

**By** the Committee on Children, Families, and Elder Affairs; and Senator Grall

586-02241-26

20261630c1

586-02241-26

20261630c1

30 specified salary amount; providing construction;  
31 amending s. 430.203, F.S.; revising definitions;  
32 amending s. 430.204, F.S.; deleting certain funding  
33 responsibilities of the department and certain  
34 entities; prohibiting the area agency on aging from  
35 directly providing core services; providing  
36 exceptions; deleting the responsibility of provider  
37 agencies to collect and assess fees for certain  
38 services; amending s. 430.205, F.S.; deleting certain  
39 funding responsibilities of the department; deleting a  
40 provision providing construction; revising frequency  
41 of inservice training for certain providers; requiring  
42 that high-risk vulnerable adults be given priority  
43 consideration for receiving community-care-for-the-  
44 elderly services; replacing the term "primary  
45 consideration" with "priority consideration"; amending  
46 s. 430.2053, F.S.; renaming aging resource centers as  
47 aging and disability resource centers; revising the  
48 purposes and duties of such centers; authorizing aging  
49 and disability resource centers to place on and  
50 release certain individuals from pre-enrollment lists;  
51 deleting a requirement for a work group to be  
52 convened; deleting a requirement to provide enrollment  
53 and coverage information to certain individuals;  
54 requiring the aging and disability resource center to  
55 receive a waiver from the department to be the  
56 provider of certain direct services; revising the  
57 services for which the department and an area agency  
58 on aging may not make payments; deleting an

586-02241-26

20261630c1

59       eligibility requirement for an area agency on aging to  
60       transition to an aging resource center; revising with  
61       whom the department may consult to develop capitation  
62       rates; revising construction; conforming provisions to  
63       changes made by the act; amending s. 430.503, F.S.;  
64       deleting the responsibility of provider agencies to  
65       collect and assess fees for certain purposes; amending  
66       s. 430.605, F.S.; revising certain subsidy payments to  
67       include food and nutritional supplements; creating s.  
68       430.72, F.S.; providing the purpose of and legislative  
69       intent for the Florida Alzheimer's Center of  
70       Excellence; encouraging certain actions related to  
71       innovative and efficient program development; defining  
72       terms; providing powers and duties of the center;  
73       requiring the center to work with specified entities  
74       to ensure full use of state infrastructure;  
75       authorizing the center to provide direct services or  
76       contract for the provision of services; providing  
77       eligibility criteria for services; authorizing the  
78       center to provide assistance to persons meeting such  
79       criteria, subject to availability of funds and  
80       resources; amending s. 430.901, F.S.; conforming  
81       provisions to changes made by the act; amending s.  
82       744.2003, F.S.; revising professional and public  
83       guardians' continuing education requirements to  
84       include Alzheimer's disease and related dementias;  
85       amending ss. 744.2004 and 744.20041, F.S.; revising  
86       certain disciplinary actions and penalties; amending  
87       s. 744.2104, F.S.; authorizing the Office of Public

586-02241-26

20261630c1

88 and Professional Guardians to issue certain subpoenas  
89 to certain entities to compel the production of  
90 records in conducting certain investigations;  
91 authorizing the office to petition the court for a  
92 certain purpose under certain circumstances;  
93 reenacting s. 110.501(4), F.S., relating to  
94 definitions, to incorporate the amendment made to s.  
95 430.204, F.S., in a reference thereto; reenacting s.  
96 430.504, F.S., relating to confidentiality of  
97 information, to incorporate the amendment made to s.  
98 430.503, F.S., in a reference thereto; reenacting s.  
99 430.603, F.S., relating to home care for the elderly  
100 and rules, to incorporate the amendment made to s.  
101 430.605, F.S., in a reference thereto; providing an  
102 effective date.

103  
104 Be It Enacted by the Legislature of the State of Florida:

105  
106 Section 1. Subsections (2) and (3) of section 409.979,  
107 Florida Statutes, are amended to read:

108 409.979 Eligibility.—  
109 (2) PRE-ENROLLMENT ENROLLMENT OFFERS.—Subject to the  
110 availability of funds, the Department of Elderly Affairs shall  
111 make offers for enrollment to eligible individuals based on a  
112 pre-enrollment list ~~wait-list~~ prioritization. Before making  
113 enrollment offers, the agency and the Department of Elderly  
114 Affairs shall determine that sufficient funds exist to support  
115 additional enrollment into plans.

116 (a) ~~A Medicaid recipient enrolled in one of the following~~

586-02241-26

20261630c1

117 ~~Medicaid home and community-based services waiver programs who~~  
118 ~~meets the eligibility criteria established in subsection (1) is~~  
119 ~~eligible to participate in the long-term care managed care~~  
120 ~~program and must be transitioned into the long-term care managed~~  
121 ~~care program by January 1, 2018:~~

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

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

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

134 (a) The Department of Elderly Affairs shall prioritize  
135 individuals for potential enrollment for home and community-  
136 based services through the long-term care managed care program  
137 using a frailty-based screening tool that results in a priority  
138 score. The priority score is used to set an order for releasing  
139 individuals from the pre-enrollment wait list for potential  
140 enrollment in the long-term care managed care program. If  
141 capacity is limited for individuals with identical priority  
142 scores, the individual with the oldest date of placement on the  
143 pre-enrollment wait list shall receive priority for release.

144 1. Pursuant to s. 430.2053, aging and disability resource  
145 center personnel certified by the Department of Elderly Affairs

586-02241-26

20261630c1

146 shall perform the screening for each individual requesting  
147 enrollment for home and community-based services through the  
148 long-term care managed care program. Aging and disability  
149 resource center personnel shall place on and release from the  
150 pre-enrollment lists clients eligible for the Alzheimer's  
151 Disease Initiative or the Community Care for the Elderly, Home  
152 Care for the Elderly, or Statewide Medicaid Managed Care Long-  
153 Term Care programs. The Department of Elderly Affairs shall  
154 request that the individual or the individual's authorized  
155 representative provide alternate contact names and contact  
156 information.

157 2. The individual ~~requesting the long term care services,~~  
158 or the individual's authorized representative, must participate  
159 in an initial screening or rescreening for placement on the pre-  
160 enrollment wait list. The screening or rescreening must be  
161 completed in its entirety before placement on the pre-enrollment  
162 wait list.

163 3. Pursuant to s. 430.2053, staff authorized and certified  
164 by the Department of Elderly Affairs aging resource center  
165 personnel shall administer rescreening annually or upon  
166 notification of a significant change in an individual's  
167 circumstances for an individual with a high priority score.  
168 Aging and disability resource center personnel may administer  
169 rescreening annually or upon notification of a significant  
170 change in an individual's circumstances for an individual with a  
171 low priority score.

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

586-02241-26

20261630c1

175 to calculate an individual's priority score.

176 (b) Upon completion of the screening or rescreening  
177 process, the Department of Elderly Affairs shall notify the  
178 individual or the individual's authorized representative that  
179 the individual has been placed on the pre-enrollment ~~wait~~ list,  
180 unless the individual has a low priority score. The Department  
181 of Elderly Affairs must maintain contact information for each  
182 individual with a low priority score for purposes of any future  
183 rescreening. Aging and disability resource center personnel  
184 shall inform individuals with low priority scores of community  
185 resources available to assist them and inform them that they may  
186 contact the aging and disability resource center for a new  
187 assessment at any time if they experience a change in  
188 circumstances.

189 (c) If the Department of Elderly Affairs is unable to  
190 contact the individual or the individual's authorized  
191 representative to schedule an initial screening or rescreening,  
192 and documents the actions taken to make such contact, it shall  
193 send a letter to the last documented address of the individual  
194 or the individual's authorized representative. The letter must  
195 advise the individual or his or her authorized representative  
196 that he or she must contact the Department of Elderly Affairs  
197 within 30 calendar days after the date of the notice to schedule  
198 a screening or rescreening and must notify the individual that  
199 failure to complete the screening or rescreening will result in  
200 his or her termination from the screening process and the pre-  
201 enrollment ~~wait~~ list.

202 (d) After notification by the agency of available capacity,  
203 the ~~CARES program shall conduct a prerelease assessment. The~~

586-02241-26

20261630c1

204 Department of Elderly Affairs shall release individuals from the  
205 pre-enrollment ~~wait~~ list based on the priority scoring process  
206 ~~and prerelease assessment results. The aging and disability~~  
207 ~~resource center shall conduct a prerelease assessment.~~ Upon  
208 release, individuals who meet all financial and medical  
209 eligibility criteria may enroll in the long-term care managed  
210 care program.

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

- 214 1. Does not have a current priority score due to the  
215 individual's action or inaction;
- 216 2. Requests to be removed from the pre-enrollment ~~wait~~  
217 list;
- 218 3. Does not keep an appointment to complete the rescreening  
219 without scheduling another appointment and has not responded to  
220 three documented attempts by the Department of Elderly Affairs  
221 to contact the individual;
- 222 4. Receives an offer to begin the eligibility determination  
223 process for the long-term care managed care program; or
- 224 5. Begins receiving services through the long-term care  
225 managed care program.

226  
227 An individual whose inclusion on the pre-enrollment ~~wait~~ list is  
228 terminated must initiate a new request for placement on the pre-  
229 enrollment ~~wait~~ list, and any previous priority considerations  
230 must be disregarded.

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

586-02241-26

20261630c1

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

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

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

245 3. An individual who is referred by the Department of  
246 Children and Families pursuant to the Adult Protective Services  
247 Act, ss. 415.101-415.113, as high risk and who is placed in an  
248 assisted living facility temporarily funded by the Department of  
249 Children and Families.

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

252 Section 2. Subsection (4) of section 409.983, Florida  
253 Statutes, is amended to read:

254 409.983 Long-term care managed care plan payment.—In  
255 addition to the payment provisions of s. 409.968, the agency  
256 shall provide payment to plans in the long-term care managed  
257 care program pursuant to this section.

258 (4) The initial assessment of an enrollee's level of care  
259 shall be reviewed or performed ~~made~~ by the Comprehensive  
260 Assessment and Review for Long-Term Care Services (CARES)  
261 program, which shall assign the recipient into one of the

586-02241-26

20261630c1

262 following levels of care:

263 (a) Level of care 1 consists of recipients residing in or  
264 who must be placed in a nursing home.265 (b) Level of care 2 consists of recipients at imminent risk  
266 of nursing home placement, as evidenced by the need for the  
267 constant availability of routine medical and nursing treatment  
268 and care, and who require extensive health-related care and  
269 services because of mental or physical incapacitation.270 (c) Level of care 3 consists of recipients at imminent risk  
271 of nursing home placement, as evidenced by the need for the  
272 constant availability of routine medical and nursing treatment  
273 and care, who have a limited need for health-related care and  
274 services and are mildly medically or physically incapacitated.275  
276 The agency shall periodically adjust payment rates to account  
277 for changes in the level of care profile for each managed care  
278 plan based on encounter data.279 Section 3. Subsection (7) of section 430.03, Florida  
280 Statutes, is amended to read:281 430.03 Purposes.—The purposes of the Department of Elderly  
282 Affairs are to:283 (7) Oversee implementation of federally funded and state-  
284 funded programs and services for the state's elderly population.  
285 The department may provide direct services for the Community  
286 Care for the Elderly Program, Home Care for the Elderly Program,  
287 and the Alzheimer's Disease Initiative only in the event of a  
288 state of emergency or in the event a contracted service provider  
289 or subcontractor is unable to provide services.

290 Section 4. Present paragraph (g) of subsection (2) of

586-02241-26

20261630c1

291 section 430.04, Florida Statutes, is redesignated as paragraph  
292 (h), a new paragraph (g) is added to that subsection, and  
293 paragraph (f) of that subsection is amended to read:

294 430.04 Duties and responsibilities of the Department of  
295 Elderly Affairs.—The Department of Elderly Affairs shall:

296 (2) Be responsible for ensuring that each area agency on  
297 aging operates in a manner to ensure that the elderly of this  
298 state receive the best services possible. The department shall  
299 rescind designation of an area agency on aging or take  
300 intermediate measures against the agency, including corrective  
301 action, unannounced special monitoring, temporary assumption of  
302 operation of one or more programs by the department, placement  
303 on probationary status, imposing a moratorium on agency action,  
304 imposing financial penalties for nonperformance, or other  
305 administrative action pursuant to chapter 120, if the department  
306 finds that:

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

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

311 Section 5. Section 430.09, Florida Statutes, is created to  
312 read:

313 430.09 Area agencies on aging expenditures.—

314 (1) The procurement of commodities or contractual services  
315 by an area agency on aging and its subcontractors must comply  
316 with applicable state and federal law and follow all  
317 regulations.

318 (a) Area agencies on aging shall competitively procure all  
319 contracts in excess of \$35,000.

586-02241-26

20261630c1

320       (b) The department shall impose financial consequences, as  
321       established by the department and incorporated into the  
322       contract, for noncompliance with applicable local, state, or  
323       federal law for the procurement of commodities or contractual  
324       services.

325       (2) An administrative employee of an area agency on aging  
326       may not receive a salary in excess of 150 percent of the annual  
327       salary paid to the secretary of the Department of Elderly  
328       Affairs from state-appropriated funds or from state-appropriated  
329       federal funds. This limitation applies regardless of the number  
330       of contracts an area agency on aging may execute with the  
331       department. This subsection does not prohibit any party from  
332       providing compensation that is not from state funds to an area  
333       agency on aging administrative employee.

334       Section 6. Subsections (3) and (5) and paragraph (c) of  
335       subsection (9) of section 430.203, Florida Statutes, are amended  
336       to read:

337       430.203 Community care for the elderly; definitions.—As  
338       used in ss. 430.201-430.207, the term:

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

348       (5) "Core services" means a variety of home-delivered

586-02241-26

20261630c1

349 services, day care services, and other basic services that may  
350 be provided by several entities. Core services are those  
351 services that are most needed to prevent unnecessary  
352 institutionalization. ~~The area agency on aging shall not~~  
353 ~~directly provide core services.~~

354 (9) "Lead agency" means an agency designated at least once  
355 every 6 years by an area agency on aging as the result of a  
356 competitive procurement conducted through a request for  
357 proposal.

358 (c) In each community care service system, the lead agency  
359 must be given the authority and responsibility to coordinate  
360 some or all of the services, either directly or through  
361 subcontracts, for functionally impaired elderly persons. These  
362 services must include case management, homemaker and chore  
363 services, respite care, ~~adult day care~~, personal care services,  
364 home-delivered meals, counseling, ~~information and referral~~, and  
365 emergency home repair services. The lead agency must compile  
366 community care statistics and monitor, when applicable,  
367 subcontracts with agencies providing core services.

368 Section 7. Subsections (1), (4), (5), and (8) of section  
369 430.204, Florida Statutes, are amended to read:

370 430.204 Community-care-for-the-elderly core services;  
371 departmental powers and duties.—

372 (1) ~~(a)~~ The department shall fund, through each area agency  
373 on aging, at least one community care service system the primary  
374 purpose of which is the prevention of unnecessary  
375 institutionalization of functionally impaired elderly persons  
376 through the provision of community-based core services. Whenever  
377 feasible, an area agency on aging shall be the contracting

586-02241-26

20261630c1

378 agency of preference to engage only in the planning and funding  
379 of community-care-for-the-elderly core services for functionally  
380 impaired elderly persons.

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

387 (4) The department or contracting agency shall contract for  
388 the provision of the core services required by a community care  
389 service area. The area agency on aging may not directly provide  
390 core services unless the designated lead agency is unable to  
391 perform its duties or in the event of a state of emergency and  
392 the department approves.

393 ~~(5) Entities contracting to provide core services under ss.~~  
394 ~~430.201-430.207 must provide a minimum of 10 percent of the~~  
395 ~~funding necessary for the support of project operations. In-kind~~  
396 ~~contributions, whether materials, commodities, transportation,~~  
397 ~~office space, other types of facilities, or personal services,~~  
398 ~~and contributions of money or services from functionally~~  
399 ~~impaired elderly persons may be evaluated and counted as part or~~  
400 ~~all of the required local funding.~~

401 ~~(8) Provider agencies are responsible for the collection of~~  
402 ~~fees for services in accordance with rules adopted by the~~  
403 ~~department. Provider agencies shall assess fees for services~~  
404 ~~rendered in accordance with those rules. To help pay for~~  
405 ~~services received from community care for the elderly, a~~  
406 ~~functionally impaired elderly person shall be assessed a fee~~

586-02241-26

20261630c1

407 based on an overall ability to pay. The fee to be assessed shall  
408 be fixed according to a schedule established by the department  
409 in cooperation with area agencies, lead agencies, and service  
410 providers.

411 Section 8. Subsections (1), (2), and (4) and paragraph (a)  
412 of subsection (5) of section 430.205, Florida Statutes, are  
413 amended to read:

414 430.205 Community care service system.—

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

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

427 (2) Core services and other support services may be  
428 furnished by public or private agencies or organizations. Each  
429 community care service system must be under the direction of a  
430 lead agency that coordinates the activities of individual  
431 contracting agencies providing community-care-for-the-elderly  
432 services. When practicable, the activities of a community care  
433 service area may be directed from a multiservice senior center,  
434 as defined in s. 430.901, and coordinated with other services  
435 offered therein. ~~This subsection does not require programs in~~

586-02241-26

20261630c1

436 ~~existence prior to the effective date of this act to be~~  
437 ~~relocated.~~

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

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

450 (a) Those elderly persons who are determined by protective  
451 investigations to be high risk vulnerable adults in need of  
452 services, pursuant to s. 415.104(3)(b), or to be victims of  
453 abuse, neglect, or exploitation who are in need of immediate  
454 services to prevent further harm and are referred by the adult  
455 protective services program, shall be given priority ~~primary~~  
456 consideration for receiving community-care-for-the-elderly  
457 services. As used in this paragraph, the term "priority ~~primary~~  
458 consideration" means that an assessment and services must  
459 commence within 72 hours after referral to the department or as  
460 established in accordance with department contracts by local  
461 protocols developed between department service providers and the  
462 adult protective services program. Regardless, a community-care-  
463 for-the-elderly services provider may dispute a referral under  
464 this paragraph by requesting that adult protective services

586-02241-26

20261630c1

465 negotiate the referral placement of, and the services to be  
466 provided to, a vulnerable adult or victim of abuse, neglect, or  
467 exploitation. If an agreement cannot be reached with adult  
468 protective services for modification of the referral decision,  
469 the determination by adult protective services shall prevail.

470 Section 9. Section 430.2053, Florida Statutes, is amended  
471 to read:

472 430.2053 Aging and disability resource centers.—

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

477 (2) The purposes of an aging and disability resource center  
478 are shall be:

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

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

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

491 (a) Develop referral agreements with local community  
492 service organizations, such as senior centers, existing elder  
493 service providers, volunteer associations, and other similar

586-02241-26

20261630c1

494 organizations, to better assist clients who do not need or do  
495 not wish to enroll in programs funded by the department or the  
496 agency. The referral agreements must also include a protocol,  
497 developed and approved by the department, which provides  
498 specific actions that an aging and disability resource center  
499 and local community service organizations must take when a  
500 person or a person's ~~an elder or an elder's~~ representative  
501 seeking information on long-term-care services contacts a local  
502 community service organization ~~before prior to~~ contacting the  
503 aging and disability resource center. The protocol shall be  
504 designed to ensure that persons ~~elders~~ and their families are  
505 able to access information and services in the most efficient  
506 and least cumbersome manner possible.

507 (b) Provide an initial screening of all clients who request  
508 long-term-care services to determine whether the person would be  
509 most appropriately served through any combination of federally  
510 funded programs, state-funded programs, locally funded or  
511 community volunteer programs, or private funding for services.

512 (c) Determine eligibility for the programs and services  
513 listed in subsection (9) for persons residing within the  
514 geographic area served by the aging and disability resource  
515 center and determine a priority ranking for services which is  
516 based upon the potential recipient's frailty level and  
517 likelihood of institutional placement without such services.

518 (d) Place on and release from the pre-enrollment lists  
519 clients eligible for the Alzheimer's Disease Initiative or the  
520 Community Care for the Elderly, Home Care for the Elderly, or  
521 Statewide Medicaid Managed Care Long-term Care programs.

522 (e) Manage the availability of financial resources for the

586-02241-26

20261630c1

523 programs and services listed in subsection (9) for persons  
524 residing within the geographic area served by the aging and  
525 disability resource center.

526 (f) (e) When financial resources become available, refer a  
527 client to the most appropriate entity to begin receiving  
528 services. The aging and disability resource center shall make  
529 referrals to lead agencies for service provision that ensure  
530 that persons individuals who are vulnerable adults in need of  
531 services pursuant to s. 415.104(3)(b), or who are victims of  
532 abuse, neglect, or exploitation in need of immediate services to  
533 prevent further harm and are referred by the adult protective  
534 services program, are given priority primary consideration for  
535 receiving community-care-for-the-elderly services in compliance  
536 with the requirements of s. 430.205(5)(a) and that other  
537 referrals for services are in compliance with s. 430.205(5)(b).

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

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

586-02241-26

20261630c1

552 planning and service area by integrating, either physically or  
553 virtually, the staff and services of the area agency on aging  
554 with the staff of the department's local CARES Medicaid  
555 preadmission screening unit and a sufficient number of staff  
556 from the Department of Children and Families' Economic Self-  
557 Sufficiency Unit necessary to determine the financial  
558 eligibility for all persons age 60 and older residing within the  
559 area served by the aging and disability resource center that are  
560 seeking Medicaid services, Supplemental Security Income, and  
561 food assistance.

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

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

569 ~~(j) Assist Medicaid recipients enrolled in the Medicaid~~  
570 long-term care managed care program with informally resolving  
571 grievances with a managed care network and assist Medicaid  
572 recipients in accessing the managed care network's formal  
573 grievance process as eligible plans become available in each of  
574 the regions defined in s. 409.981(2).

575 (4) The department shall select the entities to become  
576 aging and disability resource centers based on each entity's  
577 readiness and ability to perform the duties listed in subsection  
578 (3) and the entity's:

579 (a) Expertise in the needs of each target population the  
580 center proposes to serve and a thorough knowledge of the

586-02241-26

20261630c1

581 providers that serve these populations.

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

584 (c) Expertise in information and referral activities.

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

588 (e) Financial solvency and stability.

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

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

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

596 (5) The aging and disability resource center shall have a  
597 governing body which shall be the same entity described in s.  
598 20.41(7), and an executive director who may be the same person  
599 as described in s. 20.41(7). The governing body shall annually  
600 evaluate the performance of the executive director.

601 (6) The aging and disability resource center may not be a  
602 provider of direct services other than information and referral  
603 services, outreach, and screening, and intake. The aging and  
604 disability resource center must receive a waiver from the  
605 department to be the provider of any other direct services.

606 (7) The aging and disability resource center must agree to  
607 allow the department to review any financial information the  
608 department determines is necessary for monitoring or reporting  
609 purposes, including financial relationships.

586-02241-26

20261630c1

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

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

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

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

- (a) Community care for the elderly.
- (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.

586-02241-26

20261630c1

639 The department shall by rule provide operating procedures for  
640 aging and disability resource centers, which shall include:  
641 (a) Minimum standards for financial operation, including  
642 audit procedures.  
643 (b) Procedures for monitoring and sanctioning of service  
644 providers.  
645 (c) Minimum standards for technology utilized by the aging  
646 and disability resource center.  
647 (d) Minimum staff requirements which shall ensure that the  
648 aging and disability resource center employs sufficient quality  
649 and quantity of staff to adequately meet the needs of the elders  
650 residing within the area served by the aging and disability  
651 resource center.  
652 (e) Minimum accessibility standards, including hours of  
653 operation.  
654 (f) Minimum oversight standards for the governing body of  
655 the aging and disability resource center to ensure its  
656 continuous involvement in, and accountability for, all matters  
657 related to the development, implementation, staffing,  
658 administration, and operations of the aging and disability  
659 resource center.  
660 (g) Minimum education and experience requirements for  
661 executive directors and other executive staff positions of aging  
662 and disability resource centers.  
663 (h) Minimum requirements regarding any executive staff  
664 positions that the aging and disability resource center must  
665 employ and minimum requirements that a candidate must meet in  
666 order to be eligible for appointment to such positions.  
667 (11) In an area in which the department has designated an

586-02241-26

20261630c1

668 area agency on aging as an aging and disability resource center,  
669 the department and the agency may ~~shall~~ not make payments for  
670 the services listed in subsection (9) and the Statewide Medicaid  
671 Managed Care Long-term Care Program ~~Long-Term Care Community~~  
672 ~~Diversion Project~~ for such persons who were not screened and  
673 enrolled through the aging and disability resource center. The  
674 department shall cease making payments for recipients in  
675 eligible plans as eligible plans become available in each of the  
676 regions defined in s. 409.981(2).

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

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

691 (14) If any of the state activities described in this  
692 section are outsourced, either in part or in whole, the contract  
693 executing the outsourcing shall mandate that the contractor or  
694 its subcontractors shall, either physically or virtually,  
695 execute the provisions of the memorandum of understanding  
696 instead of the state entity whose function the contractor or

586-02241-26

20261630c1

697 subcontractor now performs.

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

702 (16) (a) ~~Once an aging resource center is operational, The~~  
703 ~~department, in consultation with the aging and disability~~  
704 ~~resource center agency, may develop capitation rates for any of~~  
705 ~~the programs administered through the agency aging resource~~  
706 ~~center. Capitation rates for programs shall be based on the~~  
707 ~~historical cost experience of the state in providing those same~~  
708 ~~services to the population age 60 or older residing within each~~  
709 ~~area served by an aging and disability resource center. Each~~  
710 ~~capitated rate may vary by geographic area as determined by the~~  
711 ~~department.~~

712 (b) The department and the agency may determine for each  
713 area served by an aging and disability resource center whether  
714 it is appropriate, consistent with federal and state laws and  
715 regulations, to develop and pay separate capitated rates for  
716 each program administered through the aging and disability  
717 resource center or to develop and pay capitated rates for  
718 service packages which include more than one program or service  
719 administered through the aging and disability resource center.

720 (c) Once capitation rates have been developed and certified  
721 as actuarially sound, the department and the agency may pay  
722 service providers the capitated rates for services when  
723 appropriate.

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

586-02241-26

20261630c1

726 adjusting forward to account for inflation, programmatic  
727 changes.

728 (16) ~~(17)~~ This section does ~~shall~~ not be construed to allow  
729 an aging and disability resource center to restrict, manage, or  
730 impede the local fundraising activities of service providers.

731 Section 10. Section 430.503, Florida Statutes, is amended  
732 to read:

733 430.503 Alzheimer's Disease Initiative; short title fees  
734 ~~and administrative expense.~~—

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

737 (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.~~

749 Section 11. Subsection (3) of section 430.605, Florida  
750 Statutes, is amended to read:

751 430.605 Subsidy payments.—The department shall develop a  
752 schedule of subsidy payments to be made to persons providing  
753 home care, and to providers of goods and services, for certain  
754 eligible elderly persons. Payments must be based on the

586-02241-26

20261630c1

755 financial status of the person receiving care. Payments must  
756 include, but need not be limited to:

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

763 Section 12. Section 430.72, Florida Statutes, is created to  
764 read:

765 430.72 Florida Alzheimer's Center of Excellence.-

766 (1) PURPOSE AND INTENT.-

767 (a) The purpose of this section is to assist and support  
768 persons with Alzheimer's disease or related forms of dementia  
769 and their caregivers by connecting them with resources in their  
770 communities. The Legislature intends to create a holistic care  
771 model for persons with Alzheimer's disease or related forms of  
772 dementia and their caregivers to address two primary goals:

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

775 2. To empower family caregivers to improve their own well-  
776 being.

777 (b) The development of innovative approaches to program  
778 management, staff training, and service delivery which have an  
779 impact on cost-avoidance, cost-effectiveness, and program  
780 efficiency is encouraged.

781 (2) DEFINITIONS.-As used in this section, the term:

782 (a) "Center" means the Florida Alzheimer's Center of  
783 Excellence.

586-02241-26

20261630c1

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

785                   (3) POWERS AND DUTIES.—

786                   (a) There is created within the department the Florida  
787 Alzheimer's Center of Excellence, which shall be responsible for  
788 improving the quality of care for persons living with  
789 Alzheimer's disease or related forms of dementia and improved  
790 quality of life for family caregivers.

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

793                   1. Early and accurate diagnosis.

794                   2. Caregiver health.

795                   3. Improved access to care.

796                   4. Health care use costs.

797                   5. Strengthening a dementia-capable workforce.

798                   6. Underreporting of Alzheimer's disease and related forms  
799 of dementia.

800                   7. Disparities in access to dementia care.

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

803                   1. Care consultation.

804                   2. Support groups.

805                   3. Education and training programs.

806                   4. Caregiver support services such as:

807                   a. Caregiver companions.

808                   b. Caregiver wellness programs.

809                   c. Care support teams.

810                   d. Technology-based services.

811                   e. Coordinating or monitoring care and services.

812                   f. Assistance in obtaining diagnosis or prognosis of

586-02241-26

20261630c1

813 dementia.

- 814 g. Assistance in obtaining end-of-life care.
- 815 h. Assistance connecting to resources for medical care.
- 816 i. Assistance with planning for current or future care.
- 817 j. Guidance for coping with relationship changes for  
persons with dementia and their caregivers.
- 818 k. Skills for communicating with persons with dementia.
- 819 l. Understanding or managing behavioral symptoms of  
dementia.

822 (d) The center shall work with area agencies on aging; the  
Alzheimer's Disease Advisory Committee; the Alzheimer's Disease  
Initiative, including the state-funded memory disorder clinics;  
the Dementia Care and Cure Initiative; universities; hospitals;  
and other available community resources to ensure full use of  
the state's infrastructure.

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

831 (4) ELIGIBILITY FOR SERVICES.—

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

- 834 1. At least one person in the household is a caregiver for  
a person who has been diagnosed with, or is suspected of having,  
Alzheimer's disease or a related form of dementia.
- 837 2. The caregiver or person diagnosed with, or suspected of  
having, Alzheimer's disease or a related form of dementia is a  
resident of this state.
- 840 3. Have the goal of providing in-home care for the person  
who has been diagnosed with, or is suspected of having,

586-02241-26

20261630c1

842 Alzheimer's disease or a related form of dementia.

843 (b) If the person seeking assistance meets the criteria in  
844 paragraph (a), the center may provide assistance to the  
845 caregiving family, subject to the availability of funds and  
846 resources.

847 Section 13. Subsection (2) of section 430.901, Florida  
848 Statutes, is amended to read:

849 430.901 Multiservice senior center; definition; purpose.—A  
850 “multiservice senior center” is:

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

855 Section 14. Subsection (3) of section 744.2003, Florida  
856 Statutes, is amended to read:

857 744.2003 Regulation of professional guardians; application;  
858 bond required; educational requirements.—

859 (3) Each professional guardian as defined in s. 744.102(17)  
860 and public guardian must receive a minimum of 40 hours of  
861 instruction and training. Each professional guardian must  
862 receive a minimum of 30 hours of continuing education every 2  
863 calendar years after the year in which the initial 40-hour  
864 educational requirement is met. The required continuing  
865 education must include at least 2 hours on fiduciary  
866 responsibilities; 2 hours on professional ethics; 1 hour on  
867 advance directives; 1 hour on Alzheimer's disease and related  
868 dementias; 3 hours on abuse, neglect, and exploitation; and 3 4  
869 hours on guardianship law. The instruction and education must be  
870 completed through a course approved or offered by the Office of

586-02241-26

20261630c1

871 Public and Professional Guardians. The expenses incurred to  
872 satisfy the educational requirements prescribed in this section  
873 may not be paid with the assets of any ward. This subsection  
874 does not apply to any attorney licensed to practice law in this  
875 state or an institution acting as guardian under s. 744.2002(7).

876 Section 15. Subsection (2) of section 744.2004, Florida  
877 Statutes, is amended to read:

878 744.2004 Complaints; disciplinary proceedings; penalties;  
879 enforcement.—

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

891 Section 16. Paragraph (g) is added to subsection (2) of  
892 section 744.20041, Florida Statutes, to read:

893 744.20041 Grounds for discipline; penalties; enforcement.—

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

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

586-02241-26

20261630c1

900       Section 17. Present subsection (2) of section 744.2104,  
901 Florida Statutes, is redesignated as subsection (4), and a new  
902 subsection (2) and subsection (3) are added to that section, to  
903 read:

904       744.2104 Access to records by the Office of Public and  
905 Professional Guardians; confidentiality.—

906       (2) In conducting an investigation, the Office of Public  
907 and Professional Guardians may issue subpoenas duces tecum to  
908 financial institutions, insurance companies, the ward's  
909 caregivers, any facility in which the ward is residing or has  
910 resided, and the facility's professional guardians or employees  
911 to compel the production of records relevant to the  
912 investigation conducted by the office.

913       (3) If there is substantial noncompliance with a subpoena  
914 duces tecum issued by the Office of Public and Professional  
915 Guardians, the office may petition the court in the county in  
916 which the noncompliant person resides or has her or his place of  
917 business for an order requiring the person to produce such  
918 records as specified in the subpoena duces tecum.

919       Section 18. For the purpose of incorporating the amendment  
920 made by this act to section 430.204, Florida Statutes, in a  
921 reference thereto, subsection (4) of section 110.501, Florida  
922 Statutes, is reenacted to read:

923       110.501 Definitions.—As used in this act:

924       (4) "Volunteer" means any person who, of his or her own  
925 free will, provides goods or services, or conveys an interest in  
926 or otherwise consents to the use of real property pursuant to  
927 chapter 260, to any state department or agency, or nonprofit  
928 organization, with no monetary or material compensation. A

586-02241-26

20261630c1

929 person registered and serving in Older American Volunteer  
930 Programs authorized by the Domestic Volunteer Service Act of  
931 1973, as amended (Pub. L. No. 93-113), shall also be defined as  
932 a volunteer and shall incur no civil liability as provided by s.  
933 768.1355. A volunteer shall be eligible for payment of volunteer  
934 benefits as specified in Pub. L. No. 93-113, this section, and  
935 s. 430.204.

936 Section 19. For the purpose of incorporating the amendment  
937 made by this act to section 430.503, Florida Statutes, in a  
938 reference thereto, section 430.504, Florida Statutes, is  
939 reenacted to read:

940 430.504 Confidentiality of information.—Information about  
941 clients of programs created or funded under s. 430.501 or s.  
942 430.503 which is received through files, reports, inspections,  
943 or otherwise, by the department or by authorized departmental  
944 employees, by persons who volunteer services, or by persons who  
945 provide services to clients of programs created or funded under  
946 s. 430.501 or s. 430.503 through contracts with the department  
947 is confidential and exempt from the provisions of s. 119.07(1).  
948 Such information may not be disclosed publicly in such a manner  
949 as to identify a person who receives services under s. 430.501  
950 or s. 430.503, unless that person or that person's legal  
951 guardian provides written consent.

952 Section 20. For the purpose of incorporating the amendment  
953 made by this act to section 430.605, Florida Statutes, in a  
954 reference thereto, section 430.603, Florida Statutes, is  
955 reenacted to read:

956 430.603 Home care for the elderly; rules.—The department  
957 shall by rule establish minimum standards and procedures for the

586-02241-26

20261630c1

958 provision of home care for the elderly and for the approval of  
959 persons seeking to provide such care. Any person who is approved  
960 to provide care, goods, or services for an elderly person shall  
961 be eligible for the subsidy payments described in s. 430.605.  
962 However, the home care for the elderly program must be operated  
963 within the funds appropriated by the Legislature.

964 Section 21. This act shall take effect July 1, 2026.