

By the Committee on Appropriations; and Senator Fasano

309-2538-03

1 A bill to be entitled
2 An act relating to the elderly services;
3 amending s. 430.041, F.S.; removing the
4 Director of the Office of Long-Term-Care Policy
5 from the office's advisory council; amending s.
6 430.07, F.S.; authorizing direct payment to a
7 vendor or prepayment of travel expenses for
8 Department of Elderly Affairs volunteers;
9 amending s. 430.205, F.S., relating to
10 community care for the elderly; providing
11 guidelines for determining the priority of
12 recipients of services; repealing s. 65 of
13 chapter 2001-45, Laws of Florida relating to
14 the Office of State Long-Term Care Ombudsman
15 Program; providing effective dates.

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

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

22 430.041 Office of Long-Term-Care Policy.--

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

29 (a) The advisory council shall consist of:

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

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

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

5 3.4. The Secretary of Health Care Administration;

6 4.5. The Secretary of Elderly Affairs;

7 5.6. The Secretary of Children and Family Services;

8 6.7. The Secretary of Health;

9 7.8. The Executive Director of the Department of
10 Veterans' Affairs;

11 8.9. Three people with broad knowledge and experience
12 in the delivery of long-term-care services, appointed by the
13 Governor from groups representing elderly persons; and

14 9.10. Two representatives of people using
15 long-term-care services, appointed by the Governor from groups
16 representing elderly persons.

17 (b) The council shall elect a chair from among its
18 membership to serve for a 1-year term. A chair may not serve
19 more than two consecutive terms.

20 (c)(b) Members shall serve without compensation, but
21 are entitled to receive reimbursement for travel and per diem
22 as provided in s. 112.061.

23 (d)(c) The advisory council shall meet at the call of
24 its chair or at the request of a majority of its members.
25 During its first year of existence, the advisory council shall
26 meet at least monthly.

27 (e)(d) Members of the advisory council appointed by
28 the Governor shall serve at the pleasure of the Governor and
29 shall be appointed to 4-year staggered terms in accordance
30 with s. 20.052.

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

3 430.07 Office of Volunteer Community Service.--There
4 is created within the Department of Elderly Affairs the Office
5 of Volunteer Community Service. The office shall:

6 (9) Encourage volunteerism by elders regardless of
7 socioeconomic status. In order to accomplish this,
8 notwithstanding any other provision of law, the office is
9 authorized to provide to those volunteers whose presence is
10 determined to be necessary to the department direct payment of
11 lodging and transportation expenses to a vendor on behalf of
12 such volunteer, or prepayment, or reimbursement of lodging and
13 transportation expenses directly to such volunteer. The office
14 shall not expend or authorize an expenditure in excess of the
15 amount appropriated in any fiscal year.

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

18 430.205 Community care service system.--

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

22 (a) Those elderly persons who are determined by
23 protective investigations to be vulnerable adults in need of
24 services, pursuant to s. 415.104(3)(b), or to be victims of
25 abuse, neglect, or exploitation who are in need of immediate
26 services to prevent further harm and are referred by the adult
27 protective services program, shall be given primary
28 consideration for receiving community-care-for-the-elderly
29 services. As used in this ~~paragraph~~ subsection, "primary
30 consideration" means that an assessment and services must
31 commence within 72 hours after referral to the department or

1 as established in accordance with department contracts by
2 local protocols developed between department service providers
3 and the adult protective services program.

4 (b) The department shall determine an order of
5 prioritization for all other functionally impaired elderly
6 persons seeking community-care-for-the-elderly services which
7 is based upon the potential recipient's frailty level and
8 likelihood of institutional placement without such services.
9 After determining such frailty level and likelihood of
10 institutional placement, should the list of potential
11 recipients require further prioritization, another factor that
12 must be considered is the potential recipient's ability to pay
13 for such services. Those who are less able to pay for such
14 services must receive higher priority than those who are
15 better able to pay for such services. A potential recipient's
16 ability to pay may be determined by the department based on
17 the potential recipient's self-declared statement of income
18 and expenses.

19 Section 4. Effective upon this act becoming a law,
20 section 65 of chapter 2001-45, Laws of Florida, is repealed.

21 Section 5. Except as otherwise expressly provided in
22 this act, this act shall take effect July 1, 2003.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 642

The Committee Substitute removes the Director of the Office of Long-Term Care Policy from the office's advisory council and provides that the council must elect a chair from among its membership to serve for a one-year term. The chair may not serve more than two consecutive terms.

Allows the Office of Volunteer Community Service to provide direct payment of lodging and transportation expenses to a volunteer or a vendor on behalf of a volunteer.

Provides guidelines for prioritizing services under the Community Care for the Elderly program that include the recipient's frailty level, risk of institutional placement and ability to pay for services.

Allows the Office of State Long-Term Care Ombudsman to collocate with the headquarters office of the Department of Elderly Affairs.