

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 Appropriations

BILL: PCS/SB 714 (897830)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services) and Senator Garcia

SUBJECT: Comprehensive Transitional Education Programs

DATE: April 24, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Crosier</u>	<u>Hendon</u>	<u>CF</u>	Favorable
2.	<u>Loe</u>	<u>Williams</u>	<u>AHS</u>	Recommend: Fav/CS
3.	<u>Loe</u>	<u>Hansen</u>	<u>AP</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 714 authorizes the Agency for Persons with Disabilities (APD) to petition a court for the appointment of a receiver for a comprehensive transitional education program under certain circumstances.

The bill has no direct impact on state revenues or expenditures.

The bill has an effective date of July 1, 2017.

II. Present Situation:

A comprehensive transitional education program (CTEP) serves individuals with developmental disabilities who also have moderate to severe maladaptive behaviors. There are two CTEPs licensed in Florida.¹ CTEP licenses are issued for a 12-month period. No fees are charged for the initial application or subsequent licensure renewal.

In s. 393.062, F.S., the legislature has expressed its intent that community-based programs and services for individuals with developmental disabilities are preferred to programs operated

¹ The two CTEP licenses are held by the same company that operates a CTEP in Mt. Dora, Florida. Section 393.18(4), F.S., limits the total number of residents served in a CTEP to 120 per license. The CTEP in Mt. Dora, Florida, serves more than 120 residents and is thus required to hold two separate licenses.

directly by the state.² Pursuant to the recently issued federal Medicaid waiver guidelines, there has been a shift to provide person-centered care and for care to be provided in home and community-based settings, moving away from institutionalized settings as currently utilized.³ The new Medicaid waiver guidelines become effective March 2019.⁴

Receivership

A receiver is “[an] indifferent person between the parties appointed by a court to collect and receive the rents, issues and profits of land, or the produce or person estate, or other things which it does not seem reasonable to the court that either party should do; or where a party is incompetent to do so.”⁵ Pursuant to s. 393.0678, F.S., the APD may petition a court for the appointment of a receiver for a residential habilitation center or a group home facility owned and operated by a corporation or partnership when certain conditions exist:

- A person is operating a facility without a license and refuses to make an application for a license;
- The licensee is closing the facility or has informed the department that it intends to close the facility, and adequate arrangements have not been made for relocation of the residents within seven days, exclusive of weekends and holidays, of the closing of the facility;
- The agency determines that conditions exist in the facility which present an imminent danger to the health, safety, or welfare of the residents of the facility or which present a substantial probability that death or serious physical harm will result; or
- The licensee cannot meet its financial obligations to provide food, shelter, care, and utilities.⁶

III. Effect of Proposed Changes:

Section 1 amends s. 393.0678(1), F.S., to add Comprehensive Transitional Education Programs to the list of entities for which the APD can initiate receivership proceedings.

Section 2 provides that the bill becomes effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

² Agency for Persons with Disabilities legislative analysis dated February 23, 2017.

³ *Id.*

⁴ Medicaid Program; State Plan Home and Community-Based Services, 5-Year Period for Waivers, Provider Payment Reassignment, and Home and Community-Based Setting Requirements for Community First Choice and Home and Community-Based Services (HCBS) Waivers; Final Rule 79 Fed. Reg. 2948 (Jan. 16, 2014). The effective date of the final regulations was March 14, 2014, and the regulations allow each state up to five years to bring its home and community-based programs into compliance with the home and community-based settings requirements.

⁵ *Black's Law Dictionary* (Online Dictionary 2nd Ed.)

⁶ Section 393.0678(1)(a)-(d), F.S.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The transition from the current comprehensive transitional education program in Lake Nona, Florida, to smaller residential group homes will require all clients, including those with private insurance, to move into a new residential group home. The location and expense of the smaller residential group homes are not known at this time.

C. Government Sector Impact:

The bill has no direct impact on state revenues or expenditures. However, in the event a receiver is appointed, the APD will be required to provide assessments and transition plans to current residents residing at the comprehensive transitional education program in Mt. Dora, Florida. The APD will also be required to provide the licensing and oversight of the smaller group homes. These requirements will increase workload for agency staff, and can be absorbed within existing resources.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends section 393.0678 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.)

Recommended CS by Appropriations Subcommittee on Health and Human Services on April 18, 2017:

The committee substitute removes the sunset provision for comprehensive transitional education program licensure application and renewal.

B. Amendments:

None.

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