

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Zapata offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5
6 Section 1. Subsection (1) of section 393.23, Florida
7 Statutes, is amended to read:

8 393.23 Developmental disabilities centers; trust
9 accounts.--All receipts from the operation of canteens, vending
10 machines, hobby shops, sheltered workshops, activity centers,
11 farming projects, and other like activities operated in a
12 developmental disabilities center, and moneys donated to the
13 center, must be deposited in a trust account in any bank, credit
14 union, or savings and loan association authorized by the State
15 Treasury as a qualified depository to do business in this state,
16 if the moneys are available on demand.

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17 (1) Moneys in the trust account must be expended for the
18 benefit, education, or ~~and~~ welfare of clients. However, if
19 specified, moneys that are donated to the center must be
20 expended in accordance with the intentions of the donor. Trust
21 account money may not be used for the benefit of employees of
22 the agency or to pay the wages of such employees. The welfare of
23 the clients includes the expenditure of funds for the purchase
24 of items for resale at canteens or vending machines, and for the
25 establishment of, maintenance of, and operation of canteens,
26 hobby shops, recreational or entertainment facilities, sheltered
27 workshops, activity centers, farming projects, or other like
28 facilities or programs established at the center for the benefit
29 of clients.

30 Section 2. Subsection (3) of section 393.0661, Florida
31 Statutes, is amended to read:

32 393.0661 Home and community-based services delivery
33 system; comprehensive redesign.--The Legislature finds that the
34 home and community-based services delivery system for persons
35 with developmental disabilities and the availability of
36 appropriated funds are two of the critical elements in making
37 services available. Therefore, it is the intent of the
38 Legislature that the Agency for Persons with Disabilities shall
39 develop and implement a comprehensive redesign of the system.

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

53 (a) Tier one shall be limited to clients who have service
54 needs that cannot be met in tier two, three, or four for
55 intensive medical or adaptive needs and that are essential for
56 avoiding institutionalization, or who possess behavioral
57 problems that are exceptional in intensity, duration, or
58 frequency and present a substantial risk of harm to themselves
59 or others.

60 (b) Tier two shall be limited to clients whose service
61 needs include a licensed residential facility and who are
62 authorized to receive a moderate level of support for standard
63 residential habilitation services or a minimal level of support
64 for behavior focus residential habilitation services or clients
65 in supported living who receive greater than 6 hours a day of
66 in-home support services. Total annual expenditures under tier
67 two may not exceed \$55,000 per client each year.

68 (c) Tier three shall include, but is not limited to,
69 clients requiring residential placements, clients in independent
70 or supported living situations, and clients who live in their
71 family home. Total annual expenditures under tier three may not
72 exceed \$35,000 per client each year.

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73 (d) Tier four is the family and supported living waiver.
74 Tier four shall include, but is not limited to, clients in
75 independent or supported living situations and clients who live
76 in their family home. ~~An increase to the number of services~~
77 ~~available to clients in this tier shall not take effect prior to~~
78 ~~July 1, 2009.~~ Total annual expenditures under tier four may not
79 exceed \$14,792 per client each year.

80 (e) The Agency for Health Care Administration shall also
81 seek federal approval to provide a consumer-directed option for
82 persons with developmental disabilities which corresponds to the
83 funding levels in each of the waiver tiers. The agency shall
84 implement the four-tiered waiver system beginning with tiers
85 one, three, and four and followed by tier two. The agency and
86 the Agency for Health Care Administration may adopt any rules
87 necessary to administer this subsection.

88 (f) The agency shall seek federal waivers and amend
89 contracts as necessary to make changes to services defined in
90 federal waiver programs administered by the agency as follows:

91 1. Supported living coaching services shall not exceed 20
92 hours per month for persons who also receive in-home support
93 services.

94 2. Limited support coordination services shall be the only
95 type of support coordination service provided to persons under
96 the age of 18 who live in the family home.

97 3. Personal care assistance services shall be limited to
98 no more than 180 hours per calendar month and shall not include
99 rate modifiers. Additional hours may be authorized for persons

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100 who have intensive physical, medical, or adaptive needs if such
101 hours are essential for avoiding institutionalization.

102 4. Residential habilitation services shall be limited to 8
103 hours per day. Additional hours may be authorized for persons
104 who have intensive medical or adaptive needs and if such hours
105 are essential for avoiding institutionalization, or for persons
106 who possess behavioral problems that are exceptional in
107 intensity, duration, or frequency and present a substantial risk
108 of harming themselves or others. This restriction shall be in
109 effect until the four-tiered waiver system is fully implemented.

110 5. Chore services, nonresidential support services, and
111 homemaker services shall be eliminated. The agency shall expand
112 the definition of in-home support services to enable the
113 provider of the service to include activities previously
114 provided in these eliminated services.

115 6. Massage therapy, medication review, and psychological
116 assessment services shall be eliminated.

117 7. The agency shall conduct supplemental cost plan reviews
118 to verify the medical necessity of authorized services for plans
119 that have increased by more than 8 percent during either of the
120 2 preceding fiscal years.

121 8. The agency shall implement a consolidated residential
122 habilitation rate structure to increase savings to the state
123 through a more cost-effective payment method and establish
124 uniform rates for intensive behavioral residential habilitation
125 services.

126 9. Pending federal approval, the agency is authorized to
127 extend current support plans for clients receiving services

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128 under Medicaid waivers for 1 year beginning July 1, 2007, or
129 from the date approved, whichever is later. Clients who have a
130 substantial change in circumstances which threatens their health
131 and safety may be reassessed during this year in order to
132 determine the necessity for a change in their support plan.

133 10. The agency shall eliminate redundancies and
134 duplications between in-home support services, companion
135 services, personal care services, and supported living coaching
136 by limiting or consolidating the services.

137 11. The agency shall reduce the intensity and frequency of
138 supported employment services to individuals in stable
139 employment situations who have a documented history of at least
140 3 years' employment with the same company or in the same
141 industry.

142 Section 3. Effective upon this act becoming a law,
143 subsection (6) of section 393.0661, Florida Statutes, is amended
144 to read:

145 393.0661 Home and community-based services delivery
146 system; comprehensive redesign.--The Legislature finds that the
147 home and community-based services delivery system for persons
148 with developmental disabilities and the availability of
149 appropriated funds are two of the critical elements in making
150 services available. Therefore, it is the intent of the
151 Legislature that the Agency for Persons with Disabilities shall
152 develop and implement a comprehensive redesign of the system.

153 (6) Effective January 1, 2009, and except as otherwise
154 provided in this section, an individual served by the home and
155 community-based services waiver or the family and supported

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156 living waiver funded through the Agency for Persons with
157 Disabilities shall have his or her cost plan adjusted to reflect
158 the amount of expenditures for the previous state fiscal year
159 plus 5 percent if such amount is less than the individual's
160 existing cost plan. The Agency for Persons with Disabilities
161 shall use actual paid claims for services provided during the
162 previous fiscal year that are submitted by October 31 to
163 calculate the revised cost plan amount. If an individual was not
164 served for the entire previous state fiscal year or there was
165 any single change in the cost plan amount of more than 5 percent
166 during the previous state fiscal year, the agency shall set the
167 cost plan amount at an estimated annualized expenditure amount
168 plus 5 percent. The agency shall estimate the annualized
169 expenditure amount by calculating the average of monthly
170 expenditures, beginning in the fourth month after the individual
171 enrolled or the cost plan was changed by more than 5 percent and
172 ending with August 31, 2008, and multiplying the average by 12.
173 In the event that at least 3 months of actual expenditure data
174 are not available to estimate annualized expenditures, the
175 agency may not rebase a cost plan pursuant to this subsection.
176 ~~This subsection expires June 30, 2009, unless reenacted by the~~
177 ~~Legislature before that date.~~

178 Section 4. Except as otherwise expressly provided in this
179 act, this act shall take effect July 1, 2009.

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183 **T I T L E A M E N D M E N T**

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184 Remove the entire title and insert:
185 A bill to be entitled
186 An act relating to the Agency for Persons with
187 Disabilities; amending s. 393.23, F.S.; revising purposes
188 of expenditures of moneys deposited in the trust accounts
189 of developmental disabilities centers; amending s.
190 393.0661, F.S.; revising provisions relating to services
191 provided to certain clients with developmental
192 disabilities served under the four-tiered waiver system;
193 revising provisions relating to the calculation of
194 annualized expenditures; deleting future review and repeal
195 of s. 393.0661(6), F.S., relating to cost plans for
196 individuals served by the home and community-based
197 services waiver or the family and supported living waiver
198 funded through the Agency for Persons with Disabilities;
199 providing effective dates.