

Bill No. SB 1330

Barcode 805832

CHAMBER ACTION

Senate

House

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The Committee on Children and Families (Fasano) recommended
the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (2) of section 430.04, Florida
Statutes, is amended, present subsections (3) through (16) of
that section are redesignated as subsections (4) through (17),
respectively, and a new subsection (3) is added to that
section, to read:

430.04 Duties and responsibilities of the Department
of Elderly Affairs.--The Department of Elderly Affairs shall:
(2) Be responsible for ensuring that each area agency
on aging operates in a manner to ensure that the elderly of
this state receive the best services possible. The department
shall rescind designation of an area agency on aging or take
intermediate measures against the agency, including corrective
action, unannounced special monitoring, temporary assumption
of operation of one or more programs by the department,

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1 placement on probationary status, imposing a moratorium on
2 agency action, imposing financial penalties for
3 nonperformance, or other administrative action pursuant to
4 chapter 120, if, after an evaluation, the department finds
5 that:

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

10 (b) The agency lacks financial stability sufficient to
11 meet contractual obligations or that contractual funds have
12 been misappropriated;-

13 (c) The agency has committed multiple or repeated
14 violations of legal and regulatory requirements or department
15 standards;-

16 (d) The agency has failed to continue the provision or
17 expansion of services after the declaration of a state of
18 emergency;-

19 (e) The agency has exceeded its authority or otherwise
20 failed to adhere to the terms of its contract with the
21 department or has exceeded its authority or otherwise failed
22 to adhere to the provisions specifically provided by statute
23 or rule adopted by the department;-

24 (f) The agency has failed to properly determine client
25 eligibility as defined by the department or efficiently manage
26 program budgets; or-

27 (g) The agency has failed to implement and maintain a
28 department-approved client grievance resolution procedure.

29 (3)(a) If the department takes an intermediate measure
30 against an area agency on aging as provided in subsection (2)
31 and the department determines, at least 90 days after the

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1 measure is taken, that the area agency on aging has failed to
 2 effectively plan, fund, or administer contracts for programs
 3 and services not funded by the federal Older Americans Act,
 4 the department may terminate the contract of the area agency
 5 on aging for such programs or services. Notwithstanding any
 6 law to the contrary, if the department terminates a contract
 7 with an area agency on aging, the department must contract, in
 8 accordance with chapter 287, with an entity to plan, fund, and
 9 administer the programs and services previously under contract
 10 in the affected planning and service area. The department may
 11 directly provide the affected program or service for a limited
 12 period of time, but must initiate a competitive-procurement
 13 process to replace the area agency on aging within 180 days
 14 after the termination of the area agency on aging's contract.

15 (b) Any contract or referral agreement effective on or
 16 after July 1, 2006, between an area agency on aging and a lead
 17 agency or service provider must be assignable to the
 18 department and subsequently to an entity competitively
 19 selected under this subsection.

20 Section 2. This act shall take effect July 1, 2006.

21
 22
 23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete everything before the enacting clause

26
 27 and insert:

28 A bill to be entitled

29 An act relating to the Department of Elderly
 30 Affairs; amending s. 430.04, F.S.; authorizing
 31 the Department of Elderly Affairs to terminate

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1 a contract or agreement with an area agency on
2 aging under certain circumstances; requiring
3 the department to use a competitive-procurement
4 process to procure a new area agency on aging
5 to plan, fund, and administer the programs and
6 services in the affected planning and service
7 area; requiring that any contract or referral
8 agreement entered into between an area agency
9 on aging and a lead agency or a service
10 provider or program provider be assignable to
11 the department under certain circumstances;
12 providing an effective date.

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