or  
48 her designee, and the county director of human services and his  
49 or her designee are permanent positions. The members from the  
50 county governing board, the legislative delegation, and the  
51 Florida League of Cities shall be appointed to 2-year terms. The  
52 other five members must be appointed by the Governor and shall  
53 represent, to the greatest extent possible, the cultural  
54 diversity of the county's population. At least one of the  
55 gubernatorial designees must be an individual who is a caretaker  
56 or family member of a person who is 22 years of age or older and  
57 has a developmental disability and at least one must be 60 years  
58 of age or older. Recommendations for these memberships shall be  
59 provided by the county governing board. Three names shall be  
60 submitted for each vacancy, determined by category. The  
61 gubernatorial appointees shall be appointed to 4-year terms and  
62 may be reappointed for one additional term of office. The  
63 Governor shall make a selection within a 45-day period or  
64 request a new list of candidates. All members appointed by the  
65 Governor must have been residents of the county for the previous  
66 24-month period. The length of the terms of the initial  
67 appointees shall be adjusted to stagger the terms. The Governor  
68 may remove a member for cause or upon the written petition of  
69 the county governing body. If any of the members of the council

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70 required to be appointed by the Governor resign, die, or are  
71 removed from office, the vacancy shall be filled by appointment  
72 by the Governor, using the same method as the original  
73 appointment, and such appointment to fill a vacancy shall be for  
74 the unexpired term of the member who resigns, dies, or is  
75 removed from office.

76 (b) This subsection does not prohibit a county from  
77 exercising the power authorized by general or special law to  
78 provide services for seniors and adults with developmental  
79 disabilities or to create a special district to provide those  
80 services.

81 (2)(a) Each council may:

82 1. Provide and maintain in the county the preventive,  
83 developmental, treatment, and rehabilitative services for  
84 seniors and adults with developmental disabilities which the  
85 council determines are needed for the general welfare of seniors  
86 and adults with developmental disabilities in the county.

87 2. Provide any other services which the council determines  
88 are needed for the general welfare of seniors and adults with  
89 developmental disabilities in the county.

90 3. Allocate and provide funds for other agencies in the  
91 county which are operated for the benefit of seniors and adults  
92 with developmental disabilities.

93 4. Collect information and statistical data and conduct  
94 research and assessments that will be helpful to the council and  
95 the county in deciding the needs of seniors and adults with  
96 developmental disabilities in the county.

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97        5. Consult and coordinate with other agencies dedicated to  
98 the welfare of seniors and adults with developmental  
99 disabilities to the end that the overlapping of services will be  
100 prevented.

101        6. Lease or buy real estate, equipment, and personal  
102 property and construct buildings as needed to execute the  
103 foregoing powers and functions, except that such purchases may  
104 not be made or building done unless paid for with cash on hand  
105 or secured by funds deposited in financial institutions. This  
106 subparagraph does not authorize a district to issue bonds of any  
107 nature, and a district does not have the power to require the  
108 imposition of any bond by the governing body of the county.

109        7. Employ, pay, and provide benefits for any part-time or  
110 full-time personnel needed to execute the foregoing powers and  
111 functions.

112        (b) Each council shall:

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

116        2. Immediately after the members are appointed and  
117 officers are elected, identify and assess the needs of seniors  
118 and adults with developmental disabilities in the county served  
119 by the council and submit to the governing body of each county a  
120 written description of:

121        a. The activities, services, and opportunities that will  
122 be provided to seniors and adults with developmental  
123 disabilities.

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124        b. The anticipated schedule for providing those  
125 activities, services, and opportunities.

126        c. The manner in which seniors and adults with  
127 developmental disabilities will be served, including a  
128 description of arrangements and agreements that will be made  
129 with community organizations, state and local educational  
130 agencies, federal agencies, public assistance agencies, the  
131 court system, guardianship groups, and other applicable public  
132 and private agencies and organizations.

133        d. The special outreach efforts that will be undertaken to  
134 provide services to seniors and adults with developmental  
135 disabilities who are at-risk, abused, or neglected and ailing  
136 seniors or profoundly afflicted adults with developmental  
137 disabilities.

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

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

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

144        4. Make and adopt bylaws and rules for the council's  
145 guidance, operation, governance, and maintenance, if such rules  
146 are not inconsistent with federal or state laws or county  
147 ordinances.

148        5. Provide an annual written report, to be presented no  
149 later than January 1, to the governing body of the county. The  
150 annual report must contain, but need not be limited to:

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151 a. Information on the effectiveness of activities,  
152 services, and programs offered by the council, including cost-  
153 effectiveness.

154 b. A detailed anticipated budget for continuation of  
155 activities, services, and programs offered by the council, and a  
156 list of all sources of requested funding, both public and  
157 private.

158 c. Procedures used for early identification of at-risk  
159 seniors and adults with developmental disabilities who need  
160 additional or continued services and methods for ensuring that  
161 the additional or continued services are received.

162 d. A description of the degree to which the council's  
163 objectives and activities are consistent with the goals of this  
164 section.

165 e. Detailed information on the various programs, services,  
166 and activities available to seniors and adults with  
167 developmental disabilities and the degree to which the programs,  
168 services, and activities have been successfully used by seniors  
169 and adults with developmental disabilities.

170 f. Information on programs, services, and activities that  
171 should be eliminated; programs, services, and activities that  
172 should be continued; and programs, services, and activities that  
173 should be added to the basic format of the council.

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

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177       (d) Members of the council shall serve without  
178 compensation, but are entitled to receive reimbursement for per  
179 diem and travel expenses consistent with s. 112.061.

180       (3)(a) The district shall maintain the same fiscal year as  
181 that of the county.

182       (b) On or before July 1 of each year, the council shall  
183 prepare a tentative annual written budget of the district's  
184 expected income and expenditures, including a contingency fund.  
185 The council shall, in addition, compute a proposed millage rate  
186 within the voter-approved cap necessary to fund the tentative  
187 budget and, prior to adopting a final budget, comply with s.  
188 200.065, relating to the method of fixing millage, and fix the  
189 final millage rate by resolution of the council. The adopted  
190 budget and final millage rate must be certified and delivered to  
191 the governing body of the county as soon as possible following  
192 the council's adoption of the final budget and millage rate  
193 under chapter 200. Included in each certified budget shall be  
194 the millage rate, adopted by resolution of the council,  
195 necessary to be applied to raise the funds budgeted for district  
196 operations and expenditures. District millage may not exceed 0.5  
197 mills of assessed valuation of all properties within the county  
198 which are subject to ad valorem county taxes.

199       (c) After the budget of the district is certified and  
200 delivered to the governing body of the county, the budget may  
201 not be changed or modified by the governing body of the county  
202 or any other authority.

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203 (d) All taxes collected under this section, as soon after  
204 collection as is reasonably practicable, shall be paid directly  
205 to the council by the tax collector of the county or the clerk  
206 of the circuit court, if the clerk collects delinquent taxes.

207 (e)1. All moneys received by the council shall be  
208 deposited in qualified public depositories, as defined in s.  
209 280.02, with separate and distinguishable accounts established  
210 specifically for the council and may be withdrawn only by checks  
211 signed by the chair of the council and countersigned by one  
212 other member of the council or by a chief executive officer  
213 authorized by the council.

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

223 3. Funds of the district may not be expended except by  
224 check, except expenditures from a petty cash account, which  
225 account may not at any time exceed \$100. All expenditures from  
226 petty cash must be recorded on the books and records of the  
227 council. Funds of the council, except expenditures from petty  
228 cash, may not be expended without prior approval of the council,  
229 in addition to the budgeting thereof.

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230 (f) Within 10 days, exclusive of weekends and legal  
231 holidays, after the expiration of each quarter-annual period,  
232 the council shall prepare and file with the governing body of  
233 the county a financial report that includes:

234 1. The total expenditures of the council for the quarter-  
235 annual period.

236 2. The total receipts of the council during the quarter-  
237 annual period.

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

241 4. The total administrative costs of the council for the  
242 quarter-annual period.

243 (4) Any district created under this section may be  
244 dissolved by a special act of the Legislature, or the county  
245 governing body may by ordinance dissolve the district subject to  
246 the approval of the electorate. If any district is dissolved  
247 under this subsection, each county shall first obligate itself  
248 to assume the debts, liabilities, contracts, and outstanding  
249 obligations of the district within the total millage available  
250 to the county governing body for all county and municipal  
251 purposes as provided for under section 9, Article VII of the  
252 State Constitution. Any district may also be dissolved under s.  
253 189.4042.

254 (5) After or during the first year of operation of the  
255 council, the governing body of the county, at its option, may

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256 fund in whole or in part the budget of the council from its own  
257 funds.

258 (6) Any district created under this section shall comply  
259 with all other statutory requirements of general application  
260 which relate to the filing of any financial reports or  
261 compliance reports required under part III of chapter 218, or  
262 any other report or documentation required by law, including the  
263 requirements of ss. 189.415, 189.417, and 189.418.

264 (7)(a) Each county may by ordinance create a dependent  
265 special district within the boundaries of the county for the  
266 purpose of providing preventive, developmental, treatment, and  
267 rehabilitative services for seniors and adults with  
268 developmental disabilities. The district may seek grants from  
269 state, federal, and local agencies and accept donations from  
270 public and private sources if the district complies with  
271 paragraphs (1)(a) and (2)(b) and has a budget that requires  
272 approval through an affirmative vote of the governing body of  
273 the county or that may be vetoed by the governing body of the  
274 county.

275 (b) If the provisions of a county charter relating to the  
276 membership of the governing board of a dependent special  
277 district conflict with paragraph (1)(a), a county may by  
278 ordinance create a dependent special district within the  
279 boundaries of the county for the purpose of providing  
280 preventive, developmental, treatment, and rehabilitative  
281 services for seniors and adults with developmental disabilities,  
282 and the district may seek grants from state, federal, and local

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283 agencies and accept donations from public and private sources if  
284 the district complies with paragraph (2)(b) and has a budget  
285 that requires approval through an affirmative vote of the  
286 governing body of the county or that may be vetoed by the  
287 governing body of the county.

288 (8) It is the intent of the Legislature that the funds  
289 collected under this section be used to support improvements in  
290 services for seniors and adults with developmental disabilities  
291 and that such funds not be used as a substitute for existing  
292 resources or for resources that would otherwise be available for  
293 services for seniors and adults with developmental disabilities.

294 (9) Two or more councils may enter into a cooperative  
295 agreement to share administrative costs, including, but not  
296 limited to, staff and office space, if a more efficient or  
297 effective operation will result. The cooperative agreement must  
298 include provisions on apportioning costs between the councils,  
299 keeping separate and distinct financial records for each  
300 council, and resolving any conflicts that might arise under the  
301 cooperative agreement.

302 (10) Two or more councils may enter into a cooperative  
303 agreement to seek grants, accept donations, or jointly fund  
304 programs serving multicounty areas. The cooperative agreement  
305 must include provisions for the adequate accounting of separate  
306 and joint funds.

307 (11) Councils or districts shall not require any public or  
308 private service provider to provide additional matching funds as

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309 a condition of the council or district providing services or  
310 programs to seniors and adults with developmental disabilities.

311 Section 2. Part V of chapter 125, Florida Statutes,  
312 consisting of sections 125.901, 125.902, and 125.903, Florida  
313 Statutes, and entitled "Children's Services," is renamed as  
314 "Human Services."

315 Section 3. Paragraph (b) of subsection (4) of section  
316 189.404, Florida Statutes, is amended to read:

317 189.404 Legislative intent for the creation of independent  
318 special districts; special act prohibitions; model elements and  
319 other requirements; general-purpose local government/Governor  
320 and Cabinet creation authorizations.--

321 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION  
322 AUTHORIZATIONS.--Except as otherwise authorized by general law,  
323 only the Legislature may create independent special districts.

324 (b) A county may create an independent special district  
325 which shall be adopted by a charter in accordance with s.  
326 125.901, s. 125.903, or s. 154.331 or chapter 155, or which  
327 shall be established by ordinance in accordance with s. 190.005,  
328 or as otherwise authorized by general law.

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330  
331 ===== T I T L E A M E N D M E N T =====

332 Delete the entire title and insert:  
333 A bill to be entitled  
334 An act relating to housing; amending ss. 125.0167 and  
335 201.031, F.S.; authorizing certain counties operating

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336 under a home rule charter to levy the discretionary surtax  
337 for purposes of establishing and funding a Housing  
338 Assistance Loan Trust Fund to assist in providing housing  
339 for low-income and moderate-income families; prohibiting  
340 certain counties from levying the surtax unless approved  
341 by a majority of the electors of the county voting in a  
342 referendum; providing requirements for holding a  
343 referendum; providing for the future repeal of ss.  
344 125.0167 and 201.031, F.S., relating to the surtax on  
345 documents for purposes of funding housing assistance;  
346 amending s. 201.0205, F.S.; deleting references to ch. 83-  
347 220, Laws of Florida, to conform; updating cross  
348 references; repealing s. 3 of ch. 83-220, Laws of Florida,  
349 as amended, relating to the former repeal date established  
350 for the discretionary surtax on documents; creating s.  
351 125.903, F.S.; authorizing Broward county to create an  
352 independent special district to provide funding for  
353 services for seniors and adults with developmental  
354 disabilities; requiring a district charter; requiring  
355 approval by a majority vote of electors to annually levy  
356 ad valorem taxes not to exceed a certain maximum;  
357 requiring a referendum; creating a governing board for the  
358 special district; specifying criteria for membership to  
359 the governing board; providing terms of office; clarifying  
360 that a county may provide services for seniors and adults  
361 with developmental disabilities or create a special  
362 district to provide such services by general or special

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363 law; specifying the powers and functions of a council on  
364 services for seniors and adults with developmental  
365 disabilities; requiring each council to appoint a chair  
366 and a vice chair and elect officers, to identify and  
367 assess the needs of the seniors and adults with  
368 developmental disabilities in the county served by the  
369 council, to provide training and orientation to new  
370 members of the council, to make and adopt bylaws and rules  
371 for the council's operation and governance, and to provide  
372 an annual written report to the governing body of the  
373 county; requiring the council to maintain minutes of each  
374 meeting and to serve without compensation; requiring the  
375 council to prepare a tentative annual budget and to  
376 compute a millage rate to fund the tentative budget;  
377 requiring that all tax moneys collected be paid directly  
378 to the council on services for seniors and adults with  
379 developmental disabilities by the tax collector of the  
380 county and deposited in qualified public depositories;  
381 specifying expenditures of funds; requiring the council to  
382 prepare and file a financial report with the governing  
383 body of the county; providing that a district may be  
384 dissolved by a special act of the Legislature or by  
385 ordinance by the governing body of the county; specifying  
386 obligations of the county if a district is dissolved;  
387 authorizing the governing body of a county to fund the  
388 budget of the council on services for seniors and adults  
389 with developmental disabilities from its own funds after

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390 or during the council's first year of operation; requiring  
391 a special district to comply with statutory requirements  
392 related to the filing of a financial or compliance report;  
393 authorizing a county to create a dependent special  
394 district to provide certain services for seniors and  
395 adults with developmental disabilities; authorizing the  
396 district to seek grants and accept donations from public  
397 and private sources; providing legislative intent with  
398 respect to the use of funds collected by a council on  
399 services for seniors and adults with developmental  
400 disabilities; providing that two or more councils on  
401 services for seniors and adults with developmental  
402 disabilities may enter into a cooperative agreement to  
403 share administrative costs, staff, and office space and  
404 seek grants, accept donations, or jointly fund programs  
405 serving multicounty areas; prohibiting councils or  
406 districts from requiring matching funds from certain  
407 service providers as a condition to provision of services  
408 by the council or district; renaming part V of chapter  
409 125, F.S.; amending s. 189.404, F.S.; revising county  
410 authority to create an independent special district to  
411 include a reference to s. 125.903, F.S.; providing an  
412 effective date.

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