



1 tentative budget; requiring that all tax moneys  
2 collected be paid directly to the senior  
3 council by the tax collector of the county and  
4 deposited in qualified public depositories;  
5 specifying expenditures of funds; requiring the  
6 senior council to prepare and file a financial  
7 report with the governing body of the county;  
8 providing that a district may be dissolved by a  
9 special act of the Legislature or by ordinance  
10 by the governing body of the county; specifying  
11 obligations of the county if a district is  
12 dissolved; authorizing the governing body of a  
13 county to fund the budget of the senior council  
14 from its own funds after or during the senior  
15 council's first year of operation; requiring a  
16 special district to comply with statutory  
17 requirements related to the filing of a  
18 financial or compliance report; renaming part V  
19 of chapter 125, F.S.; amending s. 189.404,  
20 F.S.; revising county authority to create an  
21 independent special district to include a  
22 reference to s. 125.903, F.S.; providing an  
23 effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Section 125.903, Florida Statutes, is  
28 created to read:

29 125.903 Services for seniors; independent special  
30 district; senior council; powers, duties, and functions.--

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1           (1) Each county may by ordinance create an independent  
2 special district, as defined in ss. 189.403(3) and  
3 200.001(8)(e), to provide funding for services for seniors  
4 throughout the county in accordance with this section. The  
5 ordinance shall create a district charter that addresses and  
6 contains the minimum requirements required by s. 189.404(3).  
7 The boundaries of the 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. The approval shall be obtained by submitting the  
13 question to a referendum of the qualified electors in the  
14 county. The referendum shall be held in conjunction with a  
15 regularly scheduled election, in accordance with ss. 100.342  
16 and 100.351. A district created under this subsection shall  
17 levy and fix millage as provided in s. 200.065. Once the  
18 millage is approved by the electorate, the district is not  
19 required to seek approval of the electorate in future years to  
20 levy the previously approved millage. For purposes of this  
21 section, the term "senior" means a person who is at least 60  
22 years of age.

23           (a) The governing body of the district shall be a  
24 senior council. The senior council shall consist of 11  
25 members, consisting of the executive director of the area  
26 agency on aging or his or her designee who is a director of  
27 senior programs; the county director of human services or his  
28 or her designee who is a director of elderly services; one  
29 member of the board of county commissioners; two nonvoting  
30 members of the legislative delegation for the county appointed  
31 by the delegation chair; two representatives of the Florida

1 League of Cities, and four members appointed by the Governor.  
2 The executive director of the area agency on aging and his or  
3 her designee and the county director of human services and his  
4 or her designee are permanent positions. The members appointed  
5 from the county commission, the legislative delegation, and  
6 the Florida League of Cities shall be appointed to 4-year  
7 terms each. The four members appointed by the Governor shall  
8 represent, to the greatest extent possible, the cultural  
9 diversity of the county's population. At least one of the  
10 gubernatorial designees must be an individual who is a  
11 caretaker for an elderly person and is 60 years of age or  
12 older. Recommendations for these memberships shall be provided  
13 by the county governing body. Three names shall be submitted  
14 for each vacancy, determined by category. The gubernatorial  
15 appointees shall be appointed to 4-year terms and may be  
16 reappointed for one additional term of office. The Governor  
17 shall make a selection within a 45-day period or request a new  
18 list of candidates. All members appointed by the Governor must  
19 have been residents of the county for the previous 24-month  
20 period. The length of the terms of the initial appointees  
21 shall be adjusted to stagger the terms. The Governor may  
22 remove a member for cause or upon the written petition of the  
23 county governing body. If any of the members of the senior  
24 council required to be appointed by the Governor resigns,  
25 dies, or is removed from office, the vacancy shall be filled  
26 by appointment by the Governor, using the same method as the  
27 original appointment, and such appointment to fill a vacancy  
28 shall be for the unexpired term of the member who resigns,  
29 dies, or is removed from office.

30 (b) This subsection does not prohibit a county from  
31 exercising the power authorized by general or special law to

1 provide services for seniors or to create a special district  
2 to provide those services.

3 (2)(a) Each senior council may:

4 1. Provide and maintain in the county the preventive,  
5 treatment, and rehabilitative services for seniors which the  
6 senior council determines are needed for the general welfare  
7 of seniors in the county.

8 2. Provide any other services which the senior council  
9 determines are needed for the general welfare of seniors in  
10 the county.

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

13 4. Collect information and statistical data and  
14 conduct research and assessments that will be helpful to the  
15 senior council and the county in deciding the needs of seniors  
16 in the county.

17 5. Consult and coordinate with other agencies  
18 dedicated to the welfare of seniors to the end that the  
19 overlapping of services will be prevented.

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

29 7. Employ, pay, and provide benefits for any part-time  
30 or full-time personnel needed to execute the foregoing powers  
31 and functions.

- 1           (b) Each senior council shall:
- 2           1. Immediately after the members are appointed, elect  
3 a chair and a vice chair from among its members and elect  
4 other officers as deemed necessary by the senior council.
- 5           2. Immediately after the members are appointed and  
6 officers are elected, identify and assess the needs of seniors  
7 in the county served by the senior council and submit to the  
8 governing body of each county a written description of:
- 9           a. The activities, services, and opportunities that  
10 will be provided to seniors.
- 11           b. The anticipated schedule for providing those  
12 activities, services, and opportunities.
- 13           c. The manner in which seniors will be served,  
14 including a description of arrangements and agreements that  
15 will be made with community organizations, state and local  
16 educational agencies, federal agencies, public assistance  
17 agencies, the court system, guardianship groups, and other  
18 applicable public and private agencies and organizations.
- 19           d. The special outreach efforts that will be  
20 undertaken to provide services to seniors who are at-risk,  
21 abused, or neglected and ailing.
- 22           e. The manner in which the senior council will seek  
23 and provide funding for unmet needs.
- 24           f. The strategy that will be used for interagency  
25 coordination to maximize existing human and fiscal resources.
- 26           3. Provide training and orientation to all new members  
27 sufficient to allow them to perform their duties.
- 28           4. Make and adopt bylaws and rules for the senior  
29 council's guidance, operation, governance, and maintenance, if  
30 such rules are not inconsistent with federal or state laws or  
31 county ordinances.

1           5. Provide an annual written report, to be presented  
2 no later than January 1, to the governing body of the county.

3 The annual report must contain, but need not be limited to:

4           a. Information on the effectiveness of activities,  
5 services, and programs offered by the senior council,  
6 including cost-effectiveness.

7           b. A detailed anticipated budget for continuation of  
8 activities, services, and programs offered by the senior  
9 council and a list of all sources of requested funding, both  
10 public and private.

11           c. Procedures used for early identification of at-risk  
12 seniors who need additional or continued services and methods  
13 for ensuring that the additional or continued services are  
14 received.

15           d. A description of the degree to which the senior  
16 council's objectives and activities are consistent with the  
17 goals of this section.

18           e. Detailed information on the various programs,  
19 services, and activities available to seniors and the degree  
20 to which the programs, services, and activities have been  
21 successfully used by seniors.

22           f. Information on programs, services, and activities  
23 that should be eliminated; programs, services, and activities  
24 that should be continued; and programs, services, and  
25 activities that should be added to the basic format of the  
26 senior council.

27           (c) The senior council shall maintain minutes of each  
28 meeting, including a record of all votes cast, and shall make  
29 such minutes available to any interested person.

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1       (d) Members of the senior council shall serve without  
2 compensation but are entitled to receive reimbursement for per  
3 diem and travel expenses consistent with s. 112.061.

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

6       (b) On or before July 1 of each year, the senior  
7 council shall prepare a tentative annual written budget of the  
8 district's expected income and expenditures, including a  
9 contingency fund. The senior council shall, in addition,  
10 compute a proposed millage rate within the voter-approved cap  
11 necessary to fund the tentative budget and, prior to adopting  
12 a final budget, comply with s. 200.065, relating to the method  
13 of fixing millage, and fix the final millage rate by  
14 resolution of the council. The adopted budget and final  
15 millage rate must be certified and delivered to the governing  
16 body of the county within 15 days after the council's adoption  
17 of the final budget and millage rate under chapter 200.  
18 Included in each certified budget shall be the millage rate,  
19 adopted by resolution of the senior council, necessary to be  
20 applied to raise the funds budgeted for district operations  
21 and expenditures. District millage may not exceed 0.5 mills of  
22 assessed valuation of all properties within the county that  
23 are subject to ad valorem county taxes.

24       (c) After the budget of the district is certified and  
25 delivered to the governing body of the county, the budget may  
26 not be changed or modified by the governing body of the county  
27 or any other authority.

28       (d) All taxes collected under this section, as soon  
29 after collection as is reasonably practicable, shall be paid  
30 directly to the senior council by the tax collector of the  
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1 county or the clerk of the circuit court, if the clerk  
2 collects delinquent taxes.

3 (e)1. All moneys received by the senior council shall  
4 be deposited in qualified public depositories, as defined in  
5 s. 280.02, with separate and distinguishable accounts  
6 established specifically for the senior council and may be  
7 withdrawn only by checks signed by the chair of the senior  
8 council and countersigned by one other member of the senior  
9 council or by a chief executive officer authorized by the  
10 senior council.

11 2. Upon entering the duties of office, the chair and  
12 the other member of the senior council or chief executive  
13 officer who signs its checks shall each give a surety bond in  
14 the sum of at least \$1,000 for each \$1 million or fraction  
15 thereof of the senior council's annual budget, which bond  
16 shall be conditioned upon the faithful discharge of the duties  
17 of his or her office. The premium on such bond may be paid by  
18 the district as part of the expense of the senior council.  
19 Other members of the senior council may not be required to  
20 give bond or other security.

21 3. Funds of the district may only be expended by  
22 check, except expenditures from a petty cash account, which  
23 account may not at any time exceed \$100. All expenditures from  
24 petty cash must be recorded on the books and records of the  
25 senior council. The funds of the senior council may not be  
26 expended without the prior approval of the senior council,  
27 except for expenditures paid from petty cash or for a check  
28 made payable for an amount no greater than \$5,000. Budgeted  
29 expenditures of \$5,000 or less which have not received prior  
30 council approval shall be authorized only after approval of  
31 the chief executive officer of the council and must be

1 reported in a written report filed with the senior council  
2 each month. For purposes of this section, an electronic wire  
3 transfer is deemed to be a check if written authorization for  
4 each wire transfer is obtained from the chairperson of the  
5 council and an authorized council member.

6 (f) Within 10 days, exclusive of weekends and legal  
7 holidays, after the expiration of each quarter-annual period,  
8 the senior council shall prepare and file with the governing  
9 body of the county a financial report that includes:

10 1. The total expenditures of the senior council for  
11 the quarter-annual period.

12 2. The total receipts of the senior council during the  
13 quarter-annual period.

14 3. A statement of the funds the senior council has on  
15 hand, has invested, or has deposited with qualified public  
16 depositories at the end of the quarter-annual period.

17 4. The total administrative costs of the senior  
18 council for the quarter-annual period.

19 (4) Any district created under this section may be  
20 dissolved by a special act of the Legislature, or the county  
21 governing body may by ordinance dissolve the district subject  
22 to the approval of the electorate. If any district is  
23 dissolved under this subsection, each county shall first  
24 obligate itself to assume the debts, liabilities, contracts,  
25 and outstanding obligations of the district within the total  
26 millage available to the county governing body for all county  
27 and municipal purposes as provided for under section 9,  
28 Article VII of the State Constitution. Any district may also  
29 be dissolved under s. 189.4042.

30 (5) After or during the first year of operation of the  
31 senior council, the governing body of the county, at its

1 option, may fund in whole or in part the budget of the senior  
2 council from its own funds.

3 (6) Any district created under this section shall  
4 comply with all other statutory requirements of general  
5 application that relate to the filing of any financial reports  
6 or compliance reports required under part III of chapter 218,  
7 or any other report or documentation required by law,  
8 including the requirements of ss. 189.415, 189.417, and  
9 189.418.

10 Section 2. Part V of chapter 125, Florida Statutes,  
11 consisting of sections 125.901, 125.902, and 125.903, Florida  
12 Statutes, and entitled "Children's Services," is renamed as  
13 "Human Services."

14 Section 3. Paragraph (b) of subsection (4) of section  
15 189.404, Florida Statutes, is amended to read:

16 189.404 Legislative intent for the creation of  
17 independent special districts; special act prohibitions; model  
18 elements and other requirements; general-purpose local  
19 government/Governor and Cabinet creation authorizations.--

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

24 (b) A county may create an independent special  
25 district which shall be adopted by a charter in accordance  
26 with s. 125.901, s. 125.903, or s. 154.331 or chapter 155, or  
27 which shall be established by ordinance in accordance with s.  
28 190.005, or as otherwise authorized by general law.

29 Section 4. This act shall take effect upon becoming a  
30 law.

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SENATE SUMMARY

Authorizes a county to create an independent special district to provide funding for services for seniors. Requires a district charter. Requires approval by a majority vote of electors to annually levy ad valorem taxes not to exceed a certain maximum. Requires a referendum. Creates a governing body for the special district. Specifies criteria for membership to the governing body and provides terms of office. Specifies the powers and functions of a senior council on services for seniors. Requires each senior council to appoint a chair and a vice chair and elect officers, to identify and assess the needs of the seniors in the county served by the senior council, to provide training and orientation to new members of the senior council, and to make and adopt bylaws and rules for the senior council's operation and governance. Requires an annual written report to the governing body of the county. Requires the senior council to maintain minutes of each meeting and to serve without compensation. Requires the senior council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget. Requires that moneys collected be paid directly to the senior council. Specifies expenditures of funds and requires the senior council to prepare and file a financial report with the governing body of the county. Provides that a district may be dissolved by a special act of the Legislature or by ordinance by the governing body of the county. Specifies obligations of the county if a district is dissolved. Requires a special district to comply with statutory requirements related to the filing of a financial or compliance report. (See bill for details.)