

By Senator Sobel

33-00319C-13

2013976

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

33-00319C-13

2013976

30 council by the county tax collector and be deposited
31 in qualified public depositories; requiring certain
32 members to file a surety bond; specifying expenditures
33 of funds; requiring the council to prepare and file
34 quarterly financial reports with the county governing
35 body; prohibiting the council from requiring certain
36 matching funds; providing legislative intent with
37 respect to the use of funds collected by the council;
38 providing a directive to the Division of Law Revision
39 and Information; providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Services for seniors; special district.-

44 (1) SHORT TITLE.-This section may be cited as the "Florida
45 Act for Responsible Persons."

46 (2) DEFINITION.-As used in this section, the term "senior"
47 means a person who is at least 65 years of age.

48 (3) SPECIAL DISTRICT.-Each county may, by ordinance, create
49 an independent special district, as defined in s. 189.403,
50 Florida Statutes, to provide countywide funding for senior
51 services. The boundaries of such district must be coterminous
52 with the boundaries of the county.

53 (a) Upon adoption of the ordinance creating the district,
54 the question of levying ad valorem taxes at a rate of up to 0.5
55 mills of assessed valuation of all properties subject to ad
56 valorem taxes within the county, which shall be used to fund the
57 district, shall be placed on the ballot by the governing body of
58 the county enacting the ordinance and take effect if approved by

33-00319C-13

2013976

59 a majority of the electors of the county voting in a referendum
60 held for such purpose. The ballot for the referendum must
61 conform to s. 101.161, Florida Statutes.

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

63 1. Levy and fix millage as provided in s. 200.065, Florida
64 Statutes.

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

66 3. Comply with all other statutory requirements of general
67 application which relate to the filing of any financial or
68 compliance reports required under part III of chapter 218,
69 Florida Statutes, or any other report or documentation required
70 by law, including the requirements of ss. 189.415, 189.417, and
71 189.418, Florida Statutes.

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

82 (d) A referendum by the electorate creating the district
83 may specify that the district is not subject to reauthorization
84 or may specify the number of years the initial authorization
85 remains effective. If the referendum does not prescribe terms of
86 reauthorization, the governing body of the county shall submit
87 the question of retention or dissolution to the electorate in

33-00319C-13

2013976__

88 the general election 12 years after the initial authorization.

89 1. The district council may specify, and submit to the
90 governing body of the county within 9 months before the
91 scheduled election, that the district is not subject to
92 reauthorization or may specify the number of years for which
93 reauthorization remains effective. If the district council makes
94 such specification and submission, the governing body of the
95 county shall include that information in the question submitted
96 to the electorate. If the district council does not specify and
97 submit such information, the governing body of the county shall
98 resubmit the question of reauthorization to the electorate every
99 12 years after the prior authorization. The district council may
100 recommend to the governing body of the county language for the
101 question submitted to the electorate.

102 2. This paragraph does not preclude the district council
103 from requesting that the governing body of the county submit the
104 question of retention or dissolution of a district with voter-
105 approved taxing authority to the electorate at an earlier date.

106 3. This paragraph does not limit authority to dissolve a
107 district as provided under paragraph (c).

108 (e) This section does not prohibit a county from exercising
109 such power as is provided by general or special law to provide
110 or fund services for seniors.

111 (4) COUNCIL MEMBERSHIP.—

112 (a) The district shall be governed by an 11-member council
113 consisting of:

114 1. Four permanent positions representing:

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

33-00319C-13

2013976__

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

119 c. The director of the Adult Protective Services program at
120 the Department of Children and Families, or a designee.

121 d. The Deputy Secretary for Statewide Services at the
122 Department of Health, or a designee who may be the senior
123 administrator of the county health department.

124 2. Two members appointed for 2-year terms by a majority of
125 the county governing body, one of whom shall represent the board
126 of county commissioners and one of whom shall be the county
127 representative of the Florida League of Cities.

128 3. Three members appointed by the Governor and
129 representing, to the greatest extent possible, the cultural
130 diversity of the county's population, of which at least one
131 member is from the business community and one member is 60 years
132 of age or older. All members appointed by the Governor must have
133 been residents of the county during the previous 24 months.

134 a. Three names shall be submitted to the Governor for each
135 appointment by the county governing body. The Governor shall
136 make a selection within 45 days after receipt of the submitted
137 names or request a new list of candidates.

138 b. The appointees shall be appointed to 4-year terms and
139 may be reappointed for one additional term of office. The length
140 of the terms of the initial appointees shall be adjusted to
141 stagger the terms.

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

33-00319C-13

2013976__

146 Governor, using the same method as the original appointment, and
147 the new member shall be appointed for the remainder of the
148 unexpired term.

149 4. One member appointed by the President of the Senate.

150 5. One member appointed by the Speaker of the House of
151 Representatives.

152 (b) Members of the council shall serve without
153 compensation.

154 (5) COUNCIL DUTIES.—

155 (a) The council shall:

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

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

162 a. The activities, services, and opportunities that will be
163 provided to seniors.

164 b. The manner in which seniors will be served, including a
165 description of arrangements and agreements that will be made
166 with community organizations, state and local educational
167 agencies, federal agencies, public assistance agencies, the
168 court system, guardianship groups, and other applicable public
169 and private agencies and organizations.

170 c. The anticipated schedule for providing those activities,
171 services, and opportunities.

172 d. The special outreach efforts that will be undertaken to
173 provide services to seniors who are at risk, abused, neglected,
174 or ailing.

33-00319C-13

2013976

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

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

179 3. Provide training and orientation to all new members to
180 allow them to perform their duties.

181 4. Make and adopt bylaws and rules for the council's
182 guidance, operation, governance, and maintenance which are
183 consistent with applicable federal or state laws or county
184 ordinances.

185 5. Provide an annual written report, to be presented by
186 January 1, to the county governing body. At a minimum, the
187 annual report must include:

188 a. Information on the effectiveness of activities,
189 services, and programs offered by the district, including, but
190 not limited to, cost-effectiveness.

191 b. A detailed anticipated budget for the continuation of
192 activities, services, and programs offered by the district and a
193 list of all sources of funding.

194 c. Procedures used for the early identification of at-risk
195 seniors who need additional or continued services, and methods
196 for ensuring that the additional or continued services are
197 received.

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

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

202 f. Information on district programs, services, and
203 activities that should be eliminated; programs, services, and

33-00319C-13

2013976__

204 activities that should be continued; and programs, services, and
205 activities that should be added to the basic responsibilities of
206 the district.

207 (b) The council may:

208 1. Provide and maintain in the county the preventive,
209 developmental, treatment, rehabilitative, and other services
210 which the council determines are needed for the general welfare
211 of seniors.

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

214 3. Collect information and statistical data and conduct
215 research and assessments that are helpful to the council and the
216 county in determining the needs of seniors in the county.

217 4. Consult and coordinate with other agencies providing
218 services dedicated to the welfare of seniors in order to prevent
219 the duplication of services.

220 5. Seek grants from state, federal, and local agencies and
221 accept donations from all sources.

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

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

231 (c) Two or more districts may enter into a cooperative
232 agreement to:

33-00319C-13

2013976

233 1. Share administrative costs, including staff and office
234 space if a more efficient or effective operation will result.
235 The cooperative agreement must include provisions for
236 apportioning costs between the districts, keeping separate and
237 distinct financial records for each district, and resolving any
238 conflicts that might arise under the agreement.

239 2. Seek grants, accept donations, or jointly fund programs
240 serving multicounty areas. The cooperative agreement must
241 include provisions for the adequate accounting of separate and
242 joint funds.

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

246 (6) DISTRICT BUDGET.—

247 (a) On or before July 1 of each year, the council shall,
248 pursuant to s. 189.418, Florida Statutes, prepare a tentative
249 annual budget of the district's expected income and
250 expenditures, including a contingency fund. In addition, the
251 council shall compute a proposed millage rate of up to 0.5 mills
252 of assessed value, as necessary to fund the tentative budget.
253 The council must comply with s. 200.065, Florida Statutes.

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

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

260 (d) All moneys received by the district shall be deposited
261 into qualified public depositories, as defined in s. 280.02,

33-00319C-13

2013976

262 Florida Statutes, with separate and distinguishable accounts
263 established specifically for the district, and may be withdrawn
264 only by checks signed by the chair of the council and
265 countersigned by one other member of the council or by a chief
266 executive officer authorized by the council.

267 1. Upon taking office, the chair and the other member of
268 the council or chief executive officer authorized to sign checks
269 shall each file a surety bond in the sum of at least \$1,000 for
270 each \$1 million, or portion of such amount, of the district's
271 annual budget, which shall be conditioned upon the faithful
272 discharge of the duties of his or her office. The premium on
273 such bond may be paid by the district as part of the expenses of
274 the council. Other members of the council are not required to
275 give bond or other security.

276 2. Funds of the district may not be expended except by
277 check, except for expenditures of up to \$100, which may be made
278 from a petty cash account. All expenditures from petty cash must
279 be recorded on the books and records of the council. District
280 funds, except expenditures from petty cash, may not be expended
281 without prior approval of the council, in addition to the
282 budgeting of such funds.

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

- 286 1. The council's total expenditures for the quarter.
287 2. The council's total receipts during the quarter.
288 3. A statement of the funds the council has on hand, has
289 invested, or has deposited at the end of the quarter.
290 4. The council's total administrative costs for the

33-00319C-13

2013976__

291 quarter.

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

295 (g) It is the intent of the Legislature that the funds
296 collected pursuant to this section be used to support
297 improvements in services for seniors and that such funds not be
298 used as a substitute for existing resources or for resources
299 that would otherwise be available for such services.

300 Section 2. The Division of Law Revision and Information is
301 requested to place the provisions of section 1 of this act into
302 part V of chapter 125, Florida Statutes, and to appropriately
303 retitle that part.

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