

1 council to prepare a tentative annual budget
2 and to compute a millage rate to fund the
3 tentative budget; requiring that all tax moneys
4 collected be paid directly to the council on
5 services for seniors and adults with
6 developmental disabilities by the tax collector
7 of the county and deposited in qualified public
8 depositories; specifying expenditures of funds;
9 requiring the council to prepare and file a
10 financial report with the governing body of the
11 county; providing that a district may be
12 dissolved by a special act of the Legislature
13 or by ordinance by the governing body of the
14 county; specifying obligations of the county if
15 a district is dissolved; authorizing the
16 governing body of a county to fund the budget
17 of the council on services for seniors and
18 adults with developmental disabilities from its
19 own funds after or during the council's first
20 year of operation; requiring a special district
21 to comply with statutory requirements related
22 to the filing of a financial or compliance
23 report; authorizing a county to create a
24 dependent special district to provide certain
25 services for seniors and adults with
26 developmental disabilities; authorizing the
27 district to seek grants and accept donations
28 from public and private sources; providing
29 legislative intent with respect to the use of
30 funds collected by a council on services for
31 seniors and adults with developmental

1 disabilities; providing that two or more
2 councils on services for seniors and adults
3 with developmental disabilities may enter into
4 a cooperative agreement to share administrative
5 costs, staff, and office space and seek grants,
6 accept donations, or jointly fund programs
7 serving multicounty areas; prohibiting councils
8 or districts from requiring matching funds from
9 certain service providers as a condition for
10 the provision of services by the council or
11 district; providing an effective date.
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13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Services for seniors and adults with
16 developmental disabilities; independent special district;
17 council; powers, duties, and functions.--

18 (1) Each county may by ordinance create an independent
19 special district, as defined in sections 189.403 and 200.001,
20 Florida Statutes, to provide funding for services for seniors
21 and adults with developmental disabilities throughout the
22 county in accordance with this section. The boundaries of such
23 district must be coterminous with the boundaries of the
24 county. The county governing body shall obtain approval, by a
25 majority vote of those electors voting on the question, to
26 annually levy ad valorem taxes that may not exceed the maximum
27 millage rate authorized by this section. A district created
28 under this subsection shall levy and fix millage as provided
29 in section 200.065, Florida Statutes. Once the millage is
30 approved by the electorate, the district is not required to
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1 seek approval of the electorate in future years to levy the
2 previously approved millage.

3 (a) The governing board of the district shall be a
4 council on services for seniors and adults with developmental
5 disabilities. The council shall consist of 11 members,
6 including the executive director of the area agency on aging
7 or his or her designee who is a director of senior programs;
8 the county director of human services or his or her designee
9 who is a director of elderly services; one person who is a
10 director of programs for adults with developmental
11 disabilities or his or her designee; one member of the county
12 governing board; one nonvoting member of the legislative
13 delegation for the county appointed by the delegation chair;
14 and one county representative of the Florida League of Cities.
15 The executive director of the area agency on aging or his or
16 her designee, the director of programs for adults with
17 developmental disabilities or his or her designee, and the
18 county director of human services or his or her designee are
19 permanent positions. The members from the county governing
20 board, the legislative delegation, and the Florida League of
21 Cities shall be appointed to 2-year terms. The other five
22 members must be appointed by the Governor and shall represent,
23 to the greatest extent possible, the cultural diversity of the
24 county's population. At least one of the gubernatorial
25 designees must be an individual who is a caretaker or family
26 member of a person who is 22 years of age or older and has a
27 developmental disability and at least one must be 60 years of
28 age or older. Recommendations for these memberships shall be
29 provided by the county governing board. Three names shall be
30 submitted for each vacancy, determined by category. The
31 gubernatorial appointees shall be appointed to 4-year terms

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

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

20 (2)(a) Each council 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 in the
26 county.

27 2. Provide any other services which the council
28 determines are needed for the general welfare of seniors and
29 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
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1 county served by the council and submit to the governing body
2 of each county a written description of:
3 a. The activities, services, and opportunities that
4 will be provided to seniors and adults with developmental
5 disabilities.
6 b. The anticipated schedule for providing those
7 activities, services, and opportunities.
8 c. The manner in which seniors and adults with
9 developmental disabilities will be served, including a
10 description of arrangements and agreements that will be made
11 with community organizations, state and local educational
12 agencies, federal agencies, public assistance agencies, the
13 court system, guardianship groups, and other applicable public
14 and private agencies and organizations.
15 d. The special outreach efforts that will be
16 undertaken to provide services to senior and adults with
17 developmental disabilities who are at risk, abused, or
18 neglected and ailing seniors or profoundly afflicted adults
19 with developmental disabilities.
20 e. The manner in which the council will seek and
21 provide funding for unmet needs.
22 f. The strategy that will be used for interagency
23 coordination to maximize existing human and fiscal resources.
24 3. Provide training and orientation to all new members
25 sufficient to allow them to perform their duties.
26 4. Make and adopt bylaws and rules for the council's
27 guidance, operation, governance, and maintenance, if such
28 rules are not inconsistent with federal or state laws or
29 county ordinances.
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1 5. Provide an annual written report, to be presented
2 no later than January 1, to the governing body of the county.

3 The annual report must contain, but need not be limited to:

4 a. Information on the effectiveness of activities,
5 services, and programs offered by the council, including
6 cost-effectiveness.

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

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

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

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

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

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

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1 (d) Members of the council shall serve without
2 compensation, but are entitled to receive reimbursement for
3 per diem and travel expenses consistent with section 112.061,
4 Florida Statutes.

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

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

26 (c) After the budget of the district is certified and
27 delivered to the governing body of the county, the budget may
28 not be changed or modified by the governing body of the county
29 or any other authority.

30 (d) All taxes collected under this section, as soon
31 after collection as is reasonably practicable, shall be paid

1 directly to the council by the tax collector of the county or
2 the clerk of the circuit court, if the clerk collects
3 delinquent taxes.

4 (e)1. All moneys received by the council shall be
5 deposited in qualified public depositories, as defined in
6 section 280.02, Florida Statutes, with separate and
7 distinguishable accounts established specifically for the
8 council and may be withdrawn only by checks signed by the
9 chair of the council and countersigned by one other member of
10 the council or by a chief executive officer authorized by the
11 council.

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

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

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

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

3 2. The total receipts of the council during the
4 quarter-annual period.

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

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

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

21 (5) After or during the first year of operation of the
22 council, the governing body of the county, at its option, may
23 fund in whole or in part the budget of the council from its
24 own funds.

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

1 (7)(a) Each county may by ordinance create a dependent
2 special district within the boundaries of the county for the
3 purpose of providing preventive, developmental, treatment, and
4 rehabilitative services for seniors and adults with
5 developmental disabilities. The district may seek grants from
6 state, federal, and local agencies and accept donations from
7 public and private sources, if the district complies with
8 paragraphs (1)(a) and (2)(b) and has a budget that requires
9 approval through an affirmative vote of the governing body of
10 the county or that may be vetoed by the governing body of the
11 county.

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

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

1 (9) Two or more councils may enter into a cooperative
2 agreement to share administrative costs, including, but not
3 limited to, staff and office space, if a more efficient or
4 effective operation will result. The cooperative agreement
5 must include provisions on apportioning costs between the
6 councils, keeping separate and distinct financial records for
7 each council, and resolving any conflicts that might arise
8 under the cooperative agreement.

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

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

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

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22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 Senate Bill 62

25 The committee substitute revises the bill to include services
26 for adults with developmental disabilities within the purpose
27 of the newly authorized independent special district. The
28 committee substitute implements conforming changes throughout
29 the bill.
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