

# 2009 Legislation of Interest to AFELA

## Senate Bills

### **S260 GENERAL BILL by Wise**

Alzheimer's Disease [SPSC]; Directs the Department of Elderly Affairs to develop and implement a public education program relating to screening for Alzheimer's disease. Requires grant recipients to submit an evaluation of certain activities to the department. Authorizes the department to provide technical support. Requires an annual report to the Legislature. Requires the department to conduct or support a study on memory-impairment screening, etc. EFFECTIVE DATE: 07/01/2009.  
12/03/08 SENATE Filed

12/17/08 SENATE Referred to Children, Families, and Elder Affairs; Health and Human Services Appropriations; Policy & Steering Committee on Ways and Means

### **S348 GENERAL BILL by Crist**

Medicaid Buy-in/Persons with Disabilities; Provides for Medicaid eligibility for certain persons with disabilities under a Medicaid buy-in program, subject to specific federal authorization. Requires the Agency for Health Care Administration to seek amendments to specified Medicaid waivers for certain persons with disabilities. EFFECTIVE DATE: 07/01/2009.

12/15/08 SENATE Filed

### **S354 GENERAL BILL by Crist (Compare [H 0147](#))**

Mental and Nervous Disorders/Health Insurance; Revises the requirements for optional coverage for mental and nervous disorders. Prohibits the durational limits, dollar amounts, deductibles, or coinsurance factors for certain specified illnesses or conditions from being less favorable than those for physical illness. Increases the number of days for which inpatient benefits may be limited. Repeals provision relating to optional coverage for substance abuse impaired persons, etc. EFFECTIVE DATE: 01/01/2010.

12/15/08 SENATE Filed

**S540 GENERAL BILL by Fasano (Similar [H 0153](#))**

Health Care Representatives; Revises the date for confirming the validity of advanced directives validly made under prior law. Provides for expedited judicial intervention upon belief that a health care representative has not kept the principal reasonably informed of matters that he or she has performed on behalf of the principal under specified provisions. Creates the "Florida Health Care Representative Act," etc. EFFECTIVE DATE: 10/01/2009.

01/06/09 SENATE Filed

**S548 JOINT RESOLUTION by Sobel (Identical [H 0065](#))**

Department of Elder Affairs; Proposes an amendment to the State Constitution to redesignate the Department of Elderly Affairs as the Department of Elder Affairs.

01/06/09 SENATE Filed

**S556 GENERAL BILL by Gaetz**

Medicaid Program/Low-Income Pool Plan; Requires the Agency for Health Care Administration to make and submit recommendations to the Governor and the Legislature regarding the financing of and distribution of funds for the low-income pool plan and the disproportionate share program. Abolishes the Medicaid Low-Income Pool Council. EFFECTIVE DATE: 07/01/2009.

01/06/09 SENATE Filed

**S606 GENERAL BILL by Wise (Identical [H 0315](#))**

Florida Prepaid College Program [SPSC]; Revises provisions relating to the transfer of benefits received from the Florida Prepaid College Program to private and out-of-state colleges and universities and to career centers. Amends a provision relating to professional guardians. Conforms a cross-reference. EFFECTIVE DATE: 07/01/2009.

01/08/09 SENATE Filed

01/23/09 SENATE Referred to Higher Education; Higher Education Appropriations

**S666 GENERAL BILL by Rich**

Senior Services/Independent Special District; Authorizes a county to create an independent special district by ordinance to provide funding for services for seniors. Requires approval by a majority vote of electors to annually levy ad valorem taxes. Creates a governing council for the district. Requires the council to prepare a tentative annual budget and to compute a millage rate to fund the tentative budget. Provides legislative intent with respect to the use of funds collected, etc. EFFECTIVE DATE: 07/01/2009.  
01/13/09 SENATE Filed

**S724 GENERAL BILL by Bennett (Identical [H 0141](#))**

Annuity Contracts for Senior Consumers; Cites act as the "Florida Senior Annuity Bill of Rights." Provides legislative findings. Provides definitions. Specifies annuity contract protection criteria for senior consumers. EFFECTIVE DATE: 01/01/2010.  
01/14/09 SENATE Filed

**S770 GENERAL BILL by Fasano**

Area Agencies on Aging; Revises provisions relating to the Department of Elderly Affairs. Deletes references to the boards of area agencies on aging. Requires that each area agency on aging, rather than the DOEA, develop request for proposals for a community care for the elderly lead agency. Prohibits the Division of Administrative Hearings from having jurisdiction over disputes relating to the competitive procurement process developed by the area agencies, etc. EFFECTIVE DATE: Upon becoming law.  
01/16/09 SENATE Filed

**S878 GENERAL BILL by Rich (Similar [H 0523](#))**

Court Actions Involving Families; Provides additional purposes relating to implementing a unified family court program in the circuit courts. Provides legislative intent. Expands eligibility criteria for guardians ad litem. Provides requirements for and limitations on certification of guardians ad litem by not-for-profit legal aid organizations. EFFECTIVE DATE: Upon becoming law.  
01/21/09 SENATE Filed

**S912 GENERAL BILL by Deutch (Identical [H 0637](#))**

Affordable Housing for Seniors; Revises provisions relating to the elements of local comprehensive plans to include an element for affordable housing for seniors. Provides for the disposition of real property by a local government for the development of affordable housing. EFFECTIVE DATE: 07/01/2009.

01/22/09 SENATE Filed

**S988 GENERAL BILL by Fasano (Compare [H 0493](#))**

Nursing Homes; Provides that a civil cause of action for the abuse, neglect, or exploitation of a vulnerable adult under provisions relating to adult protective services is precluded if an action for violation of resident rights is brought under provisions relating to nursing homes. Provides an exception for a perpetrator. Requires a showing of admissible evidence and an evidentiary hearing before a claim for punitive damages can be brought, etc. EFFECTIVE DATE: 07/01/2009.

01/26/09 SENATE Filed

**S1018 GENERAL BILL by Joyner**

Guardians Ad Litem; Authorizes a person certified by a not-for-profit legal aid organization to serve as a guardian ad litem in a dissolution of marriage proceeding that does not involve child abuse, abandonment, or neglect. Requires that such person undergo a security background investigation and undergo training in a program developed by The Florida Bar, etc. EFFECTIVE DATE: 07/01/2009.

01/27/09 SENATE Filed

## HOUSE

**H65 JOINT RESOLUTION by Pafford (Identical [S 0548](#))**

Department of Elder Affairs; Proposes amendment to s. 12, Art. IV of State Constitution to redesignate Department of Elderly Affairs as Department of Elder Affairs.

12/04/08 HOUSE Filed

12/30/08 HOUSE Referred to Calendar

**H141 GENERAL BILL by Ford**

Annuity Contracts for Senior Consumers; Specifies annuity contract protection criteria for senior consumers. EFFECTIVE DATE: 01/01/2010.

12/18/08 HOUSE Filed

**H153 GENERAL BILL by Anderson (Similar [S 0540](#))**

Health Care Representatives; Provides for designation of health care representative; provides for designation of separate health care representative to consent to mental health treatment in certain circumstances; provides for effective date of designation; provides that written designation creates rebuttable presumption of clear & convincing evidence of principal's designation; provides suggested form, etc.

EFFECTIVE DATE: 10/01/2009.

12/22/08 HOUSE Filed

**H209 GENERAL BILL by Schwartz (Identical [S 0492](#))**

Revised Uniform Anatomical Gift Act; Enacts "Revised Uniform Anatomical Gift Act"; revises numerous provisions relating to anatomical gifts, including manner of making or revoking gifts & persons who may make or receive gifts; requires specified persons to make reasonable search identifying certain persons as donor or persons who have refused; specifies rights & duties of procurement organizations when an individual has been referred to them, etc. EFFECTIVE DATE: 10/01/2009.

01/05/09 HOUSE Filed

**H241 GENERAL BILL by Braynon**

Staffing of Health Care Facilities; Creates "Safe Staffing for Quality Care Act"; prescribes safe staffing standards for acute care hospitals, emergency care, ambulatory, or outpatient surgery facilities, or psychiatric facilities; provides that such facilities shall provide staffing by registered nurses in accordance with minimum nurse-to-patient ratios set forth in specified standards; requires recordkeeping; prohibits mandatory overtime; provides employee rights, etc. EFFECTIVE DATE: 07/01/2009.

01/06/09 HOUSE Filed

**H305 GENERAL BILL by Schwartz**

Adult Guardianship; Creates "Uniform Adult Guardianship & Protective Proceedings Jurisdiction Act"; provides for applicability; provides for interstate communication & cooperation; provides duties of courts regarding appointing guardians or issuing protective orders; authorizes court to assess specified fees, costs, & expenses; provides requirements for proceedings conducted in more than one state, etc. EFFECTIVE DATE: 07/01/2009.

01/12/09 HOUSE Filed

**H315 GENERAL BILL by Van Zant (Identical [S 0606](#))**

Florida Prepaid College Program; Revises provisions relating to transfer of benefits received from Florida Prepaid College Program to private & out-of-state colleges & universities & to career centers. EFFECTIVE DATE: 07/01/2009.

01/13/09 HOUSE Filed

**H443 GENERAL BILL by Burgin**

Byrd, Sr., Alzheimer's Center & Research Institute; Revises various provisions relating to research institute; provides mission statement; deletes duties of State Board of Education & Board of Governors & provides duties of not-for-profit corporation & its board of directors; revises duties of chief executive officer of institute; specifies sources of funding for institute & purposes for which expenditures may be made; deletes expiration provisions. EFFECTIVE DATE: Upon becoming law.

01/19/09 HOUSE Filed

**H455 GENERAL BILL by Kriseman**

Personal Needs Allowance; Increases monthly personal needs allowance for eligible residents of licensed nursing facilities. EFFECTIVE DATE: 07/01/2009.

01/20/09 HOUSE Filed

**H493 GENERAL BILL by Murzin (Compare [S 0988](#))**

Licensure/Nursing Homes & Related Facilities; Provides condition for actions brought on behalf of nursing home residents under certain alternative theory of recovery; prohibits certain actions or admissions from being admitted as evidence in liability actions; requires evidentiary hearing to determine basis for punitive damages; provides conditions under which facility is not liable for failure to provide adequate staffing, etc. EFFECTIVE DATE: 07/01/2009.

01/20/09 HOUSE Filed

**H523 GENERAL BILL by Planas (Similar [S 0878](#))**

Court Actions Involving Families; Provides additional purposes relating to implementing unified family court program in circuit courts; provides legislative intent; expands eligibility criteria for guardians ad litem; provides requirements for & limitations on certification of guardians ad litem by not-for-profit legal aid organizations. EFFECTIVE DATE: Upon becoming law.

01/20/09 HOUSE Filed

**H535 GENERAL BILL by Drake (Identical [S 0456](#))**

Mental Illness; Requires law enforcement agency that transports persons to receiving facility to have memorandum of understanding with facility; requires that custody of person who is transported to receiving or treatment facility be relinquished to responsible person at facility; specifies that psychiatric examination by certain personnel be conducted face-to-face or by electronic means. EFFECTIVE DATE: 07/01/2009.

01/20/09 HOUSE Filed

**H589 GENERAL BILL by Schwartz (Identical [S 0260](#))**

Alzheimer's Disease; Directs DEA to develop & implement public education program relating to screening for Alzheimer's disease; requires grant recipients to submit evaluation of certain activities to department; authorizes department to provide technical support; requires

annual report to Legislature; requires department to conduct or support study on memory-impairment screening. EFFECTIVE DATE: 07/01/2009.  
01/21/09 HOUSE Filed

**H599 GENERAL BILL by Hukill**

Administration of Estates; Revises various provisions relating to administration of estates. EFFECTIVE DATE: 10/01/2009.  
01/23/09 HOUSE Filed

**H637 GENERAL BILL by Pafford (Identical [S 0912](#))**

Affordable Housing for Seniors; Revises provisions relating to elements of local comprehensive plans to include element for affordable housing for seniors; provides for disposition of real property by local government for development of affordable housing. EFFECTIVE DATE: 07/01/2009.  
01/28/09 HOUSE Filed