

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 715 Family Care Councils
SPONSOR(S): Health & Human Services Committee; Diaz
TIED BILLS: **IDEN./SIM. BILLS:** SB 762

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Healthy Families Subcommittee	12 Y, 0 N	Entress	Brazzell
2) Health & Human Services Committee	12 Y, 0 N, As CS	Entress	Calamas

SUMMARY ANALYSIS

Family Care Councils (FCCs) are local councils that advise the Agency for Persons with Disabilities on the needs of self-advocates and their families. The bill amends s. 393.502, F.S., to change membership eligibility of FCCs by allowing grandparents to be members. It also clarifies that persons waiting to receive services may be members of FCCs.

The bill does not appear to have a fiscal impact on state or local government.

The bill provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Agency for Persons with Disabilities

The Agency for Persons with Disabilities (APD) was created to serve the needs of Floridians with developmental disabilities. APD works in partnership with local communities and private providers to assist people who have developmental disabilities and their families. APD serves more than 50,000 individuals with autism, cerebral palsy, spina bifida, intellectual disabilities, down syndrome, and Prader-Willi syndrome.¹

APD is unable to provide services to all individuals with developmental disabilities. Individuals who are eligible for APD services are prioritized according to need and some individuals are placed on a waiting list for services.² As of February 2, 2014, 29,915 individuals were receiving services from APD and 21,290 individuals were on the waiting list to receive services.³

Family Care Councils

In 1993, the Florida Legislature established Family Care Councils (FCCs) to advise on policy issues relevant to the community and family support system in the local area.⁴ FCCs are located within each service area of APD, of which there are 15.⁵ Examples of services provided by APD include adult day training, personal care services, and specialized therapies.⁶

The primary functions of the local FCCs are to:

- Assist in providing information and outreach to families;
- Review the effectiveness of service programs and make recommendations with respect to program implementation;
- Advise the agency with respect to policy issues relevant to the community and family support system in the local area; and
- Meet and share information with other local family care councils.⁷

Membership of Family Care Councils

Each local FCC must have between 10 and 15 members. Members of each FCC must be recommended by a majority vote of the local FCC and then appointed by the Governor. Each FCC must include the following members:

- At least three of the members of the council must be consumers.⁸
 - One of these members must be a consumer who received services within the four years prior to the date of recommendation, or the legal guardian of such a consumer.
- The remainder of the council members must be parents, guardians, or siblings of persons with developmental disabilities who qualify for services pursuant to Ch. 393, F.S.⁹

¹ Agency for Persons with Disabilities, *About Us*, accessible at: <http://apd.myflorida.com/about/> (last accessed 2/12/14).

² Agency for Persons with Disabilities, *Waiting List*, accessible at: <http://apd.myflorida.com/customers/waitlist/> (last accessed 2/12/14).

³ E-mail correspondence with Jared Torres, Legislative Affairs Director, Agency for Persons with Disabilities, 2/10/14.

⁴ S. 393.502 (7), F.S.

⁵ S. 393.502(1), F.S.

⁶ S. 393.006 (3), F.S.

⁷ S. 393.502 (7), F.S.

⁸ The term "consumers" is not defined in ch. 393, F.S., but is used by APD to refer to individuals eligible for APD services per ch. 393, F.S. This includes both individuals receiving services and individuals on the waitlist to receive services.

⁹ S. 393.502(2)(a), F.S.

APD has experienced difficulty recruiting and retaining membership on the FCCs.¹⁰

Effect of Proposed Changes

The bill amends the membership eligibility for FCCs. The bill allows grandparents of persons with developmental disabilities who qualify for services pursuant to Ch. 393, F.S., to serve on FCCs. The bill specifies that before a grandparent can be appointed an FCC, the child's parent or guardian must consent to the appointment and report that consent to APD.

The bill also clarifies that the consumer members of the FCCs members can be persons currently receiving or waiting to receive services from APD.

B. SECTION DIRECTORY:

Section 1: Amends s. 393.502, F.S., relating to family care councils.

Section 2: Provides for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill does not have a fiscal impact on state or local government.

¹⁰ APD legislative proposal, November 8, 2013, on file with committee staff.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 27, 2014, the Health and Human Services Committee adopted one amendment. The amendment specified that before a grandparent can be appointed to an FCC, the child's parent or guardian must consent to the appointment and report that consent to APD.

This analysis is drafted to the committee substitute as passed by the Health and Human Services Committee.