

Committee on Children, Families, And Elder Affairs

CS/CS/HB 1083 — Agency for Persons with Disabilities

by Appropriations Committee; Health and Human Services Committee; and Rep. Renner and others (CS/SB 7054 by Appropriations Committee; Children, Families, and Elder Affairs Committee)

The bill amends s. 393.065(5), F.S., to make changes to the waiver waiting list prioritization categories. The bill allows individuals with developmental disabilities needing both waiver and extended foster care child welfare services to be prioritized in Category 2 and, when enrolled on the waiver, to be served by both the Agency for Persons with Disabilities (APD) and community-based care organizations. The bill permits waiver enrollment without first being placed on the waiting list for individuals who were on a home and community-based waiver services (HCBS) program in another state and whose parent or guardian is an active-duty military service member transferred into the state. The bill provides that individuals remaining on the waiting list after other individuals are added are not substantially affected by agency action and not entitled to a hearing under s. 393.125, F.S., or administrative proceeding under chapter 120, F.S. Rulemaking authority is provided to specify tools for prioritizing waiver enrollment within categories.

Additionally, the bill allows increases in funding for waiver enrollees' services if they have a significant need for transportation to waiver-funded adult day training or employment services and have no other reasonable transportation options.

Section 393.067, F.S., requires APD to license comprehensive transitional education programs (CTEPs). The FY 2015-16 implementing bill amended s. 393.067, F.S., to remove a requirement that APD must contract for residential services with facilities licensed prior to October 1, 1989. The FY 2015-16 implementing bill also amended s. 393.18, F.S., to delete language restricting APD's ability to license new CTEP providers. Prior to the implementing bill, these two provisions operated to create a monopoly for one provider. The amendments to these statutes will expire and revert to the original language on July 1, 2016. The bill repeals those expiration and reversion clauses, allowing the amended language of ss. 393.067 and 393.18, F.S., from Chapter 2015-222, Laws of Florida, to remain law.

Section 393.11, F.S., authorizes involuntary admission of persons with intellectual disabilities and autism that require residential services. However, a 2015 Florida Supreme Court ruling found that current law does not address the agency's duty to perform periodic reviews of continued involuntary admission with the duty to consider appropriate placement and provision of services and the authority to order release. This bill directs APD to have people involuntarily admitted into residential services to be evaluated by a qualified evaluator and provide the evaluations to the court for consideration of placement and services.

The bill requires contracted waiver services providers to use any APD data management systems to document service provision to APD clients and to have required hardware and software for doing so; they must also comply APD's requirements for provider staff training and professional development. The bill also adds Down syndrome to the definition of "developmental disability."

Such individuals already are eligible for HCBS waiver services under that diagnosis and also may qualify for services due to intellectual disability.

If approved by the Governor, these provisions take effect July 1, 2016, except as otherwise provided in the bill.

Vote: Senate 39-0; House 117-0