

Bill No. CS for CS for CS for SB 360, 1st Eng.

Barcode 253238

CHAMBER ACTION

Senate

House

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Senator Campbell moved the following amendment:

**Senate Amendment (with title amendment)**

On page 136, before line 1,

insert:

Section 33. 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

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1 is at least 60 years of age, and the term "adult with  
2 developmental disabilities" means an adult with developmental  
3 disabilities who is at least 22 years of age.

4 (2) The governing board of the district shall be the  
5 Broward County Council for Services for Seniors and Adults  
6 with Developmental Disabilities. The council shall consist of  
7 11 members, including the executive director of the Area  
8 Agency on Aging of Broward County or his or her designee who  
9 is a director of senior programs; the Broward County Director  
10 of Human Services or his or her designee who is a director of  
11 elderly services; one person who is director of programs for  
12 adults with developmental disabilities or his or her designee;  
13 one member of the Broward County Board of County  
14 Commissioners; one nonvoting member of the Broward County  
15 Legislative Delegation appointed by the delegation chair; and  
16 one representative of the Broward League of Cities. The  
17 executive director of the Area Agency on Aging of Broward  
18 County or his or her designee, the director of programs for  
19 adults with developmental disabilities or his or her designee,  
20 and the Broward County Director of Human Services or his or  
21 her designee are permanent positions. The members appointed  
22 from the Broward County Board of County Commissioners, the  
23 Broward County Legislative Delegation, and the Broward League  
24 of Cities shall be appointed to 2-year terms. The other five  
25 members shall be appointed by the Governor and shall  
26 represent, to the greatest extent possible, the cultural  
27 diversity of Broward County's population. At least one of the  
28 gubernatorial designees must be an individual who is a  
29 caretaker or family member of a person who is 22 years of age  
30 or older and has a developmental disability, and at least one  
31 must be 60 years of age or older. Recommendations for these

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1 memberships shall be provided by the Broward County Board of  
2 County Commissioners. Three names shall be submitted for each  
3 vacancy, determined by category. The gubernatorial appointees  
4 shall be appointed to 4-year terms and may be reappointed for  
5 one additional term of office. The Governor shall make a  
6 selection within a 45-day period or request a new list of  
7 candidates. All members appointed by the Governor must have  
8 been residents of Broward County for the previous 24-month  
9 period. The length of the terms of the initial appointees  
10 shall be adjusted to stagger the terms. The Governor may  
11 remove a member for cause or upon the written petition of the  
12 Broward County Board of County Commissioners. If any of the  
13 members of the Council required to be appointed by the  
14 Governor resigns, dies, or is removed from office, the vacancy  
15 shall be filled by appointment by the Governor, using the same  
16 method as the original appointment, and such appointment to  
17 fill a vacancy shall be for the unexpired term of the member  
18 who resigns, dies, or is removed from office.

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

21 1. Provide and maintain in the county the preventive,  
22 developmental, treatment, and rehabilitative services for  
23 seniors and adults with developmental disabilities which the  
24 council determines are needed for the general welfare of  
25 seniors and adults with developmental disabilities.

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

29 3. Allocate and provide funds for other agencies in  
30 the county which are operated for the benefit of seniors and  
31 adults with developmental disabilities.

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1           4. Collect information and statistical data and  
 2 conduct research and assessments that will be helpful to the  
 3 council and the county in deciding the needs of seniors and  
 4 adults with developmental disabilities in the county.

5           5. Consult and coordinate with other agencies  
 6 dedicated to the welfare of seniors and adults with  
 7 developmental disabilities to the end that the overlapping of  
 8 services will be prevented.

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

11           7. Lease or buy real estate, equipment, and personal  
 12 property and construct buildings as needed to execute the  
 13 foregoing powers and functions, except that such purchases may  
 14 not be made or building done unless paid for with cash on hand  
 15 or secured by funds deposited in financial institutions. This  
 16 subparagraph does not authorize a district to issue bonds of  
 17 any nature, and a district does not have the power to require  
 18 the imposition of any bond by the governing body of the  
 19 county.

20           8. Employ, pay, and provide benefits for any part-time  
 21 or full-time personnel needed to execute the foregoing powers  
 22 and functions.

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

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

28           2. Immediately after the members are appointed and  
 29 officers are elected, identify and assess the needs of seniors  
 30 and adults with developmental disabilities in the county and  
 31 submit to the Broward County Board of County Commissioners a

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1 written description of:

2       a. The activities, services, and opportunities that  
3 will be provided to seniors and adults with developmental  
4 disabilities.

5       b. The anticipated schedule for providing those  
6 activities, services, and opportunities.

7       c. The manner in which seniors and adults with  
8 developmental disabilities will be served, including a  
9 description of arrangements and agreements that will be made  
10 with community organizations, state and local educational  
11 agencies, federal agencies, public assistance agencies, the  
12 court system, guardianship groups, and other applicable public  
13 and private agencies and organizations.

14       d. The special outreach efforts that will be  
15 undertaken to provide services to seniors and adults with  
16 developmental disabilities who are at risk, abused, or  
17 neglected and ailing seniors or profoundly afflicted adults  
18 with developmental disabilities.

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

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

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

25       4. Make and adopt bylaws and rules for the council's  
26 guidance, operation, governance, and maintenance, if such  
27 rules are not inconsistent with federal or state laws or  
28 county ordinances.

29       5. Provide an annual written report, to be presented  
30 no later than January 1, to the Broward County Board of County  
31 Commissioners. The annual report must contain, but need not be

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1 limited to:

2 a. Information on the effectiveness of activities,  
3 services, and programs offered by the council, including cost  
4 effectiveness.

5 b. A detailed anticipated budget for continuation of  
6 activities, services, and programs offered by the council and  
7 a list of all sources of requested funding, both public and  
8 private.

9 c. Procedures used for early identification of at-risk  
10 seniors and adults with developmental disabilities who need  
11 additional or continued services and methods for ensuring that  
12 the additional or continued services are received.

13 d. A description of the degree to which the council's  
14 objectives and activities are consistent with the goals of  
15 this section.

16 e. Detailed information of the various programs,  
17 services, and activities available to seniors and adults with  
18 developmental disabilities.

19 f. Information on programs, services, and activities  
20 that should be eliminated; programs, services, and activities  
21 that should be continued; and programs, services, and  
22 activities that should be added to the basic format of the  
23 council.

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

27 (d) Members of the council shall serve without  
28 compensation, but are entitled to receive reimbursement for  
29 per diem and travel expenses consistent with section 112.061,  
30 Florida Statutes.

31 (4)(a) The district shall maintain the same fiscal

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1 year as that of Broward County.

2 (b) On or before July 1 of each year, the council  
3 shall prepare a tentative annual written budget of the  
4 district's expected income and expenditures, including a  
5 contingency fund. The council shall, in addition, compute a  
6 proposed millage rate within the voter-approved cap necessary  
7 to fund the tentative budget and, prior to adopting a final  
8 budget, comply with section 200.065, Florida Statutes,  
9 relating to the method of fixing millage, and fix the final  
10 millage rate by resolution of the council. The adopted budget  
11 and final millage rate must be certified and delivered to the  
12 Broward County Board of County Commissioners as soon as  
13 possible following the council's adoption of the final budget  
14 and millage rate under chapter 200, Florida Statutes. Included  
15 in each certified budget shall be the millage rate, adopted by  
16 resolution of the council, necessary to be applied to raise  
17 the funds budgeted for district operations and expenditures.  
18 District millage may not exceed 0.5 mills of assessed  
19 valuation of all properties within Broward County which are  
20 subject to ad valorem county taxes.

21 (c) After the budget of the district is certified and  
22 delivered to the Broward County Board of County Commissioners,  
23 the budget may not be changed or modified by the Broward  
24 County Board of County Commissioners or any other authority.

25 (d) All taxes collected under this section, as soon  
26 after collection as is reasonably practicable, shall be paid  
27 directly to the council by the Broward County Revenue  
28 Collection Division.

29 (e)1. All moneys received by the council shall be  
30 deposited in qualified public depositories, as defined in  
31 section 280.02, Florida Statutes, with separate and

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1 distinguishable accounts established specifically for the  
2 council and may be withdrawn only by checks signed by the  
3 chair of the council and countersigned by one other member of  
4 the council or by a chief executive officer authorized by the  
5 council.

6       2. Upon entering the duties of office, the chair and  
7 the other member of the council or chief executive officer who  
8 signs its checks shall each file a surety bond in the sum of  
9 at least \$1,000 for each \$1 million or portion thereof of the  
10 council's annual budget, which bond shall be conditioned upon  
11 the faithful discharge of the duties of his or her office. The  
12 premium on such bond may be paid by the district as part of  
13 the expenses of the council. Other members of the council may  
14 not be required to give bond or other security.

15       3. Funds of the district may not be expended except by  
16 check, except expenditures from a petty cash account, which  
17 account may not at any time exceed \$100. All expenditures from  
18 petty cash must be recorded on the books and records of the  
19 council. Funds of the council, except expenditures from petty  
20 cash, may not be expended without prior approval of the  
21 council, in addition to the budgeting thereof.

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

27           1. The total expenditures of the council for the  
28 quarter-annual period.

29           2. The total receipts of the council during the  
30 quarter-annual period.

31           3. A statement of the funds the council has on hand,



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1 has invested, or has deposited with qualified public  
2 depositories at the end of the quarter-annual period.

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

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

7 (6) After or during the first year of operation of the  
8 council, the Broward County Board of County Commissioners, at  
9 its option, may fund in whole or in part the budget of the  
10 council from its own funds.

11 (7) The district created under this act shall comply  
12 with all other statutory requirements of general application  
13 which relate to the filing of any financial reports or  
14 compliance reports required under part III of chapter 218,  
15 Florida Statutes, or any other report or documentation  
16 required by law, including the requirements of sections  
17 189.415, 189.417, and 189.418, Florida Statutes.

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

24 Section 34. Referendum.--The Broward County Board of  
25 County Commissioners shall call and the Supervisor of  
26 Elections of Broward County shall conduct, in conjunction with  
27 the primary election to be held on September 5, 2006, a  
28 referendum as follows:

29  
30 Creating the Council for Services for Seniors and Adults with  
31 Developmental Disabilities and authorization of taxation.

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

Yes \_\_\_\_\_

No \_\_\_\_\_

Section 35. Section 33 of this act shall take effect only upon approval by a majority vote of those qualified electors of Broward County voting in a referendum to be held in conjunction with the primary election held on September 5, 2006, in accordance with the provisions of law relating to elections currently in force.

(Redesignate subsequent sections.)

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

And the title is amended as follows:

On page 6, line 19, after the semicolon.

insert:

creating the Broward County Council for Services for Seniors and Adults with Developmental Disabilities; creating an independent special district to provide funding for services for seniors and adults with

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

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1 fund the budget of the council from its own  
2 funds after or during the council's first year  
3 of operation; requiring the district to comply  
4 with statutory requirements related to the  
5 filing of a financial or compliance report;  
6 authorizing the district to seek grants and  
7 accept donations from public and private  
8 sources; providing legislative intent with  
9 respect to the use of funds collected by the  
10 council; prohibiting the council from requiring  
11 certain matching funds; requiring a referendum;  
12 providing a ballot statement;

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