

By Representative Fiorentino

1                                   A bill to be entitled  
2           An act relating to elderly affairs; amending s.  
3           20.41, F.S.; revising organization and duties  
4           of the Department of Elderly Affairs; amending  
5           ss. 110.501 and 408.036, F.S.; correcting cross  
6           references; amending s. 400.404, F.S.; revising  
7           exemptions for licensure as an assisted living  
8           facility; amending s. 400.618, F.S.; revising  
9           exemptions from licensure as an adult  
10          family-care home; amending s. 409.904, F.S.;  
11          requiring the Agency for Health Care  
12          Administration to assign to the Department of  
13          Elderly Affairs, through interagency agreement,  
14          certain responsibilities under the Medicaid  
15          program; renumbering and amending s. 410.502,  
16          F.S., relating to housing and living  
17          arrangements for elderly persons; amending s.  
18          430.01, F.S., relating to short title of ch.  
19          430, F.S.; creating s. 430.016, F.S.; providing  
20          for release of confidential information to  
21          governmental entities or parties contracting  
22          with the department; amending s. 430.03, F.S.;  
23          revising purposes of the department; creating  
24          s. 430.035, F.S.; providing definitions;  
25          creating s. 430.045, F.S.; authorizing the  
26          Department of Elderly Affairs to secure  
27          patents, copyrights, and trademarks; providing  
28          for deposit and use of certain proceeds;  
29          amending s. 430.05, F.S., relating to the  
30          Department of Elderly Affairs Advisory Council;  
31          creating s. 430.065, F.S.; providing for

1 designation of area agencies on aging;  
2 providing for operation; providing conditions  
3 for rescinding a designation; providing for  
4 open records and meetings; requiring the  
5 department to adopt rules; amending s. 430.07,  
6 F.S.; establishing a statewide program for the  
7 use of volunteers to provide services to  
8 elderly persons; providing program  
9 responsibilities; requiring the department to  
10 adopt certain rules; abolishing the Office of  
11 Volunteer Community Service; amending s.  
12 430.071, F.S.; revising provisions relating to  
13 the "Respite for Elders Living in Everyday  
14 Families" (RELIEF) program; requiring the  
15 department to adopt certain rules; amending s.  
16 430.202, F.S.; revising legislative intent for  
17 the community care for the elderly program;  
18 amending s. 430.205, F.S.; providing program  
19 organization, guidelines, and service  
20 requirements; requiring the department to adopt  
21 certain rules; creating s. 430.2055, F.S.;  
22 providing for community care for the elderly  
23 service contracts and copayments; providing for  
24 funding and restricting use of certain funds;  
25 requiring the department to adopt rules;  
26 amending s. 430.206, F.S.; providing for  
27 establishment and functions of multiservice  
28 senior centers; providing for reversion of  
29 state funds; requiring notice to the department  
30 prior to sale of a center; amending s. 430.207,  
31 F.S., relating to confidentiality of

1 information; amending s. 430.41, F.S.; revising  
2 provisions relating to the department's Grants  
3 and Donations Trust Fund; creating s. 430.43,  
4 F.S.; providing for time-limited project,  
5 grant, or trust fund personnel; creating s.  
6 430.5011, F.S.; providing a short title;  
7 renumbering and amending s. 430.501, F.S.;  
8 revising provisions relating to the Alzheimer's  
9 Disease Advisory Committee; amending s.  
10 430.502, F.S.; revising provisions relating to  
11 establishment of memory disorder clinics;  
12 providing rulemaking authority; amending s.  
13 430.503, F.S.; providing for copayments for  
14 certain services; amending s. 430.504, F.S.,  
15 relating to confidentiality of information;  
16 amending ss. 430.601, 430.603, 430.604, and  
17 430.605, F.S.; revising provisions relating to  
18 home care for the elderly and subsidies  
19 therefor; expanding rulemaking authority of the  
20 department; amending ss. 430.701, 430.702,  
21 430.703, 430.705, and 430.707, F.S.; revising  
22 provisions relating to the "Long-Term Care  
23 Community Diversion Pilot Project Act";  
24 providing additional requirements for  
25 implementation of projects and contracts with  
26 managed care organizations to provide care;  
27 repealing ss. 430.02 and 430.04, F.S., relating  
28 to legislative intent and duties and  
29 responsibilities of the Department of Elderly  
30 Affairs; repealing s. 430.101, F.S., relating  
31 to administration of federal aging programs;

1           repealing ss. 430.203 and 430.204, F.S.,  
2           relating to definitions, core services, and  
3           duties of the department under the community  
4           care for the elderly program; repealing s.  
5           430.602, F.S., relating to definitions under  
6           the home care for the elderly program;  
7           repealing ss. 430.704 and 430.706, F.S.,  
8           relating to evaluation of long-term care  
9           through community diversion pilot projects, and  
10          quality of care standards for such pilot  
11          projects; repealing s. 430.710, F.S., relating  
12          to the long-term care interagency advisory  
13          council; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Section 20.41, Florida Statutes, is amended  
18 to read:

19           20.41 Department of Elderly Affairs.--There is created  
20 a Department of Elderly Affairs.

21           (1) The head of the department is the Secretary of  
22 Elderly Affairs. The secretary must be appointed by the  
23 Governor, subject to confirmation by the Senate. The  
24 requirement for Senate confirmation applies to any person so  
25 appointed on or after July 1, 1994. The secretary serves at  
26 the pleasure of the Governor. ~~The secretary shall administer~~  
27 ~~the affairs of the department and may employ assistants,~~  
28 ~~professional staff, and other employees as necessary to~~  
29 ~~discharge the powers and duties of the department.~~

30  
31

1           (2) The department shall plan and administer its  
2 programs and services through planning and service areas as  
3 designated by the department by rule.

4           ~~(3) The department shall maintain its headquarters in~~  
5 ~~Fallahassee.~~

6           (3)(4) The department shall, in accordance with s. 712  
7 of Pub. L. No. 89-73, the federal Older Americans Act of 1965,  
8 as amended, established and operate administratively house the  
9 Office of State Long-Term Care Ombudsman Council, as created  
10 under part I of chapter 400 by s. 400.0067, and the district  
11 long-term care ombudsman councils, created by s. 400.0069 and  
12 shall, as required by s. 712 of the federal Older Americans  
13 Act of 1965, ensure that both the state and district long-term  
14 care ombudsman councils operate in compliance with the Older  
15 Americans Act. The councils in performance of their duties  
16 shall not be subject to control, supervision, or direction by  
17 the department.

18           ~~(4)(5) The department shall be the designated state~~  
19 agency unit on aging in accordance with s. 305 of Pub. L. No.  
20 89-73, as defined in the federal Older Americans Act of 1965,  
21 as amended, and shall exercise all responsibilities pursuant  
22 to that act, including:

23           (a) Developing and administering a state plan pursuant  
24 to the provisions of ss. 307 and 308 of that act.

25           (b) Receiving and distributing all funds appropriated  
26 through the act in accordance with a formula developed by the  
27 department.

28           (c) Being primarily responsible for the planning,  
29 policy development, administration, coordination, priority  
30 setting, and evaluation of all state activities related to the  
31 objectives of that act.

1           ~~(6) In accordance with the federal Older Americans Act~~  
2 ~~of 1965, as amended, the department shall designate and~~  
3 ~~contract with area agencies on aging in each of the~~  
4 ~~department's planning and service areas. Area agencies on~~  
5 ~~aging shall ensure a coordinated and integrated provision of~~  
6 ~~long-term care services to the elderly and shall ensure the~~  
7 ~~provision of prevention and early intervention services. The~~  
8 ~~department shall have overall responsibility for information~~  
9 ~~system planning. The department shall ensure, through the~~  
10 ~~development of equipment, software, data, and connectivity~~  
11 ~~standards, the ability to share and integrate information~~  
12 ~~collected and reported by the area agencies in support of~~  
13 ~~their contracted obligations to the state.~~

14           ~~(7) The department shall contract with the governing~~  
15 ~~body, hereafter referred to as the "board," of an area agency~~  
16 ~~on aging to fulfill programmatic and funding requirements.~~  
17 ~~The board shall be responsible for the overall direction of~~  
18 ~~the agency's programs and services and shall ensure that the~~  
19 ~~agency is administered in accordance with the terms of its~~  
20 ~~contract with the department, legal requirements, established~~  
21 ~~agency policy, and effective management principles. The board~~  
22 ~~shall also ensure the accountability of the agency to the~~  
23 ~~local communities included in the planning and service area of~~  
24 ~~the agency.~~

25           ~~(8) The area agency on aging board shall, in~~  
26 ~~consultation with the secretary, appoint a chief executive~~  
27 ~~officer, hereafter referred to as the "executive director," to~~  
28 ~~whom shall be delegated responsibility for agency management~~  
29 ~~and for implementation of board policy, and who shall be~~  
30 ~~accountable for the agency's performance.~~

31

1       ~~(9) Area agencies on aging are subject to chapter 119,~~  
2 ~~relating to public records, and, when considering any~~  
3 ~~contracts requiring the expenditure of funds, are subject to~~  
4 ~~ss. 286.011-286.012, relating to public meetings.~~

5       Section 2. Subsection (1) of section 110.501, Florida  
6 Statutes, is amended to read:

7       110.501 Definitions.--As used in this act:

8       (1) "Volunteer" means any person who, of his or her  
9 own free will, provides goods or services, or conveys an  
10 interest in or otherwise consents to the use of real property  
11 pursuant to ss. 260.011-260.018, to any state department or  
12 agency, or nonprofit organization, with no monetary or  
13 material compensation. A person registered and serving in  
14 Older American Volunteer Programs authorized by the Domestic  
15 Volunteer Service Act of 1973, as amended (Pub. L. No.  
16 93-113), shall also be defined as a volunteer and shall incur  
17 no civil liability as provided by s. 768.1355. A volunteer  
18 shall be eligible for payment of volunteer benefits as  
19 specified in Pub. L. No. 93-113 and, this section, ~~and s.~~  
20 ~~430.204.~~

21       Section 3. Paragraph (h) of subsection (3) of section  
22 408.036, Florida Statutes, is amended to read:

23       408.036 Projects subject to review.--

24       (3) EXEMPTIONS.--Upon request, supported by such  
25 documentation as the agency requires, the agency shall grant  
26 an exemption from the provisions of subsection (1):

27       (h) For the establishment of a Medicare-certified home  
28 health agency by a facility certified under chapter 651; a  
29 retirement community, as defined in s. 400.404(9)~~(2)(g)~~; or a  
30 residential facility that serves only retired military  
31 personnel, their dependents, and the surviving dependents of

1 deceased military personnel. Medicare-reimbursed home health  
2 services provided through such agency shall be offered  
3 exclusively to residents of the facility or retirement  
4 community or to residents of facilities or retirement  
5 communities owned, operated, or managed by the same corporate  
6 entity. Each visit made to deliver Medicare-reimbursable home  
7 health services to a home health patient who, at the time of  
8 service, is not a resident of the facility or retirement  
9 community shall be a deceptive and unfair trade practice and  
10 constitutes a violation of ss. 501.201-501.213.

11

12 A request for exemption under this subsection may be made at  
13 any time and is not subject to the batching requirements of  
14 this section.

15 Section 4. Section 400.404, Florida Statutes, is  
16 amended to read:

17 400.404 ~~Facilities to be licensed~~ Exemptions from  
18 licensure.--

19 ~~(1) For the administration of this part, facilities to~~  
20 ~~be licensed by the agency shall include all assisted living~~  
21 ~~facilities as defined in this part.~~

22 ~~(2)~~ The following are exempt from licensure under this  
23 part:

24 (1)~~(a)~~ Any facility, institution, or other place  
25 operated by the Federal Government or any agency of the  
26 Federal Government.

27 (2)~~(b)~~ Any facility or part of a facility licensed  
28 under chapter 393 or chapter 394.

29 (3)~~(c)~~ Any facility licensed as an adult family-care  
30 home under part VII.

31



1           (4)~~(d)~~ Any person who provides housing, meals, and one  
2 or more personal services on a 24-hour basis in the person's  
3 own home to not more than two adults who do not receive  
4 optional state supplementation. The person who provides the  
5 housing, meals, and personal services must own or rent the  
6 home and live in the home ~~reside therein~~.

7           (5) An arrangement whereby a person is receiving a  
8 subsidy for providing home care to an elderly person pursuant  
9 to s. 430.603, the home care for the elderly program.

10           (6)~~(e)~~ Any home or facility approved by the United  
11 States Department of Veterans Affairs as a residential care  
12 home wherein care is provided exclusively to three or fewer  
13 veterans.

14           (7)~~(f)~~ Any facility that has been incorporated in this  
15 state for 50 years or more on or before July 1, 1983, and is  
16 governed by a ~~the~~ board of directors ~~of~~ which is nominated or  
17 elected by the residents, until such time as the facility is  
18 sold or its ownership is transferred. ~~or~~

19           (8) Any facility, with improvements or additions  
20 thereto, which has existed and operated continuously in this  
21 state for 60 years or more on or before July 1, 1989, is  
22 directly or indirectly owned and operated by a nationally  
23 recognized fraternal organization, is not open to the public,  
24 and accepts only its own members and their spouses as  
25 residents.

26           (9)~~(g)~~ Any facility certified under chapter 651, or a  
27 retirement community, may provide services authorized under  
28 this part or part IV of this chapter to its residents who live  
29 in single-family homes, duplexes, quadruplexes, or apartments  
30 located on the campus without obtaining a license to operate  
31 an assisted living facility if residential units within such

1 buildings are used by residents who do not require staff  
2 supervision for that portion of the day when personal services  
3 are not being delivered and the owner obtains a home health  
4 license to provide such services. However, any building or  
5 distinct part of a building on the campus that is designated  
6 for persons who receive personal services and require  
7 supervision beyond that which is available while such services  
8 are being rendered must be licensed in accordance with this  
9 part. ~~If a facility provides personal services to residents  
10 who do not otherwise require supervision and the owner is not  
11 licensed as a home health agency, the buildings or distinct  
12 parts of buildings where such services are rendered must be  
13 licensed under this part.~~A resident of a facility that has  
14 obtained ~~obtains~~ a home health license may contract with a  
15 licensed home health agency of his or her choice, provided  
16 that the home health agency provides ~~liability insurance and~~  
17 workers' compensation coverage for its employees. Facilities  
18 covered by this exemption may ~~establish policies that~~ give  
19 residents the option of contracting for services and care  
20 beyond that which is provided by the facility to enable them  
21 to age in place. For purposes of this section, a retirement  
22 community consists of a facility licensed under this part or  
23 under part II, and apartments designed for independent living  
24 located on the same campus.

25 (10)(h) Any residential unit for independent living  
26 which is located within a facility certified under chapter  
27 651, or any residential unit which is colocated with a nursing  
28 home licensed under part II or colocated with a facility  
29 licensed under this part in which services are provided  
30 through an outpatient clinic or a nursing home on an  
31 outpatient basis.

1 Section 5. Subsection (2) of section 400.618, Florida  
2 Statutes, is amended to read:

3 400.618 Definitions.--As used in this part, the term:

4 (2) "Adult family-care home" means a full-time,  
5 family-type living arrangement, in a private home, under which  
6 a person who owns or rents the home provides room, board, and  
7 personal care, on a 24-hour basis, for no more than five  
8 disabled adults or frail elders who are not relatives. The  
9 following family-type living arrangements are not required to  
10 be licensed as an adult family-care home:

11 (a) An arrangement whereby the person who owns or  
12 rents the home provides room, board, and personal services for  
13 not more than two adults who do not receive optional state  
14 supplementation under s. 409.212, and does not hold the home  
15 out to the public to be an adult family-care home. The person  
16 who provides the housing, meals, and personal care must own or  
17 rent and live in the home ~~and reside therein.~~

18 ~~(b) An arrangement whereby the person who owns or~~  
19 ~~rents the home provides room, board, and personal services~~  
20 ~~only to his or her relatives.~~

21 ~~(b)(c)~~ An establishment that is licensed as an  
22 assisted living facility under part III.

23 (c) An arrangement whereby a person is receiving a  
24 subsidy for providing home care to an elderly person pursuant  
25 to s. 430.603, the home care for the elderly program.

26 Section 6. Section 409.904, Florida Statutes, is  
27 amended to read:

28 409.904 Optional payments for eligible persons.--

29 (1) The agency may make payments for medical  
30 assistance and related services on behalf of the following  
31 persons who are determined to be eligible subject to the

1 income, assets, and categorical eligibility tests set forth in  
2 federal and state law. Payment on behalf of these Medicaid  
3 eligible persons is subject to the availability of moneys and  
4 any limitations established by the General Appropriations Act  
5 or chapter 216.

6 (a)~~(1)~~ A person who is age 65 or older or is  
7 determined to be disabled, whose income is at or below 100  
8 percent of federal poverty level, and whose assets do not  
9 exceed established limitations.

10 (b)~~(2)~~ A family, a pregnant woman, a child under age  
11 18, a person age 65 or over, or a blind or disabled person who  
12 would be eligible under any group listed in s. 409.903(1),  
13 (2), or (3), except that the income or assets of such family  
14 or person exceed established limitations. For a family or  
15 person in this group, medical expenses are deductible from  
16 income in accordance with federal requirements in order to  
17 make a determination of eligibility. A family or person in  
18 this group, which group is known as the "medically needy," is  
19 eligible to receive the same services as other Medicaid  
20 recipients, with the exception of services in skilled nursing  
21 facilities and intermediate care facilities for the  
22 developmentally disabled.

23 (c)~~(3)~~ A person who is in need of the services of a  
24 licensed nursing facility, a licensed intermediate care  
25 facility for the developmentally disabled, or a state mental  
26 hospital, whose income does not exceed 300 percent of the SSI  
27 income standard, and who meets the assets standards  
28 established under federal and state law.

29 (d)~~(4)~~ A low-income person who meets all other  
30 requirements for Medicaid eligibility except citizenship and  
31 who is in need of emergency medical services. The eligibility

1 of such a recipient is limited to the period of the emergency,  
2 in accordance with federal regulations.

3 (e)~~(5)~~ Subject to specific federal authorization, a  
4 postpartum woman living in a family that has an income that is  
5 at or below 185 percent of the most current federal poverty  
6 level is eligible for family planning services as specified in  
7 s. 409.905(3) for a period of up to 24 months following a  
8 pregnancy for which Medicaid paid for pregnancy-related  
9 services.

10 (f)~~(6)~~ A child born before October 1, 1983, living in  
11 a family that has an income which is at or below 100 percent  
12 of the current federal poverty level, who has attained the age  
13 of 6, but has not attained the age of 19, and who would be  
14 eligible in s. 409.903(6), if the child had been born on or  
15 after such date. In determining the eligibility of such a  
16 child, an assets test is not required.

17 (g)~~(7)~~ A child who has not attained the age of 19 who  
18 has been determined eligible for the Medicaid program is  
19 deemed to be eligible for a total of 6 months, regardless of  
20 changes in circumstances other than attainment of the maximum  
21 age. Effective January 1, 1999, a child who has not attained  
22 the age of 5 and who has been determined eligible for the  
23 Medicaid program is deemed to be eligible for a total of 12  
24 months regardless of changes in circumstances other than  
25 attainment of the maximum age.

26 (2) The agency, through interagency agreement, shall  
27 assign to the Department of Elderly Affairs responsibility for  
28 nursing home preadmission screening established to control the  
29 utilization of Medicaid institutional care pursuant to ss.  
30 1902 and 1903 of Title XIX of the Social Security Act, and for  
31 the administration of the Assisted Living for the Elderly

1 Medicaid Waiver, the Aged-Disabled Adult Home and Community  
2 Based Medicaid Waiver, and the Consumer Directed Care Medicaid  
3 Waiver for the Elderly.

4 Section 7. Section 410.502, Florida Statutes, is  
5 renumbered as section 430.075, Florida Statutes, and amended  
6 to read:

7 430.075 ~~410.502~~ Housing and living arrangements;  
8 special needs of the elderly; services.--The department of  
9 ~~Elderly Affairs~~ shall provide services related to housing and  
10 living arrangements which meet the special needs of the  
11 elderly. Such services shall include, ~~but not be limited to:~~

12 (1) Providing counseling concerning housing problems  
13 and alternate living arrangements ~~when~~ appropriate to the  
14 individual's needs.

15 (2) Coordinating with the Department of Community  
16 Affairs to collect ~~gather~~ and maintain data on living  
17 arrangements which meet the special needs of the elderly and  
18 to disseminate such information to the public. Such  
19 information shall include types of facilities, cost of care,  
20 services provided, and possible sources of assistance ~~help~~ in  
21 meeting the cost of care for indigent individuals.

22 (3) Promoting, through the department of ~~Elderly~~  
23 ~~Affairs staff activities~~ and area agencies on aging, the  
24 development of a variety of living arrangements through public  
25 and private auspices to meet the various needs and desires of  
26 the elderly, including, but not limited to:

27 (a) Adult family-care ~~Foster~~ homes.

28 (b) Assisted living facilities.

29 (c) Homes for special services.

30 (d) Shared housing or other such group living  
31 arrangements for independent living.

1 (e) Continuing care facilities which offer all levels  
2 of care, including independent living units, personal care,  
3 home health care supports, assisted living, and skilled  
4 nursing home care.

5 (f) Retirement communities for independent communal  
6 living, to be developed in conjunction with the Department of  
7 Community Affairs.

8 (g) Other innovative living arrangements.

9  
10 Demonstration projects must be used advisedly to test the  
11 extent to which these and other innovative housing and living  
12 arrangements do meet the basic and special needs of the  
13 elderly.

14 Section 8. Section 430.01, Florida Statutes, is  
15 amended to read:

16 430.01 Short title.--This chapter may be cited as the  
17 "Department of Elderly Affairs Act," or the "Pepper Act" as a  
18 memorial to Congressman Claude Denson Pepper. ~~The department~~  
19 ~~is also known as the Department of Elder Affairs.~~

20 Section 9. Section 430.016, Florida Statutes, is  
21 created to read:

22 430.016 Confidential information; other state  
23 agencies.--Information held by the department which is  
24 confidential and exempt from the provisions of s. 119.07(1)  
25 and s. 24(a), Art. I of the State Constitution may be released  
26 to other governmental entities or to parties contracting with  
27 the department to perform departmental duties. The receiving  
28 governmental entity or party shall retain the confidentiality  
29 of such information as provided by law.

30 Section 10. Section 430.03, Florida Statutes, is  
31 amended to read:

1           430.03 Purposes.--The ~~mission~~ purposes of the  
2 Department of Elderly Affairs ~~is~~ are to advocate for and serve  
3 Florida's elders; promote and implement long-term care  
4 policies and procedures that are elder-friendly; and plan,  
5 coordinate, administer, and initiate programs and services  
6 that empower elders and their caregivers to age in place, with  
7 dignity, security, and purpose, and in an elder-friendly  
8 environment. In order to achieve this purpose, the department  
9 shall:

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

12           (2)~~(1)~~ Serve as the primary state agency responsible  
13 for administering human services programs for elder persons in  
14 this state, ~~the elderly~~ and for developing policy  
15 recommendations and programs for long-term care, and for  
16 evaluating and promulgating regulatory policy for long-term  
17 care facilities and the provision of long-term care services.

18           (3)~~(2)~~ Combat ageism and create public awareness and  
19 understanding of the potentials, ~~and~~ needs, and diversity of  
20 the elderly, and provide opportunities for personal  
21 development and achievement, and employment, of persons age 60  
22 years and older ~~persons~~.

23           (4)~~(3)~~ Develop, arrange, oversee, and conduct research  
24 in the field of aging, and promote and implement a variety of  
25 pilot programs that demonstrate innovative methods for meeting  
26 the needs of elderly residents. Research activities may  
27 include contracting with academic institutions and other  
28 research organizations, development of educational and  
29 training curricula, research related to medical issues  
30 affecting the elderly, including Alzheimer's disease, analysis  
31 of long-term care and other supportive service needs,



1 development of new services and service delivery system  
2 models, development of designs and adaptive innovations  
3 relating to modified living environments, including the use of  
4 assistive devices, and evaluation of pilot programs serving  
5 elders. ~~Study and plan for programs and services to meet~~  
6 ~~identified and projected needs and to provide opportunities~~  
7 ~~for personal development and achievement of persons aged 60~~  
8 ~~years and older.~~

9       ~~(4) Advocate quality programs and services for the~~  
10 ~~state's elderly population and on behalf of the individual~~  
11 ~~citizen's needs.~~

12       (5) Coordinate interdepartmental policy development  
13 and program planning for all state agencies that provide  
14 services for the state's elderly population in order to  
15 prevent duplicative efforts, to maximize utilization of  
16 resources, and to optimize ~~ensure~~ cooperation, communication,  
17 and departmental linkages.

18       (6) Recommend state and community-based ~~local level~~  
19 organizational models for the planning, coordination,  
20 implementation, and evaluation of programs serving the elderly  
21 population, emphasizing initiatives which seek to coordinate  
22 and integrate the continuum-of-care needs of the elderly.

23       (7) Oversee implementation of federally funded and  
24 state-funded programs and services for the state's elderly  
25 population.

26       (8) Review and comment upon state plans, budgets, and  
27 policies which affect older individuals and provide technical  
28 assistance to any agency, organization, association, or person  
29 representing the needs of older individuals.

30       ~~(9)~~(8) Promote more effective use of existing  
31 resources and available services, and develop and recommend

1 cost-effective legislative budget requests for programs and  
2 services for the state's elderly population.

3 (10)~~(9)~~ Serve as a state-level information  
4 clearinghouse, and encourage and assist in the development of  
5 community-based ~~local-level identifiable points of~~ information  
6 and referral sources regarding all federal, state, and local  
7 resources providing ~~of~~ assistance to elderly residents  
8 citizens.

9 (11)~~(10)~~ Assist elderly persons to secure needed  
10 services in accordance with personal choice and in a manner  
11 that achieves or maintains autonomy and prevents, reduces, or  
12 eliminates dependency.

13 (12)~~(11)~~ Promote the maintenance and improvement of  
14 the physical well-being and mental health of elderly persons.

15 (13)~~(12)~~ Encourage and enlist the services of  
16 volunteers to provide assistance and services to elders, and  
17 promote opportunities for volunteerism among the elderly  
18 population.

19 (14)~~(13)~~ Promote the prevention of neglect, abuse, or  
20 exploitation of elderly persons unable to protect their own  
21 interests.

22 (15)~~(14)~~ Reduce ~~eliminate~~ and prevent inappropriate  
23 institutionalization of elderly persons by promoting  
24 community-based care, home-based care, self-care, or other  
25 forms of less intensive care.

26 (16)~~(15)~~ Support and promote the efforts ~~Aid in the~~  
27 ~~support~~ of families and other caregivers of elderly persons.

28 (17)~~(16)~~ Promote activities that provide opportunities  
29 for persons of all ages and ethnic and cultural backgrounds to  
30 benefit from intergenerational relationships that promote  
31 unity, support, and respect for one another.

1           ~~(18)(17)~~ Establish and maintain a management  
2 information system which facilitates the collection,  
3 integration, and dissemination of data collected by the  
4 department and its contractees relevant to aging programs and  
5 elder issues.~~Oversee aging research conducted or funded by~~  
6 ~~any state agency to ensure that such activities are~~  
7 ~~coordinated and directed to fulfill the intent and purposes of~~  
8 ~~this act.~~

9           (19) Participate in efforts to promote the highest  
10 quality of compassionate, culturally competent, and adequate  
11 end-of-life care that is responsive to the individual wishes  
12 and needs of patients and their caregivers.

13           (20) Develop and establish self-directed care programs  
14 which encourage and provide opportunities for the elderly and  
15 their caregivers to choose their service providers whenever  
16 possible.

17           (21) Develop mechanisms and promote programs which  
18 offer a comprehensive, structurally integrated system of  
19 assessment for determining eligibility and level of care for  
20 supportive, community-based, long-term care services.

21           (22) Contract with public or private entities for the  
22 planning and provision of services to the elderly, or directly  
23 administer such programs, whichever is determined to be the  
24 most efficient and cost-effective and maximizes consumer  
25 choice.

26           (23) Develop and implement training programs and other  
27 educational opportunities for caregivers and providers of  
28 elder care services.

29           (24) Encourage and actively solicit contributions and  
30 grants from private, state, local, and federal resources for  
31

1 the purpose of developing, promoting, and implementing  
2 innovative programs serving the elderly.

3 (25) Promote the development of public-private  
4 partnerships for the purpose of maximizing resources and  
5 consumer choice in the selection of service providers and  
6 programs serving the elderly.

7 (26) Hold public meetings throughout the state for  
8 purposes of receiving public input and creating opportunities  
9 for articulating issues of public concern relating to the  
10 elderly and their caregivers, and which provide feedback on  
11 the relevance and effectiveness of the department's programs  
12 and services.

13 (27) Call upon appropriate state agencies for such  
14 assistance as needed in the discharge of the department's  
15 duties. All agencies shall cooperate in assisting the  
16 department to carry out its responsibilities as prescribed by  
17 this section.

18 (28) Prepare a master plan addressing aging policies  
19 and programs in this state.

20 Section 11. Section 430.035, Florida Statutes, is  
21 created to read:

22 430.035 Definitions.--As used in this chapter, the  
23 term:

24 (1) "Area agencies on aging" or "area agency" means a  
25 public or private nonprofit agency or organization designated  
26 by the department pursuant to s. 430.065. An area agency on  
27 aging serves as both the advocate and the visible focal point  
28 in its planning and service area for planning and fostering  
29 the development of comprehensive and coordinated service  
30 systems to serve elderly persons.

31

1           (2) "Assessment" means an evaluation of an elder  
2 person's health and physical, environmental, behavioral,  
3 psychological, economic, cultural, and social conditions in  
4 order to identify needs and the appropriate level of care, and  
5 to develop a comprehensive care plan.

6           (3) "Care plan" means a written listing of an  
7 individual's strengths, coping skills, and needs, and a  
8 description of how the individual's needs will be addressed to  
9 help maintain or improve the person's health and physical,  
10 environmental, cultural, behavioral, psychological, economic,  
11 and social well-being in the least restrictive, most  
12 cost-effective, safe environment. The plan shall be based on  
13 an assessment of the individual and must also address the  
14 capabilities of caregivers to provide needed support and care.  
15 All available resources and strategies must be considered  
16 prior to the use of federal or state funds.

17           (4) "Caregiver" means a family member or other  
18 individual who has responsibility for the care of an elderly  
19 person, either voluntarily, by contract, by receipt of payment  
20 for care, or as a result of the operation of law.

21           (5) "Case aide services" means providing, under the  
22 direction of a case manager, assistance with the  
23 implementation of a care plan, assistance with accessing  
24 resources and services, and oversight and supervision of  
25 service provider activities, and facilitating linkages with  
26 service providers.

27           (6) "Case management" means implementing or  
28 supervising the implementation of a care plan by mobilizing,  
29 arranging, and facilitating the provision of services needed  
30 to maximize an individual's physical, social, and emotional  
31 well-being. Case management includes the development of

1 formal and informal resources to assure the availability of  
2 cost-effective services, advocacy, and monitoring, evaluating,  
3 and adjusting services and service delivery, on an ongoing  
4 basis, to assure the continued attainment of desired outcomes.

5 (7) "Community care service area" means a designated  
6 geographic area within a planning and service area which is  
7 served by one or more service entities providing assessment,  
8 service coordination, care planning, case management, a  
9 variety of home-delivered services, day care services, and  
10 other basic services to functionally impaired elderly persons.  
11 Community care service areas shall be determined by the  
12 department in consultation with the area agency on aging.

13 (8) "Department" means the Department of Elderly  
14 Affairs as established in s. 20.41. The department shall also  
15 be known as the Department of Elder Affairs.

16 (9) "Elder," "elderly person," or "older individual"  
17 means any person 60 years of age or over.

18 (10) "Functionally impaired" means any person who has  
19 been determined to have physical or mental limitations that  
20 restrict the person's ability to perform the activities of  
21 daily living and that impede the person's capacity to live  
22 independently without the provision of supportive services.

23 (11) "Lead agency" means an agency selected by an area  
24 agency on aging to conduct care planning and provide case  
25 management or service coordination, as needed, to functionally  
26 impaired elderly persons participating in a community care for  
27 the elderly program, and coordinate the activities of  
28 individual agencies contracting to provide community care for  
29 the elderly services within a community care service area.

30  
31

1       (12) "Planning and service area" means a geographic  
2 area designated by the department, in which the programs of  
3 the department are administered and services are delivered.

4       (13) "Respite" means the provision of necessary care  
5 to a functionally impaired elderly person on a temporary  
6 basis, in order to allow the elderly person's caregiver to  
7 leave the elderly person for a period of time.

8       (14) "Service coordination" means assisting in  
9 identifying, accessing, and arranging for appropriate  
10 resources and cost-effective services and followup and liaison  
11 activities on behalf of service recipients, for the purpose of  
12 eliminating barriers to responsive and efficient service  
13 delivery, and ensuring the delivery of services on a  
14 continuing and reliable basis.

15       (15) "Stipend" means an allotment of funds to enable  
16 volunteers to provide services. The allotment of funds is for  
17 a period of service and is not an hourly wage.

18       Section 12. Section 430.045, Florida Statutes, is  
19 created to read:

20       430.045 Patents, copyrights, trademarks; notice to  
21 Department of State; confidentiality of trade secrets.--

22       (1) Notwithstanding any other provision of law to the  
23 contrary, the Department of Elderly Affairs is authorized, in  
24 its own name, to:

25       (a) Perform all things necessary to secure letters of  
26 patent, copyrights, and trademarks on any legitimately  
27 acquired work products and to enforce its right therein.

28       (b) License, lease, assign, or otherwise give written  
29 consent to any person, firm, or corporation for the  
30 manufacture or use of any product protected by patent,  
31

1 copyright, or trademark, whether on a royalty basis or for  
2 such other consideration as the department may deem proper.

3 (c) Take any action necessary, including legal action,  
4 to enforce its rights under any agreement and to protect its  
5 property rights from improper or unlawful use or infringement.

6 (d) Enforce the collection of any payments or other  
7 obligations due the department for the manufacture or use of  
8 any product by any other party.

9 (e) Sell any product, except where otherwise  
10 restricted by public records laws, which the department may  
11 create or cause to be created, whether or not the product is  
12 protected by a department patent, copyright, or trademark, and  
13 to execute all instruments necessary to consummate any such  
14 sale.

15 (f) Do all other acts necessary and proper for the  
16 execution of powers and duties conferred upon the department  
17 in this section.

18 (2) The department shall notify the Department of  
19 State in writing whenever property rights by patent,  
20 copyright, or trademark are secured or exploited by the  
21 department.

22 (3) Any proceeds from the sale of products or the  
23 right to manufacture or use a product shall be deposited in  
24 the department's Grants and Donations Trust Fund and may be  
25 appropriated to finance activities of the department. The  
26 department's legislative budget request should give special  
27 consideration to using such funds for research and development  
28 projects.

29 (4) As used in this section, the term "product"  
30 includes any and all inventions, methodologies, techniques,  
31



1 and creations that may be properly protected by patent,  
2 copyright, or trademark.

3 Section 13. Subsections (1), (2), and (3) of section  
4 430.05, Florida Statutes, are amended to read:

5 430.05 Department of Elderly Affairs Advisory  
6 Council.--

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

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

22 (3)(a) The advisory council shall be composed of one  
23 member appointed by the Governor from each of the department's  
24 ~~state's~~ planning and service areas, ~~which are designated in~~  
25 ~~accordance with the Older Americans Act~~, two additional  
26 members appointed by the Governor, two members appointed by  
27 the President of the Senate, and two members appointed by the  
28 Speaker of the House of Representatives. The members shall be  
29 appointed in the following manner:

30 1. The Governor shall appoint one member from each  
31 planning and service area and shall select each appointment

1 from a list of three nominations submitted by the ~~designated~~  
2 area agency on aging in each planning and service area.  
3 Nominations submitted by an area agency ~~on aging~~ shall be  
4 solicited from a broad cross section of the public, private,  
5 and volunteer sectors of each county in the respective  
6 planning and service area. At least one of the three  
7 nominations submitted by an area agency on aging shall be a  
8 person 60 years of age or older.

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

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

13           4. The Speaker of the House of Representatives shall  
14 appoint two members, one of whom shall be 60 years of age or  
15 older.

16           5. The Governor shall ensure that a majority of the  
17 members of the advisory council shall be 60 years of age or  
18 older and reflect the state's racial and cultural diversity  
19 ~~that there shall be balanced minority and gender~~  
20 ~~representation.~~

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

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

25           (b) Members shall be appointed to 3-year staggered  
26 terms. Vacancies occurring in the middle of a term shall be  
27 filled only for the remainder of the term in order to maintain  
28 staggered appointments.~~in the following manner:~~

29           ~~1. In order to stagger the terms of office, one of the~~  
30 ~~initial appointees of the President of the Senate shall be~~  
31 ~~appointed to a 2-year term and one of the initial appointees~~

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

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

18 Section 14. Section 430.065, Florida Statutes, is  
19 created to read:

20 430.065 Area agencies on aging.--

21 (1) In accordance with Pub. L. No. 89-73, the federal  
22 Older Americans Act of 1965, as amended, the department shall  
23 designate area agencies on aging in each of the department's  
24 planning and service areas.

25 (2) The department shall contract with the governing  
26 body, hereafter referred to as the "board," of an area agency  
27 on aging to fulfill programmatic and funding requirements of  
28 the area agency. The board shall be responsible for the  
29 overall direction of the area agency's programs and services  
30 and shall ensure that the area agency is administered in  
31 accordance with the terms of its contract with the department,

1 state and federal laws, rules, and regulations, established  
2 area agency policy, and cost-effective and efficient  
3 management principles. The board shall also ensure the  
4 accountability of the area agency to the local communities  
5 included in the area agency's planning and service area.

6 (3) The area agency on aging board shall, in  
7 consultation with the Secretary of Elderly Affairs, appoint a  
8 chief executive officer, hereafter referred to as the  
9 "executive director," to whom shall be delegated  
10 responsibility for area agency management and for  
11 implementation of board policy.

12 (4) The area agency shall ensure the maintenance,  
13 collection, and timely reporting to the department of all  
14 customer and service information provided by service providers  
15 contracting with the area agency to provide services. The  
16 department shall have overall responsibility for the  
17 establishment and operation of a management information system  
18 and shall ensure the ability to integrate and share  
19 information collected and reported to the department.

20 (5) The department shall be responsible for ensuring  
21 that each area agency on aging operates in a manner which  
22 ensures that the elderly of this state receive the highest  
23 quality services possible in the most efficient and  
24 cost-effective manner. The department shall rescind  
25 designation of an area agency on aging or take intermediate  
26 measures against the area agency, including corrective action,  
27 unannounced special monitoring, temporary assumption of  
28 operation of one or more programs, placement on probationary  
29 status, imposing a moratorium on area agency action, imposing  
30 financial penalties for nonperformance including the

31

1 withholding of funds, or other administrative action in  
2 accordance with chapter 120, if the department finds that:  
3 (a) An intentional or negligent act of the area agency  
4 has materially affected the health, welfare, or safety of  
5 elderly persons, or substantially and negatively affected the  
6 operation of an aging services program;  
7 (b) The area agency has committed multiple or repeated  
8 violations of statutory and regulatory requirements or  
9 department standards;  
10 (c) The area agency has failed to adhere to the terms  
11 of its contract with the department;  
12 (d) The area agency lacks financial stability  
13 sufficient to meet contractual obligations or that contractual  
14 funds have been misappropriated;  
15 (e) The area agency has exceeded budgetary allocations  
16 or has permitted a service provider with whom it is  
17 contracting to exceed budgetary allocations;  
18 (f) The area agency has failed to expand or continue  
19 the provision of services after the declaration of a state of  
20 emergency; or  
21 (g) The area agency has failed to implement and  
22 maintain a department-approved client grievance resolution  
23 procedure.  
24 (6) Area agencies on aging are public entities,  
25 subject to chapter 119, relating to public records, and when  
26 considering any contracts requiring the expenditure of public  
27 funds, are subject to ss. 286.011-286.012, relating to public  
28 meetings.  
29 (7) The department shall adopt rules as necessary to  
30 implement and interpret this section.  
31

1           Section 15. Section 430.07, Florida Statutes, is  
2 amended to read:

3           430.07 ~~Office of~~ Volunteer services ~~Community~~  
4 ~~Service~~.--

5           (1) The department shall establish a program the  
6 purpose of which is to maximize the use of volunteers to  
7 provide services to elderly persons.~~There is created within~~  
8 ~~the Department of Elderly Affairs the Office of Volunteer~~  
9 ~~Community Service.~~ The program office shall:

10           (a) Develop and coordinate a comprehensive statewide  
11 volunteer program by and for elderly persons that includes an  
12 intergenerational component, draws on the strengths and skills  
13 of the state's elder population, and promotes self-care.

14           ~~(1) Compile an inventory of services needed by elderly~~  
15 ~~persons.~~

16           ~~(2) Compile an inventory of services being provided to~~  
17 ~~elderly persons to meet those needs.~~

18           ~~(3) Determine which services needed by elderly persons~~  
19 ~~are not being provided.~~

20           (b)(4) Determine which services may currently not  
21 being provided can be provided by older persons acting as  
22 volunteers.

23           (c)(5) Identify those state rules and policies which  
24 restrict volunteer service by or for older persons and propose  
25 corrective actions.

26           (d)(6) Identify methods of promoting volunteer service  
27 for the programs administered by the department, the area  
28 agencies on aging, and other area agency service providers by  
29 and for older persons.

30           ~~(7) Develop a comprehensive volunteer program that~~  
31 ~~includes an intergenerational component and draws on the~~

1 ~~strengths and skills of the state's older population and, to~~  
2 ~~the extent possible, implements the volunteer service credit~~  
3 ~~program.~~

4 (e) Encourage and coordinate volunteer services in and  
5 between the various area agencies on aging and service  
6 providers.

7 (f) Provide training, technical assistance, and  
8 oversight to volunteer initiatives.

9 (g) Promote the recognition of the contribution made  
10 by volunteers to the programs administered by the department  
11 and the area agencies on aging.

12 (h)(8) Encourage contributions and grants through  
13 private, state, and federal sources for the purpose of  
14 promoting, implementing, or evaluating, and recognizing  
15 volunteer programs and self-care initiatives by or for older  
16 persons.

17 (2) The department shall adopt rules establishing  
18 standards of practice relating to the screening, selection,  
19 training, and supervision of volunteers providing services, as  
20 well as volunteer program components.

21 Section 16. Section 430.071, Florida Statutes, is  
22 amended to read:

23 430.071 Respite for elders living in everyday  
24 families.--

25 ~~(1) As used in this section, the term:~~

26 ~~(a) "Family unit" means one or more individuals whose~~  
27 ~~primary residence is with a homebound elderly individual~~  
28 ~~specifically for the purpose of providing care for that~~  
29 ~~homebound elderly individual. The family does not necessarily~~  
30 ~~need to be related by blood or marriage to the homebound~~  
31 ~~elderly individual.~~

1           ~~(b) "Respite" means in-home assistance for a homebound~~  
2 ~~elderly individual from someone who is not a member of the~~  
3 ~~family unit, which allows the family unit the ability to leave~~  
4 ~~the homebound elderly individual for a period of time.~~

5           ~~(c) "Stipend" means an allotment of funds to enable a~~  
6 ~~diverse population of volunteers to provide services. The~~  
7 ~~allotment of funds is for a period of service and is not an~~  
8 ~~hourly wage.~~

9           ~~(d) "Volunteer service system" means an organized~~  
10 ~~network of volunteers and agencies engaged in supporting~~  
11 ~~volunteers to assist a family unit that requires respite.~~

12           ~~(1)(2)~~ The department shall establish a "Respite for  
13 Elders Living in Everyday Families" (RELIEF) program to will  
14 provide in-home respite care that is an expansion of respite  
15 services that is currently available through other programs,  
16 specifically including evening and weekend respite, in order.  
17 ~~The purpose of this service is to increase the ability of~~  
18 caregivers whose primary residence is with a homebound  
19 functionally impaired elderly person a family unit to continue  
20 to care for the elderly person a homebound elderly individual  
21 by providing in-home respite beyond the basic provisions of  
22 current public programs.

23           ~~(2)(3)~~ Respite services shall be provided through a  
24 multigenerational corps of volunteers, volunteers who receive  
25 a stipend, and any other appropriate personnel as determined  
26 by the department.

27           ~~(a)~~ Volunteers shall be screened, selected, trained,  
28 and registered according to standards established under s.  
29 430.07 developed by the Office of Volunteer and Community  
30 Services in the Department of Elderly Affairs. These standards  
31 ~~must be developed to ensure, at a minimum, address the safety~~



1 of a homebound elderly individual who will receive the respite  
2 service.

3 ~~(b) Volunteers may be recruited from a variety of~~  
4 ~~sources, including, but not limited to, volunteer centers,~~  
5 ~~religious organizations, college campuses, corporations,~~  
6 ~~families, Retired Senior Volunteer Programs, Senior Companion~~  
7 ~~Programs, and AmeriCorps Programs.~~

8 (3)~~(4)~~ To receive assistance from the RELIEF program,  
9 caregivers ~~the family unit~~ must be assessed according to the  
10 following guidelines developed by the department to determine  
11 the need for respite services. This assessment must determine,  
12 at a minimum, that:

13 (a) The caregiver ~~family unit~~ is unable to pay for  
14 respite without jeopardizing other basic needs, including, ~~but~~  
15 ~~not limited to,~~ food, shelter, and medications.

16 (b) The homebound elderly person ~~individual~~ for whom  
17 the caregiver ~~family unit~~ is caring is 60 years of age or  
18 older, requires assistance to remain in the home, and, without  
19 this assistance, would need to move to an assisted living  
20 facility, an adult family-care home, or a nursing facility.

21 (4)~~(5)~~ Caregivers who receive ~~A family unit that~~  
22 ~~receives~~ respite services from the RELIEF program are ~~is~~ not  
23 excluded from receiving assistance from other governmental  
24 programs.

25 (5)~~(6)~~ The department ~~Office of Volunteer and~~  
26 ~~Community Services~~ shall:

27 (a) Systematically develop and implement an organized  
28 network of volunteers pursuant to s. 430.07 ~~a volunteer~~  
29 ~~service system~~ in order to provide respite services under the  
30 RELIEF program.

31

1           **(b)** ~~The office shall also implement, Monitor, and~~  
2 evaluate the delivery of respite services under this program.

3           ~~(b) Work collaboratively with local, state, and~~  
4 ~~national organizations, including, but not limited to, the~~  
5 ~~Florida Commission on Community Service, to promote the use of~~  
6 ~~volunteers offering respite under this program.~~

7           (c) Encourage contributions and grants through public  
8 and private sources to promote the delivery of respite to  
9 assist caregivers caring family units providing care for  
10 homebound elderly individuals.

11           **(6)** The department shall adopt rules establishing  
12 program components, and standards and procedures for  
13 determining the need for respite services and for service  
14 delivery.

15           Section 17. Section 430.202, Florida Statutes, is  
16 amended to read:

17           430.202 Community care for the elderly; legislative  
18 intent.--The purpose of ss. 430.201-430.207 is to assist  
19 functionally impaired elderly persons to live in living  
20 dignified and reasonably independent lives in their own homes,  
21 or in the homes of relatives or caregivers, through the  
22 development, expansion, reorganization, and coordination of  
23 various community-based services. The Legislature intends  
24 that a coordinated continuum of care be established so that  
25 functionally impaired elderly persons ~~age 60 and older~~ may age  
26 in place in be assured the least restrictive, most  
27 cost-effective, safe environment suitable to meeting their  
28 needs. The Legislature intends that the most frail elders be  
29 served first, provided that it has been determined that  
30 maintaining such persons in their home does not exceed the  
31 average annual cost of nursing home care and does not

1 jeopardize their safety.The development of innovative  
2 approaches to program management, staff training, and service  
3 delivery, including the use of volunteers and private  
4 resources,which have an impact on cost-avoidance,  
5 cost-effectiveness, and program efficiency is encouraged.

6 Section 18. Section 430.205, Florida Statutes, is  
7 amended to read:

8 430.205 Community care for the elderly program ~~service~~  
9 ~~system.~~--

10 (1) ~~The department, through the area agency on aging,~~  
11 shall fund in each planning and service area at least one  
12 community care for the elderly program ~~service system~~ that  
13 provides assessment, care planning, service coordination, case  
14 aid services, or case management; legal assistance;  
15 counseling; material aid; companion, homemaker, and chore  
16 services; shopping assistance; escort; transportation;  
17 home-delivered meals; emergency home repair; respite care;  
18 adult day care; adult day health care; personal care services;  
19 home health aide services; emergency alert response;  
20 consumable medical supplies; medical therapeutics; home  
21 nursing;and other in-home and community-based ~~community~~  
22 services as needed to help functionally impaired elderly  
23 persons ~~the older person~~ maintain independence and prevent or  
24 delay more costly institutional care. To the maximum extent  
25 practicable, the community care for the elderly program shall  
26 be organized so as to provide a coordinated continuum and  
27 appropriate level of care to such persons as their needs  
28 change.

29 (2) Lead agencies shall be selected every 3 years  
30 pursuant to a request for proposals or an invitation to  
31 negotiate issued by the area agency.~~Core services and other~~

1 ~~support services may be furnished by public or private~~  
2 ~~agencies or organizations. Each community care service system~~  
3 ~~must be under the direction of a lead agency that coordinates~~  
4 ~~the activities of individual contracting agencies providing~~  
5 ~~community care for the elderly services. When practicable,~~  
6 ~~the activities of a community care service area must be~~  
7 ~~directed from a multiservice senior center and coordinated~~  
8 ~~with other services offered therein. This subsection does not~~  
9 ~~require programs in existence prior to the effective date of~~  
10 ~~this act to be relocated.~~

11 (a) The area agency shall select lead agencies using  
12 guidelines developed by the department, in consultation with  
13 the area agencies on aging, and adopted by rule. Such  
14 guidelines must:

15 1. Promote high-quality, elder-friendly,  
16 cost-effective services.

17 2. Encourage competition among service providers and  
18 promote consumer choice.

19 3. Ensure that case managers and service coordinators  
20 act on behalf of consumers and not as promoters of services  
21 provided by their agency.

22 (b) An area agency on aging, with the concurrence of  
23 the department, may exempt from the selection process:

24 1. Any lead agency or service provider who meets or  
25 exceeds established minimum standards, as determined by the  
26 department; or

27 2. Units of local government which provide a  
28 fair-share local cash match, provide value-added activities,  
29 provide elders with a choice of case managers, meet the  
30 guidelines provided in paragraph (a), and are subject to an  
31 annual review to ensure compliance with these requirements.

1           (c) Each lead agency must compile community care for  
2 the elderly program statistics for its service area.

3           (3) The department shall define each ~~core~~ service that  
4 is to be provided or coordinated within a community care  
5 service area and establish rules and minimum standards for the  
6 delivery of ~~core~~ services.

7           (4) The department may conduct or contract for  
8 research and demonstration projects to determine the  
9 desirability of new concepts of organization, administration,  
10 regulation, or service delivery designed to prevent the  
11 premature institutionalization of functionally impaired  
12 elderly persons. Evaluations shall be made of the  
13 cost-effectiveness ~~cost-avoidance~~ of ~~such~~ demonstration  
14 projects, the minimization of factors causing acute episodes  
15 which result in hospitalization, the ability of the projects  
16 to reduce the rate of placement of functionally impaired  
17 elderly persons in long-term care institutions, and the impact  
18 of projects on the use of institutional services and  
19 facilities.

20           (5)~~(4)~~ A preservice and inservice training program for  
21 ~~community care for the elderly~~ service providers and staff may  
22 be designed and implemented to help ensure ~~assure~~ the delivery  
23 of quality services. ~~The department shall specify in rules the~~  
24 ~~training standards and requirements for the~~  
25 ~~community care for the elderly service providers and staff.~~  
26 Training must be sufficient to ensure that quality services  
27 are provided to consumers ~~clients~~ and that appropriate skills  
28 are developed to conduct the program.

29           (6)~~(5)~~ Functional impairment shall be determined  
30 through an assessment administered to each applicant pursuant  
31 to criteria developed by the department and adopted by rule.

1 Any person who has been classified as a functionally impaired  
2 elderly person is eligible to receive community care for the  
3 elderly ~~community care for the elderly core~~ services. However,  
4 the assessment criteria shall permit the department to  
5 prioritize service delivery to those most at risk for nursing  
6 home placement, provided that it has been determined that  
7 maintaining the person in the home provides the most  
8 cost-effective delivery of needed care and does not jeopardize  
9 the person's safety. Those elderly persons who are determined  
10 by adult protective services to be elderly persons in need of  
11 services, pursuant to s. 415.1045(2)(b), or to be victims of  
12 abuse, neglect, or exploitation who are in need of immediate  
13 services to prevent further harm and are referred by adult  
14 protective services, shall be given primary consideration ~~for~~  
15 ~~receiving community care for the elderly services.~~ ~~As used in~~  
16 ~~this subsection,~~ "Primary consideration" means that an  
17 assessment and services must commence within 72 hours after  
18 referral to the department or as established in accordance  
19 with department contracts by local protocols developed between  
20 department service providers and adult protective services.  
21 The department shall serve first those individuals most in  
22 need as determined by the assessment, regardless of referral  
23 source.

24 (7) In order to maximize resources, services shall  
25 also be obtained through:

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

29 (b) The state plan developed by the department  
30 pursuant to s. 305 of Pub. L. No. 89-73, the federal Older  
31 Americans Act of 1965, as amended.

1           (c) Health care taxing districts.  
2           (d) Religious or charitable organizations or volunteer  
3 programs.  
4           (8) The department shall evaluate the coordination and  
5 delivery of services within community care service areas.  
6 Accurate analyses of the costs and benefits associated with  
7 the establishment and operation of the programs, as determined  
8 through a uniform cost-accounting and reporting system, shall  
9 be maintained to provide an assessment of the ability of these  
10 programs to:  
11           (a) Reduce the rate of inappropriate entry and  
12 placement of functionally impaired elderly persons in  
13 institutions; and  
14           (b) Reduce the use of institutional services and  
15 facilities,  
16  
17 and to provide recommendations for legislative and  
18 administrative action.  
19           (9) The department shall adopt rules establishing  
20 standards for the provision of care, and for the screening,  
21 selection, training, and supervision of service providers and  
22 staff providing services pursuant to this program.  
23           Section 19. Section 430.2055, Florida Statutes, is  
24 created to read:  
25           430.2055 Community care for the elderly service  
26 contracts and copayments.--  
27           (1) The department or its designee agency shall  
28 contract with public or private agencies or organizations for  
29 the provision of services required by a community care for the  
30 elderly program. Whenever feasible, an area agency on aging  
31 shall be the designee agency of preference. The contracting

1 agency shall ensure that all other funding sources and  
2 informal community resources available have been considered  
3 prior to utilizing community care for the elderly funds. The  
4 department and contracting agency may accept gifts and grants  
5 in order to fund services within a community care service  
6 area.

7 (2) Agencies or organizations contracting to provide  
8 community care for the elderly services under ss.  
9 430.201-430.207 must provide a minimum of 10 percent of the  
10 funding necessary for the support of project operations.  
11 In-kind contributions, and contributions of money or services,  
12 may be evaluated and counted as part or all of the required  
13 local funding.

14 (3) Funds appropriated for community care for the  
15 elderly must be used only for the provision of community care  
16 for the elderly services and directly related expenditures.  
17 The department may provide advance funding for a community  
18 care for the elderly program. An area agency on aging may  
19 directly provide services as permitted by federal regulation  
20 and with the concurrence of the department.

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

28 (5) The department shall adopt rules to implement this  
29 section.

30 Section 20. Section 430.206, Florida Statutes, is  
31 amended to read:



1           430.206 Multiservice senior center.--  
2           (1) If practicable, multiservice senior centers shall  
3 be established to provide a structurally integrated system for  
4 delivering a broad spectrum of services, including health,  
5 mental health, social, nutritional, and educational services;  
6 wellness and preventive health programs; housing resources;  
7 information and referral; and the provision of facilities for  
8 recreational activities, to ~~center services shall be available~~  
9 to functionally impaired elderly persons and their caregivers  
10 in a culturally appropriate fashion.

11           (2) If feasible, a multiservice senior center must be  
12 centrally located and easily accessible to public  
13 transportation. Provision may be made for transporting persons  
14 to the center. A center shall be designed to provide ease of  
15 access and use, considering the infirmities of elderly  
16 persons.

17           (3) State funds appropriated to construct, acquire, or  
18 renovate a multiservice senior center shall entitle the  
19 department to a proportionate reversionary interest in the  
20 center. The sale of such center shall not occur without  
21 written notice to the department.

22           Section 21. Section 430.207, Florida Statutes, is  
23 amended to read:

24           430.207 Confidentiality of information.--Information  
25 about functionally impaired elderly persons who receive  
26 services under ss. 430.201-430.206 which is received through  
27 files, reports, inspections, or otherwise, by the department  
28 or by authorized departmental employees, by persons who  
29 volunteer services, or by persons who provide services to  
30 functionally impaired elderly persons ~~under ss.~~  
31 ~~430.201-430.206~~ through contracts with the department is

1 confidential and exempt from the provisions of s. 119.07(1).  
2 Such information may not be disclosed publicly in such a  
3 manner as to identify a functionally impaired elderly person,  
4 unless that person or his or her legal guardian provides  
5 written consent.

6 Section 22. Section 430.41, Florida Statutes, is  
7 amended to read:

8 430.41 Grants and Donations Trust Fund.--

9 (1) The Grants and Donations Trust Fund is hereby  
10 created, to be administered by the Department of Elderly  
11 Affairs. Funds to be credited to the trust fund shall include  
12 all public and private grants and donations to the department,  
13 except for grants provided by the Federal Government and other  
14 earnings that are deposited into the Operations and  
15 Maintenance Trust Fund of the department. Funds from the  
16 Grants and Donations Trust Fund shall be used to fulfill  
17 agreements made with grantors and contributors and such other  
18 purposes as may be appropriate ~~and shall only be expended~~  
19 ~~pursuant to legislative appropriation or an approved amendment~~  
20 ~~to the department's operating budget pursuant to the~~  
21 ~~provisions of chapter 216.~~ The department may seek and receive  
22 grants, donations, honoraria, and sponsorships to be credited  
23 to the trust fund and used in support of the mission of the  
24 department, including training and education of caregivers,  
25 service providers, and administrators, and for publishing of  
26 the Elder Update, and educational newspaper for the elderly.

27 (2) Notwithstanding the provisions of s. 216.301 and  
28 pursuant to s. 216.351, any balance in the trust fund at the  
29 end of any fiscal year shall remain in the trust fund and  
30 shall be available for carrying out the purposes of the trust  
31

1 fund. The trust fund is exempt from the service charges  
2 imposed by s. 215.20.

3 Section 23. Section 430.42, Florida Statutes, is  
4 renumbered as section 430.82, Florida Statutes.

5 Section 24. Section 430.43, Florida Statutes, is  
6 created to read:

7 430.43 Time-limited project, grant, or trust fund  
8 personnel.--If, in executing the terms of grants, trust funds,  
9 or contracts for specific projects, the employment of  
10 personnel is required, such personnel shall not be subject to  
11 the requirements for authorized positions provided in s.  
12 216.262(1)(a). In addition, the personnel employed to plan and  
13 administer such projects in certain positions specified by the  
14 Secretary of Elderly Affairs, upon consultation with the  
15 Department of Management Services, shall be considered in  
16 time-limited employment not to exceed the duration of the  
17 grant or until completion of the project, whichever first  
18 occurs. Such time-limited employees shall not acquire  
19 retention rights under the Career Service System, the  
20 provisions of s. 110.205(1) to the contrary notwithstanding.  
21 However, all other career service rights remain applicable  
22 unless the specified time-limited position is also designated  
23 by the secretary to be in the Selected Exempt Service System.  
24 Any employee holding permanent career service status in the  
25 department who is appointed to a specified time-limited  
26 position, not designated as selected exempt service, shall  
27 retain such permanent status in the career service.

28 Section 25. Section 430.5011, Florida Statutes, is  
29 created to read:

30 430.5011 Short title.--Sections 430.5011-430.504 may  
31 be cited as the "Alzheimer's Disease Initiative."

1           Section 26. Section 430.501, Florida Statutes, is  
2 renumbered as section 430.5012, and amended to read:

3           430.5012 ~~430.501~~ Alzheimer's Disease Advisory  
4 Committee; research grants.--

5           ~~(1) It is the finding of the Legislature that~~  
6 ~~Alzheimer's disease and similar major memory disorders affect~~  
7 ~~an alarmingly high percentage of citizens, primarily those~~  
8 ~~over 65 years of age, and yet little is known of the cause,~~  
9 ~~prevention, or treatment of this disease.~~

10           (1)~~(2)~~ There is created an Alzheimer's Disease  
11 Advisory Committee, composed of 10 members to be selected by  
12 the Governor, which shall advise the ~~Department of Elderly~~  
13 ~~Affairs in the performance of its duties under this act. All~~  
14 ~~members must be residents of the state. The committee shall~~  
15 ~~advise the~~ department regarding legislative, programmatic, and  
16 administrative matters that relate to Alzheimer's disease and  
17 related disorders, and victims thereof and their caretakers.  
18 All members must be residents of the state.

19           (2)~~(3)~~(a) The committee membership shall be  
20 representative as follows:

21           1. At least 4 of the 10 members must be licensed  
22 pursuant to chapter 458 or chapter 459 or hold a Ph.D. degree  
23 and be currently involved in the research of Alzheimer's  
24 disease.

25           2. The 10 members must include at least 4 persons who  
26 have been caregivers of victims of Alzheimer's disease.

27           3. Whenever possible, the 10 members shall include 1  
28 each of the following professionals: a gerontologist, a  
29 geriatric psychiatrist, a geriatrician, a neurologist, a  
30 social worker, and a registered nurse.

31

1 (b)1. The Governor shall appoint members from a broad  
2 cross section of public, private, and volunteer sectors. All  
3 nominations shall be forwarded to the Governor by the  
4 secretary of the department ~~Elderly Affairs~~ in accordance with  
5 this subsection.

6 2. Members shall be appointed to 4-year staggered  
7 terms in accordance with s. 20.052.

8 3. The secretary of the department ~~Elderly Affairs~~  
9 shall serve as an ex officio member of the committee.

10 4. The committee shall elect one of its members to  
11 serve as chair for a term of 1 year.

12 5. The committee may establish subcommittees as  
13 necessary to carry out the functions of the committee.

14 6. The committee shall meet quarterly, or as  
15 frequently as needed.

16 7. The department ~~of Elderly Affairs~~ shall provide  
17 staff support to assist the committee in the performance of  
18 its duties.

19 8. Members of the committee and subcommittees shall  
20 receive no salary, but are entitled to reimbursement for  
21 travel and per diem expenses, as provided in s. 112.061, while  
22 performing their duties under this section.

23 (3) The Alzheimer's Disease Advisory Committee shall  
24 evaluate the need for additional memory disorder clinics as  
25 established in s. 430.502.

26 ~~(4) If funds are made available through gifts, grants,~~  
27 ~~or other sources, the Department of Elderly Affairs shall~~  
28 ~~deposit such funds into its Grants and Donations Trust Fund~~  
29 ~~and shall award research grants to qualified profit or~~  
30 ~~nonprofit associations and institutions or governmental~~  
31 ~~agencies in order to plan, establish, or conduct programs in~~

1 ~~Alzheimer's disease control or prevention, education and~~  
2 ~~training, and research. The department may adopt rules~~  
3 ~~necessary to carry out these duties.~~

4 Section 27. Section 430.502, Florida Statutes, is  
5 amended to read:

6 430.502 Alzheimer's disease; memory disorder clinics  
7 and day care and respite care programs.--

8 (1) The Legislature finds that Alzheimer's disease and  
9 similar major memory disorders affect an alarmingly high  
10 percentage of adults, primarily those over 65 years of age,  
11 and yet little is known of the cause, prevention, or treatment  
12 of this disease. Therefore, the Legislature intends that  
13 memory disorder clinics be established for the purpose of  
14 conducting research and training in a diagnostic and  
15 therapeutic setting for persons suffering from Alzheimer's  
16 disease and related memory disorders.

17 (2)~~(1)~~ There is established:

18 (a) A memory disorder clinic at each of the three  
19 medical schools in this state;

20 (b) A memory disorder clinic at a major private  
21 nonprofit research-oriented teaching hospital, and may fund a  
22 memory disorder clinic at any of the other affiliated teaching  
23 hospitals;

24 (c) A memory disorder clinic at the Mayo Clinic in  
25 Jacksonville;

26 (d) A memory disorder clinic at the West Florida  
27 Regional Medical Center;

28 (e) The East Central Florida Memory Disorder Clinic at  
29 the Joint Center for Advanced Therapeutics and Biomedical  
30 Research of the Florida Institute of Technology and Holmes  
31 Regional Medical Center, Inc.;

1 (f) A memory disorder clinic at the Orlando Regional  
2 Healthcare System, Inc.;

3 (g) A memory disorder center located in a public  
4 hospital that is operated by an independent special hospital  
5 taxing district that governs multiple hospitals and is located  
6 in a county with a population greater than 800,000 persons;

7 (h) A memory disorder clinic at St. Mary's Medical  
8 Center in Palm Beach County;

9 (i) A memory disorder clinic at the Tallahassee  
10 Memorial Regional Medical Center;

11 (j) A memory disorder clinic at Lee Memorial Hospital  
12 created by chapter 63-1552, Laws of Florida, as amended; and

13 (k) A memory disorder clinic at Sarasota Memorial  
14 Hospital in Sarasota County.

15

16 ~~for the purpose of conducting research and training in a~~  
17 ~~diagnostic and therapeutic setting for persons suffering from~~  
18 ~~Alzheimer's disease and related memory disorders. However,~~  
19 Memory disorder clinics funded as of June 30, 1995, shall not  
20 receive decreased funding due solely to subsequent additions  
21 of memory disorder clinics in this subsection.

22 ~~(3)(2) It is the intent of the Legislature that~~  
23 Research conducted by a memory disorder clinic and supported  
24 by state funds pursuant to subsection(2) shall~~(1)~~be applied  
25 research, be service-related, and be selected in consultation  
26 ~~conjunction~~ with the department. Such research may address,  
27 but is not limited to, diagnostic technique, therapeutic  
28 interventions, and supportive services for persons suffering  
29 from Alzheimer's disease and related memory disorders and  
30 their caregivers. Research ~~A memory disorder clinic shall be~~  
31 conducted ~~conduct such research~~ in accordance with a research

1 ~~plan and incorporate developed by the clinic which establishes~~  
2 ~~research objectives as specified in this section that are in~~  
3 ~~accordance with this legislative intent. A memory disorder~~  
4 ~~clinic shall also complete and submit to the department~~  
5 ~~periodic research status updates and a final report of the~~  
6 ~~findings, conclusions, and recommendations of completed~~  
7 ~~research, and shall provide all site data to the department's~~  
8 ~~Alzheimer's research database. This subsection does not apply~~  
9 ~~to those memory disorder clinics at the three medical schools~~  
10 ~~in the state or at the major private nonprofit~~  
11 ~~research-oriented teaching hospital or other affiliated~~  
12 ~~teaching hospital.~~

13 ~~(3) The Alzheimer's Disease Advisory Committee must~~  
14 ~~evaluate the need for additional memory disorder clinics in~~  
15 ~~the state. The first report will be due by December 31, 1995.~~

16 (4) Pursuant to the provisions of s. 287.057, the  
17 department ~~of Elderly Affairs~~ may contract with the memory  
18 disorder clinics for the provision of specialized model day  
19 care programs ~~in conjunction with the memory disorder clinics.~~  
20 The purpose of each model day care program must be to provide  
21 innovative service delivery to persons suffering from  
22 Alzheimer's disease or a related memory disorder and training  
23 for health care and social service personnel in the care of  
24 persons having Alzheimer's disease or related memory  
25 disorders.

26 (5) Pursuant to s. 287.057, the department ~~of Elderly~~  
27 ~~Affairs~~ shall contract for the provision of respite care. All  
28 funds appropriated for the provision of respite care shall be  
29 distributed annually by the department to each planning and  
30 service area funded county according to an allocation formula  
31 developed by the department. In developing the formula, the



1 department shall consider the number and proportion of the  
2 ~~county~~ population of individuals in the area who are 75 years  
3 of age and older.

4 (6) Each respite care program may ~~shall~~ be used as a  
5 resource for research and statistical data by the memory  
6 disorder clinics established in this section part. In  
7 consultation with the memory disorder clinics, the department  
8 shall specify the information to be provided by the respite  
9 care programs for such research purposes. The memory disorder  
10 clinic shall be responsible for reporting any research results  
11 as provided under subsection (3).

12 (7) If funds are made available for Alzheimer's  
13 research through gifts, grants, or other sources, the  
14 department shall deposit such funds into its Grants and  
15 Donations Trust Fund, and shall award research grants to  
16 qualified profit or not-for-profit associations and  
17 institutions or governmental agencies in order to plan,  
18 establish, or conduct programs in Alzheimer's disease control  
19 or prevention, education and training, and research.

20 (8) The department shall adopt rules as necessary to  
21 implement this section.

22 ~~(6) Each contract entered into pursuant to this~~  
23 ~~section must contain a requirement for a research component to~~  
24 ~~be completed and reported on in writing to the department~~  
25 ~~according to specifications and within a timeframe provided by~~  
26 ~~the department.~~

27 Section 28. Section 430.503, Florida Statutes, is  
28 amended to read:

29 430.503 Alzheimer's Disease Initiative copayments  
30 ~~fees and administrative expense.--~~

31

1           ~~(1) Sections 430.501-430.504 may be cited as the~~  
2 ~~"Alzheimer's Disease Initiative."~~

3           ~~(2) To assist in covering the cost of services~~  
4 ~~provided pursuant to the Alzheimer's Disease Initiative,~~  
5 ~~provider agencies shall be are responsible for assessing a~~  
6 ~~copayment the collection of fees for services in accordance~~  
7 ~~with a schedule established rules adopted by the department~~  
8 ~~and adopted by rule. The copayment schedule shall be~~  
9 ~~proportional to the Provider agencies shall assess fees for~~  
10 ~~services rendered in accordance with those rules. To help pay~~  
11 ~~for services received pursuant to the Alzheimer's Disease~~  
12 ~~Initiative, a functionally impaired elderly person's overall~~  
13 ~~ability to pay and person shall be assessed a fee based on an~~  
14 ~~overall ability to pay. The fee to be assessed shall be fixed~~  
15 ~~according to a schedule to be established by the department.~~  
16 ~~Services of specified value may be accepted in lieu of a fee.~~  
17 ~~The fee schedule shall be developed in consultation~~  
18 ~~cooperation with the Alzheimer's Disease Advisory Committee,~~  
19 ~~area agencies on aging, and service providers. The area agency~~  
20 ~~on aging shall determine who shall be responsible for~~  
21 ~~collecting the copayment.~~

22           Section 29. Section 430.504, Florida Statutes, is  
23 amended to read:

24           430.504 Confidentiality of information.--Information  
25 about clients of programs created or funded under s. 430.502  
26 ~~430.501 or s. 430.503~~ which is received through files,  
27 reports, inspections, or otherwise, by the department or by  
28 authorized departmental employees, by persons who volunteer  
29 services, or by persons who provide services to clients of  
30 programs created or funded under s. 430.502 ~~430.501 or s.~~  
31 ~~430.503~~ through contracts with the department is confidential

1 and exempt from the provisions of s. 119.07(1). Such  
2 information may not be disclosed publicly in such a manner as  
3 to identify a person who receives services under s. 430.502  
4 ~~430.501 or s. 430.503~~, unless that person or that person's  
5 legal guardian provides written consent.

6 Section 30. Section 430.601, Florida Statutes, is  
7 amended to read:

8 430.601 Home care for the elderly; legislative  
9 intent.--It is the intent of the Legislature to encourage the  
10 provision of care for elderly persons living ~~the elderly~~ in  
11 family-type ~~living~~ arrangements in private homes as an  
12 alternative to institutional or nursing home care. ~~for such~~  
13 ~~persons. The provisions of ss. 430.601-430.606 are intended~~  
14 ~~to be supplemental to the provisions of chapter 400, relating~~  
15 ~~to the licensing and regulation of nursing homes and assisted~~  
16 ~~living facilities, and do not exempt any person who is~~  
17 ~~otherwise subject to regulation under the provisions of that~~  
18 ~~chapter.~~

19 Section 31. Section 430.603, Florida Statutes, is  
20 amended to read:

21 430.603 Home care for the elderly program; rules.--

22 (1) The department shall administer the home care for  
23 the elderly program, which provides a subsidy to a person who  
24 provides, on a not-for-profit basis, basic maintenance and  
25 supervision, and any necessary additional in-home services,  
26 for one to three elderly persons in a family-type living  
27 arrangement in a private home.

28 (2) The department shall by rule establish minimum  
29 standards and procedures for the provision of home care for  
30 the elderly and for the screening, selection, training, and  
31 supervision ~~approval~~ of persons seeking to provide such care.

1 Any person who is approved to provide care, goods, or services  
2 for an elderly person shall be eligible for the subsidy  
3 payments described in s. 430.605. However, the home care for  
4 the elderly program must be operated within the funds  
5 appropriated by the Legislature.

6 Section 32. Section 430.604, Florida Statutes, is  
7 amended to read:

8 430.604 Department determination of inability to  
9 provide home care.--~~Any if a person planning who plans~~ to  
10 provide home care under ss. 430.601-430.606 who is found by  
11 the department, or its designee, to be unable to provide this  
12 care must be notified, ~~the department must notify the person~~  
13 ~~seeking to provide home care~~ of this determination, and that  
14 the person is not eligible for subsidy payments under ss.  
15 430.601-430.606.

16 Section 33. Section 430.605, Florida Statutes, is  
17 amended to read:

18 430.605 Subsidy payments.--The department shall  
19 develop and adopt by rule a schedule of subsidy payments to be  
20 made to persons providing home care, and to providers of goods  
21 and services, for ~~certain~~ eligible elderly persons. Payments  
22 must be based on the financial status of the person receiving  
23 care and include. ~~Payments must include, but need not be~~  
24 ~~limited to:~~

25 (1) A basic support and maintenance payment for  
26 ~~element, including~~ costs of housing, food, clothing, and  
27 incidentals.

28 (2) ~~Payments for medical, pharmaceutical, and dental~~  
29 ~~services essential to maintain the health of the elderly~~  
30 ~~person and not covered by Medicare, Medicaid, or any form of~~  
31 ~~insurance.~~

1           ~~(2)(3)~~ When necessary, special supplement payments  
2 ~~supplements to provide~~ for any goods and services and  
3 specialized care required to maintain the health and  
4 well-being of the elderly person not already covered by public  
5 or private insurance, including Medicare or Medicaid.  
6 Extraordinary medical, dental, or pharmaceutical expenses may  
7 be paid as a special supplement.

8           Section 34. Section 430.701, Florida Statutes, is  
9 amended to read:

10           430.701 Legislative findings and intent.--The  
11 Legislature finds that state expenditures for long-term care  
12 services continue to increase at a rapid rate and that Florida  
13 faces increasing pressure in its efforts to meet the long-term  
14 care needs of its elderly residents ~~the public~~. It is  
15 therefore the intent of the Legislature that the department of  
16 ~~Elderly Affairs~~, in consultation with the Agency for Health  
17 Care Administration, implement long-term care community  
18 diversion pilot projects to test the effectiveness of managed  
19 care and outcome-based reimbursement principles to the  
20 provision of cost-effective ~~when applied to~~ long-term care.

21           Section 35. Section 430.702, Florida Statutes, is  
22 amended to read:

23           430.702 Short title.--Sections 430.701-430.710 ~~This~~  
24 ~~act~~ may be cited as the "Long-Term Care Community Diversion  
25 Pilot Project Act."

26           Section 36. Section 430.703, Florida Statutes, is  
27 amended to read:

28           430.703 Definitions.--As used in ss. 430.701-430.710  
29 ~~this act~~, the term:

30           (1) "Agency" means the Agency for Health Care  
31 Administration.

1           ~~(2)~~ "Community diversion" means a strategy that places  
2 participants in the most appropriate care settings and  
3 provides comprehensive home and community-based services of  
4 sufficient quantity, type, and duration to prevent or delay  
5 the need for long-term placement in a nursing facility.

6           (2)~~(3)~~ "Community diversion pilot project" means any  
7 pilot service delivery system that places participants in the  
8 most appropriate care settings and provides comprehensive home  
9 and community-based services of sufficient quantity, type, and  
10 duration to prevent or delay the need for long-term placement  
11 in a nursing facility.

12           (3)~~(4)~~ "Community diversion pilot project area" means  
13 a geographic area selected by the department where the  
14 department will conduct a community diversion pilot project.

15           ~~(5)~~ "Department" means the Department of Elderly  
16 Affairs.

17           (4)~~(6)~~ "Managed care organization" means an entity  
18 that meets the requirements of the Department of Insurance for  
19 operation as a health maintenance organization and meets the  
20 qualifications for participation as a managed care  
21 organization established by the agency and the department.

22           (5)~~(7)~~ "Participant" means an individual enrolled in a  
23 community diversion pilot project.

24           Section 37. Section 430.705, Florida Statutes, is  
25 amended to read:

26           430.705 Implementation of the long-term care community  
27 diversion pilot projects.--

28           (1) In designing and implementing the community  
29 diversion pilot projects, the department shall:

30           (a) Work in consultation with the agency.

31           (b) Develop a capitation rate-setting method that:

1           1. Ensures sufficient savings from the state Medicaid  
2 nursing home budget category to fund community diversion pilot  
3 projects.

4           2. Ensures that expenditures do not exceed the average  
5 nursing home cost in the pilot project area, excluding  
6 Medicaid acute care costs and Medicaid cost-sharing.

7           (c) Evaluate:

8           1. The standards in existing Medicaid managed care  
9 contracts to determine if they are sufficient to ensure  
10 access, quality, and cost-effective services to frail elders.

11           2. The cost-effectiveness of the services provided  
12 through the pilot projects.

13           3. The impact of nursing home bed growth on state  
14 expenditures.

15           4. Methods to encourage competition among long-term  
16 care service providers in order to facilitate improved service  
17 quality, price, and participant satisfaction.

18           5. Criteria for selecting managed care organizations,  
19 including quality assurance processes, grievance procedures,  
20 service costs, accessibility, adequacy of provider networks,  
21 and administrative costs.

22           6. Criteria for participant eligibility.

23           7. The provision of services to determine if the  
24 participants' quality of life has improved.

25           ~~(d)(2) The department shall~~ Select projects whose  
26 design and providers demonstrate capacity to maximize the  
27 placement of participants in the least restrictive appropriate  
28 care setting.

29           ~~(e)(3) The department shall~~ Provide to prospective  
30 participants a choice of participating in a community  
31 diversion pilot project or any other appropriate placement

1 available. To the extent possible, individuals shall be  
2 allowed to choose their care providers, including long-term  
3 care service providers affiliated with an individual's  
4 religious faith or denomination.

5 (f)~~(4)~~ The department shall Enroll participants.  
6 Providers shall not directly enroll participants in community  
7 diversion pilot projects.

8 (2)~~(5)~~ In selecting the pilot project area, the  
9 department shall consider the following factors in the area:

10 (a) The nursing home occupancy level.  
11 (b) The number of certificates of need awarded for  
12 nursing home beds for which renovation, expansion, or  
13 construction has not begun.  
14 (c) The annual number of additional nursing home beds.  
15 (d) The annual number of nursing home admissions.  
16 (e) The adequacy of community-based long-term care  
17 service providers.

18 (f) The availability of managed care organizations.  
19 (3)~~(6)~~ The department may require participants to  
20 contribute to their cost of care in an amount not to exceed  
21 the cost-sharing required of Medicaid-eligible nursing home  
22 residents.

23 (4)~~(7)~~ Community diversion pilot projects must:  
24 (a) Provide services for participants that are of  
25 sufficient quality, quantity, type, and duration to prevent or  
26 delay nursing facility placement.  
27 (b) Integrate acute and long-term care services, and  
28 the funding sources for such services, as feasible.  
29 (c) Encourage individuals, families, and communities  
30 to plan for their long-term care needs.  
31



1 (d) Provide skilled and intermediate nursing facility  
2 care for participants who cannot be adequately cared for in  
3 noninstitutional settings.

4 Section 38. Subsection (1) of section 430.707, Florida  
5 Statutes, is amended to read:

6 430.707 Contracts.--

7 (1) The department, in consultation with the agency,  
8 shall select and contract with managed care organizations to  
9 provide long-term care within community diversion pilot  
10 project areas. Such contracts shall include qualifications for  
11 participation as a managed care organization, criteria for  
12 participant eligibility, and quality of care standards for  
13 community diversion pilot projects. Such quality of care  
14 standards shall apply to all contractors and subcontractors  
15 and must include outcome measures, utilization review,  
16 grievance and conflict resolution, patient satisfaction, and  
17 care and service standards.

18 Section 39. Section 430.80, Florida Statutes, is  
19 renumbered as section 400.337, Florida Statutes.

20 Section 40. Sections 430.02, 430.04, 430.101, 430.203,  
21 430.204, 430.602, 430.704, 430.706, and 430.710, Florida  
22 Statutes, are repealed.

23 Section 41. This act shall take effect July 1, 2000.

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26 HOUSE SUMMARY

27

28 Revises, clarifies, and conforms provisions relating to  
29 organization and responsibilities of the Department of  
30 Elderly Affairs and to various programs administered by  
31 the department.

30

31