

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to seniors' services; creating s. 125.903,
8 F.S.; authorizing each county to create an independent
9 special district to provide funding for seniors' services;
10 requiring approval by a majority vote of electors to
11 annually levy ad valorem taxes not to exceed a certain
12 maximum; creating a governing board for the special
13 district; specifying criteria for membership to the
14 governing board; providing terms of office; clarifying
15 that a county may provide seniors' services as provided by
16 general or special law or may create a special district by
17 ordinance to provide such services; specifying the powers
18 and functions of a council on seniors' services; requiring
19 each council to appoint a chair and a vice chair and to
20 elect officers; providing duties and responsibilities of
21 the council; requiring the council to serve without
22 compensation; specifying expenditures of funds; providing
23 that a district may be dissolved by a special act of the

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24 Legislature or by ordinance of the governing body of the
25 county; specifying obligations of the county if a district
26 is dissolved; providing that the governing body of a
27 county may fund the budget of the council on seniors'
28 services from its own funds after or during the council's
29 first year of operation; requiring a special district to
30 comply with statutory requirements related to the filing
31 of a financial or compliance report; authorizing a county
32 to create a dependent special district to provide certain
33 services for seniors; authorizing the district to seek
34 grants from several sources and to accept donations from
35 public and private sources; providing legislative intent
36 with respect to the use of funds collected by a council on
37 seniors' services; providing that two or more councils on
38 seniors' services may enter into a cooperative agreement
39 to share administrative costs, staff, and office space and
40 to seek grants, accept donations, or jointly fund programs
41 serving multicounty areas; redesignating pt. V of ch. 125,
42 F.S., as "Children's and Seniors' Services"; amending s.
43 189.404, F.S., relating to authority to create an
44 independent special district, to conform; providing an
45 effective date.

46
47 Be It Enacted By the Legislature of the State of Florida:

48
49 Section 1. Section 125.903, Florida Statutes, is created
50 to read:

51 125.903 Seniors' services; independent special district;
 52 council; powers, duties, and functions.--

53 (1) Each county may by ordinance create an independent
 54 special district, as defined in ss. 189.403(3) and
 55 200.001(8)(e), to provide funding for seniors' services
 56 throughout the county. The boundaries of such district shall be
 57 coterminous with the boundaries of the county. The county
 58 governing body shall obtain approval, by a majority vote of
 59 those electors voting on the question, to annually levy ad
 60 valorem taxes that may not exceed the maximum millage rate
 61 authorized by this section. Any district created pursuant to
 62 this subsection shall levy and fix millage as provided in s.
 63 200.065. Once the millage is approved by the electorate, the
 64 district is not required to seek approval of the electorate in
 65 future years to levy the previously approved millage.

66 (a) The governing board of the district shall be a council
 67 on seniors' services, which may also be known as an elderly
 68 advocacy board or similar name as established in the ordinance
 69 by the county governing body. The council shall consist of 10
 70 members, including the executive director of the area agency on
 71 aging or his or her designee who is a director of senior
 72 programs; the county director of human services or his or her
 73 designee who is a director of elderly services; one member of
 74 the county governing board; one nonvoting member of the
 75 legislative delegation for the county appointed by the
 76 delegation chair; and one county representative of the Florida
 77 League of Cities. The executive director of the area agency on
 78 aging and his or her designee and the county director of human

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79 services and his or her designee are permanent positions. The
80 members from the county governing board, the legislative
81 delegation, and the Florida League of Cities shall serve 2-year
82 terms. The other five members shall be appointed by the Governor
83 and shall represent, to the greatest extent possible, the
84 cultural diversity of the county's population. A minimum of two
85 of the five gubernatorial designees shall be 60 years of age or
86 older. Recommendations for these memberships shall be provided
87 by the county governing board. Three names shall be submitted
88 for each vacancy, determined by category. The gubernatorial
89 appointments shall be for a 4-year term and may be reappointed
90 for one additional term of office. The Governor shall make a
91 selection within a 45-day period or request a new list of
92 candidates. All members appointed by the Governor must have been
93 residents of the county for the previous 24-month period. The
94 length of the terms of the initial appointees shall be adjusted
95 to stagger the terms. The Governor may remove a member for cause
96 or upon the written petition of the county governing body. If
97 any of the members of the council required to be appointed by
98 the Governor resign, die, or are removed from office, the
99 vacancy shall be filled by appointment by the Governor, using
100 the same method as the original appointment, and such
101 appointment to fill a vacancy shall be for the unexpired term of
102 the person who resigns, dies, or is removed from office.

103 (b) This subsection does not prohibit a county from
104 exercising such power as is provided by general or special law
105 to provide seniors' services or to create a special district to
106 provide such services.

- 107 (2)(a) Each council on seniors' services may:
- 108 1. Provide and maintain in the county such preventive,
- 109 developmental, treatment, and rehabilitative services for
- 110 seniors as the council determines are needed for the general
- 111 welfare of the county.
- 112 2. Provide such other services for all seniors as the
- 113 council determines are needed for the general welfare of the
- 114 county.
- 115 3. Allocate and provide funds for other agencies in the
- 116 county which are operated for the benefit of seniors.
- 117 4. Collect information and statistical data and conduct
- 118 research that will be helpful to the council and the county in
- 119 deciding the needs of seniors in the county.
- 120 5. Consult and coordinate with other agencies dedicated to
- 121 the welfare of seniors to the end that the overlapping of
- 122 services will be prevented.
- 123 6. Lease or buy real estate, equipment, and personal
- 124 property and construct buildings as needed to execute the
- 125 foregoing powers and functions, except that such purchases may
- 126 not be made or building done unless paid for with cash on hand
- 127 or secured by funds deposited in financial institutions. This
- 128 subparagraph does not authorize a district to issue bonds of any
- 129 nature and a district does not have the power to require the
- 130 imposition of any bond by the governing body of the county.
- 131 7. Employ, pay, and provide benefits for any part-time or
- 132 full-time personnel needed to execute the foregoing powers and
- 133 functions.
- 134 (b) Each council on seniors' services shall:

- 135 1. Elect a chair and a vice chair from among its members,
 136 and elect other officers as deemed necessary by the council.
- 137 2. Identify and assess the needs of the seniors in the
 138 county served by the council and submit to the governing body of
 139 each county a written description of:
- 140 a. The activities, services, and opportunities that will
 141 be provided to seniors.
- 142 b. The anticipated schedule for providing those
 143 activities, services, and opportunities.
- 144 c. The manner in which seniors will be served, including a
 145 description of arrangements and agreements which will be made
 146 with community organizations, state and local educational
 147 agencies, federal agencies, public assistance agencies, the
 148 court system, guardianship groups, and other applicable public
 149 and private agencies and organizations.
- 150 d. The special outreach efforts that will be undertaken to
 151 provide services to at-risk, abused, or neglected seniors.
- 152 e. The manner in which the council will seek and provide
 153 funding for unmet needs.
- 154 f. The strategy that will be used for interagency
 155 coordination to maximize existing human and fiscal resources.
- 156 3. Provide training and orientation to all new members
 157 sufficient to allow them to perform their duties.
- 158 4. Make and adopt bylaws and rules for the council's
 159 guidance, operation, governance, and maintenance, if such rules
 160 are not inconsistent with federal or state laws or county
 161 ordinances.

162 5. Provide an annual written report, to be presented no
 163 later than January 1 of each year, beginning in 2005, to the
 164 governing body of the county. The annual report must contain,
 165 but need not be limited to:

166 a. Information on the effectiveness of activities,
 167 services, and programs offered by the council, including cost-
 168 effectiveness.

169 b. A detailed anticipated budget for continuation of
 170 activities, services, and programs offered by the council and a
 171 list of all sources of requested funding, both public and
 172 private.

173 c. Procedures used for early identification of at-risk
 174 seniors who need additional or continued services and methods
 175 for ensuring that the additional or continued services are
 176 received.

177 d. A description of the degree to which the council's
 178 objectives and activities are consistent with the goals of this
 179 section.

180 e. Detailed information on the various programs, services,
 181 and activities available to participants and the degree to which
 182 the activities, services, and programs have been successfully
 183 used by seniors.

184 f. Information on activities, services, and programs that
 185 should be eliminated; activities, services, and programs that
 186 should be continued; and activities, services, and programs that
 187 should be added to the basic format of the seniors' services
 188 council.

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

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

195 (3)(a) The fiscal year of the district shall be the same
 196 as that of the county.

197 (b) On or before July 1 of each year, the council on
 198 seniors' services shall prepare a tentative annual written
 199 budget of the district's expected income and expenditures,
 200 including a contingency fund. The council shall, in addition,
 201 compute a proposed millage rate within the voter-approved cap
 202 necessary to fund the tentative budget; shall, prior to adopting
 203 a final budget, comply with the provisions of s. 200.065
 204 relating to the method of fixing millage; and shall fix the
 205 final millage rate by resolution of the council. The adopted
 206 budget and final millage rate shall be certified and delivered
 207 to the governing body of the county as soon as possible
 208 following the council's adoption of the final budget and millage
 209 rate pursuant to chapter 200. Included in each certified budget
 210 shall be the millage rate, adopted by resolution of the council,
 211 necessary to be applied to raise the funds budgeted for district
 212 operations and expenditures. Any district millage may not exceed
 213 0.5 mills of assessed valuation of all properties within the
 214 county which are subject to ad valorem county taxes.

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

217 not be changed or modified by the governing body of the county
 218 or any other authority.

219 (d) All tax moneys collected under this section, as soon
 220 after collection as is reasonably practicable, shall be paid
 221 directly to the council on seniors' services by the tax
 222 collector of the county or the clerk of the circuit court, if
 223 the clerk collects delinquent taxes.

224 (e)1. All moneys received by the council on seniors'
 225 services shall be deposited in qualified public depositories, as
 226 defined in s. 280.02, with separate and distinguishable accounts
 227 established specifically for the council, and shall be withdrawn
 228 only by checks signed by the chair of the council and
 229 countersigned by one other member of the council on seniors'
 230 services or by a chief executive officer authorized by the
 231 council.

232 2. Upon entering the duties of office, the chair and the
 233 other member of the council or chief executive officer who signs
 234 council checks shall each give a surety bond in the sum of at
 235 least \$1,000 for each \$1 million or portion thereof of the
 236 council's annual budget, which bond shall be conditioned that
 237 each shall faithfully discharge the duties of his or her office.
 238 The premium on such bond may be paid by the district as part of
 239 the expense of the council. No other member of the council shall
 240 be required to give bond or other security.

241 3. Funds of the district may not be expended except by
 242 check, except expenditures made from a petty cash account, which
 243 may not at any time exceed \$100. All expenditures from petty
 244 cash must be recorded on the books and records of the council on

245 seniors' services. Funds of the council on seniors' services,
 246 excepting expenditures from petty cash, may not be expended
 247 without prior approval of the council, in addition to the
 248 budgeting thereof.

249 (f) Within 10 days, exclusive of weekends and legal
 250 holidays, after the expiration of each quarter-annual period,
 251 the council on seniors' services shall prepare and file with the
 252 governing body of the county a financial report that includes:

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

255 2. The total receipts of the council during the quarter-
 256 annual period.

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

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

262 (4) Any district created pursuant to this section may be
 263 dissolved by a special act of the Legislature, or the county
 264 governing body may by ordinance dissolve the district subject to
 265 the approval of the electorate. If any district is dissolved
 266 pursuant to this subsection, each county shall first obligate
 267 itself to assume the debts, liabilities, contracts, and
 268 outstanding obligations of the district within the total millage
 269 available to the county governing body for all county and
 270 municipal purposes as provided for under s. 9, Art. VII of the
 271 State Constitution. Any district may also be dissolved pursuant
 272 to s. 189.4042.

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273 (5) After or during the first year of operation of the
274 council on seniors' services, the governing body of the county,
275 at its option, may fund in whole or in part the budget of the
276 council on seniors' services from its own funds.

277 (6) Any district created pursuant to this section shall
278 comply with all other statutory requirements of general
279 application which relate to the filing of any financial reports
280 or compliance reports required under part III of chapter 218 or
281 any other report or documentation required by law, including the
282 requirements of ss. 189.415, 189.417, and 189.418.

283 (7)(a) Each county may by ordinance create a dependent
284 special district within the boundaries of the county for the
285 purpose of providing preventive, developmental, treatment, and
286 rehabilitative services for seniors. The district may seek
287 grants from state, federal, and local agencies and accept
288 donations from public and private sources, if the district
289 complies with paragraphs (1)(a) and (2)(b) and has a budget that
290 requires approval through an affirmative vote of the governing
291 body of the county or that may be vetoed by the governing body
292 of the county.

293 (b) If the provisions of a county charter relating to the
294 membership of the governing board of a dependent special
295 district conflict with paragraph (1)(a), a county may by
296 ordinance create a dependent special district within the
297 boundaries of the county for the purpose of providing
298 preventive, developmental, treatment, and rehabilitative
299 services for seniors, and the district may seek grants from
300 state, federal, and local agencies and accept donations from

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301 public and private sources, if the district complies with
 302 paragraph (2)(b) and has a budget that requires approval through
 303 an affirmative vote of the governing body of the county or that
 304 may be vetoed by the governing body of the county.

305 (8) It is the intent of the Legislature that the funds
 306 collected pursuant to this section be used to support
 307 improvements in seniors' services and that such funds not be
 308 used as a substitute for existing resources or for resources
 309 that would otherwise be available for seniors' services.

310 (9) Two or more councils on seniors' services may enter
 311 into a cooperative agreement to share administrative costs,
 312 including, but not limited to, staff and office space, if a more
 313 efficient or effective operation will result. The cooperative
 314 agreement must include provisions on apportioning costs between
 315 the councils, keeping separate and distinct financial records
 316 for each council, and resolving any conflicts that might arise
 317 under the cooperative agreement.

318 (10) Two or more councils on seniors' services may enter
 319 into a cooperative agreement to seek grants, to accept
 320 donations, or to jointly fund programs serving multicounty
 321 areas. The cooperative agreement must include provisions for the
 322 adequate accounting of separate and joint funds.

323 Section 2. Part V of chapter 125, Florida Statutes,
 324 consisting of sections 125.901, 125.902, and 125.903, Florida
 325 Statutes, and entitled "Children's Services," is redesignated as
 326 "Children's and Seniors' Services."

327 Section 3. Paragraph (b) of subsection (4) of section
 328 189.404, Florida Statutes, is amended to read:

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329 | 189.404 Legislative intent for the creation of independent
330 | special districts; special act prohibitions; model elements and
331 | other requirements; general-purpose local government/Governor
332 | and Cabinet creation authorizations.--

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

336 | (b) A county may create an independent special district
337 | which shall be adopted by a charter in accordance with s.
338 | 125.901, s. 125.903, ~~s. 154.331~~, or chapter 155, or which
339 | shall be established by ordinance in accordance with s. 190.005,
340 | or as otherwise authorized by general law.

341 | Section 4. This act shall take effect upon becoming a law.