

1 A bill to be entitled
2 An act relating to Broward County; creating the Broward
3 County Council for Services for Seniors and Adults with
4 Developmental Disabilities; creating an independent
5 special district to provide funding for services for
6 seniors and adults with developmental disabilities;
7 requiring approval by a majority vote of electors to
8 annually levy ad valorem taxes not to exceed a certain
9 maximum; creating a governing board for the district;
10 specifying criteria for membership to the governing board;
11 providing terms of office; specifying the powers and
12 functions of the council; requiring the council to appoint
13 a chair and vice chair and elect officers, to identify and
14 assess the needs of seniors and adults with developmental
15 disabilities, to provide training and orientation to new
16 members of the council, to make and adopt bylaws and rules
17 for the council's operation and governance, and to provide
18 an annual report to the Broward County Board of County
19 Commissioners; requiring the council to maintain minutes
20 of each meeting and to serve without compensation;
21 requiring the council to prepare a tentative annual budget
22 and to compute a millage rate to fund the tentative
23 budget; requiring that all tax moneys collected be paid
24 directly to the council by the Broward County Tax
25 Collector and deposited in qualified public depositories;
26 specifying expenditures of funds; requiring the council to
27 prepare and file a financial report to the Broward County
28 Board of County Commissioners; providing that the district
29 may be amended or dissolved by a special act of the

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30 Legislature; authorizing the Broward County Board of
 31 County Commissioners to fund the budget of the council
 32 from its own funds after or during the council's first
 33 year of operation; requiring the district to comply with
 34 statutory requirements related to the filing of a
 35 financial or compliance report; authorizing the district
 36 to seek grants and accept donations from public and
 37 private sources; providing legislative intent with respect
 38 to the use of funds collected by the council; requiring a
 39 referendum; providing a ballot statement; providing an
 40 effective date.

41
 42 WHEREAS, the Legislature has determined that it would
 43 serve the public interest to establish an independent
 44 special district to provide services to seniors and adults
 45 with developmental disabilities within Broward County, NOW,
 46 THEREFORE,

47
 48 Be It Enacted by the Legislature of the State of Florida:

49
 50 Section 1. Services for seniors and adults with
 51 developmental disabilities; independent special district;
 52 council; powers, duties, and functions.--

53 (1) There is hereby created an independent special
 54 district, as defined in sections 189.403 and 200.001, Florida
 55 Statutes, to provide funding for services for seniors and adults
 56 with developmental disabilities throughout Broward County in
 57 accordance with this act. The boundaries of such district shall
 58 be coterminous with the boundaries of Broward County. The

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59 district created pursuant to this act shall levy and fix millage
 60 as provided in section 200.065, Florida Statutes. Once the
 61 millage is approved by the electorate, the district is not
 62 required to seek approval of the electorate in future years to
 63 levy the previously approved millage. For purposes of this
 64 section, the term "senior" means a person who is at least 60
 65 years of age, and the term "adult with developmental
 66 disabilities" means an adult with developmental disabilities who
 67 is at least 22 years of age.

68 (2) The governing board of the district shall be the
 69 Broward County Council for Services for Seniors and Adults with
 70 Developmental Disabilities. The council shall consist of 11
 71 members, including the executive director of the Area Agency on
 72 Aging of Broward County or his or her designee who is a director
 73 of senior programs; the Broward County Director of Human
 74 Services or his or her designee who is a director of elderly
 75 services; one person who is director of programs for adults with
 76 developmental disabilities or his or her designee; one member of
 77 the Broward County Board of County Commissioners; one nonvoting
 78 member of the Broward County Legislative Delegation appointed by
 79 the delegation chair; and one representative of the Broward
 80 League of Cities. The executive director of the Area Agency on
 81 Aging of Broward County or his or her designee, the director of
 82 programs for adults with developmental disabilities or his or
 83 her designee, and the Broward County Director of Human Services
 84 or his or her designee are permanent positions. The members
 85 appointed from the Broward County Board of County Commissioners,
 86 the Broward County Legislative Delegation, and the Broward
 87 League of Cities shall be appointed to 2-year terms. The other

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88 five members shall be appointed by the Governor and shall
 89 represent, to the greatest extent possible, the cultural
 90 diversity of Broward County's population. At least one of the
 91 gubernatorial designees must be an individual who is a caretaker
 92 or family member of a person who is 22 years of age or older and
 93 has a developmental disability, and at least one must be 60
 94 years of age or older. Recommendations for these memberships
 95 shall be provided by the Broward County Board of County
 96 Commissioners. Three names shall be submitted for each vacancy,
 97 determined by category. The gubernatorial appointees shall be
 98 appointed to 4-year terms and may be reappointed for one
 99 additional term of office. The Governor shall make a selection
 100 within a 45-day period or request a new list of candidates. All
 101 members appointed by the Governor must have been residents of
 102 Broward County for the previous 24-month period. The length of
 103 the terms of the initial appointees shall be adjusted to stagger
 104 the terms. The Governor may remove a member for cause or upon
 105 the written petition of the Broward County Board of County
 106 Commissioners. If any of the members of the Council required to
 107 be appointed by the Governor resigns, dies, or is removed from
 108 office, the vacancy shall be filled by appointment by the
 109 Governor, using the same method as the original appointment, and
 110 such appointment to fill a vacancy shall be for the unexpired
 111 term of the member who resigns, dies, or is removed from office.

112 (3)(a) The Broward County Council for Services for Seniors
 113 and Adults with Developmental Disabilities may:

- 114 1. Provide and maintain in the county the preventive,
 115 developmental, treatment, and rehabilitative services for
 116 seniors and adults with developmental disabilities which the

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117 council determines are needed for the general welfare of seniors
118 and adults with developmental disabilities.

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

122 3. Allocate and provide funds for other agencies in the
123 county which are operated for the benefit of seniors and adults
124 with developmental disabilities.

125 4. Collect information and statistical data and conduct
126 research and assessments that will be helpful to the council and
127 the county in deciding the needs of seniors and adults with
128 developmental disabilities in the county.

129 5. Consult and coordinate with other agencies dedicated to
130 the welfare of seniors and adults with developmental
131 disabilities to the end that the overlapping of services will be
132 prevented.

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

135 7. Lease or buy real estate, equipment, and personal
136 property and construct buildings as needed to execute the
137 foregoing powers and functions, except that such purchases may
138 not be made or building done unless paid for with cash on hand
139 or secured by funds deposited in financial institutions. This
140 subparagraph does not authorize a district to issue bonds of any
141 nature, and a district does not have the power to require the
142 imposition of any bond by the governing body of the county.

143 8. Employ, pay, and provide benefits for any part-time or
144 full-time personnel needed to execute the foregoing powers and
145 functions.

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146 (b) The Broward County Council for Services for Seniors
147 and Adults with Developmental Disabilities shall:

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

151 2. Immediately after the members are appointed and
152 officers are elected, identify and assess the needs of seniors
153 and adults with developmental disabilities in the county and
154 submit to the Broward County Board of County Commissioners a
155 written description of:

156 a. The activities, services, and opportunities that will
157 be provided to seniors and adults with developmental
158 disabilities.

159 b. The anticipated schedule for providing those
160 activities, services, and opportunities.

161 c. The manner in which seniors and adults with
162 developmental disabilities will be served, including a
163 description of arrangements and agreements that will be made
164 with community organizations, state and local educational
165 agencies, federal agencies, public assistance agencies, the
166 court system, guardianship groups, and other applicable public
167 and private agencies and organizations.

168 d. The special outreach efforts that will be undertaken to
169 provide services to seniors and adults with developmental
170 disabilities who are at risk, abused, or neglected and ailing
171 seniors or profoundly afflicted adults with developmental
172 disabilities.

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

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- 175 f. The strategy that will be used for interagency
176 coordination to maximize existing human and fiscal resources.
- 177 3. Provide training and orientation to all new members
178 sufficient to allow them to perform their duties.
- 179 4. Make and adopt bylaws and rules for the council's
180 guidance, operation, governance, and maintenance, if such rules
181 are not inconsistent with federal or state laws or county
182 ordinances.
- 183 5. Provide an annual written report, to be presented no
184 later than January 1, to the Broward County Board of County
185 Commissioners. The annual report must contain, but need not be
186 limited to:
- 187 a. Information on the effectiveness of activities,
188 services, and programs offered by the council, including cost
189 effectiveness.
- 190 b. A detailed anticipated budget for continuation of
191 activities, services, and programs offered by the council and a
192 list of all sources of requested funding, both public and
193 private.
- 194 c. Procedures used for early identification of at-risk
195 seniors and adults with developmental disabilities who need
196 additional or continued services and methods for ensuring that
197 the additional or continued services are received.
- 198 d. A description of the degree to which the council's
199 objectives and activities are consistent with the goals of this
200 section.
- 201 e. Detailed information of the various programs, services,
202 and activities available to seniors and adults with
203 developmental disabilities.

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204 f. Information on programs, services, and activities that
205 should be eliminated; programs, services, and activities that
206 should be continued; and programs, services, and activities that
207 should be added to the basic format of the council.

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

211 (d) Members of the council shall serve without
212 compensation, but are entitled to receive reimbursement for per
213 diem and travel expenses consistent with section 112.061,
214 Florida Statutes.

215 (4)(a) The district shall maintain the same fiscal year as
216 that of Broward County.

217 (b) On or before July 1 of each year, the council shall
218 prepare a tentative annual written budget of the district's
219 expected income and expenditures, including a contingency fund.
220 The council shall, in addition, compute a proposed millage rate
221 within the voter-approved cap necessary to fund the tentative
222 budget and, prior to adopting a final budget, comply with
223 section 200.065, Florida Statutes, relating to the method of
224 fixing millage, and fix the final millage rate by resolution of
225 the council. The adopted budget and final millage rate must be
226 certified and delivered to the Broward County Board of County
227 Commissioners as soon as possible following the council's
228 adoption of the final budget and millage rate under chapter 200,
229 Florida Statutes. Included in each certified budget shall be the
230 millage rate, adopted by resolution of the council, necessary to
231 be applied to raise the funds budgeted for district operations
232 and expenditures. District millage may not exceed 0.5 mills of

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233 assessed valuation of all properties within Broward County which
 234 are subject to ad valorem county taxes.

235 (c) After the budget of the district is certified and
 236 delivered to the Broward County Board of County Commissioners,
 237 the budget may not be changed or modified by the Broward County
 238 Board of County Commissioners or any other authority.

239 (d) All taxes collected under this section, as soon after
 240 collection as is reasonably practicable, shall be paid directly
 241 to the council by the Broward County Revenue Collection
 242 Division.

243 (e)1. All moneys received by the council shall be
 244 deposited in qualified public depositories, as defined in
 245 section 280.02, Florida Statutes, with separate and
 246 distinguishable accounts established specifically for the
 247 council and may be withdrawn only by checks signed by the chair
 248 of the council and countersigned by one other member of the
 249 council or by a chief executive officer authorized by the
 250 council.

251 2. Upon entering the duties of office, the chair and the
 252 other member of the council or chief executive officer who signs
 253 its checks shall each file a surety bond in the sum of at least
 254 \$1,000 for each \$1 million or portion thereof of the council's
 255 annual budget, which bond shall be conditioned upon the faithful
 256 discharge of the duties of his or her office. The premium on
 257 such bond may be paid by the district as part of the expenses of
 258 the council. Other members of the council may not be required to
 259 give bond or other security.

260 3. Funds of the district may not be expended except by
 261 check, except expenditures from a petty cash account, which

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262 account may not at any time exceed \$100. All expenditures from
263 petty cash must be recorded on the books and records of the
264 council. Funds of the council, except expenditures from petty
265 cash, may not be expended without prior approval of the council,
266 in addition to the budgeting thereof.

267 (f) Within 10 days, exclusive of weekends and legal
268 holidays, after the expiration of each quarter-annual period,
269 the council shall prepare and file with the Broward County Board
270 of County Commissioners a financial report that includes:

271 1. The total expenditures of the council for the quarter-
272 annual period.

273 2. The total receipts of the council during the quarter-
274 annual period.

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

278 4. The total administrative costs of the council for the
279 quarter-annual period.

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

282 (6) After or during the first year of operation of the
283 council, the Broward County Board of County Commissioners, at
284 its option, may fund in whole or in part the budget of the
285 council from its own funds.

286 (7) The district created under this act shall comply with
287 all other statutory requirements of general application which
288 relate to the filing of any financial reports or compliance
289 reports required under part III of chapter 218, Florida
290 Statutes, or any other report or documentation required by law,

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291 including the requirements of sections 189.415, 189.417, and
 292 189.418, Florida Statutes.

293 Section 2. Referendum.--The Broward County Board of County
 294 Commissioners is hereby directed to call a special referendum
 295 election to be held in conjunction with the primary election
 296 held on September 5, 2006, to carry out the purposes and intent
 297 of this act and to do all things necessary to implement and fund
 298 the Broward County Council for Services for Seniors and Adults
 299 with Developmental Disabilities and the independent special
 300 district created hereby in accordance with the terms of this act
 301 and the laws pertaining to elections. The items that shall
 302 appear on the ballot on September 5, 2006, the date of the
 303 primary election of 2006, shall be as follows:

304
 305 Creating the Council for Services for Seniors and Adults with
 306 Developmental Disabilities.

307
 308 An independent special district known as the "Broward County
 309 Council for Services for Seniors and Adults with Developmental
 310 Disabilities" is created to fund the improvement of services for
 311 seniors and adults with developmental disabilities.

312
 313 Yes _____

314 No _____

315
 316 Authorizing Tax Rate for the Council for Services for Seniors
 317 and Adults with Developmental Disabilities.

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319 The Broward County Council for Services for Seniors and Adults
 320 with Developmental Disabilities is authorized to levy each year
 321 an ad valorem tax not to exceed 0.5 mills to fund services for
 322 seniors and adults with developmental disabilities.

323

324 Yes

325 No

326 Section 3. This act and the provisions of section 1 which
 327 authorize ad valorem taxation shall take effect only upon
 328 approval by a majority vote of those qualified electors of
 329 Broward County voting in a referendum to be held in conjunction
 330 with the primary election held on September 5, 2006, in
 331 accordance with the provisions of law relating to elections
 332 currently in force, except that this section and section 2 of
 333 this act shall take effect upon becoming a law.