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A bill to be entitled  
An act relating to aging and disability services; repealing s. 400.0067, F.S., relating to the State Long-Term Care Ombudsman Council; amending s. 409.979, F.S.; revising requirements for Medicaid recipients to receive an offer for enrollment for long-term care services; requiring the Department of Elderly Affairs to maintain a statewide preenrollment list for certain services; requiring aging and disability resource center personnel to place individuals on certain lists; requiring certain staff to administer rescreening under certain circumstances; amending s. 409.983, F.S.; revising obsolete language for Comprehensive Assessment and Review for Long-term Care Services Program; amending s. 430.03, F.S.; revising the purposes of the Department of Elderly Affairs to include providing direct services to the elderly population under certain circumstances; amending s. 430.04, F.S.; revising the duties and responsibilities of the department to include designating area agencies on aging; amending s. 430.071, F.S.; revising definitions; creating s. 430.09, F.S.; providing requirements for area agencies on aging expenditures; prohibiting an administrative employee of an area agency on aging from receiving a specified salary

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amount; providing construction; amending s. 430.203, F.S.; revising and providing definitions; amending s. 430.204, F.S.; removing certain funding responsibilities of the department and certain entities; removing responsibility of provider agencies to collect and assess fees for certain services; removing a requirement authorizing the area agencies on aging to carryforward unexpended state funds; amending s. 430.205, F.S.; removing certain funding responsibilities of the department; revising frequency of inservice training for certain providers; revising the term "primary consideration" to "priority consideration"; amending s. 430.2053, F.S.; redesignating aging resource centers as aging and disability resource centers; authorizing aging and disability resource centers to place and remove certain individuals on or from preenrollment lists; removing a requirement for convening a work group for certain purposes; removing a requirement for an aging and disability resource center to provide enrollment and coverage information to certain individuals; requiring the aging and disability resource center to receive a waiver to be the provider of other direct services; revising the program to which the department and the agency on aging may not make payments;

51 removing an eligibility requirement for an area agency  
52 on aging to transition to an aging resource center;  
53 revising who the department may consult with to  
54 develop capitation rates; amending s. 430.503, F.S.;  
55 removing the responsibility of provider agencies to  
56 collect and assess fees for certain purposes; amending  
57 s. 430.602, F.S.; defining the term "functionally  
58 impaired elderly person"; amending s. 430.605, F.S.;  
59 revising certain subsidy payments to include food and  
60 nutritional supplements; creating s. 430.71, F.S.;  
61 providing purpose and legislative intent for the  
62 Florida Alzheimer's Center of Excellence; providing  
63 definitions; providing powers and duties of the  
64 center; providing eligibility requirements for  
65 services; amending s. 430.901, F.S.; conforming  
66 provisions to changes made by the act; amending s.  
67 744.2001, F.S.; revising the duties of the executive  
68 director of the Office of Public and Professional  
69 Guardians; amending s. 744.2003, F.S.; revising the  
70 required continuing education requirements to  
71 specifically include Alzheimer's disease and related  
72 dementia; amending ss. 744.2004 and 744.20041, F.S.;  
73 revising disciplinary actions; amending s. 744.2104,  
74 F.S.; providing requirements for Office of Public and  
75 Professional Guardians in conducting certain

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76 investigations; amending ss. 400.0060, 400.0065,  
77 400.0073, 400.0075, 400.0087, and 430.504, F.S.;  
78 conforming provisions to changes made by the act;  
79 providing an effective date.

80

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

82

83 **Section 1.** Section 400.0067, Florida Statutes, is  
84 repealed.

85 **Section 2. Subsections (2) and (3) of section 409.979,**  
86 **Florida Statutes, are amended to read:**

87 409.979 Eligibility.—

88 (2) ENROLLMENT OFFERS.—Subject to the availability of  
89 funds, the Department of Elderly Affairs shall make offers for  
90 enrollment to eligible individuals based on a preenrollment list  
91 ~~wait-list~~ prioritization. Before making enrollment offers, the  
92 agency and the Department of Elderly Affairs shall determine  
93 that sufficient funds exist to support additional enrollment  
94 into plans.

95 ~~(a) A Medicaid recipient enrolled in one of the following~~  
96 ~~Medicaid home and community-based services waiver programs who~~  
97 ~~meets the eligibility criteria established in subsection (1) is~~  
98 ~~eligible to participate in the long-term care managed care~~  
99 ~~program and must be transitioned into the long-term care managed~~  
100 ~~care program by January 1, 2018.~~

101 1. ~~Traumatic Brain and Spinal Cord Injury Waiver.~~

102 2. ~~Adult Cystic Fibrosis Waiver.~~

103 3. ~~Project AIDS Care Waiver.~~

104 ~~(b) The agency shall seek federal approval to terminate~~

105 ~~the Traumatic Brain and Spinal Cord Injury Waiver, the Adult~~

106 ~~Cystic Fibrosis Waiver, and the Project AIDS Care Waiver once~~

107 ~~all eligible Medicaid recipients have transitioned into the~~

108 ~~long-term care managed care program.~~

109 (3) PREENROLLMENT WAIT LIST, RELEASE, AND OFFER PROCESS.—

110 The Department of Elderly Affairs shall maintain a statewide

111 preenrollment wait list for enrollment for home and community-

112 based services through the long-term care managed care program.

113 (a) The Department of Elderly Affairs shall prioritize

114 individuals for potential enrollment for home and community-

115 based services through the long-term care managed care program

116 using a frailty-based screening or assessment tool that results

117 in a priority score. The priority score is used to set an order

118 for releasing individuals from the preenrollment wait list for

119 potential enrollment in the long-term care managed care program.

120 If capacity is limited for individuals with identical priority

121 scores, the individual with the oldest date of placement on the

122 preenrollment wait list shall receive priority for release.

123 1. Pursuant to s. 430.2053, aging and disability resource

124 center personnel certified by the Department of Elderly Affairs

125 shall perform the screening or assessment for each individual

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126 requesting enrollment for home and community-based services  
127 through the long-term care managed care program. Aging and  
128 disability resource center personnel shall place an individual  
129 on all appropriate preenrollment lists. The Department of  
130 Elderly Affairs shall request that the individual or the  
131 individual's authorized representative provide alternate contact  
132 names and contact information.

133 2. The individual ~~requesting the long-term care services,~~  
134 or the individual's authorized representative, must participate  
135 in an initial screening or assessment rescreening for placement  
136 on the preenrollment wait list. The screening or rescreening  
137 must be completed in its entirety before placement on the  
138 preenrollment wait list.

139 3. Pursuant to s. 430.2053, staff authorized and certified  
140 by the Department of Elderly Affairs, including aging and  
141 disability resource center personnel, shall administer  
142 rescreening annually or upon notification of a significant  
143 change in an individual's circumstances for an individual with a  
144 high priority score. Aging and disability resource center  
145 personnel may administer rescreening annually or upon  
146 notification of a significant change in an individual's  
147 circumstances for an individual with a low priority score.

148 4. The Department of Elderly Affairs shall adopt by rule a  
149 screening tool that generates the priority score and shall make  
150 publicly available on its website the specific methodology used

151 to calculate an individual's priority score.

152 (b) Upon completion of the screening or rescreening  
153 process, the Department of Elderly Affairs shall notify the  
154 individual or the individual's authorized representative that  
155 the individual has been placed on the preenrollment ~~wait~~ list,  
156 unless the individual has a low priority score. The Department  
157 of Elderly Affairs must maintain contact information for each  
158 individual with a low priority score for purposes of any future  
159 rescreening. Aging and disability resource center personnel  
160 shall inform individuals with low priority scores of community  
161 resources available to assist them and inform them that they may  
162 contact the aging and disability resource center for a new  
163 assessment at any time if they experience a change in  
164 circumstances.

165 (c) If the Department of Elderly Affairs is unable to  
166 contact the individual or the individual's authorized  
167 representative to schedule an initial screening or rescreening,  
168 and documents the actions taken to make such contact, it shall  
169 send a letter to the last documented address of the individual  
170 or the individual's authorized representative. The letter must  
171 advise the individual or his or her authorized representative  
172 that he or she must contact the Department of Elderly Affairs  
173 within 30 calendar days after the date of the notice to schedule  
174 a screening or rescreening and must notify the individual that  
175 failure to complete the screening or rescreening will result in

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176 his or her termination from the screening process and the  
177 preenrollment wait list.

178 (d) After notification by the agency of available  
179 capacity, the CARES program shall conduct a prerelease  
180 assessment. The Department of Elderly Affairs shall release  
181 individuals from the preenrollment wait list based on the  
182 priority scoring process and prerelease assessment results. Upon  
183 release, individuals who meet all eligibility criteria may  
184 enroll in the long-term care managed care program.

185 (e) The Department of Elderly Affairs may terminate an  
186 individual's inclusion on the preenrollment wait list if the  
187 individual:

188 1. Does not have a current priority score due to the  
189 individual's action or inaction;

190 2. Requests to be removed from the preenrollment wait  
191 list;

192 3. Does not keep an appointment to complete the  
193 rescreening without scheduling another appointment and has not  
194 responded to three documented attempts by the Department of  
195 Elderly Affairs to contact the individual;

196 4. Receives an offer to begin the eligibility  
197 determination process for the long-term care managed care  
198 program; or

199 5. Begins receiving services through the long-term care  
200 managed care program.

201  
202 An individual whose inclusion on the preenrollment ~~wait~~ list is  
203 terminated must initiate a new request for placement on the  
204 preenrollment ~~wait~~ list, and any previous priority  
205 considerations must be disregarded.

206 (f) Notwithstanding this subsection, the following  
207 individuals are afforded priority enrollment for home and  
208 community-based services through the long-term care managed care  
209 program and do not have to complete the screening or  
210 preenrollment ~~list~~ ~~wait~~ list process if all other long-term care  
211 managed care program eligibility requirements are met:

212 1. An individual who is 18, 19, or 20 years of age who has  
213 a chronic debilitating disease or condition of one or more  
214 physiological or organ systems which generally make the  
215 individual dependent upon 24-hour-per-day medical, nursing, or  
216 health supervision or intervention.

217 2. A nursing facility resident who requests to transition  
218 into the community and who has resided in a Florida-licensed  
219 skilled nursing facility for at least 60 consecutive days.

220 3. An individual who is referred by the Department of  
221 Children and Families pursuant to the Adult Protective Services  
222 Act, ss. 415.101-415.113, as high risk and who is placed in an  
223 assisted living facility temporarily funded by the Department of  
224 Children and Families.

225 (g) The Department of Elderly Affairs and the agency may

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226 adopt rules to implement this subsection.

227 **Section 3. Subsection (4) of section 409.983, Florida**  
228 **Statutes, is amended to read:**

229 409.983 Long-term care managed care plan payment.—In  
230 addition to the payment provisions of s. 409.968, the agency  
231 shall provide payment to plans in the long-term care managed  
232 care program pursuant to this section.

233 (4) The initial assessment of an enrollee's level of care  
234 shall be made by the Comprehensive Assessment and Review for  
235 Long-Term Care Services (CARES) program, which shall assign the  
236 recipient into one of the following levels of care:

237 (a) Skilled care ~~Level of care 1~~ consists of recipients  
238 requiring skilled nursing or skilled rehabilitation services  
239 ~~residing in or who must be placed in a nursing home.~~

240 (b) Intermediate care I ~~Level of care 2~~ consists of  
241 recipients ~~with at imminent risk of nursing home placement, as~~  
242 ~~evidenced by~~ the need for the constant availability of routine  
243 medical and nursing treatment and care, and who require  
244 extensive health-related care and services because of mental or  
245 physical incapacitation.

246 (c) Intermediate care II ~~Level of care 3~~ consists of  
247 recipients ~~with at imminent risk of nursing home placement, as~~  
248 ~~evidenced by~~ the need for the constant availability of routine  
249 medical and nursing treatment and care, who have a limited need  
250 for health-related care and services and are mildly medically or

251 physically incapacitated.

252

253 The agency shall periodically adjust payment rates to account  
254 for changes in the level of care profile for each managed care  
255 plan based on encounter data.

256 **Section 4. Subsection (7) of section 430.03, Florida  
257 Statutes, is amended to read:**

258 430.03 Purposes.—The purposes of the Department of Elderly  
259 Affairs are to:

260 (7) (a) Oversee implementation of federally funded and  
261 state-funded programs and services for the state's elderly  
262 population and provide direct services to the state's elderly  
263 population for state-funded programs.

264 (b) The department may provide direct services for the  
265 Community Care for the Elderly Program, Home Care for the  
266 Elderly Program, and Alzheimer's Disease Initiative only in the  
267 event of a state of emergency or in the event that a contracted  
268 service provider or subcontractor is unable to provide services.

269 **Section 5. Subsection (2) of section 430.04, Florida  
270 Statutes, is amended to read:**

271 430.04 Duties and responsibilities of the Department of  
272 Elderly Affairs.—The Department of Elderly Affairs shall:

273 (2) Designate area agencies on aging, as authorized under  
274 the Older Americans Act of 1965, and be responsible for ensuring  
275 that each area agency on aging operates in a manner to ensure

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276 that the elderly of this state receive the best services  
277 possible. The department shall rescind designation of an area  
278 agency on aging or take intermediate measures against the  
279 agency, including corrective action, unannounced special  
280 monitoring, temporary assumption of operation of one or more  
281 programs by the department, placement on probationary status,  
282 imposing a moratorium on agency action, imposing financial  
283 penalties for nonperformance, or other administrative action  
284 pursuant to chapter 120, if the department finds that:

285 (a) An intentional or negligent act of the agency has  
286 materially affected the health, welfare, or safety of clients,  
287 or substantially and negatively affected the operation of an  
288 aging services program.

289 (b) The agency lacks financial stability sufficient to  
290 meet contractual obligations or that contractual funds have been  
291 misappropriated.

292 (c) The agency has committed multiple or repeated  
293 violations of legal and regulatory requirements or department  
294 standards.

295 (d) The agency has failed to continue the provision or  
296 expansion of services after the declaration of a state of  
297 emergency.

298 (e) The agency has exceeded its authority or otherwise  
299 failed to adhere to the terms of its contract with the  
300 department or has exceeded its authority or otherwise failed to

301 adhere to the provisions specifically provided by statute or  
302 rule adopted by the department.

303 (f) The agency has failed to properly determine client  
304 eligibility as defined by the department.

305 (g) The agency has failed to ~~or~~ efficiently manage program  
306 budgets.

307 (h) ~~(g)~~ The agency has failed to implement and maintain a  
308 department-approved client grievance resolution procedure.

309 **Section 6. Section 430.071, Florida Statutes, is amended  
310 to read:**

311 430.071 Respite for elders living in everyday families.—

312 (1) As used in this section, the term:

313 (a) "Family unit" means one or more individuals whose  
314 primary residence is with an ~~a~~ ~~homebound~~ elderly individual  
315 specifically for the purpose of providing care for that  
316 ~~homebound~~ elderly individual. The family does not necessarily  
317 need to be related by blood or marriage to the ~~homebound~~ elderly  
318 individual.

319 (b) "Respite" means in-home assistance for an ~~a~~ ~~homebound~~  
320 elderly individual from someone who is not a member of the  
321 family unit, which allows the family unit the ability to leave  
322 the ~~homebound~~ elderly individual for a period of time.

323 (c) "Stipend" means an allotment of funds to enable a  
324 diverse population of volunteers to provide services. The  
325 allotment of funds is for a maximum hourly rate that may ~~shall~~

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326 not exceed an amount equal to the federal minimum wage.

327 (d) "Volunteer service system" means an organized network  
328 of volunteers and agencies engaged in supporting volunteers to  
329 assist a family unit that requires respite.

330 (2) The "Respite for Elders Living in Everyday Families"  
331 (RELIEF) program will provide ~~in-home~~ respite that is an  
332 expansion of respite that is currently available through other  
333 programs, ~~specifically including evening and weekend respite.~~  
334 The purpose of this service is to increase the ability of a  
335 family unit to continue to care for an ~~a~~ ~~homebound~~ elderly  
336 individual by providing ~~in-home~~ respite beyond the basic  
337 provisions of current public programs.

338 (3) Respite services shall be provided through a  
339 multigenerational corps of volunteers, volunteers who receive a  
340 stipend, or and any other appropriate personnel as determined by  
341 the department.

342 (a) Volunteers shall be screened, selected, trained, and  
343 registered according to standards developed by the Office of  
344 Volunteer and Community Services in the Department of Elderly  
345 Affairs. These standards must be developed to ensure, at a  
346 minimum, the safety of an ~~a~~ ~~homebound~~ elderly individual who  
347 will receive the respite service.

348 (b) Volunteers may be recruited from a variety of sources,  
349 including, but not limited to, volunteer centers, religious  
350 organizations, college campuses, corporations, families, Retired

351 Senior Volunteer Programs, Senior Companion Programs, and  
352 AmeriCorps Programs.

353 (4) To receive assistance from the RELIEF program, the  
354 family unit must be assessed according to the following  
355 guidelines developed by the department to determine the need for  
356 respite services. This assessment must determine, at a minimum,  
357 that:

358 (a) The family unit would benefit from ~~is unable to pay~~  
359 ~~for~~ respite without jeopardizing other basic needs, including,  
360 but not limited to, food, shelter, and medications.

361 (b) The ~~homebound~~ elderly individual for whom the family  
362 unit is caring is 60 years of age or older, requires assistance  
363 to remain in the home, and, without this assistance, would need  
364 to move to an assisted living facility or a nursing facility.

365 (5) A family unit that receives respite services from the  
366 RELIEF program is not excluded from receiving assistance from  
367 other governmental programs.

368 (6) The Office of Volunteer and Community Services shall:  
369 (a) Systematically develop a volunteer service system in  
370 order to provide respite services under the RELIEF program. The  
371 office shall also implement, monitor, and evaluate the delivery  
372 of respite services under this program.

373 (b) Work collaboratively with local, state, and national  
374 organizations, including, but not limited to, the Florida  
375 Commission on Community Service, to promote the use of

376 volunteers offering respite under this program.

377 (c) Encourage contributions and grants through public and  
378 private sources to promote the delivery of respite to assist  
379 family units providing care for ~~homebound~~ elderly individuals.

380 **Section 7. Section 430.09, Florida Statutes, is created to  
381 read:**

382 430.09 Area agencies on aging expenditures.—

383 (1) The procurement of commodities or contractual services  
384 by an area agency on aging and its subcontractors must comply  
385 with applicable state and federal law and follow good business  
386 practices.

387 (a) In accordance with s. 287.017(2), area agencies on  
388 aging shall competitively procure all contracts with related  
389 parties.

390 (b) Financial consequences as established by the  
391 department and incorporated into the contract, must be imposed  
392 by the department for noncompliance with applicable local,  
393 state, or federal law for the procurement of commodities or  
394 contractual services.

395 (2) Notwithstanding any other provision of law, an  
396 administrative employee of an area agency on aging may not  
397 receive a salary, whether base pay or base pay combined with any  
398 bonus or incentive payments, in excess of 150 percent of the  
399 annual salary paid to the secretary of the Department of Elderly  
400 Affairs from state-appropriated funds, including state-

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401     appropriated federal funds. This limitation applies regardless  
402     of the number of contracts an area agency on aging may execute  
403     with the department. This subsection does not prohibit any party  
404     from providing cash that is not from appropriated state funds to  
405     an area agency on aging administrative employee.

406         **Section 8. Subsections (7) through (12) of section**  
407         **430.203, Florida Statutes, are renumbered as subsections (8)**  
408         **through (13), respectively, subsections (3) and (5), paragraph**  
409         **(c) of present subsection (9), and present subsection (10) are**  
410         **amended, and a new subsection (7) is added to that section, to**  
411         **read:**

412         430.203 Community care for the elderly; definitions.—As  
413         used in ss. 430.201-430.207, the term:

414             (3) "Community care service system" means a service  
415         network comprising a variety of home-delivered services, day  
416         care services, and other basic services, hereinafter referred to  
417         as "core services," for functionally impaired elderly persons  
418         which are provided by or through a designated single lead  
419         agency. Its purpose is to provide a continuum of care  
420         encompassing a full range of preventive, maintenance, and  
421         restorative services for functionally impaired elderly persons.

422             (5) "Core services" means a variety of home-delivered  
423         services, day care services, and other basic services that may  
424         be provided by several entities. Core services are those  
425         services that are most needed to prevent unnecessary

426 institutionalization. The area agency on aging may shall not  
427 directly provide core services unless the designated lead agency  
428 is unable to perform its duties and the Department approves.

429 (7) "Elderly person" means a person 60 years of age or  
430 over who is currently a resident of this state and has an intent  
431 to remain in this state.

432 (10) ~~(9)~~ "Lead agency" means an agency designated at least  
433 once every 6 years by an area agency on aging as the result of a  
434 competitive procurement conducted through a request for  
435 proposal.

436 (c) In each community care service system the lead agency  
437 must be given the authority and responsibility to coordinate  
438 some or all of the services, either directly or through  
439 subcontracts, for functionally impaired elderly persons. These  
440 services must include case management, homemaker and chore  
441 services, respite care, ~~adult day care~~, personal care services,  
442 home-delivered meals, counseling, ~~information and referral~~, and  
443 emergency home repair services. The lead agency must compile  
444 community care statistics and monitor, when applicable,  
445 subcontracts with agencies providing core services.

446 (11) ~~(10)~~ "Personal care services" has the same meaning as  
447 in 400.462 means services to assist with bathing, dressing,  
448 ambulation, housekeeping, supervision, emotional security,  
449 eating, supervision of self-administered medications, and  
450 assistance in securing health care from appropriate sources.

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451 Personal care services does not include medical services.

452 **Section 9. Subsections (6) and (7) of section 430.204, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and subsections (1) and (5) and present subsections (8) and (10) of that section are amended, to read:**

456 430.204 Community-care-for-the-elderly core services; departmental powers and duties.—

458 (1)(a) The department shall fund, through each area agency on aging, at least one community care service system the primary purpose of which is the prevention of unnecessary institutionalization of functionally impaired elderly persons through the provision of community-based core services. Whenever feasible, an area agency on aging shall be the contracting agency of preference to engage only in the planning and funding of community-care-for-the-elderly core services for functionally impaired elderly persons.

467 (b) The department shall fund, through each area agency on aging in each county as defined in s. 125.011(1), more than one community care service system the primary purpose of which is the prevention of unnecessary institutionalization of functionally impaired elderly persons through the provision of community-based core services.

473 (5) Entities contracting to provide core services under ss. 430.201-430.207 must provide a minimum of 10 percent of the funding necessary for the support of project operations. In-kind

476 contributions, whether materials, commodities, transportation,  
477 office space, other types of facilities, or personal services,  
478 and contributions of money or services from functionally  
479 impaired elderly persons may be evaluated and counted as part or  
480 all of the required local funding.

481 (8) Provider agencies are responsible for the collection  
482 of fees for services in accordance with rules adopted by the  
483 department. Provider agencies shall assess fees for services  
484 rendered in accordance with those rules. To help pay for  
485 services received from community care for the elderly, a  
486 functionally impaired elderly person shall be assessed a fee  
487 based on an overall ability to pay. The fee to be assessed shall  
488 be fixed according to a schedule established by the department  
489 in cooperation with area agencies, lead agencies, and service  
490 providers.

491 (10) An area agency on aging may carry forward documented  
492 unexpended state funds from one fiscal year to the next. The  
493 cumulative amount carried forward may not exceed 10 percent of  
494 the area agency's planning and service area allocation for the  
495 community care for the elderly program. Funds that are carried  
496 forward from one fiscal year to the next are subject to all of  
497 the following conditions:

498 (a) The funds may not be used in any manner that would  
499 create increased recurring future obligations, and such funds  
500 may not be used for any type of program or service that is not

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501 ~~currently authorized by existing contracts.~~

502 ~~(b) Expenditures of the funds must be separately reported~~  
503 ~~to the department.~~

504 ~~(c) Any unexpended funds that remain at the end of the~~  
505 ~~contract period must be returned to the department.~~

506 ~~(d) The funds may be retained through any contract~~  
507 ~~renewals or any new procurements as long as the same area agency~~  
508 ~~on aging is retained by the department.~~

509 **Section 10. Subsections (1), (2), and (4) and paragraph**

510 **(a) of subsection (5) of section 430.205, Florida Statutes, are**  
511 **amended to read:**

512 430.205 Community care service system.—

513 ~~(1) (a) The department, through the area agency on aging,~~  
514 ~~shall fund in each planning and service area at least one~~  
515 ~~community care service system that provides case management and~~  
516 ~~other in-home and community services as needed to help the older~~  
517 ~~person maintain independence and prevent or delay more costly~~  
518 ~~institutional care.~~

519 ~~(b) The department shall fund, through the area agency on~~  
520 ~~aging in each county as defined in s. 125.011(1), more than one~~  
521 ~~community care service system that provides case management and~~  
522 ~~other in-home and community services as needed to help elderly~~  
523 ~~persons maintain independence and prevent or delay more costly~~  
524 ~~institutional care.~~

525 (2) Core services and other support services may be

526 furnished by public or private agencies or organizations. Each  
527 community care service system must be under the direction of a  
528 lead agency that coordinates the activities of individual  
529 contracting agencies providing community-care-for-the-elderly  
530 services. When practicable, the activities of a community care  
531 service area may be directed from a multiservice senior center,  
532 as defined in s. 430.901, and coordinated with other services  
533 offered therein. ~~This subsection does not require programs in~~  
534 ~~existence prior to the effective date of this act to be~~  
535 ~~relocated.~~

536 (4) An annual ~~A preservice~~ and inservice training program  
537 for community-care-for-the-elderly service providers and staff  
538 may be designed and implemented to help assure the delivery of  
539 quality services. The department shall specify in rules the  
540 training standards and requirements for the community-care-for-  
541 the-elderly service providers and staff. Training must be  
542 sufficient to ensure that quality services are provided to  
543 clients and that appropriate skills are developed to conduct the  
544 program.

545 (5) Any person who has been classified as a functionally  
546 impaired elderly person is eligible to receive community-care-  
547 for-the-elderly core services.

548 (a) Those elderly persons who are determined high risk by  
549 protective investigations to be vulnerable adults in need of  
550 services, pursuant to s. 415.104(3)(b), or to be victims of

551 abuse, neglect, or exploitation who are in need of immediate  
552 services to prevent further harm and are referred by the adult  
553 protective services program, shall be given priority primary  
554 consideration for receiving community-care-for-the-elderly  
555 services. As used in this paragraph, "priority primary  
556 consideration" means that an assessment and services must  
557 commence within 72 hours after referral to the department or as  
558 established in accordance with department contracts by local  
559 protocols developed between department service providers and the  
560 adult protective services program. Regardless, a community-care-  
561 for-the-elderly services provider may dispute a referral under  
562 this paragraph by requesting that adult protective services  
563 negotiate the referral placement of, and the services to be  
564 provided to, a vulnerable adult or victim of abuse, neglect, or  
565 exploitation. If an agreement cannot be reached with adult  
566 protective services for modification of the referral decision,  
567 the determination by adult protective services shall prevail.

568       **Section 11. Section 430.2053, Florida Statutes, is amended**  
569       **to read:**

570       430.2053 Aging and disability resource centers.—  
571       (1) The department, in consultation with the Agency for  
572 Health Care Administration and the Department of Children and  
573 Families, shall develop pilot projects for aging and disability  
574 resource centers.  
575       (2) The purposes of an aging and disability resource

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576 center shall be:

577 (a) To provide Florida's elders, adults with disabilities,  
578 and their families with a locally focused, coordinated approach  
579 to integrating information and referral for all available  
580 services for persons elders with the eligibility determination  
581 entities for state and federally funded long-term-care services.

582 (b) To provide for easier access to long-term-care  
583 services by Florida's elders, adults with disabilities, and  
584 their families by creating multiple access points to the long-  
585 term-care network that flow through one established entity with  
586 wide community recognition.

587 (3) The duties of an aging and disability resource center  
588 are to:

589 (a) Develop referral agreements with local community  
590 service organizations, such as senior centers, existing elder  
591 service providers, volunteer associations, and other similar  
592 organizations, to better assist clients who do not need or do  
593 not wish to enroll in programs funded by the department or the  
594 agency. The referral agreements must also include a protocol,  
595 developed and approved by the department, which provides  
596 specific actions that an aging and disability resource center  
597 and local community service organizations must take when a  
598 person or a person's an elder or an elder's representative  
599 seeking information on long-term-care services contacts a local  
600 community service organization before prior to contacting the

601 aging and disability resource center. The protocol shall be  
602 designed to ensure that persons elders and their families are  
603 able to access information and services in the most efficient  
604 and least cumbersome manner possible.

605 (b) Provide an initial screening of all clients who  
606 request long-term-care services to determine whether the person  
607 would be most appropriately served through any combination of  
608 federally funded programs, state-funded programs, locally funded  
609 or community volunteer programs, or private funding for  
610 services.

611 (c) Determine eligibility for the programs and services  
612 listed in subsection (9) for persons residing within the  
613 geographic area served by the aging and disability resource  
614 center and determine a priority ranking for services which is  
615 based upon the potential recipient's frailty level and  
616 likelihood of institutional placement without such services.

617 (d) Place on and remove from the preenrollment lists  
618 clients eligible for the Alzheimer's Disease Initiative,  
619 Community Care for the Elderly, Home Care for the Elderly, and  
620 Statewide Medicaid Managed Care Long-Term Care programs.

621 (e) ~~(d)~~ Manage the availability of financial resources for  
622 the programs and services listed in subsection (9) for persons  
623 residing within the geographic area served by the aging and  
624 disability resource center.

625 (f) ~~(e)~~ When financial resources become available, refer a

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626 client to the most appropriate entity to begin receiving  
627 services. The aging and disability resource center shall make  
628 referrals to lead agencies for service provision that ensure  
629 that persons individuals who are vulnerable adults in need of  
630 services pursuant to s. 415.104(3)(b), or who are victims of  
631 abuse, neglect, or exploitation in need of immediate services to  
632 prevent further harm and are referred by the adult protective  
633 services program, are given primary consideration for receiving  
634 community-care-for-the-elderly services in compliance with the  
635 requirements of s. 430.205(5)(a) and that other referrals for  
636 services are in compliance with s. 430.205(5)(b).

637 ~~(f) Convene a work group to advise in the planning,~~  
638 ~~implementation, and evaluation of the aging resource center. The~~  
639 ~~work group shall be comprised of representatives of local~~  
640 ~~service providers, Alzheimer's Association chapters, housing~~  
641 ~~authorities, social service organizations, advocacy groups,~~  
642 ~~representatives of clients receiving services through the aging~~  
643 ~~resource center, and any other persons or groups as determined~~  
644 ~~by the department. The aging resource center, in consultation~~  
645 ~~with the work group, must develop annual program improvement~~  
646 ~~plans that shall be submitted to the department for~~  
647 ~~consideration. The department shall review each annual~~  
648 ~~improvement plan and make recommendations on how to implement~~  
649 ~~the components of the plan.~~

650 (g) Enhance the existing area agency on aging in each

651 planning and service area by integrating, either physically or  
652 virtually, the staff and services of the area agency on aging  
653 with the staff of the department's local CARES Medicaid  
654 preadmission screening unit and a sufficient number of staff  
655 from the Department of Children and Families' Economic Self-  
656 Sufficiency Unit necessary to determine the financial  
657 eligibility for all persons age 60 and older residing within the  
658 area served by the aging and disability resource center that are  
659 seeking Medicaid services, Supplemental Security Income, and  
660 food assistance.

661 (h) Assist clients who request long-term care services in  
662 being evaluated for eligibility for enrollment in the Medicaid  
663 long-term care managed care program as eligible plans become  
664 available in each of the regions pursuant to s. 409.981(2).

665 ~~(i) Provide enrollment and coverage information to  
666 Medicaid managed long-term care enrollees as qualified plans  
667 become available in each of the regions pursuant to s.  
668 409.981(2).~~

669 ~~(i)(j)~~ Assist Medicaid recipients enrolled in the Medicaid  
670 long-term care managed care program with informally resolving  
671 grievances with a managed care network and assist Medicaid  
672 recipients in accessing the managed care network's formal  
673 grievance process as eligible plans become available in each of  
674 the regions defined in s. 409.981(2).

675 (4) The department shall select the entities to become

676 aging and disability resource centers based on each entity's  
677 readiness and ability to perform the duties listed in subsection  
678 (3) and the entity's:

679 (a) Expertise in the needs of each target population the  
680 center proposes to serve and a thorough knowledge of the  
681 providers that serve these populations.

682 (b) Strong connections to service providers, volunteer  
683 agencies, and community institutions.

684 (c) Expertise in information and referral activities.

685 (d) Knowledge of long-term-care resources, including  
686 resources designed to provide services in the least restrictive  
687 setting.

688 (e) Financial solvency and stability.

689 (f) Ability to collect, monitor, and analyze data in a  
690 timely and accurate manner, along with systems that meet the  
691 department's standards.

692 (g) Commitment to adequate staffing by qualified personnel  
693 to effectively perform all functions.

694 (h) Ability to meet all performance standards established  
695 by the department.

696 (5) The aging and disability resource center shall have a  
697 governing body which shall be the same entity described in s.  
698 20.41(7), and an executive director who may be the same person  
699 as described in s. 20.41(7). The governing body shall annually  
700 evaluate the performance of the executive director.

701       (6) The aging and disability resource center may not be a  
702 provider of direct services other than information and referral  
703 services, outreach, and screening, and intake. The aging and  
704 disability resource center must receive a waiver to be the  
705 provider of any other direct services.

706       (7) The aging and disability resource center must agree to  
707 allow the department to review any financial information the  
708 department determines is necessary for monitoring or reporting  
709 purposes, including financial relationships.

710       (8) The duties and responsibilities of the community care  
711 for the elderly lead agencies within each area served by an  
712 aging and disability resource center shall be to:

713           (a) Develop strong community partnerships to maximize the  
714 use of community resources for the purpose of assisting persons  
715 elders to remain in their community settings for as long as it  
716 is safely possible.

717           (b) Conduct comprehensive assessments of clients that have  
718 been determined eligible and develop a care plan consistent with  
719 established protocols that ensures that the unique needs of each  
720 client are met.

721           (9) The services to be administered through the aging and  
722 disability resource center shall include those funded by the  
723 following programs:

724           (a) Community care for the elderly.  
725           (b) Home care for the elderly.

726 (c) Contracted services.

727 (d) Alzheimer's disease initiative.

728 (e) Older Americans Act.

729 (10) The department shall, before prior to designation of  
730 an aging and disability resource center, develop by rule  
731 operational and quality assurance standards and outcome measures  
732 to ensure that clients receiving services through all long-term-  
733 care programs administered through an aging and disability  
734 resource center are receiving the appropriate care they require  
735 and that contractors and subcontractors are adhering to the  
736 terms of their contracts and are acting in the best interests of  
737 the clients they are serving, consistent with the intent of the  
738 Legislature to reduce the use of and cost of nursing home care.  
739 The department shall by rule provide operating procedures for  
740 aging and disability resource centers, which shall include:

741 (a) Minimum standards for financial operation, including  
742 audit procedures.

743 (b) Procedures for monitoring and sanctioning of service  
744 providers.

745 (c) Minimum standards for technology utilized by the aging  
746 and disability resource center.

747 (d) Minimum staff requirements which shall ensure that the  
748 aging and disability resource center employs sufficient quality  
749 and quantity of staff to adequately meet the needs of the elders  
750 residing within the area served by the aging and disability

751 resource center.

752 (e) Minimum accessibility standards, including hours of  
753 operation.

754 (f) Minimum oversight standards for the governing body of  
755 the aging and disability resource center to ensure its  
756 continuous involvement in, and accountability for, all matters  
757 related to the development, implementation, staffing,  
758 administration, and operations of the aging and disability  
759 resource center.

760 (g) Minimum education and experience requirements for  
761 executive directors and other executive staff positions of aging  
762 and disability resource centers.

763 (h) Minimum requirements regarding any executive staff  
764 positions that the aging and disability resource center must  
765 employ and minimum requirements that a candidate must meet in  
766 order to be eligible for appointment to such positions.

767 (11) In an area in which the department has designated an  
768 area agency on aging as an aging and disability resource center,  
769 the department and the agency may shall not make payments for  
770 the services listed in subsection (9) and the Statewide Medicaid  
771 Managed Care Long-Term Care Program ~~Long-Term Care Community~~  
772 ~~Diversion Project~~ for such persons who were not screened and  
773 enrolled through the aging and disability resource center. The  
774 department shall cease making payments for recipients in  
775 eligible plans as eligible plans become available in each of the

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776 regions defined in s. 409.981(2).

777 (12) Each aging and disability resource center shall enter  
778 into a memorandum of understanding with the department for  
779 collaboration with the CARES unit staff. The memorandum of  
780 understanding shall outline the staff person responsible for  
781 each function and shall provide the staffing levels necessary to  
782 carry out the functions of the aging and disability resource  
783 center.

784 (13) Each aging and disability resource center shall enter  
785 into a memorandum of understanding with the Department of  
786 Children and Families for collaboration with the Economic Self-  
787 Sufficiency Unit staff. The memorandum of understanding shall  
788 outline which staff persons are responsible for which functions  
789 and shall provide the staffing levels necessary to carry out the  
790 functions of the aging and disability resource center.

791 (14) If any of the state activities described in this  
792 section are outsourced, either in part or in whole, the contract  
793 executing the outsourcing shall mandate that the contractor or  
794 its subcontractors shall, either physically or virtually,  
795 execute the provisions of the memorandum of understanding  
796 instead of the state entity whose function the contractor or  
797 subcontractor now performs.

798 (15) ~~In order to be eligible to begin transitioning to an~~  
799 ~~aging resource center, an area agency on aging board must ensure~~  
800 ~~that the area agency on aging which it oversees meets all of the~~

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801 ~~minimum requirements set by law and in rule.~~

802 (15) (a) ~~(16) (a) Once an aging resource center is~~  
803 ~~operational, The department, in consultation with the aging and~~  
804 ~~disability resource center agency, may develop capitation rates~~  
805 for any of the programs administered through the ~~agency aging~~  
806 ~~resource center~~. Capitation rates for programs shall be based on  
807 the historical cost experience of the state in providing those  
808 same services to the population age 60 or older residing within  
809 each area served by an aging ~~and disability~~ resource center.  
810 Each capitated rate may vary by geographic area as determined by  
811 the department.

812 (b) The department and the agency may determine for each  
813 area served by an aging ~~and disability~~ resource center whether  
814 it is appropriate, consistent with federal and state laws and  
815 regulations, to develop and pay separate capitated rates for  
816 each program administered through the aging ~~and disability~~  
817 resource center or to develop and pay capitated rates for  
818 service packages which include more than one program or service  
819 administered through the aging ~~and disability~~ resource center.

820 (c) Once capitation rates have been developed and  
821 certified as actuarially sound, the department and the agency  
822 may pay service providers the capitated rates for services when  
823 appropriate.

824 (d) The department, in consultation with the agency, shall  
825 annually reevaluate and recertify the capitation rates,

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826 adjusting forward to account for inflation, programmatic  
827 changes.

828 (16) ~~(17)~~ This section does shall not be construed to allow  
829 an aging and disability resource center to restrict, manage, or  
830 impede the local fundraising activities of service providers.

831 **Section 12. Section 430.503, Florida Statutes, is amended  
832 to read:**

833 430.503 Alzheimer's Disease Initiative; fees and  
834 administrative expense.—

835 (1) Sections 430.501-430.504 may be cited as the  
836 "Alzheimer's Disease Initiative."

837 ~~(2) Provider agencies are responsible for the collection  
838 of fees for services in accordance with rules adopted by the  
839 department. Provider agencies shall assess fees for services  
840 rendered in accordance with those rules. To help pay for  
841 services received pursuant to the Alzheimer's Disease  
842 Initiative, a functionally impaired elderly person shall be  
843 assessed a fee based on an overall ability to pay. The fee to be  
844 assessed shall be fixed according to a schedule to be  
845 established by the department. Services of specified value may  
846 be accepted in lieu of a fee. The fee schedule shall be  
847 developed in cooperation with the Alzheimer's Disease Advisory  
848 Committee, area agencies on aging, and service providers.~~

849 **Section 13. Subsection (3) of section 430.602, Florida  
850 Statutes, is renumbered as subsection (4), and a new subsection**

851 (3) is added to that section, to read:

852 430.602 Home care for the elderly; definitions.—As used in  
853 ss. 430.601-430.606, the term:

854 (3) "Functionally impaired elderly person" means any  
855 person who is 60 years of age or older and has physical or  
856 mental limitations that restrict the person's ability to perform  
857 the normal activities of daily living and that impede his or her  
858 capacity to live independently without the provision of core  
859 services. Functional impairment shall be determined through a  
860 functional assessment administered to each applicant for home  
861 care for the elderly core services. The functional assessment  
862 shall be developed by the department.

863 Section 14. Subsection (3) of section 430.605, Florida  
864 Statutes, is amended to read:

865 430.605 Subsidy payments.—The department shall develop a  
866 schedule of subsidy payments to be made to persons providing  
867 home care, and to providers of goods and services, for certain  
868 eligible elderly persons. Payments must be based on the  
869 financial status of the person receiving care. Payments must  
870 include, but need not be limited to:

871 (3) When necessary, special supplements to provide for any  
872 goods and services, including food and nutritional supplements,  
873 and specialized care required to maintain the health, safety,  
874 and well-being of the elderly person. Extraordinary medical,  
875 dental, or pharmaceutical expenses may be paid as a special

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876 supplement.

877 **Section 15. Section 430.71, Florida Statutes, is created**  
878 **to read:**

879 430.71 Florida Alzheimer's Center of Excellence.—  
880 (1) (a) PURPOSE AND INTENT.—The purpose of this section is  
881 to assist and support persons with Alzheimer's disease or  
882 related forms of dementia and their caregivers by connecting  
883 them with resources in their communities. The Legislature  
884 intends to create a holistic care model for persons with  
885 Alzheimer's disease or related forms of dementia and their  
886 caregivers to address two primary goals:

887 1. To allow Floridians living with Alzheimer's disease or  
888 related forms of dementia to age in place.

889 2. To empower family caregivers to improve their own well-  
890 being.

891 (b) The development of innovative approaches to program  
892 management, staff training, and service delivery which have an  
893 impact on cost-avoidance, cost-effectiveness, and program  
894 efficiency is encouraged.

895 (2) DEFINITIONS.—As used in this section, the term:

896 (a) "Center" means the Florida Alzheimer's Center for  
897 Excellence.

898 (b) "Department" means the Department of Elderly Affairs.

899 (3) POWERS AND DUTIES.—

900 (a) There is created within the Department of Elderly

901 Affairs the Florida Alzheimer's Center of Excellence, which  
902 shall be responsible for improving the quality of care for  
903 persons living with Alzheimer's disease or related forms of  
904 dementia and improved quality of life for family caregivers.

905 (b) The center shall aim to address, at a minimum, all of  
906 the following:

907 1. Early and accurate diagnosis.

908 2. Caregiver health.

909 3. Improved access to care.

910 4. Healthcare use costs.

911 5. Dementia capable workforce.

912 6. Underreporting of Alzheimer's disease and related forms  
913 of dementia.

914 7. Disparities in access to dementia care.

915 (c) The center shall provide caregivers access to  
916 services, including, but not limited to, all of the following:

917 1. Care consultation.

918 2. Support groups.

919 3. Education and training programs.

920 4. Caregiver support services such as:

921 a. Caregiver companion.

922 b. Caregiver wellness programs.

923 c. Care support teams.

924 d. Technology based services.

925 e. Coordinating or monitoring care and services.

926        f. Assistance in obtaining diagnosis or prognosis of  
927 dementia.

928        g. Assistance in obtaining end-of-life care.

929        h. Assistance connecting to resources for medical care.

930        i. Assistance with planning for current or future care.

931        j. Guidance for coping with relationship changes for  
932 persons with dementia and their caregivers.

933        k. Skills for communicating with persons with dementia.

934        l. Understanding or managing behavioral symptoms of  
935 dementia.

936        (d) The center shall work with the Area Agencies on Aging;  
937 Alzheimer's Disease Advisory Committee; Alzheimer's Disease  
938 Initiative, including the state-funded memory disorder clinics;  
939 Dementia Care and Cure Initiative; universities; hospitals; and  
940 other available community resources to ensure full use of the  
941 state's infrastructure.

942        (e) As necessary to fulfill its duties under this section,  
943 the center may provide direct services or contract for the  
944 provision of services.

945        (4) ELIGIBILITY FOR SERVICES.—

946        (a) Persons seeking assistance from the center must meet  
947 all of the following criteria to be eligible for services:

948        1. At least one person in the household is a caregiver for  
949 a person who has been diagnosed with, or is suspected to have,  
950 Alzheimer's disease or a related form of dementia.

951       2. The caregiver or person who has been diagnosed with, or  
952       is suspected to have, Alzheimer's disease or a related form of  
953       dementia, is a resident of this state.

954       3. Have the goal of providing in-home care for the person  
955       who has been diagnosed with, or is suspected to have,  
956       Alzheimer's disease or related form of dementia.

957       (b) If the person seeking assistance meets the criteria in  
958       paragraph (a), the center may provide assistance to the  
959       caregiving family, subject to the availability of funds and  
960       resources.

961       **Section 16. Subsection (2) of section 430.901, Florida**  
962       **Statutes, is amended to read:**

963       430.901 Multiservice senior center; definition; purpose.—A  
964       "multiservice senior center" is:

965       (2) An entity that may partner with an aging and  
966       disability resource center to provide for easier access to long-  
967       term care services by seniors and their families who reside  
968       within the local community.

969       **Section 17. Paragraph (e) of subsection (2) and paragraph**  
970       **(a) of subsection (3) of section 744.2001, Florida Statutes, are**  
971       **amended to read:**

972       744.2001 Office of Public and Professional Guardians.—  
973       There is created the Office of Public and Professional Guardians  
974       within the Department of Elderly Affairs.

975       (2) The executive director shall, within available

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976 resources:

977 (e) Produce and make available information about  
978 alternatives to and types of guardianship for dissemination by  
979 area agencies on aging as defined in s. 430.203 and aging and  
980 disability resource centers as described in s. 430.2053.

981 (3) The executive director's oversight responsibilities of  
982 professional guardians include, but are not limited to:

983 (a) Developing and implementing a monitoring tool to  
984 ensure compliance of professional guardians with the standards  
985 of practice established by the Office of Public and Professional  
986 Guardians, including establishing a maximum number of  
987 professional staff to wards ratio as established in s.  
988 744.2103(7) for public and professional guardians. This  
989 monitoring tool may not include a financial audit as required by  
990 the clerk of the circuit court under s. 744.368.

991 **Section 18. Subsection (3) of section 744.2003, Florida  
992 Statutes, is amended to read:**

993 744.2003 Regulation of professional guardians;  
994 application; bond required; educational requirements.—

995 (3) Each professional guardian as defined in s.  
996 744.102(17) and public guardian must receive a minimum of 40  
997 hours of instruction and training. Each professional guardian  
998 must receive a minimum of 30 hours of continuing education every  
999 2 calendar years after the year in which the initial 40-hour  
1000 educational requirement is met. The required continuing

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1001 education must include at least 2 hours on fiduciary  
1002 responsibilities; 2 hours on professional ethics; 1 hour on  
1003 advance directives; 1 hour on Alzheimer's disease and related  
1004 disorders; 3 hours on abuse, neglect, and exploitation; and 4  
1005 hours on guardianship law. The instruction and education must be  
1006 completed through a course approved or offered by the Office of  
1007 Public and Professional Guardians. The expenses incurred to  
1008 satisfy the educational requirements prescribed in this section  
1009 may not be paid with the assets of any ward. This subsection  
1010 does not apply to any attorney licensed to practice law in this  
1011 state or an institution acting as guardian under s. 744.2002(7).

1012 **Section 19. Subsection (2) of section 744.2004, Florida  
1013 Statutes, is amended to read:**

1014 744.2004 Complaints; disciplinary proceedings; penalties;  
1015 enforcement.—

1016 (2) The Office of Public and Professional Guardians shall  
1017 establish disciplinary proceedings, conduct hearings, and take  
1018 administrative action pursuant to chapter 120. Disciplinary  
1019 actions may include, but are not limited to, requiring a  
1020 professional guardian to participate in additional educational  
1021 courses provided or approved by the Office of Public and  
1022 Professional Guardians, imposing additional monitoring by the  
1023 Office of Public and Professional Guardians, imposing a fine  
1024 ~~office of the guardianships to which the professional guardian  
1025 is appointed, and suspension or revocation of a professional~~

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1026 guardian's registration.

1027 **Section 20. Paragraph (f) of subsection (2) of section**  
1028 **744.20041, Florida Statutes, is redesignated as paragraph (g),**  
1029 **and a new paragraph (f) is added to subsection (2) of that**  
1030 **section, to read:**

1031 744.20041 Grounds for discipline; penalties; enforcement.—

1032 (2) When the Office of Public and Professional Guardians  
1033 finds a professional guardian guilty of violating subsection  
1034 (1), it may enter an order imposing one or more of the following  
1035 penalties:

1036 (f) Requirement that the professional guardian pay a fine,  
1037 not to exceed \$500 per violation.

1038 **Section 21. Subsection (2) of section 744.2104, Florida**  
1039 **Statutes, is renumbered as subsection (4), and new subsections**  
1040 **(2) and (3) are added to that section, to read:**

1041 744.2104 Access to records by the Office of Public and  
1042 Professional Guardians; confidentiality.—

1043 (2) In conducting an investigation, the Office of Public  
1044 and Professional Guardians may issue subpoenas duces tecum to  
1045 financial institutions, insurance companies, the ward's  
1046 caregivers, any facility at which the ward is or has resided,  
1047 and the professional guardian or employees to compel the  
1048 production of records relevant to the investigation conducted by  
1049 the office.

1050 (3) If there is substantial noncompliance with a subpoena

1051     duces tecum issued by the office, the office may petition the  
1052     court in the county in which the person resides or has or his  
1053     place of business for an order requiring the person to produce  
1054     such records as specified in the subpoena duces tecum.

1055         **Section 22. Subsection (12) of section 400.0060, Florida  
1056     Statutes, is amended to read:**

1057         400.0060 Definitions.—When used in this part, unless the  
1058     context clearly dictates otherwise, the term:

1059         (12) ~~"State council"~~ means the ~~State Long-Term Care~~  
1060     ~~Ombudsman Council created by s. 400.0067.~~

1061         **Section 23. Paragraph (h) of subsection (2) of section  
1062     400.0065, Florida Statutes, is amended to read:**

1063         400.0065 State Long-Term Care Ombudsman Program; duties  
1064     and responsibilities.—

1065         (2) The State Long-Term Care Ombudsman has the duty and  
1066     authority to:

1067         (h) Prepare an annual report describing the activities  
1068     carried out by the office, ~~the state council~~, the districts, and  
1069     the local councils in the year for which the report is prepared.  
1070     The state ombudsman shall submit the report to the secretary,  
1071     the United States Assistant Secretary for Aging, the Governor,  
1072     the President of the Senate, the Speaker of the House of  
1073     Representatives, the Secretary of Children and Families, and the  
1074     Secretary of the Agency for Health Care Administration at least  
1075     30 days before the convening of the regular session of the

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1076 Legislature. The report must, at a minimum:

1077 1. Contain and analyze data collected concerning  
1078 complaints about and conditions in long-term care facilities and  
1079 the disposition of such complaints.

1080 2. Evaluate the problems experienced by residents.

1081 3. Analyze the successes of the State Long-Term Care  
1082 Ombudsman Program during the preceding year, including an  
1083 assessment of how successfully the program has carried out its  
1084 responsibilities under the Older Americans Act.

1085 4. Provide recommendations for policy, regulatory, and  
1086 statutory changes designed to solve identified problems; resolve  
1087 residents' complaints; improve residents' lives and quality of  
1088 care; protect residents' rights, health, safety, and welfare;  
1089 and remove any barriers to the optimal operation of the State  
1090 Long-Term Care Ombudsman Program.

1091 5. Contain recommendations from the State Long-Term Care  
1092 Ombudsman Council regarding program functions and activities and  
1093 recommendations for policy, regulatory, and statutory changes  
1094 designed to protect residents' rights, health, safety, and  
1095 welfare.

1096 6. Contain any relevant recommendations from the  
1097 representatives of the State Long-Term Care Ombudsman Program  
1098 regarding program functions and activities.

1099 **Section 24. Subsection (2) of section 400.0073, Florida**  
1100 **Statutes, is amended to read:**

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1101 400.0073 State and local ombudsman council  
1102 investigations.—

1103 ~~(2) Subsequent to an appeal from a local council, the~~  
1104 ~~state council may investigate any complaint received by the~~  
1105 ~~local council involving a long-term care facility or a resident.~~

1106 **Section 25. Paragraph (a) of subsection (1) and paragraph**  
1107 **(a) of subsection (2) of section 400.0075, Florida Statutes, are**  
1108 **amended to read:**

1109 400.0075 Complaint notification and resolution  
1110 procedures.—

1111 (1) (a) Any complaint verified by a representative of the  
1112 State Long-Term Care Ombudsman Program as a result of an  
1113 investigation which is determined by the local council to  
1114 require remedial action may be identified and brought to the  
1115 attention of the long-term care facility administrator subject  
1116 to the confidentiality provisions of s. 400.0077. Upon receipt  
1117 of the information, the administrator, with the concurrence of  
1118 the representative of the State Long-Term Care Ombudsman  
1119 Program, shall establish target dates for taking appropriate  
1120 remedial action. If, by the target date, the remedial action is  
1121 not completed or forthcoming, the representative of the State  
1122 Long-Term Care Ombudsman Program may extend the target date if  
1123 there is reason to believe such action would facilitate the  
1124 resolution of the complaint, or the representative of the State  
1125 Long-Term Care Ombudsman Program may refer the complaint to the

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1126 district manager, ~~who may refer the complaint to the state~~  
1127 ~~council.~~

1128 (2) Upon referral from a district or local council, the  
1129 state ombudsman or his or her designee shall assume the  
1130 responsibility for the disposition of the complaint. If a long-  
1131 term care facility fails to take action to resolve or remedy the  
1132 complaint, the state ombudsman may:

1133 (a) In accordance with s. 400.0077, publicize the  
1134 complaint, the recommendations of the local ~~or state~~ council,  
1135 and the response of the long-term care facility.

1136 **Section 26. Subsection (2) of section 400.0087, Florida  
1137 Statutes, is amended to read:**

1138 400.0087 Department oversight; funding.—

1139 (2) The department shall monitor the ~~State Long-Term Care~~  
1140 ~~ombudsman Program, the state council, and the local councils to~~  
1141 ensure that each is carrying out the duties delegated to it by  
1142 state and federal law.

1143 **Section 27. Section 430.504, Florida Statutes, is amended  
1144 to read:**

1145 430.504 Confidentiality of information.—Information about  
1146 clients of programs created or funded under s. 430.501 ~~or s.~~  
1147 ~~430.503~~ which is received through files, reports, inspections,  
1148 or otherwise, by the department or by authorized departmental  
1149 employees, by persons who volunteer services, or by persons who  
1150 provide services to clients of programs created or funded under

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1151 s. 430.501 ~~or~~ s. 430.503 through contracts with the department  
1152 is confidential and exempt from the provisions of s. 119.07(1).  
1153 Such information may not be disclosed publicly in such a manner  
1154 as to identify a person who receives services under s. 430.501  
1155 ~~or~~ s. 430.503, unless that person or that person's legal  
1156 guardian provides written consent.

1157 **Section 28.** This act shall take effect July 1, 2026.