

1 A bill to be entitled
2 An act relating to aging and disability services;
3 repealing s. 400.0067, F.S., relating to the State
4 Long-Term Care Ombudsman Council; amending s. 409.979,
5 F.S.; revising requirements for Medicaid recipients to
6 receive an offer for enrollment for long-term care
7 services; requiring the Department of Elderly Affairs
8 to maintain a statewide preenrollment list for certain
9 services; requiring aging and disability resource
10 center personnel to place individuals on certain
11 lists; requiring certain staff to administer
12 rescreening under certain circumstances; amending s.
13 409.983, F.S.; revising obsolete language for
14 Comprehensive Assessment and Review for Long-term Care
15 Services Program; amending s. 430.03, F.S.; revising
16 the purposes of the Department of Elderly Affairs to
17 include providing direct services to the elderly
18 population under certain circumstances; amending s.
19 430.04, F.S.; revising the duties and responsibilities
20 of the department to include designating area agencies
21 on aging; amending s. 430.071, F.S.; revising
22 definitions; creating s. 430.09, F.S.; providing
23 requirements for area agencies on aging expenditures;
24 prohibiting an administrative employee of an area
25 agency on aging from receiving a specified salary

26 amount; providing construction; amending s. 430.203,
27 F.S.; revising and providing definitions; amending s.
28 430.204, F.S.; removing certain funding
29 responsibilities of the department and certain
30 entities; removing responsibility of provider agencies
31 to collect and assess fees for certain services;
32 removing a requirement authorizing the area agencies
33 on aging to carryforward unexpended state funds;
34 amending s. 430.205, F.S.; removing certain funding
35 responsibilities of the department; revising frequency
36 of inservice training for certain providers; revising
37 the term "primary consideration" to "priority
38 consideration"; amending s. 430.2053, F.S.;
39 redesignating aging resource centers as aging and
40 disability resource centers; authorizing aging and
41 disability resource centers to place and remove
42 certain individuals on or from preenrollment lists;
43 removing a requirement for convening a work group for
44 certain purposes; removing a requirement for an aging
45 and disability resource center to provide enrollment
46 and coverage information to certain individuals;
47 requiring the aging and disability resource center to
48 receive a waiver to be the provider of other direct
49 services; revising the program to which the department
50 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

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

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

Section 1. Section 400.0067, Florida Statutes, is
repealed.

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

409.979 Eligibility.—

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

~~(a) A Medicaid recipient enrolled in one of the following
Medicaid home and community-based services waiver programs who
meets the eligibility criteria established in subsection (1) is
eligible to participate in the long-term care managed care
program and must be transitioned into the long-term care managed
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

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

adopt rules to implement this subsection.

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

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

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

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

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

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

physically incapacitated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

430.071 Respite for elders living in everyday families.—

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

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

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

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

not exceed an amount equal to the federal minimum wage.

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

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

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

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

(b) Volunteers may be recruited from a variety of sources, including, but not limited to, volunteer centers, religious 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

volunteers offering respite under this program.

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

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

430.09 Area agencies on aging expenditures.—

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

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

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

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

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

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

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

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

(5) "Core services" means a variety of home-delivered services, day care services, and other basic services that may be provided by several entities. Core services are those 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.~~

~~Personal care services does not include medical services.~~

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:

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

(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.

~~(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.~~

~~(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~~

~~currently authorized by existing contracts.~~

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

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

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

Section 10. Subsections (1), (2), and (4) and paragraph (a) of subsection (5) of section 430.205, Florida Statutes, are amended to read:

430.205 Community care service system.—

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

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

(2) Core services and other support services may be

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

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

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

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

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

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

430.2053 Aging and disability resource centers.—

(1) The department, in consultation with the Agency for Health Care Administration and the Department of Children and Families, shall develop pilot projects for aging and disability resource centers.

(2) The purposes of an aging and disability resource

center shall be:

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

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

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

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

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

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

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

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

(c) Expertise in information and referral activities.

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

(e) Financial solvency and stability.

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

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

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

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

(c) Contracted services.

(d) Alzheimer's disease initiative.

(e) Older Americans Act.

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

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

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

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

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

resource center.

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

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

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

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

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

regions defined in s. 409.981(2).

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

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

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

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

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,

adjusting forward to account for inflation, programmatic changes.

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

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

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

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

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

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

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

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

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

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

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

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

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

resources:

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

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

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

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

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

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

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

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

744.2004 Complaints; disciplinary proceedings; penalties; enforcement.—

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

guardian's registration.

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

744.20041 Grounds for discipline; penalties; enforcement.—

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

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

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

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

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

(3) If there is substantial noncompliance with a subpoena

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

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

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

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

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

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

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

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

Legislature. The report must, at a minimum:

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

2. Evaluate the problems experienced by residents.

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

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

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

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

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

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.