

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Fiorentino offered the following:

**Amendment (with directory and title amendments)**

Remove everything after the enacting clause, and insert:

Section 1. Effective upon becoming a law, subsection (4) of section 430.041, Florida Statutes, is amended to read:

430.041 Office of Long-Term-Care Policy.--

(4) The Office of Long-Term-Care Policy shall have an advisory council, ~~whose chair shall be the Director of the Office of Long-Term-Care Policy.~~ The purposes of the advisory council are to provide assistance and direction to the office and to ensure that the appropriate state agencies are properly implementing recommendations from the office.

(a) The advisory council shall consist of:

1. A member of the Senate, appointed by the President of the Senate;

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27           2. A member of the House of Representatives, appointed by  
28 the Speaker of the House of Representatives;

29           ~~3. The Director of the Office of Long Term Care Policy;~~

30           ~~3.4.~~ The Secretary of Health Care Administration;

31           ~~4.5.~~ The Secretary of Elderly Affairs;

32           ~~5.6.~~ The Secretary of Children and Family Services;

33           ~~6.7.~~ The Secretary of Health;

34           ~~7.8.~~ The Executive Director of the Department of Veterans'  
35 Affairs;

36           ~~8.9.~~ Three people with broad knowledge and experience in  
37 the delivery of long-term-care services, appointed by the  
38 Governor from groups representing elderly persons; and

39           ~~9.10.~~ Two representatives of people using long-term-care  
40 services, appointed by the Governor from groups representing  
41 elderly persons.

42           (b) The council shall elect a chair from among its  
43 membership to serve for a 1-year term. A chair may not serve  
44 more than 2 consecutive terms as chair.

45           ~~(c)(b)~~ Members shall serve without compensation, but are  
46 entitled to receive reimbursement for travel and per diem as  
47 provided in s. 112.061.

48           ~~(d)(e)~~ The advisory council shall meet at the call of its  
49 chair or at the request of a majority of its members. During its  
50 first year of existence, the advisory council shall meet at  
51 least monthly.

52           ~~(e)(d)~~ Members of the advisory council appointed by the  
53 Governor shall serve at the pleasure of the Governor and shall  
54 be appointed to 4-year staggered terms in accordance with s.  
55 20.052.

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56 Section 2. Subsection (9) is added to section 430.07,  
57 Florida Statutes, to read:

58 430.07 Office of Volunteer Community Service.--There is  
59 created within the Department of Elderly Affairs the Office of  
60 Volunteer Community Service. The office shall:

61 (9) Encourage volunteerism by older persons regardless of  
62 socioeconomic status. In order to accomplish this,  
63 notwithstanding any other provision of law, the office is  
64 authorized to provide to those volunteers whose presence is  
65 determined to be necessary to the department direct payment of  
66 lodging and transportation expenses to a vendor on behalf of  
67 such volunteer, or prepayment, or reimbursement of lodging and  
68 transportation expenses directly to such volunteer. The office  
69 shall not expend or authorize an expenditure in excess of the  
70 amount appropriated in any fiscal year.

71 Section 3. Subsection (5) of section 430.205, Florida  
72 Statutes, is amended to read:

73 430.205 Community care service system.--

74 (5) Any person who has been classified as a functionally  
75 impaired elderly person is eligible to receive community-care-  
76 for-the-elderly core services.

77 (a) Those elderly persons who are determined by protective  
78 investigations to be vulnerable adults in need of services,  
79 pursuant to s. 415.104(3)(b), or to be victims of abuse,  
80 neglect, or exploitation who are in need of immediate services  
81 to prevent further harm and are referred by the adult protective  
82 services program, shall be given primary consideration for  
83 receiving community-care-for-the-elderly services. As used in  
84 this ~~paragraph~~ ~~subsection~~, "primary consideration" means that an

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85 assessment and services must commence within 72 hours after  
86 referral to the department or as established in accordance with  
87 department contracts by local protocols developed between  
88 department service providers and the adult protective services  
89 program.

90 (b) The department shall determine an order of  
91 prioritization for all other functionally impaired elderly  
92 persons seeking community-care-for-the-elderly services that is  
93 based upon the potential recipient's frailty level and  
94 likelihood of institutional placement without such services.  
95 After determining such frailty level and likelihood of  
96 institutional placement, should the list of potential recipients  
97 require further prioritization, another factor that must be  
98 considered is the potential recipient's ability to pay for such  
99 services. Those who are less able to pay for such services must  
100 receive higher priority than those who are better able to pay  
101 for such services. A potential recipient's ability to pay may be  
102 determined by the department based on the potential recipient's  
103 self-declared statement of income and expenses.

104 Section 4. Effective upon becoming a law, section 65 of  
105 chapter 2001-45, Laws of Florida, is repealed.

106 Section 5. Except as otherwise provided herein, this act  
107 shall take effect July 1, 2003.

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

110 Remove the entire title, and insert:  
111 A bill to be entitled  
112 An act relating to services for the elderly; amending s.  
113 430.041, F.S.; removing the Director of the Office of Long-

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114 Term-Care Policy from the advisory council; providing for  
115 the selection of a chair of the council; providing a limit  
116 on consecutive terms for service as chair; amending s.  
117 430.07, F.S.; authorizing direct payment to a vendor or  
118 prepayment or reimbursement of lodging and transportation  
119 expenses directly to volunteers determined necessary by the  
120 Department of Elderly Affairs; amending s. 430.205, F.S.,  
121 relating to community care for the elderly; providing  
122 guidelines for determining the priority of recipients of  
123 services; repealing section 65 of ch. 2001-45, Laws of  
124 Florida, relating to the state long-term care ombudsman  
125 program; providing effective dates.