

By the Committee on Elder Affairs & Long Term Care and
Representative Brooks

1 A bill to be entitled
2 An act relating to the transfer of aging and
3 adult services; transferring powers, duties,
4 and functions relating to services for elderly
5 persons and disabled adults under ch. 410,
6 F.S., from the Department of Children and
7 Family Services to the Department of Elderly
8 Affairs; amending ss. 410.032, 410.602,
9 410.603, and 410.604, F.S.; conforming
10 responsibilities of the Department of Elderly
11 Affairs with respect to provision of home care
12 for disabled adults and the community care for
13 disabled adults program, to conform to said
14 transfer; repealing s. 410.0245, F.S., relating
15 to a multiyear plan for the service needs of
16 disabled adults; repealing s. 410.502, F.S.,
17 relating to services concerning housing and
18 living arrangements which meet the special
19 needs of the elderly; repealing s. 410.504,
20 F.S., relating to multidisciplinary centers on
21 elderly living environments; providing an
22 effective date.

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

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26 Section 1. All powers, duties and functions, records,
27 personnel, property, and unexpended balances of
28 appropriations, allocations, or other funds relating to aging
29 and adult services programs of the Department of Children and
30 Family Services under chapter 410, Florida Statutes, are
31 transferred by a type two transfer, as defined in s. 20.06(2),

1 Florida Statutes, from the Department of Children and Family
2 Services to the Department of Elderly Affairs. This transfer
3 shall take effect July 1, 1998. Any rules adopted by or for
4 the Department of Children and Family Services for the
5 administration and operation of said programs are included in
6 this transfer.

7 Section 2. Subsection (1) of section 410.032, Florida
8 Statutes, is amended to read:

9 410.032 Definitions.--As used in ss. 410.031-410.036:

10 (1) "Department" means the Department of Elderly
11 Affairs ~~Children and Family Services~~.

12 Section 3. Section 410.602, Florida Statutes, is
13 amended to read:

14 410.602 Legislative intent.--The purpose of ss.
15 410.601-410.606 is to assist disabled adults to live dignified
16 and reasonably independent lives in their own homes or in the
17 homes of relatives or friends. The Legislature intends
18 through ss. 410.601-410.606 to provide for the development,
19 expansion, and coordination of community-based services for
20 disabled adults, but not to supplant existing programs. The
21 Legislature further intends to establish a continuum of
22 services so that disabled adults may be assured the least
23 restrictive environment suitable to their needs. In addition,
24 the Legislature intends that the Department of Elderly Affairs
25 ~~Children and Family Services~~ encourage innovative and
26 efficient approaches to program management, staff training,
27 and service delivery.

28 Section 4. Section 410.603, Florida Statutes, is
29 amended to read:

30 410.603 Definitions.--As used in ss. 410.601-410.606:

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1 (1) "Department" means the Department of Elderly
2 Affairs ~~Children and Family Services~~.

3 (2) "Disabled adult" means any person at least 18
4 years of age, but under 60 years of age, who has one or more
5 permanent physical or mental limitations which restrict his or
6 her ability to perform the normal activities of daily living
7 and impede his or her capacity to live independently or with
8 relatives or friends without the provision of community-based
9 services.

10 ~~(3) "District" means a specified geographic service~~
11 ~~area, as defined in s. 20.19, in which the programs of the~~
12 ~~department are administered and services are delivered.~~

13 (3)(4) "Health maintenance service" means those
14 routine health services necessary to help maintain the health
15 of a disabled adult but shall be limited to medical
16 therapeutic services, nonmedical prevention services, personal
17 care services, home health aide services, home nursing
18 services, emergency response services, and physical or mental
19 examinations.

20 (4) "Planning and service area" means a geographic
21 area in which programs are administered and services are
22 delivered by the Department of Elderly Affairs.

23 Section 5. Subsections (1) and (5) of section 410.604,
24 Florida Statutes, are amended to read:

25 410.604 Community care for disabled adults program;
26 powers and duties of the department.--

27 (1) In each planning and service area ~~district~~, the
28 department shall operate or contract for a community care for
29 disabled adults program which shall have as its primary
30 purpose the prevention of unnecessary institutionalization of
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1 disabled adults through the provisions of community-based
2 services.

3 (5) Existing community resources available to disabled
4 adults in each planning and service area ~~district~~ shall be
5 coordinated to provide a continuum of services. The
6 department shall ensure that all available funding sources
7 have been explored prior to using funds of the community care
8 for disabled adults program. Funds appropriated for community
9 care for disabled adults shall be used only for the provision
10 of services to disabled adults, case management, and directly
11 related expenditures. The department may provide advance
12 funding for community care for disabled adults programs.

13 Section 6. Sections 410.0245, 410.502, and 410.504,
14 Florida Statutes, are repealed.

15 Section 7. This act shall take effect July 1 of the
16 year in which enacted.

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