



641234

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/10/2009	.	
	.	
	.	
	.	

---

The Committee on Community Affairs (Deutch) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Services for seniors; independent special district; council; powers, duties, and functions.—

(1) DEFINITIONS.—As used in this section, the term “senior” means a person who is at least 60 years of age.

(2) SPECIAL DISTRICT.—Each county may, by ordinance, create an independent special district, as defined in ss. 189.403 and



641234

12 200.001, Florida Statutes, to provide county-wide funding for  
13 senior services. The boundaries of such district must be  
14 coterminous with the boundaries of the county.

15 (a) Upon adoption of the ordinance creating the district,  
16 the levy of ad valorem taxes at a rate not to exceed 0.5 mills  
17 of assessed valuation of all properties subject to ad valorem  
18 taxes within the county, which will be used to fund the  
19 district, must be placed on the ballot by the governing body of  
20 the county enacting the ordinance, and shall take effect if  
21 approved by a majority of the electors of the county voting in a  
22 referendum held for such purpose. The ballot for the referendum  
23 must conform to the requirements of s. 101.161, Florida  
24 Statutes.

25 (b) A district created under this section shall:

26 1. Levy and fix millage as provided in s. 200.065, Florida  
27 Statutes.

28 2. Maintain the same fiscal year as the county.

29 3. Comply with all other statutory requirements of general  
30 application which relate to the filing of any financial or  
31 compliance reports required under part III of chapter 218,  
32 Florida Statutes, or any other report or documentation required  
33 by law, including the requirements of ss. 189.415, 189.417, and  
34 189.418, Florida Statutes.

35 (c) The district may be dissolved by a special act of the  
36 Legislature, or the county governing body may, by ordinance,  
37 dissolve the district subject to approval by a majority of the  
38 electors in the county voting on the issue. A district may also  
39 be dissolved pursuant to s. 189.4042, Florida Statutes. Before  
40 dissolving a district, the county must obligate itself to assume



641234

41 the debts, liabilities, contracts, and outstanding obligations  
42 of the district within the total millage available to the county  
43 for all county and municipal purposes as provided under s. 9,  
44 Article VII of the State Constitution.

45 (d) This section does not prohibit a county from exercising  
46 such power as is provided by general or special law to provide  
47 or fund services for seniors.

48 (3) COUNCIL MEMBERSHIP.—

49 (a) The district shall be governed by a 10-member council  
50 consisting of:

51 1. Four permanent positions representing:

52 a. The executive director of the area agency on aging or a  
53 designee who is a director of senior programs in the county.

54 b. The county director of social services or a designee who  
55 is a director of services for the elderly.

56 c. The director of the Adult Services Program at the  
57 Department of Children and Family Services, or a designee.

58 d. The statewide services administrator at the Department  
59 of Health, or a designee who may be the senior administrator of  
60 the county health department.

61 2. Two members appointed for 2-year terms by a majority of  
62 the county governing body, one of whom shall represent the board  
63 of county commissioners and one of whom shall be the county  
64 representative of the Florida League of Cities.

65 3. Four members appointed by the Governor and representing,  
66 to the greatest extent possible, the cultural diversity of the  
67 county's population, of which at least one member is 60 years of  
68 age or older. All members appointed by the Governor must have  
69 been county residents during the previous 24 months.



641234

70 a. Three names shall be submitted to the Governor by the  
71 county governing body for each appointment. The Governor shall  
72 make a selection within 45 days following receipt or request a  
73 new list of candidates.

74 b. The appointees shall be appointed to 4-year terms and  
75 may be reappointed for one additional term of office. The length  
76 of the terms of the initial appointees shall be adjusted to  
77 stagger the terms.

78 c. The Governor may remove any of his or her appointees for  
79 cause or upon the written petition of the county governing body.  
80 If any council member appointed by the Governor resigns, dies,  
81 or is removed from office, the vacancy shall be filled by the  
82 Governor, using the same method as the original appointment, and  
83 the new member shall be appointed to the unexpired term of the  
84 member who resigns, dies, or is removed from office.

85 (b) Members of the council shall serve without  
86 compensation.

87 (4) COUNCIL DUTIES.—

88 (a) The council shall:

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

92 2. Immediately after the members are appointed and officers  
93 are elected, identify and assess the needs of seniors within the  
94 county and submit a written report to the county governing body  
95 which describes:

96 a. The activities, services, and opportunities that will be  
97 provided to seniors.

98 b. The manner in which seniors will be served, including a



641234

99 description of arrangements and agreements that will be made  
100 with community organizations, state and local educational  
101 agencies, federal agencies, public assistance agencies, the  
102 court system, guardianship groups, and other applicable public  
103 and private agencies and organizations.

104 c. The anticipated schedule for providing those activities,  
105 services, and opportunities.

106 d. The special outreach efforts that will be undertaken to  
107 provide services to seniors who are at risk, abused, or  
108 neglected, or who are ailing.

109 e. The manner in which the council will seek and obtain  
110 funding for unmet needs.

111 f. The strategy for interagency coordination in order to  
112 maximize existing human and fiscal resources.

113 3. Provide training and orientation to all new members to  
114 allow them to perform their duties.

115 4. Make and adopt bylaws and rules for the council's  
116 guidance, operation, governance, and maintenance which are  
117 consistent with applicable federal or state laws or county  
118 ordinances.

119 5. Provide an annual written report, to be presented no  
120 later than January 1, to the county governing body. At a  
121 minimum, the annual report must include:

122 a. Information on the effectiveness of activities,  
123 services, and programs offered by the district, including cost-  
124 effectiveness.

125 b. A detailed anticipated budget for the continuation of  
126 activities, services, and programs offered by the district and a  
127 list of all sources of requested funding.



641234

128 c. Procedures used for the early identification of at-risk  
129 seniors who need additional or continued services, and methods  
130 for ensuring that the additional or continued services are  
131 received.

132 d. A description of the degree to which the district's  
133 objectives and activities are consistent with the goals of this  
134 section.

135 e. Detailed information on the district's various programs,  
136 services, and activities available to seniors.

137 f. Information on the district's programs, services, and  
138 activities that should be eliminated; programs, services, and  
139 activities that should be continued; and programs, services, and  
140 activities that should be added to the basic responsibilities of  
141 the district.

142 (b) The council may:

143 1. Provide and maintain in the county the preventive,  
144 developmental, treatment, rehabilitative, and other services for  
145 seniors which the council determines are needed for the general  
146 welfare of such persons.

147 2. Allocate and provide funds to other county agencies that  
148 operate for the benefit of seniors.

149 3. Collect information and statistical data and conduct  
150 research and assessments that are helpful to the council and the  
151 county in determining the needs of seniors in the county.

152 4. Consult and coordinate with other agencies providing  
153 services dedicated to the welfare of seniors in order to prevent  
154 the duplication of services.

155 5. Seek grants from state, federal, and local agencies and  
156 accept donations from all sources.



641234

157           6. Lease or buy real estate, equipment, and personal  
158 property and construct buildings as needed to carry out the  
159 powers, functions, and duties of the district, except that such  
160 purchases may not be made or buildings constructed unless paid  
161 for with cash on hand or secured by funds deposited in a  
162 financial institution.

163           7. Employ, pay, and provide benefits for any part-time or  
164 full-time personnel needed to carry out the powers, functions,  
165 and duties of the district.

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

169           (d) Two or more councils may enter into a cooperative  
170 agreement to:

171           1. Share administrative costs, including staff and office  
172 space, if a more efficient or effective operation will result.  
173 The cooperative agreement must include provisions for  
174 apportioning costs between the councils, keeping separate and  
175 distinct financial records for each council, and resolving any  
176 conflicts that might arise under the agreement.

177           2. Seek grants, accept donations, or jointly fund programs  
178 serving multicounty areas. The cooperative agreement must  
179 include provisions for the adequate accounting of separate and  
180 joint funds.

181           (5) DISTRICT BUDGET.—

182           (a) On or before July 1 of each year, the council shall,  
183 pursuant to s. 189.418, Florida Statutes, prepare a tentative  
184 annual budget of the district's expected income and expenditures  
185 including a contingency fund. In addition, the council shall



641234

186 compute a proposed millage rate not to exceed 0.5 mills of  
187 assessed value as necessary to fund the tentative budget. The  
188 council must comply with the requirements of s. 200.065, Florida  
189 Statutes.

190 (b) After the district's budget is certified and delivered  
191 to the county governing body, the budget may not be changed or  
192 modified by the governing body or any other authority.

193 (c) As soon after collection as is reasonably practicable,  
194 all taxes collected under this section shall be paid directly to  
195 the district by the county's revenue-collection entity.

196 (d) All moneys received by the district must be deposited  
197 in qualified public depositories, as defined in s. 280.02,  
198 Florida Statutes, with separate and distinguishable accounts  
199 established specifically for the district, and may be withdrawn  
200 only by checks signed by the chair of the council and  
201 countersigned by one other member of the council or by a chief  
202 executive officer authorized by the council.

203 1. Upon taking office, the chair and the other member of  
204 the council or chief executive officer authorized to sign checks  
205 shall each file a surety bond in the sum of at least \$1,000 for  
206 each \$1 million, or portion thereof, of the district's annual  
207 budget, which shall be conditioned upon the faithful discharge  
208 of the duties of his or her office. The premium on such bond may  
209 be paid by the district as part of the expenses of the council.  
210 Other members of the council are not required to give bond or  
211 other security.

212 2. Funds of the district may not be expended except by  
213 check, except for expenditures of up to \$100 which may be made  
214 from a petty cash account. All expenditures from petty cash must





641234

215 be recorded on the books and records of the council. District  
216 funds, except expenditures from petty cash, may not be expended  
217 without prior approval of the council, in addition to the  
218 budgeting thereof.

219 (e) Within 10 business days after the expiration of each  
220 annual quarter, the council shall prepare and file with the  
221 county governing body a financial report that includes:

- 222 1. The council's total expenditures for the quarter.  
223 2. The council's total receipts during the quarter.  
224 3. A statement of the funds the council has on hand, has  
225 invested, or has deposited with qualified public depositories at  
226 the end of the quarter.  
227 4. The council's total administrative costs for the  
228 quarter.

229 (f) The council may not require any service provider to  
230 provide additional matching funds as a condition of the council  
231 or district providing services or programs to seniors.

232 (g) It is the intent of the Legislature that the funds  
233 collected pursuant to this section be used to support  
234 improvements in services for seniors and that such funds not be  
235 used as a substitute for existing resources or for resources  
236 that would otherwise be available for such services.

237 Section 2. The Division of Statutory Revision is requested  
238 to place this section in part V of chapter 125, Florida  
239 Statutes, and to appropriately retitle that part.

240 Section 3. This act shall take effect July 1, 2009.

241  
242 ===== T I T L E A M E N D M E N T =====

243 And the title is amended as follows:



641234

244 Delete everything before the enacting clause  
245 and insert:

246 A bill to be entitled  
247 An act relating to senior services; providing  
248 definitions; authorizing a county to create an  
249 independent special district by ordinance to provide  
250 funding for services for seniors; requiring approval  
251 by a majority vote of electors to annually levy ad  
252 valorem taxes; requiring the district to comply with  
253 statutory requirements related to the levying and  
254 fixing millage and filing financial or compliance  
255 reports; providing for the dissolution of the  
256 district; creating a governing council for the  
257 district; specifying criteria for membership to the  
258 council; providing terms of office; requiring the  
259 council members to serve without compensation;  
260 specifying the powers and functions of the council;  
261 requiring the council to appoint a chair and vice  
262 chair and elect other officers, identify and assess  
263 the needs of seniors, provide training and orientation  
264 to new members of the council, make and adopt bylaws  
265 and rules for the council's operation and governance,  
266 and provide an annual report to the county governing  
267 body; requiring the council to maintain minutes of  
268 each meeting; authorizing two or more councils to  
269 enter into cooperative agreements; requiring the  
270 council to prepare a tentative annual budget and to  
271 compute a millage rate to fund the district; requiring  
272 that all tax moneys collected be paid directly to the



641234

273 council by the county tax collector and be deposited  
274 in qualified public depositories; requiring certain  
275 members to file a surety bond; specifying expenditures  
276 of funds; requiring the council to prepare and file  
277 quarterly financial reports with the county governing  
278 body; prohibiting the council from requiring certain  
279 matching funds; providing legislative intent with  
280 respect to the use of funds collected by the council;  
281 providing a directive to the Division of Statutory  
282 Revision; providing an effective date.