

1 A bill to be entitled
 2 An act relating to local government funding for elderly
 3 services; creating s. 409.018, F.S.; creating the "Local
 4 Elderly Services Act"; providing legislative findings and
 5 intent; providing a definition; providing responsibilities
 6 of the Department of Elderly Affairs; providing
 7 requirements for the use of certain public revenues as
 8 local matching funds and for the uses of federal
 9 reimbursements received as a result of the certification
 10 of local matching funds; providing for agreements between
 11 the department, local area agencies on aging, and local
 12 private entities; requiring the department and local area
 13 agencies on aging to cooperate in modifying state plans
 14 and in seeking and implementing any necessary federal
 15 waivers; providing for administrative costs; requiring the
 16 department to submit annual reports to the Governor and
 17 Legislature; providing an effective date.

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

20
 21 Section 1. Section 409.018, Florida Statutes, is created
 22 to read:

23 409.018 Local Elderly Services Act; legislative intent.--

24 (1) SHORT TITLE.--This section may be cited as the "Local
 25 Elderly Services Act."

26 (2) LEGISLATIVE FINDINGS AND INTENT.--

27 (a) The Legislature recognizes that state funds do not
 28 fully use federal funding matching opportunities for human

HB 1235

2008

29 service needs. In 2003, the Legislature passed the Local Revenue
30 Maximization Act, which created s. 409.017 to authorize the use
31 of certified local funding for federal matching programs to the
32 fullest extent possible to maximize federal funding of local
33 preventive services and human service programs in the state. To
34 that end, the Legislature authorizes the Department of Elderly
35 Affairs to take a proactive approach in implementing s. 409.017
36 with respect to needs and services for the elderly throughout
37 the state. It is the further intent of the Legislature that this
38 act shall be revenue neutral with respect to state funds.

39 (b) It is the intent of the Legislature that the Local
40 Elderly Services program use certified local funding only after
41 available state funds have been used to generate matching
42 federal funding for the state.

43 (c) It is the intent of the Legislature that participation
44 in the program is to be voluntary for local participants.

45 (d) It is the intent of the Legislature that certified
46 local funding for federal matching programs not supplant or
47 replace state funds.

48 (3) LOCAL ELDERLY SERVICES PROGRAM.--

49 (a) For purposes of this section, the term "department"
50 means the Department of Elderly Affairs.

51 (b) The department shall establish programs and mechanisms
52 designed to maximize the use of local funding for federal
53 programs, pursuant to s. 409.017. The Legislature authorizes the
54 department to serve as lead entity in drawing down federal funds
55 from the Center for Medicare and Medicaid Services. Programs to
56 be targeted for federal matching assistance include, but are not

57 limited to, the Aged and Disabled Adult Medicaid waiver, Adult
58 Day Health Care waiver, Alzheimer's Disease waiver, Medicaid
59 Assisted Living for the Frail Elderly waiver, and the Channeling
60 Services for the Frail Elderly waiver. Additionally, the
61 department may determine which matching programs are applicable
62 to local strategies created under the Communities for a Lifetime
63 initiative.

64 (c) The department shall create a process whereby the
65 local area agency on aging is considered a local political
66 subdivision pursuant to s. 409.017, and the local area agency on
67 aging shall be responsible for collecting the local matching
68 funds from the local private entities. To the extent permitted
69 by federal law, funds donated to the local area agency on aging
70 by private entities, including, but not limited to, the United
71 Way, community foundations or other foundations, and businesses
72 or by individuals are considered to be public revenue funds
73 available for matching federal funding.

74 (d) Subject to paragraph (f), any federal reimbursement
75 received as a result of the certification of local matching
76 funds must, unless specifically prohibited by federal law, be
77 returned by check or wire transfer to the local area agency on
78 aging providing such funding for distribution to local private
79 entities providing the initial local matching funds within 45
80 days after receipt.

81 (e) The department, as applicable, shall work with the
82 local area agency on aging to modify any state plans and to seek
83 and implement any federal waivers necessary to implement this
84 section. If such modifications or waivers require the approval

85 of the Legislature, the department, as applicable, shall draft
86 such legislation and present it to the President of the Senate
87 and the Speaker of the House of Representatives and to the
88 chairs of the appropriate substantive committees of the Senate
89 and the House of Representatives by January 1, 2009, and, as
90 applicable, annually thereafter.

91 (f) The department, as applicable, before funds generated
92 under this section are distributed to any local area agency on
93 aging, may deduct the actual administrative cost for
94 implementing and monitoring the local match program; however,
95 such administrative costs may not exceed 5 percent of the total
96 federal reimbursement funding to be provided to the local area
97 agency on aging under paragraph (d). Additionally, the local
98 area agency on aging may deduct the actual administrative cost
99 for implementing and monitoring the local match program;
100 however, such administrative costs may not exceed 5 percent of
101 the total federal reimbursement funding to be provided to the
102 private entities who will provide the services to elders.

103 (g) The department shall annually submit to the Governor,
104 the President of the Senate, and the Speaker of the House of
105 Representatives, no later than January 1, a report that
106 documents the specific activities undertaken during the previous
107 fiscal year under this section.

108 Section 2. This act shall take effect July 1, 2008.