

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:

14  
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. Such approval shall  
28 be obtained by submitting the question to a referendum of the  
29 qualified electors in the county. The referendum shall be held  
30 in conjunction with the next regularly scheduled general  
31 election, in accordance with section 100.342, Florida

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

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

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

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

23 (2)(a) Each council may:

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