

1989

## Session Law 89-339

Florida Senate & House of Representatives

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**H 1380 GENERAL BILL/2ND ENG by Health & Rehabilitative Services; Press; Davis; Graber (Compare CS/1ST ENG/H 622, CS/S 226, CS/S 1084, S 1199)**  
**Developmental Disabilities**; locates Fla. Developmental Disabilities Planning Council within H.R.S. Dept. for administrative purposes; modifies powers & duties of council; provides for funding; provides procedures re application for services & habilitation plans; provides for standards, inspection, & review of licensed residential facilities & comprehensive transitional educ. programs; prohibits unlicensed facilities & programs from receiving state funds, etc. Amends Ch. 393. Effective Date: 07/05/89.

03/24/89 HOUSE Prefiled  
03/28/89 HOUSE Placed on Calendar  
04/04/89 HOUSE Introduced, placed on Calendar -HJ 132  
04/06/89 HOUSE Placed on Special Order Calendar; Read second time; Amendment adopted -HJ 166  
04/11/89 HOUSE Read third time -HJ 198; Passed as amended; YEAS 117 NAYS 0 -HJ 199  
04/12/89 SENATE In Messages  
04/19/89 SENATE Received, referred to Health and Rehabilitative Services; Appropriations -SJ 194  
04/21/89 SENATE On Committee agenda—Health and Rehabilitative Services, 04/25/89, 1:00 pm, Room-A-(LL-37)  
04/25/89 SENATE Comm. Report: Favorable by Health and Rehabilitative Services -SJ 210  
04/27/89 SENATE Now in Appropriations -SJ 210  
05/03/89 SENATE Extension of time granted Committee Appropriations  
05/09/89 SENATE Withdrawn from Appropriations -SJ 277; Placed on Calendar  
05/18/89 SENATE Substituted for CS/SB 1084 -SJ 395; Passed as amended; YEAS 33 NAYS 0 -SJ 397; Immediately certified -SJ 397  
05/18/89 HOUSE In Messages  
06/01/89 HOUSE Was taken up -HJ 1059; Concurred in amendments totaling 2; Amendments to Senate amendments adopted; Concurred in Senate amendments as amended; Passed as amended; YEAS 112 NAYS 0 -HJ 1063  
06/01/89 SENATE In Messages  
06/02/89 SENATE Was taken up -SJ 874; Concurred; Passed as amended; YEAS 37 NAYS 0 -SJ 876  
06/02/89 Ordered engrossed, then enrolled  
06/20/89 Signed by Officers and presented to Governor  
07/05/89 Approved by Governor; Chapter No. 89-339; See also: CS/HB 622 (Ch. 89-308)

**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.

**\*\*AS PASSED BY THE 1989 LEGISLATURE\*\***

**STORAGE NAME: H1380f.HRS/lb/sg**  
**DATE: June 12, 1989**

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

**BILL #: HB 1380**

**RELATING TO: Developmental Disabilities**

**SPONSOR(S): House HRS Committee**

**EFFECTIVE DATE: July 1, 1989**

**DATE BECAME LAW: July 5, 1989**

**CHAPTER #: 89-339, Laws of Florida**

**COMPANION BILL(S): SB 226 (S)**

**OTHER COMMITTEES OF REFERENCE: (1)**  
**(2)**

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**I. SUMMARY:**

**A. PRESENT SITUATION:**

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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 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.

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. Programs or services are provided to clients regardless of the type of residential setting in which the client lives. Clients may reside in a variety of settings. In order form, the least to the most restrictive, they are:

- Client's own home or the home of a caretaker,
- Foster care facility,
- Group home facility,
- Residential habilitation center,

**STORAGE NAME:** H1380f.HRS/lb/sg

**DATE:** June 12, 1989

**PAGE:** 2

- Intermediate care facility for the mentally retarded,
- Nursing home facility, and
- Major state retardation facility.

**B. EFFECT OF PROPOSED CHANGES:**

House Bill 1380 amends Chapter 393, Florida Statutes, to revise the language relating to the Florida Developmental Disabilities Planning Council. It locates the Council in the Department of HRS for administrative purposes, however, it modifies the duties and powers of the Council. It requires that the Council be a separate budget entity for purposes of Chapter 216.

House Bill 1380 further amends s. 393.063, F.S., to provide a definition for a client advocate and a comprehensive transitional education program. It 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.

House Bill 1380 requires that a client advocate be appointed by the habilitation planning committee 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 bill requires consultation with the client or the client advocate or the parent or guardian in the annual review and revision of the habilitation plan. It allows the parent of a minor client, or a guardian, guardian advocate or client advocate of a client who is substantially affected by the habilitation plan to file a notice to challenge decisions concerning the habilitation plan, pursuant to the Administrative Procedures Act. House Bill 1380 revises the continuum of placement alternatives deleting nursing homes and residential habilitation centers in the listing of placements and considers them in the category of other facilities licensed by HRS and renames "major state retardation facility" to "developmental services institution".

The provisions for the licensure of residential facilities are amended to include the newly created category of comprehensive transitional education programs. Further, the Department is required to develop a plan by March 15, 1991, which addresses the phasing out of all unlicensed beds in developmental services institutions by December 30, 1995. Section 393.067, F.S., is also amended to clarify the department's authority with regard to intermediate care facilities for the mentally retarded of six beds or less.

House Bill 1380 provides an effective date of July 1, 1989, or upon becoming law, whichever occurs later.

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:

None.

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III. LONG RANGE CONSEQUENCES:

House Bill 1380 will have a positive impact on the development and delivery of comprehensive services to persons with developmental disabilities through better coordination, planning and documentation.

IV. COMMENTS:

The Developmental Services Program of the Department of Health and Rehabilitative Services is currently developing a habilitation plan for each of its clients. The provision in Chapter 393, Florida Statutes, which required the development of habilitation plans had been in law until last year when it was inadvertently repealed due to an oversight.

Requirements which parallel the coordination of the habilitation plan and the individual education plan for school aged clients, as well as the development of the written transitional living and training plan, need to be made for local school systems.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Lillie Bogan/sg 

Staff Director:

Judy C. Justice 

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

SUBJECT:

Developmental Disabilities

BILL NO. AND SPONSOR:

CS/SB 1084 by  
Committee on HRS and  
Senator Weinstock

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 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.

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. Programs or services are provided to clients regardless of the type of residential setting in which the client lives. Clients may reside in a variety of settings. In order from the least to the most restrictive, they are:

- Client's own home or the home of a caretaker,
- Foster care facility,
- Group home facility,
- Residential habilitation center,
- Intermediate care facility for the mentally retarded,
- Nursing home facility, and
- Major state retardation facility.

B. Effect of Proposed Changes:

This provision amends s. 393.065, F.S., to require 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. The proposed bill revises the continuum of placement alternatives, deleting nursing homes and residential habilitation centers in the listing of placements, considering them, instead, in the category of other facilities licensed by HRS, and renames "major state retardation facility" as "developmental services institution."

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

The Developmental Services Program of the Department of Health and Rehabilitative Services is currently developing a habilitation plan for each of its clients. The provision in Chapter 393, F.S., which required the development of habilitation plans, had been in law until last year when it was inadvertently repealed due to an oversight.

IV. AMENDMENTS:

None.