

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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.

1 Representative Sobel offered the following:

2  
3 **Amendment (with title amendment)**

4 On page 25, between lines 4 and 5,

5  
6 insert:

7 Section 8. Section 125.903, Florida Statutes, is created  
8 to read:

9 125.903 Services for seniors and adults with developmental  
10 disabilities; independent special district; council; powers,  
11 duties, and functions.--

12 (1) Broward county may by ordinance create an independent  
13 special district, as defined in ss. 189.403(3) and  
14 200.001(8)(e), to provide funding for services for seniors and  
15 adults with developmental disabilities throughout the county in

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16 accordance with this section. Such ordinance shall create a  
17 charter for the district which addresses and contains the  
18 minimum requirements required by s. 189.404(3). The boundaries  
19 of such district must be coterminous with the boundaries of the  
20 county. The county governing body shall obtain approval, by a  
21 majority vote of those electors voting on the question, to  
22 annually levy ad valorem taxes that may not exceed the maximum  
23 millage rate authorized by this section. Such approval shall be  
24 obtained by submitting the question to a referendum of the  
25 qualified electors in the county. The referendum shall be held  
26 in conjunction with the next regularly scheduled general  
27 election, in accordance with ss. 100.342 and 100.351. A district  
28 created under this subsection shall levy and fix millage as  
29 provided in s. 200.065. Once the millage is approved by the  
30 electorate, the district is not required to seek approval of the  
31 electorate in future years to levy the previously approved  
32 millage. For purposes of this section, the term "senior" means a  
33 person who is at least 60 years of age and the term "adult with  
34 developmental disabilities" means an adult with developmental  
35 disabilities who is at least 22 years of age.

36 (a) The governing board of the district shall be a council  
37 on services for seniors and adults with developmental  
38 disabilities. The council shall consist of 11 members, including  
39 the executive director of the area agency on aging or his or her  
40 designee who is a director of senior programs; the county  
41 director of human services or his or her designee who is a  
42 director of elderly services; one person who is a director of

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43 programs for adults with developmental disabilities or his or  
44 her designee; one member of the county governing board; one  
45 nonvoting member of the legislative delegation for the county  
46 appointed by the delegation chair; and one county representative  
47 of the Florida League of Cities. The executive director of the  
48 area agency on aging and his or her designee, the director of  
49 programs for adults with developmental disabilities and his or  
50 her designee, and the county director of human services and his  
51 or her designee are permanent positions. The members from the  
52 county governing board, the legislative delegation, and the  
53 Florida League of Cities shall be appointed to 2-year terms. The  
54 other five members must be appointed by the Governor and shall  
55 represent, to the greatest extent possible, the cultural  
56 diversity of the county's population. At least one of the  
57 gubernatorial designees must be an individual who is a caretaker  
58 or family member of a person who is 22 years of age or older and  
59 has a developmental disability and at least one must be 60 years  
60 of age or older. Recommendations for these memberships shall be  
61 provided by the county governing board. Three names shall be  
62 submitted for each vacancy, determined by category. The  
63 gubernatorial appointees shall be appointed to 4-year terms and  
64 may be reappointed for one additional term of office. The  
65 Governor shall make a selection within a 45-day period or  
66 request a new list of candidates. All members appointed by the  
67 Governor must have been residents of the county for the previous  
68 24-month period. The length of the terms of the initial  
69 appointees shall be adjusted to stagger the terms. The Governor

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70 may remove a member for cause or upon the written petition of  
71 the county governing body. If any of the members of the council  
72 required to be appointed by the Governor resign, die, or are  
73 removed from office, the vacancy shall be filled by appointment  
74 by the Governor, using the same method as the original  
75 appointment, and such appointment to fill a vacancy shall be for  
76 the unexpired term of the member who resigns, dies, or is  
77 removed from office.

78 (b) This subsection does not prohibit a county from  
79 exercising the power authorized by general or special law to  
80 provide services for seniors and adults with developmental  
81 disabilities or to create a special district to provide those  
82 services.

83 (2)(a) Each council may:

84 1. Provide and maintain in the county the preventive,  
85 developmental, treatment, and rehabilitative services for  
86 seniors and adults with developmental disabilities which the  
87 council determines are needed for the general welfare of seniors  
88 and adults with developmental disabilities in the county.

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

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

95 4. Collect information and statistical data and conduct  
96 research and assessments that will be helpful to the council and

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97 the county in deciding the needs of seniors and adults with  
98 developmental disabilities in the county.

99 5. Consult and coordinate with other agencies dedicated to  
100 the welfare of seniors and adults with developmental  
101 disabilities to the end that the overlapping of services will be  
102 prevented.

103 6. Lease or buy real estate, equipment, and personal  
104 property and construct buildings as needed to execute the  
105 foregoing powers and functions, except that such purchases may  
106 not be made or building done unless paid for with cash on hand  
107 or secured by funds deposited in financial institutions. This  
108 subparagraph does not authorize a district to issue bonds of any  
109 nature, and a district does not have the power to require the  
110 imposition of any bond by the governing body of the county.

111 7. Employ, pay, and provide benefits for any part-time or  
112 full-time personnel needed to execute the foregoing powers and  
113 functions.

114 (b) Each council shall:

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

118 2. Immediately after the members are appointed and  
119 officers are elected, identify and assess the needs of seniors  
120 and adults with developmental disabilities in the county served  
121 by the council and submit to the governing body of each county a  
122 written description of:

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123        a. The activities, services, and opportunities that will  
124 be provided to seniors and adults with developmental  
125 disabilities.

126        b. The anticipated schedule for providing those  
127 activities, services, and opportunities.

128        c. The manner in which seniors and adults with  
129 developmental disabilities will be served, including a  
130 description of arrangements and agreements that will be made  
131 with community organizations, state and local educational  
132 agencies, federal agencies, public assistance agencies, the  
133 court system, guardianship groups, and other applicable public  
134 and private agencies and organizations.

135        d. The special outreach efforts that will be undertaken to  
136 provide services to seniors and adults with developmental  
137 disabilities who are at-risk, abused, or neglected and ailing  
138 seniors or profoundly afflicted adults with developmental  
139 disabilities.

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

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

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

146        4. Make and adopt bylaws and rules for the council's  
147 guidance, operation, governance, and maintenance, if such rules  
148 are not inconsistent with federal or state laws or county  
149 ordinances.

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150       5. Provide an annual written report, to be presented no  
151 later than January 1, to the governing body of the county. The  
152 annual report must contain, but need not be limited to:

153       a. Information on the effectiveness of activities,  
154 services, and programs offered by the council, including cost-  
155 effectiveness.

156       b. A detailed anticipated budget for continuation of  
157 activities, services, and programs offered by the council, and a  
158 list of all sources of requested funding, both public and  
159 private.

160       c. Procedures used for early identification of at-risk  
161 seniors and adults with developmental disabilities who need  
162 additional or continued services and methods for ensuring that  
163 the additional or continued services are received.

164       d. A description of the degree to which the council's  
165 objectives and activities are consistent with the goals of this  
166 section.

167       e. Detailed information on the various programs, services,  
168 and activities available to seniors and adults with  
169 developmental disabilities and the degree to which the programs,  
170 services, and activities have been successfully used by seniors  
171 and adults with developmental disabilities.

172       f. Information on programs, services, and activities that  
173 should be eliminated; programs, services, and activities that  
174 should be continued; and programs, services, and activities that  
175 should be added to the basic format of the council.

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

179 (d) Members of the council shall serve without  
180 compensation, but are entitled to receive reimbursement for per  
181 diem and travel expenses consistent with s. 112.061.

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

184 (b) On or before July 1 of each year, the council shall  
185 prepare a tentative annual written budget of the district's  
186 expected income and expenditures, including a contingency fund.  
187 The council shall, in addition, compute a proposed millage rate  
188 within the voter-approved cap necessary to fund the tentative  
189 budget and, prior to adopting a final budget, comply with s.  
190 200.065, relating to the method of fixing millage, and fix the  
191 final millage rate by resolution of the council. The adopted  
192 budget and final millage rate must be certified and delivered to  
193 the governing body of the county as soon as possible following  
194 the council's adoption of the final budget and millage rate  
195 under chapter 200. Included in each certified budget shall be  
196 the millage rate, adopted by resolution of the council,  
197 necessary to be applied to raise the funds budgeted for district  
198 operations and expenditures. District millage may not exceed 0.5  
199 mills of assessed valuation of all properties within the county  
200 which are subject to ad valorem county taxes.

201 (c) After the budget of the district is certified and  
202 delivered to the governing body of the county, the budget may

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203 not be changed or modified by the governing body of the county  
204 or any other authority.

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

209 (e)1. All moneys received by the council shall be  
210 deposited in qualified public depositories, as defined in s.  
211 280.02, with separate and distinguishable accounts established  
212 specifically for the council and may be withdrawn only by checks  
213 signed by the chair of the council and countersigned by one  
214 other member of the council or by a chief executive officer  
215 authorized by the council.

216 2. Upon entering the duties of office, the chair and the  
217 other member of the council or chief executive officer who signs  
218 its checks shall each give a surety bond in the sum of at least  
219 \$1,000 for each \$1 million or portion thereof of the council's  
220 annual budget, which bond shall be conditioned upon the faithful  
221 discharge of the duties of his or her office. The premium on  
222 such bond may be paid by the district as part of the expense of  
223 the council. Other members of the council may not be required to  
224 give bond or other security.

225 3. Funds of the district may not be expended except by  
226 check, except expenditures from a petty cash account, which  
227 account may not at any time exceed \$100. All expenditures from  
228 petty cash must be recorded on the books and records of the  
229 council. Funds of the council, except expenditures from petty

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230 cash, may not be expended without prior approval of the council,  
231 in addition to the budgeting thereof.

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

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

238 2. The total receipts of the council during the quarter-  
239 annual period.

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

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

245 (4) Any district created under this section may be  
246 dissolved by a special act of the Legislature, or the county  
247 governing body may by ordinance dissolve the district subject to  
248 the approval of the electorate. If any district is dissolved  
249 under this subsection, each county shall first obligate itself  
250 to assume the debts, liabilities, contracts, and outstanding  
251 obligations of the district within the total millage available  
252 to the county governing body for all county and municipal  
253 purposes as provided for under section 9, Article VII of the  
254 State Constitution. Any district may also be dissolved under s.  
255 189.4042.

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256 (5) After or during the first year of operation of the  
257 council, the governing body of the county, at its option, may  
258 fund in whole or in part the budget of the council from its own  
259 funds.

260 (6) Any district created under this section shall comply  
261 with all other statutory requirements of general application  
262 which relate to the filing of any financial reports or  
263 compliance reports required under part III of chapter 218, or  
264 any other report or documentation required by law, including the  
265 requirements of ss. 189.415, 189.417, and 189.418.

266 (7)(a) Each county may by ordinance create a dependent  
267 special district within the boundaries of the county for the  
268 purpose of providing preventive, developmental, treatment, and  
269 rehabilitative services for seniors and adults with  
270 developmental disabilities. The district may seek grants from  
271 state, federal, and local agencies and accept donations from  
272 public and private sources if the district complies with  
273 paragraphs (1)(a) and (2)(b) and has a budget that requires  
274 approval through an affirmative vote of the governing body of  
275 the county or that may be vetoed by the governing body of the  
276 county.

277 (b) If the provisions of a county charter relating to the  
278 membership of the governing board of a dependent special  
279 district conflict with paragraph (1)(a), a county may by  
280 ordinance create a dependent special district within the  
281 boundaries of the county for the purpose of providing  
282 preventive, developmental, treatment, and rehabilitative

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283 services for seniors and adults with developmental disabilities,  
284 and the district may seek grants from state, federal, and local  
285 agencies and accept donations from public and private sources if  
286 the district complies with paragraph (2)(b) and has a budget  
287 that requires approval through an affirmative vote of the  
288 governing body of the county or that may be vetoed by the  
289 governing body of the county.

290 (8) It is the intent of the Legislature that the funds  
291 collected under this section be used to support improvements in  
292 services for seniors and adults with developmental disabilities  
293 and that such funds not be used as a substitute for existing  
294 resources or for resources that would otherwise be available for  
295 services for seniors and adults with developmental disabilities.

296 (9) Two or more councils may enter into a cooperative  
297 agreement to share administrative costs, including, but not  
298 limited to, staff and office space, if a more efficient or  
299 effective operation will result. The cooperative agreement must  
300 include provisions on apportioning costs between the councils,  
301 keeping separate and distinct financial records for each  
302 council, and resolving any conflicts that might arise under the  
303 cooperative agreement.

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

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309       (11) Councils or districts shall not require any public or  
310 private service provider to provide additional matching funds as  
311 a condition of the council or district providing services or  
312 programs to seniors and adults with developmental disabilities.

313       Section 9. Part V of chapter 125, Florida Statutes,  
314 consisting of sections 125.901, 125.902, and 125.903, Florida  
315 Statutes, and entitled "Children's Services," is renamed as  
316 "Human Services."

317       Section 10. Paragraph (b) of subsection (4) of section  
318 189.404, Florida Statutes, is amended to read:

319       189.404 Legislative intent for the creation of independent  
320 special districts; special act prohibitions; model elements and  
321 other requirements; general-purpose local government/Governor  
322 and Cabinet creation authorizations.--

323       (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION  
324 AUTHORIZATIONS.--Except as otherwise authorized by general law,  
325 only the Legislature may create independent special districts.

326       (b) A county may create an independent special district  
327 which shall be adopted by a charter in accordance with s.  
328 125.901, s. 125.903, or s. 154.331 or chapter 155, or which  
329 shall be established by ordinance in accordance with s. 190.005,  
330 or as otherwise authorized by general law.

331  
332 ===== T I T L E   A M E N D M E N T =====

333       On page 2, line 26, after the semicolon,

334  
335 insert:

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336 amending ss. 125.0167 and 201.031, F.S.; authorizing  
337 certain counties operating under a home rule charter to  
338 levy the discretionary surtax for purposes of establishing  
339 and funding a Housing Assistance Loan Trust Fund to assist  
340 in providing housing for low-income and moderate-income  
341 families; prohibiting certain counties from levying the  
342 surtax unless approved by a majority of the electors of  
343 the county voting in a referendum; providing requirements  
344 for holding a referendum; providing for the future repeal  
345 of ss. 125.0167 and 201.031, F.S., relating to the surtax  
346 on documents for purposes of funding housing assistance;  
347 amending s. 201.0205, F.S.; deleting references to ch. 83-  
348 220, Laws of Florida, to conform; updating cross  
349 references; repealing s. 3 of ch. 83-220, Laws of Florida,  
350 as amended, relating to the former repeal date established  
351 for the discretionary surtax on documents; creating s.  
352 125.903, F.S.; authorizing Broward county to create an  
353 independent special district to provide funding for  
354 services for seniors and adults with developmental  
355 disabilities; requiring a district charter; requiring  
356 approval by a majority vote of electors to annually levy  
357 ad valorem taxes not to exceed a certain maximum;  
358 requiring a referendum; creating a governing board for the  
359 special district; specifying criteria for membership to  
360 the governing board; providing terms of office; clarifying  
361 that a county may provide services for seniors and adults  
362 with developmental disabilities or create a special

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363 district to provide such services by general or special  
364 law; specifying the powers and functions of a council on  
365 services for seniors and adults with developmental  
366 disabilities; requiring each council to appoint a chair  
367 and a vice chair and elect officers, to identify and  
368 assess the needs of the seniors and adults with  
369 developmental disabilities in the county served by the  
370 council, to provide training and orientation to new  
371 members of the council, to make and adopt bylaws and rules  
372 for the council's operation and governance, and to provide  
373 an annual written report to the governing body of the  
374 county; requiring the council to maintain minutes of each  
375 meeting and to serve without compensation; requiring the  
376 council to prepare a tentative annual budget and to  
377 compute a millage rate to fund the tentative budget;  
378 requiring that all tax moneys collected be paid directly  
379 to the council on services for seniors and adults with  
380 developmental disabilities by the tax collector of the  
381 county and deposited in qualified public depositories;  
382 specifying expenditures of funds; requiring the council to  
383 prepare and file a financial report with the governing  
384 body of the county; providing that a district may be  
385 dissolved by a special act of the Legislature or by  
386 ordinance by the governing body of the county; specifying  
387 obligations of the county if a district is dissolved;  
388 authorizing the governing body of a county to fund the  
389 budget of the council on services for seniors and adults

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390 with developmental disabilities from its own funds after  
391 or during the council's first year of operation; requiring  
392 a special district to comply with statutory requirements  
393 related to the filing of a financial or compliance report;  
394 authorizing a county to create a dependent special  
395 district to provide certain services for seniors and  
396 adults with developmental disabilities; authorizing the  
397 district to seek grants and accept donations from public  
398 and private sources; providing legislative intent with  
399 respect to the use of funds collected by a council on  
400 services for seniors and adults with developmental  
401 disabilities; providing that two or more councils on  
402 services for seniors and adults with developmental  
403 disabilities may enter into a cooperative agreement to  
404 share administrative costs, staff, and office space and  
405 seek grants, accept donations, or jointly fund programs  
406 serving multicounty areas; prohibiting councils or  
407 districts from requiring matching funds from certain  
408 service providers as a condition to provision of services  
409 by the council or district; renaming part V of chapter  
410 125, F.S.; amending s. 189.404, F.S.; revising county  
411 authority to create an independent special district to  
412 include a reference to s. 125.903, F.S.;

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