

By the Committee on Health and Human Services Appropriations;  
and Senator Peadar

603-06499-08

20081866c1

1 A bill to be entitled

2 An act relating to the home and community-based services  
3 delivery system; amending s. 393.0661, F.S.; providing  
4 that the total annual expenditures under tier one for  
5 services to clients with developmental disabilities may  
6 not exceed \$150,000 per client per year; limiting tier two  
7 services to clients whose service needs include a licensed  
8 residential facility and who have authorization for a  
9 moderate level of support for standard residential  
10 habilitation services or authorization for a minimal level  
11 of support for behavior focus residential habilitation  
12 services; delaying the applicability of provisions  
13 governing services provided under tier four; providing an  
14 effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Paragraphs (a), (b), and (d) of subsection (3)  
19 of section 393.0661, Florida Statutes, are amended to read:

20 393.0661 Home and community-based services delivery system;  
21 comprehensive redesign.--The Legislature finds that the home and  
22 community-based services delivery system for persons with  
23 developmental disabilities and the availability of appropriated  
24 funds are two of the critical elements in making services  
25 available. Therefore, it is the intent of the Legislature that  
26 the Agency for Persons with Disabilities shall develop and  
27 implement a comprehensive redesign of the system.

28 (3) The Agency for Health Care Administration, in  
29 consultation with the agency, shall seek federal approval and

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30 | implement a four-tiered waiver system to serve clients with  
31 | developmental disabilities in the developmental disabilities and  
32 | family and supported living waivers. The agency shall assign all  
33 | clients receiving services through the developmental disabilities  
34 | waiver to a tier based on a valid assessment instrument, client  
35 | characteristics, and other appropriate assessment methods. All  
36 | services covered under the current developmental disabilities  
37 | waiver shall be available to all clients in all tiers where  
38 | appropriate, except as otherwise provided in this subsection or  
39 | in the General Appropriations Act.

40 |       (a) Tier one shall be limited to clients who have service  
41 | needs that cannot be met in tier two, three, or four for  
42 | intensive medical or adaptive needs and that are essential for  
43 | avoiding institutionalization, or who possess behavioral problems  
44 | that are exceptional in intensity, duration, or frequency and  
45 | present a substantial risk of harm to themselves or others. Total  
46 | annual expenditures under tier one may not exceed \$150,000 per  
47 | client per year.

48 |       (b) Tier two shall be limited to clients whose service  
49 | needs include a licensed residential facility and who have  
50 | authorization for a moderate level of support for standard  
51 | residential habilitation services or authorization for a minimal  
52 | level of support for behavior focus residential habilitation  
53 | services ~~greater than 5 hours per day in residential habilitation~~  
54 | ~~services~~ or clients in supported living who receive greater than  
55 | 6 hours a day of in-home support services. Total annual  
56 | expenditures under tier two may not exceed \$55,000 per client  
57 | each year.

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58 (d) Tier four is the family and supported living waiver.  
59 Tier four shall include, but is not limited to, clients in  
60 independent or supported living situations and clients who live  
61 in their family home. An increase to the number of services  
62 available to clients in this tier shall not take effect before  
63 July 1, 2009 ~~prior to July 1, 2008~~. Total annual expenditures  
64 under tier four may not exceed \$14,792 per client each year.

65 Section 2. This act shall take effect July 1, 2008.