

**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 Children, Families, and Elder Affairs

BILL: SB 714

INTRODUCER: Senator Taddeo

SUBJECT: Resource Information for Individuals with Disabilities

DATE: March 8, 2021                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Cox	CF	<b>Pre-meeting</b>
2.			AHS	
3.			AP	

**I. Summary:**

SB 714 directs the Agency for Persons with Disabilities (the APD) to provide individuals applying for Medicaid Home and Community-Based Services (HCBS) Waiver services with the following information:

- Eligibility criteria and application procedures for vocational rehabilitation services;
- Eligibility criteria and application procedures for the Florida ABLE program;
- Eligibility criteria and application procedures for receiving supplemental social security and social security disability benefits;
- Contact information for the local school district for applicants age 22 or younger;
- If the applicant is between 16 and 22 years old, eligibility criteria and application procedures for transition programs and services available in local schools, including access to job coaches providing transition services to students with disabilities who are enrolled in such programs;
- If the applicant is age 22 or older, eligibility criteria and application procedures for:
  - Certain adult day training programs;
  - Certain training programs; and
  - Other specified programs that may be of assistance.
- Eligibility criteria and application procedures for certain guardianship programs; and
- A list of certain local independent living skills coaches, job coaches, and personal supports.

The bill requires that the APD provide the information in writing to the applicant, their parent, legal guardian, or a family member. The bill also requires the APD to provide a written disclosure stating that each program and service has its own eligibility requirements and that the APD does not guarantee eligibility or enrollment for the applicant in any program or service.

The APD states that there will likely be a negative fiscal impact to state government of \$380,376, related to hiring additional staff to track changes to eligibility criteria and application procedures for programs and services. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2021.

**II. Present Situation:**

**Agency for Persons with Disabilities**

The APD is responsible for the provision of services to individuals with developmental disabilities<sup>1</sup> and for administering the Home and Community-Based Services (HCBS) Waiver.<sup>2</sup> Florida has procured waivers of federal Medicaid requirements for the purpose of providing home and community-based services to individuals at risk of institutionalization.<sup>3</sup> The HCBS Waiver provides services to individuals with developmental disabilities that allow them to continue to live in their home or home-like setting and avoid institutionalization.<sup>4</sup> Eligible individuals must meet institutional level of care requirements.<sup>5</sup> The overarching goal for the APD is to prevent or reduce the severity of a developmental disability and implement community-based services that will help individuals with developmental disabilities achieve their greatest potential for independent and productive living in the least restrictive means.<sup>6</sup>

**Regional Offices**

In addition to central headquarters in Tallahassee, the APD operates a total of six regional offices and 14 field offices throughout the state, as detailed below:<sup>7</sup>

<b><u>Region</u></b>	<b><u>Counties</u></b>
Northwest	Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington; Fields 1 and 2.
Northeast	Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor, Union, and Volusia; Fields 3, 4, and 12.
Central	Brevard, Citrus, Hardee, Hernando, Highlands, Lake, Marion, Orange, Osceola,

<sup>1</sup> Section 393.063(12), F.S., defines “developmental disability” to mean “a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.”

<sup>2</sup> See Section 20.197(3), F.S.

<sup>3</sup> Rule 59G-13.080(1), F.A.C.

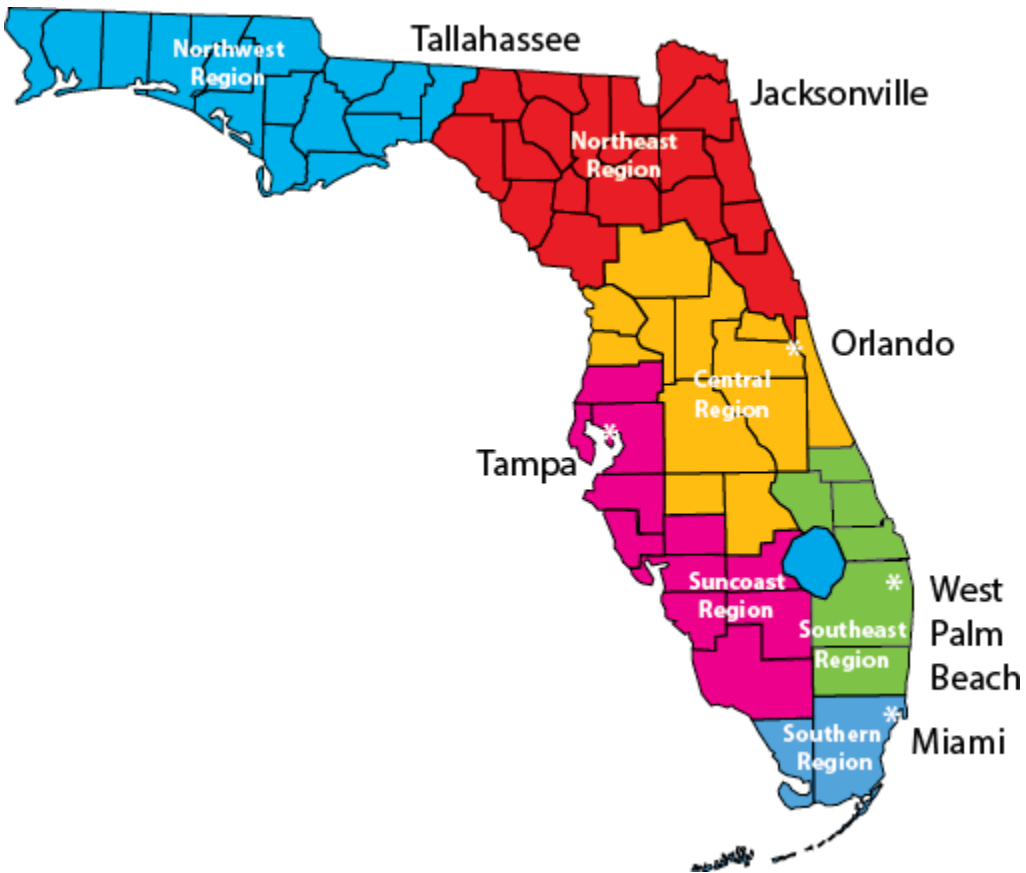
<sup>4</sup> The Centers for Medicare and Medicaid Services, *Home and Community-Based Services 1915(c)*, available at <https://www.medicare.gov/medicaid/home-community-based-services/home-community-based-services-authorities/home-community-based-services-1915c/index.html> (last visited March 5, 2021).

<sup>5</sup> *Id.*; Rule 59G-13.080(1), F.A.C.

<sup>6</sup> See s. 393.062, F.S.

<sup>7</sup> The APD, *Regional Offices*, available at <https://apd.myflorida.com/region/> (last visited March 5, 2021).

	Polk, Seminole, and Sumter; Fields 7, 13, and 14.
Suncoast	Charlotte, Collier, DeSoto, Glades, Hendry, Hillsborough, Lee, Manatee, Pasco, Pinellas, and Sarasota; Suncoast Field and Field 8.
Southeast	Broward, Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie; Fields 9 and 10.
Southern	Miami-Dade and Monroe; Field 11.



**iBudget Florida Program**

The APD administers Florida’s individual budget-based HCBS waiver, known as iBudget Florida, for individuals with specified developmental disabilities who meet Medicaid eligibility requirements. These individuals may choose to receive services in the community through iBudget Florida; alternatively, they may choose to live in an institutional setting known as an Intermediate Care Facility for the Developmentally Disabled (ICF/DD)<sup>8</sup> through traditional Medicaid administered by the Agency for Health Care Administration (AHCA).<sup>9</sup>

<sup>8</sup> Section 393.063(25), F.S., defines “intermediate care facility for the developmentally disabled” to mean “a residential facility licensed and certified under part VIII of chapter 400.”

<sup>9</sup> Section 393.0662, F.S.

The APD initiated implementation of iBudget Florida on May 1, 2011<sup>10</sup> with the final areas transitioned from the previous tiered waiver system on July 1, 2013.<sup>11</sup> The iBudget Florida program uses an algorithm, or formula, to set individuals' funding allocations for waiver services.<sup>12</sup> The APD administers iBudget Florida pursuant to s. 393.0662, F.S.

The APD serves just over 35,100 individuals through iBudget Florida,<sup>13</sup> contracting with service providers to offer 27 supports and services to assist individuals to live in their community.<sup>14</sup> Examples of waiver services enabling children and adults to live, learn, and work in their communities include residential habilitation, behavioral services, personal supports, adult day training, employment services, and occupational and physical therapy.<sup>15</sup>

### ***Eligibility for iBudget Services***

The application process for individuals wishing to receive services through the iBudget program are detailed in section 393.065, F.S. The APD must review applications for eligibility within 45 days for children under 6 years of age and within 60 days for all other applicants.<sup>16</sup> Individuals who are determined to be eligible for the waiver program are either given a slot in the program or placed on a wait list. Currently, due to demand exceeding available funding, individuals with developmental disabilities who wish to receive HCBS services from the APD are placed on a wait list for services in priority categories of need, unless they are in crisis.<sup>17</sup> As of February 2021, approximately 22,700 individuals were on the HCBS Waiver wait list.<sup>18</sup>

The needs of APD clients are classified into seven categories<sup>19</sup> and are prioritized in the following decreasing order of priority:

- Category 1 – Clients deemed to be in crisis.
- Category 2 – Specified children from the child welfare system.<sup>20</sup>
- Category 3 – Includes, but is not limited to, clients:
  - Whose caregiver has a documented condition that is expected to render the caregiver unable to provide care within the next 12 months and for whom a caregiver is required but no alternate caregiver is available;
  - Who are at substantial risk of incarceration or court commitment without supports;
  - Whose documented behaviors or physical needs place them or their caregiver at risk of serious harm and other supports are not currently available to alleviate the situation; or

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<sup>10</sup> The APD, *Quarterly Report on Agency Services to Floridians with Developmental Disabilities and Their Costs: Second Quarter Fiscal Year 2020-21*, at p. 2, February 1, 2021 (on file with the Senate Children, Families, and Elder Affairs Committee) (hereinafter cited as, "The Quarterly Report").

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Section 393.065(1), F.S.

<sup>17</sup> Section 393.065, F.S.; *See* Rule 65G-1.047, F.A.C. for crisis status criteria.

<sup>18</sup> The Quarterly Report at p. 2.

<sup>19</sup> Section 393.065(5), F.S.

<sup>20</sup> *See* s. 393.065(5)(b) for specific criteria.

- Who are identified as ready for discharge within the next year from a state mental health hospital or skilled nursing facility and who require a caregiver but for whom no caregiver is available.
- Category 4 – Includes, but not limited to, clients whose caregivers are 70 years of age or older and for whom a caregiver is required but no alternate caregiver is available;
- Category 5 – Includes, but not limited to, clients who are expected to graduate within the next 12 months from secondary school and need support to obtain or maintain competitive employment, or to pursue an accredited program of postsecondary education to which they have been accepted.
- Category 6 – Clients 21 years of age or older who do not meet the criteria for categories 1-5.
- Category 7 – Clients younger than 21 years of age who do not meet the criteria for categories 1-4.<sup>21</sup>

### **The APD and Applications for Services**

The APD receives and processed roughly 1,000 applications for HCBS Waiver services and enrollment annually.<sup>22</sup> The APD provides each applicant with a notice regarding their eligibility, along with information specific to each applicant and their geographic location.<sup>23</sup> If an applicant is deemed ineligible, the APD must notify the applicant of the right to appeal the decision in accordance with chapter 120, F.S. within 5 days,<sup>24</sup> and offer suggestions regarding other programs, agencies, or services for which the applicant may be eligible.<sup>25</sup>

The APD maintains a web-based resource directory where individuals can search for resourced based on specific needs, preferences, and locations.<sup>26</sup> The APD also maintains the Florida Navigator, which is an online tool designed to empower and inform individuals with developmental disabilities, caregivers, and professionals about specific services available through state agencies and programs.<sup>27</sup>

The APD does not currently maintain information pertaining to the eligibility criteria and application procedures for specific governmental and non-governmental organizations.<sup>28</sup> The APD also does not currently have a mechanism for tracking private sector or non-governmental organizations with sufficient capacity to accept private-pay individuals.<sup>29</sup>

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<sup>21</sup> Section 393.065(5), F.S.

<sup>22</sup> The APD, *Agency Analysis for SB 714*, p. 2, February 8, 2021 (on file with the Senate Committee on Children, Families, and Elder Affairs) (hereinafter cited as “The APD Analysis”).

<sup>23</sup> *Id.*

<sup>24</sup> Rule 65G-4.16(4), F.A.C.

<sup>25</sup> Rule 65G-4.16(5), F.A.C.

<sup>26</sup> The APD, *Resource Directory*, available at <https://resourcedirectory.apd.myflorida.com/> (last visited March 5, 2021).

<sup>27</sup> The APD, *Florida Navigator*, available at <https://navigator.apd.myflorida.com/> (last visited March 45 2021).

<sup>28</sup> The APD Analysis at p. 3.

<sup>29</sup> *Id.*

## The Florida Division of Vocational Rehabilitation

The Division of Vocational Rehabilitation (VR) within the Department of Education (DOE) administers the vocational rehabilitation program in Florida.<sup>30</sup> The VR provides services to help individuals with a disability find, advance in, or retain employment, and provides services to youth and students with a disability to aid in the transition from high school to a meaningful career path.<sup>31</sup> In FY 2018-19, VR served 48,439 individuals, including 26,086 customers who were between the ages of 14 through 21.<sup>32</sup>

An individual with a disability<sup>33</sup> is presumed eligible for vocational rehabilitation services if the person requires rehabilitation services to prepare for, enter, engage in, or retain gainful employment.<sup>34</sup> After determining eligibility, the VR must complete an assessment to determine rehabilitation needs and ensure that an individualized plan for employment (IPE)<sup>35</sup> is prepared.<sup>36</sup> The IPE must be designed to achieve the specific employment outcome of the individual and may include services such as vocational evaluation and planning, career counseling and guidance, job-site assessment and accommodations, job placement, job coaching, and on-the-job training.<sup>37</sup>

The VR is only required to provide services to the extent they are funded by the Legislature.<sup>38</sup> All individuals eligible for services are placed in categories on a prioritized waiting list based on the significance of their disability, and the categories include:

- Category 1, comprised of individuals with the most significant disabilities;
- Category 2, comprised of individuals with a significant disability; and
- Category 3, comprised of individuals with a disability.<sup>39</sup>

In the 2018-2019 fiscal year, the VR served 26,744 individuals in category 1, and, as of June 30, 2019, had a waiting list of 300 individuals in category 3.<sup>40</sup>

<sup>30</sup> The Department of Education (The DOE), Division of Vocational Rehabilitation (VR), *2018-2019 Annual Report* (2019), p. 6, available at <http://www.rehabworks.org/rehab/AnnualReport19.pdf> (last visited March 5, 2021).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> Section 413.20(7), F.S. defines “disability” to mean “a physical or mental impairment that constitutes or results in a substantial impediment to employment.”

<sup>34</sup> Section 413.30(1), F.S.

<sup>35</sup> An individualized plan for employment includes a “comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of an eligible individual to make a determination of the goals, objectives, nature, and scope of vocational rehabilitation services.” Section 413.20(3), F.S.

<sup>36</sup> *See* s. 413.30(4) and (5), F.S.

<sup>37</sup> The DOE, VR, *Frequently Asked Questions*, available at <http://www.rehabworks.org/faq.shtml> (last visited March 5, 2021).

<sup>38</sup> Section 413.731(1), F.S.

<sup>39</sup> The DOE, VR *2018-2019 Annual Report* (2019), at p. 7, available at <http://www.rehabworks.org/rehab/AnnualReport19.pdf?id=1> (last visited March 5, 2021).

<sup>40</sup> *Id.* at p. 10.

## Supplemental Security Income and Social Security Disability Income

Individuals with disabilities may qualify for certain federal assistance programs, including, in part, the Social Security Disability Insurance (SSDI)<sup>41</sup> and Supplemental Security Income<sup>42</sup> (SSI) are two such programs, administered by the federal Social Security Administration. Under these programs, disability is defined as the inability to engage in substantial gainful activity due to a medically determinable physical or mental impairment expected to result in death or last at least 12 months.<sup>43</sup>

The SSDI program provides cash payments to individuals who have contributed to the Social Security system and meet certain minimum work requirements.<sup>44</sup> The amount of assistance under the SSDI program varies depending on age and average earnings.<sup>45</sup> SSI is a means-tested program for aged, blind, or disabled individuals who meet certain income and resource limitations.<sup>46</sup> There are no contribution or minimum work requirements.<sup>47</sup> The SSI program provides cash payments assuring a minimum income for aged, blind, or disabled individuals who have very limited income and assets.<sup>48</sup> Effective January 1, 2021, the maximum monthly SSI benefit rate is \$794 for an eligible individual and \$1,191 for an eligible individual with an eligible spouse.<sup>49</sup>

## ABLE Programs

### *Federal ABLE Act*

Congress enacted the ABLE Act (Achieving a Better Life Experience Act) in 2014.<sup>50</sup> The ABLE Act permits a state to implement an ABLE Program and establish ABLE accounts for eligible individuals with disabilities<sup>51</sup> to spend distributions on “qualified disability expenses.”<sup>52</sup> The

<sup>41</sup> 42 U.S.C. §§ 401-433.

<sup>42</sup> 42 U.S.C. §§ 1381-1385.

<sup>43</sup> The Social Security Administration (The SSA), *Disability Evaluation Under Social Security*, available at <http://www.socialsecurity.gov/disability/professionals/bluebook/general-info.htm> (last visited March 5, 2021).

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> The definition of disability for disabled children receiving SSI benefits is slightly different from the definition for adults. See The SSA, Social Security Income (SSI) Eligibility Requirements, available at <http://www.ssa.gov/ssi/text-eligibility-ussi.htm#disabled-child> (last visited March 4, 2021).

<sup>48</sup> *Id.*

<sup>49</sup> Generally, the maximum monthly payment changes yearly due to changes in the Consumer Price Index. The SSA, *SSI Federal Payment Amounts for 2021*, available at <http://www.socialsecurity.gov/OACT/COLA/SSI.html> (last visited March 5, 2021).

<sup>50</sup> Pub. L. No. 113-295, 128 Stat. 4056 (Dec. 19, 2014).

<sup>51</sup> 26 U.S.C. § 529(e). An individual is an eligible individual for a taxable year if during such taxable year: (1) the individual is entitled to benefits based on blindness or disability under title II or XVI of the Social Security Act, and such blindness or disability occurred before the date on which the individual attained age 26; or (2) a disability certification with respect to such individual is filed with the Secretary of Education for such taxable year.

<sup>52</sup> 26 U.S.C. § 529(e)(5). “Qualified disability expense” is defined as “any expense related to the eligible individual’s blindness or disability which are made for the benefit of an eligible individual who is the designated beneficiary, including the following expenses: education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, financial management and administrative services, legal fees, expenses for oversight and monitoring, funeral and burial expenses, and other expenses, which are approved by the Secretary under regulations and consistent with the purposes of this section.”

purposes of the ABLE Act are to encourage individuals and families to save money to support individuals with disabilities to maintain health, independence, and quality of life and to provide secure funding for disability-related expenses on behalf of designated beneficiaries with disabilities to supplement benefits provided through other sources.<sup>53</sup>

### ***Florida ABLE Program***

The Florida ABLE Program was created in 2015 to encourage and assist the saving of private funds in tax-exempt accounts in order to pay for the qualified expenses of eligible individuals with disabilities.<sup>54</sup> The Florida Prepaid College Board was required to establish a direct-support organization to be known as “Florida ABLE, Inc.,” (ABLE United) to establish and administer the Florida ABLE Program.<sup>55</sup>

The mission of ABLE United is to encourage and assist the saving of private funds to help persons with disabilities cover costs that support their health, independence, and quality of life.<sup>56</sup> Among the individuals in the program, 44 percent have a developmental disability.<sup>57</sup> As of May 15, 2020, 4,724 individuals have an ABLE United account.<sup>58</sup> The average account balance is \$5,474.<sup>59</sup>

### **The Florida Rehabilitation Council**

The Florida Rehabilitation Council (Council) is responsible for assisting the VR in the planning and development of statewide rehabilitation programs and services, recommending improvements to such programs and services, and performing other statutory directives as required.<sup>60</sup> Members of the Council are appointed by the Governor and must include current or former applicants for, or recipients of, vocational rehabilitation services.<sup>61</sup>

The Council must also consult with the board of directors of CareerSource Florida, Inc.,<sup>62</sup> in carrying out its functions, including the duty to conduct a review and analysis of:

- The functions performed by state agencies and other public and private entities responsible for providing services for individual who have a disability.
- Vocational rehabilitation services.
- The employment outcomes achieved by eligible individuals receiving vocational rehabilitation services, including the availability of health or other employment benefits in connection with those employment outcomes.<sup>63</sup>

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<sup>53</sup> 26 U.S.C. § 529(b).

<sup>54</sup> Section 2, ch. 2015-56, L.O.F.

<sup>55</sup> Section 1009.986(3), F.S.

<sup>56</sup> ABLE United, *Direct Support Organization Disclosures* p. 1, (July 8, 2020), available at <http://flprepaidstage.wpengine.com/wp-content/uploads/2020-Florida-ABLE-Disclosure-Required-pursuant-to-Section-20.058-Florida-Statutes.pdf> (last visited March 5, 2021).

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> Section 413.405, F.S.

<sup>61</sup> Section 413.405(1), F.S.

<sup>62</sup> CareerSource Florida, Inc., is the principal workforce policy organization for the state. Section 445.004, F.S.

<sup>63</sup> Section 413.405(9), F.S.



## Preemployment Transition Services

The Workforce Innovation and Opportunity Act of 2014 (WIOA)<sup>64</sup> aims to increase opportunities for individuals facing barriers to employment and focus on the connection between education and career preparation.<sup>65</sup> The WIOA requires that state vocational rehabilitation agencies set aside at least 15 percent of their federal funds to provide preemployment transition services to eligible individuals with a disability who:

- Are between 14 and 21 years of age; and
- Have a current individual education plan (IEP); or
- Have or are eligible for an accommodation plan pursuant to s. 504 of the Rehabilitation Act of 1973.<sup>66</sup>

Section 504 of the Rehabilitation Act of 1973<sup>67</sup> prohibits any program or activity that receives federal financial assistance from discriminating against an otherwise qualified individual solely by reason of his or her disability. State and local agencies that administer federally funded programs or activities may devise an accommodation plan for someone with a disability to allow the disabled person's participation in the program.<sup>68</sup>

All students who are between the ages of three to 21 and have a disability have the right to a free, appropriate public education.<sup>69</sup> The IEP is the primary vehicle for communicating the school district's commitment to addressing the unique educational needs of a student with a disability.<sup>70</sup> An IEP team begins the process of identifying the need for transition services before a student with a disability attains the age of 14 years, in order to ensure quality planning for a successful transition of the student to postsecondary education and career opportunities. When the student attains the age of 16, the IEP must include an annually updated statement addressing the intent for the student to pursue a standard high school diploma and other appropriate measurable long-term postsecondary education and career goals.<sup>71</sup>

## The Florida Center for Students with Unique Abilities

In 2015, the Legislature created the Florida Center for Students with Unique Abilities (FCSUA) within the University of Central Florida as a means of, among other things, disseminating information to students with disabilities and their parents regarding available education programs, services, resources, and employment opportunities for such students.<sup>72</sup> The information provided by the FCSUA includes:

- Education programs, services, and resources that are available at eligible institutions.

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<sup>64</sup> Pub. L. No. 113-128, 128 Stat. 1425 (July 22, 2014).

<sup>65</sup> See U.S. Department of Labor, Employment & Training Administration, *WIOA Overview*, available at <https://www.doleta.gov/wioa/about/overview/> (last visited March 1, 2021).

<sup>66</sup> Workforce Innovation Technical Assistance Center, *Preemployment Transition Services*, available at <http://www.wintac.org/topic-areas/pre-employment-transition-services> (last visited March 1, 2021).

<sup>67</sup> Pub. L. No. 93-112, s. 504, 83 Stat. 355, 361 (1973), as amended and codified in 29 U.S.C. § 794.

<sup>68</sup> See *Alexander v. Choate*, 469 U.S. 287 (1985).

<sup>69</sup> Section 1003.5716, F.S.

<sup>70</sup> The DOE, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at p. 9. (last visited March 1, 2021).

<sup>71</sup> Section 1003.5716(2), F.S.

<sup>72</sup> Section 5, ch. 2016-2, L.O.F.

- Supports, accommodations, technical assistance, or training provided by eligible institutions, and certain regional autism centers; and
- Mentoring, networking, and employment opportunities.<sup>73</sup>

### **Division of Blind Services**

The Division of Blind Services (DBS) is housed within the DOE.<sup>74</sup> The purpose of the DBS is to ensure the greatest possible efficiency and effectiveness of services to individuals who are blind.<sup>75</sup> It is the intent of the Legislature to establish a coordinated program of services that are available throughout Florida to such individuals.<sup>76</sup> The program must be designed to maximize employment opportunities for individuals who are blind and to increase their independence and self-sufficiency.<sup>77</sup> The DBS's program of services include a blind babies program, children's program, transition services, independent living program, vocational rehabilitative program, employer services, business enterprises program, rehabilitation center for the blind and visually impaired, and braille and talking books library.<sup>78</sup>

The Rehabilitative Council for the Blind<sup>79</sup> (RCB) is an advisory council<sup>80</sup> responsible for assisting the DBS in the planning and development of statewide vocational rehabilitation programs and services pursuant to the Rehabilitative Act of 1973,<sup>81</sup> as amended, to recommend improvements to such programs and services, and to perform specified functions.

### **III. Effect of Proposed Changes:**

The bill requires the APD to provide specified information on programs and services which may benefit a developmentally disabled individual. Under the bill, the APD must provide such information to any individual applying for HCBS Waiver services, their parent, their legal guardian, or another family member, regardless of whether the individual is eligible to receive HCBS Waiver services and is ultimately enrolled in iBudget Florida.

Specifically, the APD must provide each applicant their parent, their legal guardian, or another family member with the following information:

- Eligibility criteria and application procedures for vocational rehabilitation services, along with a hyperlink or website address that provides direct access to the application for such services;

<sup>73</sup> Section 1004.6495(5)(a), F.S.

<sup>74</sup> Section 20.15(3)(e), F.S.

<sup>75</sup> Section 413.011(3), F.S.

<sup>76</sup> Section 413.011(2), F.S.

<sup>77</sup> *Id.*

<sup>78</sup> See The Florida Division of Blind Services, *About Blind Services*, available at <http://dbs.myflorida.com/Information/index.html> (last visited March 1, 2021).

<sup>79</sup> Section 413.011(8), F.S. Members of the council are appointed by the Governor with the majority being blind or visually impaired. The council membership must include at least 13 members. See also The Florida Division of Blind Services, *Rehabilitation Council*, available at <http://dbs.myflorida.com/Rehab-Council/index.html> (last visited March 1, 2021).

<sup>80</sup> Section 20.03(7), F.S., defines the term "advisory council" to mean "an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of problems arising in a specified functional area of state government and to provide recommendations and policy alternatives."

<sup>81</sup> 29 U.S.C. § 701(b).

- Eligibility criteria and application procedures for the Florida ABLE program, along with a hyperlink or website address that provides direct access to the application for establishing an ABLE account as defines in s.1009.986(2), F.S.;
- Eligibility criteria and application procedures for receiving supplemental social security income benefits and social security disability income benefits, along with a hyperlink or website address that provides direct access to the application for such benefits;
- Eligibility criteria and application procedures for guardianship programs for disabled individuals; and
- A list of available independent living skills coaches, job coaches, and personal supports located in the applicant’s service area obtainable through private pay.

The bill also requires the APD to provide specific information to individuals and their families depending on the age of the applicant:

- If the applicant is age 22 or younger, contact information for the local school district for the purposes of enrollment;
- If the applicant is between 16 and 22 years old, eligibility criteria and application procedures for transition programs and services available in local schools, including access to job coaches providing transition services to students with disabilities who are enrolled in such programs;
- If the applicant is age 22 or older, eligibility criteria and application procedures for:
  - Private-pay adult day training programs located in the applicant’s service area;
  - Postsecondary and vocational training programs funded through the Florida Center for Students with Unique Abilities;
  - Any other programs that may be funded through the VR or the DBS which may be of assistance to the applicant;

The bill requires that the APD provide the information in writing to the applicant, their parent, legal guardian, or another family member. The bill also requires the APD to provide a written disclosure statement as follows:

“Each program and service has its own eligibility requirements. By providing the information specified in Section 393.065(10)(a), Florida Statutes, the agency does not guarantee an applicant’s eligibility for or enrollment in any program or service.”

The bill is effective July 1, 2021.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the Florida Constitution.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The APD anticipates that it will need to hire six Human Resource Specialists at an annual salary of \$63,396, for a total cost of \$380,376 to implement the bill and monitor changing criteria.<sup>82</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 393.065 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

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<sup>82</sup> The APD Analysis at p. 4.

B. Amendments:

None.

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

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