

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Ways and Means Committee

BILL: CS/SB 394

INTRODUCER: Health and Human Services Appropriations and Senator Saunders

SUBJECT: Agency for Persons with Disabilities

DATE: March 27, 2006

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Fabricant	Peters	HA	Fav/CS
2. _____	_____	CF	Withdrawn
3. _____	_____	GO	Withdrawn
4. Fabricant	Coburn	WM	Favorable
5. _____	_____	_____	_____
6. _____	_____	_____	_____

I. Summary:

The bill makes changes necessary to implement the decisions included in the Health and Human Services budget. The bill makes permanent some of the policies included in the fiscal year 2005-2006 General Appropriations Act, chapter 2005-70, L.O.F., and the appropriations implementing bill, chapter 2005-71, L.O.F.

This bill amends s. 391.0661, F.S., deleting provisions requiring the Agency for Health Care Administration to make certain adjustments to the home and community-based services waivers. The bill also requires the Agency for Persons with Disabilities (APD) to report to the Governor and Legislature the financial status of the home and community-based service waivers. APD is required to remain within the home and community based waiver appropriation based on the November 1, 2003 rates and is authorized to make any adjustment necessary to remain within the appropriation.

This bill amends s. 440.02, F.S., deleting provisions providing for the expiration of an exemption from workers' compensation law for certain clients enrolled in the Medicaid program who are served by adult day training services.

II. Present Situation:

In Fiscal Year 2005-2006, APD was required in chapter 2005-70 and chapter 2005-71, Laws of Florida, to provide quarterly reports to the Executive Office of the Governor, the chair of the Senate Ways and Means Committee, and the chair of the House Fiscal Council regarding the financial status of the home and community based services waivers.

The agency was also required to remain within the home and community based waiver appropriation based on the provider rates implemented November 1, 2003. The agency was authorized to make any adjustment necessary to stay within the appropriation.

Clients receiving adult day training services under chapter 393, F.S. who are excluded from the definition of employment under s. 443.1216(4)(d), F.S., are exempt from workers' compensation laws under s. 440.02, F.S.

The provisions of chapter 2005-70 and chapter 2005-71, L.O.F., expire July 1, 2006.

The Agency for Health Care Administration in consultation with the Agency for Persons with Disabilities, may implement cost control measures including rate reductions in order to remain within the appropriation.

III. Effect of Proposed Changes:

Section 1. This bill amends s. 391.0661, F.S., deleting provisions requiring the Agency for Health Care Administration to make certain adjustments to home and community-based services. The bill also requires APD to report to the Governor and Legislature the financial status of the home and community-based service waivers. APD is required to remain within the home and community based waiver appropriation based on the November 1, 2003 rates and is authorized to make any adjustment necessary to remain within the appropriation.

Section 2. This bill amends s. 440.02, F.S., deleting provisions providing for the expiration of an exemption from workers' compensation law for certain clients enrolled in the Medicaid program who are served by adult day training services.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Agency for Persons with Disabilities is required to remain within appropriation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

VIII. Summary of Amendments:

None.

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