

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 the Department of Elderly
 13 Affairs to create a dispute resolution mechanism by rule;
 14 eliminating provisions that require an area agency on
 15 aging to exempt specified providers from the competitive
 16 bid process; amending s. 430.2053, F.S.; conforming a
 17 cross-reference; providing an effective date.

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

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 21 Section 1. Subsections (6), (7), (8), and (9) of section
 22 20.41, Florida Statutes, are amended to read:

23 20.41 Department of Elderly Affairs.--There is created a
 24 Department of Elderly Affairs.

25 (6) In accordance with the federal Older Americans Act of
 26 1965, as amended, the department shall designate and contract
 27 with area agencies on aging in each of the department's planning
 28 and service areas. Area agencies on aging, as nongovernmental,

29 independent, not-for-profit corporations under s. 501(c)(3) of
30 the Internal Revenue Code, shall ensure a coordinated and
31 integrated provision of long-term care services to the elderly
32 and shall ensure the provision of prevention and early
33 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.

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
74 department shall adopt a rule creating a dispute resolution
75 mechanism. The rule shall create standards for a bid protest and
76 a procedure for resolution which incorporate the principles of
77 s. 120.57(3)(a)-(f) and (4).

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

82 ~~(b)-(e)~~ In each community care service system the lead
83 agency must be given the authority and responsibility to
84 coordinate some or all of the services, either directly or

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

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

94 430.2053 Aging resource centers.--

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

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