

By Senator Rich

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1                                   A bill to be entitled  
2       An act relating to senior services; providing a  
3       definition; authorizing a 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      creating a governing council for the district;  
12      specifying criteria for membership to the council;  
13      providing terms of office; requiring the council  
14      members to serve without compensation; specifying the  
15      powers and functions of the council; requiring the  
16      council to appoint a chair and vice chair and elect  
17      other officers, identify and assess the needs of  
18      seniors, provide training and orientation to new  
19      members of the council, make and adopt bylaws and  
20      rules for the council's operation and governance, and  
21      provide an annual report to the county governing body;  
22      authorizing two or more districts to enter into  
23      cooperative agreements; requiring the council to  
24      maintain minutes of each meeting; requiring the  
25      council to prepare a tentative annual budget and  
26      compute a millage rate to fund the district; requiring  
27      that all tax moneys collected be paid directly to the  
28      council by the county tax collector and be deposited  
29      in qualified public depositories; requiring certain

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

38  
39 Be It Enacted by the Legislature of the State of Florida:

40  
41 Section 1. Services for seniors; special district.-

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

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

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

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

60 1. Levy and fix millage as provided in s. 200.065, Florida  
61 Statutes.

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

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

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

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

82 (3) COUNCIL MEMBERSHIP.—

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

85 1. Four permanent positions representing:

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

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

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

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

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

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

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

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

112        c. The Governor may remove any of his or her appointees for  
113 cause or upon the written petition of the county governing body.  
114 If any council member appointed by the Governor resigns, dies,  
115 or is removed from office, the vacancy shall be filled by the  
116 Governor, using the same method as the original appointment, and

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117 the new member shall be appointed for the remainder of the  
118 unexpired term.

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

121 (4) COUNCIL DUTIES.—

122 (a) The council shall:

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

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

129 a. The activities, services, and opportunities that will be  
130 provided to seniors.

131 b. The manner in which seniors will be served, including a  
132 description of arrangements and agreements that will be made  
133 with community organizations, state and local educational  
134 agencies, federal agencies, public assistance agencies, the  
135 court system, guardianship groups, and other applicable public  
136 and private agencies and organizations.

137 c. The anticipated schedule for providing those activities,  
138 services, and opportunities.

139 d. The special outreach efforts that will be undertaken to  
140 provide services to seniors who are at risk, abused, neglected,  
141 or ailing.

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

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

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146 3. Provide training and orientation to all new members to  
147 allow them to perform their duties.

148 4. Make and adopt bylaws and rules for the council's  
149 guidance, operation, governance, and maintenance which are  
150 consistent with applicable federal or state laws or county  
151 ordinances.

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

155 a. Information on the effectiveness of activities,  
156 services, and programs offered by the district, including cost-  
157 effectiveness.

158 b. A detailed anticipated budget for the continuation of  
159 activities, services, and programs offered by the district and a  
160 list of all sources of funding.

161 c. Procedures used for the early identification of at-risk  
162 seniors who need additional or continued services, and methods  
163 for ensuring that the additional or continued services are  
164 received.

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

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

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

174 (b) The council may:

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

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

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

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

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

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

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

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

200 1. Share administrative costs, including staff and office  
201 space, if a more efficient or effective operation will result.  
202 The cooperative agreement must include provisions for  
203 apportioning costs between the districts, keeping separate and

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204 distinct financial records for each district, and resolving any  
205 conflicts that might arise under the agreement.

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

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

213 (5) DISTRICT BUDGET.—

214 (a) On or before July 1 of each year, the council shall,  
215 pursuant to s. 189.418, Florida Statutes, prepare a tentative  
216 annual budget of the district's expected income and  
217 expenditures, including a contingency fund. In addition, the  
218 council shall compute a proposed millage rate, not to exceed 0.5  
219 mills of assessed value, as necessary to fund the tentative  
220 budget. The council must comply with the requirements of s.  
221 200.065, Florida Statutes.

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

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

228 (d) All moneys received by the district must be deposited  
229 in qualified public depositories, as defined in s. 280.02,  
230 Florida Statutes, with separate and distinguishable accounts  
231 established specifically for the district, and may be withdrawn  
232 only by checks signed by the chair of the council and

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233 countersigned by one other member of the council or by a chief  
234 executive officer authorized by the council.

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

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

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

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

260 (f) The council may not require any service provider to  
261 provide additional matching funds as a condition of providing

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262 district services or programs to seniors.

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

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

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