

1989

Session Law 89-308

Florida Senate & House of Representatives

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H 622 GENERAL BILL/CS/1ST ENG by Health & Rehabilitative Services; Bloom; Press and others (Similar CS/S 226, Compare 2ND ENG/H 1380, S 1199)

Developmental Disabilities: amends duties of public defenders re involuntary placement of persons with developmental disabilities; modifies language re retardation & developmental disabilities; locates Developmental Disabilities Planning Council within H.R.S. Dept. for administrative purposes; provides for planning & implementation of programs for prevention, amelioration, correction, or cure of developmental disabilities, etc. Amends F.S. Effective Date: 10/01/89 except as otherwise provided.

03/09/89 HOUSE Prefiled
03/14/89 HOUSE Referred to Health & Rehabilitative Services; Finance & Taxation; Appropriations
04/04/89 HOUSE Introduced, referred to Health & Rehabilitative Services; Finance & Taxation; Appropriations -HJ 63
04/07/89 HOUSE On Committee agenda—Health & Rehabilitative Services, 04/11/89, 3:30 pm, 314-HOB—For ratification to subcommittee
04/11/89 HOUSE Subreferred to Subcommittee on Social, Economic and Developmental Services
04/13/89 HOUSE On subcommittee agenda—Health & Rehabilitative Services, 04/17/89, 3:45 pm, 314-HOB
04/17/89 HOUSE Subcommittee Recommendation: Favorable as a proposed CS
04/21/89 HOUSE On Committee agenda—Health & Rehabilitative Services, 04/25/89, 8:30 am, 314-HOB—Not considered
04/25/89 HOUSE On Committee agenda—Health & Rehabilitative Services, 04/27/89, 2:30 pm, 21-HOB
04/27/89 HOUSE Preliminary Committee Action by Health & Rehabilitative Services: Favorable as a CS
05/10/89 HOUSE Comm. Report: CS by Health & Rehabilitative Services -HJ 458; CS read first time -HJ 458; Now in Finance & Taxation -HJ 458
05/16/89 HOUSE Withdrawn from Finance & Taxation -HJ 498; Now in Appropriations
05/24/89 HOUSE Withdrawn from Appropriations -HJ 605; Placed on Calendar
05/30/89 HOUSE Placed on Special Order Calendar
05/31/89 HOUSE Read second time; Amendments adopted; Read third time; CS passed as amended; YEAS 111 NAYS 1 -HJ 960
06/01/89 SENATE In Messages
06/02/89 SENATE Received -SJ 865; Substituted for CS/SB 226; CS passed; YEAS 40 NAYS 0 -SJ 970
06/02/89 Ordered enrolled
06/20/89 Signed by Officers and presented to Governor
07/05/89 Approved by Governor; Chapter No. 89-308; See also: HB 1380 (Ch. 89-339)

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

STORAGE NAME: H622f.HRS\lb\dv
DATE: June 12, 1989

**HOUSE OF REPRESENTATIVES
COMMITTEE ON HEALTH & REHABILITATIVE SERVICES
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 622

RELATING TO: Developmental Disabilities

SPONSOR(S): House HRS Committee, Representative Bloom and others

EFFECTIVE DATE: October 1, 1989

DATE BECAME LAW: July 5, 1989

CHAPTER #: 89-308, Laws of Florida

COMPANION BILL(S): SB 226

OTHER COMMITTEES OF REFERENCE: (1) Finance and Taxation
(2) Appropriations

I. SUMMARY:

A. PRESENT SITUATION:

Chapter 393, Florida Statutes, is the statutory basis for the provision of services to persons with developmental disabilities. Developmental disability as defined in s. 393.063(6), F.S., means a disorder or syndrome which is attributed to retardation, cerebral palsy, autism or spina bifida and which constitutes a substantial handicap that can reasonably be expected to continue indefinitely.

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Currently, applications for services are made in the Department of Health and Rehabilitative Services (HRS) district where the applicant resides. The department reviews each application for eligibility. In making the determination for eligibility domicile is not a statutory criterion for receiving services. Therefore, residents of other states or countries may compete with Florida residents for services. Applicants are determined to be in need of services through screening or the diagnostic evaluation process prior to being accepted as a client.

Once accepted as a client, an individual habilitation plan is developed. This plan sets out the most cost beneficial, least restrictive environment for the accomplishment of client-centered objectives and specifies authorized services. Programs or services are provided to clients regardless of the type of residential setting in which the client lives. To the extent of available resources, community based services which are provided include: day care services, respite care services, medical care services, recreation, physical therapy, training, including

developmental training, social services and parent training.

Clients of the Developmental Services Program may receive services while residing in a variety of residential placements.

In order from the least to the most restrictive, they are:

- o Client's own home or the home of a caretaker;
- o Foster care Facility (up to 3 clients);
- o Group home facility (4-16 clients);
- o Residential habilitation center (17 or more clients);
- o Intermediate care facility for the mentally retarded (ICF/MR) (up to 120 clients);
- o Nursing home facility; and
- o Major state retardation facility.

Currently, residential facilities that serve clients of the Developmental Services Program must be licensed. Licenses may be denied, suspended or revoked under certain circumstances. Penalties are provided for failure to disclose information, failure to meet standards or misuse of confidential information. HRS has the authority to institute injunctive proceedings and may petition for appointment of a receiver. Intermediate care facilities for the mentally retarded which are licensed for 6 beds or less are currently exempt from the certificate of need process.

The Developmental Disabilities Planning Council advises state and private agencies on matters pertaining to the administration of the federal Developmental Disabilities Act and state programs for persons with developmental disabilities. Members are appointed by the Governor and are representative of government agencies, private service providers and consumers. The council is currently administered by and located in HRS.

B. EFFECT OF PROPOSED CHANGES:

Committee Substitute for House Bill 622 provides substantive changes to Chapter 393, Florida Statutes, which include changing "retardation" to "developmental disability" and renaming "intermediate care facilities for the mentally retarded" to "intermediate care facilities for the developmentally disabled"; creating a program for the prevention and treatment of self-injurious behavior; creating procedures for the development of the client's habilitation plan; revising the residential licensure procedures; creating the family care program and revising the client's rights section.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 27.51, F.S., making conforming changes and deleting obsolete language.

Section 2. Amends s. 381.702, F.S., correcting a cross-reference to an intermediate care facility for the mentally retarded to an ~~intermediate care facility~~ for the developmentally disabled.

Section 3. Amends s. 381.715, F.S., correcting a cross

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reference to an intermediate care facility for the mentally retarded to an intermediate care facility for the developmentally disabled.

Section 4. Amends s. 393.001, F.S., relating to the Florida Developmental Disabilities Planning Council; locating the council within HRS for administrative purposes. Provides that the council shall be a separate budget entity for the purposes of Chapter 216, F.S. Modifies the powers and duties of the council and provides for funding. Authorizes the council to contract for certain services and to negotiate certain agreements with HRS.

Section 5. Amends s. 393.061, F.S., revising the title of the act to the "Developmental Disabilities Prevention and Community Services Act."

Section 6. Amends s. 393.062, F.S., providing legislative intent that recognizes the need for a family living environment for persons with developmental disabilities which would be comparable to that for other Floridians. Deletes references to retarded and adds reference to individuals who are developmentally disabled.

Section 7. Amends s. 393.063, F.S., providing definitions for the following terms: active treatment, autism, cerebral palsy, client advocate, comprehensive transitional education program, developmental services institution, domicile, enclave, extended employee, extended employment, follow-along services, guardian advocate, high-risk child, job coach, medical/dental services, mobile work crew, rehabilitation workshop facility, resident, respite service, severe self-injurious behavior, specialized therapies, spina bifida, supported employee, supported employment, and training. Deletes the definition for an intermediate care facility for the mentally retarded and defines an intermediate care facility for the developmentally disabled.

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Section 8. Amends s. 393.064, F.S., directing an interdepartmental and interprogram effort for the continued development of a plan and program for prevention. Introduces the concept of correcting or curing developmental disabilities. Requires that prevention services provided by the Developmental Services Program must include individual evaluations and may include early intervention and support services. Deletes the requirement for the five year plan; however, requires compliance with Chapter 411, Handicap Prevention Act.

Expands the client population eligible for diagnosis at the Raymond C. Philips Research and Education Unit to include community clients and limits the authority for the department to contract, within available resources, for the supervision and management of this unit.

Section 9. Creates s. 393.0641, F.S., establishing a program for the research, diagnosis and treatment of clients with severe self-injurious behaviors which will be effective July 1, 1990 and contingent upon specific appropriations. Specifies that the

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program shall serve as a resource center, develop methods of prevention and treatment, disseminate findings and collect data. Mandates that the program comply with all rights enumerated in the client's rights section of this act and the provisions relating to the District Human Rights Advocacy Committees. Allows HRS to contract for the provision of this program and requires the licensure of the program and the promulgation of rules by HRS to implement the program.

Section 10. Creates s. 393.0651, F.S., allowing the use of one or more habilitation plan forms; requiring the integration of the habilitation plan and the individual education plan for clients entitled to a free appropriate public education under P.L. 94-142; requiring the local education agency to provide for costs of services for clients in a public or private residential program; allowing the department and the local education agency to share the residential costs; prohibiting parents from being assessed fees; requiring the development of a written transitional living and training plan for the clients who are exiting the public school. Specifies that the 45 day time period for children and the 60 day time period for other applicants applies to the intake process and the development of the habilitation plan. Requires the establishment of a case management system to advance the individual needs of the client. Requires the appointment of a client advocate when the client is a minor or incompetent and when the state is the client's only legal representative. Deletes nursing homes from the listing of placements in the continuum and considers it under other facilities licensed by HRS and renames "major state retardation facility" to "developmental services institution". Requires HRS to review the client's progress towards meeting the objectives and to revise the plan annually. Provides the right for parties who are substantially affected to file a notice to challenge the decision pursuant to the Administrative Procedures Act.

Section 11. Amends s. 393.066, F.S., requiring that all elements of the community based services be made available in each district and that eligibility for the services be consistent across districts. Adds family care services, medical/dental services, residential services, specialized therapies, supported employment and transportation to the list of existing community based services. Deletes the provision authorizing HRS to receive funds under P.L. 95-602. Deletes the clause prohibiting the development of programs for persons with spina bifida if these programs will reduce or dilute programs and services to persons with retardation, cerebral palsy, autism or epilepsy.

Section 12. Substantially rewords s. 393.067, F.S., to allow for the licensure of residential facilities and comprehensive transitional education programs. Requires HRS to provide a system of provider qualifications, standards, training criteria for meetings standards, and monitoring for residential facilities and comprehensive transitional education programs. Provides for the annual inspection and review of these facilities. Provides for the contents of the application for a license and fees for licensure; requires proof of financial ability. Requires HRS to

· promulgate rules for minimum licensing standards of residential facilities or comprehensive transitional education programs. Allows HRS to conduct unannounced inspections. Requires the submittal of a true and accurate sworn statement of its cost. Allows HRS to audit the records of residential facilities or comprehensive transitional education programs, limiting the financial audits of the facilities to clients funded by HRS. Requires facilities or programs to comply with the client's rights section. Prohibits unlicensed residential facilities or comprehensive transitional education program from receiving state funds. Prohibits facilities with outstanding fines upon which a final action has been taken from having their licenses renewed. Specifies that HRS does not have to contract with licensed facilities for services and provides HRS the authority to establish by contract the maximum number of clients that can be served in a licensed facility.

Specifies that HRS is not required to contract with any new facilities which are licensed under Chapter 393, F.S., after October 1, 1989, but, must continue to contract with facilities licensed prior to October 1, 1989, if the facility can meet the licensing requirements.

Provides additional requirements for applications for licenses of intermediate care facilities for the mentally retarded or developmentally disabled (ICF/MR or ICF/DD) serving 6 beds or less. Requires HRS to accept proposals for these facilities only in response to publicized projected bed need. Requires that HRS publish this projected need at least annually and specifies the content of the publication. Specifies criteria to be used by HRS in determining projected bed need and requires that weighted criteria be used in the approval and selection process.

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Specifies that licenses granted to ICF/MRs or ICF/DDs under these provisions are only valid as long as the facility remains in compliance with the conditions of the proposals and other applicable laws or regulations.

Section 13. Amends s. 393.0675, F.S., allowing HRS to institute injunctive proceedings to terminate the operation of facilities licensed pursuant to this chapter.

Section 14. Amends s. 393.0678, F.S., making a conforming change from "intermediate care facility for the mentally retarded" to "intermediate care facility for the developmentally disabled".

Section 15. Amends s. 393.068, F.S., changing the title of the Family Placement Program to the Family Care Program. Authorizes the services of the Family Care Program to include, but not be limited to, attendant care, respite care, in-home subsidy, low-interest loans, parent training, barrier free modifications, agency home visitations and other support services. Deletes obsolete language relating to the program as a demonstration project. Deletes the requirement for a five year plan and

requires the evaluation of the program as a part of the biennial plan which is submitted to the Legislature.

Section 16. Amends s. 393.115, F.S., 1988 Supplement, making a conforming change from mentally retarded person to person with developmental disabilities.

Section 17. Amends s. 393.125, F.S., allowing applicants for services or clients the right to request an administrative hearing regarding the department's decision. Requires HRS to promulgate rules to establish guidelines for the reduction, termination or suspension of client services by the service provider.

Section 18. Amends s. 393.13, F.S., changing the title from the "The Bill of Rights of Retarded Persons" to "The Bill of Rights of Persons who are Developmentally Disabled". Provides legislative intent. Provides rights for all persons who are developmentally disabled whether a client or not. Rights enumerated include:

1. Right to dignity, privacy, and humane care.
2. Right to religious freedom and practice.
3. Right to treatment and habilitation, within available resources, in the least restrictive environment and which fosters developmental potential.
4. Right to public, quality education and training programs, within available resources.
5. Right to social interaction.
6. Right to physical exercise and recreational activities.
7. Right to freedom from harm, including the unnecessary use of physical, chemical or mechanical restraints, isolation, medication, abuse or neglect.
8. Right to refuse treatment.
9. Right to participate in any publicly funded program or activity.

Provides rights for all clients who are served in facilities licensed in accordance with this act. Rights enumerated include:

1. Right to uncensored correspondence.
2. Right to communication, including confidential phone calls.
3. Right to unrestricted visitations; right to own personal effects except under certain circumstances.
4. Right to immediate and quality medical care for physical and mental illnesses; prohibiting the use of medication as punishment or as a substitute for habilitation or behavior programming.
5. Right to individual storage space.
6. Right to physical exercise.
7. Right to receive humane discipline.
8. Right to an examination by a physician prior to any treatment program to eliminate bizarre or unusual behaviors; prohibiting the use of painful or noxious stimuli.

9. Right to minimum wage for clients in work programs.
10. Right to freedom from physical, chemical or mechanical restraints.
11. Right to a central record.
12. Right to vote in public elections.

Requires HRS to promulgate rules which provide a system of guidelines and procedures governing the design and implementation of behavioral programs involving clients. Allows the review of programs by the Human Rights Advocacy Committees.

Provides liability for persons who violate the rights of persons who are developmentally disabled. Requires notice of this act by HRS and the Department of Education in the language of the client. Requires residential facilities to provide resident government for those clients who are desirous and capable of participating in such government.

Section 19. Amends s. 393.14, F.S., requiring HRS to submit by January 31, 1990, and every 2 years thereafter, a plan to the Legislature; specifies the contents of the plan, including a description of the needs of the persons on the waiting lists and the cost to the state if services are not provided during that fiscal year.

Section 20. Amends s. 393.15, F.S., renaming the Group Living Trust Fund to the Foster Care, Group Home, Developmental Training, and Supported Employment Programs Trust Fund. Allows those eligible facilities to receive start-up loans from this trust fund; specifying the amount and terms of the loan.

Section 21. Amends s. 393.16, F.S., allowing the intermediate care facilities trust fund to provide loans for intermediate care facilities for the developmentally disabled serving up to 15 developmentally disabled persons.

Section 22. Creates s. 393.17, F.S., establishing a certification program for persons who oversee the design and implementation of behavioral programs for the developmentally disabled. Specifies procedures for certification. Requires fees; requires that procedures for certification and renewal be set in rule.

Section 23. Amends s. 393.21, F.S., changing major state retardation facility to developmental services institution and making other conforming changes.

Section 24. Amends s. 402.22, F.S., making conforming change from major state retardation facilities to developmental services institutions.

Section 25. Renumbers s. 413.50, F.S., as s. 393.30, F.S., allowing HRS to promulgate rules to implement the extended employment program.

Section 26. Renumbers s. 413.502, F.S., as s. 393.31, F.S.

Section 27. Renumbers s. 413.503, F.S., as s. 393.32, F.S., setting out eligibility and standards of extended employment.

Section 28. Amends s. 760.22, F.S., correcting a cross reference.

Section 29. Amends s. 943.058, F.S., correcting a cross reference.

Section 30. Amends s. 948.031, F.S., making conforming changes from "major state retardation facility" to "developmental services institution".

Section 31. Repeals sections 413.501 and 413.504, F.S.

Section 32. Provides severability if any provisions are found to be invalid.

Section 33. Provides an effective date of October 1, 1989 unless otherwise specified in the bill.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
None.
2. Direct Private Sector Benefits:
None.
3. Effects on Competition, Private Enterprise, and Employment Markets:
None.

D. FISCAL COMMENTS:

Additional costs may be incurred for the publication of projected bed need for ICF/MRs of 6 beds or less. However, the exact amount is not known at this time.

III. LONG RANGE CONSEQUENCES:

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This bill is consistent with the goals and policies of Chapter 187, F.S., the State Comprehensive Plan, which address the maximum emphasis possible on community based care facilities for the mentally retarded and the prevention of developmental disabilities.

IV. COMMENTS:

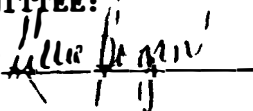
This bill is consistent with the House Policy Statement developed at the Legislative Issues Conference which addresses a quality life for all Floridians. It is also consistent with the mission statement of the HRS Committee to review laws and policies affecting the service delivery system for persons with developmental disabilities.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

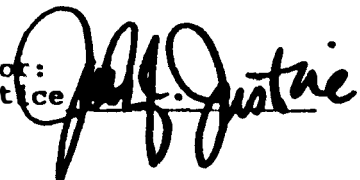
Prepared by:

Lillie Bogan/dv



Staff Director:

Judy C. Justice



SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

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APPROPRIATIONS:
Prepared by:

Staff Director:

REVISED: _____

BILL NO. CS/SB 226

DATE: May 1, 1989

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

	<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1.	Anderson <i>aa</i>	Whiddon <i>fw</i>	1. HRS	Fav/CS
2.	_____	_____	2. AP	_____
3.	_____	_____	3. _____	_____
4.	_____	_____	4. _____	_____

SUBJECT:

Developmental Disabilities

BILL NO. AND SPONSOR:

CS/SB 226 by
Committee on HRS and
Senator Woodson-Howard

I. SUMMARY:

A. Present Situation:

Chapter 393, Florida Statutes, is the statutory basis for the provision of services to persons with developmental disabilities. Developmental disability as defined in s. 393.063(6), F.S., means a disorder or syndrome which is attributed to retardation, cerebral palsy, autism, or spina bifida and which constitutes a substantial handicap which is expected to continue indefinitely.

Currently, applications for services are made in the Department of Health and Rehabilitative Services (HRS) district where the applicant resides. The Department of HRS reviews each application for eligibility. Applicants are determined to be in need of services through screening or the diagnostic evaluation process prior to being accepted as a client.

The Florida Developmental Disabilities Planning Council (DD Planning Council) is established in s. 393.001, F.S. Federal law requires that any state that receives funds pursuant to the federal developmental disabilities act "shall establish a State Planning Council which will serve as an advocate for all persons with developmental disabilities" (42 U.S.C., section 6024). The responsibilities of the D.D. Planning Council include, in addition to advocacy, advising state government and the private sector on programs and policies affecting the developmentally disabled; reviewing and commenting on state legislation, rules and policies; reviewing and monitoring services and programs; and the development of a state plan for persons with developmental disabilities (s. 393.001(3), F.S.).

Currently, the D.D. Planning Council is located within the Department of HRS but is designated as an independent council and is required to function independently of the agency in which it is housed. The operation and staffing of the D.D. Planning Council is funded entirely by federal funds. For Federal Fiscal Year (FFY) 1989, the amount appropriated for council staff, travel for members and project management by council staff is \$714,566.

An individual habilitation plan is developed for each client. This plan sets out the most cost-beneficial, least restrictive environment for the accomplishment of client-centered objectives and specifies authorized services. This provision had been in law until 1988 when it was inadvertently repealed due to an oversight. Programs or services are provided to clients regardless of the type of residential setting in which the client lives. To the extent of available resources, community-based services which are provided include: day care, respite care, medical care services, recreation, physical

therapy, training including developmental training, social services and parent training.

Currently, residential facilities that serve clients of the Developmental Services Program must be licensed. Licenses may be denied, suspended or revoked under certain circumstances. Penalties are provided for failure to disclose information, failure to meet standards or misuse of confidential information. HRS has the authority to institute injunctive proceedings and may petition for appointment of a receiver.

Section 393.13, F.S., Provides a "Bill of Rights" for mentally retarded persons.

B. Effect of Proposed Changes:

The Committee Substitute for Senate Bill 226 substantially amends Chapter 393 relating to persons with developmental disabilities, updating terminology, clarifying rights of clients, procedures for admission, evaluation, discharge and appeals, and further defining the intent of the Legislature in regard to services for the developmentally disabled.

Sectional Analysis

Section 1. Amends s. 27.51, F.S., relating to the duties of the public defender, changing "mentally retarded" to "developmentally disabled."

Section 2. Amends s. 381.702, F.S., 1988 Supplement, changing "intermediate care facility for the mentally retarded" to "intermediate care facility for the developmentally disabled".

Section 3. Amends s. 381.715, F.S., changing "intermediate care facility for the mentally retarded" to "intermediate care facility for the developmentally disabled".

Section 4. Amends 393.001, F.S., to establish the D.D. Planning Council as an independent agency located for administrative purposes within HRS.

Section 5. Amends s. 393.061, F.S., changing the title of the act to the Developmental Disabilities Prevention and Community Services Act.

Section 6. Amends s. 393.062, F.S., providing legislative intent that recognizes the need for a family living environment for persons with developmental disabilities which would be comparable to that for other Floridians. Deletes the reference to retarded, and adds a reference to individuals who are developmentally disabled.

Section 7. Amends s. 393.063, F.S., 1988 Supplement, providing definitions for the following terms: active treatment, autism, cerebral palsy, client advocate, developmental services institution, domicile, enclave, extended employee, extended employment, follow-along services, guardian advocate, high-risk child, job coach, medical/dental services, mobile work crew, rehabilitation workshop facility, respite service, severe self-injurious behavior, specialized therapies, spina bifida, supported employee, supported employment, and training. Deletes the definition for an intermediate care facility for the mentally retarded and defines an intermediate care facility for the developmentally disabled, limits their size to a maximum of 6 clients and provides that funds will not be expended before September 1, 1991 for new services for nonretarded persons. Deletes the definition of "nursing home facility". Modifies the definition of "group home" and reduces the maximum number of residents.

Section 8. Amends s. 393.064, F.S., directing an interdepartmental and interprogram effort for the continued development of a plan and program for prevention. Introduces the concept of correcting or curing developmental disabilities. Requires that prevention services provided by the Developmental Services Program must include individual evaluations and may include early intervention and support services. Deletes the requirement for the five year plan; however, requires compliance with chapter 411, F.S.

Moves language from s. 393.20, F.S., expanding the client population eligible for diagnosis at the Raymond C. Philips Research and Education Unit to include community clients and limiting the authority for HRS to contract for the supervision and management of this unit to be within available resources.

Section 9. Creates s. 393.0641, F.S., establishing effective July 1, 1990, a program for research, diagnosis, training, and treatment of clients with severe self-injurious behaviors. Specifies that the program shall serve as a resource center, develop methods of prevention and treatment, identify individuals in critical need, disseminate findings and collect data. Mandates that the program comply with all rights enumerated in the clients' rights section of this act. Allows HRS to contract for the provision of this program and allows the licensure of the program and the promulgation of rules by HRS to implement the program.

Section 10. Creates s. 393.0651, F.S., requiring the development of an individual habilitation plan for each client and the establishment of a case management system to advance the individual needs of the client. It requires that the habilitation plan be developed within the 45 day intake period for children under the age of six years and for all other applicants within the 60 day intake period. It further requires the integration of the habilitation plan and individual education plan for school aged clients and the development of a written transitional living plan for clients who are exiting the public schools. Allows for appointing a client advocate for a client who is either a minor or is incompetent and when the client's parent or guardian cannot be identified or cannot be discovered, or when the state is the only legal representative of the client. The proposed bill requires consultation with the client, the parent or guardian, or client advocate, if appropriate, in the annual review and revision of the habilitation plan. It allows any one of these parties who is adversely affected by the initial habilitation plan to appeal pursuant to the Administrative Procedures Act. The proposed bill lists the continuum of placement alternatives and includes updated terminology.

Section 11. Amends s. 393.066, F.S., requiring that all elements of community based services be made available in each district and that eligibility for the services be consistent across districts. Adds family care services, guardian advocate referral services, medical/dental, residential services, specialized therapies, supported employment, and transportation to the list of existing community based services. Limits medical services to spina bifida clients to those appropriated by the Legislature. Deletes the provision authorizing HRS to receive funds under P.L. 95-602. Deletes the clause prohibiting the development of programs for persons with spina bifida if these programs will reduce or dilute programs and services to persons with retardation, cerebral palsy, autism or epilepsy.

Section 12. Amends s. 393.067, F.S., to create a new license category to allow for licensure of comprehensive transitional education programs. Requires HRS to provide a system of provider qualifications, standards, training criteria meeting standards, and monitoring for residential facilities and

comprehensive transitional education programs. Provides for annual inspection and review of these facilities. Provides for additional standards and requirements for these facilities. Requires HRS to promulgate rules for minimum licensing standards of residential facilities or comprehensive transitional education programs. Requires facilities or programs to comply with the client's rights section. Prohibits unlicensed residential facilities or comprehensive transitional education programs from receiving state funds. Requires HRS to submit a plan to phase out all unlicensed beds in developmental services institutions. Specifies that HRS does not have to contract with licensed facilities for services.

Section 13. Amends s. 393.0675, F.S., changing intermediate care facility for the mentally retarded to intermediate care facility for the developmentally disabled.

Section 14. Amends s. 393.0678, F.S., changing intermediate care facility for the mentally retarded to intermediate care facility for the developmentally disabled.

Section 15. Amends s. 393.068, F.S., changing the title of the Family Placement Program to the Family Care Program; authorizes the services of the Family Care Program to include, but not be limited to, attendant care, respite care, in-home subsidy, low-interest loans, parent training, barrier free modifications, agency home visitations and other like-support services. Deletes obsolete language relating to the program as a demonstration project. Deletes the requirement for a five year plan and requires the evaluation of the program as a part of the biennial plan which is submitted to the Legislature.

Section 16. Amends s. 393.115, F.S., 1988 Supplement, making a conforming change from mentally retarded person to person with developmental disability.

Section 17. Creates s. 393.125, F.S., allowing applicants for services or clients the right to request an administrative hearing regarding HRS decisions. Requires HRS to promulgate rules to establish guidelines for the reduction, termination, or suspension of client services by the service provider.

Section 18. Amends s. 393.13, F.S., changing the title from the "The Bill of Rights of Retarded Persons" to "The Bill of Rights of Persons who are Developmentally Disabled"; providing legislative intent. Provides rights for all persons who are developmentally disabled whether clients or not.

Provides rights for all clients who are served in facilities licensed in accordance with this act.

Requires HRS to promulgate rules which provide a system of guidelines and procedures governing the design and implementation of behavioral programs involving clients.

Provides liability for persons who violate the rights of persons who are developmentally disabled; requires notice of this act by HRS and the Department of Education in the language of the client. Requires residential facilities to provide resident government for those clients who are desirous and capable of participating in such government.

Section 19. Amends s. 393.14, F.S., requiring HRS to submit by January 31, 1990, and every two years thereafter, a plan to the Legislature; specifies the contents of the plan, including a description of the needs of the persons on the waiting lists and the cost to the state if services are not provided during that fiscal year.

Section 20. Amends s. 393.15, F.S., modifying the group living trust fund to include foster care and developmental training

facilities which are not for profit, a partnership or sole proprietorship; allows those eligible facilities to receive start up loans from the Foster Care, Group Home and Developmental Training Facilities Trust Fund; specifies the amount and terms of the loan.

Section 21. Amends s. 393.16, F.S., allowing the intermediate care facilities trust fund to provide loans for intermediate care facilities for the developmentally disabled serving up to 15 developmentally disabled persons.

Section 22. Creates s. 393.17, F.S., establishing a certification program for persons who oversee the design and implementation of behavioral programs for the developmentally disabled; requires fees; requires procedures for certification and renewal to be set in rule.

Section 23. Amends s. 393.21, F.S., changing "major state retardation facility" to "developmental services institution" and making conforming changes.

Section 24. Amends s. 402.22, F.S., making the conforming change from "major state retardation facilities" to "developmental services institutions."

Section 25. Renumbers s. 413.50, F.S., as s. 393.50, F.S., and amends it to specify the purpose of extended employment. Requires rules to implement the extended employment program.

Section 26. Amends s. 760.22, F.S., correcting a cross-reference.

Section 27. Amends s. 943.058, F.S., 1988 Supplement, correcting a cross-reference.

Section 28. Amends s. 948.031, F.S., making conforming changes from "major state retardation facility" to "developmental services institution."

Section 29. Repeals sections 413.501, 413.502, 413.503 and 413.504, F.S.

Section 30. Provides severability if any provisions are found to be invalid.

Section 31. Provides an effective date of October 1, 1989, except as otherwise provided in the bill.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Unknown.

B. Government:

According to a fiscal analysis done by HRS, the costs to implement this proposed legislation would be as follows:

1. HIGH RISK CHILD -

<u>FTE</u>	<u>Year 1</u>	<u>Year 2</u>
0	\$288,629	\$288,629

2. SELF-INJURIOUS BEHAVIOR

<u>FTE</u>	<u>Year 1</u>	<u>Year 2</u>
0	\$150,000	\$150,000

3. RIGHTS AND ENTITLEMENT SERVICES TO CLIENTS

<u>FTE</u>	<u>Year 1</u>	<u>Year 2</u>
0	\$ 81,328	\$ 0

These are the estimated funds required to print the notices to advise individuals of their right to appeal. It is difficult to determine how many additional Chapter 120 hearings would result from such notification.

4. MULTI-YEAR PLANS

	<u>FTE</u>	<u>Year 1</u>	<u>Year 2</u>
	0	\$50,000	\$0
TOTAL APPROPRIATIONS IMPACT		\$569,957	\$438,629

III. COMMENTS:

This bill will assist many persons with developmental disabilities by establishing, in law, programs and services which foster independence and community living, and by continuing to address issues which decrease the number of persons residing in large institutions. Expanding the category of persons eligible for services (changing "mentally retarded" to "developmentally disabled") may have a substantial impact on the demand for services, and on the workload on HRS, the Division of Administrative Hearings and the court system.

IV. AMENDMENTS:

None.