

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

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 vote of at least 60 percent of those electors voting on the
26 question, to annually levy ad valorem taxes that may not
27 exceed the maximum millage rate authorized by this section.
28 Such approval shall be obtained by submitting the question to
29 a referendum of the qualified electors in the county. The
30 referendum shall be held in conjunction with the next
31 regularly scheduled general election, in accordance with

1 section 100.342, Florida Statutes. A district created under
2 this subsection shall levy and fix millage as provided in
3 section 200.065, Florida Statutes. Once the millage is
4 approved by the electorate, the district is not required to
5 seek approval of the electorate in future years to levy the
6 previously approved millage.

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

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

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

24 (2)(a) Each council may:

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

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

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

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

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

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

24 7. Employ, pay, and provide benefits for any part-time
25 or full-time personnel needed to execute the foregoing powers
26 and functions.

27 (b) Each council shall:

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

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1 2. Immediately after the members are appointed and
2 officers are elected, identify and assess the needs of the
3 seniors and adults with developmental disabilities in the
4 county served by the council and submit to the governing body
5 of each county a written description of:
6 a. The activities, services, and opportunities that
7 will be provided to seniors and adults with developmental
8 disabilities.
9 b. The anticipated schedule for providing those
10 activities, services, and opportunities.
11 c. The manner in which seniors and adults with
12 developmental disabilities will be served, including a
13 description of arrangements and agreements that will be made
14 with community organizations, state and local educational
15 agencies, federal agencies, public assistance agencies, the
16 court system, guardianship groups, and other applicable public
17 and private agencies and organizations.
18 d. The special outreach efforts that will be
19 undertaken to provide services to senior and adults with
20 developmental disabilities who are at risk, abused, or
21 neglected and ailing seniors or profoundly afflicted adults
22 with developmental disabilities.
23 e. The manner in which the council will seek and
24 provide funding for unmet needs.
25 f. The strategy that will be used for interagency
26 coordination to maximize existing human and fiscal resources.
27 3. Provide training and orientation to all new members
28 sufficient to allow them to perform their duties.
29 4. Make and adopt bylaws and rules for the council's
30 guidance, operation, governance, and maintenance, if such
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1 rules are not inconsistent with federal or state laws or
2 county ordinances.

3 5. Provide an annual written report, to be presented
4 no later than January 1, to the governing body of the county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 2. The total receipts of the council during the
8 quarter-annual period.

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

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

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

25 (5) After or during the first year of operation of the
26 council, the governing body of the county, at its option, may
27 fund in whole or in part the budget of the council from its
28 own funds.

29 (6) Any district created under this section shall
30 comply with all other statutory requirements of general
31 application which relate to the filing of any financial

1 reports or compliance reports required under part III of
2 chapter 218, Florida Statutes, or any other report or
3 documentation required by law, including the requirements of
4 sections 189.415, 189.417, and 189.418, Florida Statutes.

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

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

29 (8) It is the intent of the Legislature that the funds
30 collected under this section be used to support improvements
31 in services for seniors and adults with developmental

1 disabilities and that such funds not be used as a substitute
2 for existing resources or for resources that would otherwise
3 be available for services for seniors and adults with
4 developmental disabilities.

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

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

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

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

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