

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

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

36

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

38

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

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

42 (2) SPECIAL DISTRICT.--Each county may, by ordinance,  
 43 create an independent special district, as defined in ss.  
 44 189.403 and 200.001, Florida Statutes, to provide countywide  
 45 funding for senior services. The boundaries of such district  
 46 must be coterminous with the boundaries of the county.

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

57 |       (b) A district created under this section shall:  
 58 |       1. Levy and fix millage as provided in s. 200.065, Florida  
 59 | Statutes.  
 60 |       2. Maintain the same fiscal year as the county.  
 61 |       3. Comply with all other statutory requirements of general  
 62 | application which relate to the filing of any financial or  
 63 | compliance reports required under part III of chapter 218,  
 64 | Florida Statutes, or any other report or documentation required  
 65 | by law, including the requirements of ss. 189.415, 189.417, and  
 66 | 189.418, Florida Statutes.  
 67 |       (c) The district may be dissolved by a special act of the  
 68 | Legislature, or the county governing body may, by ordinance,  
 69 | dissolve the district subject to approval by a majority of the  
 70 | electors in the county voting on the issue. A district may also  
 71 | be dissolved pursuant to s. 189.4042, Florida Statutes. Before  
 72 | dissolving a district, the county shall obligate itself to  
 73 | assume the debts, liabilities, contracts, and outstanding  
 74 | obligations of the district within the total millage available  
 75 | to the county for all county and municipal purposes as provided  
 76 | under s. 9, Article VII of the State Constitution.  
 77 |       (d) This section does not prohibit a county from  
 78 | exercising such power as is provided by general or special law  
 79 | to provide or fund services for seniors.  
 80 |       (3) COUNCIL MEMBERSHIP.--  
 81 |       (a) The district shall be governed by a 10-member council  
 82 | consisting of:  
 83 |       1. Four permanent positions representing:  
 84 |       a. The executive director of the area agency on aging, or

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

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

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

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

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

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

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

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

111 c. The Governor may remove any of his or her appointees  
112 for cause or upon the written petition of the county governing

113 body. If any council member appointed by the Governor resigns,  
 114 dies, or is removed from office, the vacancy shall be filled by  
 115 the Governor, using the same method as the original appointment,  
 116 and the new member shall be appointed for the remainder of the  
 117 unexpired term.

118 (b) Members of the council shall serve without  
 119 compensation.

120 (4) COUNCIL DUTIES.--

121 (a) The council shall:

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

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

128 a. The activities, services, and opportunities that will  
 129 be 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  
 137 activities, services, and opportunities.

138 d. The special outreach efforts that will be undertaken to  
 139 provide services to seniors who are at risk, abused, neglected,  
 140 or 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
- 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, but
- 156 not limited to, cost-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 funding.
- 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 district's
- 165 objectives and activities are meeting the goals of this section.
- 166            e. Detailed information on the district's various
- 167 programs, services, and activities available to seniors.
- 168            f. Information on district programs, services, and

169 activities that should be eliminated; programs, services, and  
 170 activities that should be continued; and programs, services, and  
 171 activities that should be added to the basic responsibilities of  
 172 the district.

173 (b) The council may:

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

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

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

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

186 5. Seek grants from state, federal, and local agencies and  
 187 accept donations from all sources.

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

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

197 (c) Two or more districts may enter into a cooperative  
 198 agreement to:

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

205 2. Seek grants, accept donations, or jointly fund programs  
 206 serving multicounty areas. The cooperative agreement must  
 207 include provisions for the adequate accounting of separate and  
 208 joint funds.

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

212 (5) DISTRICT BUDGET.--

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

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

224 (c) As soon after collection as is reasonably practicable,



225 all taxes collected under this section shall be paid directly to  
 226 the district by the county's revenue-collection entity.

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

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

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

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

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

- 257        4. The council's total administrative costs for the  
 258 quarter.

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

262        (g) It is the intent of the Legislature that the funds  
 263 collected pursuant to this section be used to support  
 264 improvements in services for seniors and that such funds not be  
 265 used as a substitute for existing resources or for resources  
 266 that would otherwise be available for such services.

267        Section 2. The Division of Statutory Revision is requested  
 268 to place the provisions of section 1 of this act in part V of  
 269 chapter 125, Florida Statutes, and to appropriately retitle that  
 270 part.

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