

1 Government pursuant to the Social Security Act, as a provider
2 of Medicaid services to persons who are mentally retarded or
3 who have related conditions. ~~The capacity of such a facility~~
4 ~~shall not be more than 120 clients.~~

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

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

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

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

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

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

25 (b) Foster care facility.

26 (c) Group home facility.

27 (d) Public or private intermediate care facility for
28 the developmentally disabled.

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

1 (f) Developmental services institution.

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

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

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

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

16 393.068 Family care program.--

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

1 families must be supported in their role as primary care
2 givers. Services and support authorized under this program
3 shall include the services listed under s. 393.066(4) and, in
4 addition, shall include, but not be limited to:
5 (a) Attendant care.
6 (b) Barrier-free modifications to the home.
7 (c) Home visitation by agency workers.
8 (d) In-home subsidies.
9 (e) Low-interest loans.
10 (f) Parent training.
11 (g) Respite care.
12 (h) Modifications for vehicles used to transport the
13 individual with a developmental disability.
14 (i) Facilitated communication.
15 (j) Family counseling.
16 (k) Equipment and supplies.
17 (l) Self-advocacy training.
18 (m) Roommate services.
19 (n) Integrated community activities.
20 (o) Emergency services.
21 (p) Support coordination.
22 (q) Other support services as identified by the family
23 or individual.

24 Section 5. Paragraph (a) of subsection (2) of section
25 393.12, Florida Statutes, is amended to read:

26 393.12 Capacity; appointment of guardian advocate.--

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

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

1 ~~to care for his or her person, property, or estate or if the~~
2 ~~person has voluntarily petitioned for the appointment of a~~
3 ~~guardian advocate.~~ Except as otherwise specified, the
4 proceeding shall be governed by the Florida Rules of Civil
5 Procedure.

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

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

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12 LEGISLATIVE SUMMARY

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