

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to Broward County; creating the Broward
7 County Council for Services for Seniors and Adults with
8 Developmental Disabilities; creating an independent
9 special district to provide funding for services for
10 seniors and adults with developmental disabilities;
11 requiring approval by a majority vote of electors to
12 annually levy ad valorem taxes not to exceed a certain
13 maximum; creating a governing board for the district;
14 specifying criteria for membership to the governing board;
15 providing terms of office; specifying the powers and
16 functions of the council; requiring the council to appoint
17 a chair and vice chair and elect officers, to identify and
18 assess the needs of seniors and adults with developmental
19 disabilities, to provide training and orientation to new
20 members of the council, to make and adopt bylaws and rules
21 for the council's operation and governance, and to provide
22 an annual report to the Broward County Board of County
23 Commissioners; requiring the council to maintain minutes

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24 | of each meeting and to serve without compensation;
25 | requiring the council to prepare a tentative annual budget
26 | and to compute a millage rate to fund the tentative
27 | budget; requiring that all tax moneys collected be paid
28 | directly to the council by the Broward County Tax
29 | Collector and deposited in qualified public depositories;
30 | specifying expenditures of funds; requiring the council to
31 | prepare and file a financial report to the Broward County
32 | Board of County Commissioners; providing that the district
33 | may be amended or dissolved by a special act of the
34 | Legislature; authorizing the Broward County Board of
35 | County Commissioners to fund the budget of the council
36 | from its own funds after or during the council's first
37 | year of operation; requiring the district to comply with
38 | statutory requirements related to the filing of a
39 | financial or compliance report; authorizing the district
40 | to seek grants and accept donations from public and
41 | private sources; providing legislative intent with respect
42 | to the use of funds collected by the council; prohibiting
43 | the council from requiring certain matching funds;
44 | requiring a referendum; providing a ballot statement;
45 | providing an effective date.

46 |
47 | WHEREAS, the Legislature has determined that it would
48 | serve the public interest to establish an independent
49 | special district to provide services to seniors and adults
50 | with developmental disabilities within Broward County, NOW,
51 | THEREFORE,

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

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

(1) There is hereby created an independent special district, as defined in sections 189.403 and 200.001, Florida Statutes, to provide funding for services for seniors and adults with developmental disabilities throughout Broward County in accordance with this act. The boundaries of such district shall be coterminous with the boundaries of Broward County. The district created pursuant to this act shall levy and fix millage as provided in section 200.065, Florida Statutes. Once the millage is approved by the electorate, the district is not required to seek approval of the electorate in future years to levy the previously approved millage. For purposes of this section, the term "senior" means a person who is at least 60 years of age, and the term "adult with developmental disabilities" means an adult with developmental disabilities who is at least 22 years of age.

(2) The governing board of the district shall be the Broward County Council for Services for Seniors and Adults with Developmental Disabilities. The council shall consist of 11 members, including the executive director of the Area Agency on Aging of Broward County or his or her designee who is a director of senior programs; the Broward County Director of Human Services or his or her designee who is a director of elderly

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80 services; one person who is director of programs for adults with
81 developmental disabilities or his or her designee; one member of
82 the Broward County Board of County Commissioners; one nonvoting
83 member of the Broward County Legislative Delegation appointed by
84 the delegation chair; and one representative of the Broward
85 League of Cities. The executive director of the Area Agency on
86 Aging of Broward County or his or her designee, the director of
87 programs for adults with developmental disabilities or his or
88 her designee, and the Broward County Director of Human Services
89 or his or her designee are permanent positions. The members
90 appointed from the Broward County Board of County Commissioners,
91 the Broward County Legislative Delegation, and the Broward
92 League of Cities shall be appointed to 2-year terms. The other
93 five members shall be appointed by the Governor and shall
94 represent, to the greatest extent possible, the cultural
95 diversity of Broward County's population. At least one of the
96 gubernatorial designees must be an individual who is a caretaker
97 or family member of a person who is 22 years of age or older and
98 has a developmental disability, and at least one must be 60
99 years of age or older. Recommendations for these memberships
100 shall be provided by the Broward County Board of County
101 Commissioners. Three names shall be submitted for each vacancy,
102 determined by category. The gubernatorial appointees shall be
103 appointed to 4-year terms and may be reappointed for one
104 additional term of office. The Governor shall make a selection
105 within a 45-day period or request a new list of candidates. All
106 members appointed by the Governor must have been residents of
107 Broward County for the previous 24-month period. The length of

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108 the terms of the initial appointees shall be adjusted to stagger
 109 the terms. The Governor may remove a member for cause or upon
 110 the written petition of the Broward County Board of County
 111 Commissioners. If any of the members of the Council required to
 112 be appointed by the Governor resigns, dies, or is removed from
 113 office, the vacancy shall be filled by appointment by the
 114 Governor, using the same method as the original appointment, and
 115 such appointment to fill a vacancy shall be for the unexpired
 116 term of the member who resigns, dies, or is removed from office.

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

119 1. Provide and maintain in the county the preventive,
 120 developmental, treatment, and rehabilitative services for
 121 seniors and adults with developmental disabilities which the
 122 council determines are needed for the general welfare of seniors
 123 and adults with developmental disabilities.

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

127 3. Allocate and provide funds for other agencies in the
 128 county which are operated for the benefit of seniors and adults
 129 with developmental disabilities.

130 4. Collect information and statistical data and conduct
 131 research and assessments that will be helpful to the council and
 132 the county in deciding the needs of seniors and adults with
 133 developmental disabilities in the county.

134 5. Consult and coordinate with other agencies dedicated to
 135 the welfare of seniors and adults with developmental

136 disabilities to the end that the overlapping of services will be
 137 prevented.

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

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

148 8. Employ, pay, and provide benefits for any part-time or
 149 full-time personnel needed to execute the foregoing powers and
 150 functions.

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

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

156 2. Immediately after the members are appointed and
 157 officers are elected, identify and assess the needs of seniors
 158 and adults with developmental disabilities in the county and
 159 submit to the Broward County Board of County Commissioners a
 160 written description of:

161 a. The activities, services, and opportunities that will
 162 be provided to seniors and adults with developmental
 163 disabilities.

- 164 b. The anticipated schedule for providing those
 165 activities, services, and opportunities.
- 166 c. The manner in which seniors and adults with
 167 developmental disabilities will be served, including a
 168 description of arrangements and agreements that will be made
 169 with community organizations, state and local educational
 170 agencies, federal agencies, public assistance agencies, the
 171 court system, guardianship groups, and other applicable public
 172 and private agencies and organizations.
- 173 d. The special outreach efforts that will be undertaken to
 174 provide services to seniors and adults with developmental
 175 disabilities who are at risk, abused, or neglected and ailing
 176 seniors or profoundly afflicted adults with developmental
 177 disabilities.
- 178 e. The manner in which the council will seek and provide
 179 funding for unmet needs.
- 180 f. The strategy that will be used for interagency
 181 coordination to maximize existing human and fiscal resources.
- 182 3. Provide training and orientation to all new members
 183 sufficient to allow them to perform their duties.
- 184 4. Make and adopt bylaws and rules for the council's
 185 guidance, operation, governance, and maintenance, if such rules
 186 are not inconsistent with federal or state laws or county
 187 ordinances.
- 188 5. Provide an annual written report, to be presented no
 189 later than January 1, to the Broward County Board of County
 190 Commissioners. The annual report must contain, but need not be
 191 limited to:

192 a. Information on the effectiveness of activities,
 193 services, and programs offered by the council, including cost
 194 effectiveness.

195 b. A detailed anticipated budget for continuation of
 196 activities, services, and programs offered by the council and a
 197 list of all sources of requested funding, both public and
 198 private.

199 c. Procedures used for early identification of at-risk
 200 seniors and adults with developmental disabilities who need
 201 additional or continued services and methods for ensuring that
 202 the additional or continued services are received.

203 d. A description of the degree to which the council's
 204 objectives and activities are consistent with the goals of this
 205 section.

206 e. Detailed information of the various programs, services,
 207 and activities available to seniors and adults with
 208 developmental disabilities.

209 f. Information on programs, services, and activities that
 210 should be eliminated; programs, services, and activities that
 211 should be continued; and programs, services, and activities that
 212 should be added to the basic format of the council.

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

216 (d) Members of the council shall serve without
 217 compensation, but are entitled to receive reimbursement for per
 218 diem and travel expenses consistent with section 112.061,
 219 Florida Statutes.

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

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

240 (c) After the budget of the district is certified and
 241 delivered to the Broward County Board of County Commissioners,
 242 the budget may not be changed or modified by the Broward County
 243 Board of County Commissioners or any other authority.

244 (d) All taxes collected under this section, as soon after
 245 collection as is reasonably practicable, shall be paid directly
 246 to the council by the Broward County Revenue Collection
 247 Division.

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

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

265 3. Funds of the district may not be expended except by
 266 check, except expenditures from a petty cash account, which
 267 account may not at any time exceed \$100. All expenditures from
 268 petty cash must be recorded on the books and records of the
 269 council. Funds of the council, except expenditures from petty
 270 cash, may not be expended without prior approval of the council,
 271 in addition to the budgeting thereof.

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

- 276 1. The total expenditures of the council for the quarter-
 277 annual period.
- 278 2. The total receipts of the council during the quarter-
 279 annual period.
- 280 3. A statement of the funds the council has on hand, has
 281 invested, or has deposited with qualified public depositories at
 282 the end of the quarter-annual period.
- 283 4. The total administrative costs of the council for the
 284 quarter-annual period.
- 285 (5) The district created under this act may be amended or
 286 dissolved by a special act of the Legislature.
- 287 (6) After or during the first year of operation of the
 288 council, the Broward County Board of County Commissioners, at
 289 its option, may fund in whole or in part the budget of the
 290 council from its own funds.
- 291 (7) The district created under this act shall comply with
 292 all other statutory requirements of general application which
 293 relate to the filing of any financial reports or compliance
 294 reports required under part III of chapter 218, Florida
 295 Statutes, or any other report or documentation required by law,
 296 including the requirements of sections 189.415, 189.417, and
 297 189.418, Florida Statutes.
- 298 (8) The Broward County Council for Services for Seniors
 299 and Adults with Developmental Disabilities shall not require any
 300 public or private service provider to provide additional
 301 matching funds as a condition of the council's or district's
 302 providing services or programs to seniors and adults with
 303 developmental disabilities.

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304 Section 2. Referendum.--The Broward County Board of County
 305 Commissioners is hereby directed to call a special referendum
 306 election to be held in conjunction with the primary election
 307 held on September 5, 2006, to carry out the purposes and intent
 308 of this act and to do all things necessary to implement and fund
 309 the Broward County Council for Services for Seniors and Adults
 310 with Developmental Disabilities and the independent special
 311 district created hereby in accordance with the terms of this act
 312 and the laws pertaining to elections. The items that shall
 313 appear on the ballot on September 5, 2006, the date of the
 314 primary election of 2006, shall be as follows:

315
 316 Creating the Council for Services for Seniors and Adults with
 317 Developmental Disabilities.

318
 319 An independent special district known as the "Broward County
 320 Council for Services for Seniors and Adults with Developmental
 321 Disabilities" is created to fund the improvement of services for
 322 seniors and adults with developmental disabilities.

323
 324 Yes ____
 325 No ____

326
 327 Authorizing Tax Rate for the Council for Services for Seniors
 328 and Adults with Developmental Disabilities.

329
 330 The Broward County Council for Services for Seniors and Adults
 331 with Developmental Disabilities is authorized to levy each year

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332 | an ad valorem tax not to exceed 0.5 mills to fund services for
 333 | seniors and adults with developmental disabilities.

334 |
 335 | Yes_____

336 | No_____

337 | Section 3. This act and the provisions of section 1 which
 338 | authorize ad valorem taxation shall take effect only upon
 339 | approval by a majority vote of those qualified electors of
 340 | Broward County voting in a referendum to be held in conjunction
 341 | with the primary election held on September 5, 2006, in
 342 | accordance with the provisions of law relating to elections
 343 | currently in force, except that this section and section 2 of
 344 | this act shall take effect upon becoming a law.