

By Senator Campbell

32-38-05

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 vice chair 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 budget
28 and to compute a 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; authorizing the
10 governing body of a county to 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 and accept donations from public
20 and private sources; providing legislative
21 intent with respect to the use of funds
22 collected by a council on seniors' services;
23 providing that two or more councils on seniors'
24 services may enter into a cooperative agreement
25 to share administrative costs, staff, and
26 office space and seek grants, accept donations,
27 or jointly fund programs serving multicounty
28 areas; providing an effective date.

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30 Be It Enacted by the Legislature of the State of Florida:
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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 and 200.001,
5 Florida Statutes, to provide funding for seniors' services
6 throughout the county in accordance with this section. The
7 boundaries of such district must be coterminous with the
8 boundaries of the county. The county governing body shall
9 obtain approval, by a majority vote of those electors voting
10 on the question, to annually levy ad valorem taxes that may
11 not exceed the maximum millage rate authorized by this
12 section. A district created under this subsection shall levy
13 and fix millage as provided in section 200.065, Florida
14 Statutes. Once the millage is approved by the electorate, the
15 district is not required to seek approval of the electorate in
16 future years to levy the previously approved millage.

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

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

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

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

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

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

3 2. Provide any other services for all seniors which
4 the council determines are needed for the general welfare of
5 the 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 that
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 district shall maintain the same fiscal
29 year 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 section 200.065, Florida Statutes,
6 relating to the method of fixing millage, and fix the final
7 millage rate by resolution of the council. The adopted budget
8 and final millage rate must be certified and delivered to the
9 governing body of the county as soon as possible following the
10 council's adoption of the final budget and millage rate under
11 chapter 200, Florida Statutes. Included in each certified
12 budget shall be the millage rate, adopted by resolution of the
13 council, necessary to be applied to raise the funds budgeted
14 for district operations and expenditures. District millage may
15 not exceed 0.5 mills of assessed valuation of all properties
16 within the county which are subject to ad valorem county
17 taxes.

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

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

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

1 chair of the council and countersigned by one other member of
2 the council on seniors' services or by a chief executive
3 officer authorized by the council.

4 2. Upon entering the duties of office, the chair and
5 the other member of the council or chief executive officer who
6 signs its checks shall each give a surety bond in the sum of
7 at least \$1,000 for each \$1 million or portion thereof of the
8 council's annual budget, which bond shall be conditioned upon
9 the faithful discharge of the duties of his or her office.

10 The premium on such bond may be paid by the district as part
11 of the expense of the council. Other members of the council
12 may not be required to give bond or other security.

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

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

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

28 2. The total receipts of the council during the
29 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 under this section may be
7 dissolved by a special act of the Legislature, or the county
8 governing body may by ordinance dissolve the district subject
9 to the approval of the electorate. If any district is
10 dissolved under 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 under 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 under this section shall
22 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 that may be vetoed by the
6 governing 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 that may be vetoed by the governing body of the
19 county.

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

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

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

8 Section 2. This act shall take effect upon becoming a
9 law.

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12 SENATE SUMMARY

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