

By the Committee on Finance and Tax; and Senator Rich

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1 A bill to be entitled
2 An act relating to senior services; providing a
3 definition; 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 levying and fixing
9 millage and filing financial or compliance reports;
10 providing for the dissolution of the district;
11 creating a governing council for the district;
12 specifying criteria for membership to the council;
13 providing terms of office; requiring the council
14 members to serve without compensation; specifying the
15 powers and functions of the council; requiring the
16 council to appoint a chair and vice chair and elect
17 other officers, identify and assess the needs of
18 seniors, provide training and orientation to new
19 members of the council, make and adopt bylaws and
20 rules for the council's operation and governance, and
21 provide an annual report to the county governing body;
22 authorizing two or more districts to enter into
23 cooperative agreements; requiring the council to
24 maintain minutes of each meeting; requiring the
25 council to prepare a tentative annual budget and
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

593-02944-10

2010146c1

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:

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41 Section 1. Services for seniors; special district.-

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

44 (2) SPECIAL DISTRICT.-Each county may, by ordinance, create
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. The boundaries of such district must be
48 coterminous with the boundaries of the county.

49 (a) The county governing board shall obtain approval, by a
50 majority vote of the electors, to establish the district having
51 authority to annually levy ad valorem taxes, which shall not
52 exceed 0.5 mills of assessed valuation of all properties subject
53 to ad valorem taxes within the county. The ballot for the
54 referendum must conform to the requirements of s. 101.161,
55 Florida Statutes.

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

57 1. Levy and fix millage as provided in s. 200.065, Florida
58 Statutes.

593-02944-10

2010146c1

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

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

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

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

79 (3) COUNCIL MEMBERSHIP.—

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

82 1. Four 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.

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

87 c. The director of the Adult Services Program at the

593-02944-10

2010146c1

88 Department of Children and Family Services, or a designee.

89 d. The statewide services administrator at the Department
90 of Health, or a designee who may be the senior administrator of
91 the county health department.

92 2. Two members appointed for 2-year terms by a majority of
93 the county governing body, one of whom shall represent the board
94 of county commissioners and one of whom shall be the county
95 representative of the Florida League of Cities.

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

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

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

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

116 (b) Members of the council shall serve without

593-02944-10

2010146c1

117 compensation.

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 officers are elected, identify and
124 assess the needs of seniors within the county and submit a
125 written report to the county governing body which describes:

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

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

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

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

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

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

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

145 4. Make and adopt bylaws and rules for the council's

593-02944-10

2010146c1

146 guidance, operation, governance, and maintenance which are
147 consistent with applicable federal or state laws or county
148 ordinances.

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

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

155 b. A detailed anticipated budget for the continuation of
156 activities, services, and programs offered by the district and a
157 list of all sources of funding.

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

162 d. A description of the degree to which the district's
163 objectives and activities are meeting the goals of this section.

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

166 f. Information on district programs, services, and
167 activities that should be eliminated; programs, services, and
168 activities that should be continued; and programs, services, and
169 activities that should be added to the basic responsibilities of
170 the district.

171 (b) The council may:

172 1. Provide and maintain in the county the preventive,
173 developmental, treatment, rehabilitative, and other services for
174 seniors which the council determines are needed for the general

593-02944-10

2010146c1

175 welfare of such persons.

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

178 3. Collect information and statistical data and conduct
179 research and assessments that are helpful to the council and the
180 county in determining the needs of seniors in the county.

181 4. Consult and coordinate with other agencies providing
182 services dedicated to the welfare of seniors in order to prevent
183 the duplication of services.

184 5. Seek grants from state, federal, and local agencies and
185 accept donations from all sources.

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

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

195 (c) Two or more districts may enter into a cooperative
196 agreement to:

197 1. Share administrative costs, including staff and office
198 space, if a more efficient or effective operation will result.
199 The cooperative agreement must include provisions for
200 apportioning costs between the districts, keeping separate and
201 distinct financial records for each district, and resolving any
202 conflicts that might arise under the agreement.

203 2. Seek grants, accept donations, or jointly fund programs

593-02944-10

2010146c1

204 servicing multicounty areas. The cooperative agreement must
205 include provisions for the adequate accounting of separate and
206 joint funds.

207 (d) The council shall maintain minutes of each meeting,
208 including a record of all votes cast, and shall make such
209 minutes available to any interested person.

210 (5) DISTRICT BUDGET.—

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

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

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

225 (d) All moneys received by the district must be deposited
226 in qualified public depositories, as defined in s. 280.02,
227 Florida Statutes, with separate and distinguishable accounts
228 established specifically for the district, and may be withdrawn
229 only by checks signed by the chair of the council and
230 countersigned by one other member of the council or by a chief
231 executive officer authorized by the council.

232 1. Upon taking office, the chair and the other member of

593-02944-10

2010146c1

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

241 2. Funds of the district may not be expended except by
242 check, except for expenditures of up to \$100, which may be made
243 from a petty cash account. All expenditures from petty cash must
244 be recorded on the books and records of the council. District
245 funds, except expenditures from petty cash, may not be expended
246 without prior approval of the council, in addition to the
247 budgeting thereof.

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

- 251 1. The council's total expenditures for the quarter.
252 2. The council's total receipts during the quarter.
253 3. A statement of the funds the council has on hand, has
254 invested, or has deposited at the end of the quarter.
255 4. The council's total administrative costs for the
256 quarter.

257 (f) The council may not require any service provider to
258 provide additional matching funds as a condition of providing
259 district services or programs to seniors.

260 (g) It is the intent of the Legislature that the funds
261 collected pursuant to this section be used to support

593-02944-10

2010146c1

262 improvements in services for seniors and that such funds not be
263 used as a substitute for existing resources or for resources
264 that would otherwise be available for such services.

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

268 Section 3. This act shall take effect July 1, 2010.