

Bill No. SB 62

Barcode 370490

CHAMBER ACTION

Senate

House

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The Committee on Community Affairs (Bennett) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

(1) Each county may by ordinance create 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 the county in accordance with this section. The boundaries of such district must be coterminous with the boundaries of the county. The county governing body shall obtain approval, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes that may not exceed the maximum millage rate authorized by this section. A district created under this subsection shall levy and fix millage as provided

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1 in section 200.065, Florida Statutes. Once the millage is
2 approved by the electorate, the district is not required to
3 seek approval of the electorate in future years to levy the
4 previously approved millage.

5 (a) The governing board of the district shall be a
6 council on services for seniors and adults with developmental
7 disabilities. The council shall consist of 11 members,
8 including the executive director of the area agency on aging
9 or his or her designee who is a director of senior programs;
10 the county director of human services or his or her designee
11 who is a director of elderly services; one person who is a
12 director of programs for adults with developmental
13 disabilities or his or her designee; one member of the county
14 governing board; one nonvoting member of the legislative
15 delegation for the county appointed by the delegation chair;
16 and one county representative of the Florida League of Cities.
17 The executive director of the area agency on aging and his or
18 her designee, the director of programs for adults with
19 developmental disabilities and his or her designee, and the
20 county director of human services and his or her designee are
21 permanent positions. The members from the county governing
22 board, the legislative delegation, and the Florida League of
23 Cities shall be appointed to 2-year terms. The other five
24 members must be appointed by the Governor and shall represent,
25 to the greatest extent possible, the cultural diversity of the
26 county's population. At least one of the gubernatorial
27 designees must be an individual who is a caretaker or family
28 member of a person who is 22 years of age or older and has a
29 developmental disability and at least one must be 60 years of
30 age or older. Recommendations for these memberships shall be
31 provided by the county governing board. Three names shall be

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

17 (b) This subsection does not prohibit a county from
18 exercising the power authorized by general or special law to
19 provide services for seniors and adults with developmental
20 disabilities or to create a special district to provide those
21 services.

22 (2)(a) Each council may:

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

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

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

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

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

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

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

24 (b) Each council shall:

25 1. Immediately after the members are appointed, elect
26 a chair and a vice chair from among its members and elect
27 other 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 the
30 seniors and adults with developmental disabilities in the
31 county served by the council and submit to the governing body

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1 of each county a 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 senior 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 governing body of the county.
31 The annual report must contain, but need not be limited to:

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

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

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

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

15 e. Detailed information on the various programs,
16 services, and activities available to seniors and adults with
17 developmental services and the degree to which the programs,
18 services, and activities have been successfully used by
19 seniors and adults with developmental disabilities.

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

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

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

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

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

22 (c) After the budget of the district is certified and
23 delivered to the governing body of the county, the budget may
24 not be changed or modified by the governing body of the county
25 or any other authority.

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

31 (e)1. All moneys received by the council shall be

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1 deposited in qualified public depositories, as defined in
 2 section 280.02, Florida Statutes, with separate and
 3 distinguishable accounts established specifically for the
 4 council and may be withdrawn only by checks signed by the
 5 chair of the council and countersigned by one other member of
 6 the council or by a chief executive officer authorized by the
 7 council.

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

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

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

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

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

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

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

6 (4) Any district created under this section may be
7 dissolved by a special act of the Legislature, or the county
8 governing body may by ordinance dissolve the district subject
9 to the approval of the electorate. If any district is
10 dissolved under this subsection, each county shall first
11 obligate itself to assume the debts, liabilities, contracts,
12 and outstanding obligations of the district within the total
13 millage available to the county governing body for all county
14 and municipal purposes as provided for under Section 9,
15 Article VII of the State Constitution. Any district may also
16 be dissolved under section 189.4042, Florida Statutes.

17 (5) After or during the first year of operation of the
18 council, the governing body of the county, at its option, may
19 fund in whole or in part the budget of the council from its
20 own funds.

21 (6) Any district created under this section shall
22 comply with all other statutory requirements of general
23 application which relate to the filing of any financial
24 reports or compliance reports required under part III of
25 chapter 218, Florida Statutes, or any other report or
26 documentation required by law, including the requirements of
27 sections 189.415, 189.417, and 189.418, Florida Statutes.

28 (7)(a) Each county may by ordinance create a dependent
29 special district within the boundaries of the county for the
30 purpose of providing preventive, developmental, treatment, and
31 rehabilitative services for seniors and adults with

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1 developmental disabilities. The district may seek grants from
2 state, federal, and local agencies and accept donations from
3 public and private sources, if the district complies with
4 paragraphs (1)(a) and (2)(b) and has a budget that requires
5 approval through an affirmative vote of the governing body of
6 the county or that may be vetoed by the governing body of the
7 county.

8 (b) If the provisions of a county charter relating to
9 the membership of the governing board of a dependent special
10 district conflict with paragraph (1)(a), a county may by
11 ordinance create a dependent special district within the
12 boundaries of the county for the purpose of providing
13 preventive, developmental, treatment, and rehabilitative
14 services for seniors and adults with developmental
15 disabilities, and the district may seek grants from state,
16 federal, and local agencies and accept donations from public
17 and private sources, if the district complies with paragraph
18 (2)(b) and has a budget that requires approval through an
19 affirmative vote of the governing body of the county or that
20 may be vetoed by the governing body of the county.

21 (8) It is the intent of the Legislature that the funds
22 collected under this section be used to support improvements
23 in services for seniors and adults with developmental
24 disabilities and that such funds not be used as a substitute
25 for existing resources or for resources that would otherwise
26 be available for services for seniors and adults with
27 developmental disabilities.

28 (9) Two or more councils may enter into a cooperative
29 agreement to share administrative costs, including, but not
30 limited to, staff and office space, if a more efficient or
31 effective operation will result. The cooperative agreement

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1 must include provisions on apportioning costs between the
 2 councils, keeping separate and distinct financial records for
 3 each council, and resolving any conflicts that might arise
 4 under the cooperative agreement.

5 (10) Two or more councils may enter into a cooperative
 6 agreement to seek grants, accept donations, or jointly fund
 7 programs serving multicounty areas. The cooperative agreement
 8 must include provisions for the adequate accounting of
 9 separate and joint funds.

10 (11) Councils or districts may not require any public
 11 or private service provider to provide additional matching
 12 funds as a condition of the council or district providing
 13 services or programs to seniors and adults with developmental
 14 disabilities.

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

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

20 And the title is amended as follows:

21 Delete everything before the enacting clause

22

23 and insert:

24 A bill to be entitled
 25 An act relating to services for seniors and
 26 adults with developmental disabilities;
 27 authorizing each county to create an
 28 independent special district to provide funding
 29 for services for seniors and adults with
 30 developmental disabilities; requiring approval
 31 by a majority vote of electors to annually levy

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

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1 requiring the council to prepare and file a
2 financial report with the governing body of the
3 county; providing that a district may be
4 dissolved by a special act of the Legislature
5 or by ordinance by the governing body of the
6 county; specifying obligations of the county if
7 a district is dissolved; authorizing the
8 governing body of a county to fund the budget
9 of the council on services for seniors and
10 adults with developmental disabilities from its
11 own funds after or during the council's first
12 year of operation; requiring a special district
13 to comply with statutory requirements related
14 to the filing of a financial or compliance
15 report; authorizing a county to create a
16 dependent special district to provide certain
17 services for seniors and adults with
18 developmental disabilities; authorizing the
19 district to seek grants and accept donations
20 from public and private sources; providing
21 legislative intent with respect to the use of
22 funds collected by a council on services for
23 seniors and adults with developmental
24 disabilities; providing that two or more
25 councils on services for seniors and adults
26 with developmental disabilities may enter into
27 a cooperative agreement to share administrative
28 costs, staff, and office space and seek grants,
29 accept donations, or jointly fund programs
30 serving multicounty areas; prohibiting councils
31 or districts from requiring matching funds from

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1 certain service providers as a condition for
2 the provision of services by the council or
3 district; providing an effective date.
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