

1 A bill to be entitled
2 An act relating to services for seniors and adults with
3 developmental disabilities; authorizing each county to
4 create an independent special district to provide funding
5 for services for seniors and adults with developmental
6 disabilities; requiring approval by a majority vote of
7 electors to annually levy ad valorem taxes not to exceed a
8 certain maximum; creating a governing board for the
9 special district; specifying criteria for membership to
10 the governing board; providing terms of office; clarifying
11 that a county may provide services for seniors and adults
12 with developmental disabilities or create a special
13 district to provide such services by general or special
14 law; specifying the powers and functions of a council on
15 services for seniors and adults with developmental
16 disabilities; requiring each council to appoint a chair
17 and a vice chair and elect officers, to identify and
18 assess the needs of the seniors and adults with
19 developmental disabilities in the county served by the
20 council, to provide training and orientation to new
21 members of the council, to make and adopt bylaws and rules
22 for the council's operation and governance, and to provide
23 an annual written report to the governing body of the
24 county; requiring the council to maintain minutes of each
25 meeting and to serve without compensation; requiring the
26 council to prepare a tentative annual budget and to
27 compute a millage rate to fund the tentative budget;
28 requiring that all tax moneys collected be paid directly

29 to the council on services for seniors and adults with
30 developmental disabilities by the tax collector of the
31 county and deposited in qualified public depositories;
32 specifying expenditures of funds; requiring the council to
33 prepare and file a financial report with the governing
34 body of the county; providing that a district may be
35 dissolved by a special act of the Legislature or by
36 ordinance by the governing body of the county; specifying
37 obligations of the county if a district is dissolved;
38 authorizing the governing body of a county to fund the
39 budget of the council on services for seniors and adults
40 with developmental disabilities from its own funds after
41 or during the council's first year of operation; requiring
42 a special district to comply with statutory requirements
43 related to the filing of a financial or compliance report;
44 authorizing a county to create a dependent special
45 district to provide certain services for seniors and
46 adults with developmental disabilities; authorizing the
47 district to seek grants and accept donations from public
48 and private sources; providing legislative intent with
49 respect to the use of funds collected by a council on
50 services for seniors and adults with developmental
51 disabilities; providing that two or more councils on
52 services for seniors and adults with developmental
53 disabilities may enter into a cooperative agreement to
54 share administrative costs, staff, and office space and
55 seek grants, accept donations, or jointly fund programs
56 serving multicounty areas; prohibiting councils or

57 districts from requiring matching funds from certain
 58 service providers as a condition to provision of services
 59 by the council or district; providing an effective date.
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61 Be It Enacted by the Legislature of the State of Florida:
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63 Section 1. Services for seniors and adults with
 64 developmental disabilities; independent special district;
 65 council; powers, duties, and functions.--

66 (1) Each county may by ordinance create an independent
 67 special district, as defined in ss. 189.403 and 200.001, Florida
 68 Statutes, to provide funding for services for seniors and adults
 69 with developmental disabilities throughout the county in
 70 accordance with this section. The boundaries of such district
 71 must be coterminous with the boundaries of the county. The
 72 county governing body shall obtain approval, by a majority vote
 73 of those electors voting on the question, to annually levy ad
 74 valorem taxes that may not exceed the maximum millage rate
 75 authorized by this section. A district created under this
 76 subsection shall levy and fix millage as provided in s. 200.065,
 77 Florida Statutes. Once the millage is approved by the
 78 electorate, the district is not required to seek approval of the
 79 electorate in future years to levy the previously approved
 80 millage. For purposes of this section, the term "senior" means a
 81 person who is at least 60 years of age and the term "adult with
 82 developmental disabilities" means an adult with developmental
 83 disabilities who is at least 22 years of age.

84 (a) The governing board of the district shall be a council

85 on services for seniors and adults with developmental
86 disabilities. The council shall consist of 11 members, including
87 the executive director of the area agency on aging or his or her
88 designee who is a director of senior programs; the county
89 director of human services or his or her designee who is a
90 director of elderly services; one person who is a director of
91 programs for adults with developmental disabilities or his or
92 her designee; one member of the county governing board; one
93 nonvoting member of the legislative delegation for the county
94 appointed by the delegation chair; and one county representative
95 of the Florida League of Cities. The executive director of the
96 area agency on aging and his or her designee, the director of
97 programs for adults with developmental disabilities and his or
98 her designee, and the county director of human services and his
99 or her designee are permanent positions. The members from the
100 county governing board, the legislative delegation, and the
101 Florida League of Cities shall be appointed to 2-year terms. The
102 other five members must be appointed by the Governor and shall
103 represent, to the greatest extent possible, the cultural
104 diversity of the county's population. At least one of the
105 gubernatorial designees must be an individual who is a caretaker
106 or family member of a person who is 22 years of age or older and
107 has a developmental disability and at least one must be 60 years
108 of age or older. Recommendations for these memberships shall be
109 provided by the county governing board. Three names shall be
110 submitted for each vacancy, determined by category. The
111 gubernatorial appointees shall be appointed to 4-year terms and
112 may be reappointed for one additional term of office. The

113 Governor shall make a selection within a 45-day period or
 114 request a new list of candidates. All members appointed by the
 115 Governor must have been residents of the county for the previous
 116 24-month period. The length of the terms of the initial
 117 appointees shall be adjusted to stagger the terms. The Governor
 118 may remove a member for cause or upon the written petition of
 119 the county governing body. If any of the members of the council
 120 required to be appointed by the Governor resign, die, or are
 121 removed from office, the vacancy shall be filled by appointment
 122 by the Governor, using the same method as the original
 123 appointment, and such appointment to fill a vacancy shall be for
 124 the unexpired term of the member who resigns, dies, or is
 125 removed from office.

126 (b) This subsection does not prohibit a county from
 127 exercising the power authorized by general or special law to
 128 provide services for seniors and adults with developmental
 129 disabilities or to create a special district to provide those
 130 services.

131 (2)(a) Each council may:

132 1. Provide and maintain in the county the preventive,
 133 developmental, treatment, and rehabilitative services for
 134 seniors and adults with developmental disabilities which the
 135 council determines are needed for the general welfare of seniors
 136 and adults with developmental disabilities in the county.

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

140 3. Allocate and provide funds for other agencies in the

141 county which are operated for the benefit of seniors and adults
 142 with developmental disabilities.

143 4. Collect information and statistical data and conduct
 144 research and assessments that will be helpful to the council and
 145 the county in deciding the needs of seniors and adults with
 146 developmental disabilities in the county.

147 5. Consult and coordinate with other agencies dedicated to
 148 the welfare of seniors and adults with developmental
 149 disabilities to the end that the overlapping of services will be
 150 prevented.

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

159 7. Employ, pay, and provide benefits for any part-time or
 160 full-time personnel needed to execute the foregoing powers and
 161 functions.

162 (b) Each council shall:

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

166 2. Immediately after the members are appointed and
 167 officers are elected, identify and assess the needs of seniors
 168 and adults with developmental disabilities in the county served

169 by the council and submit to the governing body of each county a
 170 written description of:

171 a. The activities, services, and opportunities that will
 172 be provided to seniors and adults with developmental
 173 disabilities.

174 b. The anticipated schedule for providing those
 175 activities, services, and opportunities.

176 c. The manner in which seniors and adults with
 177 developmental disabilities will be served, including a
 178 description of arrangements and agreements that will be made
 179 with community organizations, state and local educational
 180 agencies, federal agencies, public assistance agencies, the
 181 court system, guardianship groups, and other applicable public
 182 and private agencies and organizations.

183 d. The special outreach efforts that will be undertaken to
 184 provide services to seniors and adults with developmental
 185 disabilities who are at-risk, abused, or neglected and ailing
 186 seniors or profoundly afflicted adults with developmental
 187 disabilities.

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

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

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

194 4. Make and adopt bylaws and rules for the council's
 195 guidance, operation, governance, and maintenance, if such rules
 196 are not inconsistent with federal or state laws or county

197 ordinances.

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

201 a. Information on the effectiveness of activities,
 202 services, and programs offered by the council, including cost-
 203 effectiveness.

204 b. A detailed anticipated budget for continuation of
 205 activities, services, and programs offered by the council, and a
 206 list of all sources of requested funding, both public and
 207 private.

208 c. Procedures used for early identification of at-risk
 209 seniors and adults with developmental disabilities who need
 210 additional or continued services and methods for ensuring that
 211 the additional or continued services are received.

212 d. A description of the degree to which the council's
 213 objectives and activities are consistent with the goals of this
 214 section.

215 e. Detailed information on the various programs, services,
 216 and activities available to seniors and adults with
 217 developmental disabilities and the degree to which the programs,
 218 services, and activities have been successfully used by seniors
 219 and adults with developmental disabilities.

220 f. Information on programs, services, and activities that
 221 should be eliminated; programs, services, and activities that
 222 should be continued; and programs, services, and activities that
 223 should be added to the basic format of the council.

224 (c) The council shall maintain minutes of each meeting,

225 including a record of all votes cast, and shall make such
226 minutes available to any interested person.

227 (d) Members of the council shall serve without
228 compensation, but are entitled to receive reimbursement for per
229 diem and travel expenses consistent with s. 112.061, Florida
230 Statutes.

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

233 (b) On or before July 1 of each year, the council shall
234 prepare a tentative annual written budget of the district's
235 expected income and expenditures, including a contingency fund.
236 The council shall, in addition, compute a proposed millage rate
237 within the voter-approved cap necessary to fund the tentative
238 budget and, prior to adopting a final budget, comply with s.
239 200.065, Florida Statutes, relating to the method of fixing
240 millage, and fix the final millage rate by resolution of the
241 council. The adopted budget and final millage rate must be
242 certified and delivered to the governing body of the county as
243 soon as possible following the council's adoption of the final
244 budget and millage rate under chapter 200, Florida Statutes.
245 Included in each certified budget shall be the millage rate,
246 adopted by resolution of the council, necessary to be applied to
247 raise the funds budgeted for district operations and
248 expenditures. District millage may not exceed 0.5 mills of
249 assessed valuation of all properties within the county which are
250 subject to ad valorem county taxes.

251 (c) After the budget of the district is certified and
252 delivered to the governing body of the county, the budget may

253 not be changed or modified by the governing body of the county
 254 or any other authority.

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

259 (e)1. All moneys received by the council shall be
 260 deposited in qualified public depositories, as defined in s.
 261 280.02, Florida Statutes, with separate and distinguishable
 262 accounts established specifically for the council and may be
 263 withdrawn only by checks signed by the chair of the council and
 264 countersigned by one other member of the council or by a chief
 265 executive officer authorized by the council.

266 2. Upon entering the duties of office, the chair and the
 267 other member of the council or chief executive officer who signs
 268 its checks shall each give a surety bond in the sum of at least
 269 \$1,000 for each \$1 million or portion thereof of the council's
 270 annual budget, which bond shall be conditioned upon the faithful
 271 discharge of the duties of his or her office. The premium on
 272 such bond may be paid by the district as part of the expense of
 273 the council. Other members of the council may not be required to
 274 give bond or other security.

275 3. Funds of the district may not be expended except by
 276 check, except expenditures from a petty cash account, which
 277 account may not at any time exceed \$100. All expenditures from
 278 petty cash must be recorded on the books and records of the
 279 council. Funds of the council, except expenditures from petty
 280 cash, may not be expended without prior approval of the council,

281 in addition to the budgeting thereof.

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

286 1. The total expenditures of the council for the quarter-
 287 annual period.

288 2. The total receipts of the council during the quarter-
 289 annual period.

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

293 4. The total administrative costs of the council for the
 294 quarter-annual period.

295 (4) Any district created under this section may be
 296 dissolved by a special act of the Legislature, or the county
 297 governing body may by ordinance dissolve the district subject to
 298 the approval of the electorate. If any district is dissolved
 299 under this subsection, each county shall first obligate itself
 300 to assume the debts, liabilities, contracts, and outstanding
 301 obligations of the district within the total millage available
 302 to the county governing body for all county and municipal
 303 purposes as provided for under section 9, Article VII of the
 304 State Constitution. Any district may also be dissolved under s.
 305 189.4042, Florida Statutes.

306 (5) After or during the first year of operation of the
 307 council, the governing body of the county, at its option, may
 308 fund in whole or in part the budget of the council from its own

309 funds.

310 (6) Any district created under this section shall comply
311 with all other statutory requirements of general application
312 which relate to the filing of any financial reports or
313 compliance reports required under part III of chapter 218,
314 Florida Statutes, or any other report or documentation required
315 by law, including the requirements of ss. 189.415, 189.417, and
316 189.418, Florida Statutes.

317 (7)(a) Each county may by ordinance create a dependent
318 special district within the boundaries of the county for the
319 purpose of providing preventive, developmental, treatment, and
320 rehabilitative services for seniors and adults with
321 developmental disabilities. The district may seek grants from
322 state, federal, and local agencies and accept donations from
323 public and private sources if the district complies with
324 paragraphs (1)(a) and (2)(b) and has a budget that requires
325 approval through an affirmative vote of the governing body of
326 the county or that may be vetoed by the governing body of the
327 county.

328 (b) If the provisions of a county charter relating to the
329 membership of the governing board of a dependent special
330 district conflict with paragraph (1)(a), a county may by
331 ordinance create a dependent special district within the
332 boundaries of the county for the purpose of providing
333 preventive, developmental, treatment, and rehabilitative
334 services for seniors and adults with developmental disabilities,
335 and the district may seek grants from state, federal, and local
336 agencies and accept donations from public and private sources if

337 the district complies with paragraph (2)(b) and has a budget
 338 that requires approval through an affirmative vote of the
 339 governing body of the county or that may be vetoed by the
 340 governing body of the county.

341 (8) It is the intent of the Legislature that the funds
 342 collected under this section be used to support improvements in
 343 services for seniors and adults with developmental disabilities
 344 and that such funds not be used as a substitute for existing
 345 resources or for resources that would otherwise be available for
 346 services for seniors and adults with developmental disabilities.

347 (9) Two or more councils may enter into a cooperative
 348 agreement to share administrative costs, including, but not
 349 limited to, staff and office space, if a more efficient or
 350 effective operation will result. The cooperative agreement must
 351 include provisions on apportioning costs between the councils,
 352 keeping separate and distinct financial records for each
 353 council, and resolving any conflicts that might arise under the
 354 cooperative agreement.

355 (10) Two or more councils may enter into a cooperative
 356 agreement to seek grants, accept donations, or jointly fund
 357 programs serving multicounty areas. The cooperative agreement
 358 must include provisions for the adequate accounting of separate
 359 and joint funds.

360 (11) Councils or districts shall not require any public or
 361 private service provider to provide additional matching funds as
 362 a condition of the council or district providing services or
 363 programs to seniors and adults with developmental disabilities.

364 Section 2. This act shall take effect upon becoming a law.