

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

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

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

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

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

44 (2) SPECIAL DISTRICT.--Each county may create by ordinance
 45 an independent special district, as defined in ss. 189.403 and
 46 200.001, Florida Statutes, to provide countywide funding for
 47 senior services.

48 (a) The boundaries of such district must be coterminous
 49 with the boundaries of the county.

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

57 | future years.

58 | (c) A district shall maintain the same fiscal year as the
 59 | county.

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

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

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

79 | (3) COUNCIL MEMBERSHIP.--

80 | (a) The district shall be governed by a 9-member council
 81 | consisting of:

82 | 1. Two permanent positions representing:

83 | a. The executive director of the area agency on aging or a
 84 | designee who is a director of senior programs in the county.

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85 b. The county director of social services or a designee
86 who is a director of elderly services.

87 2. Three members each appointed for 2-year terms
88 representing:

89 a. The county governing body.

90 b. The county's legislative delegation appointed by the
91 delegation chair, who is a nonvoting member.

92 c. The League of Cities in the county.

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

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

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

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

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113 who resigns, dies, or is removed from office.

114 (b) Members of the council shall serve without
115 compensation, but are entitled to receive reimbursement for per
116 diem and travel expenses consistent with s. 112.061, Florida
117 Statutes.

118 (4) COUNCIL DUTIES.--

119 (a) The council shall:

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

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

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

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

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

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

140 e. The manner in which the council will seek and obtain

141 funding for unmet needs.

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

144 3. Provide training and orientation to all new members to
 145 allow them to perform their duties.

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

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

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

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

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

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

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

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

173 (b) The council may:

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

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

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

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

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

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

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

197 require the imposition of a bond by the county governing body.

198 8. 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.

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) COUNCIL BUDGET.--

217 (a) On or before July 1 of each year, the council shall
 218 prepare a tentative annual written budget of the district's
 219 expected income and expenditures, including a contingency fund.
 220 In addition, the council shall compute a proposed millage rate
 221 within the voter-approved cap necessary to fund the tentative
 222 budget and, prior to adopting a final budget, comply with s.
 223 200.065, Florida Statutes, relating to the method of fixing
 224 millage, and fix the final millage rate by resolution of the

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225 council. The adopted budget and final millage rate must be
226 certified and delivered to the county governing body as soon as
227 possible following the council's adoption of the final budget
228 and millage rate under chapter 200, Florida Statutes. The
229 adopted millage rate necessary to raise the funds budgeted for
230 district operations and expenditures must be included in each
231 certified budget. District millage may not exceed 0.5 mills of
232 assessed valuation of all properties within the county that are
233 subject to ad valorem county taxes.

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

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

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

248 1. Upon taking office, the chair and the other member of
249 the council or the chief executive officer authorized to sign
250 checks shall each file a surety bond in the sum of at least
251 \$1,000 for each \$1 million, or portion thereof, of the council's
252 annual budget, which shall be conditioned upon the faithful

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253 discharge of the duties of his or her office. The premium on
254 such bond may be paid by the district as part of the expenses of
255 the council. Other members of the council are not required to
256 give bond or other security.

257 2. Funds of the district may be expended only by check,
258 except expenditures from a petty cash account that may not
259 exceed \$100. All expenditures from petty cash must be recorded
260 on the books and records of the council. Funds of the council,
261 except expenditures from petty cash, may be expended only after
262 prior approval of the council, in addition to the budgeting
263 thereof.

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

267 1. The council's total expenditures for the quarter.

268 2. The council's total receipts during the quarter.

269 3. A statement of the funds the council has on hand, has
270 invested, or has deposited with qualified public depositories at
271 the end of the quarter.

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

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

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

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

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

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