

Committee Substitute for Senate Bill No. 642

An act relating to the elderly services; amending s. 430.041, F.S.; removing the Director of the Office of Long-Term-Care Policy from the office's advisory council; amending s. 430.07, F.S.; authorizing direct payment to a vendor or prepayment of travel expenses for Department of Elderly Affairs volunteers; amending s. 430.205, F.S., relating to community care for the elderly; providing guidelines for determining the priority of recipients of services; repealing s. 65 of chapter 2001-45, Laws of Florida relating to the Office of State Long-Term Care Ombudsman Program; providing effective dates.

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

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

430.041 Office of Long-Term-Care Policy.—

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

(a) The advisory council shall consist of:

1. A member of the Senate, appointed by the President of the Senate;
2. A member of the House of Representatives, appointed by the Speaker of the House of Representatives;
- ~~3. The Director of the Office of Long-Term-Care Policy;~~
- 3.4. The Secretary of Health Care Administration;
- 4.5. The Secretary of Elderly Affairs;
- 5.6. The Secretary of Children and Family Services;
- 6.7. The Secretary of Health;
- 7.8. The Executive Director of the Department of Veterans' Affairs;
- 8.9. Three people with broad knowledge and experience in the delivery of long-term-care services, appointed by the Governor from groups representing elderly persons; and
- 9.10. Two representatives of people using long-term-care services, appointed by the Governor from groups representing elderly persons.

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

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

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

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

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

430.07 Office of Volunteer Community Service.—There is created within the Department of Elderly Affairs the Office of Volunteer Community Service. The office shall:

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

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

430.205 Community care service system.—

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

(a) Those elderly persons who are determined by protective investigations to be vulnerable adults in need of services, pursuant to s. 415.104(3)(b), or to be victims of abuse, neglect, or exploitation who are in need of immediate services to prevent further harm and are referred by the adult protective services program, shall be given primary consideration for receiving community-care-for-the-elderly services. As used in this paragraph subsection, “primary consideration” means that an assessment and services must commence within 72 hours after referral to the department or as established in accordance with department contracts by local protocols developed between department service providers and the adult protective services program.

(b) The department shall determine an order of prioritization for all other functionally impaired elderly persons seeking community-care-for-the-elderly services which is based upon the potential recipient’s frailty level and likelihood of institutional placement without such services. After determining such frailty level and likelihood of institutional placement, should the list of potential recipients require further prioritization, another factor that must be considered is the potential recipient’s ability to pay for such

services. Those who are less able to pay for such services must receive higher priority than those who are better able to pay for such services. A potential recipient's ability to pay may be determined by the department based on the potential recipient's self-declared statement of income and expenses.

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

Section 5. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2003.

Approved by the Governor June 2, 2003.

Filed in Office Secretary of State June 2, 2003.