

CS/HB 177

2015

1 A bill to be entitled
2 An act relating to persons with developmental
3 disabilities; amending s. 393.063, F.S.; revising the
4 definition of the term "developmental disability" to
5 include Down syndrome; amending s. 393.065, F.S.;
6 adding certain individuals whose parent or guardian is
7 an active-duty servicemember of the United States
8 Armed Forces or a member of the Florida National Guard
9 who resides in the state to the wait list priority
10 categories; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Subsection (9) of section 393.063, Florida
15 Statutes, is amended to read:

16 393.063 Definitions.—For the purposes of this chapter, the
17 term:

18 (9) "Developmental disability" means a disorder or
19 syndrome that is attributable to intellectual disability,
20 cerebral palsy, autism, Down syndrome, spina bifida, or Prader-
21 Willi syndrome; that manifests before the age of 18; and that
22 constitutes a substantial handicap that can reasonably be
23 expected to continue indefinitely.

24 Section 2. Subsection (5) of section 393.065, Florida
25 Statutes, is amended to read:

26 393.065 Application and eligibility determination.—

27 (5) Except as otherwise directed by law, beginning July 1,
 28 2010, the agency shall assign and provide priority to clients
 29 waiting for waiver services in the following order:

30 (a) Category 1, which includes clients deemed to be in
 31 crisis as described in rule.

32 (b) Category 2, which includes children on the wait list
 33 who are from the child welfare system with an open case in the
 34 Department of Children and Families' statewide automated child
 35 welfare information system.

36 (c) Category 3, which includes clients whose parent or
 37 legal guardian is:

38 1. An active-duty servicemember and, at the time of the
 39 servicemember's transfer to this state, the applicant was
 40 receiving home and community-based services in another state; or

41 2. A member of the Florida National Guard who resides in
 42 this state.

43 (d)-(e) Category 4 ~~Category 3~~, which includes, but is not
 44 required to be limited to, clients:

45 1. Whose caregiver has a documented condition that is
 46 expected to render the caregiver unable to provide care within
 47 the next 12 months and for whom a caregiver is required but no
 48 alternate caregiver is available;

49 2. At substantial risk of incarceration or court
 50 commitment without supports;

51 3. Whose documented behaviors or physical needs place them
 52 or their caregiver at risk of serious harm and other supports

53 are not currently available to alleviate the situation; or
 54 4. Who are identified as ready for discharge within the
 55 next year from a state mental health hospital or skilled nursing
 56 facility and who require a caregiver but for whom no caregiver
 57 is available.

58 (e)~~(d)~~ Category 5 ~~Category 4~~, which includes, but is not
 59 required to be limited to, clients whose caregivers are 70 years
 60 of age or older and for whom a caregiver is required but no
 61 alternate caregiver is available.

62 (f)~~(e)~~ Category 6 ~~Category 5~~, which includes, but is not
 63 required to be limited to, clients who are expected to graduate
 64 within the next 12 months from secondary school and need support
 65 to obtain or maintain competitive employment, or to pursue an
 66 accredited program of postsecondary education to which they have
 67 been accepted.

68 (g)~~(f)~~ Category 7 ~~Category 6~~, which includes clients 21
 69 years of age or older who do not meet the criteria for category
 70 1, category 2, category 3, category 4, ~~or~~ category 5, or
 71 category 6.

72 (h)~~(g)~~ Category 8 ~~Category 7~~, which includes clients
 73 younger than 21 years of age who do not meet the criteria for
 74 category 1, category 2, category 3, ~~or~~ category 4, or category
 75 5.

76
 77 Within categories 3, 4, 5, 6, ~~and~~ 7, and 8, the agency shall
 78 maintain a wait list of clients placed in the order of the date

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79 | that the client is determined eligible for waiver services.

80 | Section 3. This act shall take effect July 1, 2015.