

Capitol Update



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Florida Developmental Disabilities Council, Inc.

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Agency for Persons with Disabilities Budget Finalized

[Senate Bill 2800](#), the General Appropriations Bill, and [Senate Bill 1124](#), the Conforming bill for the Agency for Persons with Disabilities (APD) were completed yesterday.

The new appropriations language includes the following service reductions, limitations and changes:

- The agency will continue the third party prior services authorization program to review all individual support and cost plans for home and community based waiver services for individuals with developmental disabilities.
- The agency will implement cost-containment measures for any new requests for supported living services after July 1, 2007. These measures will include the total annual cost of the provision of supported living services as determined through the support plan process and will not exceed the total annual cost of equivalent services in an

appropriate licensed residential facility.

- **Supported Living Coaching** services will not exceed 20 hours per month for persons who also receive in-home support services.
- **Limited Support Coordination** services will be the only type of Support Coordination service provided to persons under the age of 18 who live in the family home.
- **Personal Care Assistance** services will be limited to no more than 180 hours per calendar month and will not include rate modifiers. Additional hours may be authorized only if a substantial change in circumstances occurs for the individual.
- **Residential Habilitation** services will be limited to 8 hours per day. Additional hours may be authorized for persons who have intensive medical or adaptive needs and if such hours are essential for avoiding institutionalization, or for persons who possess behavioral

problems that are exceptional in intensity, duration, or frequency and present a substantial risk of harm to themselves or others.

(This restriction shall be in effect until the four-tiered waiver system (see below) is fully implemented.)

- **Chore, Non-Residential Supports Services and Homemaker** services will be eliminated. The agency shall expand the definition of In-Home Support services to enable the provider of the service to include activities previously provided in these eliminated services.
- **Massage Therapy and Psychological Assessments** services will be eliminated.
- The agency will conduct supplemental cost plan reviews to verify the medical necessity of authorized services for plans that have increased by more than 8 percent during either of the two preceding fiscal years.
- The agency will implement a consolidated Residential Habilitation rate structure to increase savings to the state through a more cost effective payment method and establish uniform rates for Intensive Behavior Residential Habilitation services.
- Pending federal approval, the agency is authorized to extend current support plans for clients receiving services under Medicaid waivers for one year

beginning July 1, 2007, or from the date approved whichever is later. Clients who have a substantial change in circumstances that threatens their health and safety may be reassessed during this year to determine the necessity for a change in their support plan.

- The agency will only serve additional clients on the Home and Community Based Services Waiver if they are in crisis and sufficient funding is made available through attrition.
- The Agency for Persons with Disabilities (APD) Area Offices will review, identify, and resolve issues relating to support plans submitted by Waiver Support Coordinators that are not in compliance with the agency's rules, policies and procedures, and with the appropriate waiver.

Senate Bill 1124, the Conforming Bill, outlines a four-tiered waiver system that includes:

TIER ONE is limited to individuals who have service needs that cannot be met in tiers two, three, or four for intensive medical or adaptive needs and that are essential for avoiding institutionalization, or who possess behavioral problems that are exceptional in intensity, duration, or frequency and present a substantial risk of harm to themselves or others.

TIER TWO is limited to individuals whose service needs include a licensed residential facility and greater than 5 hours per day in residential habilitation

services or clients in supported living who receive greater than 6 hours a day of in-home support services.

Total annual expenditures under Tier Two may not exceed \$55,000 per individual each year.

TIER THREE includes, but is not limited to, individuals requiring residential placements, individuals in independent or supported living situations, and individuals who live in their family home.

Total annual expenditures under Tier Three may not exceed \$35,000 per individual each year.

TIER FOUR is the family and supported living waiver. Tier Four shall include, but is not limited to, individuals in independent or supported living situations and individuals who live in their family home.

An increase to the number of services available to individuals in this tier shall not take effect prior to July 1, 2008.

Total annual expenditures under tier four may not exceed \$14,792 per year.

McKay Scholarship Legislation

Last year, Senate Bill 256 passed and it put a regulation into statute that affected some students on the McKay Scholarship.

The statute stated that “students must have regular and direct contact with their teachers at the schools physical location.” The Department of Education made recommendations in Rule 6A-

6.03315, Private School Scholarship Compliance, section (c) stating “regular and direct contact is a program of instruction that provides for a minimum of 170 actual school instruction days with the required instructional hours under the direct instruction of the private school’s physical location.”

Unfortunately, students lost the flexibility to have their school hours meet the amount they could physically or psychologically sustain. They also lost the flexibility for transitional educational opportunities that would help students achieve success as young adults. The bill and the rule required classroom contact requirements that are essentially the same as traditional school settings.

The legislature heard the complaints of individuals and families that were affected by these changes. There are many bills that have been filed to correct this problem. Currently House Bill 7145 by Representative Altman and Senate Bill 2380 by Senator Webster appear to be the bills that include language designed to remedy this situation.

Relevant Bills

[SB 394 - Relating to Disabled Young Adult/Transition Services - 2007](#)

Sponsor(s) by Wise

Summary

General Disabled Young Adult/Transition Services; creates Health & Transition Services Program; assigns program for administrative purposes to Children's Medical Services in DOH.

The purpose of the program is as follows:

- Comprehensive assessment of health needs educational/vocational

- status and needs, and health insurance status.
- Coordination with other community organizations to develop a transition plan that includes adult health services, education, habilitative services, independent living, employment and health insurance.
- Primary care in a Medical Home setting with coordinated, comprehensive and multidisciplinary services, focused on engaging adult health care providers in the treatment of the youth.
- Provides a multidisciplinary research program that will improve and replicate the health and transition services program statewide and will establish Standards of Excellence in the field of transition.

The bill delineates a target population which is children with developmental disabilities and children with chronic health care needs. There is a description of participating service providers and services that they may provide. Finally, the bill provides for an evaluation of program. EFFECTIVE DATE: 07/01/2007.

Actions

Date Chamber Action
 01/24/07 SENATE Referred to Health Policy; Children, Families, and Elder Affairs; Health and Human Services Appropriations
 02/21/07 SENATE Favorable by Health Policy; 6 Yeas, 0 Nays
 03/14/07 SENATE temporarily postponed by Children, Families, and Elder Affairs
 03/27/07 SENATE Favorable with CS by Children, Families, and Elder Affairs, 8 Yeas, 0 Nays
 04/04/07 SENATE Now in Health and Human Services Appropriations

Similar Bills
HB 0051 - Relating to Health & Transition Services Program by Davis (D)

Actions

01/02/07 HOUSE Referred to Healthcare Council; Policy & Budget Council
 02/01/07 HOUSE Referred to Committee on Health Quality by Healthcare Council
 03/20/07 HOUSE Favorable with recommended CS by Health Quality; 9 Yeas, 0 Nays
 03/27/07 HOUSE Favorable with CS by Healthcare Council; 13 Yeas, 0 Nays
 04/20/07 HOUSE Favorable by Policy & Budget Council; 22 Yeas, 0 Nays; Placed on Calendar, on second reading
 04/27/07 HOUSE Read Second Time

SB 402 - Relating to Developmental Disabilities Inst. - 2007

Sponsor(s) by Fasano Cosponsors: Bennett

Summary

General Developmental Disabilities Institutions. This bill requires APD to give written notice to certain specified persons if the agency proposes to close or reduce resident population by 10% of an institution for people with developmental disabilities. It requires the Governor and the Cabinet to hold public hearings and that notice of public hearing be given in specified manner; It also requires a bi-monthly report to the legislature on the progress of the closure of Gulf Coast Center and the alternatives offered to the residents that are leaving. This closure was specified in Brown vs. Bush to be completed in the year 2010. Creates 393.35. EFFECTIVE DATE: Upon becoming law.

Actions

Date Chamber Action
 12/15/06 SENATE Filed
 01/24/07 SENATE Referred to Children, Families, and Elder Affairs; Governmental Operations; Health and Human Services Appropriations

03/21/07 SENATE Favorable with CS by Children, Families, and Elder Affairs; 8 Yeas, 0 Nays
03/26/07 SENATE Now in Governmental Operations

Similar Bills

HB 0127 - Relating to Developmental Disabilities Inst. by Nehr

Actions

1/29/07 HOUSE Referred to Healthcare Council; Policy & Budget Council
02/08/07 HOUSE Referred to Committee on Healthy Families by Healthcare Council
3/20/07 HOUSE Favorable with 1 Amendment by Healthy Families; 9 Yeas, 0 Nays
04/17/07 HOUSE Favorable with CS by Healthcare Council; 15 Yeas, 0 Nays

[HB 509 - Relating to Children & Youth Cabinet Act - 2007](#)

Sponsor(s) by Ausley CoSponsors: Kiar, Porth, Bucher

Summary

General Children and Youth Cabinet Act; creates Children and Youth Cabinet; the bill provides organization, membership, duties and responsibilities of the cabinet. The bill provides for an advisory board and requires the cabinet to prepare an annual report. The bill puts interagency efforts to work for children in the spotlight by organizing agency directors.
EFFECTIVE DATE: 07/01/2007.

Actions

02/01/07 HOUSE Referred to Healthcare Council; Policy & Budget Council
02/08/07 HOUSE Referred to Committee on Healthy Families by Healthcare Council
03/13/07 HOUSE Work shopped by Healthy Families
03/20/07 HOUSE Favorable with 1 Amendment by Healthy Families; 7 Yeas, 0 Nays
03/21/07 HOUSE Now in Healthcare Council

04/17/07 HOUSE Favorable with CS by Healthcare Council; 15 Yeas, 0 Nays
04/20/07 HOUSE Reference to Policy & Budget Council removed; Placed on Calendar, on second reading; Placed on Special Order Calendar for 04/24/07
04/25/07 HOUSE Read Third Time; Passed (Vote: 115 Yeas / 0 Nays); Senate Received, referred to Children, Families, and Elder Affairs; Governmental Operations; Health and Human Services Appropriations
04/26/07 SENATE Substituted for SB 0564; Read Second Time; Amendment(s) Adopted
04/27/07 SENATE Read Third Time; Passed (Vote: 39 Yeas / 0 Nays); Immediately

Similar Bills

SB 0564 - Relating to Children & Youth Cabinet Act by Rich

Actions

01/31/07 SENATE Referred to Children, Families, and Elder Affairs; Governmental Operations; Health and Human Services Appropriations
03/21/07 SENATE Favorable with 1 Amendment by Children, Families, and Elder Affairs; 8 Yeas, 0 Nays
04/12/07 SENATE Favorable with CS by Governmental Operations; 4 Yeas, 0 Nays
04/17/07 SENATE Favorable by Health and Human Services Appropriations; 4 Yeas, 0 Nays;
04/26/07 SENATE Read Second Time; Amendment(s) Withdrawn; Amendment(s) Adopted; Substituted for HB 0509; Laid on Table, Refer to HB 0509

[SB 1826 - Relating to Home/Community-Based Waiver Project - 2007](#)

Sponsor(s) by Gaetz

Summary

General Home/Community-Based Waiver Project. This bill requires the Agency for Persons with Disabilities (APD) and the Agency for HealthCare Administration (AHCA) to establish pilot project for certain

clients who are currently served through federal waivers for Medicaid home and community-based services and family and supported living services. The bill provides requirements for the pilot project and requires APD to submit a report to the Governor, Legislature, and legislative committees. The bill also requires legislative approval for further expansion. EFFECTIVE DATE: Upon becoming law.

Actions

03/07/07 SENATE Referred to Children, Families, and Elder Affairs; Health Policy; Health and Human Services Appropriations
03/21/07 SENATE Workshopped by Children, Families, and Elder Affairs
04/10/07 SENATE Favorable with CS by Children, Families, and Elder Affairs; 8 Yeas, 0 Nays
04/13/07 SENATE Now in Health Policy

Comparable Bills

HB 1597 - Relating to Home/Community-Based Waiver Project by Ford

Actions

03/13/07 HOUSE Referred to Healthcare Council; Policy & Budget Council
Compare Bills

SB 1124 - Relating to Home Services/Persons with Disabilities by Peaden, Jr.

Actions

04/18/07 HOUSE Conference Committee appointed:

HB 7047 - Relating to Health Care by Healthcare Council

Actions

04/12/07 HOUSE Substituted for SB 1116; Laid on Table, Refer to SB 1116;

HB 7067 - Relating to Fixed-Payment Service Delivery System/AHCA by Healthcare Council

Actions

03/30/07 HOUSE Temporarily postponed by Policy & Budget Council

[HB 497 - Relating to Personal Care Attendant Program - 2007](#)

Sponsor(s) by Gardiner Cosponsors: Nehr, Hays

Summary

General Personal Care Attendant Program; This bill revises provisions governing program to provide personal care attendants for persons who have disabilities. The bill directs the Florida Association of Centers for Independent Living to administer a program to provide such attendants to persons who have severe and chronic disabilities. The bill revises eligibility requirements for persons to participate in personal care attendant program. EFFECTIVE DATE: 07/01/2007.

Actions

02/01/07 HOUSE Referred to Healthcare Council; Policy & Budget Council
02/08/07 HOUSE Referred to Committee on Healthy Seniors by Healthcare Council
03/06/07 HOUSE Favorable with 1 Amendment by Healthy Seniors; 8 Yeas, 0 Nays
03/15/07 Bill to Be Discussed During the Office of the EDR's Revenue Impact Conference; 03/17/07, 11:00 am, 117 K (No Votes Will Be Taken)
03/27/07 HOUSE Favorable with CS by Healthcare Council; 15 Yeas, 0 Nays
04/04/07 HOUSE Now in Policy & Budget Council

Similar Bills

SB 0922 - Relating to Personal Care Attendant Program by Wise

Actions

02/13/07 SENATE Referred to Health Policy; Children, Families, and Elder Affairs; Health and Human Services Appropriations

03/21/07 SENATE Favorable with CS by Health Policy; 6 Yeas, 0 Nays
04/24/07 SENATE Favorable with CS by Children, Families, and Elder Affairs; 6 Yeas, 0 Nays
04/25/07 SENATE Now in Health and Human Services Appropriations

[SB 2470 - Relating to John M. McKay Scholarship/Continuing Participation - 2007](#)

Sponsor(s) by Wise

Summary

General John M. McKay Scholarship/Continuing Participation; authorizes students who, due to their disability, are not able to maintain regular and direct contact with the private school they are attending on scholarship, to continue to participate in John M. McKay Scholarships for Students with Disabilities Program. Amends 1002.39. EFFECTIVE DATE: Upon becoming law.

Actions

03/01/07 SENATE Filed
03/20/07 SENATE Referred to Education Pre-K - 12; Education Pre-K - 12 Appropriations

Compare Bills

SB 2380 - Relating to Education/Failing Schools by Webster

Actions

04/10/07 SENATE Favorable with CS by Education Pre-K - 12; 4 Yeas, 2 Nays
04/19/07 SENATE On Committee agenda - Finance and Tax, 04/24/07, 8:15 am, 301 S; ----- Bill to Be Discussed During the Office of the EDR's Revenue Impact Conference;
04/21/07 10:00 am 117 K (No Votes Will Be Taken)
04/24/07 SENATE Favorable with CS by Finance and Tax; 3 Yeas, 2 Nays
04/27/07 SENATE Now in Education Pre-K - 12 Appropriations

[SB 2600 - Relating to Transition Program/Students with Disabilities - 2007](#)

Sponsor(s) by King, Jr.

Summary

General Transition Program/Students with Disabilities; creates a program to provide continuity in education of students with disabilities who formerly received scholarships under John M. McKay Scholarships for Students with Disabilities Program The bill provides eligibility criteria for students and private schools to participate in program. The bill also requires DOE to notify parents of the program and provides eligibility requirements for private schools that participate in program, etc. Creates 1002.371. EFFECTIVE DATE: Upon becoming law.

Actions

03/02/07 SENATE Filed
03/20/07 SENATE Referred to Education Pre-K - 12; Governmental Operations; Finance and Tax; Education Pre-K - 12 Appropriations
03/22/07 SENATE on Committee agenda - Education Pre-K, 03/27/07, 3:15 pm, 110 S
03/27/07 SENATE temporarily postponed by Education Pre-K - 12

[SB 1642 - Relating to McKay Scholarships/Autism Disorder - 2007](#)

Sponsor(s) by Fasano

Summary

General McKay Scholarships/Autism Disorder; authorizes John M. McKay Scholarship to fund home-based early intervention program for child with Autism Spectrum Disorder The bill provides program requirements and specifies uses for scholarship funds . It authorizes the scholarship to fund certain community-based services for public school student with Autism Spectrum Disorder and provides exemption from attendance requirement. Amends 1002.39. EFFECTIVE DATE: 07/01/2007.

Actions

Date Chamber Action
02/14/07 SENATE Filed
03/07/07 SENATE Referred to Education
Pre-K - 12; Children, Families, and Elder
Affairs; Education Pre-K - 12
Appropriations

**HB 1341 - Relating to John M. McKay
Scholarships - 2007**

**Sponsor(s)
by Precourt CoSponsors: Bullard (E)**

Summary

General John M. McKay Scholarships;
authorizes John M. McKay Scholarships for
students to attend home education programs
and alternative schools. It revises student
eligibility requirements for scholarships and
eligibility requirements for school program
participants. The bill authorizes John M.
McKay Scholarship to fund certain
community-based services for public school
student with Autism Spectrum Disorder, etc.
Amends 1002.39. EFFECTIVE DATE:
07/01/2007.

Actions

Date Chamber Action
03/02/07 HOUSE Filed
03/12/07 HOUSE Referred to Schools &
Learning Council; Policy & Budget Council
03/16/07 HOUSE Referred to Committee
on Education Innovation & Career
Preparation by Schools & Learning Council
03/27/07 HOUSE Temporarily postponed
by Education Innovation & Career
Preparation

**SB 2330 - Relating to FCAT/Fla.
School for Deaf & Blind - 2007**

Sponsor(s) by Wilson

Summary

General FCAT/Fla. School for Deaf &
Blind; requires Education Commissioner to
obtain input concerning design and
implementation of FCAT from persons
recommended by Florida School for Deaf &
Blind & Americans with Disabilities

Working Group. Amends 1008.22.
EFFECTIVE DATE: 07/01/2007.

Actions

Date Chamber Action
02/28/07 SENATE Filed
03/14/07 SENATE Referred to Education
Pre-K - 12

**SB 1046 - Relating to Pre-K through
Grade 12 Education - 2007**

**Sponsor(s) by Wise CS Sponsors:
Education Pre-K-12 Appropriations**

Summary

General Pre-K Through Grade 12
Education; The bill provides that certain
funds transferred to Education Enhancement
Trust Fund may be used for recurring
appropriations. The bill clarifies that term
"exceptional student" for purposes of
specified provision includes gifted students
in grades K through 8 and defines terms
"team teaching," "co-teaching," & "inclusion
teaching" for purposes of provisions
authorizing use of various teaching
strategies in order to implement
requirements for class-size reduction, etc.
Amends FS. EFFECTIVE DATE:
07/01/2007.

Actions

02/22/07 SENATE Referred to Education
Pre-K - 12 Appropriations
03/28/07 SENATE Favorable with CS by
Education Pre-K - 12 Appropriations; 5
Yeas, 0 Nays
03/29/07 SENATE Placed on Calendar, on
second reading
03/30/07 SENATE Placed on Special Order
Calendar for 04/11/07
04/11/07 SENATE Read Second Time;
Amendments Withdrawn; Amendment
Adopted; Ordered engrossed
04/12/07 SENATE Read Third Time;
Passed (Vote: 37 Yeas / 0 Nays);
Immediately certified; Requested House to
concur, or failing to concur, appoint
conference committee; In House messages;
Received from Messages; Referred to

Calendar; Read Second Time;
Amendment(s) Adopted; Read Third Time;
Passed (Vote: 111 Yeas / 0 Nays);
Immediately certified; Requested Senate to
concur, or failing to concur, appoint
conference committee; In Senate returning
messages
04/13/07 SENATE Refused to concur,
acceded to request for conference
committee; Conference Committee

Compare Bills

HB 7081 - Relating to K-8 Virtual Schools by Schools & Learning Council

Actions

04/02/07 HOUSE Placed on Calendar, on
second reading
04/11/07 HOUSE Temporarily Postponed
on Second Reading; Retained on Calendar

[SB 2114 - Relating to Independent Living Transition Services - 2007](#)

**Sponsor(s) by Rich CoSponsors:
Baker, Lynn, Margolis, Storms**

Summary

General Independent Living Transition
Services; This bill limits liability of the
caseworker who signs application for
driver's license for a minor who is in foster
care. The bill revises eligibility criteria for
independent living transition services and
for Road-to-Independence Program. The bill
would increase the age limit for eligibility
for certain persons to qualify for medical
assistance payments. It provides for removal
of disabilities of certain minors for purposes
of securing depository financial services,
etc. Amends Chs. 322, 409, 743.
EFFECTIVE DATE: 07/01/2007.

Actions

Date Chamber Action
02/23/07 SENATE Filed
03/14/07 SENATE Referred to Children,
Families, and Elder Affairs; Judiciary;
Health and Human Services Appropriations

03/27/07 SENATE Favorable with 1
Amendment by Children, Families, and
Elder Affairs, 6 Yeas, 1 Nay
04/10/07 SENATE Favorable with CS by
Judiciary; 11 Yeas, 0 Nays
04/24/07 SENATE Favorable with CS by
Health and Human Services Appropriations;
4 Yeas; 0 Nays
04/26/07 SENATE Placed on Special Order
Calendar for 04/27/07
04/27/07 SENATE Read Second Time
04/30/07 SENATE Read Third Time

Similar Bills

HB 1215 - Relating to Independent Living Transition Services by Glorioso

Actions

03/20/07 HOUSE Favorable with 1
Amendment by Healthy Families; 8 Yeas, 0
Nays
04/17/07 HOUSE Favorable with CS by
Healthcare Council; 16 Yeas, 0 Nays
04/25/07 HOUSE Favorable by Policy &
Budget Council; 28 yeas, 0 Nays; Placed on
Calendar, on second reading

[SB 2130 - Relating to Exceptional Students/OPPAGA Study - 2007](#)

**Sponsor(s) by Constantine
CoSponsors: Bullard (L), Gaetz CS
Sponsors: Education Pre-K - 12,
Education Pre-K-12 Appropriations**

Summary

General Exceptional Students/OPPAGA
Study; requires study by OPPAGA of
provision of educational services to certain
exceptional students referred to or placed in
private residential care facilities and defines
terms; The bill requires report with
recommendations. EFFECTIVE DATE:
07/01/2007.

Actions

02/26/07 SENATE Filed
03/14/07 SENATE Referred to Education
Pre-K - 12; Education Pre-K - 12
Appropriations

03/27/07 SENATE Favorable with CS by Education Pre-K - 12; 7 Yeas, 0 Nays
04/17/07 SENATE Favorable with CS by Education Pre-K - 12 Appropriations; 4 Yeas, 0 Nays
04/18/07 SENATE Placed on Calendar, on second reading
04/27/07 SENATE Read Second Time
04/30/07 SENATE Read Third Time; Passed (Vote: 36 Yeas / 0 Nays)

Public Policy Staff Contact

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HB 7145 - Relating to Scholarship Programs

Sponsor(s) by Schools & Learning Council, Pickens CoSponsors: Nehr, Altman

Summary

General Scholarship Programs; amends provisions re Corporate Income Tax Credit Scholarship Program to revise program purposes; provides for eligibility of siblings of certain students and revises provisions for authorized uses of scholarship funds and expenditure of contributions received during the fiscal year. The bill amends provisions of the John M. McKay Scholarships for Students with Disabilities Program to revise scholarship ineligibility and private school eligibility provisions, EFFECTIVE DATE: 07/01/2007.

Actions

04/09/07 HOUSE Filed (Formerly PCB SLC6)
04/11/07 HOUSE Referred to Calendar; Bill to Be Discussed During the Office of the EDR's Revenue Estimating Impact Conference; 04/13/07, 3:00 pm, 117 K (No Votes Will Be Taken)
04/23/07 HOUSE Placed on Special Order Calendar for 04/25/07
04/27/07 HOUSE Read Second Time; Amendment(s) Adopted
04/30/07 HOUSE Read Third Time; Passed (Vote: 84 Yeas / 34 Nays); In Senate messages