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A bill to be entitled
An act relating to aging and disability services; 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 pre-enrollment 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; authorizing individuals who meet specified criteria to enroll in the long-term care managed care program; amending s. 409.983, F.S.; providing that the initial assessment of an enrollee shall be reviewed or performed by the Comprehensive Assessment and Review for Long-term Care Services program; amending s. 430.04, F.S.; revising provisions relating to intermediate measures taken against an area agency on aging; creating s. 430.09, F.S.; providing definitions; providing requirements for the procurement of commodities or contractual services by area agencies on aging; limiting the salary of the chief executive officer and executive director of an area agency on aging; providing construction; requiring the department to impose certain penalties;

26 amending s. 430.203, F.S.; revising the definitions of
27 the terms "community care service system" and "core
28 services"; amending s. 430.204, F.S.; authorizing an
29 area agency on aging to directly provide core services
30 under certain circumstances; amending s. 430.205,
31 F.S.; removing obsolete language; revising frequency
32 of inservice training for certain providers; requiring
33 certain elderly persons to be given priority
34 consideration for receiving certain services; amending
35 s. 430.2053, F.S.; redesignating aging resource
36 centers as aging and disability resource centers;
37 revising the purpose thereof; authorizing aging and
38 disability resource centers to place certain clients
39 on and release certain clients from pre-enrollment
40 lists; removing a requirement to convene a work group
41 for certain purposes; removing a requirement to
42 provide enrollment and coverage information to certain
43 individuals; requiring the aging and disability
44 resource center to receive a waiver to be the provider
45 of other direct services; revising the program to
46 which the department and the agency on aging may not
47 make payments; removing an eligibility requirement for
48 an area agency on aging to transition to an aging
49 resource center; revising the entity with which the
50 department may consult to develop capitation rates;

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51 amending s. 430.605, F.S.; revising certain subsidy
52 payments to include supplements to provide for food
53 and nutritional supplements and certain care; amending
54 s. 430.901, F.S.; conforming a provision to changes
55 made by the act; amending s. 744.2001, F.S.; revising
56 the required qualifications of the executive director
57 of the Office of Public and Professional Guardians;
58 amending s. 744.2003, F.S.; revising continuing
59 education requirements for a professional guardian;
60 amending ss. 744.2004 and 744.20041, F.S.; revising
61 disciplinary actions taken by the office; amending s.
62 744.2104, F.S.; providing certain authority for the
63 office in conducting certain investigations; amending
64 s. 744.3701, F.S.; requiring the clerk to disclose
65 confidential information to the department under
66 certain circumstances; requiring the department to
67 provide specified records to the Legislature by a
68 specified date; providing an effective date.
69

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

71
72 **Section 1. Subsections (2) and (3) of section 409.979, Florida Statutes, are amended to read:**

73 409.979 Eligibility.—

74 (2) PRE-ENROLLMENT ENROLLMENT OFFERS.—Subject to the

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76 availability of funds, the Department of Elderly Affairs shall
77 make offers for enrollment to eligible individuals based on a
78 pre-enrollment list ~~wait-list~~ prioritization. Before making
79 enrollment offers, the agency and the Department of Elderly
80 Affairs shall determine that sufficient funds exist to support
81 additional enrollment into plans.

82 ~~(a) A Medicaid recipient enrolled in one of the following
83 Medicaid home and community-based services waiver programs who
84 meets the eligibility criteria established in subsection (1) is
85 eligible to participate in the long-term care managed care
86 program and must be transitioned into the long-term care managed
87 care program by January 1, 2018:~~

- ~~1. Traumatic Brain and Spinal Cord Injury Waiver.~~
- ~~2. Adult Cystic Fibrosis Waiver.~~
- ~~3. Project AIDS Care Waiver.~~

91 ~~(b) The agency shall seek federal approval to terminate
92 the Traumatic Brain and Spinal Cord Injury Waiver, the Adult
93 Cystic Fibrosis Waiver, and the Project AIDS Care Waiver once
94 all eligible Medicaid recipients have transitioned into the
95 long-term care managed care program.~~

96 (3) PRE-ENROLLMENT WAIT LIST, RELEASE, AND OFFER PROCESS.—
97 The Department of Elderly Affairs shall maintain a statewide
98 pre-enrollment ~~wait~~ list for enrollment for home and community-
99 based services through the long-term care managed care program.

100 (a) The Department of Elderly Affairs shall prioritize

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101 individuals for potential enrollment for home and community-
102 based services through the long-term care managed care program
103 using a frailty-based screening tool that results in a priority
104 score. The priority score is used to set an order for releasing
105 individuals from the pre-enrollment ~~wait~~ list for potential
106 enrollment in the long-term care managed care program. If
107 capacity is limited for individuals with identical priority
108 scores, the individual with the oldest date of placement on the
109 pre-enrollment ~~wait~~ list shall receive priority for release.

110 1. Pursuant to s. 430.2053, aging and disability resource
111 center personnel certified by the Department of Elderly Affairs
112 shall perform the screening for each individual requesting
113 enrollment for home and community-based services through the
114 long-term care managed care program. Aging and disability
115 resource center personnel shall place on and release from the
116 pre-enrollment lists clients eligible for the Alzheimer's
117 Disease Initiative, community care for the elderly, home care
118 for the elderly, and the Statewide Medicaid Managed Care Long-
119 term Care program. The Department of Elderly Affairs shall
120 request that the individual or the individual's authorized
121 representative provide alternate contact names and contact
122 information.

123 2. The individual ~~requesting the long-term care services,~~
124 or the individual's authorized representative, must participate
125 in an initial screening or rescreening for placement on the pre-

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126 enrollment ~~wait~~ list. The screening or rescreening must be
127 completed in its entirety before placement on the pre-enrollment
128 ~~wait~~ list.

129 3. Pursuant to s. 430.2053, staff authorized and certified
130 ~~by the Department of Elderly Affairs aging resource center~~
131 ~~personnel~~ shall administer rescreening annually or upon
132 notification of a significant change in an individual's
133 circumstances for an individual with a high priority score.
134 Aging and disability resource center personnel may administer
135 rescreening annually or upon notification of a significant
136 change in an individual's circumstances for an individual with a
137 low priority score.

138 4. The Department of Elderly Affairs shall adopt by rule a
139 screening tool that generates the priority score and shall make
140 publicly available on its website the specific methodology used
141 to calculate an individual's priority score.

142 (b) Upon completion of the screening or rescreening
143 process, the Department of Elderly Affairs shall notify the
144 individual or the individual's authorized representative that
145 the individual has been placed on the pre-enrollment ~~wait~~ list,
146 unless the individual has a low priority score. The Department
147 of Elderly Affairs must maintain contact information for each
148 individual with a low priority score for purposes of any future
149 rescreening. Aging and disability resource center personnel
150 shall inform individuals with low priority scores of community

151 resources available to assist them and inform them that they may
152 contact the aging and disability resource center for a new
153 assessment at any time if they experience a change in
154 circumstances.

155 (c) If the Department of Elderly Affairs is unable to
156 contact the individual or the individual's authorized
157 representative to schedule an initial screening or rescreening,
158 and documents the actions taken to make such contact, it shall
159 send a letter to the last documented address of the individual
160 or the individual's authorized representative. The letter must
161 advise the individual or his or her authorized representative
162 that he or she must contact the Department of Elderly Affairs
163 within 30 calendar days after the date of the notice to schedule
164 a screening or rescreening and must notify the individual that
165 failure to complete the screening or rescreening will result in
166 his or her termination from the screening process and the pre-
167 enrollment wait list.

168 (d) After notification by the agency of available
169 capacity, the Department of Elderly Affairs CARES program shall
170 release individuals from the pre-enrollment list based on the
171 priority scoring process. The aging and disability resource
172 center shall conduct a prerelease assessment. ~~The Department of~~
173 ~~Elderly Affairs shall release individuals from the wait list~~
174 ~~based on the priority scoring process and prerelease assessment~~
175 ~~results.~~ Upon release, individuals who meet all financial and

176 medical eligibility criteria may enroll in the long-term care
177 managed care program.

178 (e) The Department of Elderly Affairs may terminate an
179 individual's inclusion on the pre-enrollment ~~wait~~ list if the
180 individual:

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

183 2. Requests to be removed from the pre-enrollment ~~wait~~
184 list;

185 3. Does not keep an appointment to complete the
186 rescreening without scheduling another appointment and has not
187 responded to three documented attempts by the Department of
188 Elderly Affairs to contact the individual;

189 4. Receives an offer to begin the eligibility
190 determination process for the long-term care managed care
191 program; or

192 5. Begins receiving services through the long-term care
193 managed care program.

194
195 An individual whose inclusion on the pre-enrollment ~~wait~~ list is
196 terminated must initiate a new request for placement on the pre-
197 enrollment ~~wait~~ list, and any previous priority considerations
198 must be disregarded.

199 (f) Notwithstanding this subsection, the following
200 individuals are afforded priority enrollment for home and

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201 community-based services through the long-term care managed care
202 program and do not have to complete the screening or pre-
203 enrollment list ~~wait-list~~ process if all other long-term care
204 managed care program eligibility requirements are met:

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

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

213 3. An individual who is referred by the Department of
214 Children and Families pursuant to the Adult Protective Services
215 Act, ss. 415.101-415.113, as high risk and who is placed in an
216 assisted living facility temporarily funded by the Department of
217 Children and Families.

218 (g) The Department of Elderly Affairs and the agency may
219 adopt rules to implement this subsection.

220 **Section 2. Subsection (4) of section 409.983, Florida
221 Statutes, is amended to read:**

222 409.983 Long-term care managed care plan payment.—In
223 addition to the payment provisions of s. 409.968, the agency
224 shall provide payment to plans in the long-term care managed
225 care program pursuant to this section.

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

231 (a) Level of care 1 consists of recipients residing in or
232 who must be placed in a nursing home.

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

238 (c) Level of care 3 consists of recipients at imminent
239 risk of nursing home placement, as evidenced by the need for the
240 constant availability of routine medical and nursing treatment
241 and care, who have a limited need for health-related care and
242 services and are mildly medically or physically incapacitated.

243
244 The agency shall periodically adjust payment rates to account
245 for changes in the level of care profile for each managed care
246 plan based on encounter data.

247 **Section 3. Subsection (2) of section 430.04, Florida
248 Statutes, is amended to read:**

249 430.04 Duties and responsibilities of the Department of
250 Elderly Affairs.—The Department of Elderly Affairs shall:

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251 (2) Be responsible for ensuring that each area agency on
252 aging operates in a manner to ensure that the elderly of this
253 state receive the best services possible. The department shall
254 rescind designation of an area agency on aging or take
255 intermediate measures against the agency, including corrective
256 action, unannounced special monitoring, temporary assumption of
257 operation of one or more programs by the department, placement
258 on probationary status, imposing a moratorium on agency action,
259 imposing financial penalties for nonperformance, or other
260 administrative action pursuant to chapter 120, if the department
261 finds that:

262 (a) An intentional or negligent act of the agency has
263 materially affected the health, welfare, or safety of clients,
264 or substantially and negatively affected the operation of an
265 aging services program.

266 (b) The agency lacks financial stability sufficient to
267 meet contractual obligations or that contractual funds have been
268 misappropriated.

269 (c) The agency has committed multiple or repeated
270 violations of legal and regulatory requirements or department
271 standards.

272 (d) The agency has failed to continue the provision or
273 expansion of services after the declaration of a state of
274 emergency.

275 (e) The agency has exceeded its authority or otherwise

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276 failed to adhere to the terms of its contract with the
277 department or has exceeded its authority or otherwise failed to
278 adhere to the provisions specifically provided by statute or
279 rule adopted by the department.

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

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

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

286 **Section 4. Section 430.09, Florida Statutes, is created to
287 read:**

288 430.09 Area agencies on aging expenditures.—

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

290 (a) "Commodity" means any of the various supplies,
291 materials, goods, merchandise, food, equipment, information
292 technology, and other personal property purchased, leased, or
293 otherwise contracted for by an area agency on aging.

294 (b) "Competitive solicitation" means the process of
295 requesting and receiving two or more sealed bids, proposals, or
296 replies submitted by responsive vendors in accordance with the
297 terms of a competitive process, regardless of the method of
298 procurement.

299 (c) "Contractual services" means the rendering by a
300 contractor of its time and effort rather than the furnishing of

301 specific commodities. The term applies only to those services
302 rendered by individuals and firms that are independent
303 contractors, and such services may include, but are not limited
304 to, evaluations; consultations; maintenance; accounting;
305 security; management systems; management consulting; educational
306 training programs; research and development studies or reports
307 on the findings of consultants engaged thereunder; and
308 professional, technical, and social services.

309 (2) The procurement of commodities or contractual services
310 in excess of \$35,000 by an area agency on aging is subject to
311 the competitive solicitation process. Any competitive
312 solicitation shall be made available simultaneously to all
313 vendors, must include the time and date for the receipt of bids,
314 proposals, or replies and of the public opening, and must
315 include all contractual terms and conditions applicable to the
316 procurement, including the criteria to be used in determining
317 acceptability and relative merit of the bid, proposal, or reply.

318 (3) The chief executive officer or the executive director
319 of an area agency on aging may not receive a salary in excess of
320 150 percent of the annual salary paid to the Secretary of
321 Elderly Affairs from state and federal funds. This limitation
322 applies regardless of the number of contracts an area agency on
323 aging holds with the department. This subsection does not
324 prohibit any party from providing cash that is not from
325 appropriated state funds to the chief executive officer or the

326 executive director of an area agency on aging.

327 (4) The department must impose financial penalties or
328 sanctions, as established by the department and incorporated
329 into the contract, for noncompliance with this section.

330 **Section 5. Subsections (3) and (5) of section 430.203, Florida Statutes, are amended to read:**

332 430.203 Community care for the elderly; definitions.—As
333 used in ss. 430.201-430.207, the term:

334 (3) "Community care service system" means a service
335 network comprising a variety of home-delivered services, day
336 care services, and other basic services, hereinafter referred to
337 as "core services," for functionally impaired elderly persons
338 which are provided by or through a single lead agency designated
339 by the area agency on aging. Its purpose is to provide a
340 continuum of care encompassing a full range of preventive,
341 maintenance, and restorative services for functionally impaired
342 elderly persons.

343 (5) "Core services" means a variety of home-delivered
344 services, day care services, and other basic services that may
345 be provided by several entities. Core services are those
346 services that are most needed to prevent unnecessary
347 institutionalization. ~~The area agency on aging shall not~~
348 ~~directly provide core services.~~

349 **Section 6. Subsection (4) of section 430.204, Florida**
350 **Statutes, is amended to read:**

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351 430.204 Community-care-for-the-elderly core services;
352 departmental powers and duties.—

353 (4) (a) The department or contracting agency shall contract
354 for the provision of the core services required by a community
355 care service area.

356 (b) The area agency on aging may only directly provide
357 core services if the designated lead agency is unable to perform
358 its duties and the department approves.

359 **Section 7. Subsections (2) and (4) and paragraph (a) of**
360 **subsection (5) of section 430.205, Florida Statutes, are amended**
361 **to read:**

362 430.205 Community care service system.—

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

374 (4) A preservice and annual inservice training program for
375 community-care-for-the-elderly service providers and staff may

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376 be designed and implemented to help assure the delivery of
377 quality services. The department shall specify in rules the
378 training standards and requirements for the community-care-for-
379 the-elderly service providers and staff. Training must be
380 sufficient to ensure that quality services are provided to
381 clients and that appropriate skills are developed to conduct the
382 program.

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

386 (a) Those elderly persons who are determined by protective
387 investigations to be high-risk vulnerable adults in need of
388 services, pursuant to s. 415.104(3)(b), or to be high-risk
389 victims of abuse, neglect, or exploitation who are in need of
390 immediate services to prevent further harm and are referred by
391 the adult protective services program, shall be given priority
392 primary consideration for receiving community-care-for-the-
393 elderly services. As used in this paragraph, "priority primary
394 consideration" means that an assessment and services must
395 commence within 72 hours after referral to the department or as
396 established in accordance with department contracts by local
397 protocols developed between department service providers and the
398 adult protective services program. Regardless, a community-care-
399 for-the-elderly services provider may dispute a referral under
400 this paragraph by requesting that adult protective services

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401 negotiate the referral placement of, and the services to be
402 provided to, a vulnerable adult or victim of abuse, neglect, or
403 exploitation. If an agreement cannot be reached with adult
404 protective services for modification of the referral decision,
405 the determination by adult protective services shall prevail.

406 **Section 8. Section 430.2053, Florida Statutes, is amended**
407 **to read:**

408 430.2053 Aging and disability resource centers.—

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

413 (2) The purposes of an aging and disability resource
414 center shall be:

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

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

425 (3) The duties of an aging and disability resource center

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426 are to:

427 (a) Develop referral agreements with local community
428 service organizations, such as senior centers, existing elder
429 service providers, volunteer associations, and other similar
430 organizations, to better assist clients who do not need or do
431 not wish to enroll in programs funded by the department or the
432 agency. The referral agreements must also include a protocol,
433 developed and approved by the department, which provides
434 specific actions that an aging and disability resource center
435 and local community service organizations must take when a
436 person or a person's ~~an elder or an elder's~~ representative
437 seeking information on long-term-care services contacts a local
438 community service organization before ~~prior to~~ contacting the
439 aging and disability resource center. The protocol shall be
440 designed to ensure that persons ~~elders~~ and their families are
441 able to access information and services in the most efficient
442 and least cumbersome manner possible.

443 (b) Provide an initial screening of all clients who
444 request long-term-care services to determine whether the person
445 would be most appropriately served through any combination of
446 federally funded programs, state-funded programs, locally funded
447 or community volunteer programs, or private funding for
448 services.

449 (c) Determine eligibility for the programs and services
450 listed in subsection (9) for persons residing within the

451 geographic area served by the aging and disability resource
452 center and determine a priority ranking for services which is
453 based upon the potential recipient's frailty level and
454 likelihood of institutional placement without such services.

455 (d) Place on and release from the pre-enrollment lists
456 clients eligible for the Alzheimer's Disease Initiative,
457 community care for the elderly, home care for the elderly, and
458 the Statewide Medicaid Managed Care Long-term Care program.

459 (e)-(d) Manage the availability of financial resources for
460 the programs and services listed in subsection (9) for persons
461 residing within the geographic area served by the aging and
462 disability resource center.

463 (f)-(e) When financial resources become available, refer a
464 client to the most appropriate entity to begin receiving
465 services. The aging and disability resource center shall make
466 referrals to lead agencies for service provision that ensure
467 that persons individuals who are vulnerable adults in need of
468 services pursuant to s. 415.104(3)(b), or who are victims of
469 abuse, neglect, or exploitation in need of immediate services to
470 prevent further harm and are referred by the adult protective
471 services program, are given priority primary consideration for
472 receiving community-care-for-the-elderly services in compliance
473 with the requirements of s. 430.205(5)(a) and that other
474 referrals for services are in compliance with s. 430.205(5)(b).

475 ~~(f) Convene a work group to advise in the planning,~~

476 implementation, and evaluation of the aging resource center. The
477 work group shall be comprised of representatives of local
478 service providers, Alzheimer's Association chapters, housing
479 authorities, social service organizations, advocacy groups,
480 representatives of clients receiving services through the aging
481 resource center, and any other persons or groups as determined
482 by the department. The aging resource center, in consultation
483 with the work group, must develop annual program improvement
484 plans that shall be submitted to the department for
485 consideration. The department shall review each annual
486 improvement plan and make recommendations on how to implement
487 the components of the plan.

488 (g) Enhance the existing area agency on aging in each
489 planning and service area by integrating, either physically or
490 virtually, the staff and services of the area agency on aging
491 with the staff of the department's local CARES Medicaid
492 preadmission screening unit and a sufficient number of staff
493 from the Department of Children and Families' Economic Self-
494 Sufficiency Unit necessary to determine the financial
495 eligibility for all persons age 60 and older residing within the
496 area served by the aging and disability resource center that are
497 seeking Medicaid services, Supplemental Security Income, and
498 food assistance.

499 (h) Assist clients who request long-term care services in
500 being evaluated for eligibility for enrollment in the Medicaid

501 long-term care managed care program as eligible plans become
502 available in each of the regions pursuant to s. 409.981(2).

503 ~~(i) Provide enrollment and coverage information to
504 Medicaid managed long-term care enrollees as qualified plans
505 become available in each of the regions pursuant to s.
506 409.981(2).~~

507 ~~(i) (j)~~ Assist Medicaid recipients enrolled in the Medicaid
508 long-term care managed care program with informally resolving
509 grievances with a managed care network and assist Medicaid
510 recipients in accessing the managed care network's formal
511 grievance process as eligible plans become available in each of
512 the regions defined in s. 409.981(2).

513 (4) The department shall select the entities to become
514 aging and disability resource centers based on each entity's
515 readiness and ability to perform the duties listed in subsection
516 (3) and the entity's:

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

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

522 (c) Expertise in information and referral activities.

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

526 (e) Financial solvency and stability.

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

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

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

534 (5) The aging and disability resource center shall have a
535 governing body which shall be the same entity described in s.
536 20.41(7), and an executive director who may be the same person
537 as described in s. 20.41(7). The governing body shall annually
538 evaluate the performance of the executive director.

539 (6) The aging and disability resource center may not be a
540 provider of direct services other than information and referral
541 services, outreach, and screening, and intake. The aging and
542 disability resource center must receive a waiver from the
543 department to be the provider of any other direct services.

544 (7) The aging and disability resource center must agree to
545 allow the department to review any financial information the
546 department determines is necessary for monitoring or reporting
547 purposes, including financial relationships.

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

551 (a) Develop strong community partnerships to maximize the
552 use of community resources for the purpose of assisting persons
553 ~~elders~~ to remain in their community settings for as long as it
554 is safely possible.

555 (b) Conduct comprehensive assessments of clients that have
556 been determined eligible and develop a care plan consistent with
557 established protocols that ensures that the unique needs of each
558 client are met.

559 (9) The services to be administered through the aging and
560 disability resource center shall include those funded by the
561 following programs:

- 562 (a) Community care for the elderly.
- 563 (b) Home care for the elderly.
- 564 (c) Contracted services.
- 565 (d) Alzheimer's disease initiative.
- 566 (e) Older Americans Act.

567 (10) The department shall, before ~~prior to~~ designation of
568 an aging and disability resource center, develop by rule
569 operational and quality assurance standards and outcome measures
570 to ensure that clients receiving services through all long-term-
571 care programs administered through an aging and disability
572 resource center are receiving the appropriate care they require
573 and that contractors and subcontractors are adhering to the
574 terms of their contracts and are acting in the best interests of
575 the clients they are serving, consistent with the intent of the

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576 Legislature to reduce the use of and cost of nursing home care.
577 The department shall by rule provide operating procedures for
578 aging and disability resource centers, which shall include:
579 (a) Minimum standards for financial operation, including
580 audit procedures.
581 (b) Procedures for monitoring and sanctioning of service
582 providers.
583 (c) Minimum standards for technology utilized by the aging
584 and disability resource center.
585 (d) Minimum staff requirements which shall ensure that the
586 aging and disability resource center employs sufficient quality
587 and quantity of staff to adequately meet the needs of the elders
588 residing within the area served by the aging and disability
589 resource center.
590 (e) Minimum accessibility standards, including hours of
591 operation.
592 (f) Minimum oversight standards for the governing body of
593 the aging and disability resource center to ensure its
594 continuous involvement in, and accountability for, all matters
595 related to the development, implementation, staffing,
596 administration, and operations of the aging and disability
597 resource center.
598 (g) Minimum education and experience requirements for
599 executive directors and other executive staff positions of aging
600 and disability resource centers.

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

605 (11) In an area in which the department has designated an
606 area agency on aging as an aging and disability resource center,
607 the department and the agency may ~~shall~~ not make payments for
608 the services listed in subsection (9) and the Statewide Medicaid
609 Managed Care Long-term Care program ~~Long-Term Care Community~~
610 Diversion Project for such persons who were not screened and
611 enrolled through the aging and disability resource center. The
612 department shall cease making payments for recipients in
613 eligible plans as eligible plans become available in each of the
614 regions defined in s. 409.981(2).

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

622 (13) Each aging and disability resource center shall enter
623 into a memorandum of understanding with the Department of
624 Children and Families for collaboration with the Economic Self-
625 Sufficiency Unit staff. The memorandum of understanding shall

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626 outline which staff persons are responsible for which functions
627 and shall provide the staffing levels necessary to carry out the
628 functions of the aging and disability resource center.

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

636 ~~(15) In order to be eligible to begin transitioning to an~~
637 ~~aging resource center, an area agency on aging board must ensure~~
638 ~~that the area agency on aging which it oversees meets all of the~~
639 ~~minimum requirements set by law and in rule.~~

640 ~~(15) (a) (16) (a) Once an aging resource center is~~
641 ~~operational, The department, in consultation with the aging and~~
642 ~~disability resource center agency, may develop capitation rates~~
643 ~~for any of the programs administered through the agency aging~~
644 ~~resource center. Capitation rates for programs shall be based on~~
645 ~~the historical cost experience of the state in providing those~~
646 ~~same services to the population age 60 or older residing within~~
647 ~~each area served by an aging and disability resource center.~~
648 Each capitated rate may vary by geographic area as determined by
649 the department.

650 (b) The department and the agency may determine for each

651 area served by an aging and disability resource center whether
652 it is appropriate, consistent with federal and state laws and
653 regulations, to develop and pay separate capitated rates for
654 each program administered through the aging and disability
655 resource center or to develop and pay capitated rates for
656 service packages which include more than one program or service
657 administered through the aging and disability resource center.

658 (c) Once capitation rates have been developed and
659 certified as actuarially sound, the department and the agency
660 may pay service providers the capitated rates for services when
661 appropriate.

662 (d) The department, in consultation with the agency, shall
663 annually reevaluate and recertify the capitation rates,
664 adjusting forward to account for inflation, programmatic
665 changes.

666 (16) (17) This section does ~~shall~~ not be construed to allow
667 an aging and disability resource center to restrict, manage, or
668 impede the local fundraising activities of service providers.

669 **Section 9. Subsection (3) of section 430.605, Florida
670 Statutes, is amended to read:**

671 430.605 Subsidy payments.—The department shall develop a
672 schedule of subsidy payments to be made to persons providing
673 home care, and to providers of goods and services, for certain
674 eligible elderly persons. Payments must be based on the
675 financial status of the person receiving care. Payments must

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676 include, but need not be limited to:

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

682 **Section 10. Subsection (2) of section 430.901, Florida
683 Statutes, is amended to read:**

684 430.901 Multiservice senior center; definition; purpose.—A
685 "multiservice senior center" is:

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

690 **Section 11. Subsection (1) and paragraph (e) of subsection
691 (2) of section 744.2001, Florida Statutes, are amended to read:**

692 744.2001 Office of Public and Professional Guardians.—
693 There is created the Office of Public and Professional Guardians
694 within the Department of Elderly Affairs.

695 (1) The Secretary of Elderly Affairs shall appoint the
696 executive director, who shall be the head of the Office of
697 Public and Professional Guardians. The executive director must
698 be a ~~member of The Florida Bar~~, knowledgeable of guardianship
699 law and of the social services available to meet the needs of
700 incapacitated persons, shall serve on a full-time basis, and

701 shall personally, or through a representative of the office,
702 carry out the purposes and functions of the Office of Public and
703 Professional Guardians in accordance with state and federal law.
704 The executive director shall serve at the pleasure of and report
705 to the secretary.

706 (2) The executive director shall, within available
707 resources:

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

712 **Section 12. Subsection (3) of section 744.2003, Florida
713 Statutes, is amended to read:**

714 744.2003 Regulation of professional guardians;
715 application; bond required; educational requirements.—

716 (3) Each professional guardian as defined in s.
717 744.102(17) and public guardian must receive a minimum of 40
718 hours of instruction and training. Each professional guardian
719 must receive a minimum of 30 hours of continuing education every
720 2 calendar years after the year in which the initial 40-hour
721 educational requirement is met. The required continuing
722 education must include at least 2 hours on fiduciary
723 responsibilities; 2 hours on professional ethics; 1 hour on
724 advance directives; 1 hour on Alzheimer's disease and related
725 disorders; 3 hours on abuse, neglect, and exploitation; and 3 4

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726 hours on guardianship law. The instruction and education must be
727 completed through a course approved or offered by the Office of
728 Public and Professional Guardians. The expenses incurred to
729 satisfy the educational requirements prescribed in this section
730 may not be paid with the assets of any ward. This subsection
731 does not apply to any attorney licensed to practice law in this
732 state or an institution acting as guardian under s. 744.2002(7).

733 **Section 13. Subsection (2) of section 744.2004, Florida
734 Statutes, is amended to read:**

735 744.2004 Complaints; disciplinary proceedings; penalties;
736 enforcement.—

737 (2) The Office of Public and Professional Guardians shall
738 establish disciplinary proceedings, conduct hearings, and take
739 administrative action pursuant to chapter 120. Disciplinary
740 actions may include, but are not limited to, requiring a
741 professional guardian to participate in additional educational
742 courses provided or approved by the Office of Public and
743 Professional Guardians, imposing additional monitoring by the
744 Office of Public and Professional Guardians of the guardianships
745 to which the professional guardian is appointed, imposing a
746 fine, and suspension or revocation of a professional guardian's
747 registration.

748 **Section 14. Paragraph (f) of subsection (2) of section
749 744.20041, Florida Statutes, is redesignated as paragraph (g),
750 and a new paragraph (f) is added to that subsection to read:**

751 744.20041 Grounds for discipline; penalties; enforcement.—

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

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

758 **Section 15. Subsection (2) of section 744.2104, Florida
759 Statutes, is renumbered as subsection (4), and new subsections
760 (2) and (3) are added to that section to read:**

761 744.2104 Access to records by the Office of Public and
762 Professional Guardians; confidentiality.—

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

770 (3) If there is substantial noncompliance with a subpoena
771 duces tecum issued by the office, the office may petition the
772 court in the county in which the person resides or has resided
773 or his place of business for an order requiring the person to
774 produce such records as specified in the subpoena duces tecum.

775 **Section 16. Subsection (4) of section 744.3701, Florida**

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776 **Statutes, is amended to read:**

777 744.3701 Confidentiality.—

778 (4) The clerk may disclose confidential information to the
779 Department of Children and Families, the Department of Elderly
780 Affairs, or law enforcement agencies for other purposes as
781 provided by court order.

782 **Section 17. Consistent with s. 11.0431(2), Florida**

783 Statutes, the Department of Elderly Affairs shall submit all of
784 the following unredacted Office of Public and Professional
785 Guardians records to the President of the Senate and the Speaker
786 of the House of Representatives by August 1, 2026:

787 (1) For all complaints received during calendar year 2025
788 that were dismissed pursuant to s. 744.2004(1)(f), Florida
789 Statutes:

790 (a) The original complaint.

791 (b) The final investigation report.

792 (c) The dismissal letter issued to the complainant and
793 guardian as required by s. 744.2004(1)(g), Florida Statutes.

794 (2) For all complaints received during calendar year 2025
795 that resulted in the issuance of a letter of concern, notice of
796 noncompliance, or other written cautionary communication
797 concerning the complaint that was not a dismissal letter sent
798 pursuant to s. 744.2004(1)(g), Florida Statutes:

799 (a) The original complaint.

800 (b) The final investigation report.

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801 (c) The letter of concern, notice of noncompliance, or
802 other written communication or notice provided to the guardian.

803 (d) The letter or notice provided to the complainant.

804 **Section 18.** This act shall take effect July 1, 2026.