

1 A bill to be entitled
2 An act relating to the Agency for Persons with
3 Disabilities; amending s. 393.0661, F.S.; revising
4 provisions relating to certain clients with developmental
5 disabilities served under the four-tiered waiver system;
6 providing for residential habilitation services;
7 establishing geographic differential payments for Miami-
8 Dade, Broward, Palm Beach, and Monroe Counties; providing
9 effective dates for applicable payments; providing for
10 rebasement cost plans based on actual expenditures for
11 individuals served by home and community-based services or
12 family and supported living waiver programs; extending the
13 effective date for the provision of certain services;
14 providing for future review and repeal of certain
15 provisions; amending s. 393.071, F.S.; providing for
16 deposit of client fees into the agency's Operations and
17 Maintenance Trust Fund; providing an effective date.

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19 Be It Enacted by the Legislature of the State of Florida:
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21 Section 1. Subsection (4) of section 393.0661, Florida
22 Statutes, is renumbered as subsection (7), paragraphs (b) and
23 (d) of subsection (3) are amended, present subsection (5) is
24 renumbered as subsection (8) and amended, and new subsections
25 (4), (5), and (6) are added to that section, to read:

26 393.0661 Home and community-based services delivery
27 system; comprehensive redesign.--The Legislature finds that the
28 home and community-based services delivery system for persons

29 | with developmental disabilities and the availability of
30 | appropriated funds are two of the critical elements in making
31 | services available. Therefore, it is the intent of the
32 | Legislature that the Agency for Persons with Disabilities shall
33 | develop and implement a comprehensive redesign of the system.

34 | (3) The Agency for Health Care Administration, in
35 | consultation with the agency, shall seek federal approval and
36 | implement a four-tiered waiver system to serve clients with
37 | developmental disabilities in the developmental disabilities and
38 | family and supported living waivers. The agency shall assign all
39 | clients receiving services through the developmental
40 | disabilities waiver to a tier based on a valid assessment
41 | instrument, client characteristics, and other appropriate
42 | assessment methods. All services covered under the current
43 | developmental disabilities waiver shall be available to all
44 | clients in all tiers where appropriate, except as otherwise
45 | provided in this subsection or in the General Appropriations
46 | Act.

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

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

63 (4) Effective July 1, 2008, the geographic differential
 64 for Miami-Dade, Broward, and Palm Beach Counties for residential
 65 habilitation services shall be 7.5 percent. Effective July 1,
 66 2009, the geographic differential for Miami-Dade, Broward, and
 67 Palm Beach Counties for residential habilitation services shall
 68 be 4.5 percent.

69 (5) Effective July 1, 2008, the geographic differential
 70 for Monroe County for residential habilitation services shall be
 71 20 percent. Effective July 1, 2009, the geographic differential
 72 for Monroe County for residential habilitation services shall be
 73 15 percent. Effective July 1, 2010, the geographic differential
 74 for Monroe County for residential habilitation services shall be
 75 10 percent.

76 (6) Effective January 1, 2009, and except as otherwise
 77 provided in this section, an individual served by the home and
 78 community-based services waiver or the family and supported
 79 living waiver funded through the Agency for Persons with
 80 Disabilities shall have his or her cost plan adjusted to reflect
 81 the amount of expenditures for the previous state fiscal year
 82 plus 5 percent if such amount is less than the individual's
 83 existing cost plan. The Agency for Persons with Disabilities

84 shall use actual paid claims for services provided during the
85 previous fiscal year that are submitted by October 31 to
86 calculate the revised cost plan amount. If an individual was not
87 served for the entire previous state fiscal year or there was
88 any single change in the cost plan amount of more than 5 percent
89 during the previous state fiscal year, the agency shall set the
90 cost plan amount at an estimated annualized expenditure amount
91 plus 5 percent. The agency shall estimate the annualized
92 expenditure amount by calculating the average of monthly
93 expenditures, beginning in the fourth month after the individual
94 enrolled or the cost plan was changed by more than 5 percent and
95 ending with August 31, 2008, and multiplying the average by 12.
96 In the event that at least 3 months of actual expenditure data
97 are not available to estimate annualized expenditures, the
98 agency may not rebase a cost plan pursuant to this subsection.
99 This subsection expires June 30, 2009, unless reenacted by the
100 Legislature before that date.

101 ~~(8)-(5)~~ The Agency for Persons with Disabilities shall
102 submit quarterly status reports to the Executive Office of the
103 Governor, the chair of the Senate Ways and Means Committee or
104 its successor, and the chair of the House Fiscal Council or its
105 successor regarding the financial status of home and community-
106 based services, including the number of enrolled individuals who
107 are receiving services through one or more programs; the number
108 of individuals who have requested services who are not enrolled
109 but who are receiving services through one or more programs,
110 with a description indicating the programs from which the
111 individual is receiving services; the number of individuals who

112 have refused an offer of services but who choose to remain on
113 the list of individuals waiting for services; the number of
114 individuals who have requested services but who are receiving no
115 services; a frequency distribution indicating the length of time
116 individuals have been waiting for services; and information
117 concerning the actual and projected costs compared to the amount
118 of the appropriation available to the program and any projected
119 surpluses or deficits. If at any time an analysis by the agency,
120 in consultation with the Agency for Health Care Administration,
121 indicates that the cost of services is expected to exceed the
122 amount appropriated, the agency shall submit a plan in
123 accordance with subsection (7) ~~(4)~~ to the Executive Office of
124 the Governor, the chair of the Senate Ways and Means Committee
125 or its successor, and the chair of the House Fiscal Council or
126 its successor to remain within the amount appropriated. The
127 agency shall work with the Agency for Health Care Administration
128 to implement the plan so as to remain within the appropriation.

129 Section 2. Section 393.071, Florida Statutes, is amended
130 to read:

131 393.071 Client fees.--The agency shall charge fees for
132 services provided to clients in accordance with s. 402.33. All
133 funds collected pursuant to this section shall be deposited in
134 the Operations and Maintenance Trust Fund.

135 Section 3. This act shall take effect July 1, 2008.