

1 A bill to be entitled
2 An act relating to services for seniors; creating s.
3 125.903, F.S.; authorizing each county to create an
4 independent special district to provide funding for
5 services for seniors; requiring a district charter;
6 requiring approval by a majority vote of electors to
7 annually levy ad valorem taxes not to exceed a certain
8 maximum; requiring a referendum; creating a governing body
9 for the special district; specifying criteria for
10 membership to the governing body; providing terms of
11 office; clarifying that a county may provide services for
12 seniors or create a special district to provide such
13 services by general or special law; specifying the powers
14 and functions of a senior council on services for seniors;
15 requiring each senior council to appoint a chair and a
16 vice chair and elect officers, to identify and assess the
17 needs of the seniors in the county served by the senior
18 council, to provide training and orientation to new
19 members of the senior council, to make and adopt bylaws
20 and rules for the senior council's operation and
21 governance, and to provide an annual written report to the
22 governing body of the county; requiring the senior council
23 to maintain minutes of each meeting and to serve without
24 compensation; requiring the senior council to prepare a
25 tentative annual budget and to compute a millage rate to
26 fund the tentative budget; requiring that all tax moneys
27 collected be paid directly to the senior council by the
28 tax collector of the county and deposited in qualified

29 public depositories; specifying expenditures of funds;
30 requiring the senior council to prepare and file a
31 financial report with the governing body of the county;
32 providing that a district may be dissolved by a special
33 act of the Legislature or by ordinance by the governing
34 body of the county; specifying obligations of the county
35 if a district is dissolved; authorizing the governing body
36 of a county to fund the budget of the senior council from
37 its own funds after or during the senior council's first
38 year of operation; requiring a special district to comply
39 with statutory requirements related to the filing of a
40 financial or compliance report; authorizing a county to
41 create a dependent special district to provide certain
42 services for seniors; authorizing the district to seek
43 grants and accept donations from public and private
44 sources; providing legislative intent with respect to the
45 use of funds collected by a senior council; providing that
46 two or more senior councils may enter into a cooperative
47 agreement to share administrative costs, staff, and office
48 space and seek grants, accept donations, or jointly fund
49 programs serving multicounty areas; prohibiting senior
50 councils or districts from requiring matching funds from
51 certain service providers as a condition to provision of
52 services by the senior council or district; renaming part
53 V of chapter 125, F.S.; amending s. 189.404, F.S. ;
54 revising county authority to create an independent special
55 district to include a reference to s. 125.903, F.S. ;
56 providing an effective date.

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

Section 1. Section 125.903, Florida Statutes, is created to read:

125.903 Services for seniors; independent special district; senior council; powers, duties, and functions.--

(1) Each county may by ordinance create an independent special district, as defined in ss. 189.403(3) and 200.001(8)(e), to provide funding for services for seniors throughout the county in accordance with this section. Such ordinance shall create a district charter that addresses and contains the minimum requirements required by s. 189.404(3). The boundaries of such district must be coterminous with the boundaries of the county. The county governing body shall obtain approval, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes that may not exceed the maximum millage rate authorized by this section. Such approval shall be obtained by submitting the question to a referendum of the qualified electors in the county. The referendum shall be held in conjunction with the next regularly scheduled general election, in accordance with ss. 100.342 and 100.351. A district created under this subsection shall levy and fix millage as provided in s. 200.065. Once the millage is approved by the electorate, the district is not required to seek approval of the electorate in future years to levy the previously approved millage. For purposes of this section, the term "senior" means a person who is at least 60 years of age.

85 (a) The governing body of the district shall be a senior
86 council. The senior council shall consist of 11 members,
87 consisting of the executive director of the area agency on aging
88 or his or her designee who is a director of senior programs; the
89 county director of human services or his or her designee who is
90 a director of elderly services; one member of the board of
91 county commissioners; two nonvoting members of the legislative
92 delegation for the county appointed by the delegation chair; two
93 representatives of the Florida League of Cities, and four
94 members appointed by the Governor. The executive director of the
95 area agency on aging and his or her designee and the county
96 director of human services and his or her designee are permanent
97 positions. The members appointed from the county commission, the
98 legislative delegation, and the Florida League of Cities shall
99 be appointed to 2-year terms each. The four members appointed by
100 the Governor shall represent, to the greatest extent possible,
101 the cultural diversity of the county's population. At least one
102 of the gubernatorial designees must be an individual who is a
103 caretaker for an elderly person and is 60 years of age or older.
104 Recommendations for these memberships shall be provided by the
105 county governing body. Three names shall be submitted for each
106 vacancy, determined by category. The gubernatorial appointees
107 shall be appointed to 4-year terms and may be reappointed for
108 one additional term of office. The Governor shall make a
109 selection within a 45-day period or request a new list of
110 candidates. All members appointed by the Governor must have been
111 residents of the county for the previous 24-month period. The
112 length of the terms of the initial appointees shall be adjusted

113 to stagger the terms. The Governor may remove a member for cause
 114 or upon the written petition of the county governing body. If
 115 any of the members of the senior council required to be
 116 appointed by the Governor resigns, dies, or is removed from
 117 office, the vacancy shall be filled by appointment by the
 118 Governor, using the same method as the original appointment, and
 119 such appointment to fill a vacancy shall be for the unexpired
 120 term of the member who resigns, dies, or is removed from office.

121 (b) This subsection does not prohibit a county from
 122 exercising the power authorized by general or special law to
 123 provide services for seniors or to create a special district to
 124 provide those services.

125 (2)(a) Each senior council may:

126 1. Provide and maintain in the county the preventive,
 127 treatment, and rehabilitative services for seniors which the
 128 senior council determines are needed for the general welfare of
 129 seniors in the county.

130 2. Provide any other services which the senior council
 131 determines are needed for the general welfare of seniors in the
 132 county.

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

135 4. Collect information and statistical data and conduct
 136 research and assessments that will be helpful to the senior
 137 council and the county in deciding the needs of seniors in the
 138 county.

139 5. Consult and coordinate with other agencies dedicated to
 140 the welfare of seniors to the end that the overlapping of

141 services will be prevented.

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

150 7. Employ, pay, and provide benefits for any part-time or
 151 full-time personnel needed to execute the foregoing powers and
 152 functions.

153 (b) Each senior council shall:

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

157 2. Immediately after the members are appointed and
 158 officers are elected, identify and assess the needs of seniors
 159 in the county served by the senior council and submit to the
 160 governing body of each county a written description of:

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

163 b. The anticipated schedule for providing those
 164 activities, services, and opportunities.

165 c. The manner in which seniors will be served, including a
 166 description of arrangements and agreements that will be made
 167 with community organizations, state and local educational
 168 agencies, federal agencies, public assistance agencies, the

169 court system, guardianship groups, and other applicable public
 170 and private agencies and organizations.

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

174 e. The manner in which the senior council will seek and
 175 provide funding for unmet needs.

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

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

180 4. Make and adopt bylaws and rules for the senior
 181 council's guidance, operation, governance, and maintenance, if
 182 such rules are not inconsistent with federal or state laws or
 183 county ordinances.

184 5. Provide an annual written report, to be presented no
 185 later than January 1, to the governing body of the county. The
 186 annual report must contain, but need not be limited to:

187 a. Information on the effectiveness of activities,
 188 services, and programs offered by the senior council, including
 189 cost-effectiveness.

190 b. A detailed anticipated budget for continuation of
 191 activities, services, and programs offered by the senior council
 192 and a list of all sources of requested funding, both public and
 193 private.

194 c. Procedures used for 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 senior
 199 council's objectives and activities are consistent with the
 200 goals of this section.

201 e. Detailed information on the various programs, services,
 202 and activities available to seniors and the degree to which the
 203 programs, services, and activities have been successfully used
 204 by seniors.

205 f. Information on programs, services, and activities that
 206 should be eliminated; programs, services, and activities that
 207 should be continued; and programs, services, and activities that
 208 should be added to the basic format of the senior council.

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

212 (d) Members of the senior council shall serve without
 213 compensation but are entitled to receive reimbursement for per
 214 diem and travel expenses consistent with s. 112.061.

215 (3)(a) The district shall maintain the same fiscal year as
 216 that of the county.

217 (b) On or before July 1 of each year, the senior council
 218 shall prepare a tentative annual written budget of the
 219 district's expected income and expenditures, including a
 220 contingency fund. The senior council shall, in addition, compute
 221 a proposed millage rate within the voter-approved cap necessary
 222 to fund the tentative budget and, prior to adopting a final
 223 budget, comply with s. 200.065, relating to the method of fixing
 224 millage, and fix the final millage rate by resolution of the

225 council. The adopted budget and final millage rate must be
 226 certified and delivered to the governing body of the county as
 227 soon as possible following the senior council's adoption of the
 228 final budget and millage rate under chapter 200. Included in
 229 each certified budget shall be the millage rate, adopted by
 230 resolution of the senior council, necessary to be applied to
 231 raise the funds budgeted for district operations and
 232 expenditures. District millage may not exceed 0.5 mills of
 233 assessed valuation of all properties within the county that are
 234 subject to ad valorem county taxes.

235 (c) After the budget of the district is certified and
 236 delivered to the governing body of the county, the budget may
 237 not be changed or modified by the governing body of the county
 238 or any other authority.

239 (d) All taxes collected under this section, as soon after
 240 collection as is reasonably practicable, shall be paid directly
 241 to the senior council by the tax collector of the county or the
 242 clerk of the circuit court, if the clerk collects delinquent
 243 taxes.

244 (e)1. All moneys received by the senior council shall be
 245 deposited in qualified public depositories, as defined in s.
 246 280.02, with separate and distinguishable accounts established
 247 specifically for the senior council and may be withdrawn only by
 248 checks signed by the chair of the senior council and
 249 countersigned by one other member of the senior council or by a
 250 chief executive officer authorized by the senior council.

251 2. Upon entering the duties of office, the chair and the
 252 other member of the senior council or chief executive officer

253 who signs its checks shall each give a surety bond in the sum of
 254 at least \$1,000 for each \$1 million or fraction thereof of the
 255 senior council's annual budget, which bond shall be conditioned
 256 upon the faithful discharge of the duties of his or her office.
 257 The premium on such bond may be paid by the district as part of
 258 the expense of the senior council. Other members of the senior
 259 council may not be required to give bond or other security.

260 3. Funds of the district may only be expended by check,
 261 except expenditures from a petty cash account, which account may
 262 not at any time exceed \$100. All expenditures from petty cash
 263 must be recorded on the books and records of the senior council.
 264 Funds of the senior council, except expenditures from petty
 265 cash, may not be expended without prior approval of the senior
 266 council, in addition to the budgeting thereof.

267 (f) Within 10 days, exclusive of weekends and legal
 268 holidays, after the expiration of each quarter-annual period,
 269 the senior council shall prepare and file with the governing
 270 body of the county a financial report that includes:

271 1. The total expenditures of the senior council for the
 272 quarter-annual period.

273 2. The total receipts of the senior council during the
 274 quarter-annual period.

275 3. A statement of the funds the senior council has on
 276 hand, has invested, or has deposited with qualified public
 277 depositories at the end of the quarter-annual period.

278 4. The total administrative costs of the senior council
 279 for the quarter-annual period.

280 (4) Any district created under this section may be

281 dissolved by a special act of the Legislature, or the county
 282 governing body may by ordinance dissolve the district subject to
 283 the approval of the electorate. If any district is dissolved
 284 under this subsection, each county shall first obligate itself
 285 to assume the debts, liabilities, contracts, and outstanding
 286 obligations of the district within the total millage available
 287 to the county governing body for all county and municipal
 288 purposes as provided for under section 9, Article VII of the
 289 State Constitution. Any district may also be dissolved under s.
 290 189.4042.

291 (5) After or during the first year of operation of the
 292 senior council, the governing body of the county, at its option,
 293 may fund in whole or in part the budget of the senior council
 294 from its own funds.

295 (6) Any district created under this section shall comply
 296 with all other statutory requirements of general application
 297 that relate to the filing of any financial reports or compliance
 298 reports required under part III of chapter 218, or any other
 299 report or documentation required by law, including the
 300 requirements of ss. 189.415, 189.417, and 189.418.

301 (7)(a) Each county may by ordinance create a dependent
 302 special district within the boundaries of the county for the
 303 purpose of providing preventive, developmental, treatment, and
 304 rehabilitative services for seniors. The district may seek
 305 grants from state, federal, and local agencies and accept
 306 donations from public and private sources if the district
 307 complies with paragraphs (1)(a) and (2)(b) and has a budget that
 308 requires approval through an affirmative vote of the governing

309 body of the county or that may be vetoed by the governing body
310 of the county.

311 (b) If the provisions of a county charter relating to the
312 membership of the governing board of a dependent special
313 district conflict with paragraph (1)(a), a county may by
314 ordinance create a dependent special district within the
315 boundaries of the county for the purpose of providing
316 preventive, developmental, treatment, and rehabilitative
317 services for seniors, and the district may seek grants from
318 state, federal, and local agencies and accept donations from
319 public and private sources if the district complies with
320 paragraph (2)(b) and has a budget that requires approval through
321 an affirmative vote of the governing body of the county or that
322 may be vetoed by the governing body of the county.

323 (8) It is the intent of the Legislature that the funds
324 collected under this section be used to support improvements in
325 services for seniors and that such funds not be used as a
326 substitute for existing resources or for resources that would
327 otherwise be available for services for seniors.

328 (9) Two or more senior councils may enter into a
329 cooperative agreement to share administrative costs, including,
330 but not limited to, staff and office space, if a more efficient
331 or effective operation will result. The cooperative agreement
332 must include provisions on apportioning costs between the senior
333 councils, keeping separate and distinct financial records for
334 each senior council, and resolving any conflicts that might
335 arise under the cooperative agreement.

336 (10) Two or more senior councils may enter into a

337 cooperative agreement to seek grants, accept donations, or
 338 jointly fund programs serving multicounty areas. The cooperative
 339 agreement must include provisions for the adequate accounting of
 340 separate and joint funds.

341 (11) Senior councils or districts shall not require any
 342 public or private service provider to provide additional
 343 matching funds as a condition of the senior council's or
 344 district's providing services or programs to seniors.

345 Section 2. Part V of chapter 125, Florida Statutes,
 346 consisting of sections 125.901, 125.902, and 125.903, Florida
 347 Statutes, and entitled "Children's Services," is renamed as
 348 "Human Services."

349 Section 3. Paragraph (b) of subsection (4) of section
 350 189.404, Florida Statutes, is amended to read:

351 189.404 Legislative intent for the creation of independent
 352 special districts; special act prohibitions; model elements and
 353 other requirements; general-purpose local government/Governor
 354 and Cabinet creation authorizations.--

355 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION
 356 AUTHORIZATIONS.--Except as otherwise authorized by general law,
 357 only the Legislature may create independent special districts.

358 (b) A county may create an independent special district
 359 which shall be adopted by a charter in accordance with s.
 360 125.901, s. 125.903, or s. 154.331 or chapter 155, or which
 361 shall be established by ordinance in accordance with s. 190.005,
 362 or as otherwise authorized by general law.

363 Section 4. This act shall take effect upon becoming a law.