

By Senator Rich

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1 A bill to be entitled
2 An act relating to senior services; providing
3 definitions; authorizing a county to create an
4 independent special district by ordinance to provide
5 funding for services for seniors; requiring approval
6 by a majority vote of electors to annually levy ad
7 valorem taxes; requiring the district to comply with
8 statutory requirements related to the filing of
9 financial or compliance reports; providing for the
10 dissolution of the district; creating a governing
11 council for the district; specifying criteria for
12 membership to the council; providing terms of office;
13 requiring the council to serve without compensation;
14 specifying the powers and functions of the council;
15 requiring the council to appoint a chair and vice
16 chair and elect other officers, identify and assess
17 the needs of seniors, provide training and orientation
18 to new members of the council, make and adopt bylaws
19 and rules for the council's operation and governance,
20 and provide an annual report to the county governing
21 body; requiring the council to maintain minutes of
22 each meeting; authorizing two or more councils to
23 enter into cooperative agreements; requiring the
24 council to prepare a tentative annual budget and to
25 compute a millage rate to fund the tentative budget;
26 requiring that all tax moneys collected be paid
27 directly to the council by the county tax collector
28 and be deposited in qualified public depositories;
29 specifying expenditures of funds; requiring the

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30 council to prepare and file quarterly financial
31 reports to the county governing body; authorizing the
32 county governing body to fund the budget of the
33 council from its own funds after or during the
34 council's first year of operation; prohibiting the
35 council from requiring certain matching funds;
36 providing legislative intent with respect to the use
37 of funds collected by the council; providing a
38 directive to the Division of Statutory Revision;
39 providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Services for seniors; independent special
44 district; council; powers, duties, and functions.-

45 (1) DEFINITIONS.-As used in this section, the term "senior"
46 means a person who is at least 60 years of age.

47 (2) SPECIAL DISTRICT.-Each county may, by ordinance, create
48 an independent special district, as defined in ss. 189.403 and
49 200.001, Florida Statutes, to provide county-wide funding for
50 senior services.

51 (a) The boundaries of such district must be coterminous
52 with the boundaries of the county.

53 (b) The county governing body must obtain approval, by a
54 majority vote of electors voting on the question, to annually
55 levy ad valorem taxes within the maximum millage rate authorized
56 by this section. A district created pursuant to this section,
57 shall levy and fix millage as provided in s. 200.065, Florida
58 Statutes. Once the millage is approved, the district need not

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59 seek the electorate's approval to levy the approved millage in
60 future years.

61 (c) A district shall maintain the same fiscal year as the
62 county.

63 (d) A district shall comply with all other statutory
64 requirements of general application which relate to the filing
65 of any financial or compliance reports required under part III
66 of chapter 218, Florida Statutes, or any other report or
67 documentation required by law, including the requirements of ss.
68 189.415, 189.417, and 189.418, Florida Statutes.

69 (e) A district may be dissolved by a special act of the
70 Legislature, or the county governing body may by ordinance
71 dissolve the district subject to the approval of the electorate.
72 A district may also be dissolved pursuant to s. 189.4042,
73 Florida Statutes. If a district is dissolved, the county must
74 first obligate itself to assume the debts, liabilities,
75 contracts, and outstanding obligations of the district within
76 the total millage available to the county for all county and
77 municipal purposes as provided under s. 9, Art. VII of the State
78 Constitution.

79 (f) This section does not prohibit a county from exercising
80 such power as is provided by general or special law to provide
81 or fund services for seniors.

82 (3) COUNCIL MEMBERSHIP.—

83 (a) The district shall be governed by a 9-member council
84 consisting of:

85 1. Two permanent positions representing:

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

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88 b. The county director of social services or a designee who
89 is a director of elderly services.

90 2. Three members appointed for 2-year terms representing:

91 a. The county governing body.

92 b. The county's legislative delegation appointed by the
93 delegation chair, and who is a nonvoting member.

94 c. The League of Cities in the county.

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

100 a. Three names shall be submitted to the Governor by the
101 county governing body for each vacancy. The Governor shall make
102 a selection within 45 days following receipt or request a new
103 list of candidates.

104 b. The appointees shall be appointed to 4-year terms and
105 may be reappointed for one additional term of office. The length
106 of the terms of the initial appointees shall be adjusted to
107 stagger the terms.

108 c. The Governor may remove a member for cause or upon the
109 written petition of the county governing body. If any council
110 member appointed by the Governor resigns, dies, or is removed
111 from office, the vacancy shall be filled by appointment by the
112 Governor, using the same method as the original appointment, and
113 such appointment shall be for the unexpired term of the member
114 who resigns, dies, or is removed from office.

115 (b) Members of the council shall serve without
116 compensation, but are entitled to receive reimbursement for per

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117 diem and travel expenses consistent with s. 112.061, Florida
118 Statutes.

119 (4) COUNCIL DUTIES.—

120 (a) The council shall:

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

124 2. Immediately after the members are appointed and officers
125 are elected, identify and assess the needs of seniors within the
126 county and submit a written report to the county governing body
127 which describes:

128 a. The activities, services, and opportunities that will be
129 provided to seniors.

130 b. The manner in which seniors will be served, including a
131 description of arrangements and agreements that will be made
132 with community organizations, state and local educational
133 agencies, federal agencies, public assistance agencies, the
134 court system, guardianship groups, and other applicable public
135 and private agencies and organizations.

136 c. The anticipated schedule for providing those activities,
137 services, and opportunities.

138 d. The special outreach efforts that will be undertaken to
139 provide services to seniors who are at risk, abused, or
140 neglected, or who are ailing.

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

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

145 3. Provide training and orientation to all new members to

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146 allow them to perform their duties.

147 4. Make and adopt bylaws and rules for the council's
148 guidance, operation, governance, and maintenance which are
149 consistent with applicable federal or state laws or county
150 ordinances.

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

154 a. Information on the effectiveness of activities,
155 services, and programs offered by the district, including cost-
156 effectiveness.

157 b. A detailed anticipated budget for the continuation of
158 activities, services, and programs offered by the district and a
159 list of all sources of requested funding, both public and
160 private.

161 c. Procedures used for the early identification of at-risk
162 seniors who need additional or continued services, and methods
163 for ensuring that the additional or continued services are
164 received.

165 d. A description of the degree to which the council's
166 objectives and activities are consistent with the goals of this
167 section.

168 e. Detailed information on the various programs, services,
169 and activities available to seniors.

170 f. Information on programs, services, and activities that
171 should be eliminated; programs, services, and activities that
172 should be continued; and programs, services, and activities that
173 should be added to the basic format of the council.

174 (b) The council may:

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175 1. Provide and maintain in the county the preventive,
176 developmental, treatment, and rehabilitative services for
177 seniors which the council determines are needed for the general
178 welfare of such persons.

179 2. Provide any other services that the council determines
180 are needed for the general welfare of seniors in the county.

181 3. Allocate and provide funds to other county agencies that
182 operate for the benefit of seniors.

183 4. Collect information and statistical data and conduct
184 research and assessments that are helpful to the council and the
185 county in determining the needs of seniors in the county.

186 5. Consult and coordinate with other agencies dedicated to
187 the welfare of seniors in order to prevent the duplication of
188 services.

189 6. Seek grants from state, federal, and local agencies and
190 accept donations from public and private sources.

191 7. Lease or buy real estate, equipment, and personal
192 property and construct buildings as needed to carry out the
193 powers, functions, and duties of the district, except that such
194 purchases may not be made or buildings constructed unless paid
195 for with cash on hand or secured by funds deposited in a
196 financial institution. This subparagraph does not authorize a
197 district to issue bonds of any nature, and a district may not
198 require the imposition of a bond by the county governing body.

199 8. Employ, pay, and provide benefits for any part-time or
200 full-time personnel needed to carry out the powers, functions,
201 and duties of the district.

202 (c) The council shall maintain minutes of each meeting,
203 including a record of all votes cast, and shall make such

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204 minutes available to any interested person.

205 (d) Two or more councils may enter into a cooperative
206 agreement to:

207 1. Share administrative costs, including staff and office
208 space, if a more efficient or effective operation will result.
209 The cooperative agreement must include provisions for
210 apportioning costs between the councils, keeping separate and
211 distinct financial records for each council, and resolving any
212 conflicts that might arise under the agreement.

213 2. Seek grants, accept donations, or jointly fund programs
214 serving multicounty areas. The cooperative agreement must
215 include provisions for the adequate accounting of separate and
216 joint funds.

217 (5) COUNCIL BUDGET.—

218 (a) On or before July 1 of each year, the council shall
219 prepare a tentative annual written budget of the district's
220 expected income and expenditures, including a contingency fund.
221 In addition, the council shall compute a proposed millage rate
222 within the voter-approved cap necessary to fund the tentative
223 budget and, prior to adopting a final budget, comply with s.
224 200.065, Florida Statutes, relating to the method of fixing
225 millage, and fix the final millage rate by resolution of the
226 council. The adopted budget and final millage rate must be
227 certified and delivered to the county governing body as soon as
228 possible following the council's adoption of the final budget
229 and millage rate under chapter 200, Florida Statutes. The
230 millage rate, adopted by the council, necessary to raise the
231 funds budgeted for district operations and expenditures must be
232 included in each certified budget. District millage may not

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233 exceed 0.5 mills of assessed valuation of all properties within
234 the county which are subject to ad valorem county taxes.

235 (b) After the budget of the district is certified and
236 delivered to the county governing body, the budget may not be
237 changed or modified by the governing body or any other
238 authority.

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

242 (d) All moneys received by the council must be deposited in
243 qualified public depositories, as defined in s. 280.02, Florida
244 Statutes, with separate and distinguishable accounts established
245 specifically for the council, and may be withdrawn only by
246 checks signed by the chair of the council and countersigned by
247 one other member of the council or by a chief executive officer
248 authorized by the council.

249 1. Upon taking office, the chair and the other member of
250 the council or chief executive officer authorized to sign checks
251 shall each file a surety bond in the sum of at least \$1,000 for
252 each \$1 million, or portion thereof, of the council's annual
253 budget, which shall be conditioned upon the faithful discharge
254 of the duties of his or her office. The premium on such bond may
255 be paid by the district as part of the expenses of the council.
256 Other members of the council are not required to give bond or
257 other security.

258 2. Funds of the district may not be expended except by
259 check, except expenditures from a petty cash account that may
260 not exceed \$100. All expenditures from petty cash must be
261 recorded on the books and records of the council. Funds of the

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262 council, except expenditures from petty cash, may not be
263 expended without prior approval of the council, in addition to
264 the budgeting thereof.

265 (e) After the expiration of each annual quarter, within 10
266 business days, the council shall prepare and file with the
267 county governing body a financial report that includes:

268 1. The council's total expenditures for the quarter.
269 2. The council's total receipts during the quarter.
270 3. A statement of the funds the council has on hand, has
271 invested, or has deposited with qualified public depositories at
272 the end of the quarter.

273 4. The council's total administrative costs for the
274 quarter.

275 (f) After or during the first year of operation of the
276 council, the county governing body may fund in whole or in part
277 the council's budget from its own funds.

278 (g) The council may not require any public or private
279 service provider to provide additional matching funds as a
280 condition of the council's or district's providing services or
281 programs to seniors.

282 (h) It is the intent of the Legislature that the funds
283 collected pursuant to this section be used to support
284 improvements in services for seniors and that such funds not be
285 used as a substitute for existing resources or for resources
286 that would otherwise be available for such services.

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

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