

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Elder Affairs & Long-Term Care offered the
12 following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

18 Section 1. Section 430.03, Florida Statutes, is
19 amended to read:

20 430.03 Purposes.--The purposes of the Department of
21 Elderly Affairs are to:

22 (1) Advise, assist, protect, and advocate for the
23 state's elderly residents.

24 (2)(1) Serve as the primary state agency responsible
25 for administering human services programs for the elderly and
26 for developing policy recommendations for long-term care.

27 (3)(2) Combat ageism and create public awareness and
28 understanding of the potentials and needs of elderly persons.

29 (4)(3) Study and plan for programs and services to
30 meet identified and projected needs and to provide
31 opportunities for personal development and achievement of

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1 persons aged 60 years and older.

2 (5)~~(4)~~ Advocate quality programs and services for the
3 state's elderly population and on behalf of the individual
4 citizen's needs.

5 (6)~~(5)~~ Coordinate interdepartmental policy development
6 and program planning for all state agencies that provide
7 services for the elderly population in order to prevent
8 duplicative efforts, to maximize utilization of resources, and
9 to ensure cooperation, communication, and departmental
10 linkages.

11 (7)~~(6)~~ Recommend state and local level organizational
12 models for the planning, coordination, implementation, and
13 evaluation of programs serving the elderly population.

14 (8)~~(7)~~ Oversee implementation of federally funded and
15 state-funded programs and services for the state's elderly
16 population.

17 ~~(8) Recommend legislative budget requests for programs
18 and services for the state's elderly population.~~

19 (9) Review and comment upon state plans, budgets, and
20 policies which affect older individuals and provide technical
21 assistance to any agency, organization, association, or person
22 representing the needs of older individuals.

23 (10)~~(9)~~ Serve as a state-level information
24 clearinghouse and encourage the development of local-level
25 identifiable points of information and referral regarding all
26 federal, state, and local resources of assistance to elderly
27 citizens.

28 (11)~~(10)~~ Assist elderly persons to secure needed
29 services in accordance with personal choice and in a manner
30 that achieves or maintains autonomy and prevents, reduces, or
31 eliminates dependency.

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1 (12)~~(11)~~ Promote the maintenance and improvement of
2 the physical well-being and mental health of elderly persons.

3 (13)~~(12)~~ Promote opportunities for volunteerism among
4 the elderly population.

5 (14)~~(13)~~ Promote the prevention of neglect, abuse, or
6 exploitation of elderly persons unable to protect their own
7 interests.

8 (15)~~(14)~~ Eliminate and prevent inappropriate
9 institutionalization of elderly persons by promoting
10 community-based care, home-based care, or other forms of less
11 intensive care.

12 (16)~~(15)~~ Aid in the support of families and other
13 caregivers of elderly persons.

14 (17)~~(16)~~ Promote intergenerational relationships.

15 ~~(17) Oversee aging research conducted or funded by any~~
16 ~~state agency to ensure that such activities are coordinated~~
17 ~~and directed to fulfill the intent and purposes of this act.~~

18 (18) Establish and maintain a management information
19 system which facilitates the collection, integration, and
20 dissemination of data collected by the department and its
21 contractees relevant to aging programs and elder issues.

22 Section 2. Section 430.035, Florida Statutes, is
23 created to read:

24 430.035 Definitions.--As used in this chapter, the
25 term:

26 (1) "Area agencies on aging" or "area agency" means a
27 public or private nonprofit agency or organization designated
28 by the department pursuant to s. 430.075. An area agency on
29 aging serves as both the advocate and the visible focal point
30 in its planning and service area for planning and fostering
31 the development of comprehensive and coordinated service

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1 systems to serve elderly persons.

2 (2) "Community care service area" means a service area
3 within a planning and service area.

4 (3) "Elder," "elderly person," or "older person" means
5 any person 60 years of age or older.

6 (4) "Functionally impaired" means any person who has
7 been determined, according to the department's assessment, to
8 have physical or mental limitations that restrict the person's
9 ability to perform the activities of daily living and that
10 impede the person's capacity to live independently without the
11 provision of supportive services.

12 (5) "Lead agency" means an agency selected by an area
13 agency on aging to conduct care planning, provide case
14 management, direct services, and coordinate the activities of
15 individual agencies contracting to provide community care for
16 the elderly services within a community care service area.
17 Lead agencies may elect not to provide services directly.

18 (6) "Multiservice senior center" means a facility that
19 serves as the focal point for housing and delivering services
20 to persons 60 years of age or older.

21 (7) "Planning and service area" means a geographic
22 area designated by the department, in which the programs of
23 the department are administered and services are delivered.

24 (8) "Service coordination" means assisting
25 functionally impaired elders and case managers in identifying,
26 accessing, and arranging for appropriate cost-effective
27 services. Service coordination helps to eliminate barriers and
28 ensure continuing and reliable services.

29 (9) "State plan on aging" means the service plan
30 developed by the department which evaluates service needs of
31 the elderly, identifies priority services and target client

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1 groups, provides for periodic evaluation of activities and
2 services funded under the plan, and provides for
3 administration of funds available through the federal Older
4 Americans Act. The state plan on aging must be based upon area
5 plans on aging developed by the area agencies on aging in
6 order that the priorities and conditions of local communities
7 are taken into consideration.

8 Section 3. Subsections (1), (2), and (3) of section
9 430.05, Florida Statutes, are amended to read:

10 430.05 Department of Elderly Affairs Advisory
11 Council.--

12 (1) There is created the Department of Elderly Affairs
13 Advisory Council which shall be located for administrative
14 purposes in the department ~~of Elderly Affairs~~. It is the
15 intent of the Legislature that the advisory council ~~shall~~ be
16 an independent nonpartisan body and ~~shall~~ not be subject to
17 control, supervision, or direction by the department.

18 (2) The council shall serve in an advisory capacity to
19 the Secretary of Elderly Affairs to assist the secretary in
20 carrying out the purposes, duties, and responsibilities of the
21 department, as specified in this chapter and s. 20.41. The
22 council may make recommendations to the secretary, the
23 Governor, the Speaker of the House of Representatives, and the
24 President of the Senate regarding organizational issues and
25 additions or reductions in the department's duties and
26 responsibilities.

27 (3)(a) The advisory council shall be composed of one
28 member appointed by the Governor from each of the department's
29 ~~state's~~ planning and service areas, ~~which are designated in~~
30 ~~accordance with the Older Americans Act~~, two additional
31 members appointed by the Governor, two members appointed by

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1 the President of the Senate, and two members appointed by the
2 Speaker of the House of Representatives. The members shall be
3 appointed in the following manner:

4 1. The Governor shall appoint one member from each
5 planning and service area and shall select each appointment
6 from a list of three nominations submitted by the designated
7 area agency on aging in each planning and service area.
8 Nominations submitted by an area agency on aging shall be
9 solicited from a broad cross section of the public, private,
10 and volunteer sectors of each county in the respective
11 planning and service area. At least one of the three
12 nominations submitted by an area agency on aging shall be a
13 person 60 years of age or older.

14 2. The Governor shall appoint two additional members,
15 one of whom shall be 60 years of age or older.

16 3. The President of the Senate shall appoint two
17 members, one of whom shall be 60 years of age or older.

18 4. The Speaker of the House of Representatives shall
19 appoint two members, one of whom shall be 60 years of age or
20 older.

21 5. The Governor shall ensure that a majority of the
22 members of the advisory council shall be 60 years of age or
23 older and reflect the state's diversity ~~that there shall be~~
24 ~~balanced minority and gender representation.~~

25 6. The Governor shall designate annually a member of
26 the advisory council to serve as chair.

27 7. The Secretary of Elderly Affairs shall serve as an
28 ex officio member of the advisory council.

29 (b) Members shall be appointed to 3-year staggered
30 terms. Vacancies occurring in the middle of a term shall be
31 filled only for the remainder of the term in order to maintain

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1 ~~staggered appointments in the following manner:~~

2 1. ~~In order to stagger the terms of office, one of the~~
3 ~~initial appointees of the President of the Senate shall be~~
4 ~~appointed to a 2-year term and one of the initial appointees~~
5 ~~of the Speaker of the House of Representatives shall be~~
6 ~~appointed to a 2-year term. Additionally, one-third of the~~
7 ~~total initial appointees of the Governor shall be appointed to~~
8 ~~1-year terms, one-third shall be appointed to 2-year terms,~~
9 ~~and one-third to 3-year terms. If the initial appointments of~~
10 ~~the Governor are not of a number divisible into thirds, and~~
11 ~~there results one additional appointee, that appointee shall~~
12 ~~be appointed to a 2-year term. If the initial appointments of~~
13 ~~the Governor are not of a number divisible into thirds, and~~
14 ~~there results two additional appointees, one of the additional~~
15 ~~appointees shall be appointed to a 1-year term and the other~~
16 ~~appointee shall be appointed to a 2-year term.~~

17 2. ~~Vacancies occurring during an appointee's initial~~
18 ~~term shall be filled in the same manner as the initial~~
19 ~~appointments, pursuant to subparagraph 1. After the terms~~
20 ~~referred to in subparagraph 1. have expired, members shall be~~
21 ~~appointed to 3-year terms.~~

22 Section 4. Section 430.075, Florida Statutes, is
23 created to read:

24 430.075 Area agencies on aging.--In accordance with
25 Pub. L. No. 89-73, the federal Older Americans Act of 1965, as
26 amended, the department shall designate area agencies on aging
27 in each of the department's planning and service areas.

28 (1) The department shall contract with the area agency
29 on aging governing body, hereafter referred to as the "board,"
30 to fulfill programmatic and funding requirements.

31 (a) The board shall be responsible for the overall

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1 direction of the area agency on aging's programs and services
2 and shall ensure that the area agency is administered in
3 accordance with the terms of its contract with the department,
4 state and federal laws, rules, and regulations, established
5 area agency policies, and cost-effective and efficient
6 management principles.

7 (b) The board shall ensure the accountability of the
8 area agency to the local communities in the area agency's
9 planning and service area.

10 (c) The board, in consultation with the secretary of
11 the department, shall appoint a chief executive officer,
12 hereafter referred to as the "executive director," to whom
13 shall be delegated responsibility for area agency management
14 and for implementation of board policy.

15 (2) The area agency on aging shall:

16 (a) Collect, maintain, and report to the department
17 data as directed by the department in rule or in contract.

18 (b) Maintain financial stability sufficient to meet
19 contractual obligations and use restricted or contract funds
20 appropriately.

21 (c) Maintain spending within budgetary allocations and
22 ensure that contracted service providers do not exceed
23 budgetary allocations.

24 (d) Expand or continue the provision of services after
25 the declaration of a state of emergency.

26 (e) Implement and maintain a department-approved
27 client grievance resolution procedure.

28 (f) Provide a "comprehensive and coordinated system"
29 for providing all necessary supportive services, including
30 nutrition services, in a manner designed to:

31 1. Facilitate accessibility to, and use of, all

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1 supportive services and nutrition services provided within the
2 geographic area served by such system by any public or private
3 agency or organization;

4 2. Develop and make the most efficient use of
5 supportive services and nutrition services in meeting the
6 needs of older individuals;

7 3. Use available resources efficiently and with a
8 minimum of duplication; and

9 4. Encourage and assist public and private entities
10 that have unrealized potential for meeting the service needs
11 of older individuals to assist the older individuals on a
12 voluntary basis.

13 (3) Each area agency on aging shall prepare a plan as
14 required by the federal Older Americans Act and shall submit
15 the plan to the department for approval. In addition to the
16 federally required elements, the plan shall include the
17 following:

18 (a) A detailed description of the design and structure
19 of the community care for the elderly program within the
20 planning and service area.

21 (b) Documentation of public hearings held to receive
22 testimony and comment about the design and structure of the
23 community care for the elderly service system. Area agencies
24 shall actively seek participation in the public hearings from
25 elders, caregivers, volunteers, service providers, lead
26 agencies, providers not currently providing community care for
27 the elderly services, and representatives of culturally
28 distinct communities.

29 (c) The geographic area of each community care service
30 area within the planning and service area.

31 (d) Provisions that identify and ensure equal access,

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1 coordination, and delivery of services to culturally distinct
2 communities within community care service areas.
3 (4) The area agency shall be subject to disciplinary
4 action by the department, including imposition of corrective
5 action requirements, unannounced special monitoring, temporary
6 assumption by the department of the operation of the agency,
7 placement of the area agency on probationary status,
8 imposition of a moratorium on area agency action, imposition
9 of financial penalties for nonperformance including the
10 withholding of funds, and rescinding of the area agency's
11 designation, if the department finds that the area agency:
12 (a) Has failed to comply with the requirements of
13 subsection (2);
14 (b) Has committed an intentional or negligent act that
15 has materially affected the health, welfare, or safety of
16 elderly persons;
17 (c) Has committed multiple or repeated violations of
18 statutory or regulatory requirements or department standards;
19 or
20 (d) Has failed to adhere to the terms of its contract
21 with the department.
22 (5) Area agencies on aging are public entities,
23 subject to chapter 119, relating to public records, and when
24 considering any contracts requiring the expenditure of public
25 funds, are subject to ss. 286.011-286.012, relating to public
26 meetings.
27 (6) When adequate services are not available in a
28 planning and service area, an area agency on aging may
29 directly provide services as permitted by federal regulation
30 and with the concurrence of the department. Such direct
31 provision of services shall be for a limited period of time

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1 until a request for proposals or an invitation to negotiate
2 can be executed and a contract commenced.

3 (7) The department shall adopt rules as necessary to
4 implement this section.

5 Section 5. Section 430.202, Florida Statutes, is
6 amended to read:

7 430.202 Community care for the elderly; legislative
8 intent.--The purpose of ss. 430.201-430.207 is to assist
9 functionally impaired elderly persons to live in living
10 dignified and reasonably independent lives in their own homes,
11 or in the homes of ~~relatives or caregivers~~, through the
12 development, expansion, reorganization, and coordination of
13 various community-based services. The Legislature intends
14 that a coordinated continuum of care be established so that
15 functionally impaired elderly persons ~~age 60 and older~~ may age
16 in place in ~~be assured~~ the least restrictive, most
17 cost-effective, safe environment suitable to meeting their
18 needs. The Legislature intends that those functionally
19 impaired elders who are the most frail be served first,
20 provided that it has been determined that maintaining such
21 persons in their homes does not exceed the average annual cost
22 of nursing home care and does not jeopardize their safety.The
23 development of innovative approaches to program management,
24 staff training, and service delivery which have an impact on
25 cost-avoidance, cost-effectiveness, and program efficiency,
26 including the use of volunteers, is encouraged.

27 Section 6. Section 430.203, Florida Statutes, is
28 amended to read:

29 430.203 Community care for the elderly;
30 definitions.--As used in ss. 430.201-430.207, the term:

31 (1) "Assessment" means an evaluation of an elder

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1 person's health and physical, economic, and social conditions
2 to identify needs and to develop a care plan. Assessment also
3 includes an evaluation of the capacity of any caregivers to
4 continue providing care.

5 (2) "Care plan" means a written description of how the
6 individual's needs will be addressed to help maintain or
7 improve the person's health and physical and social well-being
8 in the least restrictive, most cost-effective, safe
9 environment.

10 (3) "Caregiver" means a family member or other
11 individual who has responsibility for the care of an elderly
12 person, either voluntarily, by contract, by receipt of payment
13 for care, or as a result of the operation of law.

14 (4) "Case aide services" means providing, under the
15 direction of a case manager, assistance with accessing
16 resources and services, and facilitating linkages with service
17 providers.

18 (5) "Case management" means assessing, planning,
19 implementing, or supervising the implementation of a care plan
20 by arranging, coordinating, and facilitating the services
21 needed. Case management includes the development of formal
22 and informal resources, advocacy, monitoring, evaluating, and
23 adjusting services and service delivery on an ongoing basis.

24 ~~(1) "Area agency on aging" means a public or nonprofit~~
25 ~~private agency or office designated by the department to~~
26 ~~coordinate and administer the department's programs and to~~
27 ~~provide, through contracting agencies, services within a~~
28 ~~planning and service area. An area agency on aging serves as~~
29 ~~both the advocate and the visible focal point in its planning~~
30 ~~and service area to foster the development of comprehensive~~
31 ~~and coordinated service systems to serve older individuals.~~

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1 ~~(2) "Community care service area" means a service area~~
2 ~~within a planning and service area.~~

3 ~~(3) "Community care service system" means a service~~
4 ~~network comprising a variety of home-delivered services, day~~
5 ~~care services, and other basic services, hereinafter referred~~
6 ~~to as "core services," for functionally impaired elderly~~
7 ~~persons which are provided by several agencies under the~~
8 ~~direction of a single lead agency. Its purpose is to provide~~
9 ~~a continuum of care encompassing a full range of preventive,~~
10 ~~maintenance, and restorative services for functionally~~
11 ~~impaired elderly persons.~~

12 ~~(4) "Contracting agency" means an area agency on~~
13 ~~aging, a lead agency, or any other agency contracting to~~
14 ~~provide program administration or to provide services.~~

15 ~~(5) "Core services" means a variety of home-delivered~~
16 ~~services, day care services, and other basic services that may~~
17 ~~be provided by several entities. Core services are those~~
18 ~~services that are most needed to prevent unnecessary~~
19 ~~institutionalization. The area agency on aging shall not~~
20 ~~directly provide core services.~~

21 ~~(6) "Department" means the Department of Elderly~~
22 ~~Affairs.~~

23 ~~(7) "Functionally impaired elderly person" means any~~
24 ~~person, 60 years of age or older, having physical or mental~~
25 ~~limitations that restrict individual ability to perform the~~
26 ~~normal activities of daily living and that impede individual~~
27 ~~capacity to live independently without the provision of core~~
28 ~~services. Functional impairment shall be determined through a~~
29 ~~functional assessment administered to each applicant for~~
30 ~~community care for the elderly core services. The functional~~
31 ~~assessment shall be developed by the department.~~

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1 ~~(8) "Health maintenance services" means those routine~~
2 ~~health services that are necessary to help maintain the health~~
3 ~~of a functionally impaired elderly person, but that are~~
4 ~~limited to medical therapeutic services, nonmedical prevention~~
5 ~~services, personal care services, home health aide services,~~
6 ~~home nursing services, and emergency response systems.~~

7 ~~(9) "Lead agency" means an agency designated at least~~
8 ~~once every 3 years by an area agency on aging as the result of~~
9 ~~a request for proposal process to be in place no later than~~
10 ~~the state fiscal year 1996-1997.~~

11 ~~(a) The guidelines for the request for proposal must~~
12 ~~be developed by the department in consultation with the area~~
13 ~~agencies on aging. Such guidelines must include requirements~~
14 ~~for the assurance of quality and cost-efficiency of services,~~
15 ~~minimum personnel standards, and employee benefits.~~

16 ~~(b) The area agency on aging, in consultation with the~~
17 ~~department, may exempt from the competitive bid process any~~
18 ~~contract with a provider who meets or exceeds established~~
19 ~~minimum standards, as determined by the department.~~

20 ~~(c) In each community care service system the lead~~
21 ~~agency must be given the authority and responsibility to~~
22 ~~coordinate some or all of the services, either directly or~~
23 ~~through subcontracts, for functionally impaired elderly~~
24 ~~persons. These services must include case management and may~~
25 ~~include homemaker and chore services, respite care, adult day~~
26 ~~care, personal care services, home-delivered meals,~~
27 ~~counseling, information and referral, and emergency home~~
28 ~~repair services. The lead agency must compile community care~~
29 ~~statistics and monitor, when applicable, subcontracts with~~
30 ~~agencies providing core services.~~

31 ~~(10) "Multiservice senior center" means a facility~~

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1 ~~that serves as the focal point for housing and delivering~~
2 ~~services to persons 60 years of age or older.~~

3 ~~(11) "Personal care services" means services to assist~~
4 ~~with bathing, dressing, ambulation, housekeeping, supervision,~~
5 ~~emotional security, eating, supervision of self-administered~~
6 ~~medications, and assistance in securing health care from~~
7 ~~appropriate sources. Personal care services does not include~~
8 ~~medical services.~~

9 ~~(12) "Planning and service area" means a geographic~~
10 ~~service area established by the department, in which the~~
11 ~~programs of the department are administered and services are~~
12 ~~delivered.~~

13 ~~(13) "State Plan on Aging" means the service plan~~
14 ~~developed by the department which evaluates service needs of~~
15 ~~the elderly, identifies priority services and target client~~
16 ~~groups, provides for periodic evaluation of activities and~~
17 ~~services funded under the plan, and provides for~~
18 ~~administration of funds available through the federal Older~~
19 ~~Americans Act. The state plan on aging must be based upon area~~
20 ~~plans on aging developed by the area agencies on aging in~~
21 ~~order that the priorities and conditions of local communities~~
22 ~~are taken into consideration.~~

23 Section 7. Section 430.205, Florida Statutes, is
24 amended to read:

25 430.205 Community care for the elderly program service
26 system.--

27 (1) The department, through the area agency on aging,
28 shall fund in each planning and service area at least one
29 community care for the elderly program service system that
30 provides case management and other in-home and community
31 services as needed to help the older person maintain

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1 independence and prevent or delay more costly institutional
2 care. It is the Legislature's preference that each community
3 care service area be served by a single lead agency unless
4 elders' needs are not being met. The department shall ensure
5 that each local community care for the elderly program is
6 given by the area agency on aging the flexibility to purchase
7 those services that are needed in that area pursuant to the
8 area plan. Those services may include, but are not limited to:
9 adult day care; assessment; care planning; case aide; case
10 management; chore; companion; consumable medical supplies;
11 counseling; emergency alert response; emergency home repair;
12 escort; home health aide; homemaker; home-delivered meals;
13 home nursing; legal assistance; respite; shopping assistance;
14 and transportation. The care plan must be adjusted as the
15 consumer's needs change. The community care for the elderly
16 program is one part of the comprehensive and coordinated
17 system in each planning and service area.

18 (2) Lead agencies shall be selected every 3 years
19 pursuant to a request for proposals or an invitation to
20 negotiate issued by the area agency.~~Core services and other~~
21 ~~support services may be furnished by public or private~~
22 ~~agencies or organizations. Each community care service system~~
23 ~~must be under the direction of a lead agency that coordinates~~
24 ~~the activities of individual contracting agencies providing~~
25 ~~community-care-for-the-elderly services. When practicable,~~
26 ~~the activities of a community care service area must be~~
27 ~~directed from a multiservice senior center and coordinated~~
28 ~~with other services offered therein. This subsection does not~~
29 ~~require programs in existence prior to the effective date of~~
30 ~~this act to be relocated.~~

31 (a) The area agency shall select lead agencies using

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1 guidelines developed by the department and adopted by rule, in
2 consultation with the area agencies on aging. Such guidelines
3 must:
4 1. Promote high-quality, elder-friendly,
5 cost-effective services.
6 2. Encourage better and more accessible services
7 through competition among service providers, and ensure
8 consumer choice.
9 3. Ensure that case managers and service coordinators
10 act on behalf of consumers.
11 4. Ensure that referrals for services are not made to
12 benefit one provider over another equally qualified provider.
13 (b) An area agency on aging, in consultation with the
14 department, may exempt from competitive selection requirements
15 any lead agency that meets department established minimum
16 standards.
17 (c) Each lead agency must compile and submit to the
18 department community care for the elderly program data and
19 statistics for its service area as required by the department.
20 (3) The department shall define each ~~core~~ service that
21 is to be provided or coordinated within a community care
22 service area and establish rules and minimum standards for the
23 delivery of ~~core~~ services.
24 (4) The department shall ensure that the community
25 care for the elderly services are monitored by the area
26 agencies on aging.
27 (a) This monitoring shall include, but not be limited
28 to, information provided directly to the area agency on aging
29 by individuals receiving services, caregivers, family members,
30 and volunteers, related to the services received and the
31 extent to which the services meet the needs of the individual.

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1 The monitoring shall consider compliance with all requirements
2 of this section.

3 (b) When the area agency determines, in consultation
4 with the department, that the needs of elders within a
5 community care service area are not being met by the lead
6 agency in the area, and the lead agency has been given
7 reasonable opportunity to remove the deficiency and has
8 failed, the area agency may issue a request for proposal or
9 invitation to negotiate for one or more additional lead
10 agencies. The department shall adopt rules establishing the
11 standards against which a lead agency shall be evaluated for
12 compliance with the requirements of this section, prior to the
13 issuance by the area agency of a request for proposal or
14 invitation to negotiate.

15 (5) The department may conduct or contract for
16 research and demonstration projects to determine the
17 desirability of new concepts of organization, administration,
18 regulation, or service delivery designed to prevent or delay
19 the institutionalization of functionally impaired elderly
20 persons. Evaluations shall be made of the cost-effectiveness
21 cost-avoidance of such demonstration projects, the ability of
22 the projects to reduce the rate of placement of functionally
23 impaired elderly persons in long-term care institutions, any
24 effect on reducing hospitalizations, and the impact of
25 projects on the use of institutional services and facilities.
26 The department shall report to the Legislature annually on the
27 status, results, and costs of all research and demonstration
28 projects.

29 (6)(4) A preservice and inservice training program for
30 community care for the elderly service providers and staff may
31 be designed and implemented to help ensure assure the delivery

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1 of quality services. ~~The department shall specify in rules the~~
2 ~~training standards and requirements for the~~
3 ~~community care for the elderly service providers and staff.~~
4 Training must be sufficient to ensure that quality services
5 are provided to consumers ~~clients~~ and that appropriate skills
6 are developed to conduct the program.
7 (7)(5) The level of functional impairment shall be
8 determined through an assessment administered to each
9 applicant pursuant to criteria developed by the department and
10 adopted by rule. Any person who has been classified as a
11 functionally impaired elderly person is eligible to receive
12 community care for the elderly ~~community care for the elderly~~
13 ~~core~~ services. However, the assessment criteria shall permit
14 the department to prioritize service delivery to those most at
15 risk for nursing home placement, provided that it has been
16 determined that maintaining the person in the home provides
17 the most cost-effective delivery of needed care and does not
18 jeopardize the person's safety. Those elderly persons who are
19 determined by adult protective services to be elderly persons
20 in need of services, pursuant to s. 415.1045(2)(b), or to be
21 victims of abuse, neglect, or exploitation who are in need of
22 immediate services to prevent further harm and are referred by
23 adult protective services, shall be given primary
24 ~~consideration for receiving community care for the elderly~~
25 ~~services~~. As used in this subsection, "primary consideration"
26 means that an assessment ~~and services~~ must commence within 72
27 hours after referral to the department or as established in
28 accordance with department contracts by local protocols
29 developed between department service providers and adult
30 protective services. The department shall serve first those
31 individuals most in need as determined by the assessment,

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1 regardless of referral source.

2 (8) In order to maximize resources, services shall
3 also be obtained through:

4 (a) The Florida Plan for Medical Assistance under
5 Title XIX of the Social Security Act, private insurance, or
6 benefits available through a corporate retirement program.

7 (b) The state plan developed by the department
8 pursuant to s. 305 of Pub. L. No. 89-73 of the federal Older
9 Americans Act, as amended.

10 (c) Health care taxing districts.

11 (d) Religious or charitable organizations or volunteer
12 programs.

13 (9) The department shall adopt rules establishing
14 standards for the provision of care and for the screening,
15 selection, training, and supervision of service providers and
16 staff providing services pursuant to this program.

17 Section 8. Section 430.2055, Florida Statutes, is
18 created to read:

19 430.2055 Community care for the elderly program
20 service contracts and copayments.--

21 (1) The department or its designee agency shall
22 contract with public or private agencies or organizations for
23 the provision of services required by a community care for the
24 elderly program. Unless the department determines that the
25 health, safety, or welfare of elderly persons is otherwise in
26 jeopardy, an area agency on aging shall be the designee agency
27 of preference. The contracting agency shall ensure that all
28 other funding sources and informal community resources
29 available have been considered prior to utilizing community
30 care for the elderly program funds. The department and
31 contracting agency may accept gifts and grants in order to

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1 fund services within a community care service area.

2 (2) Agencies or organizations contracting to provide
3 community care for the elderly services under ss.
4 430.201-430.207 must provide a minimum of 10 percent of the
5 funding necessary for the support of project operations.
6 In-kind contributions, and contributions of money or services,
7 may be evaluated and counted as part or all of the required
8 local funding.

9 (3) Funds appropriated for community care for the
10 elderly must be used only for the provision of community care
11 for the elderly services and directly related expenditures.
12 The department may provide advance funding for a community
13 care for the elderly program. When no feasible alternatives
14 exist within the planning and service area, the department may
15 contract for or directly provide services for a regulation and
16 with the concurrence of the department, for a limited period
17 of time until a request for proposal or an invitation to
18 negotiate can be executed and a contract commenced.

19 (4) The department, in consultation with the area
20 agencies on aging and lead agencies, shall adopt a copayment
21 schedule in rule. The copayment schedule shall be proportional
22 to the functionally impaired elderly person's overall ability
23 to pay. At the time of the initial assessment, a copayment in
24 accordance with the department's adopted copayment schedule
25 shall be assessed.

26 (5) The department shall adopt rules to implement this
27 section.

28 Section 9. Subsection (1) of section 110.501, Florida
29 Statutes, is amended to read:

30 110.501 Definitions.--As used in this act:

31 (1) "Volunteer" means any person who, of his or her

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1 own free will, provides goods or services, or conveys an
2 interest in or otherwise consents to the use of real property
3 pursuant to ss. 260.011-260.018, to any state department or
4 agency, or nonprofit organization, with no monetary or
5 material compensation. A person registered and serving in
6 Older American Volunteer Programs authorized by the Domestic
7 Volunteer Service Act of 1973, as amended (Pub. L. No.
8 93-113), shall also be defined as a volunteer and shall incur
9 no civil liability as provided by s. 768.1355. A volunteer
10 shall be eligible for payment of volunteer benefits as
11 specified in Pub. L. No. 93-113 and, this section, ~~and s.~~
12 ~~430.204.~~

13 Section 10. Subsections (6), (7), (8), and (9) of
14 section 20.41, Florida Statutes, and section 430.204, Florida
15 Statutes, are repealed.

16 Section 11. This act shall take effect July 1, 2000.
17
18

19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 remove from the title of the bill: the entire title
22

23 and insert in lieu thereof:

24 A bill to be entitled
25 An act relating to elderly affairs; amending s.
26 430.03, F.S.; revising purposes of the
27 Department of Elderly Affairs; creating s.
28 430.035, F.S.; providing definitions; amending
29 s. 430.05, F.S.; revising provisions relating
30 to the Department of Elderly Affairs Advisory
31 Council; creating s. 430.075, F.S.; providing

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1 for designation of area agencies on aging;
2 providing for department contracts with area
3 agency on aging governing boards; providing
4 responsibilities of the boards and the area
5 agencies; providing grounds for department
6 disciplinary actions against an area agency;
7 providing for public meetings and records;
8 providing for direct provision of services by
9 an area agency under certain circumstances;
10 providing department rulemaking authority;
11 amending s. 430.202, F.S., relating to
12 community care for the elderly; providing
13 legislative intent; amending s. 430.203, F.S.;
14 revising definitions; amending s. 430.205,
15 F.S.; revising provisions relating to the
16 community care for the elderly program service
17 system; providing for services; providing for
18 periodic selection of lead agencies by the area
19 agencies; providing for guidelines; providing
20 for area agency monitoring of community care
21 for the elderly services; providing department
22 rulemaking authority; providing for department
23 research and demonstration projects; requiring
24 annual reports to the Legislature; providing
25 for assessment to prioritize service delivery;
26 providing additional sources of services;
27 creating s. 430.2055, F.S.; providing for
28 community care for the elderly program service
29 contracts and copayments; providing funding
30 requirements; providing department rulemaking
31 authority; amending s. 110.501, F.S.;

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correcting a cross reference; repealing s.
20.41(6), (7), (8), and (9), F.S., relating to
duties of the department with respect to the
federal Older Americans Act and the area
agencies on aging; repealing s. 430.204, F.S.,
relating to department powers and duties with
respect to community care for the elderly core
services; providing an effective date.