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1 A bill to be entitled

2 An act relating to seniors' services; authorizing each
3 county to create an independent special district to
4 provide funding for seniors' services; requiring approval
5 by a majority vote of electors to annually levy ad valorem
6 taxes not to exceed a certain maximum; creating a
7 governing board for the special district; specifying
8 criteria for membership to the governing board; providing
9 terms of office; clarifying that a county may provide
10 seniors' services or create a special district to provide
11 such services by general or special law; specifying the
12 powers and functions of a council on seniors' services;
13 requiring each council to appoint a chair and a vice chair
14 and elect officers, to identify and assess the needs of
15 the seniors in the county served by the council, to
16 provide training and orientation to new members of the
17 council, to make and adopt bylaws and rules for the
18 council's operation and governance, and to provide an
19 annual written report to the governing body of the county;
20 requiring the council to maintain minutes of each meeting
21 and to serve without compensation; requiring the council
22 to prepare a tentative annual written budget and to
23 compute millage rate to fund the tentative budget;
24 requiring that all tax money collected be paid directly to
25 the council on seniors' services by the tax collector of
26 the county and deposited in qualified public depositories;
27 specifying expenditures of funds; requiring the council to
28 prepare and file a financial report with the governing
29 body of the county; providing that a district may be

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30 dissolved by a special act of the Legislature or by
 31 ordinance by the governing body of the county; specifying
 32 obligations of the county if a district is dissolved;
 33 providing that the governing body of a county may fund the
 34 budget of the council on seniors' services from its own
 35 funds after or during the council's first year of
 36 operation; requiring a special district to comply with
 37 statutory requirements related to the filing of a
 38 financial or compliance report; authorizing a county to
 39 create a dependent special district to provide certain
 40 services for seniors; authorizing the district to seek
 41 grants from several sources and to accept donations from
 42 public and private sources; providing legislative intent
 43 with respect to the use of funds collected by a council on
 44 seniors' services; providing that two or more councils on
 45 seniors' services may enter into a cooperative agreement
 46 to share administrative costs, staff, and office space and
 47 to seek grants, to accept donations, or to jointly fund
 48 programs serving multicounty areas; providing an effective
 49 date.

50

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

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53 Section 1. Seniors' services; independent special
 54 district; council; powers, duties, and functions.--

55 (1) Each county may by ordinance create an independent
 56 special district, as defined in sections 189.403(3) and
 57 200.001(8)(e), Florida Statutes, to provide funding for seniors'
 58 services throughout the county. The boundaries of such district

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59 shall be coterminous with the boundaries of the county. The
 60 county governing body shall obtain approval, by a majority vote
 61 of those electors voting on the question, to annually levy ad
 62 valorem taxes that may not exceed the maximum millage rate
 63 authorized by this section. Any district created pursuant to
 64 this subsection shall levy and fix millage as provided in
 65 section 200.065, Florida Statutes. Once the millage is approved
 66 by the electorate, the district is not required to seek approval
 67 of the electorate in future years to levy the previously
 68 approved millage.

69 (a) The governing board of the district shall be a council
 70 on seniors' services, which may also be known as an elderly
 71 advocacy board or similar name as established in the ordinance
 72 by the county governing body. The council shall consist of 10
 73 members, including the executive director of the area agency on
 74 aging or his or her designee who is a director of senior
 75 programs; the county director of human services or his or her
 76 designee who is a director of elderly services; one member of
 77 the county governing board; one nonvoting member of the
 78 legislative delegation for the county appointed by the
 79 delegation chair; and one county representative of the Florida
 80 League of Cities. The executive director of the area agency on
 81 aging and his or her designee and the county director of human
 82 services and his or her designee are permanent positions. The
 83 members from the county governing board, the legislative
 84 delegation, and the Florida League of Cities shall serve 2-year
 85 terms. The other five members shall be appointed by the Governor
 86 and shall represent, to the greatest extent possible, the
 87 cultural diversity of the county's population. A minimum of two

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88 of the five gubernatorial designees shall be 60 years of age or
 89 older. Recommendations for these memberships shall be provided
 90 by the county governing board. Three names shall be submitted
 91 for each vacancy, determined by category. The gubernatorial
 92 appointments will be for a 4-year term and may be reappointed
 93 for one additional term of office. The Governor shall make a
 94 selection within a 45-day period or request a new list of
 95 candidates. All members appointed by the Governor must have been
 96 residents of the county for the previous 24-month period. The
 97 length of the terms of the initial appointees shall be adjusted
 98 to stagger the terms. The Governor may remove a member for cause
 99 or upon the written petition of the county governing body. If
 100 any of the members of the council required to be appointed by
 101 the Governor resign, die, or are removed from office, the
 102 vacancy shall be filled by appointment by the Governor, using
 103 the same method as the original appointment, and such
 104 appointment to fill a vacancy shall be for the unexpired term of
 105 the person who resigns, dies, or is removed from office.

106 (b) This subsection does not prohibit a county from
 107 exercising such power as is provided by general or special law
 108 to provide seniors' services or to create a special district to
 109 provide such services.

110 (2)(a) Each council on seniors' services may:

111 1. Provide and maintain in the county such preventive,
 112 developmental, treatment, and rehabilitative services for
 113 seniors as the council determines are needed for the general
 114 welfare of the county.

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115 2. Provide such other services for all seniors as the
116 council determines are needed for the general welfare of the
117 county.

118 3. Allocate and provide funds for other agencies in the
119 county which are operated for the benefit of seniors.

120 4. Collect information and statistical data and conduct
121 research that will be helpful to the council and the county in
122 deciding the needs of seniors in the county.

123 5. Consult and coordinate with other agencies dedicated to
124 the welfare of seniors to the end that the overlapping of
125 services will be prevented.

126 6. Lease or buy real estate, equipment, and personal
127 property and construct buildings as needed to execute the
128 foregoing powers and functions, except that such purchases may
129 not be made or building done unless paid for with cash on hand
130 or secured by funds deposited in financial institutions. This
131 subparagraph does not authorize a district to issue bonds of any
132 nature and a district does not have the power to require the
133 imposition of any bond by the governing body of the county.

134 7. Employ, pay, and provide benefits for any part-time or
135 full-time personnel needed to execute the foregoing powers and
136 functions.

137 (b) Each council on seniors' services shall:

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

141 2. Immediately after the members are appointed and
142 officers are elected, identify and assess the needs of the

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143 seniors in the county served by the council and submit to the
 144 governing body of each county a written description of:

145 a. The activities, services, and opportunities that will
 146 be provided to seniors.

147 b. The anticipated schedule for providing those
 148 activities, services, and opportunities.

149 c. The manner in which seniors will be served, including a
 150 description of arrangements and agreements which will be made
 151 with community organizations, state and local educational
 152 agencies, federal agencies, public assistance agencies, the
 153 court system, guardianship groups, and other applicable public
 154 and private agencies and organizations.

155 d. The special outreach efforts that will be undertaken to
 156 provide services to at-risk, abused, or neglected seniors.

157 e. The manner in which the council will seek and provide
 158 funding for unmet needs.

159 f. The strategy that will be used for interagency
 160 coordination to maximize existing human and fiscal resources.

161 3. Provide training and orientation to all new members
 162 sufficient to allow them to perform their duties.

163 4. Make and adopt bylaws and rules for the council's
 164 guidance, operation, governance, and maintenance, if such rules
 165 are not inconsistent with federal or state laws or county
 166 ordinances.

167 5. Provide an annual written report, to be presented no
 168 later than January 1 of each year, beginning in 2005, to the
 169 governing body of the county. The annual report must contain,
 170 but need not be limited to:

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171 a. Information on the effectiveness of activities,
172 services, and programs offered by the council, including cost-
173 effectiveness.

174 b. A detailed anticipated budget for continuation of
175 activities, services, and programs offered by the council, and a
176 list of all sources of requested funding, both public and
177 private.

178 c. Procedures used for early identification of at-risk
179 seniors who need additional or continued services and methods
180 for ensuring that the additional or continued services are
181 received.

182 d. A description of the degree to which the council's
183 objectives and activities are consistent with the goals of this
184 section.

185 e. Detailed information on the various programs, services,
186 and activities available to participants and the degree to which
187 the programs, services, and activities have been successfully
188 used by seniors.

189 f. Information on programs, services, and activities that
190 should be eliminated; programs, services, and activities that
191 should be continued; and programs, services, and activities that
192 should be added to the basic format of the seniors' services
193 council.

194 (c) The council shall maintain minutes of each meeting,
195 including a record of all votes cast, and shall make such
196 minutes available to any interested person.

197 (d) Members of the council shall serve without
198 compensation, but are entitled to receive reimbursement for per

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199 diem and travel expenses consistent with section 112.061,
 200 Florida Statutes.

201 (3)(a) The fiscal year of the district shall be the same
 202 as that of the county.

203 (b) On or before July 1 of each year, the council on
 204 seniors' services shall prepare a tentative annual written
 205 budget of the district's expected income and expenditures,
 206 including a contingency fund. The council shall, in addition,
 207 compute a proposed millage rate within the voter-approved cap
 208 necessary to fund the tentative budget and, prior to adopting a
 209 final budget, comply with the provisions of section 200.065,
 210 Florida Statutes, relating to the method of fixing millage, and
 211 shall fix the final millage rate by resolution of the council.
 212 The adopted budget and final millage rate shall be certified and
 213 delivered to the governing body of the county as soon as
 214 possible following the council's adoption of the final budget
 215 and millage rate pursuant to chapter 200, Florida Statutes.
 216 Included in each certified budget shall be the millage rate,
 217 adopted by resolution of the council, necessary to be applied to
 218 raise the funds budgeted for district operations and
 219 expenditures. Any district millage may not exceed 0.5 mills of
 220 assessed valuation of all properties within the county which are
 221 subject to ad valorem county taxes.

222 (c) After the budget of the district is certified and
 223 delivered to the governing body of the county, it may not be
 224 changed or modified by the governing body of the county or any
 225 other authority.

226 (d) All tax money collected under this section, as soon
 227 after collection as is reasonably practicable, shall be paid

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228 directly to the council on seniors' services by the tax
 229 collector of the county, or the clerk of the circuit court if
 230 the clerk collects delinquent taxes.

231 (e)1. All moneys received by the council on seniors'
 232 services shall be deposited in qualified public depositories, as
 233 defined in section 280.02, Florida Statutes, with separate and
 234 distinguishable accounts established specifically for the
 235 council and shall be withdrawn only by checks signed by the
 236 chair of the council and countersigned by one other member of
 237 the council on seniors' services or by a chief executive officer
 238 authorized by the council.

239 2. Upon entering the duties of office, the chair and the
 240 other member of the council or chief executive officer who signs
 241 its checks shall each give a surety bond in the sum of at least
 242 \$1,000 for each \$1 million or portion thereof of the council's
 243 annual budget, which bond shall be conditioned that each shall
 244 faithfully discharge the duties of his or her office. The
 245 premium on such bond may be paid by the district as part of the
 246 expense of the council. No other member of the council shall be
 247 required to give bond or other security.

248 3. Funds of the district may not be expended except by
 249 check, and except expenditures from a petty cash account, which
 250 may not at any time exceed \$100. All expenditures from petty
 251 cash must be recorded on the books and records of the council on
 252 seniors' services. Funds of the council on seniors' services,
 253 excepting expenditures from petty cash, may not be expended
 254 without prior approval of the council, in addition to the
 255 budgeting thereof.

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256 (f) Within 10 days, exclusive of weekends and legal
257 holidays, after the expiration of each quarter annual period,
258 the council on seniors' services shall prepare and file with the
259 governing body of the county a financial report that includes:

260 1. The total expenditures of the council for the quarter
261 annual period.

262 2. The total receipts of the council during the quarter
263 annual period.

264 3. A statement of the funds the council has on hand, has
265 invested, or has deposited with qualified public depositories at
266 the end of the quarter annual period.

267 4. The total administrative costs of the council for the
268 quarter annual period.

269 (4) Any district created pursuant to this section may be
270 dissolved by a special act of the Legislature, or the county
271 governing body may by ordinance dissolve the district subject to
272 the approval of the electorate. If any district is dissolved
273 pursuant to this subsection, each county shall first obligate
274 itself to assume the debts, liabilities, contracts, and
275 outstanding obligations of the district within the total millage
276 available to the county governing body for all county and
277 municipal purposes as provided for under section 9, Article VII
278 of the State Constitution. Any district may also be dissolved
279 pursuant to section 189.4042, Florida Statutes.

280 (5) After or during the first year of operation of the
281 council on seniors' services, the governing body of the county,
282 at its option, may fund in whole or in part the budget of the
283 council on seniors' services from its own funds.

284 (6) Any district created pursuant to this section shall
 285 comply with all other statutory requirements of general
 286 application which relate to the filing of any financial reports
 287 or compliance reports required under part III of chapter 218,
 288 Florida Statutes, or any other report or documentation required
 289 by law, including the requirements of sections 189.415, 189.417,
 290 and 189.418, Florida Statutes.

291 (7)(a) Each county may by ordinance create a dependent
 292 special district within the boundaries of the county for the
 293 purpose of providing preventive, developmental, treatment, and
 294 rehabilitative services for seniors. The district may seek
 295 grants from state, federal, and local agencies and accept
 296 donations from public and private sources, if the district
 297 complies with paragraphs (1)(a) and (2)(b) and has a budget that
 298 requires approval through an affirmative vote of the governing
 299 body of the county or may be vetoed by the governing body of the
 300 county.

301 (b) If the provisions of a county charter relating to the
 302 membership of the governing board of a dependent special
 303 district conflict with paragraph(1)(a), a county may by
 304 ordinance create a dependent special district within the
 305 boundaries of the county for the purpose of providing
 306 preventive, developmental, treatment, and rehabilitative
 307 services for seniors and the district may seek grants from
 308 state, federal, and local agencies and accept donations from
 309 public and private sources, if the district complies with
 310 paragraph (2)(b) and has a budget that requires approval through
 311 an affirmative vote of the governing body of the county or may
 312 be vetoed by the governing body of the county.

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313 (8) It is the intent of the Legislature that the funds
 314 collected pursuant to this section be used to support
 315 improvements in seniors' services and that such funds not be
 316 used as a substitute for existing resources or for resources
 317 that would otherwise be available for seniors' services.

318 (9) Two or more councils on seniors' services may enter
 319 into a cooperative agreement to share administrative costs,
 320 including, but not limited to, staff and office space, if a more
 321 efficient or effective operation will result. The cooperative
 322 agreement must include provisions on apportioning costs between
 323 the councils, keeping separate and distinct financial records
 324 for each council, and resolving any conflicts that might arise
 325 under the cooperative agreement.

326 (10) Two or more councils on seniors' services may enter
 327 into a cooperative agreement to seek grants, to accept
 328 donations, or to jointly fund programs serving multicounty
 329 areas. The cooperative agreement must include provisions for the
 330 adequate accounting of separate and joint funds.

331 Section 2. This act shall take effect upon becoming a law.