

By the Committees on Governmental Oversight and Accountability;
and Children, Families, and Elder Affairs; and Senator Fasano

585-03957-09

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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; designating area
6 agencies on aging as nongovernmental not-for-profit
7 corporations; amending s. 430.203, F.S.; extending the
8 period of designation as a lead agency; requiring that
9 each area agency on aging, rather than the department,
10 develop request for proposals for a community care for
11 the elderly lead agency; providing for the development
12 of a dispute resolution mechanism relating to the
13 request-for-proposal process developed by the area
14 agencies; amending s. 430.2053, F.S.; conforming
15 cross-references; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Subsections (6), (7), (8), and (9) of section
20 20.41, Florida Statutes, are amended to read:

21 20.41 Department of Elderly Affairs.—There is created a
22 Department of Elderly Affairs.

23 (6) In accordance with the federal Older Americans Act of
24 1965, as amended, the department shall designate and contract
25 with area agencies on aging in each of the department's planning
26 and service areas to carry out programmatic and funding
27 requirements. Area agencies on aging, as nongovernmental,
28 independent, not-for-profit corporations under s. 501(c)(3) of
29 the Internal Revenue Code, shall ensure the a coordinated and

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30 integrated provision of long-term care services to the elderly
31 and shall ensure the provision of prevention and early
32 intervention services. The department shall have overall
33 responsibility for information system planning. The department
34 shall ensure, through the development of equipment, software,
35 data, and connectivity standards, the ability to share and
36 integrate information collected and reported by the area
37 agencies in support of their contracted obligations to the
38 state.

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

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

55 (8)~~(9)~~ Area agencies on aging are subject to chapter 119,
56 relating to public records, and, when considering ~~any~~ contracts
57 requiring the expenditure of funds, are subject to ss. 286.011-
58 286.012, relating to public meetings.

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

61 430.203 Community care for the elderly; definitions.—As
62 used in ss. 430.201-430.207, the term:

63 (9) "Lead agency" means an agency designated at least once
64 every 6 ~~3~~ years by an area agency on aging pursuant to ~~as the~~
65 ~~result of a request for proposal process to be in place no later~~
66 ~~than the state fiscal year 1996-1997.~~

67 (a) The ~~guidelines for the~~ request for proposal shall ~~must~~
68 be developed by the ~~department in consultation with the~~ area
69 agencies on aging and. ~~Such guidelines~~ must include requirements
70 for the assurance of quality and cost-efficiency of services,
71 minimum personnel standards, and employee benefits. The area
72 agencies on aging shall develop and include in the request for
73 proposals a dispute resolution mechanism that is an alternative
74 to judicial or administrative litigation.

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

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

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88 subcontracts with agencies providing core services.

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

91 430.2053 Aging resource centers.-

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

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