

By Senator Campbell

32-1889A-05

See CS/HB 1501

1                                   A bill to be entitled

2           An act relating to Broward County; creating the

3           Broward County Council for Services for Seniors

4           and Adults with Developmental Disabilities;

5           creating an independent special district to

6           provide funding for services for seniors and

7           adults with developmental disabilities;

8           requiring approval by a majority vote of

9           electors to annually levy ad valorem taxes not

10          to exceed a certain maximum; creating a

11          governing board for the district; specifying

12          criteria for membership to the governing board;

13          providing terms of office; specifying the

14          powers and functions of the council; requiring

15          the council to appoint a chair and vice chair

16          and elect officers, to identify and assess the

17          needs of seniors and adults with developmental

18          disabilities, to provide training and

19          orientation to new members of the council, to

20          make and adopt bylaws and rules for the

21          council's operation and governance, and to

22          provide an annual report to the Broward County

23          Board of County Commissioners; requiring the

24          council to maintain minutes of each meeting and

25          to serve without compensation; requiring the

26          council to prepare a tentative annual budget

27          and to compute a millage rate to fund the

28          tentative budget; requiring that all tax moneys

29          collected be paid directly to the council by

30          the Broward County Tax Collector and deposited

31          in qualified public depositories; specifying

1 expenditures of funds; requiring the council to  
2 prepare and file a financial report to the  
3 Broward County Board of County Commissioners;  
4 providing that the district may be amended or  
5 dissolved by a special act of the Legislature;  
6 authorizing the Broward County Board of County  
7 Commissioners to fund the budget of the council  
8 from its own funds after or during the  
9 council's first year of operation; requiring  
10 the district to comply with statutory  
11 requirements related to the filing of a  
12 financial or compliance report; authorizing the  
13 district to seek grants and accept donations  
14 from public and private sources; providing  
15 legislative intent with respect to the use of  
16 funds collected by the council; prohibiting the  
17 council from requiring certain matching funds;  
18 requiring a referendum; providing a ballot  
19 statement; providing an effective date.

20  
21 WHEREAS, the Legislature has determined that it would  
22 serve the public interest to establish an independent special  
23 district to provide services to seniors and adults with  
24 developmental disabilities within Broward County, NOW,  
25 THEREFORE,

26  
27 Be It Enacted by the Legislature of the State of Florida:

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

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

16       (2) The governing board of the district shall be the  
17 Broward County Council for Services for Seniors and Adults  
18 with Developmental Disabilities. The council shall consist of  
19 11 members, including the executive director of the Area  
20 Agency on Aging of Broward County or his or her designee who  
21 is a director of senior programs; the Broward County Director  
22 of Human Services or his or her designee who is a director of  
23 elderly services; one person who is director of programs for  
24 adults with developmental disabilities or his or her designee;  
25 one member of the Broward County Board of County  
26 Commissioners; one nonvoting member of the Broward County  
27 Legislative Delegation appointed by the delegation chair; and  
28 one representative of the Broward League of Cities. The  
29 executive director of the Area Agency on Aging of Broward  
30 County or his or her designee, the director of programs for  
31 adults with developmental disabilities or his or her designee,

1 and the Broward County Director of Human Services or his or  
2 her designee are permanent positions. The members appointed  
3 from the Broward County Board of County Commissioners, the  
4 Broward County Legislative Delegation, and the Broward League  
5 of Cities shall be appointed to 2-year terms. The other five  
6 members shall be appointed by the Governor and shall  
7 represent, to the greatest extent possible, the cultural  
8 diversity of Broward County's population. At least one of the  
9 gubernatorial designees must be an individual who is a  
10 caretaker or family member of a person who is 22 years of age  
11 or older and has a developmental disability, and at least one  
12 must be 60 years of age or older. Recommendations for these  
13 memberships shall be provided by the Broward County Board of  
14 County Commissioners. Three names shall be submitted for each  
15 vacancy, determined by category. The gubernatorial appointees  
16 shall be appointed to 4-year terms and may be reappointed for  
17 one additional term of office. The Governor shall make a  
18 selection within a 45-day period or request a new list of  
19 candidates. All members appointed by the Governor must have  
20 been residents of Broward County for the previous 24-month  
21 period. The length of the terms of the initial appointees  
22 shall be adjusted to stagger the terms. The Governor may  
23 remove a member for cause or upon the written petition of the  
24 Broward County Board of County Commissioners. If any of the  
25 members of the Council required to be appointed by the  
26 Governor resigns, dies, or is removed from office, the vacancy  
27 shall be filled by appointment by the Governor, using the same  
28 method as the original appointment, and such appointment to  
29 fill a vacancy shall be for the unexpired term of the member  
30 who resigns, dies, or is removed from office.

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

3           1. Provide and maintain in the county the preventive,  
4 developmental, treatment, and rehabilitative services for  
5 seniors and adults with developmental disabilities which the  
6 council determines are needed for the general welfare of  
7 seniors and adults with developmental disabilities.

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

11           3. Allocate and provide funds for other agencies in  
12 the county which are operated for the benefit of seniors and  
13 adults with developmental disabilities.

14           4. Collect information and statistical data and  
15 conduct research and assessments that will be helpful to the  
16 council and the county in deciding the needs of seniors and  
17 adults with developmental disabilities in the county.

18           5. Consult and coordinate with other agencies  
19 dedicated to the welfare of seniors and adults with  
20 developmental disabilities to the end that the overlapping of  
21 services will be prevented.

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

24           7. Lease or buy real estate, equipment, and personal  
25 property and construct buildings as needed to execute the  
26 foregoing powers and functions, except that such purchases may  
27 not be made or building done unless paid for with cash on hand  
28 or secured by funds deposited in financial institutions. This  
29 subparagraph does not authorize a district to issue bonds of  
30 any nature, and a district does not have the power to require  
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1 the imposition of any bond by the governing body of the  
2 county.

3 8. Employ, pay, and provide benefits for any part-time  
4 or full-time personnel needed to execute the foregoing powers  
5 and functions.

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

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

11 2. Immediately after the members are appointed and  
12 officers are elected, identify and assess the needs of seniors  
13 and adults with developmental disabilities in the county and  
14 submit to the Broward County Board of County Commissioners a  
15 written description of:

16 a. The activities, services, and opportunities that  
17 will be provided to seniors and adults with developmental  
18 disabilities.

19 b. The anticipated schedule for providing those  
20 activities, services, and opportunities.

21 c. The manner in which seniors and adults with  
22 developmental disabilities will be served, including a  
23 description of arrangements and agreements that will be made  
24 with community organizations, state and local educational  
25 agencies, federal agencies, public assistance agencies, the  
26 court system, guardianship groups, and other applicable public  
27 and private agencies and organizations.

28 d. The special outreach efforts that will be  
29 undertaken to provide services to seniors and adults with  
30 developmental disabilities who are at risk, abused, or  
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1 neglected and ailing seniors or profoundly afflicted adults  
2 with developmental disabilities.

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

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

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

9 4. Make and adopt bylaws and rules for the council's  
10 guidance, operation, governance, and maintenance, if such  
11 rules are not inconsistent with federal or state laws or  
12 county ordinances.

13 5. Provide an annual written report, to be presented  
14 no later than January 1, to the Broward County Board of County  
15 Commissioners. The annual report must contain, but need not be  
16 limited to:

17 a. Information on the effectiveness of activities,  
18 services, and programs offered by the council, including cost  
19 effectiveness.

20 b. A detailed anticipated budget for continuation of  
21 activities, services, and programs offered by the council and  
22 a list of all sources of requested funding, both public and  
23 private.

24 c. Procedures used for early identification of at-risk  
25 seniors and adults with developmental disabilities who need  
26 additional or continued services and methods for ensuring that  
27 the additional or continued services are received.

28 d. A description of the degree to which the council's  
29 objectives and activities are consistent with the goals of  
30 this section.

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1           e. Detailed information of the various programs,  
2 services, and activities available to seniors and adults with  
3 developmental disabilities.

4           f. Information on programs, services, and activities  
5 that should be eliminated; programs, services, and activities  
6 that should be continued; and programs, services, and  
7 activities that should be added to the basic format of the  
8 council.

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

12           (d) Members of the council shall serve without  
13 compensation, but are entitled to receive reimbursement for  
14 per diem and travel expenses consistent with section 112.061,  
15 Florida Statutes.

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

18           (b) On or before July 1 of each year, the council  
19 shall prepare a tentative annual written budget of the  
20 district's expected income and expenditures, including a  
21 contingency fund. The council shall, in addition, compute a  
22 proposed millage rate within the voter-approved cap necessary  
23 to fund the tentative budget and, prior to adopting a final  
24 budget, comply with section 200.065, Florida Statutes,  
25 relating to the method of fixing millage, and fix the final  
26 millage rate by resolution of the council. The adopted budget  
27 and final millage rate must be certified and delivered to the  
28 Broward County Board of County Commissioners as soon as  
29 possible following the council's adoption of the final budget  
30 and millage rate under chapter 200, Florida Statutes. Included  
31 in each certified budget shall be the millage rate, adopted by



1 resolution of the council, necessary to be applied to raise  
2 the funds budgeted for district operations and expenditures.  
3 District millage may not exceed 0.5 mills of assessed  
4 valuation of all properties within Broward County which are  
5 subject to ad valorem county taxes.

6 (c) After the budget of the district is certified and  
7 delivered to the Broward County Board of County Commissioners,  
8 the budget may not be changed or modified by the Broward  
9 County Board of County Commissioners or any other authority.

10 (d) All taxes collected under this section, as soon  
11 after collection as is reasonably practicable, shall be paid  
12 directly to the council by the Broward County Revenue  
13 Collection Division.

14 (e)1. All moneys received by the council shall be  
15 deposited in qualified public depositories, as defined in  
16 section 280.02, Florida Statutes, with separate and  
17 distinguishable accounts established specifically for the  
18 council and may be withdrawn only by checks signed by the  
19 chair of the council and countersigned by one other member of  
20 the council or by a chief executive officer authorized by the  
21 council.

22 2. Upon entering the duties of office, the chair and  
23 the other member of the council or chief executive officer who  
24 signs its checks shall each file a surety bond in the sum of  
25 at least \$1,000 for each \$1 million or portion thereof of the  
26 council's annual budget, which bond shall be conditioned upon  
27 the faithful discharge of the duties of his or her office. The  
28 premium on such bond may be paid by the district as part of  
29 the expenses of the council. Other members of the council may  
30 not be required to give bond or other security.

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1           3. Funds of the district may not be expended except by  
2 check, except expenditures from a petty cash account, which  
3 account may not at any time exceed \$100. All expenditures from  
4 petty cash must be recorded on the books and records of the  
5 council. Funds of the council, except expenditures from petty  
6 cash, may not be expended without prior approval of the  
7 council, in addition to the budgeting thereof.

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

13           1. The total expenditures of the council for the  
14 quarter-annual period.

15           2. The total receipts of the council during the  
16 quarter-annual period.

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

20           4. The total administrative costs of the council for  
21 the quarter-annual period.

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

24           (6) After or during the first year of operation of the  
25 council, the Broward County Board of County Commissioners, at  
26 its option, may fund in whole or in part the budget of the  
27 council from its own funds.

28           (7) The district created under this act shall comply  
29 with all other statutory requirements of general application  
30 which relate to the filing of any financial reports or  
31 compliance reports required under part III of chapter 218,

1 Florida Statutes, or any other report or documentation  
2 required by law, including the requirements of sections  
3 189.415, 189.417, and 189.418, Florida Statutes.

4 (8) The Broward County Council for Services for  
5 Seniors and Adults with Developmental Disabilities shall not  
6 require any public or private service provider to provide  
7 additional matching funds as a condition of the council's or  
8 district's providing services or programs to seniors and  
9 adults with developmental disabilities.

10 Section 2. Referendum.--The Broward County Board of  
11 County Commissioners shall call and the Supervisor of  
12 Elections of Broward County shall conduct, in conjunction with  
13 the primary election to be held on September 5, 2006, a  
14 referendum as follows:

15  
16 Creating the Council for Services for Seniors and Adults with  
17 Developmental Disabilities and authorization of taxation.

18  
19 Shall an independent special district known as the "Council  
20 for Services for Seniors and Adults with Developmental  
21 Disabilities" be created by special act of the Legislature  
22 with authority to levy each year an ad valorem tax not to  
23 exceed one-half of one mill to fund services for seniors and  
24 adults with developmental disabilities?

25  
26 Yes \_\_\_\_\_

27  
28 No \_\_\_\_\_

29 Section 3. This act and the provisions of section 1  
30 which authorize ad valorem taxation shall take effect only  
31 upon approval by a majority vote of those qualified electors

1 | of Broward County voting in a referendum to be held in  
2 | conjunction with the primary election held on September 5,  
3 | 2006, in accordance with the provisions of law relating to  
4 | elections currently in force, except that this section and  
5 | section 2 of this act shall take effect upon becoming a law.  
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