

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 804

INTRODUCER: Senator Richter

SUBJECT: Department of Elderly Affairs

DATE: April 11, 2013 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Hendon | Hendon | CF | Pre-meeting |
| 2. | | | GO | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

SB 804 requires the Legislature’s Office of Program Policy Analysis and Governmental Accountability to conduct a study to determine if the functions performed by the Department of Elder Affairs may be performed more efficiently or effectively by another unit of government.

The bill has no fiscal impact on the state and has an effective date of July 1, 2013.

This bill creates an unnumbered section in the Florida Statutes.

II. Present Situation:

The Legislature passed House Joint Resolution 290 in 1988 to put on the ballot an amendment to the State Constitution authorizing the Legislature to create the Departments of Veterans Affairs and Elderly Affairs. The amendment was adopted by the voters in 1988. In 1991, the Legislature passed ch. 91-115, L.O.F. to create the Department of Elder Affairs (department).

Section 20.41, F.S., creates the Department of Elderly Affairs (commonly referred to as the Department of Elder Affairs). The secretary of the department is appointed by the Governor, subject to confirmation by the Senate. The secretary serves at the pleasure of the Governor. The department plans and administers programs and services through planning and service areas as designated by the department.

The department is designated as the state unit on aging as defined in the federal Older Americans Act of 1965, as amended. The department designates and contracts with area agencies on aging in each of the department’s planning and service areas. Area agencies on aging are

nongovernmental, independent, not-for-profit corporations under s. 501(c)(3) of the Internal Revenue Code. The agencies coordinate and contract for long-term care services to the elderly, as well as prevention and early intervention services. The department has overall responsibility for information system planning. The department provides most services through its Division of Statewide Community-Based Services, which works through the state's eleven Area Agencies on Aging and local service providers to deliver essential services to a vital segment of the population. The department also directly administers a wide range of programs, ranging from the Long-Term Care Ombudsman Program, Statewide Public Guardianship Office, and Communities for a Lifetime to Serving Health Insurance Needs of Elders, and the Comprehensive Assessment and Review for Long-Term Care Services Program (CARES). The department also administers the Long-Term Care Ombudsman Program and must ensure that both the state and local long-term care ombudsmen councils operate in compliance with the Older Americans Act.

The department has adopted a mission statement to foster an environment that promotes well-being for Florida's elders and enables them to remain in their homes and communities. The department believes that individuals age differently, and as a result, the needs of individual seniors will vary. Some individuals may suffer from chronic conditions that began long before they reached age 60, while others may be able to live their entire lives without ever needing long-term medical or social services. One of the department's highest priorities is reducing the need for many elders to be placed in nursing homes and other long-term care facilities. Ultimately, the department has as its goal to use resources efficiently to ensure that the greatest number of elders possible get to spend their golden years living healthy, active, and fulfilling lives in their communities.

III. Effect of Proposed Changes:

Section 1 requires the Legislature's Office of Program Policy Analysis and Governmental Accountability (OPPAGA) to conduct a study of the department. The study must:

- identify the purpose of offices within the department,
- identify the funding sources of the department,
- assess whether the implementation of long-term managed care under the Medicaid program will impact the department's functions and workload,
- assess the department's organizational structure,
- determine if any of the department's functions would be better performed by another unit of government, and
- provide recommendations on any needed changes to the department.

The bill requires OPPAGA to consult with the department, the Department of Agriculture and Consumer Services, the Department of Financial Services, the Agency for Health Care Administration, the Department of Health, the Department of Economic Opportunity, and the Justice Administrative Commission in conducting the study. OPPAGA must also consult with interested stakeholders in the study. A report from OPPAGA on its findings and recommendations is due December 31, 2013.

Section 2 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's OPPAGA will conduct the study required in the bill. OPPAGA conducts a variety of studies each year for the Legislature and can accommodate this requirement within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.