

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5087

Amendment No.

CHAMBER ACTION

Senate

House

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1 The Conference Committee on HB 5087 offered the following:

2
3 **Conference Committee Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (4) of section 393.0661, Florida
6 Statutes, is renumbered as subsection (7), paragraphs (b) and
7 (d) of subsection (3) are amended, present subsection (5) is
8 renumbered as subsection (8) and amended, and new subsections
9 (4), (5), and (6) are added to that section, to read:

10 393.0661 Home and community-based services delivery
11 system; comprehensive redesign.--The Legislature finds that the
12 home and community-based services delivery system for persons
13 with developmental disabilities and the availability of
14 appropriated funds are two of the critical elements in making
15 services available. Therefore, it is the intent of the

903991

4/27/2008 10:54 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5087

Amendment No.

16 Legislature that the Agency for Persons with Disabilities shall
17 develop and implement a comprehensive redesign of the system.

18 (3) The Agency for Health Care Administration, in
19 consultation with the agency, shall seek federal approval and
20 implement a four-tiered waiver system to serve clients with
21 developmental disabilities in the developmental disabilities and
22 family and supported living waivers. The agency shall assign all
23 clients receiving services through the developmental
24 disabilities waiver to a tier based on a valid assessment
25 instrument, client characteristics, and other appropriate
26 assessment methods. All services covered under the current
27 developmental disabilities waiver shall be available to all
28 clients in all tiers where appropriate, except as otherwise
29 provided in this subsection or in the General Appropriations
30 Act.

31 (b) Tier two shall be limited to clients whose service
32 needs include a licensed residential facility and who are
33 authorized to receive a moderate level of support for standard
34 residential habilitation services or a minimal level of support
35 for behavior focus ~~greater than 5 hours per day in residential~~
36 habilitation services or clients in supported living who receive
37 greater than 6 hours a day of in-home support services. Total
38 annual expenditures under tier two may not exceed \$55,000 per
39 client each year.

40 (d) Tier four is the family and supported living waiver.
41 Tier four shall include, but is not limited to, clients in
42 independent or supported living situations and clients who live
43 in their family home. An increase to the number of services

903991

4/27/2008 10:54 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5087

Amendment No.

44 available to clients in this tier shall not take effect prior to
45 July 1, 2009 ~~2008~~. Total annual expenditures under tier four may
46 not exceed \$14,792 per client each year.

47 (4) Effective July 1, 2008, the geographic differential
48 for Miami-Dade, Broward, and Palm Beach Counties for residential
49 habilitation services shall be 7.5 percent. Effective July 1,
50 2009, the geographic differential for Miami-Dade, Broward, and
51 Palm Beach Counties for residential habilitation services shall
52 be 4.5 percent.

53 (5) Effective July 1, 2008, the geographic differential
54 for Monroe County for residential habilitation services shall be
55 20 percent. Effective July 1, 2009, the geographic differential
56 for Monroe County for residential habilitation services shall be
57 15 percent. Effective July 1, 2010, the geographic differential
58 for Monroe County for residential habilitation services shall be
59 10 percent.

60 (6) Effective January 1, 2009, and except as otherwise
61 provided in this section, an individual served by the home and
62 community-based services waiver or the family and supported
63 living waiver funded through the Agency for Persons with
64 Disabilities shall have his or her cost plan adjusted to reflect
65 the amount of expenditures for the previous state fiscal year
66 plus 5 percent if such amount is less than the individual's
67 existing cost plan. The Agency for Persons with Disabilities
68 shall use actual paid claims for services provided during the
69 previous fiscal year that are submitted by October 31 to
70 calculate the revised cost plan amount. If an individual was not
71 served for the entire previous state fiscal year or there was

903991

4/27/2008 10:54 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5087

Amendment No.

72 any single change in the cost plan amount of more than 5 percent
73 during the previous state fiscal year, the agency shall set the
74 cost plan amount at an estimated annualized expenditure amount
75 plus 5 percent. The agency shall estimate the annualized
76 expenditure amount by calculating the average of monthly
77 expenditures, beginning in the fourth month after the individual
78 enrolled or the cost plan was changed by more than 5 percent and
79 ending with August 31, 2008, and multiplying the average by 12.
80 In the event that at least 3 months of actual expenditure data
81 are not available to estimate annualized expenditures, the
82 agency may not rebase a cost plan pursuant to this subsection.
83 This subsection expires June 30, 2009, unless reenacted by the
84 Legislature before that date.

85 ~~(8)(5)~~ The Agency for Persons with Disabilities shall
86 submit quarterly status reports to the Executive Office of the
87 Governor, the chair of the Senate Ways and Means Committee or
88 its successor, and the chair of the House Fiscal Council or its
89 successor regarding the financial status of home and community-
90 based services, including the number of enrolled individuals who
91 are receiving services through one or more programs; the number
92 of individuals who have requested services who are not enrolled
93 but who are receiving services through one or more programs,
94 with a description indicating the programs from which the
95 individual is receiving services; the number of individuals who
96 have refused an offer of services but who choose to remain on
97 the list of individuals waiting for services; the number of
98 individuals who have requested services but who are receiving no
99 services; a frequency distribution indicating the length of time

903991

4/27/2008 10:54 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5087

Amendment No.

100 individuals have been waiting for services; and information
101 concerning the actual and projected costs compared to the amount
102 of the appropriation available to the program and any projected
103 surpluses or deficits. If at any time an analysis by the agency,
104 in consultation with the Agency for Health Care Administration,
105 indicates that the cost of services is expected to exceed the
106 amount appropriated, the agency shall submit a plan in
107 accordance with subsection (7) ~~(4)~~ to the Executive Office of
108 the Governor, the chair of the Senate Ways and Means Committee
109 or its successor, and the chair of the House Fiscal Council or
110 its successor to remain within the amount appropriated. The
111 agency shall work with the Agency for Health Care Administration
112 to implement the plan so as to remain within the appropriation.

113 Section 2. Section 393.071, Florida Statutes, is amended
114 to read:

115 393.071 Client fees.--The agency shall charge fees for
116 services provided to clients in accordance with s. 402.33. All
117 funds collected pursuant to this section shall be deposited in
118 the Operations and Maintenance Trust Fund.

119 Section 3. This act shall take effect July 1, 2008.
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123 **T I T L E A M E N D M E N T**

124 Remove the entire title and insert:

125 A bill to be entitled
126 An act relating to the Agency for Persons with
127 Disabilities; amending s. 393.0661, F.S.; revising

903991

4/27/2008 10:54 PM

CONFERENCE COMMITTEE AMENDMENT

Bill No. HB 5087

Amendment No.

128 provisions relating to certain clients with developmental
129 disabilities served under the four-tiered waiver system;
130 providing for residential habilitation services;
131 establishing geographic differential payments for Miami-
132 Dade, Broward, Palm Beach, and Monroe Counties; providing
133 effective dates for applicable payments; providing for
134 rebasing cost plans based on actual expenditures for
135 individuals served by home and community-based services or
136 family and supported living waiver programs; extending the
137 effective date for the provision of certain services;
138 providing for future review and repeal of certain
139 provisions; amending s. 393.071, F.S.; providing for
140 deposit of client fees into the agency's Operations and
141 Maintenance Trust Fund; providing an effective date.

903991

4/27/2008 10:54 PM