

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: CS/SB 762

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Detert

SUBJECT: Family Care Councils

DATE: April 10, 2014 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Crosier</u>	<u>Hendon</u>	<u>CF</u>	Favorable
2.	<u>McKay</u>	<u>McVaney</u>	<u>GO</u>	Fav/CS

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 762 amends s. 393.502, F.S., to change membership eligibility for Family Care Councils (FCCs) by allowing grandparents to be members, with the consent of the grandchild's parent or guardian. FCCs are local councils that advise the Agency for Persons with Disabilities on the needs of self-advocates and their families. The bill also clarifies that persons waiting to receive services may be members of FCCs.

The bill does not appear to have a fiscal impact on state or local government, and provides for an effective date of July 1, 2014.

II. Present Situation:

The Agency for Persons with Disabilities (APD) was created to serve the needs of Floridians with developmental disabilities. APD works in partnership with local communities and private providers to assist people who have developmental disabilities and their families. APD serves more than 50,000 individuals with autism, cerebral palsy, spina bifida, intellectual disabilities, Down syndrome, and Prader-Willi syndrome.¹

¹ Agency for Persons with Disabilities, *About Us*, available at <http://apd.myflorida.com/about/> (last visited Feb. 24, 2014).

APD is unable to provide services to all individuals with developmental disabilities. Individuals who are eligible for APD services are prioritized according to need and some individuals are placed on a waiting list for services.²

In 1993, the Florida Legislature established Family Care Councils (FCCs) to advise on policy issues relevant to the community and family support system in the local area.³ FCCs are located within each service area of APD, of which there are 15.⁴ Examples of services provided by APD include adult day training, personal care services, and specialized therapies.⁵

The primary functions of the local FCCs are to:

- Assist in providing information and outreach to families;
- Review the effectiveness of services programs and make recommendations with respect to program implementation;
- Advise the agency with respect to policy issues relevant to the community and family support system in the local area; and
- Meet and share information with other local family care councils.⁶

Each local FCC must have between 10 and 15 members. Members of each FCC must be recommended by a majority vote of the local FCC and then appointed by the Governor. Each FCC must include the following members:

- At least three of the members of the council must be consumers.⁷
 - One of these members must be a consumer who received services within the four years prior to the date of recommendation, or the legal guardian of such a consumer.
- The remainder of the council members must be parents, guardians, or siblings of persons with developmental disabilities who qualify for services pursuant to ch. 393, F.S.⁸

III. Effect of Proposed Changes:

Section 1 of the bill amends the membership eligibility for FCCs. The bill allows grandparents of persons with developmental disabilities who qualify for services pursuant to ch. 393, F.S., to serve on FCCs, with the consent of the grandchild's parent or legal guardian. The bill also clarifies that at least three members of the FCC must be individuals receiving or waiting to receive services from APD, and one such member must be an individual who has been receiving services within the 4 years before the date of recommendation by the local FCC.

Section 2 of the bill provides an effective date of July 1, 2014.

² Agency for Persons with Disabilities, *Waiting List*, available at <http://apd.myflorida.com/customers/waitlist> (last visited Feb. 24, 2014).

³ Section 393.502(7), F.S.

⁴ Section 393.502(1), F.S.

⁵ Section 393.006(3), F.S.

⁶ Section 393.502(7), F.S.

⁷ The term "consumers" is not defined in ch. 393, F.S., but is used by APD to refer to individuals eligible for APD services per ch. 393, F.S. This includes both individuals receiving services and individuals on the waitlist to receive services.

⁸ Section 393.502(2)(a), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None

C. Government Sector Impact:

None

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 393.502 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on April 10, 2014:

The committee substitute added a provision specifying that for a grandparent to be a council member, the grandchild's parent or legal guardian must consent to the appointment.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
