

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
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 providing for applicability; creating a governing
12 council for the district; specifying membership
13 criteria and terms of office; requiring council
14 members to serve without compensation; specifying the
15 powers and duties of the council; authorizing two or
16 more districts to enter into cooperative agreements;
17 requiring the council to maintain minutes of each
18 meeting; requiring the council to prepare a tentative
19 annual budget and compute a millage rate to fund the
20 district; requiring that all tax moneys collected be
21 paid directly to the council by the county tax
22 collector and be deposited in qualified public
23 depositories; requiring certain members to file a
24 surety bond; specifying expenditures of funds;
25 requiring the council to prepare and file quarterly
26 financial reports with the county governing body;
27 prohibiting the council from requiring certain
28 matching funds; providing legislative intent with

29 | respect to the use of funds collected by the council;
 30 | providing a directive to the Division of Law Revision
 31 | and Information; providing an effective date.

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 33 | Be It Enacted by the Legislature of the State of Florida:

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 35 | Section 1. Services for seniors; special district.-

36 | (1) DEFINITION.-As used in this section, the term "senior"
 37 | means a person who is 60 years of age or older.

38 | (2) SPECIAL DISTRICT.-Each county may, by ordinance,
 39 | create an independent special district, as defined in ss.
 40 | 189.403 and 200.001, Florida Statutes, to provide countywide
 41 | funding for senior services. The boundaries of such district
 42 | must be coterminous with the boundaries of the county.

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

53 | (b) A district created under this section shall:

54 | 1. Levy and fix millage as provided in s. 200.065, Florida
 55 | Statutes.

56 | 2. Maintain the same fiscal year as the county.

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

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

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

76 (3) COUNCIL MEMBERSHIP.—

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

79 1. Four permanent positions representing:

80 a. The executive director of the area agency on aging, or
 81 a designee who is a director of senior programs in the county.

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

84 c. The director of the Adult Services Program of the

85 Department of Children and Families, or a designee.

86 d. The statewide services administrator of the Department
 87 of Health, or a designee who may be the senior administrator of
 88 the county health department.

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

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

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

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

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

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113 (b) Members of the council shall serve without
114 compensation.

115 (4) COUNCIL DUTIES.—

116 (a) The council shall:

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

120 2. Immediately after the officers are elected, identify
121 and assess the needs of seniors within the county and submit a
122 written report to the county governing body that describes:

123 a. The activities, services, and opportunities that will
124 be provided to seniors.

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

131 c. The anticipated schedule for providing those
132 activities, services, and opportunities.

133 d. The special outreach efforts that will be undertaken to
134 provide services to seniors who are at risk, abused, neglected,
135 or ailing.

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

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

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

141 allow them to perform their duties.

142 4. Make and adopt bylaws and rules for the council's
 143 guidance, operation, governance, and maintenance that are
 144 consistent with applicable federal or state laws or county
 145 ordinances.

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

149 a. Information on the effectiveness of activities,
 150 services, and programs offered by the district, including, but
 151 not limited to, cost-effectiveness.

152 b. A detailed anticipated budget for the continuation of
 153 activities, services, and programs offered by the district and a
 154 list of all sources of funding.

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

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

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

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

168 (b) The council may:

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169 1. Provide and maintain in the county the preventive,
170 developmental, treatment, rehabilitative, and other services for
171 seniors that the council determines are needed for the general
172 welfare of such persons.

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

175 3. Collect information and statistical data and conduct
176 research and assessments that are helpful to the council and the
177 county in determining the needs of seniors in the county.

178 4. Consult and coordinate with other agencies providing
179 services dedicated to the welfare of seniors in order to prevent
180 duplication of services.

181 5. Seek grants from state, federal, and local agencies and
182 accept donations from all sources.

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

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

192 (c) Two or more districts may enter into a cooperative
193 agreement to:

194 1. Share administrative costs, including staff and office
195 space, if a more efficient or effective operation will result.

196 The cooperative agreement must include provisions for

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197 apportioning costs between the districts, keeping separate and
198 distinct financial records for each district, and resolving any
199 conflicts that might arise under the agreement.

200 2. Seek grants, accept donations, or jointly fund programs
201 serving multicounty areas. The cooperative agreement must
202 include provisions for the adequate accounting of separate and
203 joint funds.

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

207 (5) DISTRICT BUDGET.—

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

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

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

222 (d) All moneys received by the district must be deposited
223 in qualified public depositories, as defined in s. 280.02,
224 Florida Statutes, with separate and distinguishable accounts

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225 established specifically for the district, and may be withdrawn
226 only by checks signed by the chair of the council and
227 countersigned by one other member of the council or by a chief
228 executive officer authorized by the council.

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

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

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

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

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253 quarter.

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

257 (g) It is the intent of the Legislature that the funds
258 collected pursuant to this section be used to support
259 improvements in services for seniors and that such funds not be
260 used as a substitute for existing resources or for resources
261 that would otherwise be available for such services.

262 Section 2. The Division of Law Revision and Information is
263 directed to place the provisions of section 1 of this act in
264 part V of chapter 125, Florida Statutes, and to appropriately
265 retitle that part.

266 Section 3. This act shall take effect July 1, 2013.