

Elder Law Section

July 23, 2010

1. Opposes legislation that would limit awards, attorney's fees and costs in liability actions brought against nursing homes or assisted living facilities.
2. Supports legislation that would increase staffing ratios, governmental oversight and Medicaid reimbursement rates to improve the general quality of care for residents in any long term care facility, and opposes legislation that would decrease staffing ratios, governmental oversight and Medicaid reimbursement rates or otherwise decrease the general quality of care for residents in any long term care facility. (Revised January 30, 2009)
3. Opposes legislation that would restrict or revoke driving privileges based solely upon aging factors.
4. Supports legislation that would enhance enforcement of existing provisions to revoke driving privileges from persons who are determined to be impaired.
5. Opposes legislation that would eliminate or diminish the rights of residents of any long term care facility. (Revised January 30, 2009)
6. Opposes any legislation that would allow the clerks of court in any and/or all circuits to assess and collect audit fees or other fees in guardianship or probate cases that would be a percentage of the total amount or value of the respective guardianship or probate estate.
7. Opposes any legislation that would decrease current court authority and control over guardianship or probate matters while increasing, correspondingly or otherwise, the clerk of courts authority over these same matters.
8. Opposes the adoption of summary guardianship proceedings outside the protections of Chapter 744, Florida Statutes.
9. Supports the development and implementation of a public education program stressing the need for screenings for memory impairment and the importance of early diagnosis and treatment of Alzheimer's disease and related disorders; and supports the mandate that the Department of Elder Affairs conduct, or provide support for, a study on the benefits of memory screenings and the scientific evidence on the techniques for memory screening.
10. Supports adequate funding of the state courts system, state attorneys' offices, public defenders' offices, and court-appointed counsel.
11. Supports legislation which provides for designation of a health care representative.

12. Supports legislation that protects an individual's rights relating to their health care decisions regardless of incapacity, and opposes any legislation that erodes such rights.

13. Supports legislation that enhances and increases the protection of vulnerable adults wherever they reside, and opposes any legislation that erodes or decreases such protection.

14. Supports legislation to provide residents of assisted living facilities a process for administrative hearings and administrative review of discharge decisions.

15. Supports legislation that increases the personal needs allowance to qualified individuals residing in any long term care, health care and/or residential facility.

16. Supports legislation requiring a specific pleading against a vulnerable adult defendant.

17. Opposes legislation requiring filial responsibility for long term care of adults.

18. Supports legislation recognizing the economic value of care provided to vulnerable adults by family members and friends.

19. Supports legislation that would increase and enhance the rights of residents of any long term care facility and which would restrict the use of over-burdensome and onerous provisions in admissions contracts used by long term care facilities.

20. Supports public access to long term care insurance at reasonable and affordable costs with adequate and reasonable benefits.

21. Supports adequate funding for programs that allow Florida's seniors to age in place and opposes reduction or elimination of funding for programs that allow Florida's seniors to age in place.

22. Opposes the expansion of creditors' rights beyond the current statutory and common law rights available to creditors under Florida law.

23. Supports legislation that exempts the addresses and telephone numbers of long term care ombudsmen volunteers from public records law.

24. Supports legislation that aligns State Law with Veterans Administration Federal Law, with regard to the treatment of low income pension with Aid and Attendance and opposes legislation that impoverishes spouses of veterans living in the community.