

By Senator Haridopolos

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1                   A bill to be entitled  
2           An act relating to services for the elderly; creating the  
3           "Elderly Local Services Act"; providing legislative  
4           intent; providing definitions; designating the Department  
5           of Elderly Affairs as the lead agency for maximizing  
6           federal funding for programs serving the elderly;  
7           specifying the programs that are eligible for the funding;  
8           designating the area agencies on aging as the local  
9           political subdivisions responsible for collecting  
10          certified local funding; specifying that private funding  
11          collected is considered public revenue funds for the  
12          purposes of matching federal funding; requiring that  
13          federal funding received be dispersed to the area agencies  
14          for distribution within 45 days; requiring the department  
15          to modify state plans and seek any federal waivers  
16          necessary; providing for administrative costs; requiring  
17          the department to submit annual reports to the Governor  
18          and the Legislature; providing an effective date.

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

21  
22           Section 1. Elderly Local Services Act.--

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

25           (2) LEGISLATIVE INTENT.--The Legislature recognizes that  
26 state funds do not fully use opportunities to obtain federal  
27 matching funds for human service needs. For that reason the  
28 Legislature passed the Local Revenue Maximization Act, s.  
29 409.017, Florida Statutes, to authorize the use of certified

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30 local funding as a match for federal programs in order to  
31 maximize federal funding for local preventive and human service  
32 programs in this state. The Legislature intends that the  
33 Department of Elderly Affairs take a proactive approach in using  
34 the Local Revenue Maximization Act to fund elder needs and  
35 services throughout the state. It is the further intent of the  
36 Legislature that:

37 (a) Revenue maximization opportunities under this section  
38 use certified local funding only after available state funds have  
39 been used to generate matching federal funding for the state as a  
40 whole.

41 (b) Certified local funding for federal matching programs  
42 not supplant or replace state funds.

43 (c) Programs initiated pursuant to this section be revenue  
44 neutral with respect to state funds.

45 (d) Local participation in revenue maximization under this  
46 section be voluntary.

47 (3) PROGRAM.--Pursuant to s. 409.017, Florida Statutes, and  
48 this section, the Department of Elderly Affairs is designated as  
49 the lead agency for designing and establishing mechanisms that  
50 maximize the use of certified local match moneys to help fund  
51 programs that serve the elderly at the local level, and as the  
52 lead entity for drawing down federal matching dollars from the  
53 Centers for Medicare and Medicaid.

54 (a) Programs to be targeted for federal matching assistance  
55 include, but are not limited to, the Aged and Disabled Adult  
56 Waiver, the Adult Day Health Waiver, the Alzheimer's Disease  
57 Waiver, the Assisted Living for the Elderly Waiver, and the  
58 Channel Services for the Frail Elderly program. Additionally, the

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59 department may determine which programs are applicable to local  
60 strategies created under the Communities for a Lifetime  
61 initiative.

62 (c) The department shall create a process whereby the local  
63 area agencies on aging may be considered the local political  
64 subdivision for the purposes of s. 409.017, Florida Statutes. The  
65 area agencies shall be responsible for collecting the certified  
66 local funding from local private entities. To the extent  
67 permitted by federal law, funds donated to the area agencies by  
68 private entities, such as the United Way, community foundations  
69 or other foundations, businesses, or individuals, are considered  
70 to be public revenue funds available for matching federal  
71 funding.

72 (d) Subject to paragraph (f), any federal matching funds  
73 received as a result of the certification of local matching funds  
74 must, unless specifically prohibited by federal law, be dispersed  
75 by check or wire transfer within 45 days after receipt to the  
76 area agency on aging providing the certified local match and be  
77 distributed to the local private entities providing the initial  
78 local matching funds.

79 (e) The department shall work with the area agencies on  
80 aging to modify any state plans and to seek and implement any  
81 federal waivers necessary to implement this section. If such  
82 modifications or waivers require the approval of the Legislature,  
83 the department shall draft such legislation and present it to the  
84 President of the Senate and the Speaker of the House of  
85 Representatives by January 1, 2009, and, annually thereafter.

86 (f) Before funds generated under this section are  
87 distributed to any area agency on aging, the department may

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88 | deduct the actual administrative cost for implementing and  
89 | monitoring the local match program under this section; however,  
90 | the administrative costs may not exceed 5 percent of the total  
91 | federal funding to be provided to the area agency under paragraph  
92 | (d). Additionally, each area agency may deduct its actual  
93 | administrative costs for implementing and monitoring local match  
94 | programs in its area; however, the administrative costs may not  
95 | exceed 5 percent of the total federal funding to be provided to  
96 | the private entities that are providing services to elders.

97 | (4) REPORT.--The Department of Elderly Affairs shall  
98 | annually submit to the Governor, the President of the Senate, and  
99 | the Speaker of the House of Representatives by January 1, a  
100 | report that documents the specific activities undertaken during  
101 | the previous fiscal year to implement this section.

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