

1                                   A bill to be entitled  
 2       An act relating to area agencies on aging; amending s.  
 3       20.41, F.S.; requiring the Department of Elderly Affairs  
 4       to contract with area agencies on aging to fulfill  
 5       programmatic and funding requirements; revising  
 6       responsibilities of the governing body of an area agency  
 7       on aging and the executive director of the agency;  
 8       amending s. 430.203, F.S.; revising the definition of  
 9       "lead agency"; removing obsolete language; revising  
 10      requirements with respect to the request for proposal  
 11      process for the designation of a lead agency for community  
 12      care for the elderly; providing that the Division of  
 13      Administrative Hearings does not have jurisdiction to  
 14      consider disputes relating to such request for proposal or  
 15      the awarding of such request for proposal; eliminating  
 16      provisions that require an area agency on aging to exempt  
 17      specified providers from the competitive bid process;  
 18      amending s. 430.2053, F.S.; conforming a cross-reference;  
 19      providing an effective date.

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 21   Be It Enacted by the Legislature of the State of Florida:

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 23           Section 1. Subsections (6), (7), (8), and (9) of section  
 24   20.41, Florida Statutes, are amended to read:

25           20.41 Department of Elderly Affairs.--There is created a  
 26   Department of Elderly Affairs.

27           (6) In accordance with the federal Older Americans Act of  
 28   1965, as amended, the department shall designate and contract

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29 | with area agencies on aging in each of the department's planning  
30 | and service areas. Area agencies on aging shall ensure a  
31 | coordinated and integrated provision of long-term care services  
32 | to the elderly and shall ensure the provision of prevention and  
33 | early intervention services. The department shall have overall  
34 | responsibility for information system planning. The department  
35 | shall ensure, through the development of equipment, software,  
36 | data, and connectivity standards, the ability to share and  
37 | integrate information collected and reported by the area  
38 | agencies in support of their contracted obligations to the  
39 | state. The department shall contract with area agencies on aging  
40 | to fulfill programmatic and funding requirements.

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

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

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57        ~~(8)-(9)~~ Area agencies on aging are subject to chapter 119,  
58 relating to public records, and, when considering any contracts  
59 requiring the expenditure of funds, are subject to ss. 286.011-  
60 286.012, relating to public meetings.

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

63        430.203 Community care for the elderly; definitions.--As  
64 used in ss. 430.201-430.207, the term:

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

69        (a) ~~The guidelines for the request for proposal must be~~  
70 ~~developed by the department in consultation with the area agency~~  
71 ~~agencies on aging and. Such guidelines must include requirements~~  
72 ~~for the assurance of quality and cost-efficiency of services,~~  
73 ~~minimum personnel standards, and employee benefits. The Division~~  
74 ~~of Administrative Hearings does not have jurisdiction to~~  
75 ~~consider disputes relating to a request for proposal or the~~  
76 ~~awarding of a request for proposal under this subsection.~~

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

81        ~~(b)-(e)~~ In each community care service system the lead  
82 agency must be given the authority and responsibility to  
83 coordinate some or all of the services, either directly or  
84 through subcontracts, for functionally impaired elderly persons.

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85 | These services must include case management, homemaker and chore  
86 | services, respite care, adult day care, personal care services,  
87 | home-delivered meals, counseling, information and referral, and  
88 | emergency home repair services. The lead agency must compile  
89 | community care statistics and monitor, when applicable,  
90 | subcontracts with agencies providing core services.

91 | Section 3. Subsection (7) of section 430.2053, Florida  
92 | Statutes, is amended to read:

93 | 430.2053 Aging resource centers.--

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

99 | Section 4. This act shall take effect July 1, 2009.