

By Senators Brown-Waite and Diaz-Balart

10-937-00

See HB

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, 408.036, F.S.; conforming  
6           cross-references; amending s. 400.404, F.S.;  
7           revising exemptions for licensure as an  
8           assisted living facility; amending s. 400.618,  
9           F.S.; revising exemptions from licensure as an  
10          adult family-care home; amending s. 409.904,  
11          F.S.; 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; transferring, renumbering, and  
16          amending s. 410.502, F.S., relating to housing  
17          and living arrangements for elderly persons;  
18          amending s. 430.01, F.S., relating to short  
19          title of ch. 430, F.S.; creating s. 430.016,  
20          F.S.; providing for release of confidential  
21          information to governmental entities or parties  
22          contracting with the department; amending s.  
23          430.03, F.S.; revising purposes of the  
24          department; creating s. 430.035, F.S.;  
25          providing definitions; creating s. 430.045,  
26          F.S.; authorizing the Department of Elderly  
27          Affairs to secure patents, copyrights, and  
28          trademarks; providing for deposit and use of  
29          certain proceeds; amending s. 430.05, F.S.,  
30          relating to the Department of Elderly Affairs  
31          Advisory Council; creating s. 430.065, F.S.;

1 providing for designation of area agencies on  
2 aging; providing for operation; providing  
3 conditions for rescinding a designation;  
4 providing for open records and meetings;  
5 requiring the department to adopt rules;  
6 amending s. 430.07, F.S.; establishing a  
7 statewide program for the use of volunteers to  
8 provide services to elderly persons; providing  
9 program responsibilities; requiring the  
10 department to adopt certain rules; abolishing  
11 the Office of Volunteer Community Service;  
12 amending s. 430.071, F.S.; revising provisions  
13 relating to the "Respite for Elders Living in  
14 Everyday Families" (RELIEF) program; requiring  
15 the department to adopt certain rules; amending  
16 s. 430.202, F.S.; revising legislative intent  
17 for 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; transferring and  
4 renumbering s. 430.42, F.S., relating to  
5 insurance; creating s. 430.43, F.S.; providing  
6 for time-limited project, grant, or trust fund  
7 personnel; creating s. 430.5011, F.S.;  
8 providing a short title; transferring,  
9 renumbering, and amending s. 430.501, F.S.;  
10 revising provisions relating to the Alzheimer's  
11 Disease Advisory Committee; amending s.  
12 430.502, F.S.; revising provisions relating to  
13 establishment of memory disorder clinics;  
14 providing rulemaking authority; amending s.  
15 430.503, F.S.; providing for copayments for  
16 certain services; amending s. 430.504, F.S.,  
17 relating to confidentiality of information;  
18 amending ss. 430.601, 430.603, 430.604,  
19 430.605, F.S.; revising provisions relating to  
20 home care for the elderly and subsidies  
21 therefor; expanding rulemaking authority of the  
22 department; amending ss. 430.701, 430.702,  
23 430.703, 430.705, 430.707, F.S.; revising  
24 provisions relating to the "Long-Term Care  
25 Community Diversion Pilot Project Act";  
26 providing additional requirements for  
27 implementation of projects and contracts with  
28 managed care organizations to provide care;  
29 transferring and renumbering s. 430.80, F.S.,  
30 relating to a teaching nursing home pilot  
31 project; repealing ss. 430.02, 430.04, F.S.,

1 relating to legislative intent and duties and  
2 responsibilities of the Department of Elderly  
3 Affairs; repealing s. 430.101, F.S., relating  
4 to administration of federal aging programs;  
5 repealing ss. 430.203, 430.204, F.S., relating  
6 to definitions, core services, and duties of  
7 the department under the community care for the  
8 elderly program; repealing s. 430.602, F.S.,  
9 relating to definitions under the home care for  
10 the elderly program; repealing ss. 430.704,  
11 430.706, F.S., relating to evaluation of  
12 long-term care through community diversion  
13 pilot projects, and quality of care standards  
14 for such pilot projects; repealing s. 430.710,  
15 F.S., relating to the long-term care  
16 interagency advisory council; providing an  
17 effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Section 20.41, Florida Statutes, is amended  
22 to read:

23 20.41 Department of Elderly Affairs.--There is created  
24 a Department of Elderly Affairs.

25 (1) The head of the department is the Secretary of  
26 Elderly Affairs. The secretary must be appointed by the  
27 Governor, subject to confirmation by the Senate. The  
28 requirement for Senate confirmation applies to any person so  
29 appointed on or after July 1, 1994. The secretary serves at  
30 the pleasure of the Governor. ~~The secretary shall administer~~  
31 ~~the affairs of the department and may employ assistants,~~

1 ~~professional staff, and other employees as necessary to~~  
2 ~~discharge the powers and duties of the department.~~

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

6 ~~(3) The department shall maintain its headquarters in~~  
7 ~~Tallahassee.~~

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

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

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

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

30 (c) Being primarily responsible for the planning,  
31 policy development, administration, coordination, priority

1 setting, and evaluation of all state activities related to the  
2 objectives of that act.

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

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

27 ~~(8) The area agency on aging board shall, in~~  
28 ~~consultation with the secretary, appoint a chief executive~~  
29 ~~officer, hereafter referred to as the "executive director," to~~  
30 ~~whom shall be delegated responsibility for agency management~~  
31

1 ~~and for implementation of board policy, and who shall be~~  
2 ~~accountable for the agency's performance.~~

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

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

9 110.501 Definitions.--As used in this act:

10 (1) "Volunteer" means any person who, of his or her  
11 own free will, provides goods or services, or conveys an  
12 interest in or otherwise consents to the use of real property  
13 pursuant to ss. 260.011-260.018, to any state department or  
14 agency, or nonprofit organization, with no monetary or  
15 material compensation. A person registered and serving in  
16 Older American Volunteer Programs authorized by the Domestic  
17 Volunteer Service Act of 1973, as amended (Pub. L. No.  
18 93-113), shall also be defined as a volunteer and shall incur  
19 no civil liability as provided by s. 768.1355. A volunteer  
20 shall be eligible for payment of volunteer benefits as  
21 specified in Pub. L. No. 93-113 and, ~~this section, and s.~~  
22 ~~430.204.~~

23 Section 3. Paragraph (h) of subsection (3) of section  
24 408.036, Florida Statutes, is amended to read:

25 408.036 Projects subject to review.--

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

29 (h) For the establishment of a Medicare-certified home  
30 health agency by a facility certified under chapter 651; a  
31 retirement community, as defined in s. 400.404(9)~~(2)(g)~~; or a

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

13

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

17 Section 4. Section 400.404, Florida Statutes, is  
18 amended to read:

19 400.404 ~~Facilities to be licensed~~ Exemptions from  
20 licensure.--

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

24 ~~(2)~~ The following are exempt from licensure under this  
25 part:

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

29 (2)(b) Any facility or part of a facility licensed  
30 under chapter 393 or chapter 394.

31



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

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

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

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

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

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

28           (9)~~(g)~~ Any facility certified under chapter 651, or a  
29 retirement community, may provide services authorized under  
30 this part or part IV of this chapter to its residents who live  
31 in single-family homes, duplexes, quadruplexes, or apartments

1 | located on the campus without obtaining a license to operate  
2 | an assisted living facility if residential units within such  
3 | buildings are used by residents who do not require staff  
4 | supervision for that portion of the day when personal services  
5 | are not being delivered and the owner obtains a home health  
6 | license to provide such services. However, any building or  
7 | distinct part of a building on the campus that is designated  
8 | for persons who receive personal services and require  
9 | supervision beyond that which is available while such services  
10 | are being rendered must be licensed in accordance with this  
11 | ~~part. If a facility provides personal services to residents~~  
12 | ~~who do not otherwise require supervision and the owner is not~~  
13 | ~~licensed as a home health agency, the buildings or distinct~~  
14 | ~~parts of buildings where such services are rendered must be~~  
15 | ~~licensed under this part.~~A resident of a facility that has  
16 | obtained ~~obtains~~ a home health license may contract with a  
17 | licensed home health agency of his or her choice, provided  
18 | that the home health agency provides ~~liability insurance and~~  
19 | workers' compensation coverage for its employees. Facilities  
20 | covered by this exemption may ~~establish policies that~~ give  
21 | residents the option of contracting for services and care  
22 | beyond that which is provided by the facility to enable them  
23 | to age in place. For purposes of this section, a retirement  
24 | community consists of a facility licensed under this part or  
25 | under part II, and apartments designed for independent living  
26 | located on the same campus.

27 |       (10)~~(h)~~ Any residential unit for independent living  
28 | which is located within a facility certified under chapter  
29 | 651, or any residential unit which is colocated with a nursing  
30 | home licensed under part II or colocated with a facility  
31 | licensed under this part in which services are provided

1 through an outpatient clinic or a nursing home on an  
2 outpatient basis.

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

5 400.618 Definitions.--As used in this part, the term:

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

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

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

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

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

28 Section 6. Section 409.904, Florida Statutes, is  
29 amended to read:

30 409.904 Optional payments for eligible persons.--

31

1           (1) The agency may make payments for medical  
2 assistance and related services on behalf of the following  
3 persons who are determined to be eligible subject to the  
4 income, assets, and categorical eligibility tests set forth in  
5 federal and state law. Payment on behalf of these Medicaid  
6 eligible persons is subject to the availability of moneys and  
7 any limitations established by the General Appropriations Act  
8 or chapter 216.

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

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

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

1           ~~(d)(4)~~ A low-income person who meets all other  
2 requirements for Medicaid eligibility except citizenship and  
3 who is in need of emergency medical services. The eligibility  
4 of such a recipient is limited to the period of the emergency,  
5 in accordance with federal regulations.

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

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

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

29           (2) The agency, through interagency agreement, shall  
30 assign to the Department of Elderly Affairs responsibility for  
31 nursing home preadmission screening established to control the

1 utilization of Medicaid institutional care pursuant to ss.  
2 1902 and 1903 of Title XIX of the Social Security Act, and for  
3 the administration of the Assisted Living for the Elderly  
4 Medicaid Waiver, the Aged-Disabled Adult Home and Community  
5 Based Medicaid Waiver, and the Consumer Directed Care Medicaid  
6 Waiver for the Elderly.

7 Section 7. Section 410.502, Florida Statutes, is  
8 transferred, renumbered as section 430.075, Florida Statutes,  
9 and amended to read:

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

15 (1) Providing counseling concerning housing problems  
16 and alternate living arrangements ~~when~~ appropriate to the  
17 individual's needs.

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

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

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

31 (b) Assisted living facilities.

- 1 (c) Homes for special services.  
2 (d) Shared housing or other such group living  
3 arrangements for independent living.  
4 (e) Continuing care facilities which offer all levels  
5 of care, including independent living units, personal care,  
6 home health care supports, assisted living, and skilled  
7 nursing home care.  
8 (f) Retirement communities for independent communal  
9 living, to be developed in conjunction with the Department of  
10 Community Affairs.  
11 (g) Other innovative living arrangements.

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

17 Section 8. Section 430.01, Florida Statutes, is  
18 amended to read:

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

23 Section 9. Section 430.016, Florida Statutes, is  
24 created to read:

25 430.016 Confidential information; other state  
26 agencies.--Information held by the department which is  
27 confidential and exempt from the provisions of s. 119.07(1)  
28 and s. 24(a), Art. I of the State Constitution may be released  
29 to other governmental entities or to parties contracting with  
30 the department to perform departmental duties. The receiving  
31

1 governmental entity or party shall retain the confidentiality  
2 of such information as provided by law.

3 Section 10. Section 430.03, Florida Statutes, is  
4 amended to read:

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

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

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

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

27 (4)~~(3)~~ Develop, arrange, oversee, and conduct research  
28 in the field of aging, and promote and implement a variety of  
29 pilot programs that demonstrate innovative methods for meeting  
30 the needs of elderly residents. Research activities may  
31 include contracting with academic institutions and other



1 research organizations, development of educational and  
2 training curricula, research related to medical issues  
3 affecting the elderly, including Alzheimer's disease, analysis  
4 of long-term care and other supportive service needs,  
5 development of new services and service delivery system  
6 models, development of designs and adaptive innovations  
7 relating to modified living environments, including the use of  
8 assistive devices, and evaluation of pilot programs serving  
9 elders.~~Study and plan for programs and services to meet~~  
10 ~~identified and projected needs and to provide opportunities~~  
11 ~~for personal development and achievement of persons aged 60~~  
12 ~~years and older.~~

13 ~~(4) Advocate quality programs and services for the~~  
14 ~~state's elderly population and on behalf of the individual~~  
15 ~~citizen's needs.~~

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

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

27 (7) Oversee implementation of federally funded and  
28 state-funded programs and services for the state's elderly  
29 population.

30 (8) Review and comment upon state plans, budgets, and  
31 policies which affect older individuals and provide technical

1 assistance to any agency, organization, association, or person  
2 representing the needs of older individuals.

3 (9)(8) Promote more effective use of existing  
4 resources and available services, and develop and recommend  
5 cost-effective legislative budget requests for programs and  
6 services for the state's elderly population.

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

13 (11)(10) Assist elderly persons to secure needed  
14 services in accordance with personal choice and in a manner  
15 that achieves or maintains autonomy and prevents, reduces, or  
16 eliminates dependency.

17 (12)(11) Promote the maintenance and improvement of  
18 the physical well-being and mental health of elderly persons.

19 (13)(12) Encourage and enlist the services of  
20 volunteers to provide assistance and services to elders, and  
21 promote opportunities for volunteerism among the elderly  
22 population.

23 (14)(13) Promote the prevention of neglect, abuse, or  
24 exploitation of elderly persons unable to protect their own  
25 interests.

26 (15)(14) Reduce ~~eliminate~~ and prevent inappropriate  
27 institutionalization of elderly persons by promoting  
28 community-based care, home-based care, self-care, or other  
29 forms of less intensive care.

30 (16)(15) Support and promote the efforts ~~Aid in the~~  
31 support of families and other caregivers of elderly persons.

1           ~~(17)~~(16) Promote activities that provide opportunities  
2 for persons of all ages and ethnic and cultural backgrounds to  
3 benefit from intergenerational relationships that promote  
4 unity, support, and respect for one another.

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

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

17           (20) Develop and establish self-directed care programs  
18 which encourage and provide opportunities for the elderly and  
19 their caregivers to choose their service providers whenever  
20 possible.

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

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

30  
31

1           (23) Develop and implement training programs and other  
2 educational opportunities for caregivers and providers of  
3 elder care services.

4           (24) Encourage and actively solicit contributions and  
5 grants from private, state, local, and federal resources for  
6 the purpose of developing, promoting, and implementing  
7 innovative programs serving the elderly.

8           (25) Promote the development of public-private  
9 partnerships for the purpose of maximizing resources and  
10 consumer choice in the selection of service providers and  
11 programs serving the elderly.

12           (26) Hold public meetings throughout the state for  
13 purposes of receiving public input and creating opportunities  
14 for articulating issues of public concern relating to the  
15 elderly and their caregivers, and which provide feedback on  
16 the relevance and effectiveness of the department's programs  
17 and services.

18           (27) Call upon appropriate state agencies for such  
19 assistance as needed in the discharge of the department's  
20 duties. All agencies shall cooperate in assisting the  
21 department to carry out its responsibilities as prescribed by  
22 this section.

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

25           Section 11. Section 430.035, Florida Statutes, is  
26 created to read:

27           430.035 Definitions.--As used in this chapter, the  
28 term:

29           (1) "Area agencies on aging" or "area agency" means a  
30 public or private nonprofit agency or organization designated  
31 by the department pursuant to s. 430.065. An area agency on

1 aging serves as both the advocate and the visible focal point  
2 in its planning and service area for planning and fostering  
3 the development of comprehensive and coordinated service  
4 systems to serve elderly persons.

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

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

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

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

31

1           (6) "Case management" means implementing or  
2 supervising the implementation of a care plan by mobilizing,  
3 arranging, and facilitating the provision of services needed  
4 to maximize an individual's physical, social, and emotional  
5 well-being. Case management includes the development of  
6 formal and informal resources to assure the availability of  
7 cost-effective services, advocacy, and monitoring, evaluating,  
8 and adjusting services and service delivery, on an ongoing  
9 basis, to assure the continued attainment of desired outcomes.

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

18           (8) "Department" means the Department of Elderly  
19 Affairs as established in s. 20.41. The department shall also  
20 be known as the Department of Elder Affairs.

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

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

28           (11) "Lead agency" means an agency selected by an area  
29 agency on aging to conduct care planning and provide case  
30 management or service coordination, as needed, to functionally  
31 impaired elderly persons participating in a community care for

1 the elderly program, and coordinate the activities of  
2 individual agencies contracting to provide community care for  
3 the elderly services within a community care service area.

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

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

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

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

21 Section 12. Section 430.045, Florida Statutes, is  
22 created to read:

23 430.045 Patents, copyrights, trademarks; notice to  
24 Department of State; confidentiality of trade secrets.--

25 (1) Notwithstanding any other provision of law to the  
26 contrary, the Department of Elderly Affairs is authorized, in  
27 its own name, to:

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

31

1           (b) License, lease, assign, or otherwise give written  
2 consent to any person, firm, or corporation for the  
3 manufacture or use of any product protected by patent,  
4 copyright, or trademark, whether on a royalty basis or for  
5 such other consideration as the department may deem proper.

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

9           (d) Enforce the collection of any payments or other  
10 obligations due the department for the manufacture or use of  
11 any product by any other party.

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

18           (f) Do all other acts necessary and proper for the  
19 execution of powers and duties conferred upon the department  
20 in this section.

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

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



1           (4) As used in this section, the term "product"  
2 includes any and all inventions, methodologies, techniques,  
3 and creations that may be properly protected by patent,  
4 copyright, or trademark.

5           Section 13. Subsections (1), (2), and (3) of section  
6 430.05, Florida Statutes, are amended to read:

7           430.05 Department of Elderly Affairs Advisory  
8 Council.--

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

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

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

- 1           1. The Governor shall appoint one member from each  
2 planning and service area and shall select each appointment  
3 from a list of three nominations submitted by the ~~designated~~  
4 area agency on aging in each planning and service area.  
5 Nominations submitted by an area agency ~~on aging~~ shall be  
6 solicited from a broad cross section of the public, private,  
7 and volunteer sectors of each county in the respective  
8 planning and service area. At least one of the three  
9 nominations submitted by an area agency on aging shall be a  
10 person 60 years of age or older.
- 11           2. The Governor shall appoint two additional members,  
12 one of whom shall be 60 years of age or older.
- 13           3. The President of the Senate shall appoint two  
14 members, one of whom shall be 60 years of age or older.
- 15           4. The Speaker of the House of Representatives shall  
16 appoint two members, one of whom shall be 60 years of age or  
17 older.
- 18           5. The Governor shall ensure that a majority of the  
19 members of the advisory council shall be 60 years of age or  
20 older and reflect the state's racial and cultural diversity  
21 ~~that there shall be balanced minority and gender~~  
22 ~~representation.~~
- 23           6. The Governor shall designate annually a member of  
24 the advisory council to serve as chair.
- 25           7. The Secretary of Elderly Affairs shall serve as an  
26 ex officio member of the advisory council.
- 27           (b) Members shall be appointed to 3-year staggered  
28 terms. Vacancies occurring in the middle of a term shall be  
29 filled only for the remainder of the term in order to maintain  
30 staggered appointments.~~in the following manner:~~  
31

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

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

21           Section 14. Section 430.065, Florida Statutes, is  
22 created to read:

23           430.065 Area agencies on aging.--

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

28           (2) The department shall contract with the governing  
29 body, hereafter referred to as the "board," of an area agency  
30 on aging to fulfill programmatic and funding requirements of  
31 the area agency. The board shall be responsible for the

1 overall direction of the area agency's programs and services  
2 and shall ensure that the area agency is administered in  
3 accordance with the terms of its contract with the department,  
4 state and federal laws, rules, and regulations, established  
5 area agency policy, and cost-effective and efficient  
6 management principles. The board shall also ensure the  
7 accountability of the area agency to the local communities  
8 included in the area agency's planning and service area.

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

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

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

1 status, imposing a moratorium on area agency action, imposing  
2 financial penalties for nonperformance including the  
3 withholding of funds, or other administrative action in  
4 accordance with chapter 120, if the department finds that:

5 (a) An intentional or negligent act of the area agency  
6 has materially affected the health, welfare, or safety of  
7 elderly persons, or substantially and negatively affected the  
8 operation of an aging services program;

9 (b) The area agency has committed multiple or repeated  
10 violations of statutory and regulatory requirements or  
11 department standards;

12 (c) The area agency has failed to adhere to the terms  
13 of its contract with the department;

14 (d) The area agency lacks financial stability  
15 sufficient to meet contractual obligations or that contractual  
16 funds have been misappropriated;

17 (e) The area agency has exceeded budgetary allocations  
18 or has permitted a service provider with whom it is  
19 contracting to exceed budgetary allocations;

20 (f) The area agency has failed to expand or continue  
21 the provision of services after the declaration of a state of  
22 emergency; or

23 (g) The area agency has failed to implement and  
24 maintain a department-approved client grievance resolution  
25 procedure.

26 (6) Area agencies on aging are public entities,  
27 subject to chapter 119, relating to public records, and when  
28 considering any contracts requiring the expenditure of public  
29 funds, are subject to ss. 286.011-286.012, relating to public  
30 meetings.

31

1           (7) The department shall adopt rules as necessary to  
2 implement and interpret this section.

3           Section 15. Section 430.07, Florida Statutes, is  
4 amended to read:

5           430.07 ~~Office of Volunteer~~ services ~~Community~~  
6 ~~Service.~~--

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

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

16           ~~(1) Compile an inventory of services needed by elderly~~  
17 ~~persons.~~

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

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

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

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

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

1           ~~(7) Develop a comprehensive volunteer program that~~  
2 ~~includes an intergenerational component and draws on the~~  
3 ~~strengths and skills of the state's older population and, to~~  
4 ~~the extent possible, implements the volunteer service credit~~  
5 ~~program.~~

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

9           (f) Provide training, technical assistance, and  
10 oversight to volunteer initiatives.

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

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

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

23           Section 16. Section 430.071, Florida Statutes, is  
24 amended to read:

25           430.071 Respite for elders living in everyday  
26 families.--

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

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

1 ~~need to be related by blood or marriage to the homebound~~  
2 ~~elderly individual.~~

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

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

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

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

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

29 ~~(a) Volunteers shall be screened, selected, trained,~~  
30 ~~and registered according to standards established under s.~~  
31 ~~430.07 developed by the Office of Volunteer and Community~~



1 ~~Services in the Department of Elderly Affairs.~~ These standards  
2 must ~~be developed to ensure,~~ at a minimum, address the safety  
3 of a homebound elderly individual who will receive the respite  
4 service.

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

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

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

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

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

27 ~~(5)(6)~~ The department Office of Volunteer and  
28 Community Services shall:

29 (a) Systematically develop and implement an organized  
30 network of volunteers pursuant to s. 430.07 a volunteer

31

1 ~~service system~~ in order to provide respite services under the  
2 RELIEF program.

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

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

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

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

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

19 430.202 Community care for the elderly; legislative  
20 intent.--The purpose of ss. 430.201-430.207 is to assist  
21 functionally impaired elderly persons to live in living  
22 dignified and reasonably independent lives in their own homes,  
23 or in the homes of ~~relatives or~~ caregivers, through the  
24 development, expansion, reorganization, and coordination of  
25 various community-based services. The Legislature intends  
26 that a coordinated continuum of care be established so that  
27 functionally impaired elderly persons ~~age 60 and older~~ may age  
28 in place in be assured the least restrictive, most  
29 cost-effective, safe environment suitable to meeting their  
30 needs. The Legislature intends that the most frail elders be  
31 served first, provided that it has been determined that

1 maintaining such persons in their home does not exceed the  
2 average annual cost of nursing home care and does not  
3 jeopardize their safety.The development of innovative  
4 approaches to program management, staff training, and service  
5 delivery, including the use of volunteers and private  
6 resources,which have an impact on cost-avoidance,  
7 cost-effectiveness, and program efficiency is encouraged.

8 Section 18. Section 430.205, Florida Statutes, is  
9 amended to read:

10 430.205 Community care for the elderly program ~~service~~  
11 ~~system.~~--

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

1           (2) Lead agencies shall be selected every 3 years  
2 pursuant to a request for proposals or an invitation to  
3 negotiate issued by the area agency.~~Core services and other~~  
4 ~~support services may be furnished by public or private~~  
5 ~~agencies or organizations. Each community care service system~~  
6 ~~must be under the direction of a lead agency that coordinates~~  
7 ~~the activities of individual contracting agencies providing~~  
8 ~~community-care-for-the-elderly services. When practicable,~~  
9 ~~the activities of a community care service area must be~~  
10 ~~directed from a multiservice senior center and coordinated~~  
11 ~~with other services offered therein. This subsection does not~~  
12 ~~require programs in existence prior to the effective date of~~  
13 ~~this act to be relocated.~~

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

18                 1. Promote high-quality, elder-friendly,  
19 cost-effective services.

20                 2. Encourage competition among service providers and  
21 promote consumer choice.

22                 3. Ensure that case managers and service coordinators  
23 act on behalf of consumers and not as promoters of services  
24 provided by their agency.

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

27                 1. Any lead agency or service provider who meets or  
28 exceeds established minimum standards, as determined by the  
29 department; or

30                 2. Units of local government which provide a  
31 fair-share local cash match, provide value-added activities,

1 provide elders with a choice of case managers, meet the  
2 guidelines provided in paragraph (a), and are subject to an  
3 annual review to ensure compliance with these requirements.

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

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

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

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

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

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

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

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

4           (c) Health care taxing districts.

5           (d) Religious or charitable organizations or volunteer  
6 programs.

7           (8) The department shall evaluate the coordination and  
8 delivery of services within community care service areas.  
9 Accurate analyses of the costs and benefits associated with  
10 the establishment and operation of the programs, as determined  
11 through a uniform cost-accounting and reporting system, shall  
12 be maintained to provide an assessment of the ability of these  
13 programs to:

14           (a) Reduce the rate of inappropriate entry and  
15 placement of functionally impaired elderly persons in  
16 institutions; and

17           (b) Reduce the use of institutional services and  
18 facilities,

19  
20 and to provide recommendations for legislative and  
21 administrative action.

22           (9) The department shall adopt rules establishing  
23 standards for the provision of care, and for the screening,  
24 selection, training, and supervision of service providers and  
25 staff providing services pursuant to this program.

26           Section 19. Section 430.2055, Florida Statutes, is  
27 created to read:

28           430.2055 Community care for the elderly service  
29 contracts and copayments.--

30           (1) The department or its designee agency shall  
31 contract with public or private agencies or organizations for

1 the provision of services required by a community care for the  
2 elderly program. Whenever feasible, an area agency on aging  
3 shall be the designee agency of preference. The contracting  
4 agency shall ensure that all other funding sources and  
5 informal community resources available have been considered  
6 prior to utilizing community care for the elderly funds. The  
7 department and contracting agency may accept gifts and grants  
8 in order to fund services within a community care service  
9 area.

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

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

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

31



1           (5) The department shall adopt rules to implement this  
2 section.

3           Section 20. Section 430.206, Florida Statutes, is  
4 amended to read:

5           430.206 Multiservice senior center.--

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

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

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

26           Section 21. Section 430.207, Florida Statutes, is  
27 amended to read:

28           430.207 Confidentiality of information.--Information  
29 about functionally impaired elderly persons who receive  
30 services under ss. 430.201-430.206 which is received through  
31 files, reports, inspections, or otherwise, by the department

1 or by authorized departmental employees, by persons who  
2 volunteer services, or by persons who provide services to  
3 functionally impaired elderly persons ~~under ss.~~  
4 ~~430.201-430.206~~ through contracts with the department is  
5 confidential and exempt from the provisions of s. 119.07(1).  
6 Such information may not be disclosed publicly in such a  
7 manner as to identify a functionally impaired elderly person,  
8 unless that person or his or her legal guardian provides  
9 written consent.

10 Section 22. Section 430.41, Florida Statutes, is  
11 amended to read:

12 430.41 Grants and Donations Trust Fund.--

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

31

1           (2) Notwithstanding the provisions of s. 216.301 and  
2 pursuant to s. 216.351, any balance in the trust fund at the  
3 end of any fiscal year shall remain in the trust fund and  
4 shall be available for carrying out the purposes of the trust  
5 fund. The trust fund is exempt from the service charges  
6 imposed by s. 215.20.

7           Section 23. Section 430.42, Florida Statutes, is  
8 transferred and renumbered as section 430.82, Florida  
9 Statutes.

10           Section 24. Section 430.43, Florida Statutes, is  
11 created to read:

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

31

1 position not designated as selected exempt service shall  
2 retain such permanent status in the career service.

3 Section 25. Section 430.5011, Florida Statutes, is  
4 created to read:

5 430.5011 Short title.--Sections 430.5011-430.504 may  
6 be cited as the "Alzheimer's Disease Initiative."

7 Section 26. Section 430.501, Florida Statutes, is  
8 transferred, renumbered as section 430.5012, and amended to  
9 read:

10 430.5012 ~~430.501~~ Alzheimer's Disease Advisory  
11 Committee; research grants.--

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

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

26 (2)(3)(a) The committee membership shall be  
27 representative as follows:

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

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

3           3. Whenever possible, the 10 members shall include 1  
4 each of the following professionals: a gerontologist, a  
5 geriatric psychiatrist, a geriatrician, a neurologist, a  
6 social worker, and a registered nurse.

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

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

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

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

18           5. The committee may establish subcommittees as  
19 necessary to carry out the functions of the committee.

20           6. The committee shall meet quarterly, or as  
21 frequently as needed.

22           7. The department ~~of Elderly Affairs~~ shall provide  
23 staff support to assist the committee in the performance of  
24 its duties.

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

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

1           ~~(4) If funds are made available through gifts, grants,~~  
2 ~~or other sources, the Department of Elderly Affairs shall~~  
3 ~~deposit such funds into its Grants and Donations Trust Fund~~  
4 ~~and shall award research grants to qualified profit or~~  
5 ~~nonprofit associations and institutions or governmental~~  
6 ~~agencies in order to plan, establish, or conduct programs in~~  
7 ~~Alzheimer's disease control or prevention, education and~~  
8 ~~training, and research. The department may adopt rules~~  
9 ~~necessary to carry out these duties.~~

10           Section 27. Section 430.502, Florida Statutes, is  
11 amended to read:

12           430.502 Alzheimer's disease; memory disorder clinics  
13 and day care and respite care programs.--

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

23           ~~(2)~~~~(1)~~ There is established:

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

26           (b) A memory disorder clinic at a major private  
27 nonprofit research-oriented teaching hospital, and may fund a  
28 memory disorder clinic at any of the other affiliated teaching  
29 hospitals;

30           (c) A memory disorder clinic at the Mayo Clinic in  
31 Jacksonville;

1 (d) A memory disorder clinic at the West Florida  
2 Regional Medical Center;

3 (e) The East Central Florida Memory Disorder Clinic at  
4 the Joint Center for Advanced Therapeutics and Biomedical  
5 Research of the Florida Institute of Technology and Holmes  
6 Regional Medical Center, Inc.;

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

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

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

15 (i) A memory disorder clinic at the Tallahassee  
16 Memorial Regional Medical Center;

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

19 (k) A memory disorder clinic at Sarasota Memorial  
20 Hospital in Sarasota County.7

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

28 ~~(3)(2) It is the intent of the Legislature that~~  
29 Research conducted by a memory disorder clinic and supported  
30 by state funds pursuant to subsection (2) shall ~~(1)~~ be applied  
31 research, be service-related, and be selected in consultation

1 ~~conjunction~~ with the department. Such research may address,  
2 but is not limited to, diagnostic technique, therapeutic  
3 interventions, and supportive services for persons suffering  
4 from Alzheimer's disease and related memory disorders and  
5 their caregivers. Research ~~A memory disorder clinic shall be~~  
6 conducted ~~conduct such research~~ in accordance with a research  
7 plan and incorporate ~~developed by the clinic which establishes~~  
8 research objectives as specified in this section ~~that are in~~  
9 ~~accordance with this legislative intent.~~ A memory disorder  
10 clinic shall also complete and submit to the department  
11 periodic research status updates and a final report of the  
12 findings, conclusions, and recommendations of completed  
13 research, and shall provide all site data to the department's  
14 Alzheimer's research database. ~~This subsection does not apply~~  
15 ~~to those memory disorder clinics at the three medical schools~~  
16 ~~in the state or at the major private nonprofit~~  
17 ~~research-oriented teaching hospital or other affiliated~~  
18 ~~teaching hospital.~~

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

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



1           (5) Pursuant to s. 287.057, the department ~~of Elderly~~  
2 ~~Affairs~~ shall contract for the provision of respite care. All  
3 funds appropriated for the provision of respite care shall be  
4 distributed annually by the department to each planning and  
5 service area funded county according to an allocation formula  
6 developed by the department. In developing the formula, the  
7 department shall consider the number and proportion of the  
8 county population of individuals in the area who are 75 years  
9 of age and older.

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

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

26           (8) The department shall adopt rules as necessary to  
27 implement this section.

28           ~~(6) Each contract entered into pursuant to this~~  
29 ~~section must contain a requirement for a research component to~~  
30 ~~be completed and reported on in writing to the department~~

31

1 ~~according to specifications and within a timeframe provided by~~  
2 ~~the department.~~

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

5 430.503 Alzheimer's Disease Initiative copayments~~+~~  
6 ~~fees and administrative expense.--~~

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

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

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

30 430.504 Confidentiality of information.--Information  
31 about clients of programs created or funded under s. 430.502

1 ~~430.501 or s. 430.503~~ which is received through files,  
2 reports, inspections, or otherwise, by the department or by  
3 authorized departmental employees, by persons who volunteer  
4 services, or by persons who provide services to clients of  
5 programs created or funded under s. 430.502 ~~430.501 or s.~~  
6 ~~430.503~~ through contracts with the department is confidential  
7 and exempt from the provisions of s. 119.07(1). Such  
8 information may not be disclosed publicly in such a manner as  
9 to identify a person who receives services under s. 430.502  
10 ~~430.501 or s. 430.503~~, unless that person or that person's  
11 legal guardian provides written consent.

12 Section 30. Section 430.601, Florida Statutes, is  
13 amended to read:

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

25 Section 31. Section 430.603, Florida Statutes, is  
26 amended to read:

27 430.603 Home care for the elderly program; rules.--

28 (1) The department shall administer the home care for  
29 the elderly program, which provides a subsidy to a person who  
30 provides, on a not-for-profit basis, basic maintenance and  
31 supervision, and any necessary additional in-home services,

1 for one to three elderly persons in a family-type living  
2 arrangement in a private home.

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

7 Any person who is approved to provide care, goods, or services  
8 for an elderly person shall be eligible for the subsidy  
9 payments described in s. 430.605. However, the home care for  
10 the elderly program must be operated within the funds  
11 appropriated by the Legislature.

12 Section 32. Section 430.604, Florida Statutes, is  
13 amended to read:

14 430.604 Department determination of inability to  
15 provide home care.--~~Any if a person planning who plans to~~  
16 provide home care under ss. 430.601-430.606 who is found by  
17 the department, or its designee, to be unable to provide this  
18 care must be notified, ~~the department must notify the person~~  
19 ~~seeking to provide home care~~ of this determination, and that  
20 the person is not eligible for subsidy payments under ss.  
21 430.601-430.606.

22 Section 33. Section 430.605, Florida Statutes, is  
23 amended to read:

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

31

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

4           ~~(2) Payments for medical, pharmaceutical, and dental~~  
5 ~~services essential to maintain the health of the elderly~~  
6 ~~person and not covered by Medicare, Medicaid, or any form of~~  
7 ~~insurance.~~

8           ~~(2)(3)~~ When necessary, special supplement payments  
9 ~~supplements to provide~~ for any goods and services and  
10 specialized care required to maintain the health and  
11 well-being of the elderly person not already covered by public  
12 or private insurance, including Medicare or Medicaid.

13 Extraordinary medical, dental, or pharmaceutical expenses may  
14 be paid as a special supplement.

15           Section 34. Section 430.701, Florida Statutes, is  
16 amended to read:

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

28           Section 35. Section 430.702, Florida Statutes, is  
29 amended to read:  
30  
31

1           430.702 Short title.--Sections 430.701-430.710 ~~This~~  
2 ~~act~~ may be cited as the "Long-Term Care Community Diversion  
3 Pilot Project Act."

4           Section 36. Section 430.703, Florida Statutes, is  
5 amended to read:

6           430.703 Definitions.--As used in ss. 430.701-430.710  
7 ~~this act~~, the term:

8           (1) "Agency" means the Agency for Health Care  
9 Administration.

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

15           (2)~~(3)~~ "Community diversion pilot project" means any  
16 pilot service delivery system that places participants in the  
17 most appropriate care settings and provides comprehensive home  
18 and community-based services of sufficient quantity, type, and  
19 duration to prevent or delay the need for long-term placement  
20 in a nursing facility.

21           (3)~~(4)~~ "Community diversion pilot project area" means  
22 a geographic area selected by the department where the  
23 department will conduct a community diversion pilot project.

24           ~~(5) "Department" means the Department of Elderly~~  
25 ~~Affairs.~~

26           (4)~~(6)~~ "Managed care organization" means an entity  
27 that meets the requirements of the Department of Insurance for  
28 operation as a health maintenance organization and meets the  
29 qualifications for participation as a managed care  
30 organization established by the agency and the department.

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1           ~~(5)(7)~~ "Participant" means an individual enrolled in a  
2 community diversion pilot project.

3           Section 37. Section 430.705, Florida Statutes, is  
4 amended to read:

5           430.705 Implementation of the long-term care community  
6 diversion pilot projects.--

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

9           (a) Work in consultation with the agency.

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

11           1. Ensures sufficient savings from the state Medicaid  
12 nursing home budget category to fund community diversion pilot  
13 projects.

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

17          (c) Evaluate:

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

21           2. The cost-effectiveness of the services provided  
22 through the pilot projects.

23           3. The impact of nursing home bed growth on state  
24 expenditures.

25           4. Methods to encourage competition among long-term  
26 care service providers in order to facilitate improved service  
27 quality, price, and participant satisfaction.

28           5. Criteria for selecting managed care organizations,  
29 including quality assurance processes, grievance procedures,  
30 service costs, accessibility, adequacy of provider networks,  
31 and administrative costs.

1           6. Criteria for participant eligibility.  
2           7. The provision of services to determine if the  
3 participants' quality of life has improved.  
4           ~~(d)(2) The department shall~~ Select projects whose  
5 design and providers demonstrate capacity to maximize the  
6 placement of participants in the least restrictive appropriate  
7 care setting.  
8           ~~(e)(3) The department shall~~ Provide to prospective  
9 participants a choice of participating in a community  
10 diversion pilot project or any other appropriate placement  
11 available. To the extent possible, individuals shall be  
12 allowed to choose their care providers, including long-term  
13 care service providers affiliated with an individual's  
14 religious faith or denomination.  
15           ~~(f)(4) The department shall~~ Enroll participants.  
16 Providers shall not directly enroll participants in community  
17 diversion pilot projects.  
18           ~~(2)(5)~~ In selecting the pilot project area, the  
19 department shall consider the following factors in the area:  
20           (a) The nursing home occupancy level.  
21           (b) The number of certificates of need awarded for  
22 nursing home beds for which renovation, expansion, or  
23 construction has not begun.  
24           (c) The annual number of additional nursing home beds.  
25           (d) The annual number of nursing home admissions.  
26           (e) The adequacy of community-based long-term care  
27 service providers.  
28           (f) The availability of managed care organizations.  
29           ~~(3)(6)~~ The department may require participants to  
30 contribute to their cost of care in an amount not to exceed  
31



1 the cost-sharing required of Medicaid-eligible nursing home  
2 residents.

3 ~~(4)(7)~~ Community diversion pilot projects must:

4 (a) Provide services for participants that are of  
5 sufficient quality, quantity, type, and duration to prevent or  
6 delay nursing facility placement.

7 (b) Integrate acute and long-term care services, and  
8 the funding sources for such services, as feasible.

9 (c) Encourage individuals, families, and communities  
10 to plan for their long-term care needs.

11 (d) Provide skilled and intermediate nursing facility  
12 care for participants who cannot be adequately cared for in  
13 noninstitutional settings.

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

16 430.707 Contracts.--

17 (1) The department, in consultation with the agency,  
18 shall select and contract with managed care organizations to  
19 provide long-term care within community diversion pilot  
20 project areas. Such contracts shall include qualifications for  
21 participation as a managed care organization, criteria for  
22 participant eligibility, and quality of care standards for  
23 community diversion pilot projects. Such quality of care  
24 standards shall apply to all contractors and subcontractors  
25 and must include outcome measures, utilization review,  
26 grievance and conflict resolution, patient satisfaction, and  
27 care and service standards.

28 Section 39. Section 430.80, Florida Statutes, is  
29 transferred and renumbered as section 400.337, Florida  
30 Statutes.

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1           Section 40. Sections 430.02, 430.04, 430.101, 430.203,  
2 430.204, 430.602, 430.704, 430.706, and 430.710, Florida  
3 Statutes, are repealed.

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

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LEGISLATIVE SUMMARY

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

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