

By Senator Fasano

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1                   A bill to be entitled  
2           An act relating to area agencies on aging; amending s.  
3           20.41, F.S.; revising provisions relating to the  
4           Department of Elderly Affairs; deleting references to  
5           the boards of area agencies on aging; amending s.  
6           430.203, F.S.; requiring that each area agency on  
7           aging, rather than the department, develop request for  
8           proposals for a community care for the elderly lead  
9           agency; prohibiting the Division of Administrative  
10          Hearings from hearing disputes relating to the  
11          competitive procurement process developed by the area  
12          agencies; amending s. 430.2053, F.S.; conforming  
13          cross-references; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

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17           Section 1. Subsections (6), (7), (8), and (9) of section  
18           20.41, Florida Statutes, are amended to read:

19           20.41 Department of Elderly Affairs.—There is created a  
20           Department of Elderly Affairs.

21           (6) In accordance with the federal Older Americans Act of  
22           1965, as amended, the department shall designate and contract  
23           with area agencies on aging in each of the department's planning  
24           and service areas to carry out programmatic and funding  
25           requirements. Area agencies on aging shall ensure the ~~a~~  
26           coordinated and integrated provision of long-term care services  
27           to the elderly and shall ensure the provision of prevention and  
28           early intervention services. The department shall have overall  
29           responsibility for information system planning. The department

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30 shall ensure, through the development of equipment, software,  
31 data, and connectivity standards, the ability to share and  
32 integrate information collected and reported by the area  
33 agencies in support of their contracted obligations to the  
34 state.

35 ~~(7) The department shall contract with the governing body,~~  
36 ~~hereafter referred to as the "board," of an area agency on aging~~  
37 ~~to fulfill programmatic and funding requirements. The board~~  
38 ~~shall be responsible for the overall direction of the agency's~~  
39 ~~programs and services and shall ensure that the agency is~~  
40 ~~administered in accordance with the terms of its contract with~~  
41 ~~the department, legal requirements, established agency policy,~~  
42 ~~and effective management principles. The board shall also ensure~~  
43 ~~the accountability of the agency to the local communities~~  
44 ~~included in the planning and service area of the agency.~~

45 (7) ~~(8)~~ Each The area agency on aging ~~board~~ shall, in  
46 consultation with the secretary, appoint a chief executive  
47 officer, hereafter referred to as the "executive director," ~~to~~  
48 ~~whom shall be delegated responsibility for agency management and~~  
49 ~~for implementation of board policy, and who shall be accountable~~  
50 for the agency's performance.

51 (8) ~~(9)~~ Area agencies on aging are subject to chapter 119,  
52 relating to public records, and, when considering ~~any~~ contracts  
53 requiring the expenditure of funds, are subject to ss. 286.011-  
54 286.012, relating to public meetings.

55 Section 2. Subsection (9) of section 430.203, Florida  
56 Statutes, is amended to read:

57 430.203 Community care for the elderly; definitions.—As  
58 used in ss. 430.201-430.207, the term:

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59 (9) "Lead agency" means an agency designated at least once  
60 every 3 years by an area agency on aging pursuant to ~~as the~~  
61 ~~result of~~ a request for proposal process ~~to be in place no later~~  
62 ~~than the state fiscal year 1996-1997.~~

63 (a) The ~~guidelines for the~~ request for proposal shall ~~must~~  
64 be developed by the ~~department in consultation with the area~~  
65 agencies on aging and. ~~Such guidelines~~ must include requirements  
66 for the assurance of quality and cost-efficiency of services,  
67 minimum personnel standards, and employee benefits. This  
68 paragraph does not authorize the Division of Administrative  
69 Hearings to consider disputes relating to the procurement  
70 process developed by the area agency on aging to implement this  
71 subsection.

72 ~~(b) The area agency on aging, in consultation with the~~  
73 ~~department, shall exempt from the competitive bid process any~~  
74 ~~contract with a provider who meets or exceeds established~~  
75 ~~minimum standards, as determined by the department.~~

76 (b)(e) In each community care service system, the lead  
77 agency must be given the authority and responsibility to  
78 coordinate some or all of the services, either directly or  
79 through subcontracts, for functionally impaired elderly persons.  
80 These services must include case management, homemaker and chore  
81 services, respite care, adult day care, personal care services,  
82 home-delivered meals, counseling, information and referral, and  
83 emergency home repair services. The lead agency shall ~~must~~  
84 compile community care statistics and monitor, when applicable,  
85 subcontracts with agencies providing core services.

86 Section 3. Subsection (7) of section 430.2053, Florida  
87 Statutes, is amended to read:

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88 430.2053 Aging resource centers.-

89 (7) The aging resource center shall have a governing body  
90 which shall be the same entity described in s. 20.41(6) ~~s.~~  
91 ~~20.41(7)~~, and an executive director who may be the same person  
92 as described in s. 20.41(7) ~~s. 20.41(8)~~. The governing body  
93 shall annually evaluate the performance of the executive  
94 director.

95 Section 4. This act shall take effect upon becoming a law.