

By Senator Meadows

30-827-98

1 A bill to be entitled
 2 An act relating to developmental disabilities;
 3 amending s. 393.063, F.S.; redefining the terms
 4 "intermediate care facility for the
 5 developmentally disabled" and "residential
 6 habilitation center"; amending s. 393.0651,
 7 F.S.; revising criteria for the placement of
 8 clients; amending s. 393.067, F.S.; providing
 9 for the licensure of facilities as intermediate
 10 care facilities for the mentally retarded;
 11 amending s. 393.068, F.S.; deleting legislative
 12 recognition of deinstitutionalization; amending
 13 s. 393.12, F.S.; revising conditions for the
 14 appointment of a guardian advocate; repealing
 15 ss. 393.165 and 393.166, F.S., which provide
 16 legislative findings and provide for licensure
 17 of facilities under the Intermediate Care
 18 Facility for the Developmentally Disabled
 19 Program; providing an effective date.

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

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 23 Section 1. Subsections (29) and (41) of section
 24 393.063, Florida Statutes, are amended to read:

25 393.063 Definitions.--For the purposes of this
 26 chapter:

27 (29) "Intermediate care facility for the
 28 developmentally disabled" or "ICF/DD" means a
 29 ~~state-owned-and-operated~~ residential facility licensed in
 30 accordance with state law, and certified by the Federal
 31 Government pursuant to the Social Security Act, as a provider

1 of Medicaid services to persons who are mentally retarded or
2 who have related conditions. ~~The capacity of such a facility~~
3 ~~shall not be more than 120 clients.~~

4 (41) "Residential habilitation center" means a
5 community residential facility operated primarily for the
6 diagnosis, treatment, habilitation, or rehabilitation of its
7 residents, which facility provides, in a structured
8 residential setting, individualized continuing evaluation,
9 planning, 24-hour supervision, and coordination and
10 integration of health or rehabilitative services to help each
11 resident reach his or her maximum functioning capabilities.
12 The capacity of such a facility shall not be less than nine
13 residents. ~~After October 1, 1989, no new residential~~
14 ~~habilitation centers shall be licensed and the licensed~~
15 ~~capacity shall not be increased for any existing residential~~
16 ~~habilitation center.~~

17 Section 2. Subsection (5) of section 393.0651, Florida
18 Statutes, is amended to read:

19 393.0651 Family or individual support plan.--The
20 department shall provide for an appropriate family support
21 plan for children ages birth to 18 years of age and an
22 individual support plan for each client. The parent or
23 guardian of the client or, if competent, the client, or, when
24 appropriate, the client advocate, shall be consulted in the
25 development of the plan and shall receive a copy of the plan.
26 Each plan shall include the most appropriate, least
27 restrictive, and most cost-beneficial environment for
28 accomplishment of the objectives for client progress and a
29 specification of all services authorized. The plan shall
30 include provisions for the most appropriate level of care for
31 the client. Within the specification of needs and services for

1 each client, when residential care is necessary, the
2 department shall move toward placement of clients in
3 residential facilities based within the client's community.
4 The ultimate goal of each plan, whenever possible, shall be to
5 enable the client to live a dignified life in the least
6 restrictive setting, be that in the home or in the community.
7 For children under 6 years of age, the family support plan
8 shall be developed within the 45-day application period as
9 specified in s. 393.065(1); for all applicants 6 years of age
10 or older, the family or individual support plan shall be
11 developed within the 60-day period as specified in that
12 subsection.

13 (5) The department shall place a client in the most
14 appropriate and least restrictive, and cost-beneficial,
15 residential facility according to his or her individual
16 habilitation plan. The parent or guardian of the client or, if
17 competent, the client, or, when appropriate, the client
18 advocate, and the administrator of the residential facility to
19 which placement is proposed shall be consulted in determining
20 the appropriate placement for the client. Considerations for
21 placement shall be made in the following order:

22 (a) Client's own home or the home of a family member
23 or direct service provider.

24 (b) Foster care facility.

25 (c) Group home facility.

26 (d) Intermediate public or private care facility for
27 the developmentally disabled.

28 (e) Other facilities licensed by the department which
29 offer special programs for people with developmental
30 disabilities.

31 ~~(f) Developmental services institution.~~

1 Section 3. Subsection (18) of section 393.067, Florida
2 Statutes, is amended to read:

3 393.067 Licensure of residential facilities and
4 comprehensive transitional education programs.--

5 (18) The department shall develop a plan by March 15,
6 1991, to phase out all of the unlicensed beds in developmental
7 services institutions by December 30, 1999, and, contingent
8 upon appropriations, ensure that all beds operating after that
9 date are licensed as intermediate care facilities for the
10 mentally retarded. This plan must address among other issues
11 the transfer of funds from developmental services institutions
12 to the community.

13 Section 4. Subsection (1) of section 393.068, Florida
14 Statutes, is amended to read:

15 393.068 Family care program.--

16 (1) The family care program is established for the
17 purpose of providing services and support to families and
18 individuals with developmental disabilities in order to
19 maintain the individual in the home environment and avoid
20 costly out-of-home residential placement. ~~The Legislature~~
21 ~~recognizes the importance of family support in the long-range~~
22 ~~success of deinstitutionalization.~~ Services and support
23 available to families and individuals with developmental
24 disabilities shall emphasize community living and enable
25 individuals with developmental disabilities to enjoy typical
26 lifestyles. Support and flexibility in coordinating support
27 and services are core elements in caring for the individual
28 who is developmentally disabled. One way to accomplish this is
29 to recognize that families are the greatest resource available
30 to individuals who have developmental disabilities and that
31 families must be supported in their role as primary care

1 givers. Services and support authorized under this program
2 shall include the services listed under s. 393.066(4) and, in
3 addition, shall include, but not be limited to:

- 4 (a) Attendant care.
- 5 (b) Barrier-free modifications to the home.
- 6 (c) Home visitation by agency workers.
- 7 (d) In-home subsidies.
- 8 (e) Low-interest loans.
- 9 (f) Parent training.
- 10 (g) Respite care.
- 11 (h) Modifications for vehicles used to transport the
12 individual with a developmental disability.
- 13 (i) Facilitated communication.
- 14 (j) Family counseling.
- 15 (k) Equipment and supplies.
- 16 (l) Self-advocacy training.
- 17 (m) Roommate services.
- 18 (n) Integrated community activities.
- 19 (o) Emergency services.
- 20 (p) Support coordination.
- 21 (q) Other support services as identified by the family
22 or individual.

23 Section 5. Paragraph (a) of subsection (2) of section
24 393.12, Florida Statutes, is amended to read:

25 393.12 Capacity; appointment of guardian advocate.--

26 (2) APPOINTMENT OF A GUARDIAN ADVOCATE.--

27 (a) Conditions.--A probate court may appoint a
28 guardian advocate, without an adjudication of incapacity, for
29 a person with developmental disabilities, ~~if the person lacks~~
30 ~~the capacity to do some, but not all, of the tasks necessary~~
31 ~~to care for his or her person, property, or estate or if the~~

1 ~~person has voluntarily petitioned for the appointment of a~~
2 ~~guardian advocate.~~ Except as otherwise specified, the
3 proceeding shall be governed by the Florida Rules of Civil
4 Procedure.

5 Section 6. Sections 393.165 and 393.166, Florida
6 Statutes, are repealed.

7 Section 7. This act shall take effect upon becoming a
8 law.

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SENATE SUMMARY

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Revises criteria for licensure of facilities for persons
with developmental disabilities and for placement of
clients in those facilities. (See bill for details.)

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