

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; requiring an area agency on aging to  
 13      develop and include in a request for proposal a dispute  
 14      resolution mechanism that is an alternative to judicial or  
 15      administrative litigation; eliminating provisions that  
 16      require an area agency on aging to exempt specified  
 17      providers from the competitive bid process; amending s.  
 18      430.2053, F.S.; conforming a cross-reference; providing an  
 19      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

29 | with area agencies on aging in each of the department's planning  
 30 | and service areas. Area agencies on aging, as nongovernmental,  
 31 | independent, not-for-profit corporations under s. 501(c)(3) of  
 32 | the Internal Revenue Code, shall ensure a coordinated and  
 33 | integrated provision of long-term care services to the elderly  
 34 | and shall ensure the provision of prevention and early  
 35 | intervention services. The department shall have overall  
 36 | responsibility for information system planning. The department  
 37 | shall ensure, through the development of equipment, software,  
 38 | data, and connectivity standards, the ability to share and  
 39 | integrate information collected and reported by the area  
 40 | agencies in support of their contracted obligations to the  
 41 | state. The department shall contract with area agencies on aging  
 42 | to fulfill programmatic and funding requirements.

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

53 | (7)(8) The area agency on aging board shall, in  
 54 | consultation with the secretary, appoint a chief executive  
 55 | officer, hereafter referred to as the "executive director," ~~to~~  
 56 | ~~whom shall be delegated responsibility for agency management and~~

57 ~~for implementation of board policy, and~~ who shall be accountable  
 58 for the agency's performance.

59 ~~(8)(9)~~ Area agencies on aging are subject to chapter 119,  
 60 relating to public records, and, when considering any contracts  
 61 requiring the expenditure of funds, are subject to ss. 286.011-  
 62 286.012, relating to public meetings.

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

65 430.203 Community care for the elderly; definitions.--As  
 66 used in ss. 430.201-430.207, the term:

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

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

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

83 ~~(b)(c)~~ In each community care service system the lead  
 84 agency must be given the authority and responsibility to

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85 | coordinate some or all of the services, either directly or  
86 | through subcontracts, for functionally impaired elderly persons.  
87 | These services must include case management, homemaker and chore  
88 | services, respite care, adult day care, personal care services,  
89 | home-delivered meals, counseling, information and referral, and  
90 | emergency home repair services. The lead agency must compile  
91 | community care statistics and monitor, when applicable,  
92 | subcontracts with agencies providing core services.

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

95 |       430.2053 Aging resource centers.--

96 |       (7) The aging resource center shall have a governing body  
97 | which shall be the same entity described in s. 20.41(7), and an  
98 | executive director who may be the same person as described in s.  
99 | 20.41(7)~~(8)~~. The governing body shall annually evaluate the  
100 | performance of the executive director.

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