

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HJR 15 Department of Elder Affairs

SPONSOR(S): Pafford and others

TIED BILLS: IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Elder & Family Services Policy Committee	10 Y, 0 N	Guy	Shaw
2)	Rules & Calendar Council		Kirksey	Birtman
3)				
4)				
5)				

SUMMARY ANALYSIS

House Joint Resolution 15 proposes an amendment to Section 12 of Article IV of the Florida Constitution to redesignate the Department of Elderly Affairs as the Department of Elder Affairs.

This joint resolution to redesignate the Florida Department of Elder Affairs must be approved by a 3/5 vote of the membership of each house of the Legislature. If enacted by such a vote, the proposal will be presented to the electors of Florida during the state's next general election (November 2, 2010). Final approval requires a favorable vote from 60 percent or more of the electors of the state.

Since the Department presently refers to itself as the "Department of Elder Affairs," there will be no fiscal impact on state government related to changing the Department's printed materials or signs.

This joint resolution appears to have a fiscal impact on state government in that the Department of State, Division of Elections, estimates a non-recurring cost of approximately \$7,669 for FY 2010-11. The cost is a result of placing the joint resolution on the ballot and publishing two required notices.

The joint resolution does not contain a specific effective date. Therefore, if adopted by the voters at the 2010 General Election, the resolution would take effect January 4, 2011.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Persons age 60 and older compose 23 percent of Florida's total population while one out of every 11 Floridians is age 75 or older.¹ Seniors make up more of the state's population than the populations of 17 other states and the District of Columbia combined.²

The Department of Elderly Affairs (the "Department") was authorized in 1991 via an amendment to Article IV, Section 12 of the Florida Constitution, codified in section 20.41, Florida Statutes, and organized pursuant to Chapter 430, F.S., the "Department of Elderly Affairs Act." The Department began operation in January 1992.

The Department of Elderly Affairs is designated as the state unit on aging³ as defined in the Older Americans Act (the "OAA") of 1965.⁴ The Department's role is to administer the state's OAA allotment and grants, and to advocate, coordinate, and plan all services to elders provided by the state of Florida.⁵ The OAA requires the Department to fund a service delivery system through designated area agencies on aging (AAAs) in each of the state's 11 planning and service areas.⁶ In addition, ch. 430, F.S., requires that the Department fund service delivery "lead agencies" that coordinate and deliver care at the consumer level in the counties comprising each planning and service area.

Proposed Changes

House Joint Resolution 15 proposes an amendment to Section 12 of Article IV of the Florida Constitution to redesignate the Department of Elderly Affairs as the Department of Elder Affairs.

B. SECTION DIRECTORY:

Not applicable.

¹ Florida Department of Elder Affairs, <http://elderaffairs.state.fl.us/english/aboutus.php> (last visited January 26, 2010).

² *Id.*

³ Section 20.41(5), Florida Statutes.

⁴ Section 305(a)(1)(C), Older Americans Act.

⁵ Section 430.04(1), Florida Statutes.

⁶ Section 20.41(6), Florida Statutes.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Non-recurring FY 2010-2011

Department of State, Division of Elections

Publication Costs Approximately \$7,669 (General Revenue)⁷

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Department presently refers to itself as the "Department of Elder Affairs" in all of its printed materials and contracts. Should the joint resolution pass the Legislature and be approved by the voters of Florida, the Department would not need to change any of its materials to adapt to the name change.⁸

This joint resolution appears to have a fiscal impact on state government in that each constitutional amendment is required to be published in a newspaper of general circulation in each county, once in the sixth week and once in the tenth week preceding the general election.⁹ Costs for advertising vary depending upon the length of the amendment. According to the Department of State, Division of Elections, the average cost of publishing a constitutional amendment is \$94.68 per word. The word count for HJR 15 is 81 words x \$94.68 = \$7,669.08.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to spend funds or take any action requiring the expenditure of funds; reduce the authority that municipalities or counties have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

⁷ Florida Department of State, Fiscal Note (November 18, 2009).

⁸ Florida Department of Elder Affairs, 2010 Legislative Bill Analysis, House Joint Resolution 15.

⁹ Fla. Const., art. XI, s. 5(d).

2. Other:

Article XI, Section 1 of the Florida Constitution authorizes the Legislature to propose amendments to the State Constitution by joint resolution approved by three-fifths of the elected membership of each house. If agreed to by the Legislature, the amendment must be placed before the electorate at the next general election held after the proposal has been filed with the Secretary of State's office or at a special election held for that purpose. The resolution would be submitted to the voters at the 2010 General Election and must be approved by at least 60 percent of the voters voting on the measure. If approved, the amendment becomes effective on the first Tuesday after the first Monday in January following the election (January 4, 2011).¹⁰

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

¹⁰ Fla. Const., art. XI, s. 5(e).