

By the Committee on Children, Families, and Elder Affairs; and
Senator Brodeur

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1 A bill to be entitled
2 An act relating to individuals with disabilities;
3 amending s. 393.064, F.S.; revising provisions related
4 to programs and services provided by the Agency for
5 Persons with Disabilities; requiring the agency,
6 within available resources, to offer voluntary
7 participation care navigation services to clients and
8 their caregivers at specified times; specifying goals
9 and requirements for such care navigation services;
10 specifying requirements for care plans; requiring the
11 integration of care plans with any individual
12 education plans of clients; specifying requirements
13 for such integration; amending s. 393.065, F.S.;
14 requiring the agency to develop and implement an
15 online application process; specifying requirements
16 for the online application process; defining the term
17 "complete application"; revising timeframes within
18 which the agency must make eligibility determinations
19 for services; lowering the age that a caregiver must
20 be for an individual to be placed in a certain
21 preenrollment category; amending s. 393.0651, F.S.;
22 revising which types of clients are eligible for an
23 individual support plan; clarifying the timeframe
24 within which a family or individual support plan must
25 be developed; requiring waiver support coordinators to
26 inform the client, client's parent or guardian, or
27 client's advocate, as appropriate, of certain
28 information when developing or reviewing the family or
29 individual support plan; providing appropriations;

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30 requiring the Agency for Health Care Administration
31 and the Agency for Persons with Disabilities, in
32 consultation with other stakeholders, to jointly
33 develop a comprehensive plan for the administration,
34 finance, and delivery of home and community-based
35 services through a new home and community-based
36 services Medicaid waiver program; providing
37 requirements for the waiver program; authorizing the
38 Agency for Health Care Administration to contract with
39 necessary experts to assist in developing the plan;
40 requiring the Agency for Health Care Administration to
41 submit a specified report to the Governor and the
42 Legislature by a specified date; providing an
43 effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Section 393.064, Florida Statutes, is amended to
48 read:

49 393.064 Care navigation Prevention.—

50 (1) Within available resources, the agency shall offer to
51 clients and their caregivers care navigation services for
52 voluntary participation at the time of application and as part
53 of any eligibility or renewal review. The goals of care
54 navigation are to create a seamless network of community
55 resources and supports for the client and the client's family as
56 a whole to support a client in daily living, community
57 integration, and achievement of individual goals. Care
58 navigation services must involve assessing client needs and

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59 developing and implementing care plans, including, but not
60 limited to, connecting a client to resources and supports. At a
61 minimum, a care plan must address immediate, intermediate, and
62 long-term needs and goals to promote and increase well-being and
63 opportunities for education, employment, social engagement,
64 community integration, and caregiver support. For a client who
65 is a public school student entitled to a free appropriate public
66 education under the Individuals with Disabilities Education Act,
67 I.D.E.A., as amended, the care plan must be integrated with the
68 student's individual education plan (IEP). The care plan and IEP
69 must be implemented to maximize the attainment of educational
70 and habilitation goals ~~give priority to the development,~~
71 ~~planning, and implementation of programs which have the~~
72 ~~potential to prevent, correct, cure, or reduce the severity of~~
73 ~~developmental disabilities. The agency shall direct an~~
74 ~~interagency and interprogram effort for the continued~~
75 ~~development of a prevention plan and program. The agency shall~~
76 ~~identify, through demonstration projects, through program~~
77 ~~evaluation, and through monitoring of programs and projects~~
78 ~~conducted outside of the agency, any medical, social, economic,~~
79 ~~or educational methods, techniques, or procedures that have the~~
80 ~~potential to effectively ameliorate, correct, or cure~~
81 ~~developmental disabilities. The agency shall determine the costs~~
82 ~~and benefits that would be associated with such prevention~~
83 ~~efforts and shall implement, or recommend the implementation of,~~
84 ~~those methods, techniques, or procedures which are found likely~~
85 ~~to be cost-beneficial.~~

86 (2) ~~Prevention~~ Services provided by the agency must ~~shall~~
87 include services to high-risk children from 3 to 5 years of age,

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88 and their families, to meet the intent of chapter 411. Except
89 for services for children from birth to age 3 years which are
90 the responsibility of the Division of Children's Medical
91 Services in the Department of Health or part H of the
92 Individuals with Disabilities Education Act, such services may
93 include:

94 (a) Individual evaluations or assessments necessary to
95 diagnose a developmental disability or high-risk condition and
96 to determine appropriate, individual family and support
97 services.

98 (b) Early intervention services, including developmental
99 training and specialized therapies.

100 (c) Support services, such as respite care, parent
101 education and training, parent-to-parent counseling, homemaker
102 services, and other services which allow families to maintain
103 and provide quality care to children in their homes.

104 (3) Other agencies of state government shall cooperate with
105 and assist the agency, within available resources, in
106 implementing programs which have the potential to prevent, or
107 reduce the severity of, developmental disabilities and shall
108 consider the findings and recommendations of the agency in
109 developing and implementing agency programs and formulating
110 agency budget requests.

111 (4) There is created at the developmental disabilities
112 center in Gainesville a research and education unit. Such unit
113 shall be named the Raymond C. Philips Research and Education
114 Unit. The functions of such unit shall include:

115 (a) Research into the etiology of developmental
116 disabilities.

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117 (b) Ensuring that new knowledge is rapidly disseminated
118 throughout the agency.

119 (c) Diagnosis of unusual conditions and syndromes
120 associated with developmental disabilities in clients identified
121 throughout developmental disabilities programs.

122 (d) Evaluation of families of clients with developmental
123 disabilities of genetic origin in order to provide them with
124 genetic counseling aimed at preventing the recurrence of the
125 disorder in other family members.

126 (e) Ensuring that health professionals in the developmental
127 disabilities center at Gainesville have access to information
128 systems that will allow them to remain updated on newer
129 knowledge and maintain their postgraduate education standards.

130 (f) Enhancing staff training for professionals throughout
131 the agency in the areas of genetics and developmental
132 disabilities.

133 Section 2. Subsection (1) and paragraph (d) of subsection
134 (5) of section 393.065, Florida Statutes, are amended to read:

135 393.065 Application and eligibility determination.—

136 (1) (a) The agency shall develop and implement an online
137 application process that, at a minimum, supports paperless,
138 electronic application submissions with immediate e-mail
139 confirmation to each applicant to acknowledge receipt of
140 application upon submission. The online application system must
141 allow an applicant to review the status of a submitted
142 application and respond to provide additional information.

143 (b) The agency shall maintain access to a printable paper
144 application on its website and, upon request, must provide an
145 applicant with a printed paper application. Paper applications

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146 ~~may~~ Application for services shall be submitted ~~made~~ in writing
147 to the agency, in the region in which the applicant resides.

148 (c) The agency must ~~shall~~ review each submitted application
149 in accordance with federal time standards ~~and make an~~
150 ~~eligibility determination within 60 days after receipt of the~~
151 ~~signed application. If, at the time of the application, an~~
152 ~~applicant is requesting enrollment in the home and community-~~
153 ~~based services Medicaid waiver program for individuals with~~
154 ~~developmental disabilities deemed to be in crisis, as described~~
155 ~~in paragraph (5) (a), the agency shall complete an eligibility~~
156 ~~determination within 45 days after receipt of the signed~~
157 ~~application.~~

158 1.(a) If the agency determines additional documentation is
159 necessary to make an eligibility determination, the agency may
160 request the additional documentation from the applicant.

161 2.(b) When necessary to definitively identify individual
162 conditions or needs, the agency or its designee must provide a
163 comprehensive assessment.

164 ~~(c)~~ If the agency requests additional documentation from
165 the applicant or provides or arranges for a comprehensive
166 assessment, the agency's eligibility determination must be
167 completed within 90 days after receipt of the signed
168 application.

169 (d)1. For purposes of this paragraph, the term "complete
170 application" means an application submitted to the agency which
171 is signed and dated by the applicant or an individual with legal
172 authority to apply for public benefits on behalf of the
173 applicant, is responsive on all parts of the application, and
174 contains documentation of a diagnosis.

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175 2. If the applicant requesting enrollment in the home and
176 community-based services Medicaid waiver program for individuals
177 with developmental disabilities is deemed to be in crisis as
178 described in paragraph (5) (a), the agency must make an
179 eligibility determination within 15 calendar days after receipt
180 of a complete application.

181 3. If the applicant meets the criteria specified in
182 paragraph (5) (b), the agency must review and make an eligibility
183 determination as soon as practicable after receipt of a complete
184 application.

185 4. If the application meets any of the criteria specified
186 in paragraphs (5) (c)-(g), the agency shall make an eligibility
187 determination within 60 days after receipt of a complete
188 application.

189 (e) Any delays in the eligibility determination process, or
190 any tolling of the time standard until certain information or
191 actions have been completed, must be conveyed to the client as
192 soon as such delays are known through verbal contact with the
193 client or the client's designated caregiver and confirmed by a
194 written notice of the delay, the anticipated length of delay,
195 and a contact person for the client.

196 (5) Except as provided in subsections (6) and (7), if a
197 client seeking enrollment in the developmental disabilities home
198 and community-based services Medicaid waiver program meets the
199 level of care requirement for an intermediate care facility for
200 individuals with intellectual disabilities pursuant to 42 C.F.R.
201 ss. 435.217(b) (1) and 440.150, the agency must assign the client
202 to an appropriate preenrollment category pursuant to this
203 subsection and must provide priority to clients waiting for

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204 waiver services in the following order:

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

209

210 Within preenrollment categories 3, 4, 5, 6, and 7, the agency
211 shall prioritize clients in the order of the date that the
212 client is determined eligible for waiver services.

213 Section 3. Section 393.0651, Florida Statutes, is amended
214 to read:

215 393.0651 Family or individual support plan.—The agency
216 shall provide directly or contract for the development of a
217 family support plan for children ages 3 to 18 years of age and
218 an individual support plan for each client served by the home
219 and community-based services Medicaid waiver program under s.
220 393.0662. The client, if competent, the client's parent or
221 guardian, or, when appropriate, the client advocate, shall be
222 consulted in the development of the plan and shall receive a
223 copy of the plan. Each plan must include the most appropriate,
224 least restrictive, and most cost-beneficial environment for
225 accomplishment of the objectives for client progress and a
226 specification of all services authorized. The plan must include
227 provisions for the most appropriate level of care for the
228 client. Within the specification of needs and services for each
229 client, when residential care is necessary, the agency shall
230 move toward placement of clients in residential facilities based
231 within the client's community. The ultimate goal of each plan,
232 whenever possible, shall be to enable the client to live a

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233 dignified life in the least restrictive setting, be that in the
234 home or in the community. The family or individual support plan
235 must be developed within 60 calendar days after the agency
236 determines the client eligible pursuant to s. 393.065(3).

237 (1) The agency shall develop and specify by rule the core
238 components of support plans.

239 (2) The family or individual support plan shall be
240 integrated with the individual education plan (IEP) for all
241 clients who are public school students entitled to a free
242 appropriate public education under the Individuals with
243 Disabilities Education Act, I.D.E.A., as amended. The family or
244 individual support plan and IEP must be implemented to maximize
245 the attainment of educational and habilitation goals.

246 (a) If the IEP for a student enrolled in a public school
247 program indicates placement in a public or private residential
248 program is necessary to provide special education and related
249 services to a client, the local education agency must provide
250 for the costs of that service in accordance with the
251 requirements of the Individuals with Disabilities Education Act,
252 I.D.E.A., as amended. This does not preclude local education
253 agencies and the agency from sharing the residential service
254 costs of students who are clients and require residential
255 placement.

256 (b) For clients who are entering or exiting the school
257 system, an interdepartmental staffing team composed of
258 representatives of the agency and the local school system shall
259 develop a written transitional living and training plan with the
260 participation of the client or with the parent or guardian of
261 the client, or the client advocate, as appropriate.

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262 (3) Each family or individual support plan shall be
263 facilitated through case management designed solely to advance
264 the individual needs of the client.

265 (4) In the development of the family or individual support
266 plan, a client advocate may be appointed by the support planning
267 team for a client who is a minor or for a client who is not
268 capable of express and informed consent when:

269 (a) The parent or guardian cannot be identified;

270 (b) The whereabouts of the parent or guardian cannot be
271 discovered; or

272 (c) The state is the only legal representative of the
273 client.

274

275 Such appointment may not be construed to extend the powers of
276 the client advocate to include any of those powers delegated by
277 law to a legal guardian.

278 (5) The agency shall place a client in the most appropriate
279 and least restrictive, and cost-beneficial, residential facility
280 according to his or her individual support plan. The client, if
281 competent, the client's parent or guardian, or, when
282 appropriate, the client advocate, and the administrator of the
283 facility to which placement is proposed shall be consulted in
284 determining the appropriate placement for the client.

285 Considerations for placement shall be made in the following
286 order:

287 (a) Client's own home or the home of a family member or
288 direct service provider.

289 (b) Foster care facility.

290 (c) Group home facility.

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291 (d) Intermediate care facility for the developmentally
292 disabled.

293 (e) Other facilities licensed by the agency which offer
294 special programs for people with developmental disabilities.

295 (f) Developmental disabilities center.

296 (6) In developing a client's annual family or individual
297 support plan, the individual or family with the assistance of
298 the support planning team shall identify measurable objectives
299 for client progress and shall specify a time period expected for
300 achievement of each objective.

301 (7) The individual, family, and support coordinator shall
302 review progress in achieving the objectives specified in each
303 client's family or individual support plan, and shall revise the
304 plan annually, following consultation with the client, if
305 competent, or with the parent or guardian of the client, or,
306 when appropriate, the client advocate. The agency or designated
307 contractor shall annually report in writing to the client, if
308 competent, or to the parent or guardian of the client, or to the
309 client advocate, when appropriate, with respect to the client's
310 habilitative and medical progress.

311 (8) Any client, or any parent of a minor client, or
312 guardian, authorized guardian advocate, or client advocate for a
313 client, who is substantially affected by the client's initial
314 family or individual support plan, or the annual review thereof,
315 shall have the right to file a notice to challenge the decision
316 pursuant to ss. 120.569 and 120.57. Notice of such right to
317 appeal shall be included in all support plans provided by the
318 agency.

319 (9) When developing or reviewing a client's family or

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320 individual support plan, the waiver support coordinator shall
321 inform the client, the client's parent or guardian, or, when
322 appropriate, the client advocate about the consumer-directed
323 care program established under s. 409.221.

324 Section 4. For the 2024-2025 fiscal year, the sums of
325 \$16,562,703 in recurring funds from the General Revenue Fund and
326 \$22,289,520 in recurring funds from the Operations and
327 Maintenance Trust Fund are appropriated in the Home and
328 Community Based Services Waiver category to the Agency for
329 Persons with Disabilities to offer waiver services to the
330 greatest number of individuals permissible under the
331 appropriation from preenrollment categories 3, 4, and 5,
332 including individuals whose caregiver is age 60 or older in
333 category 4, as provided in s. 393.065, Florida Statutes, as
334 amended by this act.

335 Section 5. The Agency for Health Care Administration and
336 the Agency for Persons with Disabilities, in consultation with
337 other stakeholders, shall jointly develop a comprehensive plan
338 for the administration, finance, and delivery of home and
339 community-based services through a new home and community-based
340 services Medicaid waiver program. The waiver program shall be
341 for clients transitioning into adulthood and shall be designed
342 to prevent future crisis enrollment into the waiver program
343 authorized under s. 393.0662, Florida Statutes. The Agency for
344 Health Care Administration is authorized to contract with
345 necessary experts to assist in developing the plan. The Agency
346 for Health Care Administration must submit a report to the
347 Governor, the President of the Senate, and the Speaker of the
348 House of Representatives by December 1, 2024, addressing, at a

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349 minimum, all of the following:

350 (1) The purpose, rationale, and expected benefits of the
351 new waiver program.

352 (2) The proposed eligibility criteria for clients and
353 service packages to be offered through the new waiver program.

354 (3) A proposed implementation plan and timeline, including
355 recommendations for the number of clients to be served by the
356 new waiver program at initial implementation, changes over time,
357 and any per-client benefit caps.

358 (4) Proposals for how clients will transition onto and off
359 of the new waiver, including, but not limited to, transitions
360 between this new waiver and the waiver established under s.
361 393.0662, Florida Statutes.

362 (5) The fiscal impact for the implementation year and
363 projections for the subsequent 5 years, determined on an
364 actuarially sound basis.

365 (6) An analysis of the availability of services that would
366 be offered under the new waiver program and recommendations to
367 increase availability of such services, if necessary.

368 (7) A list of all stakeholders, public and private, who
369 were consulted or contacted as part of developing the plan for
370 the new waiver program.

371 Section 6. This act shall take effect July 1, 2024.