

By the Committee on Children, Families, and Elder Affairs; and
Senators Rich and Bennett

586-03473-09

2009666c1

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 levying and
9 fixing millage and filing financial or compliance
10 reports; providing for the dissolution of the
11 district; creating a governing council for the
12 district; specifying criteria for membership to the
13 council; providing terms of office; requiring the
14 council members to serve without compensation;
15 specifying the powers and functions of the council;
16 requiring the council to appoint a chair and vice
17 chair and elect other officers, identify and assess
18 the needs of seniors, provide training and orientation
19 to new members of the council, make and adopt bylaws
20 and rules for the council's operation and governance,
21 and provide an annual report to the county governing
22 body; requiring the council to maintain minutes of
23 each meeting; authorizing two or more councils to
24 enter into cooperative agreements; requiring the
25 council to prepare a tentative annual budget and to
26 compute a millage rate to fund the district; requiring
27 that all tax moneys collected be paid directly to the
28 council by the county tax collector and be deposited
29 in qualified public depositories; requiring certain

586-03473-09

2009666c1

30 members to file a surety bond; specifying expenditures
31 of funds; requiring the council to prepare and file
32 quarterly financial reports with the county governing
33 body; prohibiting the council from requiring certain
34 matching funds; providing legislative intent with
35 respect to the use of funds collected by the council;
36 providing a directive to the Division of Statutory
37 Revision; providing an effective date.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Services for seniors; independent special
42 district; council; powers, duties, and functions.-

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

45 (2) SPECIAL DISTRICT.-Each county may, by ordinance, create
46 an independent special district, as defined in ss. 189.403 and
47 200.001, Florida Statutes, to provide countywide funding for
48 senior services. The boundaries of such district must be
49 coterminous with the boundaries of the county.

50 (a) Upon adoption of the ordinance creating the district,
51 the levy of ad valorem taxes at a rate not to exceed 0.5 mills
52 of assessed valuation of all properties subject to ad valorem
53 taxes within the county, which will be used to fund the
54 district, must be placed on the ballot by the governing body of
55 the county enacting the ordinance, and shall take effect if
56 approved by a majority of the electors of the county voting in a
57 referendum held for such purpose. The ballot for the referendum
58 must conform to the requirements of s. 101.161, Florida

586-03473-09

2009666c1

59 Statutes.

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

61 1. Levy and fix millage as provided in s. 200.065, Florida
62 Statutes.

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

64 3. Comply with all other statutory requirements of general
65 application which relate to the filing of any financial or
66 compliance reports required under part III of chapter 218,
67 Florida Statutes, or any other report or documentation required
68 by law, including the requirements of ss. 189.415, 189.417, and
69 189.418, Florida Statutes.

70 (c) The district may be dissolved by a special act of the
71 Legislature, or the county governing body may, by ordinance,
72 dissolve the district subject to approval by a majority of the
73 electors in the county voting on the issue. A district may also
74 be dissolved pursuant to s. 189.4042, Florida Statutes. Before
75 dissolving a district, the county must obligate itself to assume
76 the debts, liabilities, contracts, and outstanding obligations
77 of the district within the total millage available to the county
78 for all county and municipal purposes as provided under s. 9,
79 Article VII of the State Constitution.

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

83 (3) COUNCIL MEMBERSHIP.—

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

86 1. Four permanent positions representing:

87 a. The executive director of the area agency on aging or a

586-03473-09

2009666c1

88 designee who is a director of senior programs in the county.

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

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

93 d. The statewide services administrator at the Department
94 of Health, or a designee who may be the senior administrator of
95 the county health department.

96 2. Two members appointed for 2-year terms by a majority of
97 the county governing body, one of whom shall represent the board
98 of county commissioners and one of whom shall be the county
99 representative of the Florida League of Cities.

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

105 a. Three names shall be submitted to the Governor by the
106 county governing body for each appointment. The Governor shall
107 make a selection within 45 days following receipt or request a
108 new list of candidates.

109 b. The appointees shall be appointed to 4-year terms and
110 may be reappointed for one additional term of office. The length
111 of the terms of the initial appointees shall be adjusted to
112 stagger the terms.

113 c. The Governor may remove any of his or her appointees for
114 cause or upon the written petition of the county governing body.
115 If any council member appointed by the Governor resigns, dies,
116 or is removed from office, the vacancy shall be filled by the

586-03473-09

2009666c1

117 Governor, using the same method as the original appointment, and
118 the new member shall be appointed to the unexpired term of the
119 member who resigns, dies, or is removed from office.

120 (b) Members of the council shall serve without
121 compensation.

122 (4) COUNCIL DUTIES.—

123 (a) The council shall:

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

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

131 a. The activities, services, and opportunities that will be
132 provided to seniors.

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

139 c. The anticipated schedule for providing those activities,
140 services, and opportunities.

141 d. The special outreach efforts that will be undertaken to
142 provide services to seniors who are at risk, abused, or
143 neglected, or who are ailing.

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

586-03473-09

2009666c1

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

148 3. Provide training and orientation to all new members to
149 allow them to perform their duties.

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

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

157 a. Information on the effectiveness of activities,
158 services, and programs offered by the district, including cost-
159 effectiveness.

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

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

167 d. A description of the degree to which the district's
168 objectives and activities are consistent with the goals of this
169 section.

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

172 f. Information on the district's programs, services, and
173 activities that should be eliminated; programs, services, and
174 activities that should be continued; and programs, services, and

586-03473-09

2009666c1

175 activities that should be added to the basic responsibilities of
176 the district.

177 (b) The council may:

178 1. Provide and maintain in the county the preventive,
179 developmental, treatment, rehabilitative, and other services for
180 seniors which the council determines are needed for the general
181 welfare of such persons.

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

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

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

190 5. Seek grants from state, federal, and local agencies and
191 accept donations from all sources.

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

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

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

586-03473-09

2009666c1

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

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

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

216 (5) DISTRICT BUDGET.—

217 (a) On or before July 1 of each year, the council shall,
218 pursuant to s. 189.418, Florida Statutes, prepare a tentative
219 annual budget of the district's expected income and expenditures
220 including a contingency fund. In addition, the council shall
221 compute a proposed millage rate not to exceed 0.5 mills of
222 assessed value as necessary to fund the tentative budget. The
223 council must comply with the requirements of s. 200.065, Florida
224 Statutes.

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

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

231 (d) All moneys received by the district must be deposited
232 in qualified public depositories, as defined in s. 280.02,

586-03473-09

2009666c1

233 Florida Statutes, with separate and distinguishable accounts
234 established specifically for the district, and may be withdrawn
235 only by checks signed by the chair of the council and
236 countersigned by one other member of the council or by a chief
237 executive officer authorized by the council.

238 1. Upon taking office, the chair and the other member of
239 the council or chief executive officer authorized to sign checks
240 shall each file a surety bond in the sum of at least \$1,000 for
241 each \$1 million, or portion thereof, of the district's annual
242 budget, which shall be conditioned upon the faithful discharge
243 of the duties of his or her office. The premium on such bond may
244 be paid by the district as part of the expenses of the council.
245 Other members of the council are not required to give bond or
246 other security.

247 2. Funds of the district may not be expended except by
248 check, except for expenditures of up to \$100, which may be made
249 from a petty cash account. All expenditures from petty cash must
250 be recorded on the books and records of the council. District
251 funds, except expenditures from petty cash, may not be expended
252 without prior approval of the council, in addition to the
253 budgeting thereof.

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

- 257 1. The council's total expenditures for the quarter.
258 2. The council's total receipts during the quarter.
259 3. A statement of the funds the council has on hand, has
260 invested, or has deposited with qualified public depositories at
261 the end of the quarter.

586-03473-09

2009666c1

262 4. The council's total administrative costs for the
263 quarter.

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

267 (g) It is the intent of the Legislature that the funds
268 collected pursuant to this section be used to support
269 improvements in services for seniors and that such funds not be
270 used as a substitute for existing resources or for resources
271 that would otherwise be available for such services.

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

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