

By Senator Garcia

36-00698-18

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1 A bill to be entitled
2 An act relating to senior advocates; creating s.
3 744.2113, F.S.; establishing the Senior Advocate
4 Program in the Office of Public and Professional
5 Guardians within the Department of Elderly Affairs;
6 providing the purpose of the program; specifying
7 persons and entities that senior advocates may
8 collaborate with in order to resolve concerns
9 regarding vulnerable seniors and improve their quality
10 of life; authorizing the department secretary to
11 appoint senior advocates to advocate for certain
12 seniors; providing requirements for senior advocates;
13 requiring the department to recruit and train senior
14 advocates in each of the department's service areas;
15 requiring agencies to allow the senior advocate to
16 inspect and copy records related to the senior;
17 requiring the senior advocate to maintain the
18 confidential or exempt status of any records shared by
19 an agency; authorizing a person or certain
20 organizations to allow the senior advocate to inspect
21 and copy any records related to the best interests of
22 the senior; specifying the records that are included
23 within the definition of the term "records related to
24 the best interests of the senior"; authorizing a
25 senior advocate to enter any long-term care facility
26 without notice or first obtaining a warrant; providing
27 an appropriation, positions, and salary rate to the
28 department to implement the program; providing an
29 effective date.

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

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33 Section 1. Section 744.2113, Florida Statutes, is created
34 to read:

35 744.2113 Senior Advocate Program.—

36 (1) The Senior Advocate Program is established in the
37 Office of Public and Professional Guardians within the
38 Department of Elderly Affairs. The purpose of the program is
39 intended to strengthen and secure the legal rights, dignity,
40 autonomy, quality of life, and quality of care of vulnerable
41 seniors by providing volunteer advocates for vulnerable seniors
42 age 60 years and older.

43 (2) In order to resolve concerns regarding vulnerable
44 seniors and improve their quality of life, senior advocates may
45 collaborate with family members of vulnerable seniors, local
46 social and health care service providers, behavioral health care
47 providers, legal aid organizations, long-term care ombudsmen,
48 religious organizations, food banks, area agencies on aging,
49 appropriate state agencies, local and state law enforcement
50 agencies, and others.

51 (3) The secretary of the department may appoint senior
52 advocates to advocate for seniors residing in the community and
53 in mental health and health care facilities.

54 (a) Senior advocates must be 18 years of age or older and
55 meet background screening requirements pursuant to s. 430.0402
56 and chapter 435 and must receive training from the department
57 before working with seniors.

58 (b) The department shall recruit and train senior advocates

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59 in each service area.

60 (c) An agency, as defined in s. 119.011, shall allow a
61 senior advocate to inspect and copy records related to the
62 senior, including, but not limited to, records made confidential
63 or exempt from s. 119.07(1) or s. 24(a), Art. I of the State
64 Constitution. A senior advocate shall maintain the confidential
65 or exempt status of any records shared by an agency under this
66 paragraph.

67 (d) A person or organization other than an agency shall
68 allow a senior advocate to inspect and copy any records related
69 to the best interests of the senior. For the purposes of this
70 paragraph, the term "records related to the best interests of
71 the senior" includes, but is not limited to, medical, mental
72 health, substance abuse, law enforcement, court, social
73 services, and financial records.

74 (4) In performing the duties specified in this section, a
75 senior advocate may enter a long-term care facility without
76 notice and without first obtaining a warrant.

77 Section 2. For the 2018-2019 fiscal year, the sums of
78 \$660,000 in recurring funds and \$13,200 in nonrecurring funds
79 are appropriated from the General Revenue Fund to the Department
80 of Elderly Affairs, and 11 full-time positions are established
81 in the Department of Elderly Affairs with an associated salary
82 rate of 486,420, for the purpose of implementing this act.

83 Section 3. This act shall take effect July 1, 2018.