By the Committee on Children and Families; and Senator Fasano

586-2124-06

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A bill to be entitled An act relating to the Department of Elderly Affairs; amending s. 430.04, F.S.; authorizing the Department of Elderly Affairs to terminate a contract or agreement with an area agency on aging under certain circumstances; requiring the department to use a competitive-procurement process to procure a new area agency on aging to plan, fund, and administer the programs and services in the affected planning and service area; requiring that any contract or referral agreement entered into between an area agency on aging and a lead agency or a service provider or program provider be assignable to the department under certain circumstances; providing an effective date. Be It Enacted by the Legislature of the State of Florida: 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

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intermediate measures against the agency, including corrective

shall rescind designation of an area agency on aging or take

CODING: Words stricken are deletions; words underlined are additions.

action, unannounced special monitoring, temporary assumption
of operation of one or more programs by the department,
placement on probationary status, imposing a moratorium on
agency action, imposing financial penalties for
nonperformance, or other administrative action pursuant to
chapter 120, if, after an evaluation, the department finds
that:

- (a) An intentional or negligent act of the agency has materially affected the health, welfare, or safety of clients, or substantially and negatively affected the operation of an aging services program:
- (b) The agency lacks financial stability sufficient to meet contractual obligations or that contractual funds have been misappropriated: \cdot
- (c) The agency has committed multiple or repeated violations of legal and regulatory requirements or department standards: \cdot
- (d) The agency has failed to continue the provision or expansion of services after the declaration of a state of emergency: \cdot
- (e) The agency has exceeded its authority or otherwise failed to adhere to the terms of its contract with the department or has exceeded its authority or otherwise failed to adhere to the provisions specifically provided by statute or rule adopted by the department:
- (f) The agency has failed to properly determine client eligibility as defined by the department or efficiently manage program budgets; or:
- (g) The agency has failed to implement and maintain a department-approved client grievance resolution procedure.

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1	(3)(a) If the department takes an intermediate measure
2	against an area agency on aging as provided in subsection (2)
3	and the department determines, at least 90 days after the
4	measure is taken, that the area agency on aging has failed to
5	effectively plan, fund, or administer contracts for programs
6	and services not funded by the federal Older Americans Act,
7	the department may terminate the contract of the area agency
8	on aging for such programs or services. Notwithstanding any
9	law to the contrary, if the department terminates a contract
10	with an area agency on aging, the department must contract, in
11	accordance with chapter 287, with an entity to plan, fund, and
12	administer the programs and services previously under contract
13	in the affected planning and service area. The department may
14	directly provide the affected program or service for a limited
15	period of time, but must initiate a competitive-procurement
16	process to replace the area agency on aging within 180 days
17	after the termination of the area agency on aging's contract.
18	(b) Any contract or referral agreement effective on or
19	after July 1, 2006, between an area agency on aging and a lead
20	agency or service provider must be assignable to the
21	department and subsequently to an entity competitively
22	selected under this subsection.
23	Section 2. This act shall take effect July 1, 2006.
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1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	Senate Bill 1330
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4	This Committee Substitute allows the Department of Elderly Affairs (DOEA) to terminate a contract for administration of
5	state-funded aging programs through Area Agencies on Aging under certain circumstances. If a contract is terminated, the
6	department must contract with another entity to administer the state funded programs or may directly provide the service for
7	a specified period of time and must begin a competitive procurement process. After July 2, 2006, any contract or
8	referral agreement between an area agency and a lead agency must be assignable to DOEA and, subsequently, to a
9	competitively procured entity.
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