



1 A bill to be entitled
 2 An act relating to services for the elderly; amending s.
 3 430.041, F.S.; removing the Director of the Office of Long-
 4 Term-Care Policy from the advisory council; providing for
 5 the selection of a chair of the council; providing a limit
 6 on consecutive terms for service as chair; amending s.
 7 430.07, F.S.; authorizing direct payment to a vendor or
 8 prepayment or reimbursement of lodging and transportation
 9 expenses directly to volunteers determined necessary by the
 10 Department of Elderly Affairs; amending s. 430.205, F.S.,
 11 relating to community care for the elderly; providing
 12 guidelines for determining the priority of recipients of
 13 services; repealing section 65 of ch. 2001-45, Laws of
 14 Florida, relating to the state long-term care ombudsman
 15 program; providing effective dates.

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

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 19 Section 1. Effective upon becoming a law, subsection (4)
 20 of section 430.041, Florida Statutes, is amended to read:

21 430.041 Office of Long-Term-Care Policy.--

22 (4) The Office of Long-Term-Care Policy shall have an
 23 advisory council, ~~whose chair shall be the Director of the~~
 24 ~~Office of Long-Term-Care Policy.~~ The purposes of the advisory
 25 council are to provide assistance and direction to the office
 26 and to ensure that the appropriate state agencies are properly
 27 implementing recommendations from the office.

28 (a) The advisory council shall consist of:



29 | 1. A member of the Senate, appointed by the President of
 30 | the Senate;

31 | 2. A member of the House of Representatives, appointed by
 32 | the Speaker of the House of Representatives;

33 | ~~3. The Director of the Office of Long-Term-Care Policy;~~

34 | 3.4. The Secretary of Health Care Administration;

35 | 4.5. The Secretary of Elderly Affairs;

36 | 5.6. The Secretary of Children and Family Services;

37 | 6.7. The Secretary of Health;

38 | 7.8. The Executive Director of the Department of Veterans'
 39 | Affairs;

40 | 8.9. Three people with broad knowledge and experience in
 41 | the delivery of long-term-care services, appointed by the
 42 | Governor from groups representing elderly persons; and

43 | 9.10. Two representatives of people using long-term-care
 44 | services, appointed by the Governor from groups representing
 45 | elderly persons.

46 | (b) The council shall elect a chair from among its
 47 | membership to serve for a 1-year term. A chair may not serve
 48 | more than 2 consecutive terms as chair.

49 | (c)(b) Members shall serve without compensation, but are
 50 | entitled to receive reimbursement for travel and per diem as
 51 | provided in s. 112.061.

52 | (d)(e) The advisory council shall meet at the call of its
 53 | chair or at the request of a majority of its members. During its
 54 | first year of existence, the advisory council shall meet at
 55 | least monthly.



56 ~~(e)(d)~~ Members of the advisory council appointed by the
57 Governor shall serve at the pleasure of the Governor and shall
58 be appointed to 4-year staggered terms in accordance with s.
59 20.052.

60 Section 2. Subsection (9) is added to section 430.07,
61 Florida Statutes, to read:

62 430.07 Office of Volunteer Community Service.--There is
63 created within the Department of Elderly Affairs the Office of
64 Volunteer Community Service. The office shall:

65 (9) Encourage volunteerism by older persons regardless of
66 socioeconomic status. In order to accomplish this,
67 notwithstanding any other provision of law, the office is
68 authorized to provide to those volunteers whose presence is
69 determined to be necessary to the department direct payment of
70 lodging and transportation expenses to a vendor on behalf of
71 such volunteer, or prepayment, or reimbursement of lodging and
72 transportation expenses directly to such volunteer. The office
73 shall not expend or authorize an expenditure in excess of the
74 amount appropriated in any fiscal year.

75 Section 3. Subsection (5) of section 430.205, Florida
76 Statutes, is amended to read:

77 430.205 Community care service system.--

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

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



84 neglect, or exploitation who are in need of immediate services
85 to prevent further harm and are referred by the adult protective
86 services program, shall be given primary consideration for
87 receiving community-care-for-the-elderly services. As used in
88 this paragraph ~~subsection~~, "primary consideration" means that an
89 assessment and services must commence within 72 hours after
90 referral to the department or as established in accordance with
91 department contracts by local protocols developed between
92 department service providers and the adult protective services
93 program.

94 (b) The department shall determine an order of
95 prioritization for all other functionally impaired elderly
96 persons seeking community-care-for-the-elderly services that is
97 based upon the potential recipient's frailty level and
98 likelihood of institutional placement without such services.
99 After determining such frailty level and likelihood of
100 institutional placement, should the list of potential recipients
101 require further prioritization, another factor that must be
102 considered is the potential recipient's ability to pay for such
103 services. Those who are less able to pay for such services must
104 receive higher priority than those who are better able to pay
105 for such services. A potential recipient's ability to pay may be
106 determined by the department based on the potential recipient's
107 self-declared statement of income and expenses.

108 Section 4. Effective upon becoming a law, section 65 of
109 chapter 2001-45, Laws of Florida, is repealed.

110 Section 5. Except as otherwise provided herein, this act
111 shall take effect July 1, 2003.