

By Senator Campbell

32-1089-04

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

1 county and deposited in qualified public
2 depositories; specifying expenditures of funds;
3 requiring the council to prepare and file a
4 financial report with the governing body of the
5 county; providing that a district may be
6 dissolved by a special act of the Legislature
7 or by ordinance by the governing body of the
8 county; specifying obligations of the county if
9 a district is dissolved; providing that the
10 governing body of a county may fund the budget
11 of the council on seniors' services from its
12 own funds after or during the council's first
13 year of operation; requiring a special district
14 to comply with statutory requirements related
15 to the filing of a financial or compliance
16 report; authorizing a county to create a
17 dependent special district to provide certain
18 services for seniors; authorizing the district
19 to seek grants from several sources and to
20 accept donations from public and private
21 sources; providing legislative intent with
22 respect to the use of funds collected by a
23 council on seniors' services; providing that
24 two or more councils on seniors' services may
25 enter into a cooperative agreement to share
26 administrative costs, staff, and office space
27 and to seek grants, to accept donations, or to
28 jointly fund programs serving multicounty
29 areas; providing an effective date.

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31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Seniors' services; independent special
2 district; council; powers, duties, and functions.--

3 (1) Each county may by ordinance create an independent
4 special district, as defined in sections 189.403(3) and
5 200.001(8)(e), Florida Statutes, to provide funding for
6 seniors' services throughout the county in accordance with
7 this section. The boundaries of such district shall be
8 coterminous with the boundaries of the county. The county
9 governing body shall obtain approval, by a majority vote of
10 those electors voting on the question, to annually levy ad
11 valorem taxes that may not exceed the maximum millage rate
12 authorized by this section. Any district created pursuant to
13 this subsection shall levy and fix millage as provided in
14 section 200.065, Florida Statutes. Once the millage is
15 approved by the electorate, the district is not required to
16 seek approval of the electorate in future years to levy the
17 previously approved millage.

18 (a) The governing board of the district shall be a
19 council on seniors' services, which may also be known as an
20 elderly advocacy board or similar name as established in the
21 ordinance by the county governing body. The council shall
22 consist of 10 members, including the executive director of the
23 area agency on aging or his or her designee who is a director
24 of senior programs; the county director of human services or
25 his or her designee who is a director of elderly services; one
26 member of the county governing board; one non-voting member of
27 the legislative delegation for the county appointed by the
28 delegation chair; and one county representative of the Florida
29 League of Cities. The executive director of the area agency on
30 aging and his or her designee and the county director of human
31 services and his or her designee are permanent positions. The

1 members from the county governing board, the legislative
2 delegation, and the Florida League of Cities shall serve
3 2-year terms. The other five members shall be appointed by the
4 Governor and shall represent, to the greatest extent possible,
5 the cultural diversity of the county's population. A minimum
6 of two of the five gubernatorial designees shall be 60 years
7 of age or older. Recommendations for these memberships shall
8 be provided by the county governing board. Three names shall
9 be submitted for each vacancy, determined by category. The
10 gubernatorial appointments will be for a 4-year term and may
11 be reappointed for one additional term of office. The Governor
12 shall make a selection within a 45-day period or request a new
13 list of candidates. All members appointed by the Governor
14 must have been residents of the county for the previous
15 24-month period. The length of the terms of the initial
16 appointees shall be adjusted to stagger the terms. The
17 Governor may remove a member for cause or upon the written
18 petition of the county governing body. If any of the members
19 of the council required to be appointed by the Governor
20 resign, die, or are removed from office, the vacancy shall be
21 filled by appointment by the Governor, using the same method
22 as the original appointment, and such appointment to fill a
23 vacancy shall be for the unexpired term of the person who
24 resigns, dies, or is removed from office.

25 (b) This subsection does not prohibit a county from
26 exercising such power as is provided by general or special law
27 to provide seniors' services or to create a special district
28 to provide such services.

29 (2)(a) Each council on seniors' services may:

30 1. Provide and maintain in the county such preventive,
31 developmental, treatment, and rehabilitative services for

1 seniors as the council determines are needed for the general
2 welfare of the county.

3 2. Provide such other services for all seniors as the
4 council determines are needed for the general welfare of the
5 county.

6 3. Allocate and provide funds for other agencies in
7 the county which are operated for the benefit of seniors.

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

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

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

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

26 (b) Each council on seniors' services shall:

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

30 2. Immediately after the members are appointed and
31 officers are elected, identify and assess the needs of the

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

1 b. A detailed anticipated budget for continuation of
2 activities, services, and programs offered by the council, and
3 a list of all sources of requested funding, both public and
4 private.

5 c. Procedures used for early identification of at-risk
6 seniors who need additional or continued services and methods
7 for ensuring that the additional or continued services are
8 received.

9 d. A description of the degree to which the council's
10 objectives and activities are consistent with the goals of
11 this section.

12 e. Detailed information on the various programs,
13 services, and activities available to participants and the
14 degree to which the programs, services, and activities have
15 been successfully used by seniors.

16 f. Information on programs, services, and activities
17 that should be eliminated; programs, services, and activities
18 that should be continued; and programs, services, and
19 activities that should be added to the basic format of the
20 seniors' services council.

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

24 (d) Members of the council shall serve without
25 compensation, but are entitled to receive reimbursement for
26 per diem and travel expenses consistent with section 112.061,
27 Florida Statutes.

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

30 (b) On or before July 1 of each year, the council on
31 seniors' services shall prepare a tentative annual written

1 budget of the district's expected income and expenditures,
2 including a contingency fund. The council shall, in addition,
3 compute a proposed millage rate within the voter-approved cap
4 necessary to fund the tentative budget and, prior to adopting
5 a final budget, comply with the provisions of section 200.065,
6 Florida Statutes, relating to the method of fixing millage,
7 and shall fix the final millage rate by resolution of the
8 council. The adopted budget and final millage rate shall be
9 certified and delivered to the governing body of the county as
10 soon as possible following the council's adoption of the final
11 budget and millage rate pursuant to chapter 200, Florida
12 Statutes. Included in each certified budget shall be the
13 millage rate, adopted by resolution of the council, necessary
14 to be applied to raise the funds budgeted for district
15 operations and expenditures. Any district millage may not
16 exceed 0.5 mills of assessed valuation of all properties
17 within the county which are subject to ad valorem county
18 taxes.

19 (c) After the budget of the district is certified and
20 delivered to the governing body of the county, it may not be
21 changed or modified by the governing body of the county or any
22 other authority.

23 (d) All tax money collected under this section, as
24 soon after collection as is reasonably practicable, shall be
25 paid directly to the council on seniors' services by the tax
26 collector of the county, or the clerk of the circuit court if
27 the clerk collects delinquent taxes.

28 (e)1. All moneys received by the council on seniors'
29 services shall be deposited in qualified public depositories,
30 as defined in section 280.02, Florida Statutes, with separate
31 and distinguishable accounts established specifically for the

1 council and shall be withdrawn only by checks signed by the
2 chair of the council and countersigned by one other member of
3 the council on seniors' services or by a chief executive
4 officer authorized by the council.

5 2. Upon entering the duties of office, the chair and
6 the other member of the council or chief executive officer who
7 signs its checks shall each give a surety bond in the sum of
8 at least \$1,000 for each \$1 million or portion thereof of the
9 council's annual budget, which bond shall be conditioned that
10 each shall faithfully discharge the duties of his or her
11 office. The premium on such bond may be paid by the district
12 as part of the expense of the council. No other member of the
13 council shall be required to give bond or other security.

14 3. Funds of the district may not be expended except by
15 check, and except expenditures from a petty cash account,
16 which may not at any time exceed \$100. All expenditures from
17 petty cash must be recorded on the books and records of the
18 council on seniors' services. Funds of the council on seniors'
19 services, excepting expenditures from petty cash, may not be
20 expended without prior approval of the council, in addition to
21 the budgeting thereof.

22 (f) Within 10 days, exclusive of weekends and legal
23 holidays, after the expiration of each quarter annual period,
24 the council on seniors' services shall prepare and file with
25 the governing body of the county a financial report that
26 includes:

27 1. The total expenditures of the council for the
28 quarter annual period.

29 2. The total receipts of the council during the
30 quarter annual period.

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

4 4. The total administrative costs of the council for
5 the quarter annual period.

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

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

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

28 (7)(a) Each county may by ordinance create a dependent
29 special district within the boundaries of the county for the
30 purpose of providing preventive, developmental, treatment, and
31 rehabilitative services for seniors. The district may seek

1 grants from state, federal, and local agencies and accept
2 donations from public and private sources, if the district
3 complies with paragraphs (1)(a) and (2)(b) and has a budget
4 that requires approval through an affirmative vote of the
5 governing body of the county or may be vetoed by the governing
6 body of the county.

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

19 (8) It is the intent of the Legislature that the funds
20 collected pursuant to this section be used to support
21 improvements in seniors' services and that such funds not be
22 used as a substitute for existing resources or for resources
23 that would otherwise be available for seniors' services.

24 (9) Two or more councils on seniors' services may
25 enter into a cooperative agreement to share administrative
26 costs, including, but not limited to, staff and office space,
27 if a more efficient or effective operation will result. The
28 cooperative agreement must include provisions on apportioning
29 costs between the councils, keeping separate and distinct
30 financial records for each council, and resolving any
31 conflicts that might arise under the cooperative agreement.

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

6 Section 2. This act shall take effect upon becoming a
7 law.

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10 SENATE SUMMARY

11 Authorizes a county to create an independent special
12 district to provide funding for seniors' services.
13 Requires approval by a majority vote of electors to
14 annually levy ad valorem taxes, not to exceed a certain
15 maximum. Creates a governing board for the special
16 district. Specifies the powers and functions of a council
17 on seniors' services. Requires each council to identify
18 and assess the needs of the seniors in the county served
19 by the council and to provide an annual written report to
20 the governing body of the county. Requires the council to
21 prepare a budget and compute the millage rate. Requires
22 the council to prepare and file a financial report with
23 the governing body of the county. Provides that a
24 district may be dissolved by a special act of the
25 Legislature or by ordinance by the governing body of the
26 county. (See bill for details.)
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